



ALPINE CITY COUNCIL AGENDA

NOTICE is hereby given that the **CITY COUNCIL** of Alpine City, Utah, will hold a Public Meeting on **Tuesday, January 23, 2024, at 6:00 pm**, at 20 North Main Street which can be viewed on the **Alpine City YouTube Channel**. A direct link to the channel can be found on the home page of the Alpine City website: alpinecity.org. Public comments will be accepted during the Public Comment portion of the meeting.

- I. CALL MEETING TO ORDER**
 - A. Roll Call** Mayor Carla Merrill
 - B. Prayer:** By Invitation
 - C. Pledge:** By Invitation

- II. CONSENT CALENDAR**
 - A. Approve City Council minutes of January 9, 2024**
 - B. Partial Payments**

- III. PUBLIC COMMENT**

- IV. REPORTS AND PRESENTATIONS**

- V. ACTION/ DISCUSSION ITEMS**
 - A. Ordinance 2024-02: Code Amendment to Chapter 4 of the Alpine Development Code regulating the Subdivision Review Process**
 - B. Ordinance 2024-04: Code Amendment to Section 2.03.030 adding a timeframe to variance requests for applications that have been denied before applying again**
 - C. Resolution R2024-05: Update to the Consolidated Fee Schedule for Pressurized Irrigation Rates, Sewer Rates for Timpanogos Special Services District (40% increase), and Cemetery Fees**

- VI. STAFF REPORTS**

- VII. COUNCIL COMMUNICATION**

- IX. EXECUTIVE SESSION:** Discuss litigation, property acquisition, or the professional character, conduct or competency of personnel

Mayor Carla Merrill
January 19, 2024

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS. If you need a special accommodation to participate, please call the City Recorder's Office at (801) 756-6347 x 3.
CERTIFICATE OF POSTING. The undersigned duly appointed recorder does hereby certify that the above agenda notice was on the bulletin board located inside City Hall at 20 North Main Alpine, UT. This agenda is also available on our website at alpinecity.org and on the Utah Public Meeting Notices website at www.utah.gov/pmn/index.html



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/City Council, 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 vs. 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.

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ALPINE CITY COUNCIL MEETING

Tuesday, January 9, 2024

Mayor Carla Merrill called the meeting to order at 6:01pm.

I. CALL MEETING TO ORDER

A. **Roll Call:** The following were present at the anchor location, which constituted a quorum: Brent Rummmler, Jessica Smuin, Kelli Law, and Chrissy Hannemann.

B. **Prayer:** Jessica Smuin

C. **Pledge:** Kelli Law

Staff: Shane Sorensen, Ryan Robison, Steve Doxey, Chief Brian Gwilliam, Chief Brian Patten, Bonnie Cooper, and DeAnn Parry.

Others: Kent Parry, Craig Carlisle, Alisha Ferrell, Lon Lott, Ardice K. Lorscheider, Lee Barney, Ilene Barney, Kristin Hagen, Wayne Sleight, Valerie Goodrich, Wes Funk, Jessica Floyd, Amy Thackeray, Juliette Ensign, Paul Anderson, Josh Walker, Kim Thorley, Leonard Hannemann, Parker Hannemann, Hunter Hannemann, Kim Parker, July Jolley, Mikaela Hannemann, Natalie Dalley, Samantha McCallon, Jeffrey McCallon, Heidi Smith, Marianne Longenecker, Delin Wareham, Chris Wareham, JP Fugal, Kayla Carter, Adalyn Carter, Diane Teichert, Alyson Rummmler, and Beth Montour

II. Swearing in of New City Council Members

The following were sworn in as new City Council members: Brent Rummmler and Chrissy Hannemann. Jessica Smuin has been re-elected to the City Council.

III. CONSENT CALENDAR

A. **Approve City Council minutes of November 28, 2023, December 5, 2023, and December 6, 2023**

B. **Final Bond Release – Cherrypoint Estates: \$1,867,659.50**

C. **Bond Release No. 2 – Jecco Farms: \$81,025.00**

D. **Final Bond Release - Jecco Farms: \$8,736.00**

E. **Final Bond Release No. 1 – Cherrypoint Subdivision: \$23,080.00**

Motion: Kelli Law moved to approve the Consent Calendar as proposed. Chrissy Hannemann seconded the motion. There were 4 yes votes, 0 no votes, and 1 excused as recorded below. The motion passed.

<u>Yes</u>	<u>No</u>	<u>Excused</u>
Brent Rummmler		Jason Thelin
Jessica Smuin		
Kelli Law		
Chrissy Hannemann		

IV. PUBLIC COMMENT

Amy Thackeray

215 W Estate Drive

Amy Thackeray said she appreciates the efforts of the City Council to work towards meeting the needs of the broader community. Her children have attended Mountainville Academy and she has taught and volunteered there. Since the school began, there has always been a controversy on one level or another. Once again, we find a potential crossroad between the city and the needs of the school. The Mountainville charter speaks to honoring the heritage of Alpine. We're here as residents because people came before us, so we are all a part of history in some form. This is an opportunity to heal from past problems. Amy would encourage the City Council to work with Mountainville Academy to preserve the historic Carlisle home and to find a solution that helps the Academy and the city.

Kimberly Parker

203 W Braddock Lane

1 Kim Parker grew up in Alpine and understands that the preservation of our history is paramount. The impending
 2 demolition of the Carlisle house weighs heavily on this community. The home has been a jewel on Main Street for 169
 3 years and appears in many of Dennis Smith's historic paintings of Alpine. The Carlisle family was kind to the Indians
 4 and allowed them to camp on their land. Though survival of the home ultimately depends on the Mountainville School
 5 Board, Alpine City has a unique opportunity to be part of a win-win solution. The city would help Mountainville
 6 Academy avoid the PR problem they have unknowingly inherited and save a historic home that is older than the State
 7 of Utah. Restoration of this home is possible, as verified by an engineer and two city inspectors. Rough budget numbers
 8 can be offered to the city. Kim stated that there is much in this home worth preserving and gave specific examples.
 9 This decision is like the demolition of the red schoolhouse, where all that remains is a monument of its stones – a
 10 decision that has been regretted for generations. Thomas Carlisle served the city as a Constable, a school board
 11 Trustee, a City Council member, and served two terms as Mayor. We can stand together to save our city's history and
 12 share it with future generations.

13
 14 **Julie Ensign**

15 **144 S Country Manor Lane**

16 Julie Ensign said that the Carlisle home is a gateway house to our community. We have an opportunity to make a
 17 statement to the children of Alpine. The Carlises were inclusive intentionally. They built their home outside the fort
 18 walls by choice, to encourage relations with the Native Americans. They left the light on at their home to encourage
 19 travelers to come in safely from the storms. We can teach our children about this heritage of diversity and kindness.
 20 Simply preserving some of the bricks or materials won't accomplish this goal. We don't need to mimic history, we
 21 need to preserve history.

22
 23 **Wes Funk**

24 **702 N Summit Way**

25 Wes Funk thanked those who have worked on the traffic issue, which has required time and patience. Wes said that
 26 we are not here to prevent change, but to be guided by the best of our past. City government has the stewardship of
 27 taxpayer funds for maintenance and infrastructure, but also of leadership and the preservation of our shared history.
 28 The city can facilitate the cooperation of the private parties, whether it is individual citizens who volunteer, or entities
 29 like the charter school board. Miracles have watched over this home for 169 years. His specific request was that the
 30 City Council allow Mountainville Academy to purchase the city's lot on 100 South, and allow dual ingress and egress,
 31 which would not cost the taxpayers anything; also that the city work with preservation donors to purchase the Carlisle
 32 property and collect funds for the revitalization of the house as a library. The difference in the cost of the lots is
 33 significant, but would go towards traffic alleviation, a priority of the Mayor. Wes would like to see the restoration of
 34 this jewel on Alpine's front step, and that we always keep the light on.

35
 36 **Jennifer Wadsworth**

37 **188 Parkway West**

38 Jennifer Wadsworth shared a prepared statement from her Friends of the Alpine City Library (501c3) Board that
 39 expressed their eagerness to collaborate with the city. They propose a volunteer-run library for Alpine, with lifelong
 40 learning and a strong sense of community. This would include a traditional library, and community-based programs
 41 such as book clubs, writing workshops, and educational seminars. They could partner with Thanksgiving Point and
 42 the Utah STEM Center to offer after school and summer programs for the youth. This would align seamlessly with
 43 Alpine's General Plan regarding community engagement and land use. The Council may have concerns about funding
 44 and sustainability, so the group would like to meet and outline their strategies, which would include volunteer staff
 45 and encouragement of community donations. Two volunteer librarians are already willing to staff the library. The
 46 group has a close relationship with Vineyard City's volunteer library, which has operated for two years at minimal
 47 cost. The Alpine Youth Council could also be involved and make sure the voices of Alpine's youth are heard. The
 48 group would like to help with fund raising to restore the home, and to lease the ground floor as a library. This would
 49 ensure that it remains accessible to the public and retains its historical significance.

50
 51 Mayor Carla Merrill explained that as the Carlisle property was not on the agenda, the City Council would not be
 52 voting on anything tonight. The next possible opportunity for it to be on the agenda would be January 23, 2024.
 53 Agenda items require the approval of the Mayor or two City Council members.

54
 55 **V. REPORTS AND PRESENTATIONS**

56
 57 **A. 2024 City Council Assignments**

58 Mayor Carla Merrill gave the following assignments:

59 CC 1-9-2024

1 Kelli Law – Water, cemetery committee, traffic & safety
 2 Jessica Smuin – Trails, parks & open spaces, Alpine Youth Council, Historic Advisory Board, Moyle Park Advisory
 3 Board
 4 Jason Thelin – Mayor Pro Tempore, Lone Peak Public Safety District Board, Eagle Scouts
 5 Chrissy Hannemann – Main Street Advisory Board, Mountainland Association of Governments (MAG) alternate,
 6 Council of Governments (COG) alternate, American Fork Chamber of Commerce representative (AFCC)
 7 Brent Rummeler – Lone Peak Public Safety District Board alternate, Alpine Days, Timpanogos Special District
 8 representative
 9

10 **B. Report on Amendment to Subdivision Process**

11
 12 Assistant City Administrator/Planner Ryan Robinson said that the state legislative body has passed a new
 13 requirement that all cities follow the same subdivision approval process. Because of our population size, we would
 14 need to adopt a process by February 1, 2024. The state gave cities a grant based on their population, to hire approved
 15 consultants to help with the process. Alpine City has done this. Our number one goal is compliance with the state
 16 requirement.
 17

18 Background: Up to this point, the Planning Commission would review a concept plan and hold a public hearing,
 19 then the City Council would review the concept plan. The Planning Commission would then conduct a preliminary
 20 review, focused on engineering, followed by a final review by both groups.
 21

22 With the state's new process, the concept review is now optional and would be requested by the developer. We have
 23 prescribed some standards for plans submitted in this optional review. This review would be done by staff during
 24 our Development Review Committee (DRC) to make sure they meet our code, lot size and approved use. The
 25 preliminary review would be done by the Planning Commission, with the option of a public hearing. The final
 26 review would be completed by staff, focused on engineering aspects. One January 16 we will have the public
 27 hearing on this, and then it will be on the agenda for City Council again on the 23rd for review. We need to adopt
 28 something by February first, or it will default to the state requirements.
 29

30 Ryan Robinson explained that he has a draft version that contains many edits, and that we do not have much leeway
 31 in making changes.
 32

33 Kelli Law asked that Ryan send the draft out to the Council.
 34

35 Chrissy Hannemann commented that it looks like the Council is not involved in this new process and asked for
 36 clarification on the final review.
 37

38 Ryan Robinson explained that the state is trying to remove the City Council from the strictly administrative aspects
 39 so that the staff is just applying the law. If a developer came in with a proposal that did not require zone or use
 40 changes or other exceptions, this would shorten the process. Staff would determine if the proposed development
 41 meets the code. We would likely hold a public meeting for subdivisions.
 42

43 Mayor Carla Merrill clarified that if they are coming in as a PRD, a zone change, or with other exceptions, then it
 44 would have to come through City Council. If it is straightforward, as in the land is zoned for half-acre lots and they
 45 are building half-acre lots, then the state says that the Council is completely out of the process.
 46

47 Chrissy Hannemann asked which staff members would be involved with the final review.
 48

49 Ryan Robinson explained that it would be the DRC, consisting of: Shane Sorensen (administrator), Jed Muhlstein
 50 (engineer), Ryan Robinson (planner), and Steve Doxey (attorney).
 51

52 Brent Rummeler asked if the draft will differentiate between state mandated changes and changes that we can
 53 determine as a city.
 54

55 Ryan Robinson said that we would highlight the changes that we can decide (like public hearings). We will focus on
 56 what we can discuss and change.
 57

58 **D. Financial Report**

1 City Administrator Shane Sorensen reported that we are halfway through the budget year. Shane will report to the
 2 Council on finances at the first meeting of each month. The city has received a large allocation of revenue from
 3 property taxes. There is a two-month lag in receiving sales tax, so we are halfway through the year and have
 4 received 34.7 percent of our sales tax revenue. Our fiscal year ends in June, but we typically receive our final
 5 allocation of sales tax in August. We received the funds for the broadband planning grant, and the funds for the
 6 Burgess Park project.

7
 8 With higher interest rates, we are making more money on funds we have in the bank. Towards the end of the year
 9 our financial director will split the interest into the various funds. We will have some minor adjustments in a mid-
 10 year budget adjustment, probably in February, to address the broadband grant, a property purchase, and a few other
 11 things that have come up since the budget was approved.

12
 13 Regarding building permits: during Fiscal Year 2023, Alpine had 23 new homes, 57 remodels 19 accessory
 14 buildings, 36 pools & spas, 7 retaining walls, 10 solar permits, 0 commercial, and 75 other permits, for a total of 231
 15 permits. Six months through the new budget year, we only have 10 new home permits.

16
 17 Sales tax: Our sales tax revenue is up 3.68 percent over last year at this time, but we did not increase the budget
 18 amount from last year. If the Council has questions that Shane cannot answer, we can talk to Dave Sanderson, our
 19 CPA.

20
 21 Chrissy Hannemann asked about the timing of receiving the revenue from the PARC tax.

22
 23 Shane Sorensen explained that we will begin receiving the PARC and 5th/5th tax revenues this spring. Shane will
 24 have more information at next week's Council Work Meeting.

25 26 **E. 2023 Food Truck Report**

27
 28 Councilmember Jessica Smuin explained that after the pandemic, food truck Tuesdays were resumed in 2022. With
 29 a good turnout and positive feedback, the event was continued in 2023. The trucks served an estimated 2,700 meals
 30 in 2022, and almost 5,000 meals in 2023. We added two more nights for 2023, and had better attendance at the
 31 events. Tuesday evenings seem to work well, and Jessica recommends that we hold the events in June and July each
 32 Tuesday from 5:00-9:00 pm.

33
 34 Last year some local residents asked to sell items in the park, such as drinks or cookie dough. That went well, and
 35 Jessica recommended allowing three local vendors per evening. Jessica asked if we should make this event
 36 permanent, instead of reviewing it each year.

37
 38 Mayor Carla Merrill stated that we should make sure the vendors are not in direct competition with the food trucks.
 39 If we want the trucks to keep coming, we need to make sure they can sell their products.

40
 41 Brent Rummier asked if there are regulations for selling cookie dough without a permit, because it is a raw product.

42
 43 Jessica Smuin reported that child vendors are covered under the "Lemonade Ordinance," so when Heidi Smith
 44 (introduced below) evaluates the participants, the city does allow children to be entrepreneurs.

45
 46 Shane Sorensen clarified that it is a provision in state law that protects the "lemonade stand" for children.

47
 48 Related to the Food Truck event, Mayor Carla Merrill introduced a new employee, Heidi Smith, who will handle
 49 parks, recreation, and communications for the city. Mayor Carla Merrill said that we are very happy to have Heidi,
 50 who is already doing an amazing job.

51
 52 Shane Sorensen said that Heidi Smith has hit the ground running and is already doing a great job.

53 54 **F. 2023 Trick or Treat Report**

55
 56 Josh Walker, co-president of the American Fork Chamber of Commerce, reported on the Trick or Treat on Main.
 57 This event is typically held the Monday before Halloween, which works well because it does not compete with
 58 family activities on Halloween evening. Josh said that every year the attendance seems to grow. This last year we
 59 had 25 businesses (which are not located on Main Street) that also participated in the event. The Chamber had

1 advised owners to plan on 1,500-2,000 attendees, and most businesses ran out of treats. This year was the first time
2 we closed Main Street from city hall down to the roundabout, which provided more opportunities to celebrate safely.
3 Josh would like to offer his help to the city in dealing with food trucks and the State Tax Commission.
4

5 Jessica Smuin suggested that because the street is closed off and crowded, we may want to implement a directional
6 route to help with the flow of visitors.
7

8 Josh Walker said that the Lone Peak Police did a great job helping with safety.
9

10 Shane Sorensen added that we also appreciated the help of the Lone Peak Fire Department.
11

12 Mayor Carla Merrill asked Josh Walker to work with Heidi Smith and Chrissy Hannemann on next year's event.
13

14 **G. OPMA Training**

15
16 Mayor Carola Merrill introduced Steve Doxey, our city attorney, who presented the Open Public Meetings Act
17 training. The state requires that we receive this training every year.
18

19 Steve Doxey explained that the act can be summed up as, "The public's business should be done in public." Both
20 deliberations and decisions are in public. A meeting is the convening of a public body to discuss or act upon a matter
21 over which the body has jurisdiction. A quorum must be present.
22

23 A meeting is not a chance gathering, a gathering of two council members (not a quorum), or a planned gathering
24 where matters are not deliberated or acted upon. It is important that council members do not text or email among
25 themselves about matters that are before the council. Such transmissions, even if one-way, are considered public
26 records. We don't want to circumvent the spirit of the OPMA.
27

28 Discussions are all recorded, so be careful of what you say and how you say it. The public has access to these
29 recordings. All voting must be done in public.
30

31 Closed meetings, or executive sessions, require that specific circumstances are met. The discussion should stay on
32 topic, and no final action or decision may be made in a closed meeting. This gives the public confidence that they
33 can be aware of what is happening in the city. Closed meetings are for limited purposes. The most common are to
34 discuss the character, professional competence, or physical or mental health of an individual; to discuss pending or
35 reasonably imminent litigation; or to discuss the purchase, exchange, lease or sale of real property. If you have a
36 problem with a member of the staff, do not discuss it in an open meeting. Do it in a closed session.
37

38 To close a meeting, the person making the motion must state the specific reason for the meeting, such as: to discuss
39 litigation. The motion needs to be specific, and you need to state the location of the meeting. Then a two-thirds vote
40 of those present is required. The mayor must take a roll call vote. Typically, closed meetings are at the end of the
41 agenda.
42

43 Electronic meetings are allowed with certain conditions. If council members cannot attend in person, the staff will
44 arrange for them to tune in remotely. There must always be an anchor location so that the public can participate in
45 person.
46

47 When in doubt, open the meeting and keep the discussions open.
48

49 Shane Sorensen explained that we have a resolution that meets state law for what is required for an electronic
50 meeting. In December, our council schedule did not match up with the canvass of the election, so most council
51 members participated remotely, but we had the anchor location here open to the public.
52

53 Chrissy Hannemann asked about the noticing for open meetings. Shane Sorensen explained that a 24-hour notice is
54 required.
55

56 Jessica Smuin clarified that citizens can meet with the mayor or one or two council members. That is what they are
57 here for, to meet and talk with residents. It is when there are three members (a quorum), that the meeting is not
58 allowed.
59

1
2 **VI. ACTION/ DISCUSSION ITEMS**

3
4 **A. Resolution No. R2024-01: Appointment of DeAnn Parry as City Recorder**

5
6 Mayor Carla Merrill expressed her gratitude for Bonnie Cooper who is retiring, and said that we have really
7 appreciated Bonnie’s work here. Bonnie has been amazing. Mayor Merrill said that we went through an extensive
8 interview process and have extended an offer to DeAnn Parry. We now need to do the appointment by an official
9 resolution and the approval of the City Council.

10
11 Shane Sorensen stated that Bonnie Cooper has been great to work with on our staff, and that we wish her well in the
12 future.

13
14 Chrissy Hannemann asked if staff employees work on two-year contracts, and Mayor Carla Merrill explained that
15 employees are hired at-will, so there is no set termination.

16
17 City Attorney Steve Doxy clarified that the City Recorder must be appointed to the specified office under State law
18 with specific duties, but that the employment portion is separate from that appointment.

19
20 **Motion:** Jessica Smuin moved to appoint DeAnn Parry as the City Recorder. Kelli Law seconded the motion. There
21 were 4 yes votes, 0 no votes, and 1 excused, as recorded below. The motion passed.

<u>Yes</u>	<u>No</u>	<u>Excused</u>
Brent Rummmler		Jason Thelin
Jessica Smuin		
Kelli Law		
Chrissy Hannemann		

22
23
24
25
26
27
28
29 **B. Approval of Alpine Fitness Landscape Plan Amendment**

30
31 Ryan Robinson said a new building was proposed for Alpine Fitness and approved by the City Council during the
32 December 8, 2020 meeting. The project is on the property located at 235 South Main Street. The proposed building
33 would be 9,380 Square Feet located on a property of approximately 0.58 acres. The property is in the Business
34 Commercial Zone and Gateway Historic District. The approved site plan includes 40 off-street parking stalls (38
35 required), and 5,037 square feet of landscaping (20% of total lot area).

36
37 The applicant has been granted a setback exception (08/13/2019 City Council approved a 15’ front and 2’ side/north
38 setback exception), parking exception (09/10/2019 City Council approved parking within 15’ of front property line),
39 and two land swaps (09/10/2019 City Council approved a 234.23 square foot exchange; 05/12/2020 City Council
40 approved 430 square foot exchange to accommodate underground powerlines) by the City Council and has worked
41 with Dominion Gas and Utah County on the removal of a gas line and easement.

42
43 During the July 18th Planning Commission and July 25th, 2023 City Council meetings Alpine Fitness requested to
44 add an awning to its currently approved structure. The awnings are a lumber material that will project out no more
45 than three feet on the west and south sides of the building. The length of each awning will match that of the window
46 it hangs above, and the braces will match other pillar material. This addition was approved during those meetings.

47
48 Alpine Fitness is now requesting an amendment to its approved landscape design plan. This amendment would
49 allow them to add a pergola in the rear portion of their property with an attached swing (see attachments for location
50 and renderings).

51
52 The Planning Commission reviewed this application during their December 5th, 2023 meeting, which focused on the
53 Gateway Historic Standards and discussed how users would access this structure safely. The following motion was
54 made by the Planning Commission:

55
56 **MOTION:** Planning Commission member Ethan Allen moved to recommend approval of the landscape plan to add
57 a pergola as proposed at the Alpine Fitness building located at 235 South Main Street and find them to comply with
58 the Gateway Historic District Standards with the following conditions/changes: 1. No portion of the proposed

1 structure shall be located within or interfere with any designated trail easements on the property. John MacKay
2 seconded the motion. There were 5 Ayes and 0 Nays. The motion passed.

3
4 ALPINE CITY CODE The use of a separate pergola detached from the main structure is allowed within the
5 Business Commercial and Gateway/Historic zone. The code chapter that specifically applies is the Alpine
6 Development Code 3.11 Gateway/Historic Zone. This chapter is meant as a standard for the Gateway Historic Zone
7 to review and process applications for new or remodeling structures within this district. 3.11.03 Applicability- #3
8 Requires an application for a site plan to be completed whenever an existing structure is proposed to be altered,
9 reconstructed, enlarged, or remodeled if such alteration, reconstruction, enlargement, or remodeling involves the
10 exterior design, material, finish grade line, landscaping or orientation of the structure. This would be an amendment
11 to the landscaping that was previously approved by the City Council.

12
13 GENERAL PLAN The Gateway Historic District Overlay Zone should maintain a high character of community
14 development by regulating the exterior architecture characteristics of structures that are developed in the center of
15 Alpine City (See Gateway Historic District Design Guidelines). -Alpine General Plan Pg. 9

16
17 GATEWAY HISTORIC DESIGN STANDARDS The Gateway Historic Design Standards (see attached) provide
18 design guidelines for this district. Specific design criteria that apply to this proposal include the following: • Design
19 Standards Chapter 3: Pg 5. o The use of stone, brick, wood, or stucco is encouraged for use as the primary exterior
20 material. • Materials-Texture, Color, Finishes: Pg. 9 o The use of color schemes should be compatible with the
21 surrounding area. Simplicity is encouraged – excessive amounts of different colors should not be used. o The natural
22 colors of brick masonry, stone, or other existing building materials should dominate the color scheme of the
23 building. Other colors should be respectful of adjacent buildings. o The texture and finish of new construction
24 should attempt to convey a modern building while still respecting the historic character of the area.

25
26 STAFF RECOMMENDATION: Review the proposed amendment to the Landscaping plan along with the Gateway
27 Historic Design Standards. If the standards have been met the City Council should approve the amendments to the
28 landscaping plan. Staff also recommends including language in the motion that the proposed structure will not be
29 located within or interfere with the trail easements designated on the property.

30
31 **Paul Anderson**

32 *255 S. Main, Alpine*

33 *Said that the pergola will be constructed outside the city's two-foot easement and will fill in the open section*
34 *between the trees. Paul is not planning to include a swing. The structure is intended to add beauty as an*
35 *architectural feature.*

36
37 The Council discussed conditions that the pergola is intended for public use, there will be no fence
38 associated with the pergola, and that the trail will remain unobstructed. Although his section of trail is not
39 currently connected to other trails, we want to preserve the access for the future.

40
41 Jessica Smuin said that the city needs to check the state requirements near waterways, because this is a
42 modification on footings that could impact what was originally submitted.

43
44
45 **Motion:** Chrissy Hannemann moved to approve the landscape plan to add a pergola as proposed at the Alpine Fitness
46 building located at 235 South Main Street and find them to comply with the Gateway Historic District Standards, with
47 the following four conditions: 1) no swing will be installed, 2) staff will confirm that the construction is in line with
48 State requirements near waterways, 3) all parts of the structure will be at least four feet from the property line, and 4)
49 no part of the structure will be within designated trail easements. Brent Rummler seconded the motion. There were 3
50 yes votes, 1 no vote, and 1 excused, as recorded below. The motion passed.

51
52 Yes No Excused
53 Brent Rummler Kelli Law Jason Thelin
54 Jessica Smuin
55 Chrissy Hannemann

56
57 **C. Resolution No. R2024-02: Appointment of Planning Commission Members**

Ethan Allen has been serving as a member of the Alpine City Planning Commission and his term has now expired. The city would like to express their appreciation to Mr. Allen for his service. Mayor Merrill wanted representation from the south part of the city and is proposing to appoint Michelle Schirmer to serve as a member of the Planning Commission for a four (4) year term. John Mackay has been serving on the Planning Commission and is being reappointed to another four (4) year term.

Motion: Brent Rummmler moved that Resolution R2024-02 be approved appointing Michelle Schirmer and John Mackay to serve as members of the Alpine City Planning Commission. Jessica Smuin seconded the motion. There were 4 yes votes, and 0 no votes, and 1 excused, as recorded below. The motion passed.

<u>Yes</u>	<u>No</u>	<u>Excused</u>
Brent Rummmler		Jason Thelin
Jessica Smuin		
Kelli Law		
Chrissy Hannemann		

D. Resolution No. R2024-03: Appointment of Brent Rummmler to the Lone Peak Public Safety District Board

The Lone Peak Public Safety District Board is made up of five board members, including the chairman. Both Highland and Alpine appoint two regular board members, with each city also appointing an alternate board member. As per the approved interlocal agreement, the chairman is appointed from the alternate board members annually by a majority vote of the regular members of the Board and shall alternate annually between the cities. Since Highland City's alternate was the board chair for 2023, Alpine City's alternate will be the chair for 2024. By way of information, the chair only has a vote to break a tie, when voting to appoint or dismiss a district chief, or when filling in for an absent regular member. For 2024 City Council assignments, Mayor Merrill is presenting the following name for appointment to the Lone Peak Public Safety District Board: • Councilman Brent Rummmler, alternate member. The term of office for the board members is the shorter of four years from the date of appointment or when the board member leaves the elected or appointed office held with the represented city. For the purposes of this resolution, the end of the board member's elected term is listed as the end of their term on the board. The Mayor and Jason Thelin are on the board now.

Motion: Kelli Law moved that Resolution R2024-03 be approved appointing Councilmember Brent Rummmler to serve on the Lone Peak Public Safety District Board as an alternate member for Alpine City. Chrissy Hannemann seconded the motion. There were 4 yes votes, 0 no votes, and 1 excused, as recorded below. The motion passed.

<u>Yes</u>	<u>No</u>	<u>Excused</u>
Brent Rummmler		Jason Thelin
Jessica Smuin		
Kelli Law		
Chrissy Hannemann		

E. Resolution No. R2024-04: Appointment of Brent Rummmler to the Timpanogos Special District Board

Lon Lott has been serving as the city's appointed board member on the Timpanogos Special District (TSD) board. The city would like to express their appreciation to Lon Lott for his service. Mayor Merrill is proposing to appoint Councilmember Brent Rummmler to serve as the Alpine City member on the TSD board.

Motion: Jessica Smuin moved that Resolution R2024-04 be approved appointing Brent Rummmler to serve on the Timpanogos Special District board. Kelli Law seconded the motion. There were 4 yes votes, 0 no votes, and 1 excused, as recorded below. The motion passed.

<u>Yes</u>	<u>No</u>	<u>Excused</u>
Brent Rummmler		Jason Thelin
Jessica Smuin		

Kelli Law
Chrissy Hannemann

F. Ordinance 2024-01: Changes in Development Code Related to Sewer to Align with Municipal Code

The municipal code regarding the sewer system was recently updated by the City Council. These changes stemmed from previous updates to the Alpine City Standard Specifications and Details. The primary changes within the municipal code were to clarify when septic tanks are allowed and ownership of sewer laterals. To ensure continuity between the updated municipal code and standard specifications, changes to the development code need to occur. These proposed changes are included herewith for review and approval. The Planning Commission reviewed and recommended approval of the proposed changes on December 5, 2023.

The ownership of sewer laterals was previously assigned to property owners from their home to the property line. The proposed change is that property owners would be responsible for the lateral from their home to the street, which is an industry standard. This is partly because the city cannot control homeowner activities with their individual plumbing.

Septic tanks are already prohibited in the hillside overlay. The city will not allow installation of septic tanks going forward. The Council could approve a septic tank in specific instances, if there is a need.

Mayor Carla Merrill asked if the county requires five acres for a septic tank.

Shane Sorensen explained that state law states that if a home is within 300 feet of a sewer line, the city can require them to connect. Alpine City has not required this yet. Typically, when a septic tank fails, property owners will then connect to the sewer system. Shane explained that this ordinance will bring our municipal code into alignment.

Motion: Kelli Law moved that Ordinance 2024-01 be approved as proposed. Brent Rummmler seconded the motion. There were 4 yes votes, 0 no votes, and 1 excused, as recorded below. The motion passed.

<u>Yes</u>	<u>No</u>	<u>Excused</u>
Brent Rummmler		Jason Thelin
Jessica Smuin		
Kelli Law		
Chrissy Hannemann		

VII. STAFF REPORTS

Chief Brian Gwilliam gave a reminder of tomorrow’s meeting at 7:30 a.m. for the Lone Peak Public Safety District.

Chief Brian Patten had no business to discuss.

City Planner Ryan Robinson had previously talked about code for mixed use on Main Street because we had received an application for mixed use. We currently require mixed use to be owner-occupied. The proposed change would be to allow mixed use without the owner-occupied requirement. We need design standards in place before we allow mixed use.

Attorney Steve Doxey had nothing additional to discuss.

Shane Sorensen said that with the recent snow we have had mechanical issues with some of our plows. In spite of this, Shane anticipates that we will be able to clear the snow.

The City Council retreat will be next Thursday, Jan 18.

The legislative session is about to start. Elected officials and youth councils are invited to come and learn about the process. It will be Wednesday, Jan 17.

During the legislative policy committee meeting yesterday, the discussion was almost entirely on housing. The state wants to find out which cities have reduced minimum lot sizes in the last five years. There is pressure to reduce lot sizes (to go to 8,000 square foot lots or 8 units per acre). The state is considering different options.

1 Mayor Carla Merrill asked if there was anything that might affect our city that we should be concerned about?

2
3 Shane Sorensen recommended that the council go to ULCT.org and sign up for their Friday Facts email. It is a good
4 way to stay up to date, especially during the session.
5

6 Ryan Robinson said that we were found in compliance with affordable housing requirements for last year, and we
7 were able to be approved without apartments and increased density.
8

9 Mayor Carla Merrill said we were approved due to Shane & Ryan’s efforts. Many cities failed their first attempt.
10

11 Shane Sorensen said that previously there was no consequence for not meeting the affordable housing requirements,
12 but now there is. If we don’t comply, we don’t receive the 5th/5th tax.
13

14 **VIII. COUNCIL COMMUNICATION**

15 Brent Rummmler did not have any business to discuss.
16

17 Jessica Smuin said that mixed use zoning might become relevant to affordable housing requirements with the state.
18 The Alpine Art Center is looking for a donor to purchase 14 of Dennis Smith’s original paintings. If they find a
19 donor, would the city be willing to hang the paintings in city hall? We can discuss this further.

20 Jessica Smuin said that Bethany Sorensen was integral to our 9/11 day of service. She would like to create a giving
21 tree at city hall with a Valentines Day theme, to donate to Lifting Hands for refugee apartments. Bethany would take
22 care of the details.
23

24 Chrissy Hannemann suggested that we include these announcements in our newsletter. Heidi Smith will reach out to
25 Bethany Sorensen directly.
26

27 Kelli Law thanked Bonnie Cooper for her years of public service. Kelli asked about the deadline for the referendum
28 petition.
29

30 Shane Sorensen explained that the group did not meet the requirements to submit the referendum to the county, so
31 the issue is closed.
32

33 Chrissy Hannemann said that 50 years ago her grandma started serving on her city council in California and served
34 for 18 years. City service is a family legacy. Chrissy also thanked Bonnie for her reminders to submit documents. A
35 long-time resident told her that the best asset Alpine has are the people.
36

37 Jason Thelin was absent.
38

39 Mayor Carla Merrill reminded the council of the training next Thursday, focused on the budget and future projects.
40

41 **Motion:** Jessica Smuin moved to adjourn for a closed session in the conference room to discuss the purchase of real
42 property. Kelli Law seconded the motion. There were 4 yes votes, 0 no votes, and 1 excused, as recorded below. The
43 motion passed. The open meeting closed at 7:39 pm.

<u>Yes</u>	<u>No</u>	<u>Excused</u>
Brent Rummmler		Jason Thelin
Jessica Smuin		
Kelli Law		
Chrissy Hannemann		

51
52 **IX. EXECUTIVE SESSION:**
53

54 **Following the Executive Session, a legislative update was given in the Council Chambers by Representative**
55 **Brady Brammer, who had been delayed by other obligations and the snow storm. This portion of the meeting**
56 **opened at 8:51 pm.**
57

58 **A. Pre-Legislative Session Check- in: Representative Brady Brammer**
59

1 Representative Brady Brammer gave a legislative update to the council. He reported on housing issues, high
2 construction costs, and the interest in tilt-up homes (where the walls are built first, and then raised to create a structure).
3 Housing costs have exceeded the growth in salaries, which contributes to homelessness as a significant issue.
4

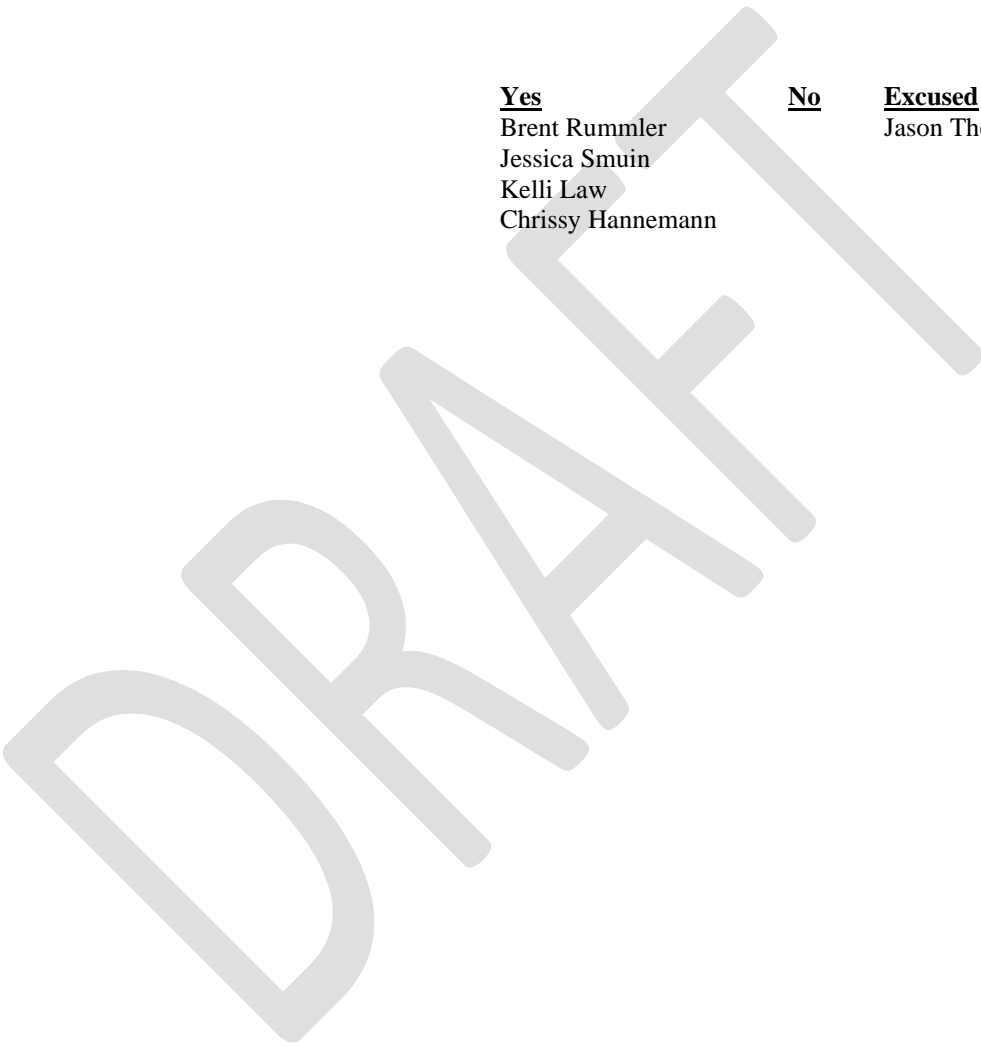
5 Representative Brammer also discussed the county commission form of government, and the need for clarifying the
6 process for closing schools and splitting districts.
7

8 Representative Brammer gave the council his cell number and invited them to text him during the legislative session.
9

10
11 **Motion:** Brent Rummmler moved to adjourn the meeting. Kelli Law seconded the motion. There were 4 yes votes, 0 no
12 votes, and 1 excused, as recorded below. The motion passed. The meeting was adjourned at 9:25 pm.
13

<u>Yes</u>	<u>No</u>	<u>Excused</u>
Brent Rummmler		Jason Thelin
Jessica Smuin		
Kelli Law		
Chrissy Hannemann		

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**PARTIAL PAYMENT ESTIMATE NO. 6
FINAL PAYMENT**

Name of Contractor: <i>SMM Excavation</i>		
Name of Owner: <i>Alpine City</i>		
Date of Completion:	Amount of Contract:	Dates of Estimate:
Original: 15-Oct-23	Original: \$941,556.28	From: 1-Dec-23
Revised: 10-Jan-24	Revised: \$1,001,359.28	To: 10-Jan-24


Description of Job: <i>Grove Drive Realignment</i>		
Amount	This Period	Total To Date
Amount Earned	\$64,086.75	\$1,001,359.28
Retainage Being Held	\$3,204.34	\$50,067.96
Retainage Being Released	\$50,067.96	\$50,067.96
Previous Payments		\$890,408.90
Amount Due	\$110,950.41	\$110,950.41

Contractor's Construction Progress is ON SCHEDULE

I hereby certify that I have carefully inspected the work and as a result of my inspection and to the best of my knowledge and belief, the quantities shown in this estimate are correct and have not been shown on previous estimates and the work has been performed in accordance with the Contract Documents.

