



Town of Alpine Planning & Zoning Commission MINUTES

DATE: **March 9, 2004**

Attending: Mayor David Lloyd, Board members: Billy Esperson, Steve Fusco, Dave Gustafson, Scott Reed and Don Sherman. Brian Simmers, Business owners: Kennis Lutz, Fiona Haag, contractors: Todd Rogers, Todd Hill, for Mr. Hill: Donn Wooden and Lloyd Baker, Inspector Joe Sender, Teton Cty. Planner Paula Stevens and Town Secretary.

1 - **CALL TO ORDER at 7:05pm**

2 - **ROLL CALL & ESTABLISHED A QUORUM**

3 - **P&Z MINUTES:** February 24th *Scott Reed motioned to approve February 24th P&Z Minutes, Billy Esperson seconded. Motion carried**

4 - **COUNCIL MINUTES:** March 2nd (handed out in mtg., tabled for next)

**Concerning February 24th P&Z Minutes:* Don Sherman expressed his objection to how he was quoted in the 2/24/04 Minutes. The statement that was typed was as follows:

“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.”

Don felt that the minutes were incorrect regarding the above statement, “that he felt they should fine the Alpine Market”. Secretary said that is exactly what she heard and when people talk at once it’s hard to get all the info, but she knows that is what he said. He stated it was not and that it was him that said it should be a Council issue, not the Mayor, that the Mayor only agreed with him. Secretary said if he would like, he can ask the Town to hire a professional stenographer who takes notes for a living, that would be fine, and that she stands by what she wrote. Secretary advised she would put his complaint regarding this issue in these minutes. As has now been done.

A follow up regarding this issue, will be done in the next P&Z meeting.

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

- Kringles fence issue – **(Not for review, information only)** Secretary explained a letter was sent re Don Sherman’s complaint on fences. Secretary spoke with owners John and Francene Jensen. They will be out of town for awhile and will come to P&Z afterwards to discuss the fences. Secretary advised them that issue is on hold anyways, until spring regarding the property marker locations, but they are advised to follow through with the Fence Permit that they already applied for two years ago. Francene Jensen gave information on the issue which they will present at a meeting.
- Alpine Market snow removal issue – **(Not for review, information only)** Don Sherman’s complaint on snow moved on to vacant lot behind Market. The issue was transferred to Council. Council sent letter to Northstar Construction and John Hunsaker/Alpine Market to advise them of the Town Ordinance on snow removal and to ask that they adhere to it.
- Lyal Radford, Town Inspector – **(Not for review, information only)** Lyal passed his IBC certification and will bring in his certificate for our records as soon as he receives it.
- Little Acorns Academy Sign Permit # S-02-04 – Fiona Haag’s new daycare sign permit on the building she shares with the Town of Alpine office, was approved as it is an existing sign frame and only the inside of sign will be changed with the business’s name. *Steve Fusco motioned to approve Little Acorns Academy Sign Permit #S-02-04, Billy Esperson seconded. Motion carried. Sign Permit approved.* Fiona also requested information on how to have their sign be added to the existing roadside sign. Steve said she should submit another sign permit application. Don said that the Town has certain setbacks and not even sure if that sign is within the setbacks, that this is an issue that we (P&Z) are dealing with now. Fiona thanked the board members.

- Brian Simmers- Plan Review - Brian wants to build a detached garage, received some advice/info from P&Z. They discussed height, setbacks, leach fields, etc. Brian wanted to know what he could submit. Billy said he did not see a problem with what Brian was suggesting. All agreed.
- Alpine Car Wash Sign Permit #S-05-03 – Kennis Lutz showed a 2 ft. high letter to display the size of the letters to be used for the sign. Also pictures of the building were submitted with site and size of such letters. **Billy Esperson motioned to approve Alpine Car Wash Sign Permit #S-05-03, Don Sherman seconded. Motion carried. Sign Permit approved.**
- Todd Rogers re Lee Ritchey's Repair for a Snow Load issue to porch area – Todd does not believe a permit nor inspection is needed, there was no resolution to this issue so he was asked to see P&Z for review of the job. Lyal Radford did inspect the addition and felt an inspection was indeed needed as the addition was priced over \$5,000 and there were footings installed. Todd states it is simply a repair for a snowload issue, that the area in question is under \$5,000, and that there is no structural issue. He added that the permit is classified as an addition but he disagreed with that. Billy explained the Town's issue on snowloading and why inspections need to be done for items such as frost depth, snowload, if any electrical work, footings, etc. Todd said if he was building a deck he would need a pad in the ground to support that deck, but he only has two pads for this project, it should not be classified as an addition when it clearly is not. Don said it's not just a deck as it has a roof over it. Todd asked what is the difference to have a pad put down to support roof or pad to support deck.

