



## ALPINE CITY PLANNING COMMISSION MEETING

**NOTICE** is hereby given that the **PLANNING COMMISSION** of Alpine City, Utah will hold a **Public Hearing and a Regular Meeting at Alpine City Hall, 20 North Main, Alpine, Utah on Tuesday, May 20, 2014 at 7:00 pm** as follows:

### I. GENERAL BUSINESS

- A. Welcome and Roll Call: Jason Thelin
- B. Prayer/Opening Comments: Chuck Castleton

### II. PUBLIC COMMENT

Any person wishing to comment on any item not on the agenda may address the Planning Commission at this point by stepping to the microphone and giving his or her name and address for the record.

### III. ACTION ITEMS

#### A. PUBLIC HEARING - Moyle Park Master Plan (Location of New Public Restrooms)

The Planning Commission will discuss a master plan for the historical park as well as a location for new public restrooms and make a recommendation to the City Council.

#### B. Design Standards Amendment (Sidewalks and Road Classification)

The Planning Commission will review an amendment to Article 4.7 of the Alpine City Development Code.

### IV. COMMUNICATIONS

### V. APPROVAL OF PLANNING COMMISSION MINUTES: May 20, 2014

**ADJOURN**

Vice Chairman Jason Thelin  
May 30, 2014

**THE PUBLIC IS INVITED TO ATTEND ALL PLANNING COMMISSION MEETINGS.** If you need a special accommodation to participate in the meeting, please call the City Recorder's Office at 801-756-6347 ext. 5.

CERTIFICATION OF POSTING. The undersigned duly appointed recorder does hereby certify that the above agenda notice was posted in three public places within Alpine City limits. These public places being a bulletin board located inside City Hall at 20 North Main and located in the lobby of the Bank of American Fork, Alpine Branch, 133 S. Main, Alpine, UT; and the bulletin board located at The Junction, 400 S. Main, Alpine, UT. The above agenda notice was sent by e-mail to The Daily Herald located in Provo, UT a local newspaper circulated in Alpine, UT. This agenda is also available on the City's web site at [www.alpinecity.org](http://www.alpinecity.org) and on the Utah Public Meeting Notices website at [www.utah.gov/pmn/index.html](http://www.utah.gov/pmn/index.html).

# PUBLIC MEETING AND PUBLIC HEARING ETIQUETTE

Please remember all public meetings and public hearings are now recorded.

- All comments **must** be recognized by the Chairperson and addressed through the microphone.
- When speaking to the Planning Commission, please stand, speak slowly and clearly into the microphone, and state your name and address for the recorded record.
- Be respectful to others and refrain from disruptions during the meeting. Please refrain from conversation with others in the audience as the microphones are very sensitive and can pick up whispers in the back of the room.
- Keep comments constructive and not disruptive.
- Avoid verbal approval or dissatisfaction of the ongoing discussion (i.e., booing or applauding).
- Exhibits (photos, petitions, etc.) given to the City become the property of the City.
- Please silence all cellular phones, beepers, pagers or other noise making devices.
- Be considerate of others who wish to speak by limiting your comments to a reasonable length, and avoiding repetition of what has already been said. Individuals may be limited to two minutes and group representatives may be limited to five minutes.
- Refrain from congregating near the doors or in the lobby area outside the council room to talk as it can be very noisy and disruptive. If you must carry on conversation in this area, please be as quiet as possible. (The doors must remain open during a public meeting/hearing.)

## Public Hearing v. Public Meeting

If the meeting is a **public hearing**, the public may participate during that time and may present opinions and evidence for the issue for which the hearing is being held. In a public hearing there may be some restrictions on participation such as time limits.

Anyone can observe a **public meeting**, but there is no right to speak or be heard there - the public participates in presenting opinions and evidence at the pleasure of the body conducting the meeting.

## ALPINE PLANNING COMMISSION AGENDA

**SUBJECT: Moyle Park Master Plan (Location of New Public Restrooms)**

**FOR CONSIDERATION ON: 3 June 2014**

**PETITIONER: City Council**

**ACTION REQUESTED BY PETITIONER: Make recommendation**

**APPLICABLE STATUTE OR ORDINANCE: Section 3.16.6.3 (Open Space)**

**PETITION IN COMPLIANCE WITH ORDINANCE: Yes**

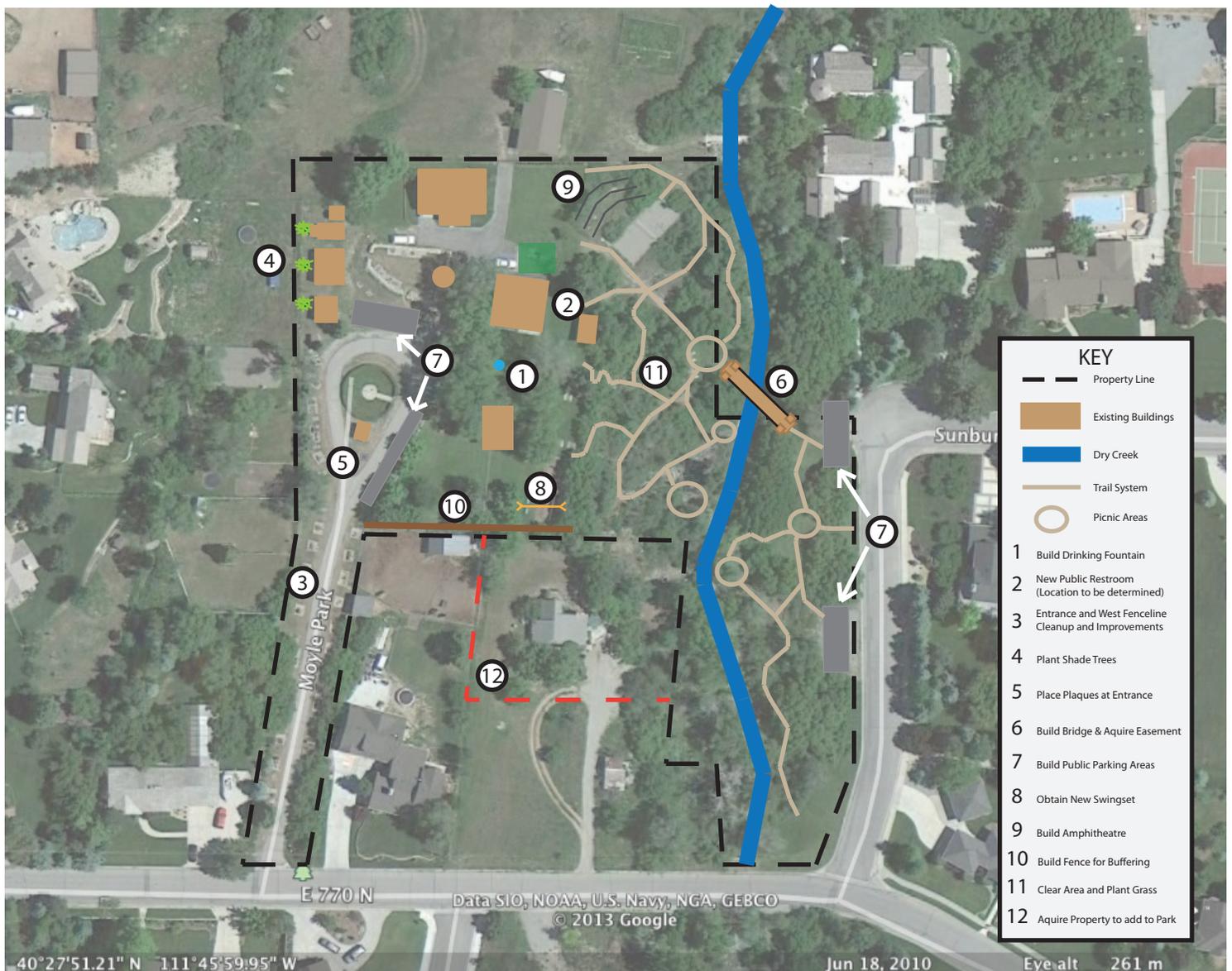
### **BACKGROUND INFORMATION:**

The future of Moyle Park has been discussed over the past several months in a committee. A master plan has not been formally adopted. The attached plan reflects the improvements that are being recommended by the Moyle Park Committee. In addition, the city has budgeted for a new public restroom within the park. The location has not been determined and the City Council is looking for the Planning Commission's recommendation.

### **RECOMMENDED ACTION:**

We recommend that the master plan for Moyle Park be adopted *[as presented OR with changes the Planning Commission suggests]* and that the location of the new public restrooms be placed *[where the Planning Commission suggests]*.

# Moyle Park Master Plan



The historical piece of property that is Moyle Park needs some work from the efforts of the caretakers, Alpine City, and volunteers for maintenance and enhancement. There are a lot of opportunities for people to do projects that would help the park immensely. This Master Plan shows some of those opportunities that the city and volunteers can take to start the process of revitalization and improvement. Basic property cleanup and trail maintenance is the first task that can be done and should be periodically done as needed. The key describes what the map represents and the numbers indicate the priority each project has according to the Moyle Park Committee. If done right, this park will not only better reflect its historical significance but it will draw people in to take advantage of the recreational amenity and educational tool that can be.

