



**Town of Alpine**  
**Board of Adjustment & Planning & Zoning Commission**  
**MINUTES**

DATE: **June 28, 2005**

**Attending:** Board members: Dave Gustafson, Scott Reed, Don Sherman and Paula Stevens. Treasurer Brenda Bennett. Property Owners: Jim Sandner, Steve Dicenso, Steve Chichinsky, James McJunkin, John Hurley. Property Owner and Realtor: Donn Wooden. Contractor: Wade Grant, Con Jensen. and Bofa/P&Z secretary.

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**Board of Adjustment MINUTES**

- 1 - CALL TO ORDER at 7:07pm
- 2 - ROLL CALL & ESTABLISHED a QUORUM
- 3 - TONIGHT'S APPOINTMENTS:

- **Treasurer information regarding a planner-** Treasurer advised she has spoken to a planner, Jim Peterson, who needs to meet with the P&Z and Council. She said they are cashing in a CD to get a planner. After main job is done the Town could keep him on a retainer for future issues. Discussion went into when to schedule the meeting as members needed to organize when all would be available.
- **(Continued from last meeting and onsite review 6/16/05)-VARIANCE- V-02-05 Jim Sandner Sign size -** Jim is requesting more height and difference on setback for his office complex signage. Jim described difference of possible sizes of signs keeping the maximum height of 24ft. as some will lease larger portions of building therefore would get larger sign than someone leasing smaller area. If they lease a complete building portion, they would have 24 sq.ft. sign, whereas the remaining will have 16 sq.ft. sign. Will still be the width of 8ft. Jim answered all his answers to the state statutes again. Paula said she felt Jim had met all the statutes required to meet to acquire a variance. Public comment came from Steve Chichinsky and Donn Wooden who said Jim had built a great looking building and that it was a great addition to the town. All members agreed. ***Don Sherman motioned to approve V-02-05 with the fact that the signage does not exceed 24ft. and the sign be placed on property line to be consistent with other signs on that side of road, Scott Reed seconded. All in favor.***

- 4 - ADJOURN MEETING- ***Paula Stevens motioned to adjourn Board of Adjustment meeting, Don Sherman seconded. All in favor.***

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**Planning & Zoning Commission MINUTES**

- 1 - CALL TO ORDER at 7:36pm
- 2 - ROLL CALL & ESTABLISHED a QUORUM
- 3 - P&Z MINUTES May 12<sup>th</sup>, 2005 & June 14<sup>th</sup>, 2005 (*waiting for chairman's approval*)
- 4 - COUNCIL MINUTES: May 17<sup>th</sup>, 2005 (*mailed prior to this meeting*)& June 7<sup>th</sup>, 2005(*given at meeting*) **tabled**
- 5 - TONIGHT'S APPOINTMENTS/ NEW BUSINESS:

- **Sign permit #S-02-05 Jim Sandner-** Jim requested sign permit after receiving his variance for height and to put in setback on his property line to be consistently in line with other signs. ***Paula Stevens motioned to approve #S-02-05, Don Sherman seconded. All in favor.***
- **Steve Chichinsky- concerns on Mike Halpin's Alpine Meadows, sewer and annexation -** Steve has many concerns of how the Town is handling the possible annexation, sewer, etc. from the Alpine Meadows project. He requested to speak with P&Z, since he felt this commission should hear the concerns of the public too. He sent a letter to P&Z and Town Council that he reviewed. (*included in minutes*) Steve began with explaining he was not out to barbecue anyone tonight, but Alpine and surrounding areas are embarking on a real critical development mode. He is asking that we take the time to do the proper comprehensive studies to make sure that P&Z other planning commissioners, Town Council are properly informed. Properly informed so we are able to make proper informed decisions based on data. To his knowledge there has not been any data provided to either the Council or Planning & Zoning. We're embarking on a very, very critical time. A time can make or break the outcome of the Alpine, and greater Alpine in the future. There is only one shot to get it right. And without all the proper data, analysis, and studies, there is no way that voted officials can make well informed decisions. The other night at

the meeting when he asked where the documents were, their attorney, Chris Hawks, invited him up to their office to have a look. Steve said he took him up on his offer and called him. And of course it was, well, maybe next week sometime. Steve talked to Mr. Halpin about it and explained to him rather than turning around to me in the audience and inviting the public to have a look at your documents, perhaps better protocol and more appropriate to allow Town Council and P&Z to have a look at this first before he makes it open to the public. Earlier today he had spoken to John Woodward down at the county, expressing his concerns because he does believe that the county has just as much interest in the overall planning as the Town of Alpine does. It would make only the best of sense that jointly P&Z from the Town of Alpine side and P&Z from Lincoln County side really get together and work closely on this issue. When he moved to Teton County, over 20 years ago, where he currently resides. Teton County didn't really sit on the same page as Town of Jackson but what they recognized over the years is it wasn't beneficial to either government. What you are seeing more and more of in Teton County is both the county side and the Town side working closely together to create a better, smarter growth pattern.