Billy explained if Todd allows P&Z to review before building than he would not run into these problems and all his questions could be answered ahead of time. Todd then asked what fee should be charged. He added that the owner, Lee, is an electrician so he did his own electrical work. Billy said it still has to be inspected. If Lyal had to check frost depth and footings and then the pad, that is two inspections. Don added if deck has no roof, there is no snowload issue, the permit with roof requires certain snowload. The roof could fall, not saying it would, he just does not want to see anyone liable. Billy said Lyal looked at it and he didn't have problems, and believes that \$75 for the one inspection is correct in this matter. Todd said he was under the impression it was not an addition and looked at the job as repairs only. Billy said the P&Z is not singling Todd out, it just so happened Steve was driving by and saw the construction and knew no permit had been applied for.

Todd brought up an issue with logs as he does a lot of logwork. He asked if the P&Z had a structural chart that shows how logwork would be determined. Billy said it is entirely up to Lyal, but didn't know if Lyal had engineering background and felt it was a very good question. Todd said he would like to know as he feels he can have a serious situation with someone inspecting his logwork that is not aware of the log abilities, R values, structural issues, what it can hold, especially if Lyal hasn't been dealing with log buildings. Billy stated there is a span table. Mayor said Lyal knows Todd's work and that it is good. Todd again stated it is a liability issue for him if we don't have a log chart to go by and he is being inspected by someone that doesn't have the correct "log" knowledge. Billy advised having an actual engineer do Todd's plans to help him avoid an issue. Dave said Todd is asking for a code from P&Z and he should have one, he agrees with Todd. Don said that when the Town gives out building permits they recommend that the plans be approved/reviewed by an engineer. Todd said he has been building houses for 26yrs., he orders his trusses with specific snowloads and such. He asked when he uses log trusses, how do we know it is structurally okay. He needs to know what the codes are regarding logs as he needs to know what his costs will be when bidding, especially if he needs to add engineering costs.

The Mayor said he thought Lyal Radford's brother was a structural engineer and could get information from him possibly. Don added that maybe he (Lyal's brother) can come up with some perimeters. He then asked Todd if he designed his own houses. Todd said yes. Don said that we need to check into the log situation and said by his knowledge the R factor of a log is determined by the size of the log. Todd said that he was not under that impression. Todd said for example kiln dried logs are different. Billy advised Todd to hire an engineer. Don said Lyal will only check that specs are met. If something is engineered than he'd need to account for that cost. Mayor advised presenting this to Lyal to answer. Billy said the \$75 Permit fee is needed as there was a proven need for one inspection. Don said anyone can build in Jackson as long as they get an engineer to stamp plans, this helps to take the liability off of the Town.

- Todd Hill ongoing Septic System issue #SP-10-03 - Todd has had a problem regarding his septic system. Joe Sender will not sign off on the system. Joe Sender said the permit needs to be filed. He felt there was plenty of room to put a field and leach field. Joe drew up a diagram but said he didn't know if he got the right size as it was not on Todd's lot diagram. He feels there is plenty of room to put in 12x12 ft. fields, working and reserve. Todd asked if Joe can show them. Todd advised house is 1830sq. ft. plus garage. Joe said we can work on this as soon as snow clears and we find the markers. Todd asked "Are you going to guide us?". Billy said Joe needs to guide on how to do and asked Joe if he could make arrangements to help them. Joe agreed, but said he has a letter from DEQ that states he is not allowed to design septic fields. But Joe said they'd make it fit to conform to the Town. Billy told Todd it needs to be staked out first. Todd said no problem in staking out. He said it'll never be used anyways and he has a letter stating he didn't need a reserve field. Billy explained that the Town code says he does need a reserve field and that he needs to conform to that. Steve added that the Town can go above the state's codes, we just can't go below. Todd said that he already had the building permit. Steve said that the P&Z originally issued the building

permit only with a contingency on the septic system. The Mayor interjected that this is the one that he had actually ordered the permit to be issued upon the letter received from the DEQ, Doyle Conklin. Steve said that they need to follow steps to get this issue resolved.