# ALPINE PLANNING COMMISSION AGENDA

**SUBJECT: Design Standards Amendment**

**FOR CONSIDERATION ON: 3 June 2014**

**PETITIONER: City Council**

**ACTION REQUESTED BY PETITIONER: Make recommendation**

**APPLICABLE STATUTE OR ORDINANCE: Section 3.1.9 (Amendments)  
Article 4.7 (Design Standards)**

**PETITION IN COMPLIANCE WITH ORDINANCE: Yes**

## **BACKGROUND INFORMATION:**

The proposed amendments regarding sidewalks reflect the DRC's recommendation. The DRC recommends that the ordinance not be amended to reflect a new classification for an emergency access road.

Also attached are the applicable ordinances from other cities regarding sidewalk regulations which was gathered by Judi Pickell. David Church will also write a memo to the Planning Commission stating his legal advice.

## **RECOMMENDED ACTION:**

We recommend that Article 4.7 of the Alpine City Development Code be amended *[as proposed OR with changes the Planning Commission suggests]*.

## ARTICLE 4.7

## DESIGN STANDARDS

### 4.7.1 DESIGN STANDARDS

All subdivisions shall comply with the following standards unless an exception from one or more provisions of this chapter is approved by the City Council in accordance with the exception procedure of this ordinance.

### 4.7.2 GENERAL STANDARDS

1. The design and development of subdivisions, shall preserve insofar as possible the natural terrain, natural drainage, existing topsoil, and trees.
2. Land subject to hazardous conditions such as slides, mud flows, rock falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods and polluted or non-potable water supply shall be identified and shall not be subdivided until the hazards have been eliminated or will be eliminated by the subdivision and construction plans.
3. The subdivider shall comply with landscape requirements of approval and mow and maintain vacant lots, keep sidewalks clear and streets swept during subdivision construction and until the lots are sold.

### 4.7.3 LOTS

1. No single lot shall be divided by a municipal or County boundary line.
2. A lot shall not be divided by a public road or alley or other lot.
3. Lot Lines. Side lot lines shall be at right angles or radial to street lines, except where justified by the subdivider and recommended by the Planning Commission and approved by the City Council.
4. Street Frontage. All residential lots in subdivisions shall front on a public street, or on a private street recommended by the Planning Commission and approved by the City Council. Double frontage lots are prohibited unless recommended by the Planning Commission and approved by the City Council.
5. Buildable Area. A Designated Buildable Area shall be not less than five thousand

### 4.7.4 STREETS AND STREET REQUIREMENTS

1. Subdivision plans shall be consistent with the Major Street Plan, which has been adopted as part of the Transportation and Circulation element of the General Plan of the City.
  - (1) Collector Streets (feeder). Where the area of a proposed subdivision includes any Collector class streets, as shown on the Major Street Plan, the subdivision plan shall incorporate such streets in the location shown on the Major Street Plan, and the approval of the Final Plat shall include the dedication of the right-of-way and its improvement in accordance with the applicable City standards.
  - (2) Minor Streets (local service). Where the area of a proposed subdivision includes any Minor class streets, as shown on the Major Street Plan, the subdivision plan shall provide for such street in the approximate location shown on the Major Street Plan, and the approval of the Final Plat shall include the dedication of the

right-of-way and its improvement in accordance with the applicable City standards.

- (3) Arterial Streets. Where the area of a proposed subdivision includes any arterial class streets, as shown on the Major Street Plan, the subdivision plan shall incorporate such streets in the location shown on the Major Street Plan, and the approval of the Final Plat shall include the dedication of the right-of-way and its improvement in accordance with the applicable City standards.
2. Through Traffic. Minor streets shall be laid out to encourage circulation but discourage through traffic. Subdivisions with 20 or more lots shall provide two working accesses to the development.
3. Stub Streets (Amended by Ord. 96-08, 5/28/96; Amended by Ord. 2013-01, 1/15/13) Shall be required to provide adequate circulation -- Temporary turnaround required in certain instances--Subsequent development of adjacent property to incorporate.
  - (1) In order to facilitate the development of an adequate and convenient circulation system within the City, and to provide access for the logical development of adjacent vacant properties, the City shall, as a condition of approval, require the subdivision plan to include one or more temporary dead end streets (stub streets) which extend to the boundary of the parcel, and dedicate the right-of-way to the property line to the City to insure that adjacent properties are not landlocked.
  - (2) All such stub streets shall be fully developed with full City street and utility improvements to the boundary of the subdivision unless it can be shown by the applicant for the subdivision that the need for a fully improved street does not have an essential link to a legitimate government interest or that the requirement to fully improve the stub street is not roughly proportionate, both in nature and extent to the impact of the proposed subdivision on the City.
  - (3) Factors to be considered in determining whether or not the requirement to install a fully improved street is considered proportionate may include but not be limited to:
    - The estimated cost to improve the stub street;
    - Whether or not the stub street will be essential to provide reasonable access to the undeveloped parcel;
    - The number of lots in the proposed subdivision that will be accessed from the improved stub street;
    - The estimated number of lots that can be developed in the future on the adjacent undeveloped parcel through use of the stub street.

After receiving a recommendation by the Planning Commission, if the City Council determines that the stub street need not be fully developed either because it does not further a legitimate government interest or that the requirement is disproportionate to the impact of the proposed subdivision on the City, then only the right-of-way for the stub street shall be dedicated to the City and the requirement to improve the stub street shall be placed on the undeveloped adjacent parcel as a condition of the development if the adjacent property is ever developed.

- (4) Any such stub street having a length of more than 150 feet or providing primary vehicular access to one or more lots shall be terminated by an improved temporary turn-around designed and constructed in accordance with the City Standards. Where any portion of the temporary turn-around is to be located on

private property, use of the portion located on private property by the public shall be secured through the conveyance of an easement for that purpose.

- (5) Any plan for the subsequent development of the adjacent property shall provide for the continuation of any such stub street and shall bear the burden of designing such stub street or streets in accordance with City standards.
4. Intersections. Intersections of minor streets with major streets shall be kept to the minimum.
5. Right-of-Way Width. Minimum right-of-way widths for local streets shall be the following:
  - (1) Arterial major street: 66 feet
  - (2) Collector street: 60 feet
  - (3) Minor street, rural road or frontage road: 54 feet
6. Roadway Width. Local streets shall have roadway widths and classifications as follows (add four feet [4'] for curb):
  - (1) Arterial street: 42 feet
  - (2) Collector street: 36 feet
  - (3) Minor street or frontage road: 30 feet
  - (4) (Rural roads: 26 feet) - Requires a recommendation by the Planning Commission and approval by the City Council through the Subdivision exception procedure.
7. Road Shoulders. Where curbs are not required to be installed, a minimum of ten foot shoulders shall be provided on each side of the street unless parking is prohibited.
8. Partial-Width Streets. All streets within and adjacent to a subdivision shall either have been previously conveyed to the City by deed or dedication or shall be shown on the final plat for dedication to the City for street purposes.

All streets shown on the final plat for dedication to the City shall conform to the minimum standards for street width and improvements for the entire width of the street, except that the City Council may accept the dedication and improvement of partial width streets provided:

- (1) That the proposed partial width street is located at the border of the subdivision and the land abutting the proposed uncompleted side of the street is not owned by the subdivider.
- (2) The width of the right-of-way of the partial width street shall be not less than thirty-nine (39) feet in the instance of a minor class street and forty-two (42) feet in the instance of a collector class street.
- (3) Upon approval of the City Council the improvements constructed on the partial width street may include: (a) the curb, gutter and sidewalk improvements adjacent to all abutting lots in the subdivision, (b) the water and sewer line, (c) a hard surfaced travelway portion having a width not less than one-half that required for the specified street class plus an additional twelve (12) feet of width, (d) all utility systems in the partial width street shall be located and constructed as set forth in City standards, and (e) storm drains.
- (4) That there are no existing conditions which would have the effect of preventing the subsequent development of the remaining portion of the street.

- (5) That construction of the partial width street at the proposed location will not create an unsafe or hazardous condition.

No final plat shall be approved where access to a proposed or existing street from adjacent property is proposed to be prohibited or is impaired by an access retainer strip ("nuisance" or "protective" strip).