Recommended by Horrocks Engineers

Date: 1/10/2024


Ryan Dummer, P.E.
 Project Manager

Accepted by: **SMM Excavation**

Date: 1/10/2024


 Project Manager

Approved By: **Alpine City**

Date: _____

Carla Merrill
 Mayor

Budget Code _____ Staff Initial _____

PROJECT: Grove Drive Realignment

PAY PERIOD: 6 Jan-24

ITEM NO.	NATURE OF WORK	CONTRACT ITEMS				QUANTITY		EARNINGS	
		Qty	Units	Unit Price	Bid Amt.	This Month	To Date	This Month	To Date
Base Bid									
1	Mobilization	1.00	LS	\$24,000.00	\$24,000.00	0.00	1.00		\$24,000.00
2	Traffic Control	1.00	LS	\$16,000.00	\$16,000.00	0.00	1.00		\$16,000.00
3	Storm Water Pollution Prevention Plan	1.00	LS	\$8,000.00	\$8,000.00	0.00	1.00		\$8,000.00
4	Clear and Grub (Plan Quantity)	30899.00	SF	\$0.75	\$23,174.25	0.00	37264.00		\$27,948.00
5	Roadway Removal (HMA) (Plan Quantity)	41655.00	SF	\$1.85	\$77,061.75	0.00	43553.00		\$80,573.05
6	Roadway Excavation (Plan Quantity)	455.00	CY	\$45.00	\$20,475.00	0.00	455.00		\$20,475.00
7	Haul Off and Disposal (Plan Quantity)	1093.00	CY	\$21.00	\$22,953.00	0.00	1093.00		\$22,953.00
8	Earthwork (Plan Quantity)	3141.00	CY	\$15.00	\$47,115.00	942.30	3141.00	\$14,134.50	\$47,115.00
9	Hot Mix Asphalt (4 Inch HMA) (Plan Quantity)	48788.00	SF	\$2.60	\$126,848.80	0.00	52003.00		\$135,207.80
10	Untreated Base Course (8 Inch UTBC) (Plan Quantity)	48788.00	SF	\$1.62	\$79,036.56	0.00	50105.00		\$81,170.10
11	Remove Existing Storm Drain Structure	2.00	EA	\$1,000.00	\$2,000.00	0.00	2.00		\$2,000.00
12	Remove Existing Pipe	140.00	LF	\$12.00	\$1,680.00	0.00	140.00		\$1,680.00
13	Remove and Dispose Existing Pipe Outfall	1.00	LS	\$2,500.00	\$2,500.00	0.00	1.00		\$2,500.00
14	Reuse Channel Armoring Material (Rip Rap)	1.00	LS	\$2,500.00	\$2,500.00	0.60	1.00	\$1,500.00	\$2,500.00
15	Installation of 24-Inch Storm Drain End Section	2.00	EA	\$2,500.00	\$5,000.00	0.00	2.00		\$5,000.00
16	Installation of 24 Inch Storm Drain Crossing (RCP, Class V)	80.00	LF	\$2.22	\$177.60	0.00	80.00		\$177.60
17	12'x6' Culvert w/ Wingwalls and Concrete Apron	1.00	LS	\$267,000.00	\$267,000.00	0.00	1.00		\$267,000.00
18	Installation of 12-inch PVC C900 Water Pipe	190.00	LF	\$228.00	\$43,320.00	0.00	190.00		\$43,320.00
19	Installation of 12-inch MJ 45° Bend	6.00	EA	\$1,000.00	\$6,000.00	0.00	4.00		\$4,000.00
20	Installation of 12-inch Butterfly Valve	1.00	EA	\$10,500.00	\$10,500.00	0.00	1.00		\$10,500.00
21	Remove Existing Valve Cover & Box	1.00	EA	\$800.00	\$800.00	0.00	1.00		\$800.00
22	Adjust Valve Box	3.00	EA	\$1,100.00	\$3,300.00	0.00	5.00		\$5,500.00
23	Adjust Manhole to Grade	8.00	EA	\$1,600.00	\$12,800.00	0.00	7.00		\$11,200.00
24	Install Sign	5.00	EA	\$500.00	\$2,500.00	0.00	5.00		\$2,500.00
25	Relocate/Remove Sign	11.00	EA	\$330.00	\$3,630.00	0.00	11.00		\$3,630.00
26	Relocate Mailbox	1.00	EA	\$500.00	\$500.00	0.00	1.00		\$500.00
27	Install (1) 4-inch & (2) 2-inch Conduit	965.00	LF	\$42.00	\$40,530.00	0.00	965.00		\$40,530.00
28	2 Inch Stabilization Rock (Contingency Item)	10.00	TON	\$50.00	\$500.00	0.00	10.00		\$500.00
29	Pavement Markings	1.00	LS	\$7,467.00	\$7,467.00	0.00	1.00		\$7,467.00
30	Topsoil and Seeding (Plan Quantity)	42963.00	SF	\$0.75	\$32,222.25	48000.00	48000.00	\$36,000.00	\$36,000.00
Additive Alternate #1									
101	Clear and Grub (Plan Quantity)	5318.00	SF	\$0.75	\$3,988.50	0.00	5318.00		\$3,988.50
102	Roadway Removal (HMA) (Plan Quantity)	6934.00	SF	\$1.85	\$12,827.90	0.00	6934.00		\$12,827.90
103	Roadway Excavation (Plan Quantity)	11.00	CY	\$409.09	\$4,500.00	0.00	11.00		\$4,500.00
104	Haul Off and Disposal (Plan Quantity)	-65.00	CY	\$21.00	(\$1,365.00)	0.00	-65.00		(\$1,365.00)
105	Earthwork (Plan Quantity)	65.00	CY	\$40.00	\$2,600.00	0.00	65.00		\$2,600.00
106	Hot Mix Asphalt (4 Inch HMA) (Plan Quantity)	7241.00	SF	\$2.50	\$18,102.50	0.00	7241.00		\$18,102.50
107	Untreated Base Course (8 Inch UTBC) (Plan Quantity)	7241.00	SF	\$1.62	\$11,730.42	0.00	7241.00		\$11,730.42
108	Topsoil and Seeding (Plan Quantity)	-559.00	SF	\$0.75	(\$419.25)	-559.00	-559.00	(\$419.25)	(\$419.25)
Subtotal					\$941,556.28			\$51,215.25	\$962,711.62
Change Order #1									
201	Culvert Addition - East Apron Extension, Additional Concrete and Rebar	1.00	LS	\$10,725.00	\$10,725.00	0.00	1.00		\$10,725.00
Subtotal					\$10,725.00			\$0.00	\$10,725.00
Change Order #2									
301	Waterline Materials - Casing (50 LF), Spacers (3)and End Seals (2)	1.00	LS	\$1,613.15	\$1,613.15	0.00	1.00		\$1,613.15
302	Waterline Materials - Mechanical Joint Butterfly Valve (1)	1.00	LS	\$2,774.85	\$2,774.85	0.00	1.00		\$2,774.85
303	Waterline Materials - Valve Slip Box (1)	1.00	LS	\$152.83	\$152.83	0.00	1.00		\$152.83
304	SMM Mark-Up for Materials (10%)	1.00	%	\$176.52	\$176.52	0.00	1.00		\$176.52
305	Excavator Time	18.00	HR	\$180.00	\$3,240.00	0.00	18.00		\$3,240.00
306	Field Laborers (2)	36.00	HR	\$50.00	\$1,800.00	0.00	36.00		\$1,800.00
Subtotal					\$9,757.35			\$0.00	\$9,757.35
Change Order #3									
401	Peck Striping Inc. - Signs	1.00	LS	\$2,922.55	\$2,922.55	0.00	1.00		\$2,922.55
402	Peck Striping Inc. - Striping	1.00	LS	\$1,890.00	\$1,890.00	0.00	1.00		\$1,890.00
403	SMM Mark-Up (10%)	1.00	LS	\$481.26	\$481.26	0.00	1.00		\$481.26
Subtotal					\$5,293.81			\$0.00	\$5,293.81
Change Order #4									
501	Peck Striping Inc. - Additional Markings	1.00	LS	\$1,490.00	\$1,490.00	1.00	1.00	\$1,490.00	\$1,490.00
502	SMM Mark-Up (10%)	1.00	LS	\$149.00	\$149.00	1.00	1.00	\$149.00	\$149.00
Subtotal					\$1,639.00			\$1,639.00	\$1,639.00
Change Order #5									
601	Concrete Solutions and Innovation	1.00	LS	\$8,575.00	\$8,575.00	1.00	1.00	\$8,575.00	\$8,575.00
602	SMM Mark-Up (10%)	1.00	LS	\$857.50	\$857.50	1.00	1.00	\$857.50	\$857.50
603	Excavator Time - Regrade Channel and Backfill	1.00	LS	\$1,800.00	\$1,800.00	1.00	1.00	\$1,800.00	\$1,800.00
Subtotal					\$11,232.50			\$11,232.50	\$11,232.50
Total					\$980,203.94				

TOTAL	\$64,086.75	\$1,001,359.28
AMOUNT RETAINED	\$3,204.34	\$50,067.96
RETAINAGE RELEASED	\$50,067.96	\$50,067.96
PREVIOUS RETAINAGE		\$46,863.63
PREVIOUS PAYMENTS		\$890,408.90
AMOUNT DUE	\$110,950.41	\$110,950.41

ALPINE CITY COUNCIL AGENDA

SUBJECT: Subdivision Review Process Update

FOR CONSIDERATION ON: January 23, 2024

PETITIONER: City Staff

Action Type: Legislative

ACTION REQUESTED BY PETITIONER: Approval of Edits to the Subdivision Process to Comply with Newly Passed State Code.

BACKGROUND INFORMATION:

SB 174 of the 2023 General Legislative Session requires all local governments to modify their subdivision ordinances to comply with the process described in the statute. These new requirements remove the City Council from reviewing purely administrative subdivisions (That do not require an exception or zone change for example). It does allow the Planning Commission to be the reviewing body for the Preliminary Plan. The concept application review is now optional and can be done at the request of the applicant. Final Plat approval will be done by the Development Review Committee (City Administrator, Engineer, Planner). These changes only apply to single-family residential subdivisions. The city does not currently allow multi-family dwelling units.

Alpine City was eligible for grant money from the State to hire a consultant to help complete this process. We have hired a consultant from the pool provided by the State at no cost to the city to help complete this work. Along with becoming compliant with the new requirements of the State code, this update includes the following:

- Updated definitions and added graphics to better explain certain terms.
- Created a table to identify reviewing, recommending, and approving bodies for land use decisions.
- Consolidate requirements to a single location.
- Remove the requirement for a concept plan review by the city. A concept plan can only be done at the request of the applicant.
- Designate the Planning Commission as the body that reviews Preliminary plans. The focus of this review will be on the planning phase of the subdivision (I.E. lot sizes, frontage, subdivision, and road layouts as well as uses). This review phase previously was primarily for engineering standards and review. A public hearing can also be held at this phase if the city chooses to require one. The initial review of the preliminary plat will be completed within 15 business days of receiving a completed application for this stage.
- The Development Review Committee (City Staff) will be the body that reviews Final Plans for a subdivision. This review will focus primarily on engineering standards as well as continue to include final subdivision review needs. State code does not allow final plat approvals to be done by the City Council or Planning Commission. A review of the final plat will be completed within 20 business days of receiving a completed application.

The main focus is on the process of reviewing subdivisions to be compliant with the new requirements in state code. All other recommended changes are best practices as recommended by the consulting team or city staff.

The Planning Commission held a public hearing during their January 16th, 2024 meeting. After a review of the proposed code amendment and potential changes, it was recommended that a public hearing not be required for purely administrative subdivision reviews. For administrative approval, the Planning Commission felt gave the public the idea that they could deny a

subdivision with enough public opposition. When a subdivision meets the required standards as found in the city code denying it purely due to public opposition becomes very difficult to do. Instead, they discussed several options the city could implement to inform the general public and accept public comments outside of a meeting.

ALPINE CITY CODE:

Alpine Development Code: Title 4: Subdivision Ordinance (See attached)

STAFF RECOMMENDATION:

The State is requiring this change to go into effect by February 1st, 2024. A public hearing was held during the 1/16/24 Planning Commission meeting as part of the code amendment process. Staff recommends reviewing the proposed language and if changes are needed include that in your motion so this can be adopted by the State's deadline. If not adopted by the deadline the State's minimum requirements become the default.

SAMPLE MOTION TO APPROVE:

I move to approve Ordinance 2024-02 amending Title 4 Subdivisions of the Alpine Development Code as proposed.

SAMPLE MOTION TO APPROVE WITH CONDITIONS:

I move to approve Ordinance 2024-02 amending Title 4 Subdivisions of the Alpine Development Code with the following conditions/changes:

- ****insert additional findings****

SAMPLE MOTION TO TABLE/DENY:

I move that Ordinance 2024-02 amending Title 4 Subdivisions of the Alpine Development Code be tabled/denied based on the following:

- ****insert finding****

4 Subdivision Ordinance

[4.01 Scope Of Ordinance, Variances And Exemptions](#)

[4.02 Intent And Purpose](#)

[4.03 Definitions](#)

[4.04 Administration](#)

[4.05 Minor Subdivisions](#)

[4.06 Major Subdivisions](#)

[4.07 Design Standards](#)

[4.08 Construction And Improvement Requirements](#)

[4.09 Adequate Public Facilities](#)

[4.10 Financial Responsibility](#)

[4.11 Permits And Fees](#)

[4.12 Infrastructure Protection Bond](#)

[4.13 Constitutional Taking Issues](#)

[4.14 Site Plan To Comply \(Not Located In An Approved Subdivision\)](#)

[4.15 Street, Water, And Sewer Extensions; Reimbursement](#)

[4.16 Construction Of Temporary Turn-Arounds](#)

[4.17 Cut And Fill Standards](#)

[4.18 Legal Remedies](#)

[4.19 Severability](#)

[4.20 Emergency](#)

[4.21 Adoption](#)

4.01 Scope Of Ordinance, Variances And Exemptions

[4.01.005 Effect Of Adopted Master And General Plans; Enactment Of Ordinances, Resolutions, And Development Agreements; Guidelines And Checklists](#)

[4.01.010 Subdivision Plats Required](#)

[4.01.020 Exceptions From Design And Improvement Standards](#)

[4.01.030 Right Of Way](#)

4.01.005 Effect Of Adopted Master And General Plans; Enactment Of Ordinances, Resolutions, And Development Agreements; Guidelines And Checklists

1. All master or general plans adopted by the City or for an area within the incorporated boundaries of the City shall serve as an advisory guide for land use decisions, and may also serve as substantive regulations governing land use decisions where expressly required by this Title and State law. Amendments to the text of this subdivision ordinance should be generally consistent with the purposes, goals, objectives, and policies of the applicable adopted master or general plans of the City.
2. To accomplish the purposes of this title, the City may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements the City considers necessary and appropriate for the use and development of land within the City, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing uses; density; open spaces; structures; buildings; energy efficiency; light and air; transportation and public or alternative transportation; infrastructure; street and building orientation; width requirements; public facilities; fundamental fairness in land use regulation; and considerations of surrounding land uses to balance the forgoing purposes with a landowner's private property interests and associated statutory and constitutional protections.
3. The City is hereby authorized and empowered to promulgate certain guidelines and/or checklists relative to this title. These materials shall be provided to any interested person upon request and upon payment of a fee if specified by the City's fee schedule. These materials shall be for instructional purposes only and represent an attempt to aid those seeking to comply with the requirements of this title. In the event any conflict arises between such guidelines and this title or other regulations, resolutions, or policies of the City, said ordinances, resolutions, regulations or policies shall be deemed controlling and all questions shall be resolved in their favor. Failure of an applicant(s) to follow guidelines or checklists may be cause for delay of approval by the City's Land Use Authority.

4.01.010 Subdivision Plats Required; Planning Commission To Review Subdivision Proposals

1. **Subdivision Plats Required.** No person shall subdivide any tract of land which is located wholly or in part within the corporate limits of the City nor shall any person sell or offer for sale, exchange, purchase, offer for recording, or otherwise convey a parcel of land which is part of a larger tract, if such sale or agreement would have the effect of creating a subdivision as defined by this ordinance, unless and until performance of the following:

- a. A final plat, prepared in accordance with the provisions of this chapter have been first reviewed by and received approval from the City's Land Use Authority and recorded in the Office of the County Recorder; and
 - b. All other applicable requirements as provided in this title have been complied with.
2. Planning Commission Responsibilities Relative To This Title. In accordance with Utah State Code (as amended) the Planning Commission shall:
- a. Review and recommend subdivision regulations and/or amendments to adopted subdivision regulations to the City Council as provided in §10-9a-502 of Utah State Code (as amended);
 - b. When designated as a Reviewing Body in 4.04.010 of this Title, review and recommend approval, approval with modifications, or denial of a land use application to the City Council; and
 - c. When designated as a Land Use Authority in 4.04.010 of this Title, before granting approval of a land use application required by this title, ensure the submitted application, related plans and documents conform to the applicable requirements of the City's code including those requirements outlined in this Title.
3. City Council Responsibilities Relative To This Title. In accordance with Utah State Code (as amended) the City Council shall:
- a. Review and adopt subdivision regulations and/or amendments to adopted subdivision regulations as provided in §10-9a-502 of Utah State Code (as amended);
 - b. When designated as a Land Use Authority in 4.04.010 of this Title, before granting approval of a land use application required by this title, ensure the submitted application, related plans and documents conform to the application requirements of the City's code including those requirements outlined in this Title.
4. City Staff Responsibilities Relative To This Title. In accordance with Utah State Code (as amended) City Staff shall:
- a. When designated as a Reviewing Body in 4.04.010 of this Title, review and recommend approval, approval with modifications, or denial of a land use application to the Land Use Authority; and
 - b. When designated as a Land Use Authority in 4.04.010 of this Title, before granting approval of a land use application required by this title, ensure the submitted application, related plans and documents conform to the applicable requirements of the City's code including those requirements outlined in this Title.
3. (Ord. 98-19 amending Ord. 78-03)

4.01.020 Exceptions From Design And Improvement Standards

When in the opinion of the Land Use Authority as outlined in 4.04.010 of this Title, the best interest of the City would not be served by the literal enforcement of the design or improvement standards in this ordinance, the Land Use Authority may grant an exception from these standards.

The recommended exception shall be based on generally accepted planning and engineering design principles. The recommended exception may not vary the zone, use or lot size of the development. Before any exemption shall be granted the Planning Commission shall review the specific request for exemption and shall recommend approval, approval with modifications, or denial to the Land Use Authority.

(Ord. 98-19 amending Ord. 78-03)

(Amended by Ord. No. 2001-14 and Ord. 2004-13, 9/28/04)

4.01.030 Right Of Way

The acquisition or vacation of public right of way shall be subject to a recommendation from Planning Commission and approval by City Council. The Planning Commission shall hold a public hearing regarding the proposed acquisition or vacation and shall be noticed per Article 2.04 of the Development Code.

HISTORY

Adopted by Ord. [2022-20](#) on 6/28/2022

4.02 Intent And Purpose

4.02.10 Intent And Purpose

4.02.010 Intent And Purpose

The purpose of this subdivision ordinance and the intent of the City Council in its adoption is to promote the health, safety, convenience, and general welfare of the present and future inhabitants of Alpine City. The subdivision ordinance will accomplish this purpose by:

1. Providing policies, standards, requirements, and procedures to regulate and control the design and improvement of all residential subdivisions.

2. Assisting in the implementation of the objectives, policies, and programs of the Land Use Element of the Alpine City General Plan by ensuring that all proposed subdivisions, together with provisions for their design and improvement, are consistent with the Comprehensive Plan and all applicable specific plans, such as projected road systems, parks, church sites, etc.
3. Preserving and protecting, to the maximum extent possible, unique and valuable natural resources and amenities, including topographic and geologic features, natural water courses, wildlife habitats, historical and cultural places, and scenic vistas and attractions; and improving the public's access to and enjoyment of such resources and amenities through the dedication or continuance of appropriate public easements thereto.
4. Preserving and protecting the special environmental quality and aesthetic character of all hillside and mountainous areas; preventing detrimental impacts on the soil mantle, vegetative cover, and other environmental factors; reducing the hazards to life and property from fire, flood, erosion, sedimentation and soil slippage; and relating the amount of grading within a subdivision to the slope of the natural terrain.
5. Encouraging the placement of housing developments where subdivisions are permitted in hillside and mountainous areas, minimizing grading, preserving the natural terrain, and enhancing the open space.
6. Relating land use intensity and population density to existing developments, street capacity and traffic access, the slope of the natural terrain, the availability and capacity of public facilities and utilities, and open spaces.
7. Providing lots of sufficient size and appropriate design for the purposes for which they are to be used.
8. Providing streets of adequate capacity and design for the traffic that will utilize them, and ensuring maximum safety for pedestrians and users of vehicles.
9. Ensuring adequate access to each building site.
10. Providing sidewalks, pedestrian-way, and equestrian and hiking trails for the safety, convenience, and enjoyment of residents of new developments.
11. Providing adequate systems of water supply, sanitary sewage disposal, storm drainage, street lighting as requested by the City Council, and other utilities needed for public health, safety and convenience.
12. Providing adequate sites for public facilities needed to serve residents of new developments.
13. Ensuring that costs of providing land for streets, pedestrian-ways, easements, and other rights-of-way and for the improvements therein needed to serve new developments are borne by the subdivider(s)/developers.
14. Preventing land which is actually or potentially dangerous by reason of flood hazard, inundation, inadequate access, inadequate water supply or fire protection, insufficient sewerage facilities, or hazardous geological conditions from being subdivided for any use or in any manner tending to create an increased detriment to the public health, safety, or welfare.
15. Ensuring that, insofar as possible, land is subdivided in a manner that will promote the public health, safety, convenience, and general welfare and the physical, social and economic development of the area in conformance with the Land Use Element of the General Plan.

(Ord. 98-19 amending Ord. 78-03)

4.03 Definitions

4.03.10 Definitions

4.03.010 Definitions

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this Ordinance. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure;" the words "used" and "occupied" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used or occupied; the word "shall" is mandatory and not directory; and the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the word "lot" includes the words plot, or parcel. Words used in this Ordinance but not defined herein shall have the meaning as defined in any other Ordinance adopted by the City of Alpine.

Administrative Land Use Authority. An individual, board, or commission, appointed or employed by the City, including City Staff or the City's Planning Commission. Administrative land use authority does not include the City Council or a member of the City Council.

Appeal Authority. The person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

Average Slope. The definition shall conform with that in the Alpine Zoning Ordinance, DCA 3.01.110 Part 4.

Block. The land surrounded by streets or other rights-of-way, other than an alley, or land which is designated as a block or any recorded subdivision plat.

Building Official. Building official is the official, or his duly authorized deputy, charged with the administration and enforcement of this ordinance.

Condominium. The ownership of a single unit in a multi-unit project together with an undivided interest in the common areas and facilities of the property as provided by state law.

Crosswalk or Walkway or Pedestrian Way. A right-of-way designed for use by pedestrians and not intended for use by motor vehicles of any kind; a crosswalk or walkway or pedestrian-way may be located within or without a street right-of-way, at grade, or grade-separated from vehicular traffic.

Designated Buildable Area. A lot or portion thereof possessing all of the following physical characteristics: (Added by Ord. 2004-13, 9/28/05)

1. The area contains no territory having a natural slope of twenty (20) percent or greater;
2. The area contains no territory which is located in any identified flood plain or within any recognized inundation zone, mud flow zone or zone of deformation, or lands subject to earth slippage, landslide or rockfall;
3. The engineering properties of the soil provide adequate structural support for the intended use;
4. The area does not possess any other recognized natural condition, which renders it unsafe for building purposes;
5. The area is within the building setback envelope as determined in accordance with the setback provisions of the zone; and
6. The area is readily capable of vehicular access from the adjacent public street over a driveway having a slope of not more than twelve (12) percent with no cut or fill greater than five feet as measured at the finished grade of the centerline alignment .

Development Agreement. A written agreement or amendment to a written agreement between the City and one (1) or more parties that regulates or controls the use or development of a specific area of land. Development agreement does not include an improvement completion assurance.

Driveway. A private roadway, the use of which is limited to persons residing, employed, or otherwise using or visiting the lot on which the roadway is located.

Dwelling. Any building or portion thereof designed or used exclusively as the more or less permanent residence or sleeping place of one of more persons or families.

Easement. That portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner(s) of said properties. The easement may be for use on, under, or above said lot or lots.

Environmental Impact Study. A study which is described by means of written narrative as well as maps, a geographical area in terms of existing: (1) slope, (2) soils, (3) water courses, (4) water table, (5) flood hazard areas, (6) geologic hazards, (7) vegetative types, (8) wildlife, (9) wildlife habitat, and (10) available urban services, i.e., electricity, gas, roads, schools, culinary water, sewage facilities, police and fire protection, (11) air quality and movement, (12) noise, (13) aesthetics and cultural, (14) land use, (15) open space and trails, (16) recreational facilities.

The study recommends measures which, if undertaken, will mitigate or obviate acts resulting from development of the proposed subdivision, and discusses the benefits to be gained from such subdivision.

The study also evaluates the potential area-wide economic impact of the subdivision on both private and public economic sectors and the potential impact on school systems.

Essential Facilities. Utilities, sanitary and public safety facilities provided by a public utility or other governmental agency for overhead or surface or underground services, excluding any building, electrical substation or transmission line of fifty (50) KV or greater capacity, except by conditional use permit.

Final Plat. A subdivision map prepared in accordance with the provisions of this Ordinance, which is designed to be placed on record in the office of the County Recorder.

Fire Protection. Such water supply, water lines, fire hydrants, and other protective devices as may be required in accordance with the provisions of this Ordinance.

Flood Hazard. A hazard to land or improvements due to inundation or overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses.

Frontage. The width of the lot or parcel of land measured at the required front setback lines.

Geological Hazard. A surface fault rupture, shallow groundwater, liquefaction, a landslide, a debris flow, unstable soil, a rock fall, or any other geologic condition that presents a risk to life or of substantial loss of or damage to real property. May be referred to in this title as “sensitive lands”.

Improvement. Work, objects, devices, facilities, or utilities required to be constructed or installed in a subdivision. Such improvements may include, but are not limited to, street construction to required standards water facilities, sewer facilities, sidewalks, curbs and gutters, drainage facilities, street trees, street signs, street lights, traffic control or safety devices, fire hydrants, and such other facilities or construction required by the Subdivision Ordinance, Subdivision Regulations, or by the Planning Commission and/or City Council for the necessary proper development of the proposed subdivision.

Improvement Completion Assurance. A surety bond, financial institution bond, cash, an escrow bond, or other equivalent security required by the City to guarantee the proper completion of landscaping or an infrastructure improvement required as a condition precedent to recording a subdivision plat or development of a commercial, industrial, mixed-use, or multi-family project.

Improvement Warranty. An applicant’s unconditional warranty that the applicant’s installed and accepted landscaping or infrastructure improvement complies with the City’s written standards for design, materials, and workmanship; and will not fail in any material respect, as a result of poor workmanship or materials within the improvement warranty period.

Improvement Warranty Period. A period no later than one (1) year after the City’s acceptance of required landscaping; or no later than one (1) year after the City’s acceptance of required infrastructure, unless the City determines for good cause that a one (1) year period would be inadequate to protect the public health, safety, and welfare; and has substantial evidence on record of prior poor performance by the applicant or that the area upon which the infrastructure will be constructed contains suspect soil and the City has not otherwise required the applicant to mitigate the suspect soil.

Land, Agricultural. Land whose primary use is determined to be agricultural in the Land Use Element of the Alpine City General Plan, or which is included in an agricultural district in the Alpine Zoning Ordinance.

Land, Commercial. Land whose optimum use is determined to be commercial in the Land Use Element of the Alpine City General Plan, or which is included in a commercial district in the Alpine Zoning Ordinance.

Land, Industrial. Land whose optimum use is determined to be industrial in the Land Use Element of the Alpine City General Plan, or which is included in an industrial or manufacturing district in the Alpine Zoning Ordinance.

Land Use Applicant. A property owner, or the property owner’s designee, who submits a land use application regarding the property owner’s land. May also be known and referred to in this title as “applicant(s) or developer(s)”.

Land Use Application. An application that is required by the City and submitted by a land use applicant to obtain a land use decision, and does not mean an application to enact, amend, or repeal a land use regulation. May also be known and referred to in this title as “application(s)”.

Land Use Authority. A person, board, commission, agency, or body including the City Council, designated by the City Council to act upon a land use application; or if the City Council has not designated a person, board, commission, agency, or body, the City Council.

Land Use Decision. An administrative decision of a land use authority or appeal authority regarding a land use permit or a land use application. May also be known and referred to in this title as a “decision”.

Land Use Element of the General Plan. A coordinated plan which has been prepared and adopted for the purpose of guiding development of land use.

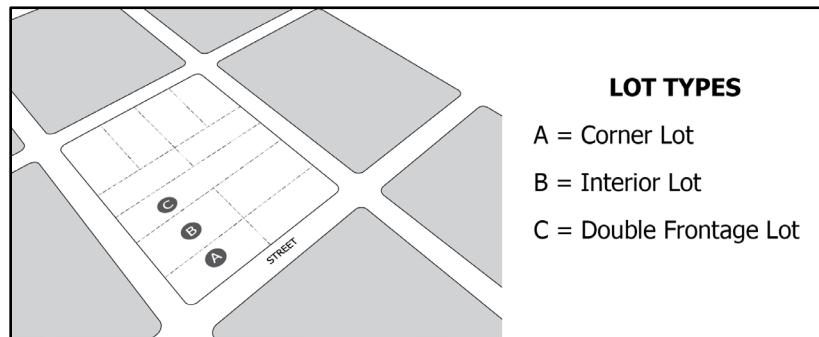
Land Use Permit. A permit issued by the Land Use Authority.

Land Use Regulation. A legislative decision enacted by ordinance, law, code, map, resolution, specification, fee or rule that governs the use or development of land. Includes the adoption or amendment of a zoning map or the text of the zoning code and does not include a land use decision of the city council acting as the land use authority even if the decision is expressed in a resolution or ordinance; or a temporary revision to an engineering specification that does not materially increase a land use applicant’s cost of development compared to the existing specification or impact a land use applicant’s use of land.

Lot.

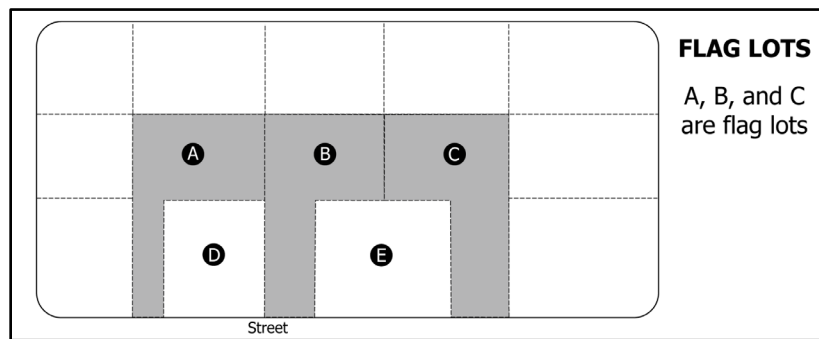
1. A tract of land regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the Office of the County Recorder.

Lot, Corner. A lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.



Lot, Double Frontage. A lot where the front and rear lot lines both front on a street. See figure provided for "LOT, CORNER".

Lot, Flag. A lot of irregular configuration in which an access strip (a strip of land of a width less than the required lot width) connects the main body of the lot to the street frontage.



Lot, Interior. A lot other than a corner lot. See figure provided for "LOT, CORNER".

Lot Line Adjustment. A relocation of a lot line boundary between adjoining lots or between a lot and adjoining parcels in accordance with §10-9a-608 of Utah State Code (as amended) whether or not the lots are located in the same subdivision and with the consent of the owners of record. Lot line adjustment does not mean a new boundary line that creates an additional lot or constitutes a subdivision. Lot line adjustment does not include a boundary line adjustment made by the Utah Department of Transportation (UDOT).

Major Street Plan. The most recently adopted "Alpine City Transportation Master Plan Map" which shows existing public streets and which has been officially adopted by the Planning Commission and City Council as the Major Street Plan.

Municipal Utility Easement. An easement that is created or depicted on a plat recorded in the Office of the County Recorder and is described as a municipal utility easement granted for public use; is not a protected utility easement or a public utility easement as defined in §54-3-27 of Utah State Code (as amended); the City or the City's affiliated governmental entity uses and occupies to provide a utility service, including sanitary sewer, culinary water, electrical, stormwater, or communications or data lines; is used or occupied with the consent of the City in accordance with an authorized franchise or other agreement; is used or occupied by a specified public utility in accordance with an authorized franchise or other agreement and is located in a utility easement granted for public use, or is described in §10-9a-529 of Utah State Code (as amended) by a specified public utility.

Off-street Parking Space. An area adjoining a building providing for the parking of automobiles which does not include a public street but has convenient access to it.

Off-site. Of or pertaining to land, area or facilities not located within the boundaries of a final plat of a subdivision.

On-site. Of or pertaining to land, area or facilities located within the boundaries of a final plat of a subdivision.

Parcel. Any real property that is not a lot.

Parcel Boundary Adjustment. A recorded agreement between owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line agreement in accordance with §10-9a-524 of Utah State Code (as amended), if no additional parcel is created and none of the property identified in the agreement is a lot or the adjustment is to the boundaries of a single person's parcels. Parcel boundary adjustment does not mean an adjustment of a parcel boundary line that creates an additional parcel or constitutes a subdivision. Parcel boundary adjustment does not include a boundary line adjustment made by UDOT.

Permanent Monument. Any structure of concrete, masonry and/or metal permanently placed on or in the ground, including

those expressly placed for surveying reference, which meets the requirements of the local jurisdiction for permanent monuments.

Plat. An instrument subdividing property into lots as depicted on a map or other graphic representation of land that a licensed professional land surveyor makes and prepares in accordance with §10-9a-603 or §57-8-13 of Utah State Code (as amended).

Potential Geologic Hazard Area. An area that is designated by a Utah Geological Survey map, county geologist map, or other relevant map or report as needing further study to determine the area's potential for geologic hazard; or has not been studied by the Utah Geological Survey or a county geologist but presents the potential of geologic hazard because the area has characteristics similar to those of a designated geologic hazard area. May be referred to in this title as "sensitive lands".

Public Hearing. A hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

Public Meeting. A meeting that is required to be open to the public under the Open and Public Meetings Act, §52-4 of Utah State Code (as amended).

Review Comments. Requests issued to an applicant by the City as part of the review cycle process, including requests for modifications to plats, plans, designs, reports, and studies submitted with the application, requests to supplement any incomplete information, document, or material submitted with or that was required to have been submitted with the application, and requests to correct any other deficiency with an application to ensure compliance with this Title and all other governing laws, land use regulations, applicable land use decisions, ordinances, and standards.

Review Cycle. The process described in §10-9a-604.2 of Utah State Code (as amended), and described in this Title, consisting of one (1) full cycle of a subdivision applicant's submittal of a complete application, the City's review of that application, the City's response to that application, and the applicants reply to the City's response.

Review Response. The applicant's response to the City's review comments, including a written response addressing each review comment and the submission of revised, modified, or corrected plats, plans, and other information, documents, and materials.

Sensitive Lands. Means the same as "geologic hazards" and "potential geological hazard areas" definitions. Sensitive lands shall also mean and include those lots or parcels as identified on the City's Sensitive Lands map.

Site Plan. A plot of a lot, drawn to scale, showing its actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, north point, scale, utility easements, vehicle access, and such other information as may be required by the Planning Commission.

Streets, Roads, and Highways.

1. **Street, Arterial.** A street, existing or proposed, which serves or is intended to serve as a major traffic way, and is designated an arterial street on the Major Street Plan.
2. **Street, Collector.** A street, existing or proposed, of considerable continuity, which is the main means of access to arterial streets, and is designated a collector street on the Major Street Plan.
3. **Street, Cul-de-sac.** A street which is designed to remain permanently closed at one end with the closed end terminated by a vehicular turnaround. For purposes of these regulations, the length of a cul-de-sac street shall be measured from center of turn- around to the point of connection to the next intersection street. (DCA 4.07.040 Part 9, Subdivision Ordinance)
4. **Street, Frontage, or Frontage Road.** A minor street or road which is parallel to and adjacent to a limited access major street and which provides access to abutting properties and protection from through traffic.
5. **Street, Minor.** A street, existing or proposed, which is supplementary to a collector street and of limited continuity, which serves or is intended to serve the local needs of a neighborhood and to give access to abutting properties.
6. **Street, Partial, Width.** A street parallel and contiguous to a property line and of lesser right-of-way width than will eventually be required; the additional needed right-of-way width to be obtained in the future from the abutting property owner prior to development as frontage.

7. Street, Public. A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority.
8. Street Right-of-Way. That portion of land dedicated to public use for street and utility purposes.
9. Street, Stub. A street or road extending from within a subdivision boundary and terminating there; with no permanent vehicular turnaround. Stub streets are provided to permit adjacent undeveloped parcels of land to be developed later by continuing the stub street to the extended connecting street system.

Structure. Anything constructed, the use of which requires fixed location on the ground, or attachment to something having a fixed location upon the ground, includes "building."

Subdivider. Any person, firm, corporation, partnership or association who causes land to be divided into two or more parcels of land for himself or others.

Subdivision. Any land that is divided, subdivided, or proposed to be divided into two (2) or more lots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease or development either on the installment plan or upon any and all other plans, terms and conditions. The term "Subdivision includes:

1. The division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
2. **Except as provided below**, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural and industrial purposes.

Subdivision does not include:

1. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
2. A boundary line agreement recorded with the Office of the County Recorder between owners of adjoining parcels adjusting the mutual boundary in accordance with §10-9a-524 of Utah State Code (as amended) if no new parcel is created;
3. A recorded document, executed by the owner of record revising the legal descriptions of multiple parcels into the one (1) legal description encompassing all such parcels or joining a lot to parcel;
4. A boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with §10-9a-524 and §10-9a-608 of Utah State Code (as amended) if no new dwelling lot or housing unit will result from the adjustment and the adjustment will not violate any applicable land use ordinance;
5. A bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division is in anticipation of future land use approvals on the parcel or parcels does not confer any land use approvals, and has not been approved by the land use authority;
6. A parcel boundary adjustment;
7. A lot line adjustment;
8. A road, street, or highway dedication plat;
9. A deed or easement for a road, street, or highway purpose; or
10. Any other division of land authorized by law.

Subdivision Amendment. An amendment to a recorded subdivision in accordance with §10-9a-608 of Utah State Code (as amended) that vacates all or a portion of the subdivision; alters the outside boundary of the subdivision; changes the number of lots within the subdivision; alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or alters a common area or other common amenity within the subdivision. Subdivision amendment does not include a lot line adjustment between a single lot of an adjoining lot or parcel that alters the outside boundary of the subdivision.

Subdivision Improvement Plans. The civil engineering plans, grading and landscaping plans, drawings, details, specifications, and other technical or engineered plans or designs associated with required infrastructure, City controlled utilities, and public landscaping required for a subdivision.

Subdivision Requirements. Those requirements that are adopted by the City and applicable County or State entities for the necessary and proper development of a proposed subdivision. Includes all applicable zoning regulations, governing laws, land use regulations, applicable land use decisions, ordinances, standards, designs and specifications.

Suspect Soil. Soil that has a high susceptibility for volumetric change, typically clay-rich, having more than a three percent (3%) swell potential, bedrock units with high shrink or swell susceptibility, or gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features.

Vicinity Map (Location Map). A map or drawing showing where a subdivision, or proposed subdivision is located.

(Ord. 98-19 amending Ord. 78-03)

HISTORY

Amended by Ord. [2019-01](#) on 1/8/2019

Amended by Ord. [2022-04](#) on 2/22/2022

Amended by Ord. [2022-11](#) on 4/12/2022

4.04 Administration

(Ord. 98-19 amending Ord. 78-03)

- 4.04.010 Designation Of Land Use Authority
- 4.04.020 Enforcement; Erroneous Approval Not A Waiver Of Requirements
- 4.04.030 General Application Requirements
- 4.04.040 Abandoned Applications
- 4.04.050 Applicant Notice Required; Waiver Of Requirements
- 4.04.060 Subdivision Ordinance Amendments
- 4.04.070 Temporary Land Use Regulations
- 4.04.080 Development Agreements
- 4.04.090 General Responsibilities
- 4.04.100 Amendments To Recorded Plats; Vacation Of Public Street
- 4.04.110 Property Boundary Adjustments; Boundary Line Agreements
- 4.04.120 Review Cycle Process For Subdivision Applications

4.04.010 Designation Of Land Use Authority

1. The following chart designates the Land Use Authority for subdivision approvals with the City.
2. Pursuant to §10-9a-306 of Utah State Code (as amended), the Land Use Authority shall apply the plain language of land use regulations.
3. If a land use regulation does not plainly restrict a land use application, the Land Use Authority shall interpret and apply the land use regulation to favor the land use application.
4. A land use decision of a Land Use Authority shall be considered an administrative act, even if the Land Use Authority is the City Council.

TABLE - Designation Of Land Use Authority

Type Of Land Use Application	Reviewing Body	Recommending Body	Land Use Authority	Appeal Authority
Annexation	City Staff	Planning Commission	City Council	County Boundary Commission
Subdivision Ordinance Amendments	City Staff	Planning Commission	City Council	District Court
Development Agreement	City Staff	City Staff	City Staff	City Council
Development Agreement Which Modifies An Adopted Standard/Specification /Regulation	City Staff	Planning Commission	City Council	District Court
Subdivision Amendment Which Does Not Include Vacation Of Public	City Staff	City Staff	City Staff	Hearing Officer / District Court

Right-Of-Way Or Public Utility Easements				
Subdivision Amendment Including Vacation Of Public Right-Of-Way Or Public Utility Easements	City Staff	Planning Commission	City Council	Hearing Officer / District Court
Parcel Boundary Adjustment / Lot Line Adjustment	Zoning Administrator	Zoning Administrator	Zoning Administrator	Hearing Officer / District Court
Appeals/Variances	Hearing Officer	Hearing Officer	Hearing Officer	District Court
Exceptions From Design And Improvement Standards (Unless specifically designated otherwise)	City Staff	Planning Commission	City Council	Hearing Officer / District Court
Residential Single Family:				
Pre-Application Meeting / Concept Plan	City Staff	City Staff	City Staff	Hearing Officer / District Court
Preliminary Plan	City Staff	City Staff	Planning Commission	Hearing Officer / District Court
Final Plat / Minor Subdivision	City Staff	City Staff	City Staff	Hearing Officer / District Court
Sensitive Lands (Preliminary Plan / Final Plat)	City Staff	Planning Commission	City Council	Hearing Officer / District Court
All Other Projects:				
Pre-Application Meeting	Zoning Administrator	Zoning Administrator	Zoning Administrator	Hearing Officer / District Court
Concept Plan Review	City Staff	City Staff	City Staff	Hearing Officer / District Court
Preliminary Plan / Final Plat (Including Sensitive Lands)	City Staff	Planning Commission	City Council	Hearing Officer / District Court

4.04.020 Enforcement; Erroneous Approval Not A Waiver Of Requirements

1. The City Council, Planning Commission, City Staff and other such departments and agencies of the City, State or County which are specified under the provisions of this title are hereby designated as authorized agencies who are charged with the enforcement of the provisions of this title.
2. Failure of such councils, boards, commissions, staff, departments and agencies to pursue appropriate legal remedies shall not legalize any violation of such provisions.
3. Should a plat, by inadvertence, be approved which shows on its face, or in any documents attached thereto or which are deemed to be a part thereof, that the subdivision does not comply in one (1) or more respects with the requirements of this title or with the requirements of approved subdivision standards and specifications relating to the quality, size, type, grade, distance, or dimension, and no variation or exception thereto has been approved by the Land

Use Authority, such plat approval shall not be deemed a waiver of such requirements, but on the contrary such requirements shall remain in full force and effect. Any discrepancy between the preliminary plan and the final plat which may not be noticed in inspection of the final plat and which is not approved by City Staff and the Land Use Authority shall be the responsibility of the subdivider, and approval of the final plat in such case shall not be deemed a waiver of the requirements of this title or any standards or specifications approved in connection herewith.