Donn Wooden stated if Joe would be willing to come over and give them advice that would be helpful. Todd asked what if it doesn't work. Dave Gustafson interrupted the conversation to bring the subject back to order in stating that we answer to DEQ, not the county. DEQ gives rights to each county and that there is a requirement to have a reserve field by the DEQ. He added there are alternatives and ways to accomplish the objective such as using double cased water lines and went into the different avenues Mr. Hill could take.

Donn wanted to clarify if the Town had changed any new regulations in excess of state's regulations. If there was any new ones. Steve said they are still operating on the old system. Donn said if he could share with the board, that they knew they had problems with .20 and under lots and then proceeded to give a copy to each member of a letter from Joe Sender dated January 24, 1994. He read the entire letter out loud and added that Joe would not take responsibility of the lots smaller than .25 acres. Steve added that most the entire board was not on P&Z when this letter was submitted to the Town and wanted Joe to explain why he wrote it. But Donn continued and said he recognized there were lots that are very small, the average approximately .19, .20. That there are lots in LEB that have not come up to the .25. He said he thought Joe had the idea that this were lots divided from 2 into 3. He explained that it had been more practical to redo the boundaries of the Foster's (original owners) old lots. As it was, their garage was straddling the property line. They came up with .223 approximately when it was subdivided. He added he has much respect for Joe's position, but in cases like this, the DEQ makes a waiver in a matter of discloser to the new owner. He acknowledged this has happened in the county and they've had to dig up the septic next to other's yards. He said it's okay as long as you have a willing buyer, that the new owner is aware of the fact that there is no reserve field. He felt that most likely they'd be on the sewer line long before the reserve field was needed and that he felt that most likely they'd be on the sewer line long before the reserve field was needed. Also Donn said that when a lot is one street over from the sewer system they should be open to hooking that lot to the Town's system. Donn said he simply wanted to clarify what has been happening. He admitted to dropping the ball when he was Mayor, that when he received Joe's letter, that he should have provided a contingency for this issue, since Joe's letter put the Town on notice.

Joe Sender then explained the reason behind the letter he felt forced to write to protect his license and reputation. Joe stated that back during the time Donn spoke of, in Greys River Village #1 there was a builder Mike McCurry (sp?) who was putting in septic systems in a very irresponsible manner. Joe gave a few examples where Mike would put the septic in the middle of the lot and have no place to put the reserve. Joe then couldn't come in and ask him to redig and move stuff. But Mike was advised not to and continued to do it over and over. Joe had allowed enough and finally said no more. So Joe now says because of that continuous situation with this builder he put his foot down and now he is suppose to sign off or have them move everything around. So this is why he wrote the letter and now they have 3 inspections on small lots and have had no problems. He felt that the Town and the builders kept putting him on the line. Donn then added, when contractors are doing this, they should be stopped immediately. Steve than asked Joe if he has approved lots since then, that were .25 acres or less with a 2nd leach field. Joe said yes and that yes they had a 2nd field.

Dave discussed the DEQ standards and said if there is a waiver from DEQ, then to show them. He added if all smaller lots have been conforming then they should be able to make it fit on Todd's lot. Donn asked Town to consider the smaller lots regarding waivers. Dave said they cannot be developed if the lot can't have a 1st and 2nd field, as shown in many counties in the state. Again Dave asked about the waiver at the DEQ level and would like to see it as he knew nothing of them. He added that Joe is following DEQ, regarding this issue, he insisted it comes from DEQ and Joe is only following what he is instructed and educated to do and that the Town and P&Z stand behind what Joe advises/says.

Donn than said if Joe doesn't want to do this, is there a contingency, can the P&Z get ahold of an engineer to do. Common sense says there should be a solution he added. Dave said they have to follow what the DEQ says and that Joe's following what is set by the DEQ, not the Town or County. But agree these will happen. Again Dave asked to see this DEQ waiver that Donn spoke of. Joe insisted owners need to know what the cost of hauling out new soil that is contaminated and putting in new soil. Joe spoke with Doyle and Doyle said it must say on deed that if system failed they will have to hook into central collection system. Joe added that new homeowners should know the actual cost to dealing with this issue. Dave agreed. Steve asked Joe if he could get a system in there on Todd's property. Joe felt yes, if they tweak something in there. Todd asked what if it fails. Dave asked if there were alternatives with DEQ if cannot get a reserve in or if fails and if can't, can they go ahead? Joe said the new owner needs to be told if they have to tie into system it could cost \$15,000. Mayor felt is was more around \$10,000.