9. Cul-de-sac Streets.(Ord 96-08 amended 5/28/96) Cul-de-sacs (dead end streets) shall be used only where unusual conditions exist which make other designs undesirable. Each cul-de-sac street shall have a minimum right-of-way width of fifty-four (54) feet and must be terminated by a turn-around having a radius of not less than sixty (60) feet to the property line. The maximum length of a cul-de-sac shall be four hundred and fifty (450) feet as measured from the center of the turn-around to the point of connection to the next intersecting street. Surface water must drain away from the turn-around, except where surface water cannot be drained away from the turn-around along the street, due to grade, necessary catch basins and drainage easements shall be provided.
10. Number of Streets at Intersection. No more than four streets shall enter an intersection.
11. Angle of Street Intersections. Streets shall intersect at ninety degrees, except where otherwise recommended as necessary by the Planning Commission and approved by the City Council.
12. Centerline of Intersecting Streets. The centerline of two subordinate streets meeting a through street from opposite sides shall extend as a continuous line, or the centerline shall be offset at least one hundred fifty (150') feet. An exception may be given to the off-set requirement of up to 15 feet as recommended by the DRC and Planning Commission and approved by the City Council. (Amended by Ord. 2004-13, 9/28/04)
13. Curved Streets Preferred. In the design of subdivisions, curving streets shall be preferred to straight streets or rigid ninety degree grid systems.
14. Frontage on Arterial Streets. Driveways or other vehicular accesses to an individual lot that open onto any public street designated by the official City Street Plan as an arterial street may be used as an access if it is recommended by the DRC and Planning Commission and approved by the City Council. Turn-arounds, hammerhead or side-entry driveways must be incorporated to ensure that vehicles will not back out on arterial streets. (Amended by Ord. 2004-13, 9/28/04)

#### **4.7.5 STREET NAMES**

Streets shall have the names of existing streets which are in alignment. There shall be no duplication of street names. All street names must be recommended by the Planning Commission for approval by the City Council, and opportunity shall be given to the Public Safety District and the City Recorder for review and recommendation prior to the approval of street names by the Planning Commission.

#### **4.7.6 CURVATURE AND ALIGNMENT**

1. Horizontal Curves. To ensure adequate sight distances, street roadway line connections shall be made by horizontal curves. The minimum centerline radii for minor streets shall be one hundred fifty feet (150') and of all other streets shall be three hundred feet (300'). On collector and arterial streets, a minimum tangent of

one hundred feet (100') shall be required between a curve and street intersection; a minimum tangent of one hundred feet (100') shall be required between reverse curves.

2. Vertical Curves. Vertical curves shall be used at all changes of grades exceeding one per cent (1%) and shall be designed to provide minimum sight distances of two hundred feet (200') for minor streets and three hundred feet (300') for all other streets, except that vertical curves for major streets shall be as determined by the current specifications of the Utah State Department of Transportation.
3. Where minimum vertical curve lengths cannot be met, the requirements in the AASHTO (American Association of State Highway Officials) publication, AA Policy on Geometric Design of Highways and Streets shall be used. The design of streets shall be based on a 25 mph design speed.

#### **4.7.7 FRONTAGE ON MAJOR HIGHWAYS**

Where a residential subdivision abuts a major highway or arterial street, frontage roads may be required.

#### **4.7.8 ROADBED CONSTRUCTION STANDARDS FOR PAVED ROADWAYS FOR PUBLIC STREETS**

Minimum roadbed grading and paving for local, collector, and arterial streets shall meet Alpine City Standards. The Planning Commission shall advise as to which streets, if any, within a proposed subdivision should be designed to meet collector or arterial or minor standards. Modification of such standards may be recommended by the Planning Commission and approved by the City Council for mountain areas, or unusual topographic conditions.

#### **4.7.9 ROAD GRADES**

All road and street grades (including common-use private roads) shall be designed as follows:

1. Arterial and Collector roads or streets: Limited to a maximum grade of ten per cent (10%). Sustained grades shall be limited to seven per cent (7%).
2. Minor roads or streets and common-use private roads: limited to a maximum grade of twelve per cent (12%). Sustained grades shall be limited to nine per cent (9%).
3. Cul-de-sacs with a negative grade progressing toward the turnaround shall be limited to a maximum grade of four per cent (4%). The cul-de-sac shall terminate with a grade not to exceed two per cent (2%) for the last one hundred feet (100') of traveled surface. The maximum grade of the bubble in a cul-de-sac is not to exceed 3%.
4. Street intersections: Have a vertical alignment such that the grade shall not exceed three per cent (3%) for a minimum distance of fifty feet (50') each way from the centerline of the intersection.
5. Maximum grades: Approved only when accompanied by changes to a lesser grade, and where length of that portion of that road at maximum grade is less than six hundred feet (600').
6. All changes in vertical alignment: Made by vertical curves with minimum length of two hundred feet (200') for minor streets and three hundred feet (300') for major streets. (See Section 4.7.6, item 3).

7. Roads in mountainous terrain: Shall be designed at less than maximum allowable slope in order that they can be safely negotiated and that snow can be removed during winter.
8. All cuts and fills must be treated with top soil and vegetated.

#### **4.7.10 SIDEWALKS, CURBS AND GUTTERS**

Sidewalks, curbs, gutters and planter strips ~~may~~ shall be required on both sides of all streets to be dedicated to the public. Sidewalks, curbs, planter strips and gutters may be required by the Planning Commission and City Council on existing streets bordering the new subdivision lots.

An exception to the requirements to construct sidewalks, curbs, gutters and planter strips may be granted with a recommendation from the Planning Commission and approval from the City Council. If an exception is granted, the cost to construct the sidewalks, curbs, gutters and/or planter strips that would have been spent for the development will need to be paid to Alpine City to be used for similar right-of-way improvements elsewhere in the city.

#### **Planter Strip Requirements: (Amended by Ord. 2004-13, 9/28/04)**

1. Double Frontage Lot Landscaping Requirements. The park strip or planter area in the City right-of-way on all rear lot frontages shall be fully landscaped by the developer or property owner. Full landscape shall be described as follows:
  - 1) Grass, irrigation, and street trees; or
  - 2) Colored, stamped decorative concrete and street trees with required irrigation;
  - 3) Irrigation standards will be determined by City Staff and available through standard
  - 4) Street trees shall be planted at least every 50 ft. Street trees shall be selected
2. Single Frontage Lot Landscaping Requirements. Planter strips in the city right-of-way shall be landscaped and maintained by the property owner. If street trees are desired, the trees shall be selected from the approved street tree list available from City Staff.

#### **4.7.11 BLOCK STANDARDS**

Block lengths shall be reasonable as recommended by the Planning Commission and approved by the City Council, and in total design shall provide for convenient access, quality of life, and circulation for emergency vehicles.

#### **4.7.12 PEDESTRIAN CIRCULATION**

Where blocks exceed one thousand feet (1,000') in length, pedestrian rights-of-way of not less than ten feet in width may be required by the Planning Commission through blocks where needed for adequate pedestrian circulation. Walk improvements (paving) of not less than five feet (5') in width shall be placed within the rights-of-way when required by the Planning Commission or City Council.

#### **4.7.13 EASEMENT STANDARDS**

1. Easements shall follow rear and side lot lines whenever practical and shall have a minimum total width of ten feet (10'), apportioned equally in abutting properties.
2. Front-line easements are required. A minimum of ten feet (10') shall be allocated as a utility easement. Perimeter easements shall be not less than ten feet (10') in width, extending throughout the peripheral area of the development, if required by the Planning Commission or City Council.

3. All easements shall be designed so as to provide efficient installation of utilities or tree planting. Special guying easements at corners may be required. Public utility installations shall be so located as to permit multiple installations within the easements. The developer shall establish final utility grades prior to utility installations.

#### **4.7.14 UTILITIES TO BE UNDERGROUND**

Unless the Planning Commission and City Council determine, upon application by the subdivider, supported by recommendation of the City Engineer, that it is not feasible to do so, all power lines, telephone lines, cable T.V. lines, and other normally overhead utility lines shall be placed underground by the subdivider.

#### **4.7.15 ALLEYS**

The Planning Commission may approve service access to the interior of blocks where deemed to be in the public interest, in which case such alleys must be indicated in the Preliminary Design Plans and on the Final Plat.

#### **4.7.16 SANITARY SEWAGE DISPOSAL - GENERAL REQUIREMENTS**

Sanitary Sewerage System Required. The subdivider shall provide, or have provided, a piped sanitary sewerage system to the property line of every lot in the subdivision. The sewerage system shall meet the minimum standards and requirements of the Local Health Officer, the State Division of Environmental Health, and this Ordinance. All sewer lines shall be located in the street unless approved by the City Engineer and Public Works Director. In the event that a sewer line is constructed outside the street, the easement shall be 20 feet and shall be shown on the plat. All sewer lines should be located on the south and west sides of the street.

#### **4.7.17 WATER SYSTEM - PUBLIC SYSTEM REQUIRED**

In any subdivision, the subdivider shall provide, or have provided, a piped public water supply to the property line of every lot. The water system shall meet the minimum standards and requirements of the Utah State Division of Health, this Ordinance, and Utah State Section of Forestry and Fire Control, wherever the subdivision is located near forested, grassy or brushy lands. All water lines shall be ductile iron pipe with a minimum diameter of eight inches. Water lines shall be placed on the north and east sides of the street.

- 4.7.17.1 Installation of Pressurized Irrigation System Required.** In any subdivision, the subdivider shall provide, or have provided, a piped pressurized irrigation system to the property line of every lot. The system shall be installed according to the requirements set forth by the City Engineer.

#### **4.7.18 STORM DRAINAGE AND FLOOD PLAINS**

1. Drainage System. Complete drainage systems for the entire subdivision area shall be designed by a professional engineer, licensed in the State of Utah and qualified to perform such work, and shall be shown graphically. All existing drainage features which are to be incorporated in the design shall be so identified. If the Final Plat is to be presented in sections, a general drainage plan for the entire area shall be presented with the first section, and appropriate development stages for the drainage system for each section indicated.
2. Design. The drainage and flood plain systems shall be designed to:
  - (1) Permit the unimpeded flow of natural water courses.