4. The failure of any preliminary plan or final plat to meet any and all of the requirements enumerated in this title or as imposed by the Land Use Authority, shall, as provided herein, cause any approval by the Land Use Authority to be suspended. Such a suspension shall be issued by the Zoning Administrator immediately upon discovery of an applicable error or omission. The matter shall then be referred to the Land Use Authority as soon as is practicable unless otherwise correctable within thirty (30) days from the date of the suspension. The Land Use Authority shall review the matter and either issue a correcting requirement or refer it to the appropriate body for action.

4.04.030 General Application Requirements

The Land Use Authority shall review and approve submitted applications for land use and development as provided in this chapter. The following general requirements shall apply to an application required by this chapter.

1. Application Forms. Submitted applications shall be on forms provided by the Zoning Administrator, and with the required documentation outlined on such application in quantities as reasonably required by the Zoning Administrator for each particular type of land use application. Applicants shall submit all applications to the Zoning Administrator for review to ensure compliance with the requirements as outlined in this title. Application forms may be amended by the Zoning Administrator from time to time as deemed necessary to ensure that applicants are informed as to the requirements for compliance with this title and all other governing laws including but not limited to: land use regulations, applicable land use decisions, ordinances, and standards.
2. City Initiated Applications. The Zoning Administrator, Planning Commission, or City Council may initiate any action under this title without an application. Notice, hearing, and other procedural requirements of this title shall apply to an application initiated by the City.
3. Accurate Information. All applications, accompanying documents, plans, reports, studies and information provided to the City by an applicant in accordance with the requirements of this title shall be accurate and complete.
4. Determination Of A Complete Application. After receipt of an application the Zoning Administrator shall determine whether the application is complete for the purposes of further substantive processing and review. If the application is not complete, the Zoning Administrator shall notify the applicant in writing and identify the deficiencies by specifying the required information, and shall advise the applicant that the City will take no further action on the request until the submission of a complete application.
 - a. For the purposes of further substantive processing and review an application shall be deemed to be complete if the application conforms to all information and materials identified or required by the application form and as outlined in this title.
 - b. A defect, deficiency, or error in information and materials submitted with an application which causes the application to not be in compliance with this title or any other governing law, including but not limited to: land use regulations, applicable land use decisions, ordinances, or standards shall not render the application incomplete unless such defect, deficiency, or error reasonably prohibits or precludes the substantive review of the application or a material portion thereof.
5. Fees. The applicant shall pay the City fees as outlined in the City's fee schedule as adopted and amended from time to time by the City Council upon the filing of an application. Application fees shall be in amounts reasonably determined to defray actual costs incurred by the City to review applications and their accompanying documents including plans and specifications, to act upon the application, and to conduct subsequent inspections to ensure compliance with City regulations. The Zoning Administrator shall return any application as incomplete if the application has not been submitted with the required fee. Fees shall be non-refundable, except as provided in this title. Applications initiated by the City shall not require fees.
6. Validity. The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.
7. Extensions Of Time. Unless otherwise prohibited or outlined in this title, upon written request for good cause shown, the Land Use Authority may without any notice or hearing, grant extension of any time limit imposed by this title on such application, its approval, or the applicant, provided that the Zoning Administrator receives such a request or initiates an extension prior to the date of expiration. The total period of time granted by any such extension or extensions shall not exceed half the length of time of the original time period. An extension shall not be granted if:
 - a. Good cause is not shown;
 - b. The application no longer conforms to current land use regulations, applicable land use decisions, or other applicable adopted City ordinances, regulations, or standards; or
 - c. Surrounding property has received final approval for a subdivision and/or has otherwise developed in a manner which results in new street alignments, development requirements, or similar considerations that restrict or require alteration of the approved preliminary plat or preliminary subdivision improvement plans.

4.04.040 Abandoned Applications

1. Any complete application for a subdivision, including all fees paid, that has been filed with the City shall be allowed to comply with the subdivision regulations in effect at the time that the complete application was filed. However, in the event the applicant does not move forward with the subdivision application within six (6) months of the application date,

or the applicant fails to provide a complete review response of the City's submission of review comments, the application may be deemed to have been abandoned by the applicant and the Zoning Administrator may reject the application in writing.

2. If reviews have been performed by the City, no refund of fees shall be issued to the applicant.
3. The applicant of an abandoned application may reapply to the City for subdivision approval at a later date in time, but shall be required to complete a new application, including the payment of fees as outlined in the City's fee schedule.
4. The reapplication, once accepted by the City, shall be subject to the provisions of this title and all other applicable land regulations, land use decisions, ordinances and standards in effect at the time the complete application was filed.

4.04.050 Applicant Notice Required; Waiver Of Requirements

When required, for each land use application required by this title, the City shall:

1. Notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application;
2. Provide to each applicant a copy of each staff report regarding the applicant or the pending application at least three (3) business days before the public hearing or public meeting; and
3. Notify the applicant of any final action on a pending application.
4. If the City fails to comply with the requirements of this section, an applicant may waive the failure so that the application may stay on the public hearing or public meeting agenda and be considered as if the requirements has been met.

4.04.060 Subdivision Ordinance Amendments

1. Purpose. This section sets forth the procedures for amending the provisions of this chapter.
2. Authority. The City Council may, from time to time, amend the text of this chapter. The provisions set forth in this section shall not apply to temporary land use regulations that the City Council may enact without a public hearing in accordance with §10-9a-504 of Utah State Code (as amended).
3. Initiation. Anyone may propose amendments to the text of this chapter as provided in this section.
4. Procedure. The City shall process and consider amendments to the text of this chapter as provided in this section.
5. Application. An application shall be submitted to the Zoning Administrator along with the fee as outlined in the City's fee schedule. The application shall include:
 - a. Name and address of every person or company the applicant represents;
 - b. Explanation of the proposed amendment and reasons supporting the request; and
 - c. Title, chapter, and section references of the affected sections, including a draft of the proposed text.
6. Determination Of Complete Application. After the Zoning Administrator determines the completeness of an application, the Zoning Administrator shall transmit the application to the Planning Commission for its review.
7. Notice. Class B notice shall be provided pursuant to §10-9a-205 of Utah State Code (as amended).
8. Planning Commission Hearing. The Planning Commission shall hold a public hearing on the proposed amendment in accordance with §10-9a-502 of Utah State Code (as amended) and shall recommend approval, approval with modifications, or denial of the proposed amendment to the Land Use Authority.
9. Land Use Authority Adoption. The Land Use Authority as outlined in 4.04.010 of this title shall review the proposed amendment and the recommendation of the Planning Commission. The Land Use Authority may either approve, approve with modifications, or reject the proposed amendment. The Land Use Authority may also table the matter for further information or future consideration or action.
10. Approval Standards. A decision to amend the text of this chapter shall be consistent with Utah State Code (as amended) and, when applicable, in harmony with the current General Plan. Nothing herein shall entitle any person to approval of a proposed amendment and nothing herein shall operate to limit or constrain the legislative authority and power of the City Council.
11. Appeals. Any person adversely affected by the final decision of the Land Use Authority may appeal that decision to the District Court as provided in §10-9a-801 of Utah State Code (as amended).
12. Effect Of Approval. Approval of an application to amend the provisions of this chapter shall not be an approval of a subdivision application or other land use permit. Obtaining approval of such subdivision application(s) or land use permit(s) shall be in accordance with the applicable provisions of this title.
13. Effect Of Disapproval. The Land Use Authority's denial of an application to amend the text of this chapter shall preclude another person from filing another application covering substantially the same subject for one (1) year from the date of the disapproval unless the Zoning Administrator determines a substantial change in circumstances occurred to merit consideration of the application. This section shall not limit the City Council, Planning Commission, Zoning Administrator, or other authorized City Staff from initiating an amendment to the text of the chapter at any time.

4.04.070 Temporary Land Use Regulations

1. The City Council may, without prior consideration of or recommendation from the Planning Commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the City if:
 - a. The City Council makes a finding of compelling, countervailing public interest; or
 - b. The area is unregulated.
2. A temporary land use regulation under this section shall be in conformance with §10-9a-504 of Utah State Code (as amended) and may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.
3. A temporary land use regulation may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.

4. A temporary land use regulation may not impose an impact fee or other financial requirement on building or development.
5. Unless otherwise provided by §10-9a-504 of Utah State Code (as amended), a temporary land use regulation shall not exceed a period of one-hundred eighty (180) days, but:
 - a. May be renewed, if requested by the State of Utah's Transportation Commission for up to two (2) additional periods of one-hundred eighty (180) days by ordinance enacted before the expiration of the previous regulation. However, the renewal regulation is effective only as long as the environmental impact statement or major investment study is in progress.

4.04.080 Development Agreements

1. Purpose. A development agreement may be negotiated between a developer and the City to set forth the specific requirements, elements, and aspects of a proposed development prior to receiving approval from the Land Use Authority on a land use application.
2. Procedure. Development agreements, and their subsequent amendments, shall be subject to the Land Use Authority as outlined in 4.04.010 of this chapter. All development agreements, upon proper execution, shall be recorded with the County Recorder's Office, and shall run with the land and be binding on all successors in the ownership of the affected property(ies). A development agreement shall contain, at a minimum, the following:
 - a. A legal description of the land subject to the development agreement.
 - b. The restrictions or conditions to be attached to the property including development standards and the provision of public facilities.
 - c. The configuration of the project as shown on the project's master plan.
 - d. A statement of the benefits and value the development agreement will have for the City as a whole, including but not limited to: assurances of design standards, dedication and improvement of open space, parks, trails, amenities, or infrastructure such as public rights-of-way, or utilities.
 - e. The time frame for performance by parties.
 - f. A description of the various City approvals required before the commencement of construction and other procedures that will be required after approval of the development agreement.
 - g. Provisions for enforcement of the terms and conditions of the development agreement.
 - h. Provisions for making amendments to the development agreement.
 - i. The time limitation of the agreement.
 - j. Such other terms and limitations which may be proposed and agreed to between the City and the developer.
3. Limitations. A development agreement under this section may not:
 - a. Limit the City's authority in the future to enact a land use regulation or take any action allowed under §10-8-84 of Utah State Code (as amended);
 - b. Require the City to change the zoning designation of an area of land within the City in the future; or
 - c. Contain a term that conflicts with, or is different from, a standard set forth in an existing land use regulation that governs the area subject to the development agreement, unless the City Council approves the development agreement in accordance with the same procedures for enacting a land use regulation under §10-9a-502 of Utah State Code (as amended), including a review and recommendation from the Planning Commission and the conducting of a public hearing.
 - d. The City may not require a development agreement as the only option for developing land within the City.
 - e. The City may not restrict the type of crop that may be grown in an area that is zoned agricultural or assessed under §59-2-5 of Utah State Code (as amended).
 - f. To the extent that a development agreement does not specifically address a matter of concern related to land use or development, the matter of concern shall be governed by §10-9a of Utah State Code (as amended) and the applicable land use regulations in this code.
 - g. If the development agreement restricts an applicant's rights under clearly established State law, the local government shall disclose in writing to the applicant those rights of the applicant that the development agreement restricts.
4. Expiration. A development agreement shall be signed and notarized by all parties and recorded in the County Recorder's Office within one (1) year from the date of Land Use Authority approval or it shall be considered null and void. Prior to the expiration of the one (1) year period an applicant may submit a written request to the Zoning Administrator for an extension of up to six (6) months. Approval of this extension may only be granted by the Land Use Authority.

4.04.090 General Responsibilities

1. An applicant shall prepare a concept plan, preliminary plan, and final plat consistent with the standards contained herein and shall pay for the design, review, construction, and inspection of the improvements required.
2. The applicant shall not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any site development until the applicant has obtained the necessary approvals as described in this chapter.
3. The applicant is responsible to obtain and be familiar with all applicable subdivision ordinances, construction regulations, and all other rules and related standards of the City.
4. The City shall process said plans and plats in accordance with the regulations set forth herein.
5. The Land Use Authority shall review submitted plans and plats for design, conformance to the applicable requirements of the General Plan, land use and other adopted ordinances, and shall process the plans and plats as provided for in this chapter.

6. Plans and/or plats of proposed subdivisions may be referred by the Zoning Administrator or Land Use Authority to the City's various departments and staff, special districts, governmental boards, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the subdivision for their information and comments. The Zoning Administrator shall be responsible for coordinating any comments received from public and private entities and shall decide which agencies to refer proposed subdivision plans and plats to.
7. Unless designated as the Land Use Authority, the Planning Commission shall act as an advisory agency to the Land Use Authority. The Planning Commission shall be charged with making investigations, reports, and recommendations on proposed subdivisions as to their conformance with the City's General Plan, the land use ordinance, and other pertinent rules, regulations, and standards of the City. After determining that a referred plan or plat complies with applicable requirements, the Planning Commission shall recommend approval, approval with conditions, or denial of the plan or plat to the Land Use Authority. Failure of the Planning Commission to render an official recommendation shall be deemed a recommendation of approval.
8. The Land Use Authority designated in 4.04.010 of this chapter shall have final jurisdiction in the approval of subdivision plans and plats.

4.04.100 Amendments To Recorded Plats; Vacation Of Public Street

1. The Land Use Authority as outlined in 4.04.010 may, consider any proposed vacation, alteration, or amendment of a recorded subdivision plat, any portion of the recorded subdivision plat, or any road or lot contained in a recorded subdivision plat by following and complying with all of the requirements for amending a subdivision, or vacating a public street as identified in §10-9a-608, §10-9a-609, and §10-9a-609.5 of Utah State Code (as amended).
2. Applicant(s) shall submit a complete application, including the fee as required as indicated in the City's consolidated fee schedule to the Zoning Administrator on a form prescribed by the Zoning Administrator, together with the number and size of plans indicated on the application form, including all digital submittals.
3. Poorly drawn or illegible plans shall be sufficient cause for rejection. The lack of any information required by this title or as outlined in §10-9a-608, §10-9a-609, and §10-9a-609.5 of Utah State Code (as amended) shall be cause for the Zoning Administrator's determination of an incomplete submittal and shall prohibit the Recommending Body and Land Use Authority as outlined in 4.04.010 from considering any material, items, or other information related to the proposed subdivision amendment or vacation of the public right-of-way. The Zoning Administrator shall notify the applicant of the required information lacking from the application in writing.
4. An aggrieved party may appeal the decision of the Land Use Authority concerning a subdivision plat amendment or vacation of public right-of-way to the Appeal Authority outlined in 4.04.010.

4.04.110 Property Boundary Adjustments; Boundary Line Agreements

1. Property boundary adjustments including parcel boundary adjustments, lot line adjustments, and boundary line agreements shall follow the process identified in §10-9a-523 and §10-9a-524 of Utah State Code (as amended).
2. When subject to review by the Land Use Authority outlined in 4.04.010, applicant(s) shall submit a complete application including the fee as required in the City's consolidated fee schedule to the Zoning Administrator on a form prescribed by the Zoning Administrator, together with the number and size of plans indicated on the application form, including all digital submittals.
3. Poorly drawn or illegible plans shall be sufficient cause for rejection. The lack of any information required by this title or as outlined in §10-9a-523 and §10-9a-524 of Utah State Code (as amended) shall be cause for the Zoning Administrator's determination of an incomplete submittal and shall prohibit the Land Use Authority from considering any material, items, or other information related to the application. The Zoning Administrator shall notify the applicant of the required information lacking from the application in writing.
4. The City may withhold approval of a subsequent land use application for property that is subject to a recorded boundary line agreement or other document used to adjust a mutual boundary line if the City determines that the lots or parcels, as adjusted by the boundary line agreement or other document used to adjust the mutual boundary line, are not in compliance with the City's land use regulations in effect on the day on which the boundary line agreement or other document used to adjust the mutual boundary line is recorded.
5. An aggrieved party may appeal the decision of the Land Use Authority regarding property boundary adjustments to the Appeal Authority outlined in 4.04.010.

4.04.120 Review Cycle Process For Subdivision Plat Applications

1. For each complete subdivision application, the City shall review the submitted plat, plans, and other application materials through the review cycle established by this section and §10-9a-604.2 of Utah State Code (as amended) to ensure compliance with all requirements of this title and all other governing laws including but not limited to: land use regulations, applicable land use decisions, ordinances, and standards.
2. A review cycle shall begin with the City's receipt of either a complete application for a new subdivision or a complete review response submitted as part of a prior review cycle.
3. The City may issue review comments with each review cycle to correct any deficiencies on the submitted plat, subdivision improvement plans, and related information, documents, and materials.
4. The City shall complete its review and shall issue review comments within the following timeframes:
 - a. Preliminary Plats And Preliminary Subdivision Improvement Plans. For single family, two family, and townhome subdivisions that do not involve property containing sensitive lands, the City shall have fifteen (15) business

days after the receipt of the complete application or complete review response to perform its review and issue review comments.

- b. Final Plats And Final Subdivision Improvement Plans. For single family, two family, and townhome subdivisions that do not involve property containing sensitive lands, the City shall have twenty (20) business days after receipt to complete its review and to issue review comments.
 - c. All Other Plats And Subdivision Improvement Plans. For all other plats and subdivision improvement plans the City shall have a reasonable timeframe to complete its review and to issue review comments.
5. Review comments issued by the City shall be specific, include citations to the applicable law, ordinance, regulation, decision, standard, or specification justifying the review comment and shall be compiled and logged into a single index of requested modifications for the application.
 6. The City's failure to issue a review comment regarding a specific deficiency or defect of the preliminary plat, subdivision improvement plans, or related information, documents, and materials submitted by the applicant shall waive the City's right to require that the deficiency or defect be corrected, unless:
 - a. The modification or correction required by the review comment is necessary to protect the public's health and safety or to enforce a State or Federal law.
 - b. The modification or correction required by the review comment is necessitated by the applicant's review response or other adjustment to the proposed subdivision plat, plans, or related materials;
 - c. The modification or correction required by the review comment is necessitated by the applicant's update to the proposed phasing of the development that adjusts the needed infrastructure; or
 - d. The applicant does not submit a revised plan in response to the City's review comments within twenty (20) business days after the City issued its review comments.
 7. Applicants shall provide a complete review response to the City's review comments, consisting of revised plats, plans, information, documents, or materials together with a written explanation identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.
 - a. The applicant's written explanation shall be comprehensive and specific, including citations to the relevant law, ordinance, regulation, decision, standard, or specification and include an index of requested revisions or additions for each required correction.
 - b. The applicant's failure to address a review comment shall render their review response incomplete. A subsequent review cycle or action shall not begin until all review comments are addressed and the applicant submits a complete review response.
 8. The City may not require more than four (4) review cycles, provided that the City may restart the review cycle process at the first review cycle if the applicant makes a material change to a submitted application. Such restarted review cycle process shall apply only to the portion of the submitted application that the material change substantively affects.

4.05 Minor Subdivisions

4.05.10 Purpose

4.05.020 Applicability

4.05.030 Minor Subdivision Process

4.05.040 Required Conditions And Improvements

4.05.050 Bond Agreements For Improvements Required

4.05.060 Recording Of Plat

4.05.070 Expiration Of Final Approval

4.05.080 Reinstatement Of The Final Plat

4.05.010 Purpose

The intent of the minor subdivision process is to allow for small subdivisions to be processed more easily. Minor subdivisions include those developments of three (3) or fewer lots which meet the requirements of this Code. The intent of a minor subdivision is to streamline the approval process by consolidating the preliminary and final plat processes. Applicants shall still be required to satisfy all applicable subdivision requirements including the requirement to provide, install, and assure all required subdivision improvements as outlined in this title and other applicable titles of the City's Code.

(Ord. 98-19 amending Ord. 78-03)

(Amended by Ord. No. 2007-05, 5/8/07; Ord. No. 2011-07, 5/10/11; Ord. No. 2013-12, 07/23/13; Ord. No. 2017-07, 05/23/17)

4.05.020 Applicability

The procedures set forth in this chapter shall govern the processing of, and the requirements pertaining to, minor subdivisions, and shall take precedence over any other provisions of the Code to the contrary. The minor subdivision process shall not apply to subdivisions which require the extension of roads or public utility mains or to subdivisions that are subject to geologic hazards or sensitive lands. Such subdivisions shall follow the major subdivision process outlined in this title.

(Ord. 98-19 amending Ord. 78-03)

(Amended by Ord. No. 2007-05, 5/8/07; Ord. No. 2011-07, 5/10/11; Ord. No. 2013-12, 07/23/13; Ord. No. 2017-07, 05/23/17)

4.05.030 Minor Subdivision Process

During the review process, City Staff may request reasonable additional information from the subdivider from time to time; and may ask other affected entities or City departments to review the proposed plan if, in the opinion of the City, it may contribute to a decision in the best interest of the City.

After submittal of the required application materials, no excavation nor alteration of the terrain within a proposed subdivision may be undertaken prior to written approval by the Zoning Administrator and City Engineer of the final plat. Excavation or alteration of the land prior to approval of the final plat may be cause for disapproval of the proposed subdivision.

1. City Planner and City Engineer

- a. The subdivider of a minor subdivision shall meet with the Zoning Administrator and City Engineer to review the proposed subdivision before submitting an application. If the proposed development is a residential single family, two family, or townhome development, the subdivider shall not be required to attend a pre-application meeting. However, a subdivider may request a pre-application meeting / concept plan review to be conducted by the City pursuant to §10-9a-604.1 of Utah State Code (as amended). The subdivider's request shall be submitted to the City along with any applicable applications or materials that are ordinarily required by this title along with any applicable fees as outlined in the City's consolidated fee schedule.
- b. A minor subdivision shall be reviewed and processed in accordance with the procedures set forth in this title for final plats and final subdivision improvement plans, provided that no preliminary plat is required.
- c. The subdivider shall submit the Minor Subdivision Application and two(2) D size (22" x 34") and two (2) 11' x 17" paper copies of the plan drawn to scale along with one (1) electronic copy of the plans to the Zoning Administrator to be reviewed by the City Staff. The subdivider shall also submit an electronic copy of the plan in a compatible format as specified by City Staff. The subdivider shall pay the associated fee(s) as set forth in the City's consolidated fee schedule. The fee(s) shall be paid to the City Treasurer payable to Alpine City.
- d. **City Staff** shall review the plan to determine compliance with the City's General Plan and all applicable City ordinances. For residential single family, two family, or townhome project(s), which are not subject to geologic hazards, the City shall not require more than four (4) review cycles which shall be conducted in compliance with 4.04.120 of this title and §10-9a-604.2 of Utah State Code (as amended). The Zoning Administrator shall notify the subdivider of the review findings, including questionable design or engineering feasibility, inadequacy of submittals, non-compliance with local regulations, and the need for other information which may assist in the evaluation of the proposed subdivision.
- e. If City Staff determines that the plat is in conformity with all applicable requirements and any reasonable conditions or on its own initiative, they shall approve the plat.
- f. If City Staff determines that the plat is not in conformity with all applicable requirements or any reasonable conditions imposed, it shall disapprove the plat specifying the reasons for such disapproval.
- g. After all necessary approvals have been granted by the City, the subdivider shall meet all requirements for recordation prior to the final plat being recorded. If the recording requirements have not been met within one hundred eighty days (180) calendar days from the date of City Staff approval, such approval shall be null and void. The voided/null final plat may be submitted for but will be subject to all applicable ordinances at the time of reinstatement and a reinstatement fee will be charged in accordance with the current fee schedule. The final plat must be recorded within one hundred eighty (180) days after the reinstatement approval or the approval shall be null and void.

(Ord. 98-19 amending Ord. 78-03)

(Amended by Ord. No. 2007-05, 5/8/07; Ord. No. 2011-07, 5/10/11; Ord. No. 2013-12, 07/23/13; Ord. No. 2017-07, 05/23/17)

4.05.040 Required Conditions And Improvements

The following requirements shall be imposed as a condition of approval of a minor subdivision:

1. No more than three (3) parcels shall be created in the minor subdivision.
2. New or extended street dedications shall not be allowed. Minor right-of-way dedications on existing streets are

permissible.

3. The area to be subdivided should be immediately adjacent to existing streets and utilities and shall not involve the extension of any such streets or utilities.
4. The minor subdivision shall not contain any sensitive lands.
5. The minor subdivision shall conform to the general character of the surrounding area.
6. Lots created shall not adversely affect the remainder of the parcel or adjoining property and shall conform to the applicable provisions of the City's Zoning Code.
7. Any remainder of the parcel must be capable of further subdivision.
8. Utility easements shall be dedicated.
9. Any further lot splits would be processed under the major subdivision process.
10. Derelict parcels shall not be created.
11. The minor subdivision plat shall comply with the drawing requirements of DCA 4.06.030 Part 3 (Final Plat).
12. A development agreement may be executed between the City and the Developer outlining the conditions of approval of the subdivision. The development agreement may include, but is not limited to, the following requirements: any special conditions, trails, landscape issues, or off-site improvements.

(Ord. 98-19 amending Ord. 78-03)

(Amended by Ord. No. 2007-05, 5/8/07; Ord. No. 2011-07, 5/10/11; Ord. No. 2013-12, 07/23/13; Ord. No. 2017-07, 05/23/17)

4.05.050 Bond Agreements For Improvements Required

Prior to recordation of an approved plat, the subdivider shall comply with the requirements of DCA 4.10.

(Ord. 98-19 amending Ord. 78-03)

(Amended by Ord. No. 2007-05, 5/8/07; Ord. No. 2011-07, 5/10/11; Ord. No. 2013-12, 07/23/13; Ord. No. 2017-07, 05/23/17)

4.05.060 Recording Of Plat

After approval, the filing of the bond agreement, and the signing of the plat by the Mayor, City Attorney, City Planner and City Engineer, the plat shall be presented by the City Recorder to the Utah County Recorder for recordation.

(Ord. 98-19 amending Ord. 78-03)

(Amended by Ord. No. 2007-05, 5/8/07; Ord. No. 2011-07, 5/10/11; Ord. No. 2013-12, 07/23/13; Ord. No. 2017-07, 05/23/17)

4.05.070 Expiration Of Final Approval

If the recording requirements set forth above are not met by the subdivider within 180 days from the date of Zoning Administrator and City Engineer approval, such approval shall be null and void (amended by Ord. 2004-13, 9/28/04).

(Ord. 98-19 amending Ord. 78-03)

(Amended by Ord. No. 2007-05, 5/8/07; Ord. No. 2011-07, 5/10/11; Ord. No. 2013-12, 07/23/13; Ord. No. 2017-07, 05/23/17)

4.05.080 Reinstatement Of The Final Plat

The voided/null Final Plat may be submitted to the Zoning Administrator for reinstatement. If there are no changes to the voided/null final plat and there have been no changes in ordinances that would affect the voided/null final plat, the Zoning Administrator may approve the reinstatement of the final plat. If there are any changes on the final plat or any changes in ordinances that would affect the plat, the voided/null final plat may be submitted for reinstatement, but will be subject to all applicable ordinances at the time of reinstatement, and a current reinstatement fee will be charged in accordance with Alpine City's current fee schedule. The final plat must be recorded within one hundred eighty (180) days after the reinstatement approval or the approval shall be null and void.

(Ord. 98-19 amending Ord. 78-03)

(Amended by Ord. No. 2007-05, 5/8/07; Ord. No. 2011-07, 5/10/11; Ord. No. 2013-12, 07/23/13; Ord. No. 2017-07, 05/23/17)

4.06 Major Subdivisions

4.06.005 Pre-Application Meeting

4.06.010 Concept Plan Process, Generally

4.06.015

4.06.10 Concept Plan Procedure4.06.020 Preliminary Design Plan (Preliminary Plat)4.06.030 Final Plat

4.06.005 Pre-Application Meeting

1. Pre-application Meeting Required. Before submitting a subdivision application to the City for review, applicant(s) shall attend a pre-application meeting with the Zoning Administrator to discuss development plans.
 - a.
 - b. If the proposed development is a residential single family, two family, or townhome development, applicant(s) shall not be required to attend a pre-application meeting. However, an applicant(s) may request a pre-application meeting / concept plan review to be conducted by the City pursuant to §10-9a-604.1 of Utah State Code (as amended). The applicant(s) request shall be submitted to the City along with any applicable applications or materials that are ordinarily required by the title along with any applicable fees as outlined in the City's fee schedule.
 - c. The Zoning Administrator may provide any helpful suggestions or cautions, including relevant specifications and regulations, to help the applicant understand what must be done to have the subdivision application accepted by the Land Use Authority.
 - d.
2. The land use applicant must be the property owner, or an official representative of the property owner and shall provide the City with complete and accurate information about the size and scope of the proposed project.

4.06.010 Concept Plan Process Generally

1. Applicant(s) may make an application for concept plan review with the City and pay the required fee as outlined in the City's fee schedule. The concept plan application shall be submitted to the Zoning Administrator for review by City Staff prior to the submission of a preliminary plan application.
2. The concept plan is intended to promote efficiency in the subdivision review and approval processes and enable the applicant and relevant City Staff to have an informal review of the site plan with the general scope of the proposed development and site or development conditions which might affect the proposed plan and subsequent plats. It is designed to allow for the identification of City policies, issues, application procedures, standards, and other items that may need to be considered during the subdivision review process once a formal application is received.
3. The concept plan submittal shall not constitute an application for subdivision approval, as provided and required by this chapter, and in no way shall be binding on the City or the applicant(s). Any discussion that occurs at the conceptual plan review shall not be considered any indication of subdivision approval or disapproval, either actual or implied.
4. If applicable, once concept plan recommendations have been provided to the applicant by City Staff, the applicant(s) may apply for preliminary plan approval consistent with the submitted concept plan and recommendations received.
- 5.

4.06.015 Concept Plan Procedure**1. PLAN REQUIREMENTS.**

The concept plan shall include the following items:

- a.
- b. The proposed name and location of the subdivision;
- c. Map of the proposed subdivision with property boundaries, including all adjacent properties, including those within the same ownership or development conglomerate and their potential for cooperation;
- d. Approximate acreage of the proposed subdivision;
- e. Current zoning designation of properties included in the proposed subdivision, and any zoning map changes which would be necessary to develop the proposed subdivision;
- f. A proposed layout of the subdivision indicating the general dimensions, areas, and numbers of lots, access points, and street configurations, including right-of-way widths, etc.;
- g. Topographic contours and the location of existing or potential sensitive lands or features (i.e., geologic, floodplain hazards, etc.);
- h. The present roads and utilities;
- i. Approximate location of nearest utilities and those proposed to service the subdivision including:

- i. A description of the type of water system proposed including documentation of water rights and of historic water use; and
- ii. A description of the type of sanitary waste system proposed. NOTE: When private wells and on-site septic systems are proposed, a description of how proposed lot(s) will conform to the standard protection radius around the wellhead shall be required.
- j. Potential open space or areas which will be utilized for trail systems;
- k. Any characteristics which may impose peculiar construction requirements, such as geological hazards, drainage systems, or steep slopes;
- l. The relationship between the proposed development and the City's General Plan and including, without limitation, planned roads, utilities, trails, sensitive lands, parks, and drainages;
- m. A written statement of sufficient detail so that the intent of the applicant/developer is made clear to those persons who review the proposals including information on phased development, the anticipated timeline or schedule for the development, methods of financing improvements, maintenance and ownership of non-buildable lands or common open spaces;
- n. A detailed list describing any portion of required studies and reports required by this title the applicant/developer feels may not be necessary for development of the subdivision; and the reasons why such studies or portions thereof ought to be waived or modified; and
- o. Other materials or documents as identified or required by the City during the pre-application meeting such as any maps and narratives required by any other provisions of the City's ordinances.

2. REVIEW PROCEDURES.

- a. During the concept plan review process, City Staff may request reasonable additional information from the subdivider from time to time; and may ask other affected entities or City departments to review the plan if, in the opinion of the City, it may contribute to a decision in the best interest of the City.
- b. After submission of the required application materials, no excavation nor alteration of the terrain within a proposed subdivision may be undertaken prior to written approval by the Land Use Authority of the final plat. Excavation or alteration of the land prior to approval of the final plat may be cause for disapproval of the proposed subdivision.

- 3.
 - a. The subdivider shall prepare and submit the following required documentation to the Zoning Administrator. :
 - i. a completed Concept Plan Checklist and Application;
 - ii.
 - iii. **one (1) twenty four inch by thirty six inch (24" x 36")**, one (1) eleven inch by seventeen inch (11" x 17") paper copies drawn to scale, and
 - iv. an electronic copy in a compatible format, as specified by City Staff.
 - v. A concept plan will not be considered until the application is complete and all required materials have been submitted within the required timeline.
 - b.
 - c.
 - d.
 - e. The Zoning Administrator shall, upon receipt of a complete concept plan submission, distribute copies of the plan to City Staff and other agencies as in the opinion of the Zoning Administrator may contribute comments or suggestions on the proposed subdivision which are deemed to be in the best interest of the public.
 - f. City Staff shall review the submitted concept plan and check compliance of applicable sections of the City's General Plan, Master Transportation Plan, subdivision and land use ordinances, and other appropriate regulations and standards. City Staff shall make findings regarding the submitted concept plan, specifying any inadequacy in the information submitted or noncompliance with City regulations.
 - g. City Staff shall notify the applicant(s) in writing of review findings including any questionable design or engineering feasibility issues, inadequacy of submittals, noncompliance with local regulations, and/or the need

for other information which may assist City Staff to evaluate the concept plan.

h. The concept plan shall act as a guide for subsequent preliminary plan and final plat submittals and will have no official standing or approval.

4.

a.

(Ord. 98-19 amending Ord. 78-03)

(Ord. No. 2000-21; amended by Ord. No. 2007-05, 5/8/07; Ord. No. 2010-14, 9/14/10; Ord. No. 2011-07, 5/10/11)

HISTORY

Amended by Ord. [2018-09](#) on 10/23/2018

4.06.020 Preliminary Design Plan (Preliminary Plat)

1. **SUBMISSION REQUIREMENTS.** The following shall be submitted to the Zoning Administrator by the subdivider or their authorized representative:

a. A completed preliminary plan application, including preliminary plan checklist, and payment of applicable fees;

b. Preliminary plans including:

i. Preliminary plat, including two(2) D size, twenty four inches by thirty six inches (24" x 36") and two(2) eleven inch by seventeen inch (11"x17") paper copies drawn to scale, and an electronic copy in a compatible format as specified by City Staff;

ii. Preliminary plans (construction drawings), including two(2) D size, twenty four inches by thirty six inches (24" x 36") and two (2) eleven inch by seventeen inch (11"x17") paper copies drawn to scale, and an electronic copy in a compatible format as specified by City Staff; and

iii. Preliminary title report. A title report of all associated parcels of land within the proposed subdivision boundary with a title commitment date of not more than thirty (30) days from the date of application submission. A preliminary title report shall indicate all easements, restrictions, covenants and reservations of record. All easements shall be clearly shown on the preliminary subdivision plat.

iv. A narrative or summary statement describing:

- The proposed subdivision including its location, total development area, general lot sizes, current zoning designation, number of proposed dwelling units;
- The estimated number of gallons per day of water requirements where a distribution system will be utilized;
- The estimated number of gallons per day of sewage to be treated;
- The number of acres in public and/or private ownership, intended use, and maintenance responsibilities for all common and public improvements, utilities, and open space;
- How any required findings, recommendations, conclusions or required documents, reports, studies or similar required by this title have been integrated into the design of the proposed subdivision; and
- Itemized construction cost estimate and proposed method of financing of the streets and related facilities; water distribution system; sewage collection system; storm drainage facilities; and other such utilities as may be necessary, including trails, landscaping and revegetation and erosion control;

v. Other information including reports or materials or supporting documents required by this chapter unless otherwise waived or modified by City Staff during concept plan or by the Land Use Authority, each of which shall be prepared by a professional with the appropriate licenses and/or training in the field including letters from all utilities (power, cable, gas, phone, and post office) agreeing to service the proposed subdivision.

c.

d.

2. **PRELIMINARY PLAT REQUIREMENTS.** The accuracy of location of alignments, boundaries, and monuments shall be certified by a registered land surveyor licensed to do such work in the State of Utah. A workman-like execution of the preliminary plans shall be made in every detail. A poorly-drawn or illegible preliminary plans shall be sufficient cause for rejection. The following data shall be submitted as part of the preliminary plan submission:
- a. Located at the top and center of the preliminary plat, the proposed name of the subdivision which shall be distinct from any other plat already recorded with the County Recorder's Office;
 - b. A layout of the proposed subdivision, at a scale of no more than one inch equals one hundred feet (1" = 100'), or as recommended by the Zoning Administrator and/or City Engineer.
 - c. The boundaries, course, dimensions, and total acreage of all of the parcels of ground divided, by their boundaries, course, and extent, whether the applicant proposes that any parcel of ground is intended to be used as a street or for any other public purpose.
 - d. The lot or unit reference, block or building reference, street or site address, the street name or coordinate address, acreage or square footage for all parcels, units, or lots, and length and width of the blocks and lots intended for sale.
 - e. Every existing or proposed right-of-way and easement grant or record for underground utility facilities.
 - f. A title block, placed on the lower right-hand corner of the plat showing:
 - i. Name and address of the owner of record and the name and address of the licensed surveyor responsible for preparing the preliminary plat.
 - ii. Date and preparation of the preliminary subdivision plat, and all revision dates.
 - g. Signature blocks for the dated signatures of the Planning Commission Chair, Mayor, City Engineer, City Attorney, and required private or public utility/service providers.
 - h. North arrow, graphic and written scale, and basis of bearings used.
 - i. A vicinity map of the site at a minimum scale of one inch equals one thousand feet (1" = 1,000') or as recommended by the Zoning Administrator and/or City Engineer showing the perimeter outline of the proposed subdivision, accesses, abutting subdivision outlines and names, names of adjacent property owners, and adjacent streets within two (2) miles of the proposed subdivision.
 - j. Traverse map of the monumented (see DCA 4.06.030 Part 5) perimeter of the proposed subdivision. The traverse shall have an error of closure of not greater than one part in 30,000. Survey tie into a legal corner or other permanent marker established by the County Surveyor is required.
 - k. The location of any common space or public open space areas including the location of all property to be set aside for public or private reservation, with the designation of the purpose of those set aside, and conditions, if any of the dedication or reservation. Location, function, ownership and manner of maintenance of common open space not otherwise reserved or dedicated for public use (in compliance with the City's Open Space Zone).
3. **REQUIRED PRELIMINARY PLANS (I.E., CONSTRUCTION DRAWINGS).** The following information is required to be provided at the same scale as the preliminary subdivision plat, on separate sheets as necessary:
- a. The identification and location of 5350 foot elevation line and sensitive land areas as depicted on the City's Sensitive Lands or Geologic Hazard Maps.
 - b. The identification of known natural features including, but not limited to, jurisdictional wetlands as identified by the U.S. Army Corp of Engineers, areas of slope exceeding thirty percent (30%) grade, flood channels as identified by any federal or state agency, all water bodies and drainage ways, and any other natural features as required by City Staff or the Land Use Authority for the entire subdivision site, including the total acres in each. Where improvements to irrigation ditches are required, written approval from the irrigation company, or private ditch owner, or easement holder shall be submitted to the City.
 - c. The existing site contours at two foot (2') intervals for predominant ground slopes within the tract between level and five percent (5%) grade and five foot (5') contours for predominant ground slopes within the tract over five percent (5%) grade. Elevations shall be based on National Geodetic Survey area level data. In cases of predominantly level topography throughout a subdivision, one-foot (1') interval contours may be required.
 - d. The location of any known human-made features on, or contiguous to the proposed subdivision site, including existing platted lots, all utility easements, railroads, power lines and power poles, bridges, culverts, drainage channels, rights-of-way and easements, field drawings, and well or spring protection areas.
 - e. The location of sites intended for multi-family dwellings, shopping centers, community facilities, industry, or

other uses, exclusive of single-family dwellings, as may be permitted by the City's Zoning Ordinance.

- f. The location and dimensions of all existing buildings, including those housing animals, fence lines, and property lines overlaid with the proposed subdivision layout.
- g. The layout of existing power and the source and connection to the existing power supply.
- h. All existing and proposed roadway names, locations and dimensions, with typical cross sections of all new roads proposed to be dedicated to the City, showing the grades, proposed cuts and fills exceeding three feet (3'). The proposed radius of all center line curves shall be shown.
- i. The location and general size of existing and proposed culinary water and sewer lines and/or the location of all wells and springs, and the location of all secondary water locations (if/when applicable), overlaid with the proposed subdivision layout plan.
- j. The proposed storm drainage system, including the general proposed pipe sizes, inlets, detention areas, and drainage arrows.
- k. The location of all existing and proposed fire hydrants, including the general sizes of all existing and proposed water lines serving fire hydrants.
- l. Each proposed lot shall identify required setback lines including front, side and rear as required by the zoning district in which the proposed subdivision is located. Dimensions of all buildable areas shall be shown for PRDs, irregular lots, or any other lots as requested by City Staff, Planning Commission or Land Use Authority. The designated buildable area shall not be less than five thousand square feet (5,000 sq. ft.) except in the TR-10,000 zone, and shall be shown on the preliminary and final plat together with a notation to the effect that all main and accessory buildings shall be located within the designated buildable area. (Amended by Ord. 2004-13, 9/28/04.)
 - i. The designated buildable area may be amended by City Staff as long as the minimum setback requirements of the underlying zone are met.
 - ii. Buildable areas will be required to be shown on lots that contain slopes greater than twenty percent (20%), mapped floodplain boundaries, faults, or other natural hazards. In standard subdivisions, these shall be reviewed on a case by case basis.
- m. The location of all existing and proposed street lights identifying the general location, type, and light output of all street lights.
- n. The location of all existing and proposed locations (including general quantities or areas) of street trees, shrubs, and other landscape materials and plantings.
- o.
- p.
- q.
- r.
- s.
- t.
- u.
- v.

4.

5. **REVIEW PROCEDURE - PRELIMINARY DESIGN PLAN.** The Zoning Administrator shall review a preliminary plan application for completeness. When a complete preliminary plan application has been received, the Zoning Administrator shall distribute copies of the plan for review by other affected entities as follows:

- a. Local school districts;
- b. Interested governmental departments of the City or County;
- c. Other affected entities which in the opinion of the Zoning Administrator may contribute to a more intelligent design solution to problems which may be encountered by the subdivision in question including but not limited

to:

- d.
- e.
- f.

- i. Post Office
- ii. Telephone Company
- iii. Natural gas company
- iv. Electric company
- v. Cable company

- g. Upon submission of a complete application, the City shall review and require revisions of the preliminary plan application in accordance with the review cycle process described in 4.04.120 of this title and §10-9a-604.2 of Utah State Code (as amended). For residential single family, two family or townhome applications, which are not subject to geologic hazards, the City shall not require more than four (4) review cycles.