Conclusion: Joe will only guide Todd Hill regarding his reserve field, to help him be in compliance with the Town.

- Letter to Business Owners regarding signs – (Final Draft letter regarding the flashing lights on signs and signs in the WYDOT setback.) There was some question to the WYDOT setback if 100ft from center line was correct. Secretary advised that Inspector Joe Sender and WYDOT representatives explained and showed on a map the 100 ft. setback. There also was issue with the Town's code of 10 ft. back. Billy felt the Ordinance needs to be changed to make more sense. Lloyd Baker

added that his own property line is actually right out to center of the street. WYDOT did not even have a right of way. They had to add new setbacks, which were sufficient to destroy his property. He got a special permit to build 10ft. back. **Billy Esperson motioned to approve sending Sign Issue Letter final draft, Steve Fusco seconded. Motion carried.**

- **Town Codes Update** - Billy asked Steve how the research was going. Steve advised that he is going through the resolutions and putting into the Code Book. He is trying to find out where they came from, how they were done, etc.
- **Planner Paula Stevens Introduction** – Dave Gustafson introduced Paula Stevens who works for Teton County Planning Dept. to help with our comprehensive plan and building codes. She will help immensely Dave felt. He said he's been on board 1 ½ yrs., and feels we keep hitting the same wall, though the intentions are good, put the direction keeps changing. Paula's experience gives us the guidance we need. She has volunteered to be on P&Z. He feels she has the experience and knowledge to make it happen. Dave said it is difficult to do codes without a comprehensive plan which Paula agreed with. Dave feels with Paula's help we can get past this wall. The board doesn't have this type of experience. Steve said there is a lot of grey areas to deal with. Dave explained to Paula, the situation with the Town's books. He is concerned that with Halpin's project they are over their heads and want to have it all straightened out beforehand.

Paula asked besides Dave, is the P&Z group in agreement to have her join and if so what is her capacity if a member? Mayor said he had the authority to put a 6th member on P&Z, as Town Council agreed to it. Don said we really could use the help. Dave said he would like to see Paula here for every P&Z meeting to guide the Town. She can make recommendations of where we need to go to get things done, so when other developers come in we have our act together, having solid building codes. Mayor added that Paula could be helpful in Master Plan. Dave added she could delegate tasks and we can do it as we're all very motivated. We have potential, but don't have experience, important to sit on board and see what comes into P&Z. Steve explained books' problems and all that he is finding. He doesn't know what we actually need on the books.

Dave is in agreement that all need to help, to get everything done. He asked Paula where to start. Paula asked if we had someone to do the comprehensive plan. Don asked do we need rezoning done first. Paula said the comprehensive plan should be first. Mayor said we had a list of P&Z members and the different tasks they would do with Ted Smith to put stuff together. Mayor asked that we have Ted Smith come to our next P&Z meeting. Paula expressed the importance of beginning with the Comprehensive plan which would show our goals, vision, plans and then the zoning map, working it all together. Then Paula discussed items she'll need to get updated, such as a copy of Town Code book. She has plans to meet with Steve to go over what he is dealing with through his research of the many P&Z books.

Billy adjourned the meeting at 8:48pm

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.
- **P&Z ATTENDING COUNCIL MEETINGS:**
 - 1) **March 16** – Dave Gustafson
 - 2) **April 6** – Scott Reed
 - 3) **April 20** –

7 - ANNOUNCEMENTS & INFORMATION

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

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

- February 24th P&Z Minutes
- "Comp Plan"- on Teton County Master Plan, article from the Jackson Hole Journal

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

- March 2nd Town Council Minutes
- Partial copy of September 9, 2003 P&Z minutes regarding Todd Hill Septic System decision
- Lyl Radford's Inspection report on Todd Rogers/Lee Ritchey addition/repair issue

Billy Esperson, Chairman

Date

Attest:

Town Secretary

Date