- (2) Ensure adequate drainage of all low points.
- (3) Ensure applications of the following regulations regarding development in designated flood plains:
  - a. Construction of buildings shall not be permitted in a designated flood way with a return frequency more often than a 100-year storm.
  - b. Building construction may occur in that portion of the designated flood way where the return frequency is between a 100-year and a maximum probable storm provided all usable floor space is constructed above the designated maximum probable flood level.
  - c. Where flood way velocities are generally determined to be under five feet (5') per second and maximum flood depth will not exceed three feet (3'), such uses as cultivated agriculture, nurseries, parks and recreation facilities and accessory parking may be permitted.
  - d. Any use of land is prohibited where flooding would create a public health hazard or problem. This includes shallow wells, uncased deep wells, sanitary land fills, septic tank and on-lot sewage disposal systems, water treatment plants, and also sewage disposal systems not completely protected from inundation.
  - e. Any contemplated flood plain encroachment or channeling shall be thoroughly analyzed and its effect on stream flow determined before such encroachment is undertaken. Any construction, dumping, and filling operations in a designated flood way constitutes an encroachment and must be approved by the Planning Commission, before accomplishment.
  - f. Existing lots that contain land in the floodplain area shall contain a minimum area outside the floodplain corresponding to the underlying zone. For example, a lot in the TR-10,000 zone must have at least 10,000 sq. ft of land which is an elevation at least two feet above the elevation of the 100-Year Recurrence Interval Flood. CR-20,000 lots in a floodplain must have at least 20,000 sq. ft. of land that is two feet above the 100-Year Recurrence Interval Flood. A CR-40,000 lot in a floodplain must have at least 40,000 sq. ft. of land that is two feet above the 100-Year Recurrence Interval Flood. Whenever 100-Year Recurrence Interval Flood data is not available, the required area as described above will be five feet above the elevation of the maximum flood of record. (Ord. 2004-13, 9/28/04)
- (4) Insure that lots are adequately drained into the city storm drain system as required by the Development Review Committee (DRC). (Ord. 2004-13, 9/28/04)

### 3. Drainage System Plans

- (1) The drainage system shall be designed to consider the drainage basin as a whole and shall accommodate not only runoff from the subdivision area but also, where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and "upstream" from the subdivision itself, as well as its effects on lands downstream.
- (2) All proposed surface-drainage structures shall be indicated on the plans.
- (3) All appropriate designs, details, and dimensions needed to clearly explain proposed construction materials and elevations shall be included in the drainage plans.

- (4) Detention basins must be designed to accommodate the 50-year storm. The basins must be designed to drain at a controlled rate, not to exceed 0.2 CFS per acre.
  - (5) The minimum allowable pipe size for any portion of the storm drain system shall be fifteen inches.
4. Detention and Retention Basins. Detention basins shall be designed to accommodate a 50-year storm. Retention basins shall be designed to accommodate a 100-year storm. The basins shall be designed to drain at a controlled rate, not to exceed 0.2 CFS per developed acre. Detention/retention basins shall be graded to a 4:1 slope and seeded and sprinkles shall be installed upon recommendation of the Development Review Committee (DRC) and the Planning Commission to the City Council. (Ord. 2002-14)

#### **4.7.19 IRRIGATION SYSTEMS**

1. Where an existing irrigation system consisting of open ditches is located on or adjacent to a proposed subdivision, complete plans for relocation or covering, or other safety precautions shall be submitted with an application for preliminary approval of a plat.
2. All irrigation ditches in subdivision/site plans shall be piped underground. Certain ditches that are legally required to be left open by Alpine Irrigation Company are exempt. (Amended by Ord. 2004-13, 9/28/04)
3. Obtain written approval from the irrigation company or easement holder or private ditch owner for any plan that involves irrigation ditches. The irrigation company shall sign off on the final plan.
4. All piped irrigation and drainage systems shall have approved grates.

#### **4.7.20 TRAILS AND WALKING PATHS AND OPEN SPACE**

The plat for the subdivision shall incorporate and include any trail shown on the master trail plan in the location shown on the plan. Where trails have been previously constructed or identified on approved subdivision plans for adjacent properties the trail locations shown on the proposed subdivision plan shall provide for the logical connection to the existing trail.

The plat shall show the width of trails, where located, type of trail, and shall comply with the City Master Trail Plan and Open Space Ordinance. Trails and open space shall be clearly marked and identified.

#### **4.7.21 DERELICT PARCELS PROHIBITED (Ord.93-04, 5/11/93)**

No subdivision plat shall have the effect of creating a derelict parcel. Any such parcel must be attached to adjacent lots rather than allowed to remain as an independent parcel. Privately owned protection or retainer strips shall not be permitted.

It is unlawful to divide real property in such a way that a parcel of property is created or left behind that cannot be developed according to the ordinances of Alpine City governing zoning and subdivisions, and other applicable laws, regardless of whether or not a subdivision plat is required for the division. Examples of such divisions include, but are not limited to, nuisance or protection strips, parcels created or left for the sole purpose of denying or restricting another property owner access to his or her property, parcels with insufficient square footage for building, and parcels that do not abut on a dedicated street. (Ord. 93-04, 5/11/93.)

#### **4.7.22 UNIMPROVED RESIDUAL LOTS NOT PERMITTED**

No subdivision plan shall have the effect of leaving a residual zoning lot for which the required subdivision improvements: (1) have not been previously constructed, or (2) are not to be included as part of the required improvements for the proposed subdivision. For purposes of this section a residual zoning lot shall be construed to include a parcel created by the proposed subdivision but not included as a lot on the final plat, which qualifies as a zoning lot, but because of insufficient size, dimension or other limitation is not readily capable of further division in accordance with the requirements of the zoning ordinance.

#### **4.7.23 WATER RIGHTS REQUIRED TO BE CONVEYED TO THE CITY. (Ord. 95-09: 3/28/95)**

**4.7.23.1 Water Rights Required - Determination of Amount.** Any person proposing to subdivide land with the City shall, as a condition of subdivision approval, convey to the City water rights that entitle the owner to an annual quantity and rate of flow which is sufficient in amount to meet the water use requirements of the occupants of the subdivision. The amount of water rights required shall be determined as follows:

1. **Residential Uses.** Amount based on the total lot area of the subdivision and the number of lots within the subdivision, in accordance with the following formula:

Water Right Requirement (in acre feet) = 1.66 x area in lots (in acres) + .45 x number of lots.

2. **Other Users.** An amount sufficient to satisfy the projected needs of the proposed development, as determined by Alpine City.

**4.7.23.2 Rate of Flow.** In addition to the annual quantity of water, determined in accordance with paragraph A above, the water rights conveyed to the City shall entitle the owner to divert the water at a rate of flow sufficient to meet the demands imposed for peak use during the summer months of July and August.

**4.7.23.3 Type of Water Rights Acceptable For Conveyance.** Water rights proposed for conveyance to the City shall be of a type which allow for municipal use within the City, or, if not, the water rights must be of the type which can be amended to provide for municipal use in accordance with the procedures of Utah's change application statute, Utah Code Ann. ' 73-3-3. The developer shall make application to the State Engineer and shall pay all costs associated with the application. The water rights may include one or a combination of the following as recommended by the Development Review Committee (DRC) to the Planning Commission, and a recommendation by the Planning Commission to the Alpine City Council with the final determination to be made by the City Council.

1. **Alpine Irrigation Company Stock.**

**Primary Shares** - One-third (1/3) share for each acre foot of water right required.

**Secondary Shares** - One full share for each acre foot required.

2. **Other irrigation water stock or water rights** sufficient water rights to equal the number of acre feet required for the proposed development, after any reduction in quantity by the State Engineer.
3. **Well Rights.** The right to divert from a well source. These water rights shall be evidenced by an approved application to appropriate, an underground water claim or court decree.
4. **Previously Conveyed Rights.** Assignment of interest in water shares or credits to the use of water which have been previously conveyed to the City in anticipation of

development (e.g., Busch Well).

5. **Cash.** The City may determine that cash may be given in lieu of other water rights for the purpose of developing new water sources. The cash amount shall be determined by taking the number of shares required times the current market value of Alpine Irrigation Company shares multiplied by 125%.

Prior to acceptance of water rights, the City shall evaluate the rights proposed for conveyance and may refuse to accept any right which it determines to be insufficient in annual quantity or flow rate, or not reasonably likely to be approved for change to municipal purposes within the City by the State Engineer. In determining the quantity of water available under the water rights, the City will evaluate the priority of the water rights and the historic average quantities of water available to the water rights.

