



## Town of Alpine Planning & Zoning Commission MINUTES

MEETING DATE: February 24, 2004

**Attending:** Mayor David Lloyd, Board members: Billy Esperson, Steve Fusco, Dave Gustafson, Scott Reed, Don Sherman and Town Secretary.

### 1 - CALL TO ORDER

### 2 - ROLL CALL & ESTABLISHED A QUORUM

3 - **P&Z MINUTES:** *Steve Fusco motioned to approve February 10th P&Z Minutes, Billy Esperson seconded. Motion carried*

4 - **COUNCIL MINUTES:** *Steve Fusco motioned to approve February 3<sup>rd</sup> Council Minutes, Billy Esperson seconded. Motion carried.*

- 104 Ordinance No. 2004-1 Draft needing approval from P&Z - *Scott Reed motioned to approve 104 Ordinance No. 2004-1, Steve Fusco seconded. Motion carried.*

### 5 - TONIGHT'S APPOINTMENTS/ NEW BUSINESS:

- Water Rate Change Public Hearing Notice handed out
- Letter to Blittersdorf re - Fire Marshall's comments on motels handed out, also board was advised Atty. John Bowers wrote a requested letter to Mr. Blittersdorf regarding his comments as to he and his attorney felt he did not need a variance because of the wording of Town Codes. Board was also advised that Mr. Blittersdorf has put in a Variance request for the proposed Bull Moose Motel regarding Section 404, B-1 Zone, height/story limitations code information.
- Forest Service Office - Board was advised the Forest Service is looking for volunteers for carpentry work, a notice was handed out from Town Clerk.
- Kringle's Fence - Don Sherman's complaint on fence - Mayor Lloyd addressed this issue as to the fact that P&Z members cannot discuss personal issues or complaints, cannot vote or be in the discussion regarding such complaint. They are allowed to submit a complaint to the board, which then the board will review without said member's input or vote. After the Mayor explained ethics the board must follow, Don was allowed to voice his complaint to the board.

**Complaint submitted: By Don Sherman, against: Kringle's 2<sup>nd</sup> fence on lot # 610 in Lakeview Estates C, 161 Hwy 89.** Don stated from his observation a 2<sup>nd</sup> fence was built, though sound, good looking and follows their property line, trees were planted on city property and neighbors property. Then they took upon themselves to build a 3 foot fence around the trees that looks like a chicken coop with the chicken wire. It is an isore out Don's front window. He also says he knows they never obtained a fence permit for this 2<sup>nd</sup> fence. The Mayor added that the fence was built probably to stop Don from plowing snow on to their property, which Don agrees with. Don stated that he plowed snow, the owners from Kringle's called the police, namely Kim Cooper, Lincoln Cty. Sheriff Ofcr., to the scene. Ofcr. Cooper stated he could not do anything and advised the Kringle's owners nothing could be done. At such point Don states he took it upon himself to then speak with Mayor Lloyd, and explained the story, how he was plowing into a vacant lot. The Mayor said which was against Town Ordinance. Don said at that time it was not on the books, but now it is, therefore he was not at fault, but added that Alpine Market needs to be fined as they are moving snow into vacant and other areas.

The Mayor said he did not think they had a permit for the 2<sup>nd</sup> fence. Discussion began regarding the placement of fence and plants and if they were indeed on Town property. The board felt they'd have to wait until spring to clearly see the markers to determine if items are placed on Town property as Don believes. The board felt a letter needs to be sent to advise that the Kringles owners are non-compliant with Town codes and that they did not apply for a fence permit and need to do so immediately. Also they will need to include what was already done with the fence with measurements, site plan, etc.

***Dave Gustafson motioned to send a letter of non-compliance to Kringle's Owners re 2<sup>nd</sup> fence, Scott Reed seconded. Don abstained. Motion carried.***

Regarding Don's request that Alpine Market should be fined for pushing snow into Town's Right of Way, the Mayor said it should be a Town Council decision and therefore needs to be addressed in the next Council meeting.

Steve Fusco brought up the fact that businesses do indeed need more space for parking and snow removal area.

- WY Business Council Grant & Loan Program - Town Clerk requesting help with this Grant. Secretary and Mayor explained to the board members why it is imperative to help get monies for the Town's infrastructure needs.

The Mayor then brought up another Grant that has been going on for an eternity, is the **Boat Dock Grant** with the County Commissioners. He wants us to get the County Commissioners moving on finishing this Grant. He feels it's been far too long as it should have been done 2 years ago. Steve added that the Town of Alpine is named on that Grant and it does not make the Town look good or help the Town, with such a delay on a Grant.