He thinks it's really important that we work hard on smart growth before we allow any developer to come into our community and call the shots. Because, the two meetings he's been to, they are calling the shots. And that is not appropriate. The Town of Alpine needs to call the shots. Town of Alpine needs to have a first hand look at this documents (*Steve held up a stack of documents*). When you look inside of them as he did today briefly, he pulled out the issues at hand that he is very concerned about. In particularly the wastewater treatment. That wastewater treatment that is leased by Fish & Game is the Town's mint. Not so sure want to give it away, at least not in the manner it's written in this document. It's potentially setting the Town up for failure. The documents don't show the studies. They fall far short of what this Town will need to survive for years to come. He said if P&Z feels they are not getting these documents appropriately in the manner you should be getting them. Tomorrow morning, P&Z, John Woodward will have them available to pick up for \$20, just as he did. He thinks it will be very compelling what P&Z reads in there.

He asked that they take a serious look before we embark down a road that we may not be able to correct. It's a very, very critical time for Alpine and Greater Alpine. Accurate studies that you can confirm is what is going to dictate the outcome of the growth in this community. That is your support mechanism, but it is not there. Simple studies, the most minor of studies is not included in these documents. They (*Meridien Group*) talk about things that they don't necessarily show on their maps that they give out to the public. We attend their meetings on Monday night, that they advertised in the newspaper, and when he asked the hard question where are the studies. They don't exist they tell me. They haven't done them. Steve said well they do exist, very, very limited, very, very minimal. The least they can get by. This does not help the Town of Alpine. This helps the developer. And we are not hearing the whole story. So he asks P&Z to please do your very best as elected officials to see that things are on the right railroad tracks so we don't pay for it later. Which if we continue down this road we will be paying for it later. He is really, really concerned as to who is going to be in control of that sewage treatment plant. Based on these documents it's pretty scary. He hopes P&Z takes the time to get the documents, as they are clearly available. He then thanked the P&Z.

Paula responded that she had a question, that Steve mentioned studies that weren't there that needed to be done and that they haven't produced. She asked what studies specifically that need to be done or required to be done are missing in his estimation. Steve said he'd have her take a look at their table of contents. Paula asked him what his opinion is of what is missing. Steve said they are really keeping it secret about going under the bridge, at least they are publicly, about boring under the bridge and tying into our sewage treatment plant. They really don't elaborate on it. Looking on their maps, that is publicly available, we don't see any sewage treatment plant boring under the river, tying into the 13 acres over here. It's not seen on their maps. It's not seen on the map inside their study. Steve said you can hear them talk about it, but you don't hear the guts of the system or how it's going to work down the road. It's all a guess.

Don asked what if Halpin put in his own plant in, what would Steve think of that. Steve answered, he like no other developers, is fully self contained, and that is pretty much what we've seen but he doesn't know if we've heard the full scope. He knows for a fact, directly across the street, the Reinhardt property, that was just recently sold to a young group of guys in southern California. That borders the highway and the Flying Saddle ranch. If there anyone that needs water and sewer than anybody those guys do. They just paid 2.5 million dollars for the property. There are some preliminary plans floating around somewhere that no one has seen yet. They are properly knocking on the door harder than Halpin. We cannot embark on long term major scale development without knowing what you have down there. We go ahead and sell that water system or that sewer system off to developers, trying to get it back in the future to perhaps to facilitate demand to the south as it grows in the future. If the Town is going to embark in the business of selling sewage in order to have sewage hook up fees, in order to pay for future services, lets look at the larger picture of Greater Alpine and determine how much potential sewer we could sell to potential customers. And not just give it away to a limited potential on the north side of the river, which only goes to the Idaho border. When we look at sewage, it boils down to DEQ. What is DEQ going to be discharged into the Snake River? Those are the folks to make the final decision. Are we going to allow one developer to consume all that discharge, it's not reasonable?

Paula asked what other studies are missing? Steve said one important study that needs to be done is. The secretary advised that the property that Steve was just discussing, the Town did get a call from an architect today that is handling that property. They are planning on putting a subdivision in there. He did request a copy of our codes and the PUD (Planned Unit Development) codes and everything, so they are planning on doing another subdivision right over across from Halpin and there is interest in getting

annexed also. Steve said go to USGS.org, for the seismic activities study. Steve showed a map of our region that he pulled off the computer. He said Alpine to Jackson can be clearly seen and we're in the red zone. Does the Town want to put a sewer system under the Snake River without that study?