**4.7.23.4 Supply and Delivery Facilities May Be Required.** In addition to furnishing water rights, the subdivider/owner may be required to pay all costs required to construct the needed facilities to supply, store and distribute the water in accordance with the culinary waterworks system component of the Alpine City Capital Improvements Plan as reflected in Ordinance No. 93-09 and any subsequent amendments thereto; the adequate public facilities requirement at adopted level of services standards as established by the Alpine City Construction Standards reflected in the Subdivision Ordinance pursuant to Ordinance No.93-10 and any subsequent amendments thereto; and the studies and analysis with respect to the Alpine City culinary waterworks system which were part of the Alpine City impact fee study; and the adoption of the connection and impact fees for the culinary waterworks system. Items of construction may include, but are not necessarily limited to, wells, storage reservoirs, spring development, pressure regulating stations, booster pumping stations, distribution lines, etc.

**4.7.23.5 Status of Previously Conveyed Water Rights.** All water rights previously conveyed as part of the annexation process shall be considered as a credit toward satisfying the requirements of this section.

**4.7.23.6 Adjustments to Water Conveyance Requirements Permitted Under Certain Circumstances.** Where the subdivision contains lands where, as a result of topographic features (e.g., steep slopes) or other environmentally sensitive or fragile conditions, the availability of irrigation water for use on the lot, or other conditions, will be permanently restricted from any use or activity requiring the use of water from the City's culinary water system, the City may reduce the amount or water rights required to be conveyed in an amount commensurate with the portion of the lot so restricted against the use of water. Any request for reduction shall include enforceable provisions for securing the restricted condition in a form to be approved by Alpine City.

**4.7.23.7 City May Purchase Surplus Water Rights.** In the event that the quantity of water available under the water rights historically used on the parcel proposed for the development is greater than that required to meet the water rights conveyance requirement, the City shall have the right of first refusal to purchase the surplus shares of water rights.

**4.7.23.8 Time of Conveyance.** The conveyance of title to the water rights, free and clear of all liens, encumbrances and claims of any nature, shall occur prior to, or concurrent with, or as a condition of the final plat by the City Council, at or before the time of plat recordation.

**4.7.23.9. Hardship Relief Provisions**

1. **Hardship Relief Petition.** Any applicant for subdivision approval, either prior to or

concurrent with the submission of an application for approval of a preliminary design plan or preliminary plat, may file a hardship relief petition with the City Recorder seeking relief from all or a part of the water rights acquisition policy requirements as contained in this ordinance on the basis that the requirements, as applied to the applicant or the specific property for which development approval is being requested, has no reasonable relationship to the needs created or benefits conferred upon the proposed development, does not demonstrably benefit the proposed development, is duplicative, results in the deprivation of all reasonable use of the property, or is otherwise unlawful pursuant to the standards of applicable case law or statutes then in effect.

2. **Economic Hardship Standard.** For the purposes of this ordinance, a substantial economic hardship shall be defined as applying the requirements of the water rights acquisition policy in such a manner that it has no reasonable relationship to the needs created or benefits conferred upon the proposed development, does not demonstrably benefit the proposed development, is duplicative, results in the deprivation of all reasonable use of the property, or is otherwise unlawful pursuant to the standards of applicable case law or statutes then in effect. The Planning Commission and City Council shall not find a substantial economic hardship if such a hardship is self imposed. The mere fact that the land or parcel of property in question has not historically had water rights associated with it is not a sufficient basis to determine the existence of a substantial economic hardship. The City Council may not modify or grant the petitioner relief from any of the provisions of the Alpine City water rights acquisition policy unless it finds that granting the petition will not substantially affect the General Plan, will not be contrary to the public interest, and will not undermine the ability of Alpine City to provide water rights in a sufficient amount to meet the reasonable needs of its residents for culinary, irrigation, fire protection and other purposes.
3. **Information to be Submitted with Hardship Relief Petition.** The hardship relief petition must be submitted in a form acceptable to the City, shall be signed by the applicant and verified and must be accompanied by a minimum of the following information:
  - (1) Name of the applicant;
  - (2) Name and business address of the current owner of the property and form of ownership;
  - (3) Nature of the interest owned by the applicant in the subject property;
  - (4) A complete description of all water rights and/or water shares owned by the applicant;
  - (5) A complete description of all water rights and water shares, which have been utilized on the subject property during the ten (10) years prior to the date of the application;
  - (6) A description of all water rights and water shares conveyed to the City by the applicant, related to the subject property;
  - (7) A description of any water rights or water shares conveyed to the City by any prior owner of the subject property during the ten (10) years prior to the date of the application, related to the subject property;
  - (8) A complete description of the disposition or sale of any water rights or water shares related to the subject property during the ten (10) years prior to the date of the application;

- (9) All studies and reports prepared by the applicant, their agents or prior owners regarding water usage and/or availability of water related to the subject property during the previous ten (10) years prior to the date of the application;
- (10) A report in a form acceptable to Alpine City showing all recorded liens, encumbrances and ownership interests related to all water rights and water shares related to the subject property as of the date of the petition;
- (11) Copies of all relevant documents evidencing or relating to water rights and water shares related to the subject property;
- (12) A specific and detailed description of the basis for the applicant's assertion that the water rights acquisition policy is unlawful, inequitable or otherwise should be modified with respect to the applicant and the subject property for which the subdivision approval is requested based on the standards set forth in this ordinance;
- (13) A specific description of the modifications of the Alpine City water rights acquisition policy which petitioner is requesting with the supporting factual basis for such assertion.

The Planning Commission and/or City Council may request additional information reasonable necessary, in their opinion, to arrive at a conclusion regarding the hardship relief petition.

- 4. **Failure to Submit Information.** In the event that any of the information required to be submitted by the applicant is not reasonably available, the applicant shall file with the petition a statement of the information that cannot be obtained and shall describe the reasons why such information is unavailable.
- 5. **Review and Recommendation by the Planning Commission.** Within thirty (30) days of the filing of a completed hardship relief petition, together with all required and requested supporting information and documentation required by the City Council or the Planning Commission, the Planning Commission shall review the petition and shall submit its written report and recommendation to the City Council, with a copy to be mailed to the petitioner, within thirty (30) days following the conclusion of the meeting of the Planning Commission at which the review has been completed and the report and recommendation prepared, stating its reasons in writing for the report and recommendation to the City Council for approval or disapproval of the petition.
- 6. **Hearing by the City Council.** Within thirty (30) days following receipt of the Planning Commission's report and recommendation, the City council shall schedule a public hearing with appropriate notice. At the public hearing, the applicant shall be entitled to present evidence and call witnesses.
- 7. **Burden of Proof.** The applicant shall have the burden of proving that the strict application of the Alpine City water rights acquisition policy is inequitable, unreasonable, unlawful, or should be modified, in whole or in part, as applied to the specific applicant or property for which building permit is sought based on the standards set forth in this ordinance.
- 8. **Findings of the City Council.** The City Council may modify the Alpine City water rights acquisition policy to the extent reasonable necessary to prevent the policy from being applied unlawfully, unreasonable or inequitable based on the standards and provisions set forth in this ordinance. The City Council shall, on the basis of the evidence and testimony presented, make specific findings as part of its decision. The

decision of the City Council shall be mailed to the applicant within thirty (30) days following the conclusion of the public hearing.

9. **Decision Final.** The decision of the City Council shall be final.

### **Mapleton**

All minor streets shall have a minimum pavement width of thirty four feet (34') and collector streets shall have a minimum pavement width of forty four feet (44'). All streets shall be bordered by curbs and gutters or other suitable edging.

Sidewalks of not less than four feet (4') in width shall be constructed adjacent to all streets. Provided, that on minor streets which provide access to lots on one side only the city may waive the requirement for the construction of a sidewalk on the nonaccess side.

### **American Fork**

17.8.404 Curb, gutter and sidewalk.

All streets shall be bordered by an approved curb, gutter, and sidewalk.

### **Bountiful**

Variations of street design standards developed to solve special hillside visual and functional problems may be presented to the Planning Commission for consideration. Examples of such variations may be the use of split roadways to avoid deep cuts, modifications of surface drainage treatments, or sidewalk design.

### **Taylorsville**

13.21.020: CURBS, GUTTERS, SIDEWALKS, AND DRIVE APPROACHES:  

Curbs, gutters, and sidewalks shall be installed on all existing and proposed streets and along the frontage of any lot within a subdivision in conformance with the city standards, unless exempt by the city engineer. Inspections by the city are required for the installation of all curbs, gutters, sidewalks, and drive approaches. If the developer/builder fails to notify the city for inspection prior to installation, the city engineer may require remedial action, including, but not limited to, the removal and replacement of the improvements in question. (Ord. 12-15, 7-11-2012)

General: The developer of the project shall only be responsible for the cost of system improvements that are roughly proportionate and reasonably related to the service demands and needs of such development activity.

Improvements that are designed to provide services for development resulting from development activity shall include, but are not limited to: curb, gutter, sidewalk, streetlight, drive approaches, waterways, road base, asphalt, striping, streetscape, storm drainage, fire hydrants, copper laterals, piping of irrigation ditches and flood control systems, fencing of canals, extension of water lines, appurtenances and sewer lines, removal of utility lines out of the right of way with the exception of traditionally buried lines such as sewer, water, and natural gas transmission lines, etc.