6. APPROVAL

- a. After completing the review cycle process, the preliminary plan shall receive a final recommendation from the applicable Recommending Body who shall provide a recommendation to the applicable Land Use Authority.
 - i. The Recommending Body shall provide a recommendation to the Land Use Authority to require the subdivider to provide soil erosion and sedimentation control plans and specifications if the soil, slope, vegetation and the drainage characteristics of the site are such as to require substantial cutting, clearing, grading and other earth-moving operations in the construction of the subdivision, or otherwise entail an erosion hazard. Such control plans and specifications shall be prepared by a person trained, qualified and licensed in the State of Utah in such matters pursuant to the County's adopted conservation standards, with the costs of preparation of such plans and specifications being borne by the subdivider, and to be approved by the City Engineer prior to the approval of the **final plat**
 - ii. When, in the opinion of the Recommending Body, public facilities should be constructed within the boundaries of a proposed subdivision to achieve community standards established in the Alpine General Plan, the subdivider shall reserve a site appropriate in area and location for such public facility. Such site shall be reserved by the subdivider for a period of not less than two (2) years from the date of Preliminary Plan approval, to provide the appropriate public agency an opportunity to purchase the site. A determination by the Recommending Body to require such a reservation by a subdivider shall be made in writing and shall state the reasons for such requirement.
- b. When identified as the Recommending Body, the Planning Commission a public meeting shall either recommend approval, approval with modifications or conditions, or disapproval of the proposed preliminary plan to the Land Use Authority. When identified as the Land Use Authority, the Planning Commission shall approve, disapprove, or approve with conditions the preliminary plan.
- c. All Recommending Bodies, when rendering their recommendation shall base their recommendation on the determination of compliance with the standards and criteria set forth by the City, including but not limited to: this title and other land use ordinances, the City's General Plan and other applicable master plans, other adopted City standards, specifications, and design criteria. If the Recommending Body finds the preliminary plan application to be inadequate, deficient, or defective with respect to such standards and criteria, the Recommending Body shall specify in writing the inadequacy in the application, noncompliance with City regulations, questionable or undesirable design or engineering practices, and/or the need for additional information as part of its recommendation.
- d. Upon receipt of the recommendation from a Recommending Body the Land Use Authority shall consider the application for preliminary plan approval and applicable recommendations and comments at its next available regularly scheduled public meeting. The Land Use Authority shall approve, or approve with modification or conditions only those preliminary plans which it finds conform to all applicable requirements. If the preliminary plan does not conform to all applicable requirements and conditions or modifications cannot be imposed that correct such nonconformance, the Land Use Authority shall deny and reject the preliminary plan.
- e. Approval of the preliminary plan application by the Land Use Authority shall not constitute the final acceptance of the subdivision by the City, and the applicant shall not proceed with the subdivision until after receiving approval of a final plat and final subdivision improvement plans. Approval of the preliminary plan shall not relieve the applicant or developer of the responsibility to comply with all required conditions and ordinances, and to provide the improvements and easements necessary to meet all City standards and requirements.

- f. Approval of the preliminary plan shall expire one hundred eighty (180) calendar days after the date of approval. Reinstatements may be granted by the Land Use Authority, and will be subject to all applicable ordinances at the time of reinstatement and a reinstatement fee will be charged in accordance with the current fee schedule.
- g. Any person aggrieved by a decision of the Land Use Authority concerning a preliminary plan application may appeal the decision to the Appeal Authority outlined in 4.04.010 of this title.

(Ord. 98-19 amending Ord. 78-03)(Amended by Ord. No. 2010-14, 9/14/10)

HISTORY

Amended by Ord. [2018-09](#) on 10/23/2018

4.06.030 Final Plat

1. SUBMISSION REQUIREMENTS. The following shall be submitted to the Zoning Administrator by the subdivider or their authorized representative:

- a. A completed final plat application, including final plan checklist, and payment of applicable fees;
- b. Final plat and plans (construction drawings) including:
 - i. An electronic copy in a compatible form as specified by City Staff;
 - ii. One (1) D size twenty four inches by thirty six inches (24" x 36") and one (1) eleven inch by seventeen inch (11" x 17") paper copies drawn to scale;
 - iii. NOTE: One (1) mylar copy of the Final Plat delineated in permanent ink shall be submitted to the City upon the request of the Zoning Administrator for recordation purposes, until then submission of the required paper copies of the final plat shall be sufficient for review purposes; and
 - iv. Certificate for clear title. An affidavit (certificate for clear title) that the applicant is the owner, the equitable owner, or authorized by the owner in writing to make an application for the land proposed to be subdivided shall be provided.
 - v. Title report. Prior to the recordation of the final plat, the applicant shall submit a current title report for review. The current title report shall disclose all recorded matters of title regarding the property and which is prepared and dated not more than thirty (30) days before the proposed recordation of the final plat. The title report shall set forth the names of all property owners included in the final plat and shall include a list of all mortgages, judgements, liens, easements, contracts and agreements of record in the County which shall affect the property covered by such plats. If the opinion of title discloses such encumbrances, then at the option of the City Attorney, the holders or owners of such mortgages, judgements, liens, easements, contracts, or agreements shall be required to join in and approve the application before the plat shall be acted upon by the Land Use Authority.
 - vi. Articles of incorporation/bylaws. When a proposed subdivision contains land that are reserved in private ownership for community use, including common areas, the applicant shall submit with the final plat, the name, proposed articles of incorporation and bylaws of the owner, or organization empowered to own, maintain and pay taxes on such lands and common areas and any access easements which may be required.
 - vii. A revised narrative or summary statement describing any changes made from the previous narratives or summary statements submitted during the preliminary plan.
 - viii. All other materials required by this chapter.
- c. Materials required for final plat approval shall be submitted within one hundred eighty (180) calendar days of the date a preliminary plan has been approved by the Land Use Authority. Fees for final plat review shall be paid at the time of submission of the final plat. A final plat submission shall not be accepted which has exceeded this time period, unless approved by the Land Use Authority.

2. FINAL PLAT REQUIREMENTS.

- a. The borderline of the final plat shall be drawn in heavy lines leaving a space of at least one and one-half inches (1 ½") on the left side and at least one-half (½") margin on the other sides. The plat shall be drawn so that the top of the drawing faces either north or west, whichever accommodates the drawing best. The plat shall be made to a scale large enough to clearly show all details, and in any case shall not be smaller than one inch equals one hundred feet (1" = 100'). Workmanship on the finished plat and plans (construction drawings) shall be neat, clean cut, and readable.

- b. The final plat submission shall conform in all major respects to the preliminary plat as previously reviewed and approved by the designated Land Use Authority, and shall incorporate all modifications required in its review. If a final plat has been modified to reflect improvements in design or changes which have occurred in its natural surroundings and environment since the time of the preliminary plan review and approval, the plat will be returned to the previous Land Use Authority for further review and approval. The Land Use Authority may redline a revised plat.
- c. A final plat shall be a phase of an approved preliminary plan, except as provided in Part 5.
- d. The final plat shall indicate the basis of bearings, north arrow, date, name of the subdivision, name of the County, name of the City, township, range, section, and quarter section, address block, block and lot number of the property proposed for subdivision. All blocks and all lots within each block shall be consecutively numbered.
- e. If a plat is revised, a copy of the old plat shall be provided for comparison purposes.
- f. The final plat shall fully and clearly show all stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site. Any monument or benchmark that is disturbed or destroyed before acceptance of all improvements shall be replaced by the applicant. The following required monuments shall be shown on the final plat:
 - i. The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties;
 - ii. All rights-of-way monuments at angle points and intersections as approved by the City/County Surveyor.
- g. The final plat shall contain the name, stamp, and signature of a professional land surveyor licensed in the State of Utah, who prepared the plat, together with the date of the survey, the scale of the map, and the number of sheets. The following certificates, acknowledgements, and descriptions shall appear on the title sheet of the final plat, and such certificates may be combined where appropriate:



- i. Professional Land Surveyor's "Certificate Of Survey":

SURVEYOR'S CERTIFICATE

I, [NAME OF PROFESSIONAL LAND SURVEYOR], do hereby certify that I am a Professional Land Surveyor, and that I hold License No. _____, in accordance with Title 58, Chapter 22, of the Professional Engineers and Land Surveyors Act; I further certify that by authority of the owners I have completed a survey of the property described on this subdivision plat in accordance with Section §17-23-17, have verified all measurements, and have subdivided said tract of land into lots and streets, together with easements, hereafter to be known as [NAME OF SUBDIVISION AND PHASE NUMBER IF APPLICABLE] and that the same has been correctly surveyed and monumented on the ground as shown on this plat.



- ii. Owners Dedication Certificate in the following form:

OWNERS DEDICATION

Known all men by these presents that we, the undersigned owner(s) of the above-described tract of land, having caused said tract to be subdivided into lots and streets to be hereafter known as [name of subdivision] do hereby dedicate for perpetual use of the public all parcels of land, other utilities, or easements shown on this plat as intended for public use. In witness whereof, we have hereunto set out hands this ____ day of _____, 20____.


(Add appropriate acknowledgments)



- ii. Notary public's acknowledgement for each signature on the plat;
 - iii. A correct metes and bounds description of all property included within the subdivision;
 - iv. Signature lines for the City Engineer, City Attorney, Planning Commission Chair or pro-tem, Mayor or pro-tem with attestation by the City Recorder. A block for the County Treasurer, County Surveyor and Recorder shall be provided with the County Recorder's block provided in the lower right-hand corner of the final plat; and such other affidavits, certificates, acknowledgements, endorsements, and notarial seals as required by state law, this title, the County Attorney or Surveyor.,
- h.
 - i. The final plat shall conform to all applicable Alpine City Standard Drawings and Specifications.
 - j. The bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside the lot dimensions. On curved boundaries and all curves on the final plat, sufficient data shall

be given to enable the re-establishment of the curves on the ground. This curve data shall include the following for circular curves:

- i. radius of curve;
- ii. central angle;
- iii. tangent;
- iv. arc length;
- v. chord length; and
- vi. chord bearing.

-  k. All bearings and lengths shall be given for all lot lines, except that bearings and lengths need not be given for interior lot lines where the bearings and lengths are the same as those of both end lot lines. All dimensions of irregularly-shaped lots shall be indicated in each lot. Lengths shall be shown to hundredths of a foot, and angles and bearings shall be shown to seconds of arc.
- l. All lands within the boundaries of the plat shall be accounted for either as lots, walkways, streets, or ground in common ownership, public paths, open space and excepted parcels. Derelict parcels as defined in this title shall not be allowed.
- m. Buildable areas when required by City Staff, Planning Commission, or the Land Use Authority shall be noted with dimensions. The designated buildable area should not be less than five thousand square feet (5,000 sq. ft, except in the TR-10,000 zone.) All dwellings and other habitable structures and accessory buildings shall be located within the designated buildable area. (Amended by Ord. 2004-13, 9/28/04).
- n. All streets and walkways shall be designated as such and streets shall be named; bearings and dimensions must be given.
- o. In cases where lots front on an arterial street, a note shall be placed on the plat requiring a circular driveway or prohibiting backing onto the arterial street;
- p. All easements shall be designated as such and bearings and dimensions given.
- q. Parcels not contiguous shall not be included in one plat, nor shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat, provided all owners join in dedication and acknowledgment.
- r. Required plat notations for agricultural, industrial, critical infrastructure and mining protection areas:
- i. Agricultural Protection Areas. For any new subdivision development located in whole or in part within three hundred feet (300') of the boundary of an agriculture protection area, the owner of the development shall provide notice on any plat filed with the County Recorder the following notice:
 - "Agriculture Protection Area. This property is located in the vicinity of an established agriculture protection area in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on the property included in the agriculture protection area. The use and enjoyment of this property are expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities."
 - ii. Industrial Protection Areas. For any new subdivision development located in whole or in part within one thousand feet (1,000') of the boundary of an industrial protection area, the owner of the development shall provide notice on any plat filed with the County Recorder the following notice:
 - "Industrial Protection Area. This property is located in the vicinity of an established industrial protection area in which normal industrial uses and activities have been afforded the highest priority use status. It can be anticipated that such industrial uses and activities may now or in the future be conducted on property included in the industrial protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal industrial uses and activities."
 - iii. Critical Infrastructure Materials Protection Areas. For any new subdivision development located in whole or in part within one thousand feet (1,000') of the boundary of a critical infrastructure materials protection area, the owner of the development shall provide notice on any plat filed with the County Recorder the following notice:
 - "Critical Infrastructure Materials Protection Area. This property is located in the vicinity of an established critical infrastructure materials protection area in which critical infrastructure

materials operations have been afforded the highest priority use status. It can be anticipated that such operations may now or in the future be conducted on property included in the critical infrastructure materials protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal critical infrastructure materials operations.”

iv. Mining Protection Areas. For any new subdivision development located in whole or in part within one thousand feet (1,000') of the boundary of a mining protection area, the owner of the development shall provide notice on any plat filed with the County Recorder the following notice:

- “Mining Protection Area. This property is located within the vicinity of an established mining protection area in which normal mining uses and activities may now or in the future be conducted on property included in the mining protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience that may result from the normal mining uses and activities.”

s. Any other requirements, restrictions and improvements approved during the Preliminary Plan process by the Land Use Authority

3. **FINAL PLAN (CONSTRUCTION DRAWING) REQUIREMENTS.** The final plan (construction drawings) shall be submitted with the final plat application and shall include and address the following standards:

a. The final plan (construction drawings) shall conform to all applicable Alpine City Standard Drawings and Specifications.

b. Final plans (construction drawings) shall indicate the layout, profile, and detail design of the following:

i. Grading/Drainage Plan. The proposed grading and drainage plan shall be indicated by solid- line contours superimposed on dashed-line contours of existing topography for the area of the final plat. Such contours shall be at two foot (2') intervals for predominant ground slopes within the tract between level and five percent (5%) grade, and five foot (5') contours for predominant ground slopes within the tract over five percent (5%) grade. In case of predominantly level topography throughout a subdivision, one foot (1') contour intervals may be required.

ii. Street Plan. The proposed street plan shall include street profiles and typical cross-section drawings of proposed roads, bridges, culverts, sewers, and other drainage structures.

- The street plan shall show proposed grades including centerline grades of existing streets in adjacent properties for a minimum distance of one hundred feet (100').

- Where a portion of an existing easement is contiguous to a proposed easement or right-of-way of a new subdivision, proof of the dedication of the existing easement or right-of-way acceptable to the City must be submitted.



- When a new street will intersect with a State Highway, a copy of the State Highway permit shall be submitted to the City.

iii. Stormwater Drainage/Management Plan. A stormwater drainage/management plan shall include water courses, and proposed storm drainage systems including culverts, water areas, streams, and flood plain areas. Approximate boundaries of areas subject to inundation or storm water overflows of an intensity estimated to occur with a return frequency of once every hundred years.

iv. Stormwater Pollution Prevention Plan (SWPPP). A SWPPP shall be required to be submitted in its final form for all proposed subdivisions, unless specifically exempted by the City Engineer or state.

v. Utility Plan. A utility plan shall include the location and profiles of proposed sewer, water, pressurized irrigation, storm drain lines, and any other proposed utility.

- A composite utilities easement plan showing the location, size, and proposed use of all easements shall also be provided.

- All utilities must be constructed within approved easements.

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4. SUPPORTING DOCUMENTS. Two (2) paper copies and one (1) electronic copy in a compatible format as specified by City Staff of the following supporting documents shall accompany and be part of the final plat submission. The Land Use Authority may specifically determine that any one of the following documents may not be required.

a. The substance of all other covenants, grants of easements or restrictions to be imposed upon the use of the land, buildings, and structures within the proposed subdivision. Copies of protective covenants, trust agreements, and home owner's association articles and by-laws, including those required by the City to govern re- subdivision, and other potential changes which might significantly alter the subdivision as approved by the City with regard to the criteria and standards of these regulations.

b. Monument record or survey notes pertaining to the proposed subdivision's perimeter survey.



c. A statement obtained by the developer from each utility company involved, stating that they have reviewed the proposed plats and plans and are setting forth their comments concerning the extent of the services and the design of utility easements. This shall include an Irrigation Company letter and/or letter from ditch easement holders.

d. The Alpine City Utility Easement Verification form shall be signed by all utilities which will service the subdivision including power, gas, post office, etc. prior to submitting the final plat into the City Recorder. As an alternative, a "Will Serve" letter from each utility is also acceptable.

e. A Geotechnical Report is required and shall, at a minimum, include the following:

i. existing site conditions;

ii. ground water evaluation;



iii. seismic evaluations;

iv. laboratory testing results of onsite materials;

v. foundation recommendations;

vi. lateral earth pressures;

vii. floor slab recommendations;

viii. drainage requirements (both surface and subsurface);

ix. site preparation and grading;

x. pavement recommendations;



xi. soils profiles for the tract proposed for subdivision where there are geologic hazards known to the subdivider or the City;

xii. soil corrosivity test and results; and

- xiii. calculations to substantiate foundation recommendations, lateral earth pressures, and pavement recommendations.
- f. An environmental impact study (Section 4.3.1.10), if required by the City, shall be delivered fourteen (14) days prior to the Land Use Authority's meeting at which the final plat shall be considered for public inspection. It shall be prepared by an independent consultant chosen from a list approved by the City of qualified consultants. It shall address the following issues that impact the community and shall identify remedies to any of the issues. The Plan must be accepted and approved by the City Engineer and Land Use Authority.
- i. Impact on Environment
- Faults and Earthquake Hazards. A hazard inherent in the crust of the earth which is dangerous or potentially dangerous to life, property or improvements, due to the movements, failure or shifting of the earth. Distances to major geological fault lines must be shown.
 - Subsurface Rocks and Soils. Rock formation and soil types should be shown. Areas shall be identified that may be susceptible to slippage or other problems related to stability. The report must also address potential impacts of development on adjacent areas.
 - Slope and Elevations. Contours of the land in two foot (2')-foot intervals. Minimum five foot (5')-foot contour on steep hills or at two foot (2') -foot intervals on a larger scale map.
 - Groundwater Recharge. Identify potential impacts on the purity of ground water or subsurface aquifers that may result from the planned development.
 - Flood Hazards. A hazard to land or improvements due to inundation or overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses. Any increases in potential downstream flooding or silt flows as a result of development must be identified, along with impacts on downstream areas of any planned runoff diversions. All handling of waterflows must be in accordance with the Federal Water Pollution Control Act (FWPCA).
 - Flood Plains. Areas identified by the Federal Emergency Management Agency (FEMA) as floodplain areas must be specifically noted, along with anticipated impacts. Proposals which include alteration to any established creek, stream or other natural watercourse must include approval from the U.S. Army Corps of Engineers and Division of Water Resources.
 - Erosion Hazards. Areas defined by the City Engineer as being subject to erosion.
 - Wildlife Habitat. Specific types of wildlife that are to be found at the site prior to development, including reptiles, birds and mammals. Animal movement corridors must be identified, along with any barriers that development might present to existing animal movement and migration patterns. Special attention should be devoted to any species listed as endangered or protected by the Environmental Protection Agency.
 - Air Quality. Address any changes in air quality that are to be anticipated beyond those that would be expected as a result of normal residential development and resulting traffic flows. Any features of development, such as large structures, which might alter existing air current must also be identified.
 - Flora. Information on the existing vegetation in the area to be developed, as well as plans to retain the natural flora. Types of trees, shrubs, grasslands and crops must be identified, with special attention devoted to any species listed as endangered or protected. An estimate will be provided of the percentage of natural vegetation to be retained.

ii. Impact on Infrastructure

- Traffic and Transportation. Information on anticipated traffic impacts resulting from a new development. Such analysis shall address traffic increases on residential streets, addition to traffic flows during peak period (such as the morning commute) and any anticipated needs created for new traffic corridors.
- Culinary Water and Sewer. Impacts on the sewer and culinary water supply must be addressed. Utility accesses should be noted and any potential impacts discussed as they relate to health, safety or barriers to movement of residents or wildlife.
- Storm Drainage. In addition to the drainage plan required with subdivision submission, the report must address any potential impacts on the purity of ground water or subsurface aquifers that may result from the planned development. Point sources of any discharge to public waterways must be shown and non-point sources shall be identified if changes are anticipated as a result of the proposed development. Any increases in potential downstream flooding or silt flows must be identified, along with the impacts on downstream areas of any planned runoff diversions. All handling of waterflows must be in accordance with the Federal Water Pollution Control Act (FWPCA).
- Public Safety/Fire Protection. Identify water supply, water lines, fire hydrants and other protective devices as may be required in accordance with the provisions of this ordinance.



iii. Impact on Quality of Life

- Aesthetics and Cultural. Address aspects of development that may impact the rural environment of Alpine City, including any landscape design features that may be inconsistent with retention of views or a rural atmosphere. Any features of development that will contrast with surrounding land uses will also be addressed, including population densities that are significantly different from adjacent areas or any anticipated changes in cultural patterns in the area. The report must also note any sites of historical significance either on or within a quarter-mile of the development site.
- View Scapes. Address aspects of development that may impact view sheds including any landscape design features that may be inconsistent with retention of views. This section should also include any unusual cuts or fills required and any development on hillsides or prominent rises.
- Parks, Trails and Recreational Facilities. Address the impact on demand for existing Alpine City recreational facilities in accordance with DCA 4.07.200, and indicate what features or facilities, if any, will be included in the development to contribute to the recreational needs of both residents and non-residents of the development. The following specific recreational aspects will be considered and any significant impacts addressed:
 - Hiking, walking and jogging
 - Access to mountains
 - Location of parks
 - Open space
 - Picnicking
 - Sports activities
- Noise. Proposed developments that include other than residential uses must contain an evaluation of the potential for increased noise. If an increase is anticipated in the ambient noise level as a result of the development, all other land

uses within a half- mile radius must be identified, and the potential impact of the noise increase on those existing uses will be evaluated. Intermittent noise that may result from uses anticipated at the completed development must be identified if it will be out-of- character, whether due to intensity or frequency, with noise generated by existing uses within a half-mile radius.

- g. Where the subdivider is to dedicate land for schools, roads, parks, or other public purposes, a letter of intent is required from the public agency receiving the dedication, agreeing to such dedication, and stating how applicable improvement standards will be met. When land within a subdivision is to be purchased by a public agency for public use, a letter of intention to purchase shall be required.
- h. Cost estimates shall be submitted for construction of streets and related facilities, water distribution system, sewage collection system, flood plain protection, storm drainage facilities, erosion control, trails, revegetation and such other facilities as may be required, to be reviewed by the City Engineer.

5. PHASE DEVELOPMENT

- a. The final platting of subdivisions containing more than twenty-five (25) lots shall be done in phases. Each phase shall consist of the number of lots which can be completely developed with both off-site and on-site improvements within a two-year period, or twenty-five (25) lots, whichever is larger. The development of the subdivision shall be in an orderly manner and in such a way that the phases will be contiguous, the required improvements will be continuous, and all of the said off-site improvements will be made available for the full, effective and practical use and enjoyment thereof by the lessees or the grantees of any of the lands subdivided within the time hereinafter specified.
- b. When the off-site improvements have been one hundred percent (100%) completed for the recorded plat and approved by the City Engineer, and on-site improvements are seventy percent (70%) completed, the subdivider may submit the next phase of the proposed development in accordance with the rules and regulations of this Subdivision Ordinance.

6. MONUMENTS

- a. Permanent reference monuments, as approved by the City Engineer, shall be set on the external boundary of the subdivision, and at all street center line intersections, and all beginning and end points of curves to provide line of sight control for re- establishing the survey. The number of monuments may be reduced by the City Engineer.
- b. All monuments shall be the manhole type. D&L Model K6313 with ring extension or City approved equivalent.
- c. The developer shall be responsible to have all property corners of lots surveyed by a licensed surveyor with each property corner being identified with a rebar and cap. Brass pins shall be set in the top of curb at the projected property line. All other property corners shall be marked with a steel tee-post placed near the rebar and cap. Developers will be required to post a bond for this requirement. The subdivision will not be given final bond release until the requirements of this section have been met.
- d. Detail requirements on monument construction, marking, and setting are contained in the City Standards.

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9. REVIEW

- a. Upon submission of a complete application, the City shall review and require revisions of the final plat application in accordance with the review cycle process described in 4.04.120 of this title and §10-9a-604.2 of Utah State Code (as amended). For residential single family, two family or townhome applications, which are not subject to geologic hazards, the City shall not require more than four (4) review cycles.
- b. When identified as the Recommending Body, the Planning Commission when required by Utah State Code shall hold a public hearing concerning the proposed subdivision and shall either recommend approval, approval with modifications or conditions, or disapproval of the proposed final plat to the Land Use Authority. When rendering their recommendation they shall base their recommendation on the determination of compliance with the standards and criteria set forth by the City, including but not limited to: this title and other land use ordinances, the City's General Plan and other applicable

master plans, other adopted City standards, specifications, and design criteria. If they find the final plat application to be inadequate, deficient, or defective with respect to such standards and criteria, they shall specify in writing the inadequacy in the application, noncompliance with City regulations, questionable or undesirable design or engineering practices, and/or the need for additional information as part of its recommendation.

- c. Upon receipt of the recommendation from a Recommending Body the Land Use Authority shall consider the application for preliminary plan approval and applicable recommendations and comments at its next available regularly scheduled public meeting.
- d. The Land Use Authority shall approve, or approve with modification or conditions only those final plats which it finds conform to all applicable requirements. If the final plat does not conform to all applicable requirements and conditions or modifications cannot be imposed that correct such nonconformance, the Land Use Authority shall deny and reject the final plat.
- e. Approval of the final plat shall expire one hundred eighty (180) calendar days after the date of approval. Reinstatements may be granted by the Land Use Authority and will be subject to all applicable ordinances at the time of reinstatement and a reinstatement fee will be charged in accordance with the current fee schedule.
- f. Any person aggrieved by a decision of the Land Use Authority concerning a final plat application may appeal the decision to the Appeal Authority outlined in 4.04.010 of this title.
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11. RECORDING FINAL PLAT

- a. Once a final plat has received approval from the Land Use Authority, the Land Use Authority shall certify approval on the final plat on the space provided. Acceptance of dedication of proposed public lands or streets, or street rights-of-way in an approved plat can be made only by the Land Use Authority. Final plat approval by the Land Use Authority will be deemed an acceptance of dedication, unless streets and other public spaces are shown as “not intended for dedication.”
- b. The City Recorder shall record the Final Plat with the County Recorder. Any expenses incurred by the developer shall be borne by the developer and paid prior to recording; i.e. impact, plan check, etc.
- c. The City Recorder shall provide copies of the recorded plat together with the official notification of the action to be distributed as follows:
 - i. Two (2) copies for City files;
 - ii. One (1) copy for each utility company serving the subdivision;
 - iii. One (1) copy for the City Engineer; and
 - iv. One (1) electronic copy for the City Engineer.

12. **EXPIRATION OF FINAL APPROVAL** (Amended by Ord. 2004-13, 9/28/04). If the recording requirements set forth above are not met by the subdivider within one hundred eighty (180) days from the date of the Land Use Authority’s approval, such approval shall be null and void.

13. **REINSTATEMENT OF FINAL PLAT** (Amended by Ord. 2004-13, 9/28/04; Ord. 2008- 07, 5/27/08). The voided/null Final Plat may be submitted to the Zoning Administrator for reinstatement by the Land Use Authority. If there are no changes to the voided/null final plat and there have been no changes in ordinances that would affect the voided/null final plat, the Zoning Administrator may approve the reinstatement of the final plat where City Staff has been designated as the Land Use Authority. If there are any changes on the final plat or any changes in ordinances that would affect the plat, the voided/null final plat may be submitted for reinstatement with a recommendation from the Reviewing Body and approval by the Land Use Authority, but will be subject to all applicable ordinances at the time of reinstatement and a current reinstatement fee will be charged in accordance with current fee schedule. The

reinstated final plat must be recorded within one hundred eighty (180) days after the reinstatement approval or the approval shall be null and void. Only one (1) reinstatement may be sought.

14. **PRECONSTRUCTION CONFERENCE** (Amended by Ord. 2004-13, 9/28/04). A preconstruction conference will be conducted prior to construction. A preconstruction meeting provides an opportunity to begin communication and problem solving between City Staff and the subdivider prior to the start of a major construction project. The City Public Works Director or Engineer, City Administrator, Zoning Administrator and any other relevant City Staff will meet with the subdivider prior to construction.

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16. **FILE OF RECORDED SUBDIVISIONS**. The City of Alpine shall maintain a filing system of all subdivisions, which includes copies of all maps, data, and official subdivision actions; also, a master location map (or maps) referenced to the filing system, for public use and examination.

(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. No. 2010-14, 9/14/10)

HISTORY
Amended by Ord. [2018-09](#) on 10/23/2018

4.07 Design Standards

[4.07.10 Design Standards](#)

[4.07.020 General Standards](#)

[4.07.030 Lots](#)

[4.07.040 Streets And Street Requirements](#)

[4.07.050 Street Names](#)

[4.07.060 Curvature And Alignment](#)

[4.07.070 Frontage On Major Highways](#)

[4.07.080 Roadbed Construction Standards For Paved Roadways For Public Streets](#)

[4.07.090 Road Grades](#)

[4.07.100 Sidewalks, Curbs And Gutters](#)

[4.07.110 Block Standards](#)

[4.07.120 Pedestrian Circulation](#)

[4.07.130 Easement Standards](#)

[4.07.140 Utilities To Be Underground](#)

[4.07.150 Alleys](#)

[4.07.160 Sanitary Sewage Disposal; General Requirements](#)

[4.07.170 Water System; Public System Required](#)

[4.07.180 Storm Drainage And Flood Plains](#)

[4.07.190 Irrigation Systems](#)

[4.07.200 Trails And Walking Paths And Open Space](#)

[4.07.210 Derelict Parcels Prohibited](#)

[4.07.220 Unimproved Residual Lots Not Permitted](#)

[4.07.230 Water Rights Required To Be Conveyed To The City](#)

4.07.010 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.

(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

4.07.020 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.

(Ord. 98-19 amending Ord. 78-03)

(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

4.07.030 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 approved by the Land Use Authority. 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 square feet (5,000 sq. ft.) or as required by the City's zoning ordinance.

(Ord. 98-19 amending Ord. 78-03)

(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

4.07.040 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.
 - a. 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.
 - b. 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.
 - c. 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 twenty (20) or more lots shall provide two (2) 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.
 - a. 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 ensure that adjacent properties are not landlocked.
 - b. 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.
 - c. 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:
 - i. The estimated cost to improve the stub street;

- ii. Whether or not the stub street will be essential to provide reasonable access to the undeveloped parcel;
- iii. The number of lots in the proposed subdivision that will be accessed from the improved stub street; and
- iv. The estimated number of lots that can be developed in the future on the adjacent undeveloped parcel through use of the stub street.

If the Land Use Authority upon the receipt of a positive recommendation from a Reviewing Body 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.

- d. Any such stub street having a length of more than one hundred fifty feet (150') or providing primary vehicular access to one (1) 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.
- e. 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:

- a. Arterial street: sixty six feet (66');
- b. Collector street: sixty feet (60'); and
- c. Minor street, rural road, secondary access, or frontage road: fifty four feet (54').

6. **Roadway Width.** Unless otherwise restricted by §10-9a-508 of Utah State Code (as amended), local streets shall have roadway widths and classifications as follows (Note: Add four feet (4') for curb where required):

- a. Arterial street: forty two feet (42') paved;
- b. Collector street: thirty six feet (36') paved;
- c. Minor street or frontage road: thirty feet (30') paved;
- d. Rural roads: twenty six feet (26') paved. Rural roads shall require approval by the Land Use Authority through the subdivision exception procedure.
- e. Secondary Access: Shall meet the minimum width and improvements required by the International Fire Code adopted by reference in §15A of Utah State Code (as amended) for emergency access along with such other improvements such as surface type, curb and gutter, and gating at the discretion of the Land Use Authority and upon positive recommendation of the Recommending Body and City Staff.

7. **Road Shoulders.** Where curbs are not required to be installed, a minimum of ten foot (10') 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:

- a. 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.
- b. The width of the right-of-way of the partial width street shall be not less than thirty- nine feet (39') in the instance of a minor class street and forty-two feet (42') in the instance of a collector class street.
- c. Upon approval of the Land Use Authority the improvements constructed on the partial width street may include:
 - 1) the curb, gutter and sidewalk improvements adjacent to all abutting lots in the subdivision;

- 2) the water and sewer line;
 - 3) a hard surfaced travel way portion having a width not less than one-half that required for the specified street class plus an additional twelve feet (12') of width;
 - 4) all utility systems in the partial width street shall be located and constructed as set forth in City standards; and
 - 5) storm drains.
- d. That there are no existing conditions which would have the effect of preventing the subsequent development of the remaining portion of the street.
 - e. That construction of the partial width street at the proposed location will not create an unsafe or hazardous condition.
 - f. 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 (4) streets shall enter an intersection.
11. **Angle of Street Intersections.** Streets shall intersect at ninety degrees, except where otherwise recommended as necessary by the City Engineer. The minimum radius of property lines and back of curb at intersections shall be fifteen feet (15') and twenty-five feet (25') respectively
12. **Centerline of Intersecting Streets.** The centerline of two (2) 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 feet (150') . An exception may be given to the off-set requirement of up to fifteen (15') as recommended by the City Engineer and approved by the Land Use Authority I. (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 City Engineer approved by the Land Use Authority. 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)
15. **Wildland Urban Interface.**
- a. Access. All developments in the Wildland Urban Interface area shall have more than one (1) access route which provides simultaneous access for emergency equipment and civilian evacuation. The design of access routes shall take into consideration traffic circulation and provide for looping of roads as required to ensure at least two access points. Looped roads with a single access are not allowed.
 - b. Exceptions. Where terrain features or other physical obstacles make provision of a second access impractical, a single access may be approved by the Land Use Authority after obtaining the recommendation of the Fire Chief and Recommending Body.
 - c. Specifications. All secondary access roads shall have a minimum all weather surface width of not less than twenty feet (20') and an unobstructed vertical clearance of not less than thirteen feet six inches (13' 6") to permit two-way traffic. These provisions will apply in lieu of those provided in Section 503 of the International Fire Code.
16. **Intermunicipal Street Connections.** There shall be no new street connections to municipalities outside of Alpine City unless the connection is existing or planned as shown on the Transportation Master Plan.

(Ord. 98-19 amending Ord. 78-03)

(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

HISTORY

Amended by Ord. [2018-10](#) on 10/23/2018

Amended by Ord. [2019-12](#) on 6/11/2019

Amended by Ord. [2019-17](#) on 8/27/2019

Amended by Ord. [2020-16](#) on 9/8/2020
Amended by Ord. [2022-04](#) on 2/22/2022

4.07.050 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 shall be approved by the Land Use Authority, 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 Land Use Authority.

(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

4.07.060 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 percent (1%) and shall be designed to provide the maximum sight distances practical. For minimum sight distance requirements, refer to Exhibit 3-1 on page 112 of the 2001 AASHTO (American Association of State Highway Officials) publication, A Policy on Geometric Design of Highways and Streets. The design shall be based on the anticipated posted speed limit of that street.

(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

HISTORY
Amended by Ord. [2020-01](#) on 1/14/2020

4.07.070 Frontage On Major Highways

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

(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

4.07.080 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 Land Use Authority 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 approved by the City Council for mountain areas, or unusual topographic conditions using the Subdivision exception process.

(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

4.07.090 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 percent (10%). Sustained grades shall be limited to seven percent (7%). Minimum grades shall be one percent (1%).
2. **Minor roads or streets and common-use private roads:** limited to a maximum grade of twelve percent (12%). Sustained grades shall be limited to ten percent (10%). Grades above ten percent (10%) must be approved by the Fire Marshal. Minimum grades shall be one percent (1%).
3. **Cul-de-sacs** with a negative grade progressing toward the turnaround shall be limited to a maximum grade of four percent (4%). The cul-de-sac shall terminate with a grade not to exceed two percent (2%) for the last one hundred feet (100') of traveled surface. The cross-slope grades of the bubble shall not exceed two percent (2%) or be less than one percent (1%). Cul-de-sacs with a positive grade progressing toward the turnaround shall be limited to maximum grades as specified in 4.07.090.2 and 4.07.090.5. The cul-de-sac shall terminate with a grade not to exceed three percent (3%) for the last one hundred feet (100') of traveled surface. The cross-slope grades of the bubble shall not exceed two percent (2%) or be less than one percent (1%).

4. **Street intersections:** Shall have a vertical alignment such that the grade shall not exceed three percent (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 sections of sustained grade or less (as specified in 4.07.090.1-2) for minimum length of one hundred feet (100') between vertical curves, and where length of that portion of road at maximum grade is less than five hundred feet (500') between vertical curves.
6. **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.
7. **All cuts and fills** must be treated with top soil and vegetated per Alpine City Standard Specifications and Details.

HISTORY

Amended by Ord. [2020-01](#) on 1/14/2020

4.07.100 Sidewalks, Curbs And Gutters

Sidewalks, curbs, planter strips and gutters are required on both sides of all streets and are required to be dedicated to the public. Sidewalks, curbs, planter strips and gutters may be required by the Land Use Authority on existing streets bordering the new subdivision lots to create connectivity of sidewalks within the immediate vicinity of the new subdivision..

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.

1. **Exception.** On occasion, there may be circumstances in which an exception from the curb, gutter and sidewalk requirements may be warranted. An applicant should meet with the City Engineer to discuss the circumstances.

Exception Criteria: A successful applicant should be prepared to have the requested exception evaluated under the following criteria:

- a. Impractical to install curb, gutter or sidewalk because of drainage, topography or similar circumstances.
 - b. Special circumstances, features or conditions of the property, normally of a technical nature.
 - c. Relationship to surrounding patterns of land use and street and circulation.
2. **Fees in Escrow for Future Improvements.** Where present conditions exist which make it infeasible 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 City Engineer. Upon payment of the fee by the developer, the City shall assume the responsibility for future installation of such improvements. The Treasurer shall establish a special account for such fees and shall credit to such account a proportional share of interest earned from investment of City monies. Records relating to identification of properties for which the fees have been collected, fee amounts collected for such properties and money transfer requests shall be the responsibility of the Building Department.
 3. **Planter Strip Requirements:** (Amended by Ord. 2004-13, 9/28/04)
 - a. 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 and shall conform to the requirements set forth in DCA 3.13:
 - i. Xeriscape and street trees with required irrigation; or
 - ii. Colored, stamped decorative concrete and street trees with required irrigation;
 - iii. Irrigation standards to follow the most current adopted version of the Alpine City Construction Standards and Details. .
 - iv. Street trees shall be planted at least every 50 ft. Street trees shall be selected from the Alpine City Tree Guide.
 - b. Single Frontage Lot Landscaping Requirements. Planter strips in the city right-of-way shall be landscaped in conformance with DCA 3.13 and maintained by the property owner. If street trees are desired, the trees shall be selected from the Alpine City Tree Guide.

(Ord. 98-19 amending Ord. 78-03)

(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

HISTORY

Amended by Ord. [2020-14](#) on 7/14/2020

Amended by Ord. [2023-06](#) on 3/14/2023

4.07.110 Block Standards

Block lengths shall be reasonable as approved by the Land Use Authority, and in total design shall provide for convenient access, quality of life, and circulation for emergency vehicles.

4.07.120 Pedestrian Circulation

Where blocks exceed one thousand feet (1,000') in length, pedestrian rights-of-way of not less than ten feet (10') in width may be required by the Land Use Authority 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 Land Use Authority.

(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

4.07.130 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 Land Use Authority.
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.

(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

4.07.140 Utilities To Be Underground

Unless exempted by the Land Use Authority, 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.

(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

4.07.150 Alleys

The Land Use Authority 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 Plan and on the Final Plat.

(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

4.07.160 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 twenty feet (20') and shall be shown on the plat. All sewer lines should be located on the south and west sides of the street.

(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

4.07.170 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.

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.

(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

4.07.180 Storm Drainage And Flood Plains

1. For storm drain design please refer to Alpine City's "Storm Water Drainage Design Manual."
2. For flood plain information please refer to DCA 3.12.080.

(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

4.07.190 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.

(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

4.07.200 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.

(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

4.07.210 Derelict Parcels Prohibited

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.)

(Ord. 98-19 amending Ord. 78-03)
 (Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

4.07.220 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.

(Ord. 98-19 amending Ord. 78-03)
 (Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

4.07.230 Water Rights Required To Be Conveyed To The City

1. **Water Rights Required - Determination of Amount.** Any person proposing to subdivide land within 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:

- a. 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.



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

2. **Rate of Flow.** In addition to the annual quantity of water, determined in accordance with Part 1, 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.

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 an 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 City Engineer to the Land Use Authority.

- a. 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.

- b. 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.
- c. 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.
- d. 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).
- e. 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. **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.

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.
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.
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.
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.
9. **Hardship Relief Provisions**

- a. **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.
- b. **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.
- c. **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:
 - i. Name of the applicant;
 - ii. Name and business address of the current owner of the property and form of ownership;
 - iii. Nature of the interest owned by the applicant in the subject property;
 - iv. A complete description of all water rights and/or water shares owned by the applicant;
 - v. 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;
 - vi. A description of all water rights and water shares conveyed to the City by the applicant, related to the

subject property;

- vii. 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;
- viii. 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;
- ix. 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;
- x. 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;
- xi. Copies of all relevant documents evidencing or relating to water rights and water shares related to the subject property;
- xii. 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;
- xiii. 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 reasonably necessary, in their opinion, to arrive at a conclusion regarding the hardship relief petition.

- d. 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.
- e. 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.
- f. 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.
- g. 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.
- h. Findings of the City Council. The City Council may modify the Alpine City water rights acquisition policy to the extent reasonably 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.
- i. Decision Final. The decision of the City Council shall be final.

(Ord. 98-19 amending Ord. 78-03)

(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

4.08 Construction And Improvement Requirements

4.08.10 Construction Standards

4.08.020 Conflicting Provisions

4.08.030 Improvement Construction To Be Obligation Of Subdivider

[4.08.040 Commencement Of Construction](#)**4.08.010 Construction Standards**

Construction standards, including drawings, tables, charts, references and other regulations adopted by the City Council by resolution, shall constitute subdivision regulations supplementing this Ordinance.

(Ord. 98-19 amending Ord. 78-03)

4.08.020 Conflicting Provisions

Where specific requirements are made or exemptions allowed under other sections of this Ordinance, those requirements or exemptions shall prevail over the subdivision regulations supplementing this Ordinance.

