

**TOWN OF ALPINE
PLANNING & ZONING
MINUTES MARCH 11, 2008**

Meeting was called to order at 7:04 pm. Roll call was taken: Par Marolf, Paula Stevens, Dave Gustafson, and Kennis Lutz were present. John Thomas was absent and excused.

Appointments – New Business

Ed Fila: 514 Nelson Lane “Vacation Cabin, Alpine Wyoming”, ZONING ISSUE.

Mr. Fila was present as the proposed property buyer. He stated that he has been in contact with a real estate attorney and has been told that he cannot split the deed as it is illegal. He was also informed that the flyer that was going around town needs to be destroyed as the verbage of fractional ownership was wrong. The home will go in his name, and then it will go into an LLC. He would like to apologize for the mistake on the flyers and wants all to know that they stand corrected. Mr. Fila also said that there would be other families that own the home. The other families would be free to use the home throughout the year. He brought resumes of other proposed owners of the property.

The Commission’s concern is if the house is used for multi-family purposes it does not meet the intent of the single-family zoning on the property. As described by the buyer, the way the home is proposed to be occupied falls under short term tourist occupancy, which is on page 122 of the Code and is expressly prohibited in the R-1 zone. The Commission cannot regulate the conveyance of the property. However, the Commission is obligated to let the parties know that if they proceed as planned, the proposed occupancy will be in violation of the R-1 zone. Comments, concerns, and a letter (see attached) were made by Donn Wooden, A.C. Avery, and Mayor DeCora.

Paula Stevens stated the Commission has the right to make sure that the Town code is adhered to and to not give special dispensation to anybody for any reason under any circumstances that other folks aren’t going to similarly get as that is not fair. If the question is conveyance of the property this conversation is over. If it is a matter of how the property is used subsequent to purchase that is where the Commission will become involved. The Commission cannot tell the seller not to sell her property. When occupancy begins is when the Commission’s role kicks in. Ms. Stevens stated that we have had this conversation and we are on the record as having concerns about it. Per what our attorney said, it is the use of the property that is the concern. Chairman Gustafson reiterated the intent of the letter from the Town, which addresses use not conveyance of the property.

Paula Stevens also stated that if there are other folks that are violating the Town’s code, it is irrelevant to this discussion tonight. Just because some one else is doing this and getting away with it does not make it right. We are in no way obligated to allow other people to violate our laws simply because someone else is doing it. If a potential violation is brought to our attention, we have the right to investigate the situation and take care of it.

Matt Burtness : Surveyor Scherbel here for a conceptual plan. Karl Scherbel and Matt Burtness described for the commission the proposed replat of 2 lots into 4 with shared driveways. One of their concerns is sewer & water and when they will be available. This has been discussed with Town Engineer Leon Kjellgren and communicated on to Matt & Karl. There is also the issue of the zoning which if the proposed map is adopted this project would no longer be possible. This will be discussed in further detail at the workshop meeting tomorrow night. The next step should be an application for the replat. Paula Stevens will contact the Town attorney regarding his opinion on the applicability of the current zoning to an application in process prior to a zone change.

Chairman Gustafson called for a short recess at 8:15 pm.

Chairman Gustafson called the meeting back to order at 8:23 pm.

177- Ordinance No. 2008-33: Review, discussion and recommendation if any for Council. This is in reference to the Ernie Scott issue. It has gone before the Council and has passed its second reading. If the Commission feels the need for any changes, they need to get their comments and suggestions to the Council by next Tuesday night.

Alpine GIS Project: Review, and discussion. The Commission feels that this should be the next step and should be included in next year's budget so it can be accomplished. The Commission recommends that a contract with Pederson Planning be drafted to get this going. Much of the work has already been done by Jim Pederson in conjunction with the master Plan and zoning map project.

Master Plan: recommendation to Council on re-adoption. Attorney Fodor has requested that the Commission reconfirm their recommendation to the Town Council that the Master plan be adopted. His concern is that the language used during the previous vote was not legally correct. It is his opinion that the remainder of the process has been proper. **Paula Stevens moved to certify to the Town of Alpine Town Council that the attached Master Plan has been reviewed and found in all material aspects to be appropriate for adoption by the Town Council for the physical development for the Town of Alpine. Pat Marolf seconded. VOTE: 4 Yes; 0 No; 0 Abstain; 1 Absent. Motion carried.**

Unfinished - Ongoing Business

Rob Wagner Building Inspector: letter of resignation. (See attached) Mr. Wagner gave his 2 week notice resignation letter to the Commission. He is too busy at this time and just cannot do the job any more. He has spoken with someone else about replacing him. He would like that person to be able to come before the Commission to hear their expectations, wants, and wishes for the position. This person is already the inspector for the county and for the town's of Afton and Star Valley Ranches so he knows the job. He is confident in recommending this person. He apologized for having to leave but he just has way too much going on at this time. He is proud of what we all have done to make

the Town a better – safe community. The Commission would also like to meet Jody Tibbits at the next meeting.

Minutes: December 18, 2008; January 8, 2008; January 22, 2008; February 12, 2008; February 26, 2008 – need motion to approve. **Pat Marolf moved to approve the minutes for December 18, 2008 and February 12, 2008. Paula Stevens seconded. VOTE: 4 Yes; 0 No; 0 Abstain; 1 Absent. Motion carried.**

P & Z Attending Meetings: March 18, 2008 – John Thomas
April 1, 2008 – Dave Gustafson

Pat Marolf moted to adjourn the meeting. Kennis Lutz seconded. VOTE: 4 Yes; 0 No; 0 Abstain; 1 Absent. Motion carried. Meeting adjourned at 8:40 pm.

Dave Gustafson, Chairman

Date

ATTEST:

Brenda Bennett, Treasurer

Date