Dave asked Paula if part of these studies are required by the annexation process? Paula answered that the annexation report that will pull all this information together is in the process right now. Steve said he understood it was already done. Paula said it was not done. The financial element of the annexation report is in draft form right now and will be presented to Town Council and P&Z and whoever wants to attend on the evening of July 7<sup>th</sup>. The entire report has not been pulled together and will include comment and response and analysis from our own Town Engineer, environmental analysis, seismic analysis, natural resources analysis, anything that we deem as a community as important to us and making a decision as to whether or not this property is annexed into this town. So the work has not been completed and ICS is sitting in, not Planning and Zoning, but the Council in particular and the community is driving this boat, because ultimately it is our decision as to whether or not is annexed. Paula said Steve was right that we need good information to inform our decision and help us determine whether or not we want to do that. That information is forthcoming.

Steve said regardless if the Town of Alpine decides to annex or not, within these documents, perhaps P&Z is aware of it or not, there is already a memorandum, there is already a contract made with the Town of Alpine to sell the sewer treatment plant regardless of annexation. There is already signed agreements in this document with the Town of Alpine. Paula said that would be something Steve would have to take up with the Council, that is not with in our prevue. Steve said he highly recommends that they pull together the \$20 and go down to the Town Council and do not wait. Do not wait for these developers and their attorneys to come up here and tell you a story. He requested P&Z get themselves educated and they'll find that this isn't the silver platter that the guy is offering.

Dave said he partly agreed with what Steve was saying. That this has been going on for 2-3 years and he's attended meeting. Dave said he is not the expert here but he's not a supporter of Mike Halpin. But he does see where he started and where we are right now. He does feel he (Halpin) is working with the Town. Densities have come down and Dave will go get that report. He told Steve he appreciated him being here and telling them this. He will read it. Dave said there has been progress and there are people working hard on this. There has been alot of progress, where we started and where we are right now, this Town is far better than where we were 2-3 years ago.

Steve said he agreed with Dave. He said he remembered when Meridien Group came to town and the promises they made. He also recalled that they came in here and basically told everyone in the newspaper that our water system in this town is leaking all over the place and is basically worthless and we're come in and fix it. He said he's also heard similar rumours about our sewage treatment plant. Steve said he is nowhere in the scale of a Mike Halpin or any of these developers, he has a few properties in both Lincoln and Alpine. He builds these little spec homes and tries to make them as nice a home as he can and try and sell them for as reasonable amount of money. It is very frustrating to him to hear issues in a town where he's working to try and make a living about how poor our water system is, how poor our treatment plant is, and even take it farther down to the road to the school ground and how that was taken care of which is a whole other story. He said he just found out this week, about a study about the Town's water system. It showed there were no leaks. In fact our water system doesn't leak anymore than other municipalities all across theh country and the same goes for our water treatment plant. Water and sewage is a constant maintenance, they have issues no matter what. This negative impact when developers come in here, talking about how poor our this is and how poor that is, he is really sick and tired of people coming into the Town of Alpine and talking how poor things are. It's not good. Does not help anybody.

Don said to Steve, so the public can be heard, work towards getting it on the ballot too. If Steve doesn't do something or someone does nothing it can be decided upon by the Town Council. Steve agreed. Steve said something important to look at and it's great to see growth, but how is the Town of Alpine plan to service this growth. The key to smart growth is solely dependent on the services the community can provide and without those services it's just not going to happen. Steve is asking for careful steps, small steps, get educated. He said P&Z should have read this long before he should have. He's in the Riverview Meadows subdivision and showed the lots he has. His lot #39 sits right on the edge of the sewage treatment plant just like the other homes there. Steve went to Halpin's open house publicized meeting, and asked him, he owns lot #39, and can he please tell him where this thing is going. Halpin responded, somewhere over there. Steve said he holds a meeting to inform people, and when you ask where his study is, they say they don't have it. Steve said yes he does, he had it completed on June 10<sup>th</sup>, 2005. So we have a new sewage treatment plant going in my backyard, his property values drops. He does agree with Dave, we have lowered his density over there. We have lowered it from 1500 homes or something like that to 166 homesites. But along with those 166 homesites, the price of those lots are probably going to be about \$100,000 a piece, and not the low cost he came into town pitching. So yes less homes, he makes more money, less density, less overall work. When you read his studies he flat out talks about building homes to cater to the middle man, says it right in the document. A \$100,000 lot, \$120-150 a sq.ft. building, he isn't catering to the middle man anymore.