(Ord. 98-19 amending Ord. 78-03)

4.08.030 Improvement Construction To Be Obligation Of Subdivider

The following improvements, where required, shall be constructed at the expense of the subdivider, in accordance with the subdivision regulations of this Ordinance, or as elsewhere provided by ordinance: (See also Zoning Ordinance for requirements)

1. Road grading and surfacing;
2. Facilities for water supplies, waste water management, and storm water control, irrigation facilities;
3. Water, sewer, and pressurized irrigation mains and laterals to each property line;
4. Fire hydrants as specified by City Standards;
5. Curb, gutter, planter strips, double-frontage planter strips, and sidewalks;
6. Central Mail Box Units;
7. Brass pins and other property corners;
8. Underground electrical, telephone and cable television lines;
9. Monuments;
10. Installation or construction of required on-site or off-site improvements;
11. Revegetation, erosion control;
12. Street signs, street lighting, street planting, planter strips;
13. Segments of proposed arterial or collector streets;
14. Trails and trail signs;
15. Open space and parks in PRDs; and
16. Any other improvements required or specified in the Development Agreement
17. All development is to be in compliance with City Standards and specifications.

(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. 2004-13, 9/28/04)

4.08.040 Commencement Of Construction

Site improvement or grading of a proposed subdivision site prior to Final Plat approval by the Land Use Authority is prohibited.

(Ord. 98-19 amending Ord. 78-03)

HISTORY
Amended by Ord. [2018-06](#) on 9/11/2018

4.09 Adequate Public Facilities**4.09.10 Requiring Adequate Public Facilities To Be Available Concurrent With Subdivision Approval**

[4.09.020 Essential Public Facilities](#)[4.09.030 Procedures](#)[4.09.040 Level Of Service Standards](#)[4.09.050 Adequate Public Facilities Not Available](#)[4.09.060 Public Facility Requirements Prior To Issuance Of A Building Permit](#)**4.09.010 Requiring Adequate Public Facilities To Be Available Concurrent With Subdivision Approval**

From and after the effective date of this Amendment to the Alpine City Subdivision Ordinance, no application for subdivision approval shall be granted, approved or issued unless the applicant has provided sufficient information, as determined by the City Engineer, to establish that adequate public facilities in the area affected by the proposed development will have sufficient capacity available at the adopted level of service standards to accommodate the proposed development within a reasonable period of time following the issuance of final subdivision plat approval for the proposed development.

(Ord. 98-19 amending Ord. 78-03) (Ord. 93-10,12/14/93)

4.09.020 Essential Public Facilities

1. Culinary waterworks system, including quantity, quality, treatment, storage capacity, and transmission/distribution system capacity;
2. Sanitary sewer system, including outfall lines, laterals and collector lines;
3. Storm water drainage, including flood control facilities;
4. Street system, including streets, roads, highways, intersections and related transportation facilities; and
5. Recreational facilities, including parks and trails.

(Ord. 98-19 amending Ord. 78-03) (Ord. 93-10,12/14/93)

4.09.030 Procedures

As part of the material submitted in support of an application for subdivision approval, the applicant shall submit sufficient information in order to demonstrate that adequate public facilities will be available at specified levels of service within a reasonable period of time following the issuance of subdivision plat approval for the proposed development. Such a determination may include the timing, phasing and sequencing of the proposed development. Compliance with level of service standards shall be measured in accordance with the adopted level of service standards as set forth herein as they may, from time to time, be amended. The City Engineer, or the Recommending Body and Land Use Authority through the City Engineer, may request additional information from the applicant to address the adequacy and availability of the public facilities referenced above as part of the subdivision approval process.

(Ord. 98-19 amending Ord. 78-03) (Ord. 93-10,12/14/93)

4.09.040 Level Of Service Standards

The level of service standards by which the adequate public facilities requirement referenced herein shall be measured for each of the essential public facilities to which this requirement applies shall be as established in the Alpine City Construction Standards as they may, from time to time, be amended.

(Ord. 98-19 amending Ord. 78-03) (Ord. 93-10,12/14/93)

4.09.050 Adequate Public Facilities Not Available

If it is determined by the City Engineer that adequate public facilities will not be available at specified levels of service within a reasonable period of time following the issuance of final subdivision plat approval, so as to assure that such services will be available at the time of occupancy of new development being proposed, the City Council, in the exercise of its discretion, shall review, evaluate and discuss with the applicant, the following alternatives and conditions in the order presented:

1. Allow the developer to voluntarily advance the costs necessary to provide those public facilities which are necessary to service the proposed development and meet the applicable level of service standards by entering into an appropriate form of development agreement, which may include, as deemed appropriate, provisions for credits or reimbursement of any expenses incurred above and beyond those reasonably necessary for or related to the need created by or benefit conferred upon the proposed development.
2. Require timing, sequencing and phasing of the proposed development consistent with the available capacity of public facilities;
3. Defer final plat approval and the issuance of building permits until all necessary public facilities are adequate and available; or,
4. Deny subdivision plat approval at the present time and require the applicant to reapply when adequate public facilities are available at adopted level of service standards.

(Ord. 98-19 amending Ord. 78-03) (Ord. 93-10,12/14/93)

4.09.060 Public Facility Requirements Prior To Issuance Of A Building Permit

Prior to the issuance of a building permit the following facilities must be available.

1. Water system must be operational including the fire hydrants.
2. Curb and gutter shall have been installed.
3. Road base shall be in place.

(Ord. 98-19 amending Ord. 78-03) (Ord. 93-10,12/14/93)

4.10 Financial Responsibility

[4.10.10 Improvement Requirements](#)

[4.10.020 Improvements Agreement](#)

[4.10.030 Guarantee Of Performance](#)

4.10.010 Improvement Requirements

The Land Use Authority shall not approve a final plat until the subdivider provides a performance bond approved by the City Administrator to guarantee that improvements will be installed as shown on the final plat and construction drawings and to guarantee and warrant all improvements for a one-year period commencing upon the final inspection of said improvements by the City. Said performance bond shall be for an amount not less than ONE HUNDRED AND TEN PERCENT (110%) of the estimated cost of said work and improvements, as determined by the City Administrator and City Engineer. The purpose of the bond is to insure construction of the required improvements within one year from the date of final approval, without cost to the City, and to guarantee and warrant all improvements for a one-year period commencing upon the final inspection of said improvements by the City. Said required improvements shall include:

1. The grading, graveling, hard surfacing of streets, and installation of culverts in compliance with City standards.
2. The installation of facilities for water supplies, waste water management, storm water control and /or sewers, irrigation facilities when required by the City Engineer.
3. The installation of water, sewer, gas and pressurized irrigation mains and laterals to each lot property line, and fire hydrants as required by the City Engineer, all in accordance with Alpine City Standards.
4. The installation of curbs, gutters and sidewalks on both sides of the street in compliance with City standards.
5. The installation of irrigation and landscaping for planter strips in city-owned areas where there are double frontage lots.
6. The installation of Central Mail Box Units.
7. The installation of brass pins and other property corners.
8. Electrical, telephone and cable television lines shall be located underground except when the subdivider can show the Planning Commission that underground lines are not feasible.

9. The installation of survey monuments in accordance with City specifications.
10. The installation or construction of other on-site or off-site public improvements including but not limited to irrigation culverts, storm runoff detention basins, bridges, public parks, water mains, water pressure reducing stations, access roads, trails.
11. All cut and fill slopes must be treated with topsoil and revegetated.
12. The installation of street signs, street lighting and street planting in accordance with City specifications.
13. Installation of segments of proposed arterial or collector streets.
14. Installation of trails and trail signs when required.
15. Development of open space and parks when required in PRDs.
16. The installation of any other improvements required or specified in the Development
17. All development is to be in compliance with City Standards and specifications.

(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. 2008-08, 5/27/08; Ord. No. 2017-02, 01-10-17)
(amended Ord. 97-09 & Ord. 2004-13, 9/28/04).

4.10.020 Improvements Agreement

No final plat shall be approved until the subdivider has submitted a subdivision improvement agreement, on a form obtained from the City Recorder, agreeing to construct the required improvements as shown in documents supporting the final plat and agreeing to guarantee and warrant all improvements for a one-year period commencing upon the final inspection of said improvements by the City.

(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. 2008-08, 5/27/08; Ord. No. 2017-02, 01-10-17)

4.10.030 Guarantee Of Performance

No final plat shall be approved until the subdivider has posted a guarantee assuring the completion of all required improvements and guaranteeing and warranting all improvements for a one-year period commencing upon the final inspection of said improvements by the City. Said guarantee shall meet the following requirements:

1. **Type and Amount of Guarantee.** The type of guarantee shall be in the form of a performance bond for an amount not less than ONE HUNDRED TEN PERCENT (110%) of the cost of the required improvements, as determined by the City. The subdivider shall furnish an estimate of the cost of constructing the required improvements. Said estimate shall be prepared by an engineer registered to practice in the State of Utah and approved by the City Engineer.
2. **Duration.** Said performance bond shall begin at the time the bond is obtained and shall terminate at such time as all improvements pass the warranty inspection at the end of the one-year warranty period which commences upon the final inspection of the improvements by the City, or until such earlier time as the City Council may decide.
3. **Default.** In the event the subdivider is in default or fails or neglects to satisfactorily install the required improvements within one year from the date of approval of the final plat by the City Council, or to pay all liens in connection therewith, or the required improvements do not pass warranty inspection by the City at the end of the one-year warranty period, the City Council may declare the bond or other assurance forfeited and the City may install or cause the required improvements to be installed, may repair any improvements found to be in breach of warranty and may pay all liens in connection with the improvements, using the bond and proceeds of the collection of the bond to defray the expenses thereof.
4. **In Process Releases.** Partial bond releases may be made by the City Administrator upon completion of phases of the project satisfactory to the City Engineer and authorized representative. The developer shall make a formal request for a partial bond release to the City Recorder.
5. **Final Inspection and Release.** The subdivider shall be responsible for the quality of all materials and workmanship and shall warrant and guarantee all improvements for a one-year period commencing upon the final inspection of said improvements by the City. At the completion of the work, the City Engineer and authorized representative shall make an inspection of the improvements and shall submit a report to the City Administrator setting forth the condition of such facilities. If all liens are paid and conditions thereof are found to be satisfactory, the City Administrator may release that portion of the bond or other approved security which does not represent the TEN PERCENT (10%) of said performance bond. If the condition of materials or workmanship shows unusual depreciation or does not comply with

standards of the City, or if any outstanding liens are not paid, the City Administrator may declare the subdivider in default. At the end of the one-year warranty and guarantee period, the City Engineer and authorized representative shall make a warranty inspection of the improvements and shall submit a report to the City Council setting forth the condition of such improvements. If the improvements are found to be in satisfactory condition, the City Staff shall release the remaining TEN (10%) of the performance bond or other approved security. If the improvements are not found to be in satisfactory condition, the City Council may declare the subdivider in default.

Note: As a minimum, City Council needs to inspect and sign off after the one-year warranty period before release of the final 10%.

(Ord. 98-19 amending Ord. 78-03)

(Amended by Ord. 2008-08, 5/27/08; Ord. No. 2017-02, 01-10-17)

4.11 Permits And Fees

[4.11.10 Permits](#)[4.11.020 Fees](#)**4.11.010 Permits**

From the effective date of this ordinance, the building official shall not grant a permit, nor shall any officer of the City grant any license or permit for the use of any land or the construction or alteration of any building or structure on a lot which would be in violation of any of the provisions of this ordinance, or of the subdivision regulations, or on a lot in a subdivision created by judicial decree, until a subdivision plat thereof has been recorded, or approved as required by this ordinance. Any license or permit issued in conflict with such provision shall be null and void.

(Ord. 98-19 amending Ord. 78-03)

4.11.020 Fees

At the time of filing an application for approval at any step or stage of the subdivision process, a non-refundable fee must be submitted, payable to the City of Alpine, in accordance with the currently-applicable fee schedule as adopted by resolution of the City Council.

An exception review fee shall be required of subdividers requesting an exception from improvement requirements of this ordinance. Such fee shall be in accordance with the currently applicable fee schedule as adopted by resolution of the City Council.

(Ord. 98-19 amending Ord. 78-03)

4.12 Infrastructure Protection Bond[4.12.10 Applicability Of Ordinance](#)[4.12.020 Type And Amount Of Guarantee](#)[4.12.030 Final Disposition And Release](#)[4.12.040 Partial Release Not Permitted](#)[4.12.050 Duration Of Guarantee](#)[4.12.060 Default](#)**4.12.010 Applicability Of Ordinance**

This ordinance shall govern the provisions, nature, use and disposition of an Infrastructure Protection Bond or Guarantee of Performance which are hereby required to be posted with or deposited for the benefit of the City for all building permits unless otherwise exempted by the City Engineer.

(Ord. 98-19 amending Ord. 78-03)

(Ord 97-04, 4/8/97; Amended by Ord. 2004-13, 9/29/04; Ord. 2008-03, 4/8/08; Ord. 2008-14, 8/26/08)

4.12.020 Type And Amount Of Guarantee

The Infrastructure Protection Bond shall be a cash deposit with the City in the amount indicated in the Consolidated Fee Schedule, which shall be kept by the City in a special escrow account. Any interest earned from the account shall be the property of the person who provides the cash bond upon satisfactory release of the Bond as provided in this ordinance.

(Ord. 98-19 amending Ord. 78-03)

(Ord 97-04, 4/8/97; Amended by Ord. 2004-13, 9/29/04; Ord. 2008-03, 4/8/08; Ord. 2008-14, 8/26/08)

4.12.030 Final Disposition And Release

The builder; or other person giving the Infrastructure Protection Bond provided for by this ordinance, shall be responsible for maintaining the Infrastructure, including but not limited to roadway, curb, gutter, sidewalk, trails, parks, planter strips, streetlights, open space, water and sewer pipes and appurtenances, valves, meters, etc., in the same condition as before the permit was issued. The burden of proof will be the responsibility of the Building Permit Holder to verify the condition of the infrastructure before work starts. If the builder posts the cash bond, it shall be acceptable to Alpine City for the builder to transfer the bond to the property owner, and the transfer shall be the responsibility of the builder. At the completion of the construction and landscaping, the person giving the guarantee shall submit to the City Building Department a request for release of the Protection Bond. The City Public Works Department shall then make a preliminary inspection of the City

infrastructure and shall then determine if the City infrastructure has been maintained in a satisfactory condition. If the City infrastructure is found to be satisfactory by the City Public Works Department, they shall authorize the release of the cash bond. The release of the bond shall only be made to the person or entity, which posted the bond and to no other person or entity. If the condition of the City infrastructure shows damage, unusual depreciation or does not comply with the acceptable standards of durability, the matter shall be referred to the City Administrator; and in accordance with DCA 4.12.060, the City Administrator may declare the person giving the guarantee in default.

(Ord. 98-19 amending Ord. 78-03)

(Ord 97-04, 4/8/97; Amended by Ord. 2004-13, 9/29/04; Ord. 2008-03, 4/8/08; Ord. 2008-14, 8/26/08)

HISTORY

Amended by Ord. [2019-05](#) on 4/23/2019

4.12.040 Partial Release Not Permitted

A partial release of the Cash infrastructure Protection Bond shall not be permitted. (Ord.

98-19 amending Ord. 78-03)

(Ord 97-04, 4/8/97; Amended by Ord. 2004-13, 9/29/04; Ord. 2008-03, 4/8/08; Ord. 2008-14, 8/26/08)

4.12.050 Duration Of Guarantee

The duration of the Cash Infrastructure Protection Bond shall be for the period of construction and landscaping. The time period shall begin on the date of issuance of the building permit by the City and shall continue until final approval of the improvements governed by the building permit is received and all construction and landscaping material, tools, and machinery used in the prosecution of said building permit are removed from the property.

(Ord. 98-19 amending Ord. 78-03)

(Ord 97-04, 4/8/97; Amended by Ord. 2004-13, 9/29/04; Ord. 2008-03, 4/8/08; Ord. 2008-14, 8/26/08)

4.12.060 Default

1. When the City Administrator shall determine that the person posting the Cash Infrastructure Protection Bond has failed or neglected to satisfactory protect the affected City infrastructure or make required repairs and/or corrections, the City Administrator may declare the Cash Infrastructure Protection Bond forfeited and the City's intentions to install or cause the required improvements to be installed or repaired using the proceeds of the Cash Infrastructure Protection Bond, plus any accrued interest, to defray the expense thereof. The City Administrator shall give written notice of his decision to the person who posted the bond. The City Administrator's decision may be appealed to the Administrative Law Judge. If the person who posted the bond wishes to appeal the City Administrator's decision, a notice of appeal must be filed in writing with the City Recorder within five (5) business days from the receipt of notice of the City Administrator's decision. The Administrative Law Judge shall hold a hearing to determine the appeal at its next public meeting. At the hearing the person who posted the bond shall be given an opportunity to present evidence as to why the bond should not be forfeited. The evidence may be in the form of written or oral submissions. The Public Works Department shall be asked to respond to the appeal at the hearing before the Administrative Law Judge. After hearing all evidence and considering all relevant facts the Administrative Law Judge shall determine if the bond is to be forfeited or released. If forfeited, the Cash Infrastructure Protection Bond, plus any accrued interest, shall be used to defray the expense of installing or repairing the City infrastructure.
2. In the event that the Cash Infrastructure Protection Bond is not sufficient to pay all the cost and expense of such installation, correction, or repair, the City may maintain an action against the person giving the guarantee for the excess. If the Cash Infrastructure Protection Bond is more than sufficient to pay all the cost and expense, then the excess proceeds shall be returned to the person who posted the bond.

(Ord. 98-19 amending Ord. 78-03)

(Ord 97-04, 4/8/97; Amended by Ord. 2004-13, 9/29/04; Ord. 2008-03, 4/8/08; Ord. 2008-14, 8/26/08)

HISTORY

Amended by Ord. [2019-05](#) on 4/23/2019

4.13 Constitutional Taking Issues

[4.13.10 Policy Considerations](#)[4.13.020 Definitions](#)[4.13.030 Guidelines Advisory](#)[4.13.040 Review Of Decision](#)[4.13.050 Reviewing Guidelines](#)[4.13.060 Results Of Review](#)**4.13.010 Policy Considerations**

There is an underlying policy in Alpine City strongly favoring the careful consideration of matters involving Constitutional Taking claims, in fairness to the owner of private property bringing the claim and in view of the uncertainty and expense involved in defending lawsuits alleging such issued. At the same time, the legitimate role of government in lawfully regulating real property must be preserved and the public's right to require the dedication or exaction of property consistent with the Constitution. Consistent with this policy, it is desired that a procedure be established for the review of actions that may involve the issue of a Constitutional Taking. These provisions are to assist governments in considering decisions that may involve Constitutional Takings. It is intended that a procedure for such a review be provided, as well as guidelines for such considerations. This ordinance is further intended and shall be construed to objectively and fairly review claims by citizens that a specific government action should require payment of just compensation, yet preserve the ability of Alpine City to lawfully regulate real property and fulfill its other duties and functions.

(Ord. 98-19 amending Ord. 78-03)
(ORD 95-12: 5/23/95)

4.13.020 Definitions

Constitutional Taking means actions by Alpine City involving the physical taking or exaction of private real property that might require compensation to a private real property owner because of:

1. the Fifth or Fourteenth Amendment to the Constitution of the United States;
2. Article I, Section 22, of the Utah Constitution;
3. any court ruling governing the physical taking or exaction of private real property by a government entity.

Actions by Alpine City involving the physical taking or exaction of private real property is not a Constitutional Taking if the physical taking or exaction:

1. bears an essential nexus to a legitimate governmental interest; and
2. is roughly proportionate and reasonably related on an individualized property basis, both in nature and extent, to the impact of the proposed development on the legitimate government interest.

(Ord. 98-19 amending Ord. 78-03)
(ORD 95-12: 5/23/95)

4.13.030 Guidelines Advisory

The guidelines adopted and decisions rendered pursuant to the provisions of this section are advisory, and shall not be construed to expand or limit the scope of Alpine City's liability for a Constitutional Taking. The reviewing body or person, shall not be required to make any determination under this ordinance except pursuant to DCA 2.04.

(Ord. 98-19 amending Ord. 78-03)
(ORD 95-12: 5/23/95)

4.13.040 Review Of Decision

Any owner of private real property who claims there has been a Constitutional Taking of their private real property shall request a review of a final decision of any officer, employee, board, commission, or council. The following are specific procedures established for such a review:

1. The person requesting a review must have obtained a final and authoritative determination, internally, within Alpine City, relative to the decision from which they are requesting review.

2. Within thirty (30) days from the date of the final decision that gave rise to the concern that a Constitutional Taking has occurred, the person requesting the review shall file in writing, in the office of the City Recorder, a request for review of that decision. A copy shall also be filed with the City Attorney.
3. The City Council, or an individual, or body designated by the City Council shall immediately set a time to review the decision that gave rise to the Constitutional Taking claim.
4. In addition to the written request for review, the applicant must submit, prior to the date of the review, the following:
 - a. name of the applicant requesting review;
 - b. name and business address of current owner of the property;
 - c. form of ownership, whether sole proprietorship, for-profit or not-for-profit corporation, partnership, joint venture or other, and if owned by a corporation, partnership, or joint venture, name and address of all principal shareholders or partners;
 - d. a detailed description of the grounds for the claim that there has been a Constitutional Taking;
 - e. a detailed description of the property taken;
 - f. evidence and documentation as to the value of the property taken, including the date and cost at the time the property was acquired. This should include any evidence of the value of that same property before and after the alleged Constitutional Taking, the name of the party from whom purchased, including the relationship, if any, between the person requesting a review and the party from whom the property was acquired;
 - g. nature of the protectable interest claimed to be affected, such as but not limited to, fee simple ownership, leasehold interest;
 - h. terms (including sale price) of any previous purchase or sale of a full or partial interest in the property in the three years prior to the date of application;
 - i. all appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the three years prior to the date of application;
 - j. the assessed value of and ad valorem taxes on the property for the previous three years;
 - k. all information concerning current mortgages or other loans secured by the property, including name of the mortgagee or lender, current interest rate, remaining loan balance and term of the loan and other significant provisions, including but not limited to, right of purchasers to assume the loan;
 - l. all listings of the property for sale or rent, price asked and offers received, if any, within the previous three years;
 - m. all studies commissioned by the petitioner or agents of the petitioner within the previous three years concerning feasibility of development or utilization of the property;
 - n. for income producing property, itemized income and expense statements from the property for the previous three years;
 - o. information from a title policy or other source showing all recorded liens or encumbrances affecting the property;
 - p. the City Council or their designee may request additional information reasonably necessary, in their opinion, to arrive at a conclusion concerning whether there has been a Constitutional Taking.
5. An application shall not be deemed to be "complete" or "submitted" until the reviewing body/official certifies to the applicant that all the materials and information required above have been received by Alpine City. The reviewing body/official shall promptly notify the applicant of any incomplete application.
 - a. The City Council or an individual or body designated by them, shall hear all the evidence related to and submitted by the applicant, Alpine City, or any other interested party.
 - b. A final decision on the review shall be rendered within fourteen (14) days from the date the complete application for review has been received by the City Recorder. The decision of the City Council regarding the results of the review shall be given in writing to the applicant and to the officer, employee, board, commission or council that rendered the final decision that gave rise to the Constitutional Takings claim.
 - c. If the City Council fails to hear and decide the review within fourteen (14) days, the City agency's original decision which lead to the appeal shall be presumed to be approved by the City Council.

(Ord. 98-19 amending Ord. 78-03)
(ORD 95-12: 5/23/95)

4.13.050 Reviewing Guidelines

The City Council shall review the facts and information presented by the applicant to determine whether or not the action by Alpine City, Constitutional Taking as defined in this chapter. In doing so they shall consider:

1. Whether the physical taking or exaction of the private real property bears an essential nexus to a legitimate governmental interest.
2. Whether a legitimate governmental interest exists for the action taken by Alpine City.
3. Is the property and exaction taken roughly proportionate and reasonably related, on an individual property basis, both in nature and extent, to the impact caused by the activities that are the subject of the decision being reviewed.

(Ord. 98-19 amending Ord. 78-03)
(ORD 95-12: 5/23/95)

4.13.060 Results Of Review

After completing the review, the reviewing person/body shall make a determination regarding the above issues and where determined to be necessary and appropriate, shall make a recommendation to the officer, employee, board, commission or council that made the decision that gave rise to the Constitutional Takings claim.

(Ord. 98-19 amending Ord. 78-03)
(ORD 95-12: 5/23/95)

4.14 Site Plan To Comply (Not Located In An Approved Subdivision)

[4.14.10 Single Family Residential Dwelling Not Located In An Approved Subdivision Site Plan Approval Process](#)
[4.14.020 Commercial Structure Site Plan Approval Process](#)

4.14.010 Single Family Residential Dwelling Not Located In An Approved Subdivision Site Plan Approval Process

1. The applicant shall submit the following to the City Planner:
 - a. The Site Plan Checklist and Application;
 - b. **Two(2)** D size twenty four inches by thirty six inches (24" x 36") copies of the final plan;
 - c. **Two(2)** eleven inch by seventeen inch (11" x 17") copies of the plan drawn to scale, and;
 - d. An electronic copy of the plan in a compatible format as specified by City Staff.

The applicant shall pay the associated fee(s) as set forth in the Alpine City Consolidated Fee Schedule. The fee(s) shall be paid to the City Treasurer, payable to Alpine City.

The City Planner and City Engineer shall review the application and plan to determine whether the proposed construction or alteration conforms to the ordinances of the City.

2. A building permit application and plan for a residential single family dwelling which is not located in an approved subdivision shall:
 - a. Conform to DCA 4.07, DCA 4.08 and DCA 4.10 (Subdivision Design and Financial Standards including Water Right Requirements) of the Alpine City Subdivision Ordinance.
 - b. Be reviewed and approved by the City Planner and City Engineer for compliance with the foregoing provisions prior to issuance of the permit;
 - c. A Developer's Agreement shall be executed between the City and the Developer outlining the conditions of approval of the site plan. The Development Agreement may include but is not limited to the following examples: any special conditions, trails, landscape issues, or off-site improvements. Rights-of-way must be dedicated to Alpine City.

3. The Building Department shall issue a permit and one set of approved plans to the applicant after the plan has been approved by the City Planner and City Engineer.
4. The Building Inspector shall retain one set of the approved plans and may revoke at anytime a permit which has been issued for any building constructed or being constructed which would be or result, if constructed, in a violation of any ordinance of this municipality.

(Ord. 98-19 amending Ord. 78-03)

(Ord. No. 92-03 Amended by Ord. No. 2004-13, 9/28/04; Ord. No. 2013-11, 7/23/13; Ord. No. 2017-08, 6/13/17)

4.14.020 Commercial Structure Site Plan Approval Process

1. The applicant shall submit the following to the City Planner at least fourteen (14) days before the scheduled Planning Commission meeting:
 - a. The Site Plan Checklist and Application;
 - b. **Two(2)** D size twenty four inches by thirty six inches (24" x 36") copies of the final plan;
 - c. **Two(2)** eleven inch by seventeen inch (11" x 17") copies of the plan drawn to scale, and;
 - d. An electronic copy of the plan in a compatible format as specified by City Staff.

The applicant shall pay the associated fee(s) as set forth in the Alpine City Consolidated Fee Schedule. The fee(s) shall be paid to the City Treasurer, payable to Alpine City.

The plans will not be presented to the Planning Commission until the application is complete, including submitting all required information and paying all fees. The City Planner and City Engineer shall review the application and plan to determine whether the proposed construction or alteration conforms to the ordinances of this municipality.

2. A building permit application and plan for a commercial structure shall:
 - a. Conform to DCA 4.07, DCA 4.08 and DCA 4.10 (Subdivision Design and Financial Standards including Water Right Requirements) of the Alpine City Subdivision Ordinance, DCA 3.07 (Business/Commercial District) and DCA 3.11 (Gateway/Historic Zone)
 - b. Be reviewed by the City Planner, City Engineer, Planning Commission and approved by the City Council for compliance with the foregoing provisions prior to issuance of the permit;
 - c. A Developer's Agreement shall be executed between the City and the Developer outlining the conditions of approval of the site plan. The Development Agreement may include but is not limited to the following examples: any special conditions, trails, landscape issues, or off-site improvements. Rights-of-way must be dedicated to Alpine City.
3. The Building Department shall issue a permit and one set of approved plans to the applicant after the plan has been approved by the City Council.
4. The Building Inspector shall retain one set of the approved plans and may revoke at any time a permit which has been issued for any building constructed or being constructed which would be or result, if constructed, in a violation of any ordinance of this municipality.

An exception may be obtained from the foregoing provisions by following the procedures set forth in DCA 4.01.020.

(Ord. 98-19 amending Ord. 78-03)

(Ord. No. 92-03 Amended by Ord. No. 2004-13, 9/28/04; Ord. No. 2013-11, 7/23/13; Ord. No. 2017-08, 6/13/17)

4.15 Street, Water, And Sewer Extensions; Reimbursement

[4.15.10 Title And Intent](#)[4.15.020 General Provisions](#)[4.15.030 System Extensions When Part Of A Subdivision Or Planned Development Project](#)[4.15.040 Extensions To Water And Sewer System When Not Part Of A Subdivision Or Planned Development Project](#)[4.15.050 Extension Charges To Be Assessed To Subsequent Connectors; Reimbursement Permitted](#)[4.15.060 Council To Establish Fees](#)**4.15.010 Title And Intent**

1. **Title.** This Ordinance shall be entitled THE STREET AND UTILITY ORDINANCE OF ALPINE CITY, UTAH. In addition, the provisions of this Ordinance, as may from time to time be amended are hereby included in and shall be designated as DCA 4.15.
2. **Intent.** It is the intent of this Ordinance to:
 - a. Provide for the logical extension of City streets and water and sewer systems in a manner consistent with the City's General Plan and the economic capacity of the community.
 - b. Provide a means whereby property, which is not suitable for development because of inadequate street access or frontage or water or sewer utilities may be made suitable for development.
 - c. Establish the terms and conditions under which proposed extensions of the City street system and water and sewer mains shall be evaluated and approved.

(Ord. 98-19 amending Ord. 78-03)
 (ORD 95-11, 5/23/95)

4.15.020 General Provisions

1. **Design Requirements and Criteria.** The design, location, material and standards of construction of all extensions to the City's street and water and sewer utility systems shall be in accordance with City standards and approved by the City Engineer. The design and sizing of all extensions shall be based upon considerations of adequacy to meet both present and future requirements and consistency with the City's Major Street Plan and water and sewer elements of the General Plan. All extension shall connect to the nearest adequate public street or nearest adequate water or sewer line, as applicable, as determined by the City, and shall extend the full length of the frontage of the property to be serviced by such extension.
2. **Applicant Responsible to Construct Improvements - Reimbursement for Certain Extensions Permitted.** All rights-of-way, and easements required for the placement of required improvements and all costs in connection with the construction of streets or water or sewer main extensions shall be borne by the applicant, provided that the applicant shall be eligible for reimbursement for certain of the improvements as hereinafter set forth or credit for payment of impact fees as applicable.

(Ord. 98-19 amending Ord. 78-03)
 (ORD 95-11, 5/23/95)

4.15.030 System Extensions When Part Of A Subdivision Or Planned Development Project

1. **All Subdivisions and Planned Development Projects to be Served by Adequate Facilities.** All subdivisions and planned development projects shall have adequate vehicular access over public streets and shall be served by the City's central water distribution system and sewage collection system. The required improvements shall include such improvements as are necessary, in accordance with established level of service standards, for vehicular access and circulation and proper operation of water and sewer utility systems within the boundary of a proposed subdivision or planned development project (on-site facilities) and also those contiguous to the boundary of the proposed project and considered necessary to provide adequate service to the proposed project (off-site facilities). All such facilities shall be designed, approved and constructed in accordance with the applicable provisions of the Subdivision Ordinance, Zoning Ordinance and other applicable regulations and standards and specifications adopted pursuant thereto.
2. **City Engineer to Approve Plans to be Reviewed Concurrently with Development Approval Plan.** The City Engineer shall review and approve or disapprove all plans for facilities required for submission for approval of subdivision or planned development projects. The Engineer may, where necessary to adequately accommodate a proposed project, require amendments to the design of the project plan and, pursuant to the provisions of Part

3 require the installation of facilities having capacities in excess of the minimum required to serve the proposed development.

For purposes of compliance with the provisions of this Section the review of the proposed extensions shall be conducted concurrently with, and as part of, the review process for the applicable subdivision or planned development project.

3. **Oversize Facilities May be Required.** Where identified in the General Plan or where the City Council has determined that future growth of the City necessitates the construction of streets or water or sewer mains having a capacity larger than required to serve the proposed development, the construction of such oversize line or facility shall be required as a condition of approval of the extension. Costs for the construction of the oversize portion of the project shall be borne by the City or be incorporated within the terms of reimbursement agreements, as determined applicable.

(Ord. 98-19 amending Ord. 78-03)
(ORD 95-11, 5/23/95)

4.15.040 Extensions To Water And Sewer System When Not Part Of A Subdivision Or Planned Development Project

1. **Maps and Plans to be Prepared by Applicant - Planning Commission to Approved.** Upon receipt of an application for extension of a public street or a water or sewer main to a premises not fronting on an adequate public street or not served by an existing adequate water or sewer main, as applicable, the City Engineer shall prepare or cause to be prepared a map or maps showing:
- a. The design of the proposed extension,
 - b. The location and ownership of all property fronting upon the proposed extension and the location of all such parcels owned by the applicant, and
 - c. The engineer's recommendations with respect to the design and construction of proposed extension and any rights-of-way or easements required to accommodate the extension.

Construction of any proposed extension, not shown on the City's General Plan shall not commence until the location thereof shall have been approved by the Land Use Authority and any required right-of-way or easement accepted by the City. In the event the construction necessitates the disturbance of existing City facilities, the City may require a performance guarantee, satisfactory to the council, to insure the restoration of any disturbed improvement.

2. **Oversize Facilities May Be Required.** Where identified in the General Plan or where the Land Use Authority has determined that future growth of the City necessitates the construction of a street or water or sewer main having a capacity larger than required to serve the proposed development, the construction of such oversize line or facility shall be required as a condition of approval of the extension. Costs for the construction of the oversize portion of the project shall be borne by the City or be incorporated within the terms of reimbursement agreements, as determined applicable.

(Ord. 98-19 amending Ord. 78-03)
(ORD 95-11, 5/23/95)

4.15.050 Extension Charges To Be Assessed To Subsequent Connectors; Reimbursement Permitted

1. **City Engineer to Determine Cost of Extensions Reimbursement Charge to be Assessed to Subsequent Connectors-Amount and Time Limit**
- a. Upon completion of construction of any extension installed as part of the off-site street or water or sewer requirements for a subdivision or planned development project (pursuant to the provisions of DCA 4.15.030, or any such improvements serving a non-subdivided area (pursuant to the provisions of DCA 4.15.040), the City Engineer shall determine:
 - i. the current reasonable per-foot cost for constructing the extension, but not including the cost of any over-sizing contributed by the City in accordance with the provisions of DCA 4.15.030 Part 3 or DCA 4.15.030 Part 2,

- ii. the portion of such off-site extension, not included as part of the applicant's project, which abuts upon one or more parcels of land which qualify as benefited parcels, as hereinafter defined and
- iii. those benefited parcels to be subject to assessment of a reimbursement charge and the number of lineal feet of each benefited parcel to be subject to the assessment.

For purposes of this Chapter, "Benefited Parcel" shall mean and include any parcel of land which abuts a street or water or sewer main, constructed pursuant to the terms of this DCA 4.15 and is capable of receiving service from the main, but not including any such abutting land owned by the applicant or the width of the right-of-way of any existing intersecting public street.

- b. Whenever part of all of a benefited parcel is subsequently granted final approval of a subdivision or planned development or building permit for a dwelling or other main building or is connected to an off-site water or sewer line extension, the applicant thereof shall, as a condition of connection thereto, pay to the City an extension reimbursement charge. The amount of the extension charge to be assessed shall be a proportionate amount of any road adjacent to the parcel and one-half the cost per linear foot of any water or sewer mains extension adjacent to the parcel, times the number of linear feet of the parcel fronting upon the extension, all as determined by the City Engineer.
- c. The extension reimbursement charge assessed pursuant to this Section shall continue for a period of ten (10) years from the date of acceptance of the completed extension by the city and shall be in addition to all other charges and fees assessed upon the property.
- d. The extension reimbursement charge shall also be applicable to any benefited properties adjacent to streets or water or sewer mains constructed by the City.

2. Reimbursement to Original Developer Authorized - Time Limit

- a. Whenever a street, water or sewer system has been constructed in accordance with the provisions of this Chapter, the City shall enter into a "Reimbursement Agreement" with the original developer, which agreement shall specify the terms of reimbursement for the cost of the extension, as determined by the City Engineer pursuant to Part 1.a. Thereafter, the City shall make reimbursement payments to the original applicant for costs incurred in making the extension, after and subject to:
 - i. the collection of the extension reimbursement charge, as provided under Part 1, and
 - ii. the receipt of a written request from the original applicant, after due notice is delivered to the last known address of the applicant.
- b. The period of time during which the original applicant shall be eligible for reimbursement payments shall be ten (10) years from the date of acceptance of the extension by the City.
- c. The City shall also be eligible for extension reimbursement payment whenever any off-site streets, water or sewer mains are constructed by the City.

(Ord. 98-19 amending Ord. 78-03)
(ORD 95-11, 5/23/95)

4.15.060 Council To Establish Fees

The City Council may, by resolution, establish fees and charges for the purpose of defraying the cost of processing extension applications and the administration of this Title.

(Ord. 98-19 amending Ord. 78-03)
(ORD 95-11, 5/23/95)

4.16 Construction Of Temporary Turn-Arounds

1. The attached Exhibit A shall constitute the standards and specifications for new temporary turn-arounds constructed within Alpine City.
2. The standards shall apply to all new temporary turn-arounds constructed within Alpine City until such time as such standards may be changed and approved by the Alpine City governing body.

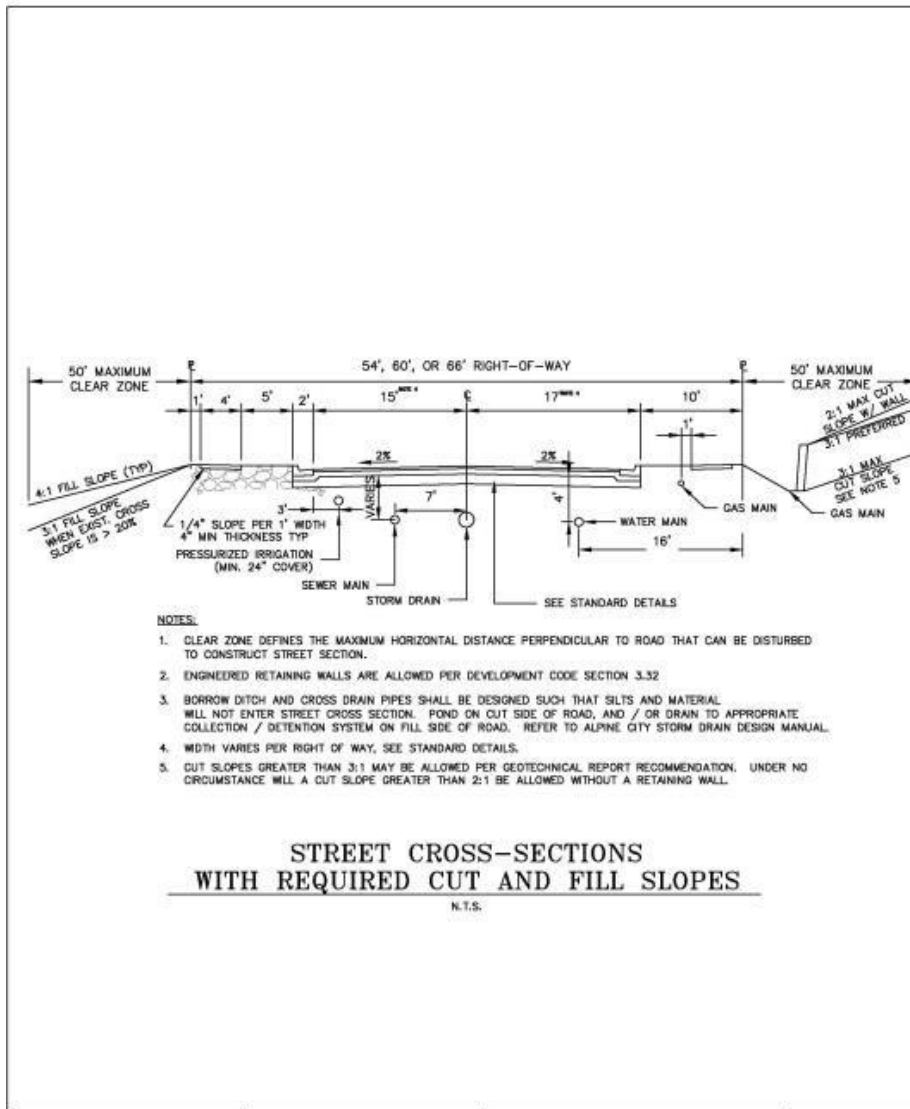
(Ord. 98-19 amending Ord. 78-03)
(R96-06, 5/28/96)

4.17 Cut And Fill Standards

1. The attached Exhibit A shall constitute the standards and specifications for cut and fills for new streets constructed within Alpine City.
2. The standards shall apply to all new streets constructed within Alpine City until such time as such standards may be changed and approved by the Alpine City governing body.
3. The City Engineer will verify that cuts and fills meet the standards and specifications of Alpine City.
4. Use of retaining walls is prohibited unless approval is recommended by the City Engineer and the Planning Commission, and approved by the City Council.

(Ord. 98-19 amending Ord. 78-03)
(R96-04: 3/12/96; amended by Ord. No. 2007- 04, 4/10/07)

[Exhibit A](#)



- NOTES:**
1. CLEAR ZONE DEFINES THE MAXIMUM HORIZONTAL DISTANCE PERPENDICULAR TO ROAD THAT CAN BE DISTURBED TO CONSTRUCT STREET SECTION.
 2. ENGINEERED RETAINING WALLS ARE ALLOWED PER DEVELOPMENT CODE SECTION 3.32
 3. BORROW DITCH AND CROSS DRAIN PIPES SHALL BE DESIGNED SUCH THAT SILTS AND MATERIAL WILL NOT ENTER STREET CROSS SECTION. POND ON CUT SIDE OF ROAD, AND / OR DRAIN TO APPROPRIATE COLLECTION / DETENTION SYSTEM ON FILL SIDE OF ROAD. REFER TO ALPINE CITY STORM DRAIN DESIGN MANUAL.
 4. WIDTH VARIES PER RIGHT OF WAY, SEE STANDARD DETAILS.
 5. CUT SLOPES GREATER THAN 3:1 MAY BE ALLOWED PER GEOTECHNICAL REPORT RECOMMENDATION. UNDER NO CIRCUMSTANCE WILL A CUT SLOPE GREATER THAN 2:1 BE ALLOWED WITHOUT A RETAINING WALL.