### **Holladay**

Fee In Lieu Of Required Improvements:

1. Where present conditions exist which make it unfeasible or impractical to install any required public improvements, the city may require the subdivider to pay to the city a fee equal to the estimated cost of such improvements as determined by the director of community development. Upon payment of the fee by the developer, the city shall assume the responsibility for future installation of such improvements.
2. The treasurer shall establish a special account for such fees and shall credit to such account a proportioned share of interest earned from investment of city monies. Records relating to identification of properties for which fees have been collected, fee amounts collected for such properties and money transfer requests shall be the responsibility of the community development department.

### **West Valley City**

Curbs, gutters, sidewalks and asphalt paving shall be provided in front of all commercial and residential lots. Curb, gutter and paving shall be required on all industrial property. In industrial or manufacturing subdivisions, sidewalks shall be installed along the north and east sides of the street. Depending on the road classification, sidewalks shall be provided on both sides of the street. At the discretion of the Planning Commission and the Public Works Department, curb, gutter and sidewalk improvements may be omitted in major residential subdivisions where each lot has a frontage of at least 150 feet and an

## **Curb, Gutter & Sidewalk Requirements & Waivers**

Elko City Code Section 2-4-3 requires installation of sidewalks, curbs and gutters on all lots or parcels of land which are developed or in cases where building expansion or new construction activity takes place.

These requirements are to ensure that drainage issues and pedestrian safety are addressed and that public streets are available to move vehicles, goods and services.

Curb, gutter and sidewalk requirements may vary depending on the specific use and zoning of a property. The City Planning and Engineering Departments should be contacted to determine the requirements of a particular development.

On occasion, there may be exceptional circumstances in which a waiver or deviance from the curb, gutter and sidewalk requirements may be warranted. An applicant should contact the City Planning and Engineering Departments to discuss the circumstances and, if warranted, file a Curb, Gutter and Sidewalk Waiver application.

### **Waiver Criteria**

A successful applicant should be prepared to have the waiver request evaluated under the following criteria:

- Impractical to install curb, gutter or sidewalk because of drainage, topography or similar circumstances.
- Special circumstances, features or conditions of the property, normally of a technical nature.
- Relationship to surrounding patterns of land use and street and circulation improvements.
- Impact on public safety or general welfare.

### **Waiver Applications**

Applications are available at the City Planning Department, Elko City Hall.

- Potential applicants should discuss their request with a Planning Staff member to determine applicability.
- Curb, Gutter and Sidewalk waiver applications must be accompanied with ten copies of a plot plan, drawn to scale showing property lines, existing and proposed buildings, building setbacks, parking and loading areas, driveways and other pertinent information.

**ALPINE CITY PLANNING COMMISSION MEETING at  
Alpine City Hall, 20 North Main, Alpine, Utah  
May 20, 2014**

**I. GENERAL BUSINESS**

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

Chairman: Jannicke Brewer

Commission Members: Steve Cospers, Jason Thelin, Jannicke Brewer, Chuck Castleton, Steve Swanson, Judi Pickell

Commission Members Not Present: Bryce Higbee

Staff: Jason Bond, Marla Fox, Jed Muhlestein

Others: Roger Bennett, James Lawrence, Lacie Lawrence, Will Jones, Ed Gifford, Bobby Patterson, Louise Innocenti, Troop 1139

**B. Prayer/Opening Comments:** Steve Cospers

**II. PUBLIC COMMENT**

No comment

**III. ACTION ITEMS**

**A. Lawrence Site Plan**

The proposed Lawrence Auto Body Shop is located at 80 South Main Street. The site plan consists of an auto body shop on a 0.51 acre lot. The property is in the BC zone. There is currently a home and shed onsite that will be demolished for construction of the proposed automotive shop. The proposed shop will utilize the utility connections of the existing home.

The site plan was presented to the Planning Commission May 6<sup>th</sup> and recommended to the City Council to be denied. It is being resubmitted based on the recommendations as received from the previous meeting. Jason Bond said the proposed plan is back before us tonight with four bays and twelve parking stalls. He said this is a conditional use and we need to discuss if we want a condition to have only one business on this property. He said it will help with parking and another business in this space could cause other problems with space and traffic.

James Lawrence said a previous greenhouse business covered up the windows on the bordering business. He said his garage will provide more light than the previous business did. Jannicke Brewer said our ordinance will allow the Planning Commission to grant approval for a smaller setback where they feel it is justified. The Planning Commission said they do not have a problem giving this property a smaller side setback because it lessens dead space and problems with weeds.

Judi Pickell asked about the building materials. James Lawrence showed colored renderings of what the building would look like. The Planning Commission discussed these building materials and the lighting for the building. James Lawrence said every door will have a light. Judi Pickell asked if there was anything in our ordinance about how long lights can be on and hours of operation.

Judi Pickell asked if the fence will step down for the view. James Lawrence said he will follow the fence ordinance and is working with Jason Bond on it. Judi Pickell asked if we want a vinyl fence for this property; she asked if it will crack or break if a car bumps into it. She asked if vinyl fits in with the character of the Historic Gateway zone. Steve Cospers said that hasn't been something we've tried to regulate even though we may not like the look. James Lawrence said the current fence is chain link and he thought vinyl was an improvement. Jannicke Brewer said the vinyl fencing would cut off the view into the shop from the road. The Planning Commission discussed different fencing options.

Jason Bond said he spoke with the Fire Marshall and he didn't see any problem with this business at this time. Jannicke Brewer asked James Lawrence if he is okay with only having his business in the building. James

1 Lawrence said he is not okay with it and said he spoke with the State Ombudsman, Brent Bateman. He said what  
2 the City is doing is illegal because it is not in the ordinance to restrict him to only one business in the building. He  
3 said he will leave it as it is for now and bring the issue of another business in the building to a later meeting. Jason  
4 Bond said this is not an ordinance but a condition that staff and Planning Commission could make a decision on.  
5 Chuck Castleton said he has a problem with adding a condition that seems impossible to enforce. Judi Pickell said  
6 we let other businesses in this zone have more than one business in the building. Jannicke Brewer said our ordinance  
7 doesn't address this type of mixed use and other buildings with multiple businesses have been offices or medical.  
8

9 Steve Cospers said the Planning Commission has put Conditional Uses on Day Care businesses like stating they have  
10 to have Fire Marshall approval and that's not in the ordinance. Jed Muhlestein said if James Lawrence is allowed so  
11 much parking, then why not allow him to bring in another business, but that business would have to use the Auto  
12 Repair parking. Steve Cospers agreed and said it would self police itself. Jason Bond said it looks like Mr.  
13 Lawrence has room for six or seven more parking spaces that could be used for an office. Steve Cospers said he  
14 doesn't agree with that and thinks it needs to be restricted as the ordinance is written. He said we should limit the  
15 parking to twelve parking stalls and then if Mr. Lawrence wants to put in another business, then he would have to  
16 share the parking and that would be his choice. If more cars are parked there, it would be a violation of the  
17 Conditional Use.  
18

19 Steve Swanson said we put the number of parking stalls for how many bays Mr. Lawrence has. If you allow extra  
20 parking spaces for an additional business, those parking spaces could be used for the Auto Repair business and  
21 therefore violate the original intent. James Lawrence said what the Planning Commission is trying to do is illegal  
22 because it is not in the ordinance. Chuck Castleton reminded Mr. Lawrence that this does not have anything to do  
23 with the ordinance; it is a condition that is placed on the business.  
24

25 Jason Thelin said the Planning Commission has the choice to give a smaller setback and they would be doing that to  
26 help Mr. Lawrence's building fit on the site. He said the Planning Commission could not approve the side setback if  
27 this gets confrontational and state that Mr. Lawrence would then have to find a property that fits his building with  
28 the required setbacks. Jason Thelin said the Planning Commission is trying to work with Mr. Lawrence but he  
29 wants favors but does not want any restrictions put on him at the same time getting exceptions from the City. Jason  
30 Thelin said if this is not going to be enforceable, then he would like to see us stick to the setback requirements in the  
31 ordinance until the ordinance is fixed.  
32

33 Steve Swanson asked Mr. Lawrence if at some future point we are going to hear from him that he put in an  
34 additional business and he now wants parking for that business and that the City owes it to him. Mr. Lawrence said  
35 he doesn't know what the future brings. He said he has been working on this business for a year and a half now and  
36 gone over ten site plans. Jannicke Brewer said anyone has the right to come in and say they have the space, can I  
37 put another business in and make an application.  
38

39 James Lawrence said nowhere in the ordinances does it say that you can't have two businesses on one lot. Jason  
40 Bond said our ordinances don't say anything about limiting businesses, but if it's a Conditional Use it's a different  
41 thing. According to our Legal Council, we can have Conditional Uses. Judi Pickell said Mr. Lawrence can have  
42 twelve parking spaces and that is all because he chose to put in an Auto Repair and that's the maximum parking for  
43 that type of business. She said Mr. Lawrence can have another business upstairs, but he still has a maximum  
44 number of parking stalls.  
45

46 Steve Swanson said he would like to hear David Church's opinion on this because he doesn't want this issue to  
47 come back in the future. Steve Cospers said the Conditional Use on parking for the Auto Body Repair Shop overrides  
48 any other parking and there will be no other exceptions given if additional businesses come in there. Mr. Lawrence  
49 again said that is illegal.  
50

51 Jannicke Brewer talked about landscaping and said the Engineers like to look at this because some trees are invasive  
52 to water and sewer lines. She talked with Mr. Lawrence about putting in weed barrier and rock around the building  
53 to cut down on weeds. Mr. Lawrence said that was what he had planned with a little bit of grass up front to look  
54 nice.  
55

1 Steve Cospier asked if we are approving a conditional use or approving the site plan. Jason Bond said we are  
 2 approving a proposed site plan with conditions. Jannicke Brewer said we still have to send the setback  
 3 recommendation to the City Council.