Dave said he appreciated Steve's enthusiasm but must continue with the agenda. Scott said there are residents in Alpine, in complete accordance with what Steve is saying. Scott said he has been to some of the meetings, listened to the questions. They

have been diverted by locals that are not apart of Alpine. Questions who have drilled 400 feet from their assessed source of water. If there is another subdivision going in there, there is going to be a fight for water. There is going to be seismic problems. We have to address all that. Regardless of study, it is a very, very critical thing and he thinks his go-it-alone attitude on the water and the sewer both is very, very discouraging to the Town of Alpine. In addition to the defamation to the Town of Alpine. Scott told Steve he has a lot of courage to bring all that as a concerned citizen and he agrees a lot of what he's saying. Steve said we have one shot and we'd do a lot better if everyone was on the same page. Dave said he thought we are and the annexation process will address a lot of these situations. Steve said he did find it encouraging that a planner was going to be brought in. He feels it is very important that we invite that planner here to the annexation meeting on July 7<sup>th</sup>. If there is ever an opportunity for him to get educated he should go to the meeting.

Donn Wooden said he applauded Steve's effort and concern. All of us have got concerns to a certain degree here, especially with water and sewer, it's a serious concern. He said the development itself he has no problem with. He said we need to concentrate on what's going to happen from here on with everyone's input is going to be critical to this community. But we still want to be on a positive note instead of a stop! everything here, we want to try and make it work if we can, but he doesn't think he (*Halpin*) should be in control, the Town should be in control.

Don said his opinion of the annexation. Let him (*Halpin*) get it up and let it run for 2-3 years and then let us annex it. Let's see what he has. What is wrong with that? Steve said first we need to find out who he (*Halpin*) wants to do business with. As of the other night he couldn't tell anyone if he was going to do business with the County or with the Town. Here we are two to three years and he hasn't made up his mind who he wants to do business with. Dave said annexation is very important to the process and Halpin knows that.

Steve added he asked the Mayor if he could be apart of the annexation committee. The Mayor said he could so he will be at the July 7<sup>th</sup> meeting.

- **Rezoning Request- REZ-01-05- Steve Dicenso** - Steve Dicenso is requesting a rezoning of his property from C-1 to a B-1, as he has a residential built inside a commercial zone. He reiterated that he attempted to get a variance but was denied. He is still seeking to reside on the property and operate his business. He feels a rezoning maybe a better way to go. He said he is surrounded by one R-1, 1 I-1, and 3 B-1's. His is a C-1, so there are several different zones right in this area. He would simply be consistent with the other properties by changing to B-1. He said all his neighbors agree and have no problem with the rezoning of his lot. He said he is not looking to build a house on it, just to allow him to use it for the original intent of the property. Dave said he had no problem with it since it is predominantly B-1 lots and Steve is isolated as a C-1 lot. Discussion went into Steve's working in and outside the building. He explained he rarely cuts his tiles/stones and does it once maybe every few months. He said he is respectful of his neighbors and does not make lots of noise. He does most of his cutting onsite at his projects. He says he stores his equipment and materials and lives there 3 nights a week. ***Paula motioned to approve recommendation to Council to allow rezoning of C-1 lot to a B-1 lot, Scott Reed seconded. Paula Stevens, Scott Reed and Dave Gustafson in favor, Don Sherman not in favor.*** Steve thanked the commission for their patience with him and work on this issue.
- **R1-03-05 Catherine Peet Shed/foundation** - Permit approved in 6/14/05 P&Z meeting w/condition for Lyal to review foundation info. Lyal made a few recommendations which owner was advised of. Lyal recommended P&Z review the overhangs on the shed as he felt they were not by code. Owner advised to return to P&Z re: the overhangs but could continue on foundation installation. ***Tabled-did not appear***
- **Fence permit #F-07-05 Jim McJunkin** - Jim is requesting a fence permit. Joe approved. ***Don Sherman motioned to approve #F-07-05, Paula Stevens seconded. All in favor.***
- **Residential permit #R1-04-05 - John & Nancy Hurley** - Hurleys are requesting a residential home permit. Con Jensen is their contractor. Lyal disapproved plans w/ notes, John and Con Jensen, contractor was advised of missing information: Electrical plan and smoke detector/GFI information needed. They will bring updated plans to meeting. Joe approved pins, septic. ***Tabled requesting a second inspector review plans. Paula Stevens motioned to approve continuing issue pending decision from Rob Wagner, Don Sherman seconded. All in favor.***
- **Residential permit #R1-05-05 - M.W.W., LLC** - Wade Grant, acting as manager for the group M.W.W., LLC, is requesting a residential home permit. Lyal disapproved plans and made notes. Wade revised plans per Lyal's notes. Lyal approved plans. Joe's first inspection showed no stakes. An unknown person removed all of Wade's stakes. Joe was resent after Wade redid the stakes. Joe approved site and septic. ***Scott Reed motioned to approve #R1-05-05, Paula Stevens seconded. All in favor.***
- **Donn Wooden** - Donn Wooden advised he represents the Oswald family and he has three lots on Sunset. It is the old drainage area and is where Grant dumped his grass. Some areas are filled in. Possibly the buyer would want to create two lots out of the three. He wanted to know if the ravine could be filled in. Dave said it does not run water. Don said it sounds like it would be advantageous to the entire neighborhood. Paula pulled the code that says the Town can request a requirement for an