**STREET CROSS-SECTIONS
WITH REQUIRED CUT AND FILL SLOPES**

N.T.S.

<p>STATEMENT OF USE THIS DOCUMENT AND ANY ILLUSTRATIONS HEREON ARE PROVIDED AS STANDARD CONSTRUCTION DETAILS WITHIN ALPINE CITY. DEVIATION FROM THIS DOCUMENT REQUIRES APPROVAL OF ALPINE CITY. ALPINE CITY CORRELATION CAN NOT BE HELD LIABLE FOR MISUSE OR CHANGES REGARDING THIS DOCUMENT.</p> <p>REVISION</p> <table border="1"> <tr> <td>NO.</td> <td>DATE</td> <td>BY</td> <td>APPROVAL</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	BY	APPROVAL						<p align="center">STREET CROSS-SECTIONS</p> <p align="center">ALPINE CITY 20 NORTH MAIN ALPINE, UT 84004</p>	<p>STANDARD DRAWING NUMBER: 1b</p> <p>DRAWN BY: NEM</p> <p>CHECKED BY:</p> <p>ADOPTED DATE: 10/3/01</p>
NO.	DATE	BY	APPROVAL								

4.18 Legal Remedies

4.18.10 Violation

4.18.020 Enforcement; Remedies For Violation; Penalty

4.18.010 Violation

1. Any owner or agent of the owner of any land who shall fail to comply with any of the provisions of this ordinance or who knowingly makes false statements, representations or certifications in any application or document filed or required to be maintained under this ordinance shall be guilty of a violation of this ordinance; and
2. Any owner or agent of the owner of any land located in a subdivision who transfers or sells any land in that subdivision before a plan or plat has been approved and recorded in accordance with the provisions of this ordinance, shall be deemed guilty of a violation for each lot or parcel transferred or sold. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt such transaction from a violation or from the penalties and remedies provided in this ordinance.
3. Any plat of a subdivision filed or recorded without the approval required by this ordinance is void.

4.18.020 Enforcement; Remedies For Violation; Penalty

1. **Withholding Building Permits.** In addition to all other remedies, the City may enforce the provisions of this ordinance by withholding building permit, grading, excavation or similar permits, and may also refuse to issue such a permit for a building or development upon a parcel which has not been subdivision in accordance with the provisions of this ordinance.
2. **Injunction, Mandamus, Abatement.** The City or any owner of real estate within the City in which a violation of this ordinance occurs or is about to occur may, in addition to other remedies provided by law, institute:
 - a. Injunction, mandamus, abatement or any other appropriate actions; or
 - b. Proceedings to prevent, enjoin, abate or remove any unlawful building, use or act. The City need only establish the violation to obtain the injunction.
3. **Penalties.** In addition to the foregoing remedies, violation of any of the provisions of this ordinance or of any regulation, order or permit adopted or issued under this ordinance are punishable as a class C misdemeanor upon conviction either:
 - a. As a class C misdemeanor; or
 - b. By imposing a civil penalty not to exceed one thousand dollars (\$1,000) per violation per day. (Ord. 98-19

amending Ord. 78-03)

4.19 Severability

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such holding shall not affect the validity of the remaining portions of this ordinance.

(Ord. 98-19 amending Ord. 78-03)

4.20 Emergency

In the opinion of the City Council, a public emergency exists in connection with the matters herein contained, and it is therefore necessary for the peace, health, safety and the general welfare of the inhabitants of the City of Alpine that this Ordinance take effect immediately upon its adoption.

(Ord. 98-19 amending Ord. 78-03)

ALPINE CITY ORDINANCE 2024-02

AN ORDINANCE AMENDING Title 4 OF THE ALPINE DEVELOPMENT CODE AMENDING THE SINGLE FAMILY DWELLING SUBDIVISION REVIEW PROCESS.

WHEREAS, the Alpine City Planning Commission has reviewed proposed amendments to Title 4 Subdivisions of the Alpine Development Code and held a public hearing on January 16th, 2024, pertaining to the proposed amendments;

WHEREAS, on January 16th, 2024, the Planning Commission made a favorable recommendation of the proposed amendments to Title 4 Subdivisions of the Alpine Development Code;

WHEREAS, the Alpine City Council has reviewed the proposed amendments and deems it in the best interest of the health, safety, and welfare of Alpine City and its residents to amend Title 4 Subdivisions of the Alpine Development Code.

NOW THEREFORE, be it ordained by the City Council of Alpine City, Utah, as follows:

4 Subdivision Ordinance

- [4.01 Scope Of Ordinance, Variances And Exemptions](#)
- [4.02 Intent And Purpose](#)
- [4.03 Definitions](#)
- [4.04 Administration](#)
- [4.05 Minor Subdivisions Review Process](#)
- [4.06 Major Subdivisions Review Process](#)
- [4.07 Design Standards](#)
- [4.08 Construction And Improvement Requirements](#)
- [4.09 Adequate Public Facilities](#)
- [4.10 Financial Responsibility](#)
- [4.11 Permits And Fees](#)
- [4.12 Infrastructure Protection Bond](#)
- [4.13 Constitutional Taking Issues](#)
- [4.14 Site Plan To Comply \(Not Located In An Approved Subdivision\)](#)
- [4.15 Street, Water, And Sewer Extensions; Reimbursement](#)
- [4.16 Construction Of Temporary Turn-Arounds](#)
- [4.17 Cut And Fill Standards](#)
- [4.18 Legal Remedies](#)
- [4.19 Severability](#)
- [4.20 Emergency](#)
- [4.21 Adoption](#)

4.01 Scope Of Ordinance, Variances And Exemptions

4.01.005 Effect Of Adopted Master And General Plans; Enactment Of Ordinances, Resolutions, And Development Agreements; Guidelines And Checklists

4.01.010 [Subdivision Plats Required](#)

4.01.020 [Exceptions From Design And Improvement Standards](#)

4.01.030 [Right Of Way](#)

4.01.005 Effect Of Adopted Master And General Plans; Enactment Of Ordinances, Resolutions, And Development Agreements; Guidelines And Checklists

1. All master or general plans adopted by the City or for an area within the incorporated boundaries of the City shall serve as an advisory guide for land use decisions, and may also serve as substantive regulations governing land use decisions where expressly required by this Title and State law. Amendments to the text of this subdivision ordinance should be generally consistent with the purposes, goals, objectives, and policies of the applicable adopted master or general plans of the City.
2. To accomplish the purposes of this title, the City may enact all ordinances, resolutions, and rules and may enter into

other forms of land use controls and development agreements the City considers necessary and appropriate for the use and development of land within the City, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing uses; density; open spaces; structures; buildings; energy efficiency; light and air; transportation and public or alternative transportation; infrastructure; street and building orientation; width requirements; public facilities; fundamental fairness in land use regulation; and considerations of surrounding land uses to balance the forgoing purposes with a landowner's private property interests and associated statutory and constitutional protections.

3. The City is hereby authorized and empowered to promulgate certain guidelines and/or checklists relative to this title. These materials shall be provided to any interested person upon request and upon payment of a fee if specified by the City's fee schedule. These materials shall be for instructional purposes only and represent an attempt to aid those seeking to comply with the requirements of this title. In the event any conflict arises between such guidelines and this title or other regulations, resolutions, or policies of the City, said ordinances, resolutions, regulations or policies shall be deemed controlling and all questions shall be resolved in their favor. Failure of an applicant(s) to follow guidelines or checklists may be cause for delay of approval by the City's Land Use Authority.

4.01.010 Subdivision Plats Required; Planning Commission To Review Subdivision Proposals

1. **Subdivision Plats Required.** No person shall subdivide any tract of land which is located wholly or in part within the corporate limits of the City nor shall any person sell or offer for sale, exchange, purchase, offer for recording, or otherwise convey a parcel of land which is part of a larger tract, if such sale or agreement would have the effect of creating a subdivision as defined by this ordinance, unless and until performance of the following:
 - a. A final plat, prepared in accordance with the provisions of this chapter have been first reviewed by and received approval from the City's Land Use Authority and recorded in the Office of the County Recorder; and
 - b. All other applicable requirements as provided in this title have been complied with.
 2. **Planning Commission Responsibilities Relative To This Title.** In accordance with Utah State Code (as amended) the Planning Commission shall:
 - a. Review and recommend subdivision regulations and/or amendments to adopted subdivision regulations to the City Council as provided in §10-9a-502 of Utah State Code (as amended);
 - b. When designated as a Reviewing Body in 4.04.010 of this Title, review and recommend approval, approval with modifications, or denial of a land use application to the City Council; and
 - c. When designated as a Land Use Authority in 4.04.010 of this Title, before granting approval of a land use application required by this title, ensure the submitted application, related plans and documents conform to the applicable requirements of the City's code including those requirements outlined in this Title.
 3. **City Council Responsibilities Relative To This Title.** In accordance with Utah State Code (as amended) the City Council shall:
 - a. Review and adopt subdivision regulations and/or amendments to adopted subdivision regulations as provided in §10-9a-502 of Utah State Code (as amended);
 - b. When designated as a Land Use Authority in 4.04.010 of this Title, before granting approval of a land use application required by this title, ensure the submitted application, related plans and documents conform to the application requirements of the City's code including those requirements outlined in this Title.
 4. **City Staff Responsibilities Relative To This Title.** In accordance with Utah State Code (as amended) City Staff shall:
 - a. When designated as a Reviewing Body in 4.04.010 of this Title, review and recommend approval, approval with modifications, or denial of a land use application to the Land Use Authority; and
 - b. When designated as a Land Use Authority in 4.04.010 of this Title, before granting approval of a land use application required by this title, ensure the submitted application, related plans and documents conform to the applicable requirements of the City's code including those requirements outlined in this Title.
3. (Ord. 98-19 amending Ord. 78-03)

4.01.020 Exceptions From Design And Improvement Standards

When in the opinion of the Land Use Authority as outlined in 4.04.010 of this Title, the best interest of the City would not be served by the literal enforcement of the design or improvement standards in this ordinance, the Land Use Authority may grant an exception from these standards.

The recommended exception shall be based on generally accepted planning and engineering design principles. The recommended exception may not vary the zone, use or lot size of the development. Before any exemption shall be granted the Planning Commission shall review the specific request for exemption and shall recommend approval, approval with modifications, or denial to the Land Use Authority.

(Ord. 98-19 amending Ord. 78-03)

(Amended by Ord. No. 2001-14 and Ord. 2004-13, 9/28/04)

4.01.030 Right Of Way

The acquisition or vacation of public right of way shall be subject to a recommendation from Planning Commission and approval by City Council. The Planning Commission shall hold a public hearing regarding the proposed acquisition or vacation and shall be noticed per Article 2.04 of the Development Code.

HISTORY

Adopted by Ord. [2022-20](#) on 6/28/2022

4.02 Intent And Purpose

4.02.10 Intent And Purpose

4.02.010 Intent And Purpose

The purpose of this subdivision ordinance and the intent of the City Council in its adoption is to promote the health, safety, convenience, and general welfare of the present and future inhabitants of Alpine City. The subdivision ordinance will accomplish this purpose by:

1. Providing policies, standards, requirements, and procedures to regulate and control the design and improvement of all residential subdivisions.
2. Assisting in the implementation of the objectives, policies, and programs of the Land Use Element of the Alpine City General Plan by ensuring that all proposed subdivisions, together with provisions for their design and improvement, are consistent with the Comprehensive Plan and all applicable specific plans, such as projected road systems, parks, church sites, etc.
3. Preserving and protecting, to the maximum extent possible, unique and valuable natural resources and amenities, including topographic and geologic features, natural water courses, wildlife habitats, historical and cultural places, and scenic vistas and attractions; and improving the public's access to and enjoyment of such resources and amenities through the dedication or continuance of appropriate public easements thereto.
4. Preserving and protecting the special environmental quality and aesthetic character of all hillside and mountainous areas; preventing detrimental impacts on the soil mantle, vegetative cover, and other environmental factors; reducing the hazards to life and property from fire, flood, erosion, sedimentation and soil slippage; and relating the amount of grading within a subdivision to the slope of the natural terrain.
5. Encouraging the placement of housing developments where subdivisions are permitted in hillside and mountainous areas, minimizing grading, preserving the natural terrain, and enhancing the open space.
6. Relating land use intensity and population density to existing developments, street capacity and traffic access, the slope of the natural terrain, the availability and capacity of public facilities and utilities, and open spaces.
7. Providing lots of sufficient size and appropriate design for the purposes for which they are to be used.
8. Providing streets of adequate capacity and design for the traffic that will utilize them, and ensuring maximum safety for pedestrians and users of vehicles.
9. Ensuring adequate access to each building site.
10. Providing sidewalks, pedestrian-way, and equestrian and hiking trails for the safety, convenience, and enjoyment of residents of new developments.
11. Providing adequate systems of water supply, sanitary sewage disposal, storm drainage, street lighting as requested by the City Council, and other utilities needed for public health, safety and convenience.
12. Providing adequate sites for public facilities needed to serve residents of new developments.
13. Ensuring that costs of providing land for streets, pedestrian-ways, easements, and other rights-of-way and for the improvements therein needed to serve new developments are borne by the subdivider(s)/developers.
14. Preventing land which is actually or potentially dangerous by reason of flood hazard, inundation, inadequate access, inadequate water supply or fire protection, insufficient sewerage facilities, or hazardous geological conditions from being subdivided for any use or in any manner tending to create an increased detriment to the public health, safety, or welfare.
15. Ensuring that, insofar as possible, land is subdivided in a manner that will promote the public health, safety, convenience, and general welfare and the physical, social and economic development of the area in conformance with the Land Use Element of the General Plan.

(Ord. 98-19 amending Ord. 78-03)

4.03 Definitions

4.03.10 Definitions

4.03.010 Definitions

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this Ordinance. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure;" the words "used" and "occupied" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used or occupied; the word "shall" is mandatory and not directory; and the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the word "lot" includes the words plot, or parcel. Words used in this Ordinance but not defined herein shall have the meaning as defined in any other Ordinance adopted by the City of Alpine.

Administrative Land Use Authority. An individual, board, or commission, appointed or employed by the City, including City Staff or the City's Planning Commission. Administrative land use authority does not include the City Council or a member of the City Council.

Appeal Authority. The person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

Average Slope. The definition shall conform with that in the Alpine Zoning Ordinance, DCA 3.01.110 Part 4.

Block. The land is surrounded by streets or other rights-of-way, other than an alley, or land which is designated as a block or any recorded subdivision plat.

Building Official. Building official is the official, or his duly authorized deputy, charged with the administration and enforcement of this ordinance.

Condominium. The ownership of a single unit in a multi-unit project together with an undivided interest in the common areas and facilities of the property as provided by state law.

Crosswalk or Walkway or Pedestrian Way. A right-of-way designed for use by pedestrians and not intended for use by motor vehicles of any kind; a crosswalk or walkway or pedestrian-way may be located within or without a street right-of-way, at grade, or grade-separated from vehicular traffic.

Designated Buildable Area. A lot or portion thereof possessing all of the following physical characteristics: (Added by Ord. 2004-13, 9/28/05)

1. The area contains no territory having a natural slope of twenty (20) percent or greater;
2. The area contains no territory which is located in any identified flood plain or within any recognized inundation zone, mud flow zone or zone of deformation, or lands subject to earth slippage, landslide or rockfall;
3. The engineering properties of the soil provide adequate structural support for the intended use;
4. The area does not possess any other recognized natural condition, which renders it unsafe for building purposes;
5. The area is within the building setback envelope as determined in accordance with the setback provisions of the zone; and
6. The area is readily capable of vehicular access from the adjacent public street over a driveway having a slope of not more than twelve (12) percent with no cut or fill greater than five feet as measured at the finished grade of the centerline alignment .

Development Agreement. A written agreement or amendment to a written agreement between the City and one (1) or more parties that regulates or controls the use or development of a specific area of land. Development agreement does not include an improvement completion assurance.

Driveway. A private roadway, the use of which is limited to persons residing, employed, or otherwise using or visiting the lot on which the roadway is located.

Dwelling. Any building or portion thereof designed or used exclusively as the more or less permanent residence or sleeping

place of one or more persons or families.

Easement. That portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner(s) of said properties. The easement may be for use on, under, or above said lot or lots.

Environmental Impact Study. A study which is described by means of written narrative as well as maps, a geographical area in terms of existing: (1) slope, (2) soils, (3) water courses, (4) water table, (5) flood hazard areas, (6) geologic hazards, (7) vegetative types, (8) wildlife, (9) wildlife habitat, and (10) available urban services, i.e., electricity, gas, roads, schools, culinary water, sewage facilities, police and fire protection, (11) air quality and movement, (12) noise, (13) aesthetics and cultural, (14) land use, (15) open space and trails, (16) recreational facilities.

The study recommends measures which, if undertaken, will mitigate or obviate acts resulting from development of the proposed subdivision, and discusses the benefits to be gained from such subdivision.

The study also evaluates the potential area-wide economic impact of the subdivision on both private and public economic sectors and the potential impact on school systems.

Essential Facilities. Utilities, sanitary and public safety facilities provided by a public utility or other governmental agency for overhead or surface or underground services, excluding any building, electrical substation or transmission line of fifty (50) KV or greater capacity, except by conditional use permit.

Final Plat. A subdivision map prepared in accordance with the provisions of this Ordinance, which is designed to be placed on record in the office of the County Recorder.

Fire Protection. Such water supply, water lines, fire hydrants, and other protective devices as may be required in accordance with the provisions of this Ordinance.

Flood Hazard. A hazard to land or improvements due to inundation or overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses.

Frontage. The width of the lot or parcel of land measured at the required front setback lines.

Geological Hazard. A surface fault rupture, shallow groundwater, liquefaction, a landslide, a debris flow, unstable soil, a rock fall, or any other geologic condition that presents a risk to life or of substantial loss of or damage to real property. May be referred to in this title as "sensitive lands".

Improvement. Work, objects, devices, facilities, or utilities required to be constructed or installed in a subdivision. Such improvements may include, but are not limited to, street construction to required standards water facilities, sewer facilities, sidewalks, curbs and gutters, drainage facilities, street trees, street signs, street lights, traffic control or safety devices, fire hydrants, and such other facilities or construction required by the Subdivision Ordinance, Subdivision Regulations, or by the Planning Commission and/or City Council for the necessary proper development of the proposed subdivision.

Improvement Completion Assurance. A surety bond, financial institution bond, cash, an escrow bond, or other equivalent security required by the City to guarantee the proper completion of landscaping or an infrastructure improvement required as a condition precedent to recording a subdivision plat or development of a commercial, industrial, mixed-use, or multi-family project.

Improvement Warranty. An applicant's unconditional warranty that the applicant's installed and accepted landscaping or infrastructure improvement complies with the City's written standards for design, materials, and workmanship; and will not fail in any material respect, as a result of poor workmanship or materials within the improvement warranty period.

Improvement Warranty Period. A period no later than one (1) year after the City's acceptance of required landscaping; or no later than one (1) year after the City's acceptance of required infrastructure, unless the City determines for good cause that a one (1) year period would be inadequate to protect the public health, safety, and welfare; and has substantial evidence on record of prior poor performance by the applicant or that the area upon which the infrastructure will be constructed contains suspect soil and the City has not otherwise required the applicant to mitigate the suspect soil.

Land, Agricultural. Land whose primary use is determined to be agricultural in the Land Use Element of the Alpine City General Plan, or which is included in an agricultural district in the Alpine Zoning Ordinance.

Land, Commercial. Land whose optimum use is determined to be commercial in the Land Use Element of the Alpine City General Plan, or which is included in a commercial district in the Alpine Zoning Ordinance.

Land, Industrial. Land whose optimum use is determined to be industrial in the Land Use Element of the Alpine City General Plan, or which is included in an industrial or manufacturing district in the Alpine Zoning Ordinance.

Land Use Applicant. A property owner, or the property owner’s designee, who submits a land use application regarding the property owner’s land. May also be known and referred to in this title as “applicant(s) or developer(s)”.

Land Use Application. An application that is required by the City and submitted by a land use applicant to obtain a land use decision, and does not mean an application to enact, amend, or repeal a land use regulation. May also be known and referred to in this title as “application(s)”.

Land Use Authority. A person, board, commission, agency, or body including the City Council, designated by the City Council to act upon a land use application; or if the City Council has not designated a person, board, commission, agency, or body, the City Council.

Land Use Decision. An administrative decision of a land use authority or appeal authority regarding a land use permit or a land use application. May also be known and referred to in this title as a “decision”.

Land Use Element of the General Plan. A coordinated plan which has been prepared and adopted for the purpose of guiding development of land use.

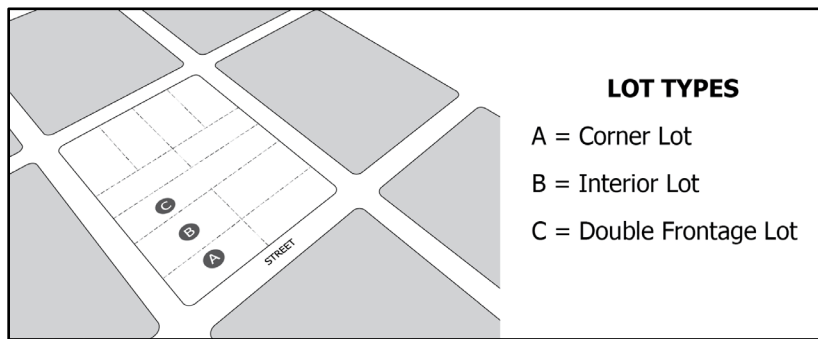
Land Use Permit. A permit issued by the Land Use Authority.

Land Use Regulation. A legislative decision enacted by ordinance, law, code, map, resolution, specification, fee or rule that governs the use or development of land. Includes the adoption or amendment of a zoning map or the text of the zoning code and does not include a land use decision of the city council acting as the land use authority even if the decision is expressed in a resolution or ordinance; or a temporary revision to an engineering specification that does not materially increase a land use applicant’s cost of development compared to the existing specification or impact a land use applicant’s use of land.

Lot.

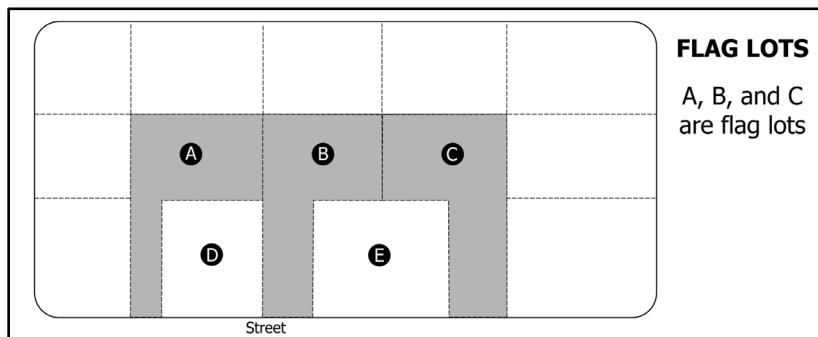
1. A tract of land regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the Office of the County Recorder.

Lot, Corner. A lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.



Lot, Double Frontage. A lot where the front and rear lot lines both front on a street. See figure provided for “LOT, CORNER”.

Lot, Flag. A lot of irregular configuration in which an access strip (a strip of land of a width less than the required lot width) connects the main body of the lot to the street frontage.



Lot, Interior. A lot other than a corner lot. See figure provided for “LOT, CORNER”.

Lot Line Adjustment. A relocation of a lot line boundary between adjoining lots or between a lot and adjoining parcels in accordance with §10-9a-608 of Utah State Code (as amended) whether or not the lots are located in the same subdivision and with the consent of the owners of record. Lot line adjustment does not mean a new boundary line that creates an additional lot or constitutes a subdivision. Lot line adjustment does not include a boundary line adjustment made by the Utah Department of Transportation (UDOT).

Major Street Plan. The most recently adopted "Alpine City Transportation Master Plan Map" which shows existing public streets and which has been officially adopted by the Planning Commission and City Council as the Major Street Plan.

Municipal Utility Easement. An easement that is created or depicted on a plat recorded in the Office of the County Recorder and is described as a municipal utility easement granted for public use; is not a protected utility easement or a public utility easement as defined in §54-3-27 of Utah State Code (as amended); the City or the City's affiliated governmental entity uses and occupies to provide a utility service, including sanitary sewer, culinary water, electrical, stormwater, or communications or data lines; is used or occupied with the consent of the City in accordance with an authorized franchise or other agreement; is used or occupied by a specified public utility in accordance with an authorized franchise or other agreement and is located in a utility easement granted for public use, or is described in §10-9a-529 of Utah State Code (as amended) by a specified public utility.

Off-street Parking Space. An area adjoining a building providing for the parking of automobiles which does not include a public street but has convenient access to it.

Off-site. Of or pertaining to land, area or facilities not located within the boundaries of a final plat of a subdivision.

On-site. Of or pertaining to land, area or facilities located within the boundaries of a final plat of a subdivision.

Parcel. Any real property that is not a lot.

Parcel Boundary Adjustment. A recorded agreement between owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line agreement in accordance with §10-9a-524 of Utah State Code (as amended), if no additional parcel is created and none of the property identified in the agreement is a lot or the adjustment is to the boundaries of a single person's parcels. Parcel boundary adjustment does not mean an adjustment of a parcel boundary line that creates an additional parcel or constitutes a subdivision. Parcel boundary adjustment does not include a boundary line adjustment made by UDOT.

Permanent Monument. Any structure of concrete, masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference, which meets the requirements of the local jurisdiction for permanent monuments.

Plat. An instrument subdividing property into lots as depicted on a map or other graphic representation of land that a licensed professional land surveyor makes and prepares in accordance with §10-9a-603 or §57-8-13 of Utah State Code (as amended).

Potential Geologic Hazard Area. An area that is designated by a Utah Geological Survey map, county geologist map, or other relevant map or report as needing further study to determine the area's potential for geologic hazard; or has not been studied by the Utah Geological Survey or a county geologist but presents the potential of geologic hazard because the area has characteristics similar to those of a designated geologic hazard area. May be referred to in this title as "sensitive lands".

Public Hearing. A hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

Public Meeting. A meeting that is required to be open to the public under the Open and Public Meetings Act, §52-4 of Utah State Code (as amended).

Review Comments. Requests issued to an applicant by the City as part of the review cycle process, including requests for modifications to plats, plans, designs, reports, and studies submitted with the application, requests to supplement any incomplete information, document, or material submitted with or that was required to have been submitted with the application, and requests to correct any other deficiency with an application to ensure compliance with this Title and all other governing laws, land use regulations, applicable land use decisions, ordinances, and standards.

Review Cycle. The process described in §10-9a-604.2 of Utah State Code (as amended), and described in this Title,

consisting of one (1) full cycle of a subdivision applicant's submittal of a complete application, the City's review of that application, the City's response to that application, and the applicants reply to the City's response.

Review Response. The applicant's response to the City's review comments, including a written response addressing each review comment and the submission of revised, modified, or corrected plats, plans, and other information, documents, and materials.

Sensitive Lands. Means the same as "geologic hazards" and "potential geological hazard areas" definitions. Sensitive lands shall also mean and include those lots or parcels as identified on the City's Sensitive Lands map.

Site Plan. A plot of a lot, drawn to scale, showing its actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, north point, scale, utility easements, vehicle access, and such other information as may be required by the Planning Commission.

Streets, Roads, and Highways.

1. **Street, Arterial.** A street, existing or proposed, which serves or is intended to serve as a major traffic way, and is designated an arterial street on the Major Street Plan.
2. **Street, Collector.** A street, existing or proposed, of considerable continuity, which is the main means of access to arterial streets, and is designated a collector street on the Major Street Plan.
3. **Street, Cul-de-sac.** A street which is designed to remain permanently closed at one end with the closed end terminated by a vehicular turnaround. For purposes of these regulations, the length of a cul-de-sac street shall be measured from center of turn-around to the point of connection to the next intersection street. (DCA 4.07.040 Part 9, Subdivision Ordinance)
4. **Street, Frontage, or Frontage Road.** A minor street or road which is parallel to and adjacent to a limited access major street and which provides access to abutting properties and protection from through traffic.
5. **Street, Minor.** A street, existing or proposed, which is supplementary to a collector street and of limited continuity, which serves or is intended to serve the local needs of a neighborhood and to give access to abutting properties.
6. **Street, Partial, Width.** A street parallel and contiguous to a property line and of lesser right-of-way width than will eventually be required; the additional needed right-of-way width to be obtained in the future from the abutting property owner prior to development as frontage.
7. **Street, Public.** A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority.
8. **Street Right-of-Way.** That portion of land dedicated to public use for street and utility purposes.
9. **Street, Stub.** A street or road extending from within a subdivision boundary and terminating there; with no permanent vehicular turnaround. Stub streets are provided to permit adjacent undeveloped parcels of land to be developed later by continuing the stub street to the extended connecting street system.

Structure. Anything constructed, the use of which requires fixed location on the ground, or attachment to something having a fixed location upon the ground, includes "building."

Subdivider. Any person, firm, corporation, partnership or association who causes land to be divided into two or more parcels of land for himself or others.

Subdivision. Any land that is divided, subdivided, or proposed to be divided into two (2) or more lots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease or development either on the installment plan or upon any and all other plans, terms and conditions. The term "Subdivision includes:

1. The division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
2. Except as provided below, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural and industrial purposes.

Subdivision does not include:

1. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;

2. A boundary line agreement recorded with the Office of the County Recorder between owners of adjoining parcels adjusting the mutual boundary in accordance with §10-9a-524 of Utah State Code (as amended) if no new parcel is created;
3. A recorded document, executed by the owner of record revising the legal descriptions of multiple parcels into the one (1) legal description encompassing all such parcels or joining a lot to parcel;
4. A boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with §10-9a-524 and §10-9a-608 of Utah State Code (as amended) if no new dwelling lot or housing unit will result from the adjustment and the adjustment will not violate any applicable land use ordinance;
5. A bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division is in anticipation of future land use approvals on the parcel or parcels does not confer any land use approvals, and has not been approved by the land use authority;
6. A parcel boundary adjustment;
7. A lot line adjustment;
8. A road, street, or highway dedication plat;
9. A deed or easement for a road, street, or highway purpose; or
10. Any other division of land authorized by law.

Subdivision Amendment. An amendment to a recorded subdivision in accordance with §10-9a-608 of Utah State Code (as amended) that vacates all or a portion of the subdivision; alters the outside boundary of the subdivision; changes the number of lots within the subdivision; alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or alters a common area or other common amenity within the subdivision. Subdivision amendment does not include a lot line adjustment between a single lot of an adjoining lot or parcel that alters the outside boundary of the subdivision.

Subdivision Improvement Plans. The civil engineering plans, grading and landscaping plans, drawings, details, specifications, and other technical or engineered plans or designs associated with required infrastructure, City controlled utilities, and public landscaping required for a subdivision.

Subdivision Requirements. Those requirements that are adopted by the City and applicable County or State entities for the necessary and proper development of a proposed subdivision. Includes all applicable zoning regulations, governing laws, land use regulations, applicable land use decisions, ordinances, standards, designs and specifications.

Suspect Soil. Soil that has a high susceptibility for volumetric change, typically clay-rich, having more than a three percent (3%) swell potential, bedrock units with high shrink or swell susceptibility, or gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features.

Vicinity Map (Location Map). A map or drawing showing where a subdivision, or proposed subdivision is located.

(Ord. 98-19 amending Ord. 78-03)

HISTORY

Amended by Ord. [2019-01](#) on 1/8/2019

Amended by Ord. [2022-04](#) on 2/22/2022

Amended by Ord. [2022-11](#) on 4/12/2022

4.04 Administration

(Ord. 98-19 amending Ord. 78-03)

- 4.04.010 Designation Of Land Use Authority
- 4.04.020 Enforcement; Erroneous Approval Not A Waiver Of Requirements
- 4.04.030 General Application Requirements
- 4.04.040 Abandoned Applications
- 4.04.050 Applicant Notice Required; Waiver Of Requirements
- 4.04.060 Subdivision Ordinance Amendments
- 4.04.070 Temporary Land Use Regulations
- 4.04.080 Development Agreements
- 4.04.090 General Responsibilities
- 4.04.100 Amendments To Recorded Plats; Vacation Of Public Street
- 4.04.110 Property Boundary Adjustments; Boundary Line Agreements
- 4.04.120 Review Cycle Process For Subdivision Applications

4.04.010 Designation Of Land Use Authority

1. The following chart designates the Land Use Authority for subdivision approvals with the City.
2. Pursuant to §10-9a-306 of Utah State Code (as amended), the Land Use Authority shall apply the plain language of

land use regulations.

3. If a land use regulation does not plainly restrict a land use application, the Land Use Authority shall interpret and apply the land use regulation to favor the land use application.

TABLE - Designation Of Land Use Authority

Type Of Land Use Application	Reviewing Body	Recommending Body	Land Use Authority	Appeal Authority
Annexation	City Staff	Planning Commission	City Council	County Boundary Commission
Subdivision Ordinance Amendments	City Staff	Planning Commission	City Council	District Court
Development Agreement that requires the implementation of an existing land use regulation as an administrative act. See UCA Section 10-9a-532(2)(b).	City Staff	City Staff	City Staff	City Council
Development Agreement Which Modifies An Adopted Standard/Specification /Regulation	City Staff	Planning Commission	City Council	District Court
Subdivision Amendment Which Does Not Include Vacation Of Public Right-Of-Way Or Public Utility Easements	City Staff	City Staff	City Staff	Hearing Officer / District Court
Subdivision Amendment Including Vacation Of Public Right-Of-Way Or Public Utility Easements	City Staff	Planning Commission	City Council	Hearing Officer / District Court
Parcel Boundary Adjustment / Lot Line Adjustment	Zoning Administrator	Zoning Administrator	Zoning Administrator	Hearing Officer / District Court
Appeals/Variances	Hearing Officer	Hearing Officer	Hearing Officer	District Court
Exceptions From Design And Improvement Standards (Unless specifically designated otherwise)	City Staff	Planning Commission	City Council	Hearing Officer / District Court
Residential Single Family:				
Pre-Application	City Staff	City Staff	City Staff	Hearing Officer /

Meeting / Concept Plan				District Court
Preliminary Plan	City Staff	City Staff	Planning Commission	Hearing Officer / District Court
Final Plat / Minor Subdivision	City Staff	City Staff	City Staff	Hearing Officer / District Court
Sensitive Lands (Preliminary Plan / Final Plat)	City Staff	Planning Commission	City Council	Hearing Officer / District Court
All Other Projects:				
Pre-Application Meeting	Zoning Administrator	Zoning Administrator	Zoning Administrator	Hearing Officer / District Court
Concept Plan Review	City Staff	City Staff	City Staff	Hearing Officer / District Court
Preliminary Plan / Final Plat (Including Sensitive Lands)	City Staff	Planning Commission	City Council	Hearing Officer / District Court

4.04.020 Enforcement; Erroneous Approval Not A Waiver Of Requirements

1. The City Council, Planning Commission, City Staff and other such departments and agencies of the City, State or County which are specified under the provisions of this title are hereby designated as authorized agencies who are charged with the enforcement of the provisions of this title.
2. Failure of such councils, boards, commissions, staff, departments and agencies to pursue appropriate legal remedies shall not legalize any violation of such provisions.
3. Should a plat, by inadvertence, be approved which shows on its face, or in any documents attached thereto or which are deemed to be a part thereof, that the subdivision does not comply in one (1) or more respects with the requirements of this title or with the requirements of approved subdivision standards and specifications relating to the quality, size, type, grade, distance, or dimension, and no variation or exception thereto has been approved by the Land Use Authority, such plat approval shall not be deemed a waiver of such requirements, but on the contrary such requirements shall remain in full force and effect. Any discrepancy between the preliminary plan and the final plat which may not be noticed in inspection of the final plat and which is not approved by City Staff and the Land Use Authority shall be the responsibility of the subdivider, and approval of the final plat in such case shall not be deemed a waiver of the requirements of this title or any standards or specifications approved in connection herewith.
4. The failure of any preliminary plan or final plat to meet any and all of the requirements enumerated in this title or as imposed by the Land Use Authority, shall, as provided herein, cause any approval by the Land Use Authority to be suspended. Such a suspension shall be issued by the Zoning Administrator immediately upon discovery of an applicable error or omission. The matter shall then be referred to the Land Use Authority as soon as is practicable unless otherwise correctable within thirty (30) days from the date of the suspension. The Land Use Authority shall review the matter and either issue a correcting requirement or refer it to the appropriate body for action.

4.04.030 General Application Requirements

The Land Use Authority shall review and approve submitted applications for land use and development as provided in this chapter. The following general requirements shall apply to an application required by this chapter.

1. **Application Forms.** Submitted applications shall be on forms provided by the Zoning Administrator, and with the required documentation outlined on such application in quantities as reasonably required by the Zoning Administrator for each particular type of land use application. Applicants shall submit all applications to the Zoning Administrator for review to ensure compliance with the requirements as outlined in this title. Application forms may be amended by the Zoning Administrator from time to time as deemed necessary to ensure that applicants are informed as to the requirements for compliance with this title and all other governing laws including but not limited to: land use regulations, applicable land use decisions, ordinances, and standards.
2. **City Initiated Applications.** The Zoning Administrator, Planning Commission, or City Council may initiate any action under this title without an application. Notice, hearing, and other procedural requirements of this title shall apply to an application initiated by the City.
3. **Accurate Information.** All applications, accompanying documents, plans, reports, studies and information provided to the City by an applicant in accordance with the requirements of this title shall be accurate and complete.
4. **Determination Of A Complete Application.** After receipt of an application the Zoning Administrator shall determine

whether the application is complete for the purposes of further substantive processing and review. If the application is not complete, the Zoning Administrator shall notify the applicant in writing and identify the deficiencies by specifying the required information, and shall advise the applicant that the City will take no further action on the request until the submission of a complete application.

- a. For the purposes of further substantive processing and review an application shall be deemed to be complete if the application conforms to all information and materials identified or required by the application form and as outlined in this title.
 - b. A defect, deficiency, or error in information and materials submitted with an application which causes the application to not be in compliance with this title or any other governing law, including but not limited to: land use regulations, applicable land use decisions, ordinances, or standards shall not render the application incomplete unless such defect, deficiency, or error reasonably prohibits or precludes the substantive review of the application or a material portion thereof.
5. **Fees.** The applicant shall pay the City fees as outlined in the City's fee schedule as adopted and amended from time to time by the City Council upon the filing of an application. Application fees shall be in amounts reasonably determined to defray actual costs incurred by the City to review applications and their accompanying documents including plans and specifications, to act upon the application, and to conduct subsequent inspections to ensure compliance with City regulations. The Zoning Administrator shall return any application as incomplete if the application has not been submitted with the required fee. Fees shall be non-refundable, except as provided in this title. Applications initiated by the City shall not require fees.
6. **Validity.** The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.
7. **Extensions Of Time.** Unless otherwise prohibited or outlined in this title, upon written request for good cause shown, the Land Use Authority may without any notice or hearing, grant extension of any time limit imposed by this title on such application, its approval, or the applicant, provided that the Zoning Administrator receives such a request or initiates an extension prior to the date of expiration. The total period of time granted by any such extension or extensions shall not exceed half the length of time of the original time period. An extension shall not be granted if:
- a. Good cause is not shown;
 - b. The application no longer conforms to current land use regulations, applicable land use decisions, or other applicable adopted City ordinances, regulations, or standards; or
 - c. Surrounding property has received final approval for a subdivision and/or has otherwise developed in a manner which results in new street alignments, development requirements, or similar considerations that restrict or require alteration of the approved preliminary plat or preliminary subdivision improvement plans.

4.04.040 Abandoned Applications

1. Any complete application for a subdivision, including all fees paid, that has been filed with the City shall be allowed to comply with the subdivision regulations in effect at the time that the complete application was filed. However, in the event the applicant does not move forward with the subdivision application within six (6) months of the application date, or the applicant fails to provide a complete review response of the City's submission of review comments, the application may be deemed to have been abandoned by the applicant and the Zoning Administrator may reject the application in writing.
2. If reviews have been performed by the City, no refund of fees shall be issued to the applicant.
3. The applicant of an abandoned application may reapply to the City for subdivision approval at a later date in time, but shall be required to complete a new application, including the payment of fees as outlined in the City's fee schedule.
4. The reapplication, once accepted by the City, shall be subject to the provisions of this title and all other applicable land regulations, land use decisions, ordinances and standards in effect at the time the complete application was filed.

4.04.050 Applicant Notice Required; Waiver Of Requirements

When required, for each land use application required by this title, the City shall:

1. Notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application;
2. Provide to each applicant a copy of each staff report regarding the applicant or the pending application at least three (3) business days before the public hearing or public meeting; and
3. Notify the applicant of any final action on a pending application.
4. If the City fails to comply with the requirements of this section, an applicant may waive the failure so that the application may stay on the public hearing or public meeting agenda and be considered as if the requirements has been met.