- Letter to Business Owners regarding signs - (Draft letter to be sent to all Business Owners regarding the flashing lights on signs and signs in the WYDOT setback.) Mayor said WYDOT is responsible for fining or penalizing non-compliant people regarding their Right of Way, the Town can only advise business owners of the non-compliance and what can happen. Don advised secretary to contact Jim Montoro (sp?) from WYDOT in Rock Springs to get any information needed.
- Lincoln Co. P&Z Report on Proposed Guest Ranch - Handed out to board members (Not for review-For information only)
- Review of Codes/ P&Z Code book - Steve Fusco advised that before he starts the researching/project his salary does have to be agreed upon by Council. He feels he is not asking for much, only \$5.00 more. He is not a planner but is expected to act as one. Teton County wages for planners is \$38,000- 85,000 to do the work that Steve is suppose to do for P&Z. He has the knowledge, reads through all the books, knows the problems, and has already begun updating the zoning map and reading other counties/towns code books to help with recreating Alpine's codebook. Don said it would take up all of the P&Z meetings time if the board was to do all the planning/research that Steve has been requested to do. Don feels it's definitely worth paying Steve what he deserves to do this important and crucial research and organization. All agreed.

Steve reviewed certain areas of Driggs, ID codes and felt they were extremely organized and easy to read through. He showed/explained the ease of use to all the board. All agreed. Steve brought out the 3 Ordinance books and 1 Resolution book that have all the items that have been passed through the years. There is no outline to follow or organization to the town's codes. The codes are spread out through all the books, but not one book has all the updated codes in one place. Therefore it's impossible to know what information is actually to date or being given to the public unless thoroughly checked through all 5 books before answering a person's simple question. Steve says you have to first find the code, what it says, make sure there it's up to date and correct, then organize into the new P&Z book. This is a very tedious, difficult, and time-consuming job.

Dave Gustafson stated that when he brought his draft of a districting map to Council, in June 2003, Bert McNeel shot it down. The map was ignored and now it's obvious the Town does need a district map. It helps to keep a Town organized and developing correctly, Dave said.

The secretary asked the P&Z board if they could simply adopt Driggs, ID organized codes and make appropriate changes that would relate to Alpine instead of going through all the books and redoing it all. It would be less time-consuming, quicker and less complicated to do so. She stated it could be simply used as an outline to begin from and used as an organizational tool. Dave agreed and felt it would save a lot of time. He said Driggs has already gone through the tedious process of updating and organizing their codes. Why should we do the same, instead of easily adopting their codes with changes that Alpine would need to have. He added Driggs has applied district zoning so they know what area and development can happen in each area without question. If the Town does not have district zoning he feels we'd run around in circles and not develop in the best way possible for the Town. This would only hinder the Town's progress. Dave felt it's vital that an outline is followed such as the Driggs codes to have a starting point. Steve said to adopt another town's codes the P&Z would have to find what is in the existing codes, revoke it and then basically repeal it. All agreed this would be a better solution for a plan.

Dave said it can be simple, make a plan and follow it. 1. Districting 2. Outline 3. Books researched.

Steve said that Teton County's Comprehensive Plan sets the districting but Dave did not completely agree. Dave said districting is in a sense quite general. For example in the Alpine area, the motels are basically in one area, therefore you would look at that to keep in one area through districts. Downtown Alpine is pretty much established as multi-business area. Dave does not agree that every inch of this town has to be developed. There needs to be protection for the open areas. This is a great concern. Dave added all this will happen in stages. The Mayor said to present the P&Z plan to the Council as the organizing and updating of the Town's codes is extremely important.

Dave asked if they should start with general districting/zoning of the town. Steve explained that that is mostly covered by the PUD ordinance. Also questions came up regarding the codes related to the 1 mile jurisdiction from Town and that the information is somewhere in the books and needs to be updated.

The Mayor said if there are annexations the Town needs to be zoned. Dave G. explained that Bert McNeel in a Council meeting stated that the Town can not tell someone what they can do with their property. Dave G. felt that now, with record expansion happening, we do need to. All agreed. Don stated that the Town cannot become too strict. But most felt there needs to be some control in place, especially prior to the Town expanding the way it already is.

***Don Sherman motioned to have Dave Gustafson do an outline as the 1<sup>st</sup> step, propose districting and outline from there, then continue with our codes. Billy Esperson seconded. Motion carried.***

Don said then this will give us a plan to follow. Dave said Teton County has aerial photography from 2002, but is not out on the internet, he will call Lincoln County to see if they have large maps or aerial photography of Alpine and surrounding area. ***Dave said he will put his own plan together and have a work session on it regarding the districting. He will take Town maps and draw over them to establish the boundaries.***

Billy said it is good to do what the secretary advised with adopting Driggs, ID codes as an outline to organize our codes and review books to have a starting point. Steve advised that the Town also needs a knowledgeable person, such as a planner, to verify P&Z's work after P&Z organizes and redos the codes. Billy asked if the Council would be open to subcontracting a planner. Then it was brought up if Council has a problem with giving Steve what is fair to do the research, then they'd certainly not be cooperative regarding a subcontracted planner. Billy then compared our 3 Ordinance books, 1 Resolution book and 1 P&Z book to Driggs's simplified short form. It's amazing to see the difference.