4  
 5  
 6 **MOTION:** Steve Cospier moved to recommend approval of the proposed Lawrence Auto Body Shop Site Plan be  
 7 granted subject to the following conditions:

- 8
- 9 1. The northern side yard setback be allowed at five feet based on the fact that it is not abutting a
- 10 residential property on the north but it is abutting a Commercial property and it is consistent with
- 11 the Historic Gateway zone and other properties setbacks.
- 12 2. The Applicant shows replacement of the existing approach to meet Commercial standards.
- 13 3. The Fire Marshall reviews the plans to determine if additional fire hydrants will be required or any
- 14 other special requirements will be imposed.
- 15 4. The Auto Repair Ordinance, limiting parking to twelve stalls, be enforced if in the future an additional
- 16 business be placed. The Auto Repair Ordinance will take precedent over all other parking ordinance if
- 17 an additional business is to be located within or above the business.
- 18 5. That the architectural design as presented be approved.
- 19

20 Chuck Castleton seconded the motion. The motion was not unanimous but passed with 5 Ayes and 1 Nays. Steve  
 21 Cospier, Jannicke Brewer, Chuck Castleton, Steve Swenson and Judi Pickell all voted Aye. Jason Thelin voted Nay.

22  
 23 Jason Thelin said he approves of the auto repair shop but said we need to fix our ordinance before we give out  
 24 exceptions.

25  
 26 **B. Towle Subdivision Preliminary / Final Plat**

27 The proposed Towle Subdivision consists of 3 lots on 4.64 acres. The lots range in size from 41,188 to 83,660  
 28 square feet with an existing home to be left on lot 1. The development is located at 1360 N Elk Ridge Drive across  
 29 from Eastview Lane. The proposed development is in the CR-40,000 zone. Jason Bond said there was a variance  
 30 granted for slope requirements for these two lots by the Board of Adjustment.

31  
 32 Chuck Castleton asked if the easement issues across lots two and three have been resolved. Ed Gifford said this  
 33 property is in two parcels. In order to subdivide the property to create another building lot, we came up with two  
 34 concepts; a two lot or a three lot with a cul-de-sac. He said one of the challenges with this property is that there is  
 35 an existing historic drainage that goes through the property. He said this is the Schoolhouse Springs drainage. The  
 36 property has quite a bit of topography change on the very eastern end next to the Bergman's and this is really  
 37 heavily vegetated property not to be built upon. He said one of the things being done with this subdivision is they  
 38 are off setting the road fifteen feet which has been approved. That gives a thirty foot setback they need from the  
 39 street. He said the ground to the north is landlocked for utility development particularly for sewer, drainage is  
 40 already being established with a forty foot wide easement. All the utilities will be in place when the time comes to  
 41 develop in the future.

42  
 43 Ed Gifford showed on the map how this subdivision is laid out. He showed where the sewer, PI, water, and storm  
 44 drain easement is. Ed Gifford mentioned the sidewalks and where they would like to put them and where they want  
 45 to leave them out. He showed on the map the boundary lines and the title gap between this property and the Grant  
 46 property. Jed Muhelstein said everything is being cleaned up on the plat.

47  
 48 Will Jones said the City will not require money for the sidewalk but would ask for the money to be given to use for  
 49 other sidewalks in the City. Judi Pickell said that is not legal and we can't do that. She said it's a US Supreme Court  
 50 Case Nolan VS California Commission, Tigert and Dolan stating that we can't take that money and use it elsewhere  
 51 in the City. Jason Thelin said the developer doesn't want to put sidewalk in because it costs money and in this case  
 52 there is a space issue as well. He said if there are going to be homes built to the north in the future then a sidewalk  
 53 is needed on both sides of the road. He said if we don't require sidewalk now, it will grow to a point that the City  
 54 will have to pay out of its own pocket to put sidewalk in on that side of the road in the future because population  
 55 dictates.

1 Judi Pickell said she 100% agrees because we asked the developer to the north to put in a sidewalk and she doesn't  
 2 see any legal right that Mr. Towle wouldn't have to put in a sidewalk as we required other developers to do.  
 3 Jannicke Brewer said Heritage Hills was required to put in a sidewalk on their side of the road. Mr. Towle's home  
 4 has been there for thirty years and there was no road but a lane up to the home. With the street improvement, Mr.  
 5 Towle was not required to put a sidewalk in on his side. Jason Thelin said now that a subdivision is coming in it  
 6 becomes a subdivision instead of just a house. Judi Pickell said for the future needs of this area; she thinks a  
 7 sidewalk should be required. She asked why we wouldn't require a sidewalk to north of the property.

8  
 9 Mr. Gifford said Kevin Towle doesn't want to put in sidewalk because he will lose his buffering vegetation. Ed  
 10 Gifford said the vegetation adds an aesthetic look and a shield to Mr. Towle's property. He said Mr. Towle's garage  
 11 also backs up into this area and will make ingress and egress difficult. He said Alpine has many roads in that don't  
 12 have sidewalks. Jannicke Brewer said the Planning Commission can say no sidewalk required because we did that  
 13 for Lon Nield's subdivision. Mr. Nield had a lot of vegetation and slope on one side of the road and it was  
 14 recommended by staff that that was not a good place to put sidewalk. She also said this is what will happen when  
 15 the Fort Canyon road is improved because of topography, vegetation and retaining walls it will be difficult to get a  
 16 sidewalk on that road. She said it is a good thing for the City to have the choice for each situation.

17  
 18 Judi Pickell said Mr. Towle put the vegetation in and he's going to develop the property by his choice and sell those  
 19 lots. He doesn't have to put a sidewalk in south of the property but the Engineer wants sidewalk going north and it's  
 20 a good planning principle to connect neighborhoods. Mr. Gifford said he agrees in principle but the practicality is  
 21 not good rational. Judi Pickell said Mr. Towle is asking for an exception and the Planning Commission is giving an  
 22 exception to not put sidewalk to the south because it doesn't make sense. She said they would like to require it to  
 23 the north because it does makes sense there. Ed Gifford said as far as he was concerned, whatever the Planning  
 24 Commission wants to decide is fine but if we don't agree with it we'll appeal it to the City Council.

25  
 26  
 27 **MOTION:** Judi Pickell moved to approve the Preliminary Plan for the Towle Subdivision subject to the following  
 28 conditions:

- 29
- 30 1. The sidewalk be completed to the edge of the property along the public right-of-ways.
- 31 2. An agreement be worked out with the City in regards to construction and payment of a sewer extension
- 32 for northern development.
- 33 3. Water policy be met.
- 34 4. The Developer submits a completed Alpine City Utility Easement Verification form.
- 35 5. The Fire Chief approve the location of the fire hydrants.
- 36

37 Steve Cosper seconded the motion. The motion was not unanimous but passed with 5 Ayes and 1 Nay. Steve  
 38 Cosper, Jason Thelin, Chuck Castleton, Steve Swenson and Judi Pickell all voted Aye. Jannicke Brewer voted Nay.

39  
 40 Jannicke Brewer said she voted Nay because she doesn't agree about the sidewalk.

41  
 42 **MOTION:** Steve Cosper recommended Final Approval of the Towle Subdivision subject to the following  
 43 conditions.

- 44
- 45 1. The sidewalk be completed to the edge of the property along the public right-of-ways.
- 46 2. An agreement be worked out with the City in regards to construction and payment of a sewer extension
- 47 for northern development.
- 48 3. Water policy be met.
- 49 4. The Developer submits a completed Alpine City Utility Easement Verification form.
- 50 5. The Fire Chief approve the location of the fire hydrants.
- 51

52 Steve Swanson seconded the motion. The motion was not unanimous but passed with 5 Ayes and 1 Nay. Steve  
 53 Cosper, Jason Thelin, Chuck Castleton, Steve Swenson and Judi Pickell all voted Aye. Jannicke Brewer voted Nay.

### 54 55 **C. East View Plat F Preliminary Plan**

1 This development was brought before the Planning Commission Tuesday March 18, 2014 and received concept  
2 approval. The proposed East View Plat F Subdivision consists of 9 lots on 4.15 acres. The lots range in size from  
3 10,000 to 58,806 square feet with an existing home to be left on lot 9. The development is located south of Eastview  
4 Drive and West of Quincy Court and is in the TR-10,000 zone.

5  
6 Jed Muhlestein showed on the map where the right-of-way dedication will be. Jannicke Brewer said there is a barn  
7 on lot 9 and she wanted to know how that problem would be solved. Bobby Patterson said they will work out  
8 boundary issues with the property owner and have that ready for final approval.