4.04.060 Subdivision Ordinance Amendments

1. **Purpose.** This section sets forth the procedures for amending the provisions of this chapter.
2. **Authority.** The City Council may, from time to time, amend the text of this chapter. The provisions set forth in this section shall not apply to temporary land use regulations that the City Council may enact without a public hearing in accordance with §10-9a-504 of Utah State Code (as amended).
3. **Initiation.** Anyone may propose amendments to the text of this chapter as provided in this section.
4. **Procedure.** The City shall process and consider amendments to the text of this chapter as provided in this section.
5. **Application.** An application shall be submitted to the Zoning Administrator along with the fee as outlined in the City's fee schedule. The application shall include:
 - a. Name and address of every person or company the applicant represents;

- b. Explanation of the proposed amendment and reasons supporting the request; and
 - c. Title, chapter, and section references of the affected sections, including a draft of the proposed text.
6. **Determination Of Complete Application.** After the Zoning Administrator determines the completeness of an application, the Zoning Administrator shall transmit the application to the Planning Commission for its review.
 7. **Notice.** Class B notice shall be provided pursuant to §10-9a-205 of Utah State Code (as amended).
 8. **Planning Commission Hearing.** The Planning Commission shall hold a public hearing on the proposed amendment in accordance with §10-9a-502 of Utah State Code (as amended) and shall recommend approval, approval with modifications, or denial of the proposed amendment to the Land Use Authority.
 9. **Land Use Authority Adoption.** The Land Use Authority as outlined in 4.04.010 of this title shall review the proposed amendment and the recommendation of the Planning Commission. The Land Use Authority may either approve, approve with modifications, or reject the proposed amendment. The Land Use Authority may also table the matter for further information or future consideration or action.
 10. **Approval Standards.** A decision to amend the text of this chapter shall be consistent with Utah State Code (as amended) and, when applicable, in harmony with the current General Plan. Nothing herein shall entitle any person to approval of a proposed amendment and nothing herein shall operate to limit or constrain the legislative authority and power of the City Council.
 11. **Appeals.** Any person adversely affected by the final decision of the Land Use Authority may appeal that decision to the District Court as provided in §10-9a-801 of Utah State Code (as amended).
 12. **Effect Of Approval.** Approval of an application to amend the provisions of this chapter shall not be an approval of a subdivision application or other land use permit. Obtaining approval of such subdivision application(s) or land use permit(s) shall be in accordance with the applicable provisions of this title.
 13. **Effect Of Disapproval.** The Land Use Authority's denial of an application to amend the text of this chapter shall preclude another person from filing another application covering substantially the same subject for one (1) year from the date of the disapproval unless the Zoning Administrator determines a substantial change in circumstances occurred to merit consideration of the application. This section shall not limit the City Council, Planning Commission, Zoning Administrator, or other authorized City Staff from initiating an amendment to the text of the chapter at any time.

4.04.070 Temporary Land Use Regulations

1. The City Council may, without prior consideration of or recommendation from the Planning Commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the City if:
 - a. The City Council makes a finding of compelling, countervailing public interest; or
 - b. The area is unregulated.
2. A temporary land use regulation under this section shall be in conformance with §10-9a-504 of Utah State Code (as amended) and may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.
3. A temporary land use regulation may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.
4. A temporary land use regulation may not impose an impact fee or other financial requirement on building or development.
5. Unless otherwise provided by §10-9a-504 of Utah State Code (as amended), a temporary land use regulation shall not exceed a period of one-hundred eighty (180) days, but:
 - a. May be renewed, if requested by the State of Utah's Transportation Commission for up to two (2) additional periods of one-hundred eighty (180) days by ordinance enacted before the expiration of the previous regulation. However, the renewal regulation is effective only as long as the environmental impact statement or major investment study is in progress.

4.04.080 Development Agreements

1. **Purpose.** A development agreement may be negotiated between a developer and the City to set forth the specific requirements, elements, and aspects of a proposed development prior to receiving approval from the Land Use Authority on a land use application.
2. **Procedure.** Development agreements, and their subsequent amendments, shall be subject to the Land Use Authority as outlined in 4.04.010 of this chapter. All development agreements, upon proper execution, shall be recorded with the County Recorder's Office, and shall run with the land and be binding on all successors in the ownership of the affected property(ies). A development agreement shall contain, at a minimum, the following:
 - a. A legal description of the land subject to the development agreement.
 - b. The restrictions or conditions to be attached to the property including development standards and the provision of public facilities.
 - c. The configuration of the project as shown on the project's master plan.
 - d. A statement of the benefits and value the development agreement will have for the City as a whole, including but not limited to: assurances of design standards, dedication and improvement of open space, parks, trails, amenities, or infrastructure such as public rights-of-way, or utilities.
 - e. The time frame for performance by parties.
 - f. A description of the various City approvals required before the commencement of construction and other procedures that will be required after approval of the development agreement.
 - g. Provisions for enforcement of the terms and conditions of the development agreement.

- h. Provisions for making amendments to the development agreement.
 - i. The time limitation of the agreement.
 - j. Such other terms and limitations which may be proposed and agreed to between the City and the developer.
3. **Limitations.** A development agreement under this section may not:
- a. Limit the City's authority in the future to enact a land use regulation or take any action allowed under §10-8-84 of Utah State Code (as amended);
 - b. Require the City to change the zoning designation of an area of land within the City in the future; or
 - c. Contain a term that conflicts with, or is different from, a standard set forth in an existing land use regulation that governs the area subject to the development agreement, unless the City Council approves the development agreement in accordance with the same procedures for enacting a land use regulation under §10-9a-502 of Utah State Code (as amended), including a review and recommendation from the Planning Commission and the conducting of a public hearing.
 - d. The City may not require a development agreement as the only option for developing land within the City.
 - e. The City may not restrict the type of crop that may be grown in an area that is zoned agricultural or assessed under §59-2-5 of Utah State Code (as amended).
 - f. To the extent that a development agreement does not specifically address a matter of concern related to land use or development, the matter of concern shall be governed by §10-9a of Utah State Code (as amended) and the applicable land use regulations in this code.
 - g. If the development agreement restricts an applicant's rights under clearly established State law, the local government shall disclose in writing to the applicant those rights of the applicant that the development agreement restricts.
4. **Expiration.** A development agreement shall be signed and notarized by all parties and recorded in the County Recorder's Office within one (1) year from the date of Land Use Authority approval or it shall be considered null and void. Prior to the expiration of the one (1) year period an applicant may submit a written request to the Zoning Administrator for an extension of up to six (6) months. Approval of this extension may only be granted by the Land Use Authority.

4.04.090 General Responsibilities

- 1. An applicant shall prepare a concept plan, preliminary plan, and final plat consistent with the standards contained herein and shall pay for the design, review, construction, and inspection of the improvements required.
- 2. The applicant shall not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any site development until the applicant has obtained the necessary approvals as described in this chapter.
- 3. The applicant is responsible to obtain and be familiar with all applicable subdivision ordinances, construction regulations, and all other rules and related standards of the City.
- 4. The City shall process said plans and plats in accordance with the regulations set forth herein.
- 5. The Land Use Authority shall review submitted plans and plats for design, conformance to the applicable requirements of the General Plan, land use and other adopted ordinances, and shall process the plans and plats as provided for in this chapter.
- 6. Plans and/or plats of proposed subdivisions may be referred by the Zoning Administrator or Land Use Authority to the City's various departments and staff, special districts, governmental boards, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the subdivision for their information and comments. The Zoning Administrator shall be responsible for coordinating any comments received from public and private entities and shall decide which agencies to refer proposed subdivision plans and plats to.
- 7. Unless designated as the Land Use Authority, the Planning Commission shall act as an advisory agency to the Land Use Authority. The Planning Commission shall be charged with making investigations, reports, and recommendations on proposed subdivisions as to their conformance with the City's General Plan, the land use ordinance, and other pertinent rules, regulations, and standards of the City. After determining that a referred plan or plat complies with applicable requirements, the Planning Commission shall recommend approval, approval with conditions, or denial of the plan or plat to the Land Use Authority. Failure of the Planning Commission to render an official recommendation shall be deemed a recommendation of approval.
- 8. The Land Use Authority designated in 4.04.010 of this chapter shall have final jurisdiction in the approval of subdivision plans and plats.

4.04.100 Amendments To Recorded Plats; Vacation Of Public Street

- 1. The Land Use Authority as outlined in 4.04.010 may, consider any proposed vacation, alteration, or amendment of a recorded subdivision plat, any portion of the recorded subdivision plat, or any road or lot contained in a recorded subdivision plat by following and complying with all of the requirements for amending a subdivision, or vacating a public street as identified in §10-9a-608, §10-9a-609, and §10-9a-609.5 of Utah State Code (as amended).
- 2. Applicant(s) shall submit a complete application, including the fee as required as indicated in the City's consolidated fee schedule to the Zoning Administrator on a form prescribed by the Zoning Administrator, together with the number and size of plans indicated on the application form, including all digital submittals.
- 3. Poorly drawn or illegible plans shall be sufficient cause for rejection. The lack of any information required by this title or as outlined in §10-9a-608, §10-9a-609, and §10-9a-609.5 of Utah State Code (as amended) shall be cause for the Zoning Administrator's determination of an incomplete submittal and shall prohibit the Recommending Body and Land Use Authority as outlined in 4.04.010 from considering any material, items, or other information related to the proposed subdivision amendment or vacation of the public right-of-way. The Zoning Administrator shall notify the applicant of the

required information lacking from the application in writing.

4. An aggrieved party may appeal the decision of the Land Use Authority concerning a subdivision plat amendment or vacation of public right-of-way to the Appeal Authority outlined in 4.04.010.

4.04.110 Property Boundary Adjustments; Boundary Line Agreements

1. Property boundary adjustments including parcel boundary adjustments, lot line adjustments, and boundary line agreements shall follow the process identified in §10-9a-523 and §10-9a-524 of Utah State Code (as amended).
2. When subject to review by the Land Use Authority outlined in 4.04.010, applicant(s) shall submit a complete application including the fee as required in the City's consolidated fee schedule to the Zoning Administrator on a form prescribed by the Zoning Administrator, together with the number and size of plans indicated on the application form, including all digital submittals.
3. Poorly drawn or illegible plans shall be sufficient cause for rejection. The lack of any information required by this title or as outlined in §10-9a-523 and §10-9a-524 of Utah State Code (as amended) shall be cause for the Zoning Administrator's determination of an incomplete submittal and shall prohibit the Land Use Authority from considering any material, items, or other information related to the application. The Zoning Administrator shall notify the applicant of the required information lacking from the application in writing.
4. The City may withhold approval of a subsequent land use application for property that is subject to a recorded boundary line agreement or other document used to adjust a mutual boundary line if the City determines that the lots or parcels, as adjusted by the boundary line agreement or other document used to adjust the mutual boundary line, are not in compliance with the City's land use regulations in effect on the day on which the boundary line agreement or other document used to adjust the mutual boundary line is recorded.
5. An aggrieved party may appeal the decision of the Land Use Authority regarding property boundary adjustments to the Appeal Authority outlined in 4.04.010.

4.04.120 Review Cycle Process For Subdivision Plat Applications

1. For each complete subdivision application, the City shall review the submitted plat, plans, and other application materials through the review cycle established by this section and §10-9a-604.2 of Utah State Code (as amended) to ensure compliance with all requirements of this title and all other governing laws including but not limited to: land use regulations, applicable land use decisions, ordinances, and standards.
2. A review cycle shall begin with the City's receipt of either a complete application for a new subdivision or a complete review response submitted as part of a prior review cycle.
3. The City may issue review comments with each review cycle to correct any deficiencies on the submitted plat, subdivision improvement plans, and related information, documents, and materials.
4. The City shall complete its review and shall issue review comments within the following timeframes:
 - a. **Preliminary Plats And Preliminary Subdivision Improvement Plans.** For single family, two family, and townhome subdivisions that do not involve property containing sensitive lands, the City shall have fifteen (15) business days after the receipt of the complete application or complete review response to perform its review and issue review comments.
 - b. **Final Plats And Final Subdivision Improvement Plans.** For single family, two family, and townhome subdivisions that do not involve property containing sensitive lands, the City shall have twenty (20) business days after receipt to complete its review and to issue review comments.
 - c. **All Other Plats And Subdivision Improvement Plans.** For all other plats and subdivision improvement plans the City shall have a reasonable timeframe to complete its review and to issue review comments.
5. Review comments issued by the City shall be specific, include citations to the applicable law, ordinance, regulation, decision, standard, or specification justifying the review comment and shall be compiled and logged into a single index of requested modifications for the application.
6. The City's failure to issue a review comment regarding a specific deficiency or defect of the preliminary plat, subdivision improvement plans, or related information, documents, and materials submitted by the applicant shall waive the City's right to require that the deficiency or defect be corrected, unless:
 - a. The modification or correction required by the review comment is necessary to protect the public's health and safety or to enforce a State or Federal law.
 - b. The modification or correction required by the review comment is necessitated by the applicant's review response or other adjustment to the proposed subdivision plat, plans, or related materials;
 - c. The modification or correction required by the review comment is necessitated by the applicant's update to the proposed phasing of the development that adjusts the needed infrastructure; or
 - d. The applicant does not submit a revised plan in response to the City's review comments within twenty (20) business days after the City issued its review comments.
7. Applicants shall provide a complete review response to the City's review comments, consisting of revised plats, plans, information, documents, or materials together with a written explanation identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.
 - a. The applicant's written explanation shall be comprehensive and specific, including citations to the relevant law, ordinance, regulation, decision, standard, or specification and include an index of requested revisions or additions for each required correction.
 - b. The applicant's failure to address a review comment shall render their review response incomplete. A

subsequent review cycle or action shall not begin until all review comments are addressed and the applicant submits a complete review response.

8. The City may not require more than four (4) review cycles, provided that the City may restart the review cycle process at the first review cycle if the applicant makes a material change to a submitted application. Such restarted review cycle process shall apply only to the portion of the submitted application that the material change substantively affects.

4.05 Minor Subdivisions

4.05.10 Purpose

4.05.020 Applicability

4.05.030 Minor Subdivision Process

4.05.040 Required Conditions And Improvements

4.05.050 Bond Agreements For Improvements Required

4.05.060 Recording Of Plat

4.05.070 Expiration Of Final Approval

4.05.080 Reinstatement Of The Final Plat

4.05.010 Purpose

The intent of the minor subdivision process is to allow for small subdivisions to be processed more easily. Minor subdivisions include those developments of three (3) or fewer lots which meet the requirements of this Code. The intent of a minor subdivision is to streamline the approval process by consolidating the preliminary and final plat processes. Applicants shall still be required to satisfy all applicable subdivision requirements including the requirement to provide, install, and assure all required subdivision improvements as outlined in this title and other applicable titles of the City's Code.

(Ord. 98-19 amending Ord. 78-03)

(Amended by Ord. No. 2007-05, 5/8/07; Ord. No. 2011-07, 5/10/11; Ord. No. 2013-12, 07/23/13; Ord. No. 2017-07, 05/23/17)

4.05.020 Applicability

The procedures set forth in this chapter shall govern the processing of, and the requirements pertaining to, minor subdivisions, and shall take precedence over any other provisions of the Code to the contrary. The minor subdivision process shall not apply to subdivisions which require the extension of roads or public utility mains or to subdivisions that are subject to geologic hazards or sensitive lands. Such subdivisions shall follow the major subdivision process outlined in this title.

(Ord. 98-19 amending Ord. 78-03)

(Amended by Ord. No. 2007-05, 5/8/07; Ord. No. 2011-07, 5/10/11; Ord. No. 2013-12, 07/23/13; Ord. No. 2017-07, 05/23/17)

4.05.030 Minor Subdivision Process

During the review process, City Staff may request reasonable additional information from the subdivider from time to time; and may ask other affected entities or City departments to review the proposed plan if, in the opinion of the City, it may contribute to a decision in the best interest of the City.

After submittal of the required application materials, no excavation nor alteration of the terrain within a proposed subdivision may be undertaken prior to written approval by the Zoning Administrator and City Engineer of the final plat. Excavation or alteration of the land prior to approval of the final plat may be cause for disapproval of the proposed subdivision.

1. City Planner and City Engineer

- a. The subdivider of a minor subdivision shall meet with the Zoning Administrator and City Engineer to review the proposed subdivision before submitting an application. If the proposed development is a residential single family, two family, or townhome development, the subdivider shall not be required to attend a pre-application meeting. However, a subdivider may request a pre-application meeting / concept plan review to be conducted by the City pursuant to §10-9a-604.1 of Utah State Code (as amended). The subdivider's request shall be submitted to the City along with any applicable applications or materials that are ordinarily required by this title along with any applicable fees as outlined in the City's consolidated fee schedule.
- b. A minor subdivision shall be reviewed and processed in accordance with the procedures set forth in this title for final plats and final subdivision improvement plans, provided that no preliminary plat is required.
- c. The subdivider shall submit the Minor Subdivision Application and two(2) D size (22" x 34") and two (2) 11' x 17" paper copies of the plan drawn to scale along with one (1) electronic copy of the plans to the

Zoning Administrator to be reviewed by the City Staff. The subdivider shall also submit an electronic copy of the plan in a compatible format as specified by City Staff. The subdivider shall pay the associated fee(s) as set forth in the City's consolidated fee schedule. The fee(s) shall be paid to the City Treasurer payable to Alpine City.

- d. City Staff shall review the plan to determine compliance with the City's General Plan and all applicable City ordinances. For residential single family, two family, or townhome project(s), which are not subject to geologic hazards, the City shall not require more than four (4) review cycles which shall be conducted in compliance with 4.04.120 of this title and §10-9a-604.2 of Utah State Code (as amended). The Zoning Administrator shall notify the subdivider of the review findings, including questionable design or engineering feasibility, inadequacy of submittals, non-compliance with local regulations, and the need for other information which may assist in the evaluation of the proposed subdivision.
- e. If City Staff determines that the plat is in conformity with all applicable requirements and any reasonable conditions or on its own initiative, they shall approve the plat.
- f. If City Staff determines that the plat is not in conformity with all applicable requirements or any reasonable conditions imposed, it shall disapprove the plat specifying the reasons for such disapproval.
- g. After all necessary approvals have been granted by the City, the subdivider shall meet all requirements for recordation prior to the final plat being recorded. If the recording requirements have not been met within one hundred eighty days (180) calendar days from the date of City Staff approval, such approval shall be null and void. The voided/null final plat may be submitted for but will be subject to all applicable ordinances at the time of reinstatement and a reinstatement fee will be charged in accordance with the current fee schedule. The final plat must be recorded within one hundred eighty (180) days after the reinstatement approval or the approval shall be null and void.

(Ord. 98-19 amending Ord. 78-03)

(Amended by Ord. No. 2007-05, 5/8/07; Ord. No. 2011-07, 5/10/11; Ord. No. 2013-12, 07/23/13; Ord. No. 2017-07, 05/23/17)

4.05.040 Required Conditions And Improvements

The following requirements shall be imposed as a condition of approval of a minor subdivision:

- 1. No more than three (3) parcels shall be created in the minor subdivision.
- 2. New or extended street dedications shall not be allowed. Minor right-of-way dedications on existing streets are permissible.
- 3. The area to be subdivided should be immediately adjacent to existing streets and utilities and shall not involve the extension of any such streets or utilities.
- 4. The minor subdivision shall not contain any sensitive lands.
- 5. The minor subdivision shall conform to the general character of the surrounding area.
- 6. Lots created shall not adversely affect the remainder of the parcel or adjoining property and shall conform to the applicable provisions of the City's Zoning Code.
- 7. Any remainder of the parcel must be capable of further subdivision.
- 8. Utility easements shall be dedicated.
- 9. Any further lot splits would be processed under the major subdivision process.
- 10. Derelict parcels shall not be created.
- 11. The minor subdivision plat shall comply with the drawing requirements of DCA 4.06.030 Part 3 (Final Plat).
- 12. A development agreement may be executed between the City and the Developer outlining the conditions of approval of the subdivision. The development agreement may include, but is not limited to, the following requirements: any special conditions, trails, landscape issues, or off-site improvements.

(Ord. 98-19 amending Ord. 78-03)

(Amended by Ord. No. 2007-05, 5/8/07; Ord. No. 2011-07, 5/10/11; Ord. No. 2013-12, 07/23/13; Ord. No. 2017-07, 05/23/17)

4.05.050 Bond Agreements For Improvements Required

Prior to recordation of an approved plat, the subdivider shall comply with the requirements of DCA 4.10.

(Ord. 98-19 amending Ord. 78-03)

(Amended by Ord. No. 2007-05, 5/8/07; Ord. No. 2011-07, 5/10/11; Ord. No. 2013-12, 07/23/13; Ord. No. 2017-07, 05/23/17)

4.05.060 Recording Of Plat

After approval, the filing of the bond agreement, and the signing of the plat by the Mayor, City Attorney, City Planner and City Engineer, the plat shall be presented by the City Recorder to the Utah County Recorder for recordation.

(Ord. 98-19 amending Ord. 78-03)

(Amended by Ord. No. 2007-05, 5/8/07; Ord. No. 2011-07, 5/10/11; Ord. No. 2013-12, 07/23/13; Ord. No. 2017-07, 05/23/17)

4.05.070 Expiration Of Final Approval

If the recording requirements set forth above are not met by the subdivider within 180 days from the date of Zoning Administrator and City Engineer approval, such approval shall be null and void (amended by Ord. 2004-13, 9/28/04).

(Ord. 98-19 amending Ord. 78-03)

(Amended by Ord. No. 2007-05, 5/8/07; Ord. No. 2011-07, 5/10/11; Ord. No. 2013-12, 07/23/13; Ord. No. 2017-07, 05/23/17)

4.05.080 Reinstatement Of The Final Plat

The voided/null Final Plat may be submitted to the Zoning Administrator for reinstatement. If there are no changes to the voided/null final plat and there have been no changes in ordinances that would affect the voided/null final plat, the Zoning Administrator may approve the reinstatement of the final plat. If there are any changes on the final plat or any changes in ordinances that would affect the plat, the voided/null final plat may be submitted for reinstatement, but will be subject to all applicable ordinances at the time of reinstatement, and a current reinstatement fee will be charged in accordance with Alpine City's current fee schedule. The final plat must be recorded within one hundred eighty (180) days after the reinstatement approval or the approval shall be null and void.

(Ord. 98-19 amending Ord. 78-03)

(Amended by Ord. No. 2007-05, 5/8/07; Ord. No. 2011-07, 5/10/11; Ord. No. 2013-12, 07/23/13; Ord. No. 2017-07, 05/23/17)

4.06 Major Subdivisions

4.06.005 Pre-Application Meeting

4.06.010 Concept Plan Process, Generally

4.06.015

[4.06.10 Concept Plan Procedure](#)

[4.06.020 Preliminary Design Plan \(Preliminary Plat\)](#)

[4.06.030 Final Plat](#)

4.06.005 Pre-Application Meeting

1. **Pre-application Meeting.** Before submitting a subdivision application to the City for review, applicant(s) may attend a pre-application meeting with the Zoning Administrator to discuss development plans.
 - a. If the proposed development is a residential single family, two family, or townhome development, applicant(s) shall not be required to attend a pre-application meeting. However, an applicant(s) may request a pre-application meeting / concept plan review to be conducted by the City pursuant to §10-9a-604.1 of Utah State Code (as amended). The applicant(s) request shall be submitted to the City along with any applicable applications or materials that are ordinarily required by the title along with any applicable fees as outlined in the City's fee schedule.
 - b. The Zoning Administrator may provide any helpful suggestions or cautions, including relevant specifications and regulations, to help the applicant understand what must be done to have the subdivision application accepted by the Land Use Authority.
2. The land use applicant must be the property owner, or an official representative of the property owner and shall provide the City with complete and accurate information about the size and scope of the proposed project.

4.06.010 Concept Plan Process Generally

1. Applicant(s) may make an application for concept plan review with the City and pay the required fee as outlined in the City's fee schedule. The concept plan application shall be submitted to the Zoning Administrator for review by City Staff prior to the submission of a preliminary plan application.
2. The concept plan is intended to promote efficiency in the subdivision review and approval processes and enable the

applicant and relevant City Staff to have an informal review of the site plan with the general scope of the proposed development and site or development conditions which might affect the proposed plan and subsequent plats. It is designed to allow for the identification of City policies, issues, application procedures, standards, and other items that may need to be considered during the subdivision review process once a formal application is received.

3. The concept plan submittal shall not constitute an application for subdivision approval, as provided and required by this chapter, and in no way shall be binding on the City or the applicant(s). Any discussion that occurs at the conceptual plan review shall not be considered any indication of subdivision approval or disapproval, either actual or implied.
4. If applicable, once concept plan recommendations have been provided to the applicant by City Staff, the applicant(s) may apply for preliminary plan approval consistent with the submitted concept plan and recommendations received.

4.06.015 Concept Plan Procedure

1. PLAN REQUIREMENTS.

The concept plan shall include the following items:

- a. The proposed name and location of the subdivision;
- b. Map of the proposed subdivision with property boundaries, including all adjacent properties, including those within the same ownership or development conglomerate and their potential for cooperation;
- c. Approximate acreage of the proposed subdivision;
- d. Current zoning designation of properties included in the proposed subdivision, and any zoning map changes which would be necessary to develop the proposed subdivision;
- e. A proposed layout of the subdivision indicating the general dimensions, areas, and numbers of lots, access points, and street configurations, including right-of-way widths, etc.;
- f. Topographic contours and the location of existing or potential sensitive lands or features (i.e., geologic, floodplain hazards, etc.);
- g. The present roads and utilities;
- h. Approximate location of nearest utilities and those proposed to service the subdivision including:
 - i. A description of the type of water system proposed including documentation of water rights and of historic water use; and
 - ii. A description of the type of sanitary waste system proposed. NOTE: When private wells and on-site septic systems are proposed, a description of how proposed lot(s) will conform to the standard protection radius around the wellhead shall be required.
- i. Potential open space or areas which will be utilized for trail systems;
- j. Any characteristics which may impose peculiar construction requirements, such as geological hazards, drainage systems, or steep slopes;
- k. The relationship between the proposed development and the City's General Plan and including, without limitation, planned roads, utilities, trails, sensitive lands, parks, and drainages;
- l. A written statement of sufficient detail so that the intent of the applicant/developer is made clear to those persons who review the proposals including information on phased development, the anticipated timeline or schedule for the development, methods of financing improvements, maintenance and ownership of non-buildable lands or common open spaces;
- m. A detailed list describing any portion of required studies and reports required by this title the applicant/developer feels may not be necessary for development of the subdivision; and the reasons why such studies or portions thereof ought to be waived or modified; and
- n. Other materials or documents as identified or required by the City during the pre-application meeting such as any maps and narratives required by any other provisions of the City's ordinances.

2. REVIEW PROCEDURES.

- a. During the concept plan review process, City Staff may request reasonable additional information from the subdivider from time to time; and may ask other affected entities or City departments to review the plan if, in the opinion of the City, it may contribute to a decision in the best interest of the City.
- b. After submission of the required application materials, no excavation nor alteration of the terrain within a proposed subdivision may be undertaken prior to written approval by the Land Use Authority of the final plat. Excavation or alteration of the land prior to approval of the final plat may be cause for disapproval of the proposed subdivision.

- c. The subdivider shall prepare and submit the following required documentation to the Zoning Administrator:
- i. a completed Concept Plan Checklist and Application;
 - ii. one (1) twenty four inch by thirty six inch (24" x 36"), one (1) eleven inch by seventeen inch (11" x 17") paper copies drawn to scale, and
 - iii. an electronic copy in a compatible format, as specified by City Staff.
 - iv. A concept plan will not be considered until the application is complete and all required materials have been submitted within the required timeline.
- d. The Zoning Administrator shall, upon receipt of a complete concept plan submission, distribute copies of the plan to City Staff and other agencies as in the opinion of the Zoning Administrator may contribute comments or suggestions on the proposed subdivision which are deemed to be in the best interest of the public.
- e. City Staff shall review the submitted concept plan and check compliance of applicable sections of the City's General Plan, Master Transportation Plan, subdivision and land use ordinances, and other appropriate regulations and standards. City Staff shall make findings regarding the submitted concept plan, specifying any inadequacy in the information submitted or noncompliance with City regulations.
- f. City Staff shall notify the applicant(s) in writing of review findings including any questionable design or engineering feasibility issues, inadequacy of submittals, noncompliance with local regulations, and/or the need for other information which may assist City Staff to evaluate the concept plan.
- g. The concept plan shall act as a guide for subsequent preliminary plan and final plat submittals and will have no official standing or approval.

(Ord. 98-19 amending Ord. 78-03)

(Ord. No. 2000-21; amended by Ord. No. 2007-05, 5/8/07; Ord. No. 2010-14, 9/14/10; Ord. No. 2011-07, 5/10/11)

HISTORY

Amended by Ord. [2018-09](#) on 10/23/2018

4.06.020 Preliminary Design Plan (Preliminary Plat)

1. **SUBMISSION REQUIREMENTS.** The following shall be submitted to the Zoning Administrator by the subdivider or their authorized representative fourteen (14) days prior to a regularly scheduled Planning Commission meeting or ten (10) days prior to the meeting for a preliminary revision or resubmission:
- a. A completed preliminary plan application, including preliminary plan checklist, and payment of applicable fees;
 - b. Preliminary plans including:
 - i. Preliminary plat, including two(2) D size, twenty four inches by thirty six inches (24" x 36") and two(2) eleven inch by seventeen inch (11"x17") paper copies drawn to scale, and an electronic copy in a compatible format as specified by City Staff;
 - ii. Preliminary plans (construction drawings), including two(2) D size, twenty four inches by thirty six inches (24" x 36") and two (2) eleven inch by seventeen inch (11"x17") paper copies drawn to scale, and an electronic copy in a compatible format as specified by City Staff; and
 - iii. Preliminary title report. A title report of all associated parcels of land within the proposed subdivision boundary with a title commitment date of not more than thirty (30) days from the date of application submission. A preliminary title report shall indicate all easements, restrictions, covenants and reservations of record. All easements shall be clearly shown on the preliminary subdivision plat.
 - iv. A narrative or summary statement describing:
 - The proposed subdivision including its location, total development area, general lot sizes, current zoning designation, number of proposed dwelling units;
 - The estimated number of gallons per day of water requirements where a distribution system will be utilized;
 - The estimated number of gallons per day of sewage to be treated;
 - The number of acres in public and/or private ownership, intended use, and maintenance responsibilities for all common and public improvements, utilities, and open space;
 - How any required findings, recommendations, conclusions or required documents,

reports, studies or similar required by this title have been integrated into the design of the proposed subdivision; and

- Itemized construction cost estimate and proposed method of financing of the streets and related facilities; water distribution system; sewage collection system; storm drainage facilities; and other such utilities as may be necessary, including trails, landscaping and revegetation and erosion control;
- v. Other information including reports or materials or supporting documents required by this chapter unless otherwise waived or modified by City Staff during concept plan or by the Land Use Authority, each of which shall be prepared by a professional with the appropriate licenses and/or training in the field including letters from all utilities (power, cable, gas, phone, and post office) agreeing to service the proposed subdivision.

2. PRELIMINARY PLAT REQUIREMENTS. The accuracy of location of alignments, boundaries, and monuments shall be certified by a registered land surveyor licensed to do such work in the State of Utah. A workman-like execution of the preliminary plans shall be made in every detail. A poorly-drawn or illegible preliminary plans shall be sufficient cause for rejection. The following data shall be submitted as part of the preliminary plan submission:

- a. Located at the top and center of the preliminary plat, the proposed name of the subdivision which shall be distinct from any other plat already recorded with the County Recorder's Office;
- b. A layout of the proposed subdivision, at a scale of no more than one inch equals one hundred feet (1" = 100'), or as recommended by the Zoning Administrator and/or City Engineer.
- c. The boundaries, course, dimensions, and total acreage of all of the parcels of ground divided, by their boundaries, course, and extent, whether the applicant proposes that any parcel of ground is intended to be used as a street or for any other public purpose.
- d. The lot or unit reference, block or building reference, street or site address, the street name or coordinate address, acreage or square footage for all parcels, units, or lots, and length and width of the blocks and lots intended for sale.
- e. Every existing or proposed right-of-way and easement grant or record for underground utility facilities.
- f. A title block, placed on the lower right-hand corner of the plat showing:
 - i. Name and address of the owner of record and the name and address of the licensed surveyor responsible for preparing the preliminary plat.
 - ii. Date and preparation of the preliminary subdivision plat, and all revision dates.
- g. Signature blocks for the dated signatures of the Planning Commission Chair, Mayor, City Engineer, City Attorney, and required private or public utility/service providers.
- h. North arrow, graphic and written scale, and basis of bearings used.
- i. A vicinity map of the site at a minimum scale of one inch equals one thousand feet (1" = 1,000') or as recommended by the Zoning Administrator and/or City Engineer showing the perimeter outline of the proposed subdivision, accesses, abutting subdivision outlines and names, names of adjacent property owners, and adjacent streets within two (2) miles of the proposed subdivision.
- j. Traverse map of the monumented (see DCA 4.06.030 Part 5) perimeter of the proposed subdivision. The traverse shall have an error of closure of not greater than one part in 30,000. Survey tie into a legal corner or other permanent marker established by the County Surveyor is required.
- k. The location of any common space or public open space areas including the location of all property to be set aside for public or private reservation, with the designation of the purpose of those set aside, and conditions, if any of the dedication or reservation. Location, function, ownership and manner of maintenance of common open space not otherwise reserved or dedicated for public use (in compliance with the City's Open Space Zone).

3. REQUIRED PRELIMINARY PLANS (I.E., CONSTRUCTION DRAWINGS). The following information is required to be provided at the same scale as the preliminary subdivision plat, on separate sheets as necessary:

- a. The identification and location of 5350 foot elevation line and sensitive land areas as depicted on the City's Sensitive Lands or Geologic Hazard Maps.
- b. The identification of known natural features including, but not limited to, jurisdictional wetlands as identified by the U.S. Army Corp of Engineers, areas of slope exceeding thirty percent (30%) grade, flood channels as identified by any federal or state agency, all water bodies and drainage ways, and any other natural features

as required by City Staff or the Land Use Authority for the entire subdivision site, including the total acres in each. Where improvements to irrigation ditches are required, written approval from the irrigation company, or private ditch owner, or easement holder shall be submitted to the City.

- c. The existing site contours at two foot (2') intervals for predominant ground slopes within the tract between level and five percent (5%) grade and five foot (5') contours for predominant ground slopes within the tract over five percent (5%) grade. Elevations shall be based on National Geodetic Survey area level data. In cases of predominantly level topography throughout a subdivision, one-foot (1') interval contours may be required.
- d. The location of any known human-made features on, or contiguous to the proposed subdivision site, including existing platted lots, all utility easements, railroads, power lines and power poles, bridges, culverts, drainage channels, rights-of-way and easements, field drawings, and well or spring protection areas.
- e. The location of sites intended for multi-family dwellings, shopping centers, community facilities, industry, or other uses, exclusive of single-family dwellings, as may be permitted by the City's Zoning Ordinance.
- f. The location and dimensions of all existing buildings, including those housing animals, fence lines, and property lines overlaid with the proposed subdivision layout.
- g. The layout of existing power and the source and connection to the existing power supply.
- h. All existing and proposed roadway names, locations and dimensions, with typical cross sections of all new roads proposed to be dedicated to the City, showing the grades, proposed cuts and fills exceeding three feet (3'). The proposed radius of all center line curves shall be shown.
- i. The location and general size of existing and proposed culinary water and sewer lines and/or the location of all wells and springs, and the location of all secondary water locations (if/when applicable), overlaid with the proposed subdivision layout plan.
- j. The proposed storm drainage system, including the general proposed pipe sizes, inlets, detention areas, and drainage arrows.
- k. The location of all existing and proposed fire hydrants, including the general sizes of all existing and proposed water lines serving fire hydrants.
- l. Each proposed lot shall identify required setback lines including front, side and rear as required by the zoning district in which the proposed subdivision is located. Dimensions of all buildable areas shall be shown for PRDs, irregular lots, or any other lots as requested by City Staff, Planning Commission or Land Use Authority. The designated buildable area shall not be less than five thousand square feet (5,000 sq. ft.) except in the TR-10,000 zone, and shall be shown on the preliminary and final plat together with a notation to the effect that all main and accessory buildings shall be located within the designated buildable area. (Amended by Ord. 2004-13, 9/28/04.)
 - i. The designated buildable area may be amended by City Staff as long as the minimum setback requirements of the underlying zone are met.
 - ii. Buildable areas will be required to be shown on lots that contain slopes greater than twenty percent (20%), mapped floodplain boundaries, faults, or other natural hazards. In standard subdivisions, these shall be reviewed on a case by case basis.
- m. The location of all existing and proposed street lights identifying the general location, type, and light output of all street lights.
- n. The location of all existing and proposed locations (including general quantities or areas) of street trees, shrubs, and other landscape materials and plantings.

4. REVIEW PROCEDURE - PRELIMINARY DESIGN PLAN. The Zoning Administrator shall review a preliminary plan application for completeness. When a complete preliminary plan application has been received, the Zoning Administrator shall distribute copies of the plan for review by other affected entities as follows:

- a. Local school districts;
- b. Interested governmental departments of the City or County;
- c. Other affected entities which in the opinion of the Zoning Administrator may contribute to a more intelligent design solution to problems which may be encountered by the subdivision in question including but not limited to:
 - i. Post Office
 - ii. Telephone Company

- iii. Natural gas company
 - iv. Electric company
 - v. Cable company
- d. Upon submission of a complete application, the City shall review and require revisions of the preliminary plan application in accordance with the review cycle process described in 4.04.120 of this title and §10-9a-604.2 of Utah State Code (as amended). For residential single family, two family or townhome applications, which are not subject to geologic hazards, the City shall not require more than four (4) review cycles.

5. APPROVAL

- a. After completing the review cycle process, the preliminary plan shall receive a final recommendation from the applicable Recommending Body who shall provide a recommendation to the applicable Land Use Authority.
- i. The Recommending Body shall provide a recommendation to the Land Use Authority to require the subdivider to provide soil erosion and sedimentation control plans and specifications if the soil, slope, vegetation and the drainage characteristics of the site are such as to require substantial cutting, clearing, grading and other earth-moving operations in the construction of the subdivision, or otherwise entail an erosion hazard. Such control plans and specifications shall be prepared by a person trained, qualified and licensed in the State of Utah in such matters pursuant to the County's adopted conservation standards, with the costs of preparation of such plans and specifications being borne by the subdivider, and to be approved by the City Engineer prior to the approval of the final plat.
 - ii. When, in the opinion of the Recommending Body, public facilities should be constructed within the boundaries of a proposed subdivision to achieve community standards established in the Alpine General Plan, the subdivider shall reserve a site appropriate in area and location for such public facility. Such site shall be reserved by the subdivider for a period of not less than two (2) years from the date of Preliminary Plan approval, to provide the appropriate public agency an opportunity to purchase the site. A determination by the Recommending Body to require such a reservation by a subdivider shall be made in writing and shall state the reasons for such requirement.
- b. When identified as the Recommending Body, the Planning Commission shall hold a public meeting concerning the proposed subdivision and shall either recommend approval, approval with modifications or conditions, or disapproval of the proposed preliminary plan to the Land Use Authority. When identified as the Land Use Authority, the Planning Commission shall approve, disapprove, or approve with conditions the preliminary plan.
- c. All Recommending Bodies, when rendering their recommendation shall base their recommendation on the determination of compliance with the standards and criteria set forth by the City, including but not limited to: this title and other land use ordinances, the City's General Plan and other applicable master plans, other adopted City standards, specifications, and design criteria. If the Recommending Body finds the preliminary plan application to be inadequate, deficient, or defective with respect to such standards and criteria, the Recommending Body shall specify in writing the inadequacy in the application, noncompliance with City regulations, questionable or undesirable design or engineering practices, and/or the need for additional information as part of its recommendation.
- d. Upon receipt of the recommendation from a Recommending Body the Land Use Authority shall consider the application for preliminary plan approval and applicable recommendations and comments at its next available regularly scheduled public meeting. The Land Use Authority shall approve, or approve with modification or conditions only those preliminary plans which it finds conform to all applicable requirements. If the preliminary plan does not conform to all applicable requirements and conditions or modifications cannot be imposed that correct such nonconformance, the Land Use Authority shall deny and reject the preliminary plan.
- e. Approval of the preliminary plan application by the Land Use Authority shall not constitute the final acceptance of the subdivision by the City, and the applicant shall not proceed with the subdivision until after receiving approval of a final plat and final subdivision improvement plans. Approval of the preliminary plan shall not relieve the applicant or developer of the responsibility to comply with all required conditions and ordinances, and to provide the improvements and easements necessary to meet all City standards and requirements.
- f. Approval of the preliminary plan shall expire one hundred eighty (180) calendar days after the date of approval. Reinstatements may be granted by the Land Use Authority, and will be subject to all applicable ordinances at the time of reinstatement and a reinstatement fee will be charged in accordance with the current fee schedule.
- g. Any person aggrieved by a decision of the Land Use Authority concerning a preliminary plan application may appeal the decision to the Appeal Authority outlined in 4.04.010 of this title.

4.06.030 Final Plat

1. **SUBMISSION REQUIREMENTS.** The following shall be submitted to the Zoning Administrator by the subdivider or their authorized representative:
 - a. A completed final plat application, including final plan checklist, and payment of applicable fees;
 - b. Final plat and plans (construction drawings) including:
 - i. An electronic copy in a compatible form as specified by City Staff;
 - ii. One (1) D size twenty four inches by thirty six inches (24" x 36") and one (1) eleven inch by seventeen inch (11" x 17") paper copies drawn to scale;
 - iii. NOTE: One (1) mylar copy of the Final Plat delineated in permanent ink shall be submitted to the City upon the request of the Zoning Administrator for recordation purposes, until then submission of the required paper copies of the final plat shall be sufficient for review purposes; and
 - iv. Certificate for clear title. An affidavit (certificate for clear title) that the applicant is the owner, the equitable owner, or authorized by the owner in writing to make an application for the land proposed to be subdivided shall be provided.
 - v. Title report. Prior to the recordation of the final plat, the applicant shall submit a current title report for review. The current title report shall disclose all recorded matters of title regarding the property and which is prepared and dated not more than thirty (30) days before the proposed recordation of the final plat. The title report shall set forth the names of all property owners included in the final plat and shall include a list of all mortgages, judgements, liens, easements, contracts and agreements of record in the County which shall affect the property covered by such plats. If the opinion of title discloses such encumbrances, then at the option of the City Attorney, the holders or owners of such mortgages, judgements, liens, easements, contracts, or agreements shall be required to join in and approve the application before the plat shall be acted upon by the Land Use Authority.
 - vi. Articles of incorporation/bylaws. When a proposed subdivision contains land that are reserved in private ownership for community use, including common areas, the applicant shall submit with the final plat, the name, proposed articles of incorporation and bylaws of the owner, or organization empowered to own, maintain and pay taxes on such lands and common areas and any access easements which may be required.
 - vii. A revised narrative or summary statement describing any changes made from the previous narratives or summary statements submitted during the preliminary plan.
 - viii. All other materials required by this chapter.
 - c. Materials required for final plat approval shall be submitted within one hundred eighty (180) calendar days of the date a preliminary plan has been approved by the Land Use Authority. Fees for final plat review shall be paid at the time of submission of the final plat. A final plat submission shall not be accepted which has exceeded this time period, unless approved by the Land Use Authority.