***Billy Esperson motioned to use Driggs, Idaho's codes as an outline for the Town of Alpine's codes. Don Sherman seconded. Motion carried.***

- ***Non compliance running rampant*** – Discussion regarding many business owners and residents who are not complying with Town Ordinances or Codes. People are adding, remodeling, building, putting signs up, etc. without permits from P&Z. Board members have viewed several incidents and feel it's time to get the residents of this town to comply. The codes and ordinances are put in place to keep things in order and with people not complying it just creates havoc. It is essential that everyone complies and that the P&Z board makes sure they do so. It's important to have the Town in order especially as growth is happening all around us.

Steve Fusco also brought a complaint to the board regarding the same type issue of no permit filed for work done. Steve stated that a home in Alpine Estates had a covered porch addition done. He knew there was no permit application done. He said it looked great but no permit was applied for. Steve feels that the P&Z board should insist on a review of ANY type of building project, so the Town is aware of what is happening in their limits and to get an okay. Examples such as people building decks on top of their septic tanks or into neighbors property or setbacks. Structural integrity in items being built with no permits. Billy said that a job should be red-tagged by the town building inspector and the person be advised to file for permit. ***The P&Z board should advise Lyal Radford, building inspector of any such incidents happening in the Town so they can be dealt with immediately. Dave added that a letter should be written to any such person not complying or building without a permit to keep a record for the P&Z board.***

The secretary will call Lyal regarding covered porch addition and have them come in for a permit and pay their fees.

Steve also stated that the Town should do away with the \$5,000 limit. You can't build a deck on a neighbor's yard and under \$5,000 they will do it and can get away with it because the Town's codes state it's under the \$5,000 therefore it's not checked or inspected. This is creating problems. Steve insisted the P&Z have reviews for any thing to make sure people are not building things incorrectly, that will create problems for future owners, or be a danger. Billy stated the same. All agreed that there have been incidents of people also putting propane tanks in setbacks, fences built over property lines. It's imperative to stop the rampant non-compliance with the Town's codes/ordinances so the next owners or present owners have no problems.

## **6 - UNFINISHED/ONGOING BUSINESS:**

- **CODE NEEDING UPDATED:** New ordinance/code updated is needed, to add that New homeowners & businesses need to identify their physical address & they should also call Town to obtain their correct physical address first.
- **GREATER ALPINE AREA MASTER PLAN**
- **CERTIFICATE OF OCCUPANCY PERMITS (TABLED):** Commission has discussed process of issuing certificate of occupancy permits. Some new businesses and residential homes have been issued an occupancy permit without finishing their projects entirely. Dave Gustafson drafted an ordinance, similar to what Jackson utilizes. Currently, for when certificates of occupancy permits are issued. Action needs to be taken to write the draft code and forward to Council.
- **ACCESSORY BUILDING/ SHEDS (TABLED):** Current codes for accessory buildings/ sheds are too vague. Lots of questions re: how big a shed can be, whether it can be placed in setbacks, etc. There is no building permit application for a shed either. *This code will need to be rewritten/ modified.*

- **COMMERCIAL DEVELOPMENTS/LANDSCAPING PLANS (TABLED):** Commission discussed implementing landscaping plans for commercial and R-2 zoned properties. As many new businesses and R-2 zoned business for rental housing have done a great job completing their proposed landscaping, many businesses and apartment complexes have not. Dave Gustafson agreed to draft proposed landscaping requirements for B-1 and R-2 zoned properties for the August 26, 2003 Planning & Zoning Meeting. Item pending Dave Gustafson's completion of a draft code.
  - **IBC CODE:** Atty. John Bowers is drafting an Ordinance to replace the UBC Ordinance
  - **The Mug Shot SIGN's PERMIT #S-1-04** – ON HOLD until Spring
  - **Zoning Map** – Need to go through by subdivision to update/redo this map.
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- **P&Z ATTENDING COUNCIL MEETINGS:**
    - 1) **March 2** – Steve Fusco & others if possible *re Steve's research*
    - 2) **March 16** – Scott Reed
    - 3) **April 6** - tba

7 - ANNOUNCEMENTS & INFORMATION

- County Commissioner's Meeting will be held on March 25, 2004 at 7pm

**Billy Esperson adjourned meeting at 8:27pm**

*Items Mailed to P&Z prior to tonight's meeting:*

- 104 Ordinance No. 2004-1 Draft
- Memo regarding WY Business Council Grant Program
- February 10<sup>th</sup> P&Z Minutes

*Items Handed out to P&Z during tonight's meeting:*

- Lincoln County P&Z Staff Report on a Conditional Use Permit for Robert Meikle
- Water Rate Change Public Hearing Notice
- Blittersdorf letter re: Sprinklers from Fire Marshall info
- P&Z Additional Information Binders for extra paperwork

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Billy Esperson, Chairman

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Date

Attest:

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Town Secretary

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Date