engineering study and advise them. Dave asked Donn if this had already been replatted so there won't be any questions on property lines. Donn said yes it had been replatted. Dave said he knew of no code regarding filling in. Donn just wanted to know if the Town had a new requirement or was a variance required, because there is a lot of people that need to get rid of some fill. Dave said that Grant has been trying to fill it with grass for the last 20 years. Scott said an engineer could help with how to fill it. Dave advised to consult an engineer. Dave read code from pg. 135, Land unsuitability. Dave said as a realtor he would advise his client, if they are going to build on this lot and they intend to fill this lot in order to build, this code applies to that development and based on that code, they most likely would have to submit an engineer study.

- **Jackson Hole Real Estate & Appraisal landscaping requirement-** JHRE&A has a landscaping bond and deadline for their building permit. Landscaping was set aside due to winter conditions on the ground. The deadline for installing landscaping was June 15, 2005. P&Z's letter dated 12/29/04 (*accompanied the temporary certificate of occupancy*), advised them that their temporary certificate of occupancy would be revoked and they would not be allowed to occupy the building. Secretary spoke with Brad Andrews of JHRE&A on 6/22/05. They are waiting for paving of road, due to weather conditions this has been delayed a few weeks and now the paving company is backed up. They will have prep work done for parking lot 6/23-6/24/05. Paving of area will be done by second week in July. Landscaping will be done mid July. They apologized and advised they had not forgotten but due to the weather, rain, conditions they were delayed, they request an extension for their landscaping condition on their temporary building permit. ***Secretary will send a one month extension letter.***

#### 6 - UNFINISHED/ONGOING BUSINESS:

- **P&Z ATTENDING COUNCIL MEETINGS:**  
1) July 5<sup>th</sup> - Scott Reed      2) July 19<sup>th</sup> - Dave Gustafson

7 - **ADJOURN MEETING-** *Don Sherman motioned to adjourn the meeting at 9:50pm, Dave Gustafson seconded. All in favor.*

#### AFTER MEETING REVIEWS-

##### DISCUSSIONS/WORKSHOP-

- **111-Ordinance 2005-01 Emergency Ordinances** - Atty. Carter Wilkinson has given these emergency ordinance drafts for you to review so it can continue to Council for approval. ***Paula said that she had advised Carter weeks ago and will get her notes and advise the commission of her conversation with attorney.***
- **Zoning map** - Please see letter from Tracy, clerk. The zoning map needs to be updated. Steve Fusco originally began updating this so you may want to speak with him. ***Commission advised Town needs a planner.***
- **Variance fees** - Discussion on a fee schedule for variance request applications. There have been numerous variance requests in the past year. There are no fees for requesting a variance; therefore there are no monies to cover the office staff labor or the Board of Adjustment's time. Other towns, counties, cities, etc. do charge a fee for the variance process/permit request. ***Paula will review.***
- **Building Permit Fees** - (*Earlier discussed w/Council*) Need a new schedule of fees to present to Council to get approval. ***Paula will review and make draft for new fees.***

##### ENFORCEMENT-

- **Bull Moose Saloon- Remodel Bldg. Permit #RE-03-04 re: non-permitted lights-** A letter now requesting proof from the insurance company re: requirements was mailed April 2005. No reply.
- **Alpine Variety signage** - Discussion on amount of signs and original sign permit requested all smaller signs be put inside the window. These are still on the outside adding to the allowed sq.ft.

#### Items mailed to P&Z before meeting:

- Draft agenda
- Steve Chichinsky letter
- Steve Dicenso Rezone notice

\_\_\_\_\_  
Dave Gustafson, Chairman

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Date

Attest:

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BofA/P&Z secretary

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Date