9  
10 Steve Cospers asked if the length of the cul-de-sac has been resolved. Jason Bond said there will be a stub street  
11 adjacent to the cul-de-sac showing where a future road will be coming. Jed Muhlestein said the ordinance states the  
12 length of the cul-de-sac starts at the nearest intersection and where the road stub ends will be the future intersection.  
13 Bobby Patterson showed on a map 19 stub streets currently in the city that are exactly the same situation as his stub  
14 street. Steve Cospers said he didn't understand why we allowed this to happen in the city. Jed Muhlestein said in  
15 this case, if we don't allow the stub street, this subdivision can't go in because the property will be land locked. He  
16 said the future road may not go in for fifty years, but if we deny this, the only way it would be able to go in is if all  
17 the land owners built at the same time.

18  
19 Bobby Patterson said a condition of the City Council will be to show a plan for the road that will loop around to  
20 Patterson Lane. He said they are in a good position because the family already owns the property and they will also  
21 be required to deed the frontage on Patterson Lane. Judi Pickell asked Bobby Patterson if it was possible to connect  
22 the road straight across from Patterson lane. Bobby Patterson said the setbacks wouldn't work for current homes on  
23 Patterson Lane and the City was concerned that it would dump too much traffic on that road. He said they are not  
24 planning on taking out any existing homes.

25  
26 Judi Pickell asked to have the road renamed because it is not connecting at this time to Patterson Lane.

27  
28 **MOTION:** Chuck Castleton moved to grant approval of the preliminary plan of the proposed East View Plat F  
29 Subdivision subject to the following conditions:

- 30  
31
- 32 1. The Developer acquire Questar Gas approvals for the Utility Notification Form.
  - 33 2. The Developer address the redlines on the plan and provide an updated cost estimate.
  - 34 3. The Developer show and provide right-of-way dedication on the plat in the southwest corner of Lot 9.
  - 35 4. The Developer finalize the boundary issues prior to submitting for Final review.
  - 36 5. Water policy to be met with Alpine Irrigation Company shares.
  - 37 6. Rename Patterson Lane to avoid duplication of names on the street plat.
  - 38 7. The Fire Chief approve the location of the fire hydrants.

39 Steve Swanson seconded the motion. The motion was unanimous and passed with 6 Ayes and 0 Nays. Steve  
40 Cospers, Jason Thelin, Jannicke Brewer, Chuck Castleton and Steve Swanson and Judi Pickell all voted Aye.

#### 41 42 **D. General Plan (Diversity of Housing)**

43 In the Fall of 2013, a proposal for a new townhouse overlay ordinance was discussed at the Planning Commission.  
44 The Planning Commission decided to table the discussion until the topic was discussed for the update of the General  
45 Plan. Alpine City currently implements Senior Housing (overlay zone near round-about) and accessory apartments  
46 (citywide in owner-occupied residences) into the city. Another similar form of housing that could be considered is  
47 detached accessory dwelling units (ADU).

48  
49 The Planning Commission discussed where an overlay zone for townhomes could go in the zone. Jason Bond said  
50 there is a two acre minimum for townhomes. Jannicke Brewer said this is a change of thinking and the needs for  
51 families and individuals change. Jason Bond said many people want to stay in Alpine and age in place without the  
52 big homes and yards. This would create an alternate housing option for those people.

53  
54 Judi Pickell said we don't want the density on our Main Street. We don't want residential in the Business  
55 Commercial zone. She said we are not in a position to process townhomes properly because our ordinances are  
56 muddled. She said we need to get the ordinances in order so we are prepared when something like this wants to

1 come in. Steve Swanson asked if we need townhomes if we already allow accessory apartments. Judi Pickell said  
2 the only way to rent out an accessory apartment is to be owner occupied.  
3

4 Jason Bond said a basement apartment is not a very appealing option for a homeowner who wants to still own their  
5 own home. Townhomes will allow homeowners to downsize but still own their own home. Jason Bond said we  
6 don't allow detached apartments or Mother-in-Law apartments. He said we do not allow sewer hookups to detached  
7 garages to keep people from renting out that space.  
8

9 The Planning Commission discussed the possibility of allowing detached apartments. They talked about the size of  
10 the building pad, property, and how many are built per year. Steve Swanson said he likes the idea of townhomes but  
11 would like to see other places for them instead of on Main Street. Jannicke Brewer said she likes the idea of ADU's  
12 for another housing option for the future.  
13

14 Jason Thelin said the General Plan is not ordinance but a guiding tool for us to use. He said the vast majority of  
15 people don't want more density. Will Jones said we can't run away from the issues. The ordinances are muddled  
16 and they need to be fixed, he said we created an ordinance but did not change the General Plan. Judi Pickell asked  
17 about patio homes with a smaller footprint on smaller lots managed by an HOA. The Planning Commission  
18 discussed this concept and options on where these homes could go in the city. Jannicke Brewer said one option  
19 would be to allow this type of housing and not allow attached housing. Jason Bond said we don't have to decide  
20 that right now.  
21

22 Jason Thelin said he is against this and said he has a problem with how the General Plan is being handled. He  
23 doesn't think that eight people on a committee with a few developers in there at the same time represent what the  
24 vast majority of people in Alpine feel. He said you're really going to see some angry people in here if you allow  
25 patio homes to go in next to them. Jason Bond said the City has tried surveys and hasn't got that good of response.  
26 He said he had many calls asking for smaller lots and smaller townhomes so people can downsize and still live in  
27 Alpine.  
28

29 Steve Cospers asked where we were with a survey. Jason Bond said he met with Qualtrix and that just wasn't  
30 feasible. The amount they were asking for to do the survey wasn't going to work for us. He said he will contact  
31 UVU to see if they could help us with a survey. He said we could look at an online or paper survey. The Planning  
32 Commission discussed different options for a survey including advertising in the Newline. They said they thought  
33 more people would fill out on online questioner rather than sending one in through the mail.  
34

#### 35 **E. Design Standards Amendment (Sidewalks and Road Classification)**

36 The proposed amendments regarding sidewalks reflect the DRC's recommendation. The DRC recommends that the  
37 ordinance not be amended to reflect a new classification for an emergency access road.  
38

39 Judi Pickell said it is unconstitutional to tell someone that we don't need the sidewalk but you still have to pay for  
40 one. She said you can collect the equivalent money but it has to stay in escrow and used directly for the growth of  
41 the project, such as maintaining roads and bridges. She said there needs to be specific instructions for the developer  
42 so he knows exactly where the money is going. It also has to be used in a certain amount of time. Jason Bond said  
43 Shane Sorensen said that is why the city plans road projects at certain times, because money for those projects has to  
44 be used. The Planning Commission discussed impact fees and how those are used when developing property.  
45

46 Judi Pickell said other cities have an applicant fill out a waiver for a sidewalk. Their form states that on occasion  
47 there may be exceptional circumstances in which a waiver for sidewalk, curb or gutter may be warranted. They ask  
48 the applicant to come in and meet with the City Planner and go over the criteria and fill out the application. She said  
49 we need waiver criteria in our ordinance so we are clear when an applicant comes in. There should be an  
50 application that the applicant has to fill out.  
51

52 Steve Swanson said the wording of our ordinance states that a sidewalk may be required and that sounds  
53 contradictory. Jannicke Brewer said that just means the City has a choice. Steve Swanson said he likes the wording  
54 shall be required as long as the applicant has an opportunity to opt out with approval and some kind of conditions  
55 that is stated ahead of time. He wanted to know how many streets have been put in without this. Jannicke Brewer  
56 said it varies according to the staff recommendation and the recommendation of the Planning Commission. Jason

1 Thelin said quite a few people ask for it. Judi Pickell said the owners should be on the developer. The application  
2 should ask why the applicant should be exempt. Have them explain and then we can decide after they have gone  
3 through the process so that we're fair. Chuck Castleton said he likes the word shall along with some form of  
4 exemption. Jason Thelin said he likes the word shall and said that what Judi said is spot on. Steve Cospers said one  
5 line says the word may and another line says the word shall. He thought the word shall overrides the word may. The  
6 Planning Commission discussed the different meanings of the words and how they are applied. Jannicke Brewer said  
7 she likes the ordinance exactly as it is with the word may because the City staff can recommend with input from the  
8 Planning Commission and she feels like it is working how it is. She said she does not like it when a developer is  
9 told he has to pay for a sidewalk when he is not required to put one in.

10  
11 Jason Bond said staff doesn't feel like we need to add a new classification for an emergency access road. The  
12 Planning Commission said they would like to table this until they can get legal input.

#### 13 14 15 **IV. COMMUNICATIONS**

16 None

#### 17 18 **V. APPROVAL OF PLANNING COMMISSION MINUTES OF: May 6, 2014**

19  
20 **Motion:** Jason Thelin moved to approve the Planning Commission minutes for May 6, 2014 subject to changes.

21  
22 Steve Cospers seconded the motion. The motion passed unanimously with 6 Ayes and 0 Nays. Steve Cospers, Jason  
23 Thelin, Jannicke Brewer, Chuck Castleton, Steve Swanson and Judi Pickell all voted Aye.

24  
25 Jannicke Brewer stated that the Planning Commission had covered all of the items on the agenda and adjourned the  
26 meeting at 10:20pm.