2. FINAL PLAT REQUIREMENTS.

- a. The borderline of the final plat shall be drawn in heavy lines leaving a space of at least one and one-half inches (1 ½") on the left side and at least one-half (½") margin on the other sides. The plat shall be drawn so that the top of the drawing faces either north or west, whichever accommodates the drawing best. The plat shall be made to a scale large enough to clearly show all details, and in any case shall not be smaller than one inch equals one hundred feet (1" = 100'). Workmanship on the finished plat and plans (construction drawings) shall be neat, clean cut, and readable.
- b. The final plat submission shall conform in all major respects to the preliminary plat as previously reviewed and approved by the designated Land Use Authority, and shall incorporate all modifications required in its review. If a final plat has been modified to reflect improvements in design or changes which have occurred in its natural surroundings and environment since the time of the preliminary plan review and approval, the plat will be returned to the previous Land Use Authority for further review and approval. The Land Use Authority may redline a revised plat.
- c. A final plat shall be a phase of an approved preliminary plan, except as provided in Part 5.
- d. The final plat shall indicate the basis of bearings, north arrow, date, name of the subdivision, name of the

County, name of the City, township, range, section, and quarter section, address block, block and lot number of the property proposed for subdivision. All blocks and all lots within each block shall be consecutively numbered.

- e. If a plat is revised, a copy of the old plat shall be provided for comparison purposes.
- f. The final plat shall fully and clearly show all stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site. Any monument or benchmark that is disturbed or destroyed before acceptance of all improvements shall be replaced by the applicant. The following required monuments shall be shown on the final plat:
 - i. The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties;
 - ii. All rights-of-way monuments at angle points and intersections as approved by the City/County Surveyor.
- g. The final plat shall contain the name, stamp, and signature of a professional land surveyor licensed in the State of Utah, who prepared the plat, together with the date of the survey, the scale of the map, and the number of sheets. The following certificates, acknowledgements, and descriptions shall appear on the title sheet of the final plat, and such certificates may be combined where appropriate:
 - i. Professional Land Surveyor's "Certificate Of Survey":

SURVEYOR'S CERTIFICATE

I, [NAME OF PROFESSIONAL LAND SURVEYOR], do hereby certify that I am a Professional Land Surveyor, and that I hold License No. _____, in accordance with Title 58, Chapter 22, of the Professional Engineers and Land Surveyors Act; I further certify that by authority of the owners I have completed a survey of the property described on this subdivision plat in accordance with Section §17-23-17, have verified all measurements, and have subdivided said tract of land into lots and streets, together with easements, hereafter to be known as [NAME OF SUBDIVISION AND PHASE NUMBER IF APPLICABLE] and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

- ii. Owners Dedication Certificate in the following form:

OWNERS DEDICATION

Known all men by these presents that we, the undersigned owner(s) of the above-described tract of land, having caused said tract to be subdivided into lots and streets to be hereafter known as [name of subdivision] do hereby dedicate for perpetual use of the public all parcels of land, other utilities, or easements shown on this plat as intended for public use. In witness whereof, we have hereunto set out hands this ____ day of _____, 20 ____.

(Add appropriate acknowledgments)

- ii. Notary public's acknowledgement for each signature on the plat;
- iii. A correct metes and bounds description of all property included within the subdivision;
- iv. Signature lines for the City Engineer, City Attorney, Planning Commission Chair or pro-tem, Mayor or pro-tem with attestation by the City Recorder. A block for the County Treasurer, County Surveyor and Recorder shall be provided with the County Recorder's block provided in the lower right-hand corner of the final plat; and such other affidavits, certificates, acknowledgements, endorsements, and notarial seals as required by state law, this title, the County Attorney or Surveyor.,
- h. The final plat shall conform to all applicable Alpine City Standard Drawings and Specifications.
- i. The bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside the lot dimensions. On curved boundaries and all curves on the final plat, sufficient data shall be given to enable the re- establishment of the curves on the ground. This curve data shall include the following for circular curves:
 - i. radius of curve;
 - ii. central angle;
 - iii. tangent;
 - iv. arc length;
 - v. chord length; and
 - vi. chord bearing.

- j. All bearings and lengths shall be given for all lot lines, except that bearings and lengths need not be given for interior lot lines where the bearings and lengths are the same as those of both end lot lines. All dimensions of irregularly-shaped lots shall be indicated in each lot. Lengths shall be shown to hundredths of a foot, and angles and bearings shall be shown to seconds of arc.
- k. All lands within the boundaries of the plat shall be accounted for either as lots, walkways, streets, or ground in common ownership, public paths, open space and excepted parcels. Derelict parcels as defined in this title shall not be allowed.
- l. Buildable areas when required by City Staff, Planning Commission, or the Land Use Authority shall be noted with dimensions. The designated buildable area should not be less than five thousand square feet (5,000 sq. ft, except in the TR-10,000 zone.) All dwellings and other habitable structures and accessory buildings shall be located within the designated buildable area. (Amended by Ord. 2004-13, 9/28/04).
- m. All streets and walkways shall be designated as such and streets shall be named; bearings and dimensions must be given.
- n. In cases where lots front on an arterial street, a note shall be placed on the plat requiring a circular driveway or prohibiting backing onto the arterial street;
- o. All easements shall be designated as such and bearings and dimensions given.
- p. Parcels not contiguous shall not be included in one plat, nor shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat, provided all owners join in dedication and acknowledgment.
- q. Required plat notations for agricultural, industrial, critical infrastructure and mining protection areas:
- i. **Agricultural Protection Areas.** For any new subdivision development located in whole or in part within three hundred feet (300') of the boundary of an agriculture protection area, the owner of the development shall provide notice on any plat filed with the County Recorder the following notice:
 - **"Agriculture Protection Area.** This property is located in the vicinity of an established agriculture protection area in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on the property included in the agriculture protection area. The use and enjoyment of this property are expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities."
 - ii. **Industrial Protection Areas.** For any new subdivision development located in whole or in part within one thousand feet (1,000') of the boundary of an industrial protection area, the owner of the development shall provide notice on any plat filed with the County Recorder the following notice:
 - **"Industrial Protection Area.** This property is located in the vicinity of an established industrial protection area in which normal industrial uses and activities have been afforded the highest priority use status. It can be anticipated that such industrial uses and activities may now or in the future be conducted on property included in the industrial protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal industrial uses and activities."
 - iii. **Critical Infrastructure Materials Protection Areas.** For any new subdivision development located in whole or in part within one thousand feet (1,000') of the boundary of a critical infrastructure materials protection area, the owner of the development shall provide notice on any plat filed with the County Recorder the following notice:
 - **"Critical Infrastructure Materials Protection Area.** This property is located in the vicinity of an established critical infrastructure materials protection area in which critical infrastructure materials operations have been afforded the highest priority use status. It can be anticipated that such operations may now or in the future be conducted on property included in the critical infrastructure materials protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal critical infrastructure materials operations."
 - iv. **Mining Protection Areas.** For any new subdivision development located in whole or in part within one thousand feet (1,000') of the boundary of a mining protection area, the owner of the development shall provide notice on any plat filed with the County Recorder the following notice:
 - **"Mining Protection Area.** This property is located within the vicinity of an established mining protection area in which normal mining uses and activities may now or in the future

be conducted on property included in the mining protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience that may result from the normal mining uses and activities.”

- r. Any other requirements, restrictions and improvements approved during the Preliminary Plan process by the Land Use Authority

3. FINAL PLAN (CONSTRUCTION DRAWING) REQUIREMENTS. The final plan (construction drawings) shall be submitted with the final plat application and shall include and address the following standards:

- a. The final plan (construction drawings) shall conform to all applicable Alpine City Standard Drawings and Specifications.
- b. Final plans (construction drawings) shall indicate the layout, profile, and detail design of the following:
- i. Grading/Drainage Plan. The proposed grading and drainage plan shall be indicated by solid- line contours superimposed on dashed-line contours of existing topography for the area of the final plat. Such contours shall be at two foot (2') intervals for predominant ground slopes within the tract between level and five percent (5%) grade, and five foot (5') contours for predominant ground slopes within the tract over five percent (5%) grade. In case of predominantly level topography throughout a subdivision, one foot (1') contour intervals may be required.
 - ii. Street Plan. The proposed street plan shall include street profiles and typical cross-section drawings of proposed roads, bridges, culverts, sewers, and other drainage structures.
 - The street plan shall show proposed grades including centerline grades of existing streets in adjacent properties for a minimum distance of one hundred feet (100').
 - Where a portion of an existing easement is contiguous to a proposed easement or right-of-way of a new subdivision, proof of the dedication of the existing easement or right-of-way acceptable to the City must be submitted.
 - When a new street will intersect with a State Highway, a copy of the State Highway permit shall be submitted to the City.
 - iii. Stormwater Drainage/Management Plan. A stormwater drainage/management plan shall include water courses, and proposed storm drainage systems including culverts, water areas, streams, and flood plain areas. Approximate boundaries of areas subject to inundation or storm water overflows of an intensity estimated to occur with a return frequency of once every hundred years.
 - iv. Stormwater Pollution Prevention Plan (SWPPP). A SWPPP shall be required to be submitted in its final form for all proposed subdivisions, unless specifically exempted by the City Engineer or state.
 - v. Utility Plan. A utility plan shall include the location and profiles of proposed sewer, water, pressurized irrigation, storm drain lines, and any other proposed utility.
 - A composite utilities easement plan showing the location, size, and proposed use of all easements shall also be provided.
 - All utilities must be constructed within approved easements.

4. SUPPORTING DOCUMENTS. Two (2) paper copies and one (1) electronic copy in a compatible format as specified by City Staff of the following supporting documents shall accompany and be part of the final plat submission. The Land Use Authority may specifically determine that any one of the following documents may not be required.

- a. The substance of all other covenants, grants of easements or restrictions to be imposed upon the use of the land, buildings, and structures within the proposed subdivision. Copies of protective covenants, trust agreements, and home owner's association articles and by-laws, including those required by the City to govern re- subdivision, and other potential changes which might significantly alter the subdivision as approved by the City with regard to the criteria and standards of these regulations.
- b. Monument record or survey notes pertaining to the proposed subdivision's perimeter survey.
- c. A statement obtained by the developer from each utility company involved, stating that they have reviewed the proposed plats and plans and are setting forth their comments concerning the extent of the services and the design of utility easements. This shall include an Irrigation Company letter and/or letter from ditch easement holders.
- d. The Alpine City Utility Easement Verification form shall be signed by all utilities which will service the subdivision including power, gas, post office, etc. prior to submitting the final plat into the City Recorder. As an alternative,

a "Will Serve" letter from each utility is also acceptable.

e. A Geotechnical Report is required and shall, at a minimum, include the following:

- i. existing site conditions;
- ii. ground water evaluation;
- iii. seismic evaluations;
- iv. laboratory testing results of onsite materials;
- v. foundation recommendations;
- vi. lateral earth pressures;
- vii. floor slab recommendations;
- viii. drainage requirements (both surface and subsurface);
- ix. site preparation and grading;
- x. pavement recommendations;
- xi. soils profiles for the tract proposed for subdivision where there are geologic hazards known to the subdivider or the City;
- xii. soil corrosivity test and results; and
- xiii. calculations to substantiate foundation recommendations, lateral earth pressures, and pavement recommendations.

f. An environmental impact study (Section 4.3.1.10), if required by the City, shall be delivered fourteen (14) days prior to the Land Use Authority's meeting at which the final plat shall be considered for public inspection. It shall be prepared by an independent consultant chosen from a list approved by the City of qualified consultants. It shall address the following issues that impact the community and shall identify remedies to any of the issues. The Plan must be accepted and approved by the City Engineer and Land Use Authority.

i. Impact on Environment

- **Faults and Earthquake Hazards.** A hazard inherent in the crust of the earth which is dangerous or potentially dangerous to life, property or improvements, due to the movements, failure or shifting of the earth. Distances to major geological fault lines must be shown.
- **Subsurface Rocks and Soils.** Rock formation and soil types should be shown. Areas shall be identified that may be susceptible to slippage or other problems related to stability. The report must also address potential impacts of development on adjacent areas.
- **Slope and Elevations.** Contours of the land in two foot (2')-foot intervals. Minimum five foot (5')-foot contour on steep hills or at two foot (2') -foot intervals on a larger scale map.
- **Groundwater Recharge.** Identify potential impacts on the purity of ground water or subsurface aquifers that may result from the planned development.
- **Flood Hazards.** A hazard to land or improvements due to inundation or overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses. Any increases in potential downstream flooding or silt flows as a result of development must be identified, along with impacts on downstream areas of any planned runoff diversions. All handling of waterflows must be in accordance with the Federal Water Pollution Control Act (FWPCA).
- **Flood Plains.** Areas identified by the Federal Emergency Management Agency (FEMA) as floodplain areas must be specifically noted, along with anticipated impacts. Proposals which include alteration to any established creek, stream or other natural watercourse must include approval from the U.S. Army Corps of Engineers and Division of Water Resources.
- **Erosion Hazards.** Areas defined by the City Engineer as being subject to erosion.
- **Wildlife Habitat.** Specific types of wildlife that are to be found at the site prior to development, including reptiles, birds and mammals. Animal movement corridors must be identified, along with any barriers that development might present to existing animal

movement and migration patterns. Special attention should be devoted to any species listed as endangered or protected by the Environmental Protection Agency.

- Air Quality. Address any changes in air quality that are to be anticipated beyond those that would be expected as a result of normal residential development and resulting traffic flows. Any features of development, such as large structures, which might alter existing air current must also be identified.
- Flora. Information on the existing vegetation in the area to be developed, as well as plans to retain the natural flora. Types of trees, shrubs, grasslands and crops must be identified, with special attention devoted to any species listed as endangered or protected. An estimate will be provided of the percentage of natural vegetation to be retained.

ii. Impact on Infrastructure

- Traffic and Transportation. Information on anticipated traffic impacts resulting from a new development. Such analysis shall address traffic increases on residential streets, addition to traffic flows during peak period (such as the morning commute) and any anticipated needs created for new traffic corridors.
- Culinary Water and Sewer. Impacts on the sewer and culinary water supply must be addressed. Utility accesses should be noted and any potential impacts discussed as they relate to health, safety or barriers to movement of residents or wildlife.
- Storm Drainage. In addition to the drainage plan required with subdivision submission, the report must address any potential impacts on the purity of ground water or subsurface aquifers that may result from the planned development. Point sources of any discharge to public waterways must be shown and non-point sources shall be identified if changes are anticipated as a result of the proposed development. Any increases in potential downstream flooding or silt flows must be identified, along with the impacts on downstream areas of any planned runoff diversions. All handling of waterflows must be in accordance with the Federal Water Pollution Control Act (FWPCA).
- Public Safety/Fire Protection. Identify water supply, water lines, fire hydrants and other protective devices as may be required in accordance with the provisions of this ordinance.

iii. Impact on Quality of Life

- Aesthetics and Cultural. Address aspects of development that may impact the rural environment of Alpine City, including any landscape design features that may be inconsistent with retention of views or a rural atmosphere. Any features of development that will contrast with surrounding land uses will also be addressed, including population densities that are significantly different from adjacent areas or any anticipated changes in cultural patterns in the area. The report must also note any sites of historical significance either on or within a quarter-mile of the development site.
- View Scapes. Address aspects of development that may impact view sheds including any landscape design features that may be inconsistent with retention of views. This section should also include any unusual cuts or fills required and any development on hillsides or prominent rises.
- Parks, Trails and Recreational Facilities. Address the impact on demand for existing Alpine City recreational facilities in accordance with DCA 4.07.200, and indicate what features or facilities, if any, will be included in the development to contribute to the recreational needs of both residents and non-residents of the development. The following specific recreational aspects will be considered and any significant impacts addressed:
 - Hiking, walking and jogging
 - Access to mountains
 - Location of parks
 - Open space
 - Picnicking
 - Sports activities

- Noise. Proposed developments that include other than residential uses must contain an evaluation of the potential for increased noise. If an increase is anticipated in the ambient noise level as a result of the development, all other land uses within a half-mile radius must be identified, and the potential impact of the noise increase on those existing uses will be evaluated. Intermittent noise that may result from uses anticipated at the completed development must be identified if it will be out-of-character, whether due to intensity or frequency, with noise generated by existing uses within a half-mile radius.
- g. Where the subdivider is to dedicate land for schools, roads, parks, or other public purposes, a letter of intent is required from the public agency receiving the dedication, agreeing to such dedication, and stating how applicable improvement standards will be met. When land within a subdivision is to be purchased by a public agency for public use, a letter of intention to purchase shall be required.
- h. Cost estimates shall be submitted for construction of streets and related facilities, water distribution system, sewage collection system, flood plain protection, storm drainage facilities, erosion control, trails, revegetation and such other facilities as may be required, to be reviewed by the City Engineer.

5. PHASE DEVELOPMENT

- a. The final platting of subdivisions containing more than twenty-five (25) lots shall be done in phases. Each phase shall consist of the number of lots which can be completely developed with both off-site and on-site improvements within a two-year period, or twenty-five (25) lots, whichever is larger. The development of the subdivision shall be in an orderly manner and in such a way that the phases will be contiguous, the required improvements will be continuous, and all of the said off-site improvements will be made available for the full, effective and practical use and enjoyment thereof by the lessees or the grantees of any of the lands subdivided within the time hereinafter specified.
- b. When the off-site improvements have been one hundred percent (100%) completed for the recorded plat and approved by the City Engineer, and on-site improvements are seventy percent (70%) completed, the subdivider may submit the next phase of the proposed development in accordance with the rules and regulations of this Subdivision Ordinance.

6. MONUMENTS

- a. Permanent reference monuments, as approved by the City Engineer, shall be set on the external boundary of the subdivision, and at all street center line intersections, and all beginning and end points of curves to provide line of sight control for re-establishing the survey. The number of monuments may be reduced by the City Engineer.
- b. All monuments shall be the manhole type. D&L Model K6313 with ring extension or City approved equivalent.
- c. The developer shall be responsible to have all property corners of lots surveyed by a licensed surveyor with each property corner being identified with a rebar and cap. Brass pins shall be set in the top of curb at the projected property line. All other property corners shall be marked with a steel tee-post placed near the rebar and cap. Developers will be required to post a bond for this requirement. The subdivision will not be given final bond release until the requirements of this section have been met.
- d. Detail requirements on monument construction, marking, and setting are contained in the City Standards.

7. REVIEW

- a. Upon submission of a complete application, the City shall review and require revisions of the final plat application in accordance with the review cycle process described in 4.04.120 of this title and §10-9a-604.2 of Utah State Code (as amended). For residential single family, two family or townhome applications, which are not subject to geologic hazards, the City shall not require more than four (4) review cycles.
- b. When identified as the Recommending Body, the Planning Commission shall hold a public meeting concerning the proposed subdivision and shall either recommend approval, approval with modifications or conditions, or disapproval of the proposed final plat to the Land Use Authority. When rendering their recommendation they shall base their recommendation on the determination of compliance with the standards and criteria set forth by the City, including but not limited to: this title and other land use ordinances, the City's General Plan and other applicable master plans, other adopted City standards, specifications, and design criteria. If they find the final plat application to be inadequate, deficient, or defective with respect to such standards and criteria, they shall specify in writing the inadequacy in the application, noncompliance with City regulations, questionable or undesirable design or engineering practices, and/or the need for additional information as part of its recommendation.

- c. Upon receipt of the recommendation from a Recommending Body the Land Use Authority shall consider the application for preliminary plan approval and applicable recommendations and comments at its next available regularly scheduled public meeting.
- d. The Land Use Authority shall approve, or approve with modification or conditions only those final plats which it finds conform to all applicable requirements. If the final plat does not conform to all applicable requirements and conditions or modifications cannot be imposed that correct such nonconformance, the Land Use Authority shall deny and reject the final plat.
- e. Approval of the final plat shall expire one hundred eighty (180) calendar days after the date of approval. Reinstatements may be granted by the Land Use Authority and will be subject to all applicable ordinances at the time of reinstatement and a reinstatement fee will be charged in accordance with the current fee schedule.
- f. Any person aggrieved by a decision of the Land Use Authority concerning a final plat application may appeal the decision to the Appeal Authority outlined in 4.04.010 of this title.

8. RECORDING FINAL PLAT

- a. Once a final plat has received approval from the Land Use Authority, the Land Use Authority shall certify approval on the final plat on the space provided. Acceptance of dedication of proposed public lands or streets, or street rights-of-way in an approved plat can be made only by the Land Use Authority. Final plat approval by the Land Use Authority will be deemed an acceptance of dedication, unless streets and other public spaces are shown as “not intended for dedication.”
- b. The City Recorder shall record the Final Plat with the County Recorder. Any expenses incurred by the developer shall be borne by the developer and paid prior to recording; i.e. impact, plan check, etc.
- c. The City Recorder shall provide copies of the recorded plat together with the official notification of the action to be distributed as follows:
 - i. Two (2) copies for City files;
 - ii. One (1) copy for each utility company serving the subdivision;
 - iii. One (1) copy for the City Engineer; and
 - iv. One (1) electronic copy for the City Engineer.

- 9. **EXPIRATION OF FINAL APPROVAL** (Amended by Ord. 2004-13, 9/28/04). If the recording requirements set forth above are not met by the subdivider within one hundred eighty (180) days from the date of the Land Use Authority’s approval, such approval shall be null and void.
- 10. **REINSTATEMENT OF FINAL PLAT** (Amended by Ord. 2004-13, 9/28/04; Ord. 2008- 07, 5/27/08). The voided/null Final Plat may be submitted to the Zoning Administrator for reinstatement by the Land Use Authority. If there are no changes to the voided/null final plat and there have been no changes in ordinances that would affect the voided/null final plat, the Zoning Administrator may approve the reinstatement of the final plat where City Staff has been designated as the Land Use Authority. If there are any changes on the final plat or any changes in ordinances that would affect the plat, the voided/null final plat may be submitted for reinstatement with a recommendation from the Reviewing Body and approval by the Land Use Authority, but will be subject to all applicable ordinances at the time of reinstatement and a current reinstatement fee will be charged in accordance with current fee schedule. The reinstated final plat must be recorded within one hundred eighty (180) days after the reinstatement approval or the approval shall be null and void. Only one (1) reinstatement may be sought.
- 11. **PRECONSTRUCTION CONFERENCE** (Amended by Ord. 2004-13, 9/28/04). A preconstruction conference will be conducted prior to construction. A preconstruction meeting provides an opportunity to begin communication and problem solving between City Staff and the subdivider prior to the start of a major construction project. The City Public Works Director or Engineer, City Administrator, Zoning Administrator and any other relevant City Staff will meet with the subdivider prior to construction.
- 12. **FILE OF RECORDED SUBDIVISIONS**. The City of Alpine shall maintain a filing system of all subdivisions, which includes copies of all maps, data, and official subdivision actions; also, a master location map (or maps) referenced to the filing system, for public use and examination.

(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. No. 2010-14, 9/14/10)

HISTORY
Amended by Ord. [2018-09](#) on 10/23/2018

4.07 Design Standards

- [4.07.10 Design Standards](#)
- [4.07.020 General Standards](#)
- [4.07.030 Lots](#)
- [4.07.040 Streets And Street Requirements](#)
- [4.07.050 Street Names](#)
- [4.07.060 Curvature And Alignment](#)
- [4.07.070 Frontage On Major Highways](#)
- [4.07.080 Roadbed Construction Standards For Paved Roadways For Public Streets](#)
- [4.07.090 Road Grades](#)
- [4.07.100 Sidewalks, Curbs And Gutters](#)
- [4.07.110 Block Standards](#)
- [4.07.120 Pedestrian Circulation](#)
- [4.07.130 Easement Standards](#)
- [4.07.140 Utilities To Be Underground](#)
- [4.07.150 Alleys](#)
- [4.07.160 Sanitary Sewage Disposal; General Requirements](#)
- [4.07.170 Water System; Public System Required](#)
- [4.07.180 Storm Drainage And Flood Plains](#)
- [4.07.190 Irrigation Systems](#)
- [4.07.200 Trails And Walking Paths And Open Space](#)
- [4.07.210 Derelict Parcels Prohibited](#)
- [4.07.220 Unimproved Residual Lots Not Permitted](#)
- [4.07.230 Water Rights Required To Be Conveyed To The City](#)

4.07.010 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.

(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

4.07.020 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.

(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

4.07.030 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, 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 square feet (5,000 sq. ft.) or as required by the City's zoning ordinance.

(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

4.07.040 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.
 - a. 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.
 - b. 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.
 - c. 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 twenty (20) or more lots shall provide two (2) 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.
 - a. 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 ensure that adjacent properties are not landlocked.
 - b. 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.
 - c. 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:
 - i. The estimated cost to improve the stub street;
 - ii. Whether or not the stub street will be essential to provide reasonable access to the undeveloped parcel;
 - iii. The number of lots in the proposed subdivision that will be accessed from the improved stub street; and
 - iv. The estimated number of lots that can be developed in the future on the adjacent undeveloped parcel through use of the stub street.

If the Land Use Authority upon the receipt of a positive recommendation from a Reviewing Body 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.
 - d. Any such stub street having a length of more than one hundred fifty feet (150') or providing primary vehicular access to one (1) 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.
 - e. 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:
 - a. Arterial street: sixty six feet (66');
 - b. Collector street: sixty feet (60'); and
 - c. Minor street, rural road, secondary access, or frontage road: fifty four feet (54').
6. **Roadway Width.** Unless otherwise restricted by §10-9a-508 of Utah State Code (as amended), local streets shall have roadway widths and classifications as follows (Note: Add four feet (4') for curb where required):
 - a. Arterial street: forty two feet (42') paved;
 - b. Collector street: thirty six feet (36') paved;
 - c. Minor street or frontage road: thirty feet (30') paved;
 - d. Rural roads: twenty six feet (26') paved. Rural roads shall require approval by the Land Use Authority through the subdivision exception procedure.
 - e. Secondary Access: Shall meet the minimum width and improvements required by the International Fire Code adopted by reference in §15A of Utah State Code (as amended) for emergency access along with such other improvements such as surface type, curb and gutter, and gating at the discretion of the Land Use Authority and upon positive recommendation of the Recommending Body and City Staff.
7. **Road Shoulders.** Where curbs are not required to be installed, a minimum of ten foot (10') 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:

- a. 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.
 - b. The width of the right-of-way of the partial width street shall be not less than thirty- nine feet (39') in the instance of a minor class street and forty-two feet (42') in the instance of a collector class street.
 - c. Upon approval of the Land Use Authority the improvements constructed on the partial width street may include:
 - 1) the curb, gutter and sidewalk improvements adjacent to all abutting lots in the subdivision;
 - 2) the water and sewer line;
 - 3) a hard surfaced travel way portion having a width not less than one/half that required for the specified street class plus an additional twelve feet (12') of width;
 - 4) all utility systems in the partial width street shall be located and constructed as set forth in City standards; and
 - 5) storm drains.
 - d. That there are no existing conditions which would have the effect of preventing the subsequent development of the remaining portion of the street.
 - e. That construction of the partial width street at the proposed location will not create an unsafe or hazardous condition.
 - f. 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 (4) streets shall enter an intersection.
11. **Angle of Street Intersections.** Streets shall intersect at ninety degrees, except where otherwise recommended as necessary by the City Engineer. The minimum radius of property lines and back of curb at intersections shall be fifteen feet (15') and twenty-five feet (25') respectively
12. **Centerline of Intersecting Streets.** The centerline of two (2) 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 feet (150') . An exception may be given to the off-set requirement of up to fifteen (15') as recommended by the City Engineer and approved by the Land Use Authority I. (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 City Engineer approved by the Land Use Authority. 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)
15. **Wildland Urban Interface.**
 - a. Access. All developments in the Wildland Urban Interface area shall have more than one (1) access route which provides simultaneous access for emergency equipment and civilian evacuation. The design of access routes shall take into consideration traffic circulation and provide for looping of roads as required to ensure at least two access points. Looped roads with a single access are not allowed.
 - b. Exceptions. Where terrain features or other physical obstacles make provision of a second access impractical, a single access may be approved by the Land Use Authority after obtaining the recommendation of the Fire Chief and Recommending Body.
 - c. Specifications. All secondary access roads shall have a minimum all weather surface width of not less than twenty feet (20') and an unobstructed vertical clearance of not less than thirteen feet six inches (13' 6") to permit two-way traffic. These provisions will apply in lieu of those provided in Section 503 of the International Fire Code.
16. **Intermunicipal Street Connections.** There shall be no new street connections to municipalities outside of Alpine City unless the connection is existing or planned as shown on the Transportation Master Plan.

(Ord. 98-19 amending Ord. 78-03)

(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

HISTORY

Amended by Ord. [2018-10](#) on 10/23/2018

Amended by Ord. [2019-12](#) on 6/11/2019

Amended by Ord. [2019-17](#) on 8/27/2019

Amended by Ord. [2020-16](#) on 9/8/2020

Amended by Ord. [2022-04](#) on 2/22/2022

4.07.050 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 shall be approved by the Land Use Authority, 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 Land Use Authority.

(Ord. 98-19 amending Ord. 78-03)

(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

4.07.060 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 percent (1%) and shall be

designed to provide the maximum sight distances practical. For minimum sight distance requirements, refer to Exhibit 3-1 on page 112 of the 2001 AASHTO (American Association of State Highway Officials) publication, A Policy on Geometric Design of Highways and Streets. The design shall be based on the anticipated posted speed limit of that street.

(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

HISTORY
Amended by Ord. [2020-01](#) on 1/14/2020

4.07.070 Frontage On Major Highways

Where a residential subdivision abuts a major highway or arterial street, frontage roads may be required.
(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

4.07.080 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 Land Use Authority 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 approved by the City Council for mountain areas, or unusual topographic conditions using the Subdivision exception process.

(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

4.07.090 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 percent (10%). Sustained grades shall be limited to seven percent (7%). Minimum grades shall be one percent (1%).
2. **Minor roads or streets and common-use private roads:** limited to a maximum grade of twelve percent (12%). Sustained grades shall be limited to ten percent (10%). Grades above ten percent (10%) must be approved by the Fire Marshal. Minimum grades shall be one percent (1%).
3. **Cul-de-sacs** with a negative grade progressing toward the turnaround shall be limited to a maximum grade of four percent (4%). The cul-de-sac shall terminate with a grade not to exceed two percent (2%) for the last one hundred feet (100') of traveled surface. The cross-slope grades of the bubble shall not exceed two percent (2%) or be less than one percent (1%). Cul-de-sacs with a positive grade progressing toward the turnaround shall be limited to maximum grades as specified in 4.07.090.2 and 4.07.090.5. The cul-de-sac shall terminate with a grade not to exceed three percent (3%) for the last one hundred feet (100') of traveled surface. The cross-slope grades of the bubble shall not exceed two percent (2%) or be less than one percent (1%).
4. **Street intersections:** Shall have a vertical alignment such that the grade shall not exceed three percent (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 sections of sustained grade or less (as specified in 4.07.090.1-2) for minimum length of one hundred feet (100') between vertical curves, and where length of that portion of road at maximum grade is less than five hundred feet (500') between vertical curves.
6. **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.
7. **All cuts and fills** must be treated with top soil and vegetated per Alpine City Standard Specifications and Details.

HISTORY
Amended by Ord. [2020-01](#) on 1/14/2020

4.07.100 Sidewalks, Curbs And Gutters

Sidewalks, curbs, planter strips and gutters are required on both sides of all streets and are required to be dedicated to the public. Sidewalks, curbs, planter strips and gutters may be required by the Land Use Authority on existing streets bordering the new subdivision lots to create connectivity of sidewalks within the immediate vicinity of the new subdivision..

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.

1. **Exception.** On occasion, there may be circumstances in which an exception from the curb, gutter and sidewalk requirements may be warranted. An applicant should meet with the City Engineer to discuss the circumstances.

Exception Criteria: A successful applicant should be prepared to have the requested exception evaluated under the following criteria:

- a. Impractical to install curb, gutter or sidewalk because of drainage, topography or similar circumstances.
 - b. Special circumstances, features or conditions of the property, normally of a technical nature.
 - c. Relationship to surrounding patterns of land use and street and circulation.
2. **Fees in Escrow for Future Improvements.** Where present conditions exist which make it infeasible 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 City Engineer. Upon payment of the fee by the developer, the City shall assume the responsibility for future installation of such improvements. The Treasurer shall establish a special account for such fees and shall credit to such account a proportional share of interest earned from investment of City monies. Records relating to identification of properties for which the fees have been collected, fee amounts collected for such properties and money transfer requests shall be the responsibility of the Building Department.
 3. **Planter Strip Requirements:** (Amended by Ord. 2004-13, 9/28/04)
 - a. 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 and shall conform to the requirements set forth in DCA 3.13:
 - i. Xeriscape and street trees with required irrigation; or
 - ii. Colored, stamped decorative concrete and street trees with required irrigation;
 - iii. Irrigation standards to follow the most current adopted version of the Alpine City Construction Standards and Details. .
 - iv. Street trees shall be planted at least every 50 ft. Street trees shall be selected from the Alpine City Tree Guide.
 - b. Single Frontage Lot Landscaping Requirements. Planter strips in the city right-of-way shall be landscaped in conformance with DCA 3.13 and maintained by the property owner. If street trees are desired, the trees shall be selected from the Alpine City Tree Guide.

(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

HISTORY
Amended by Ord. [2020-14](#) on 7/14/2020
Amended by Ord. [2023-06](#) on 3/14/2023

4.07.110 Block Standards

Block lengths shall be reasonable as approved by the Land Use Authority, and in total design shall provide for convenient access, quality of life, and circulation for emergency vehicles.

4.07.120 Pedestrian Circulation

Where blocks exceed one thousand feet (1,000') in length, pedestrian rights-of-way of not less than ten feet (10') in width may be required by the Land Use Authority 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 Land Use Authority.

(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

4.07.130 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 Land Use Authority.
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.

(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

4.07.140 Utilities To Be Underground

Unless exempted by the Land Use Authority, 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.

(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

4.07.150 Alleys

The Land Use Authority 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 Plan and on the Final Plat.

(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

4.07.160 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 twenty feet (20') and shall be shown on the plat. All sewer lines should be located on the south and west sides of the street.

(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

4.07.170 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.

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.

(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

4.07.180 Storm Drainage And Flood Plains

1. For storm drain design please refer to Alpine City's "Storm Water Drainage Design Manual."
2. For flood plain information please refer to DCA 3.12.080.

(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

4.07.190 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.

(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

4.07.200 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.

(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

4.07.210 Derelict Parcels Prohibited

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.)

(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

4.07.220 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.

(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

4.07.230 Water Rights Required To Be Conveyed To The City

1. **Water Rights Required - Determination of Amount.** Any person proposing to subdivide land within 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:

- a. 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.

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

2. **Rate of Flow.** In addition to the annual quantity of water, determined in accordance with Part 1, 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.

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 an 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 City Engineer to the Land Use Authority.

- a. 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.

- b. 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.
- c. 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.
- d. 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).
- e. 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. **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.

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.

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.

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.
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.

9. Hardship Relief Provisions

- a. **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.
- b. **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.
- c. **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:
- i. Name of the applicant;
 - ii. Name and business address of the current owner of the property and form of ownership;
 - iii. Nature of the interest owned by the applicant in the subject property;
 - iv. A complete description of all water rights and/or water shares owned by the applicant;
 - v. 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;
 - vi. A description of all water rights and water shares conveyed to the City by the applicant, related to the subject property;
 - vii. 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;
 - viii. 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;
 - ix. 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;
 - x. 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;
 - xi. Copies of all relevant documents evidencing or relating to water rights and water shares related to the subject property;
 - xii. 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;

- xiii. 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 reasonably necessary, in their opinion, to arrive at a conclusion regarding the hardship relief petition.

- d. 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.
- e. 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.
- f. 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.
- g. 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.
- h. Findings of the City Council. The City Council may modify the Alpine City water rights acquisition policy to the extent reasonably 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.
- i. Decision Final. The decision of the City Council shall be final.

(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

4.08 Construction And Improvement Requirements

4.08.10 Construction Standards

4.08.020 Conflicting Provisions

4.08.030 Improvement Construction To Be Obligation Of Subdivider

4.08.040 Commencement Of Construction

4.08.010 Construction Standards

Construction standards, including drawings, tables, charts, references and other regulations adopted by the City Council by resolution, shall constitute subdivision regulations supplementing this Ordinance.

(Ord. 98-19 amending Ord. 78-03)

4.08.020 Conflicting Provisions

Where specific requirements are made or exemptions allowed under other sections of this Ordinance, those requirements or exemptions shall prevail over the subdivision regulations supplementing this Ordinance.

(Ord. 98-19 amending Ord. 78-03)

4.08.030 Improvement Construction To Be Obligation Of Subdivider

The following improvements, where required, shall be constructed at the expense of the subdivider, in accordance with the subdivision regulations of this Ordinance, or as elsewhere provided by ordinance: (See also Zoning Ordinance for requirements)

1. Road grading and surfacing;
2. Facilities for water supplies, waste water management, and storm water control, irrigation facilities;
3. Water, sewer, and pressurized irrigation mains and laterals to each property line;
4. Fire hydrants as specified by City Standards;
5. Curb, gutter, planter strips, double-frontage planter strips, and sidewalks;
6. Central Mail Box Units;
7. Brass pins and other property corners;
8. Underground electrical, telephone and cable television lines;
9. Monuments;
10. Installation or construction of required on-site or off-site improvements;
11. Revegetation, erosion control;
12. Street signs, street lighting, street planting, planter strips;
13. Segments of proposed arterial or collector streets;
14. Trails and trail signs;
15. Open space and parks in PRDs; and
16. Any other improvements required or specified in the Development Agreement
17. All development is to be in compliance with City Standards and specifications.

(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. 2004-13, 9/28/04)

4.08.040 Commencement Of Construction

Site improvement or grading of a proposed subdivision site prior to Final Plat approval by the Land Use Authority is prohibited.

(Ord. 98-19 amending Ord. 78-03)

HISTORY
Amended by Ord. [2018-06](#) on 9/11/2018

4.09 Adequate Public Facilities

[4.09.10 Requiring Adequate Public Facilities To Be Available Concurrent With Subdivision Approval](#)

[4.09.020 Essential Public Facilities](#)

[4.09.030 Procedures](#)

[4.09.040 Level Of Service Standards](#)

[4.09.050 Adequate Public Facilities Not Available](#)

[4.09.060 Public Facility Requirements Prior To Issuance Of A Building Permit](#)

4.09.010 Requiring Adequate Public Facilities To Be Available Concurrent With Subdivision Approval

From and after the effective date of this Amendment to the Alpine City Subdivision Ordinance, no application for subdivision approval shall be granted, approved or issued unless the applicant has provided sufficient information, as determined by the City Engineer, to establish that adequate public facilities in the area affected by the proposed development will have sufficient capacity available at the adopted level of service standards to accommodate the proposed development within a reasonable period of time following the issuance of final subdivision plat approval for the proposed development.

(Ord. 98-19 amending Ord. 78-03) (Ord. 93-10, 12/14/93)

4.09.020 Essential Public Facilities

1. Culinary waterworks system, including quantity, quality, treatment, storage capacity, and transmission/distribution system capacity;
2. Sanitary sewer system, including outfall lines, laterals and collector lines;
3. Storm water drainage, including flood control facilities;
4. Street system, including streets, roads, highways, intersections and related transportation facilities; and
5. Recreational facilities, including parks and trails.

(Ord. 98-19 amending Ord. 78-03) (Ord. 93-10,12/14/93)

4.09.030 Procedures

As part of the material submitted in support of an application for subdivision approval, the applicant shall submit sufficient information in order to demonstrate that adequate public facilities will be available at specified levels of service within a reasonable period of time following the issuance of subdivision plat approval for the proposed development. Such a determination may include the timing, phasing and sequencing of the proposed development. Compliance with level of service standards shall be measured in accordance with the adopted level of service standards as set forth herein as they may, from time to time, be amended. The City Engineer, or the Recommending Body and Land Use Authority through the City Engineer, may request additional information from the applicant to address the adequacy and availability of the public facilities referenced above as part of the subdivision approval process.

(Ord. 98-19 amending Ord. 78-03) (Ord. 93-10,12/14/93)

4.09.040 Level Of Service Standards

The level of service standards by which the adequate public facilities requirement referenced herein shall be measured for each of the essential public facilities to which this requirement applies shall be as established in the Alpine City Construction Standards as they may, from time to time, be amended.

(Ord. 98-19 amending Ord. 78-03) (Ord. 93-10,12/14/93)

4.09.050 Adequate Public Facilities Not Available

If it is determined by the City Engineer that adequate public facilities will not be available at specified levels of service within a reasonable period of time following the issuance of final subdivision plat approval, so as to assure that such services will be available at the time of occupancy of new development being proposed, the City Council, in the exercise of its discretion, shall review, evaluate and discuss with the applicant, the following alternatives and conditions in the order presented:

1. Allow the developer to voluntarily advance the costs necessary to provide those public facilities which are necessary to service the proposed development and meet the applicable level of service standards by entering into an appropriate form of development agreement, which may include, as deemed appropriate, provisions for credits or reimbursement of any expenses incurred above and beyond those reasonably necessary for or related to the need created by or benefit conferred upon the proposed development.
2. Require timing, sequencing and phasing of the proposed development consistent with the available capacity of public facilities;
3. Defer final plat approval and the issuance of building permits until all necessary public facilities are adequate and available; or,
4. Deny subdivision plat approval at the present time and require the applicant to reapply when adequate public facilities are available at adopted level of service standards.

(Ord. 98-19 amending Ord. 78-03) (Ord. 93-10,12/14/93)

4.09.060 Public Facility Requirements Prior To Issuance Of A Building Permit

Prior to the issuance of a building permit the following facilities must be available.

1. Water system must be operational including the fire hydrants.
2. Curb and gutter shall have been installed.
3. Road base shall be in place.

(Ord. 98-19 amending Ord. 78-03) (Ord. 93-10, 12/14/93)

4.10 Financial Responsibility

4.10.10 Improvement Requirements

4.10.020 Improvements Agreement

4.10.030 Guarantee Of Performance

4.10.010 Improvement Requirements

The Land Use Authority shall not approve a final plat until the subdivider provides a performance bond approved by the City Administrator to guarantee that improvements will be installed as shown on the final plat and construction drawings and to guarantee and warrant all improvements for a one-year period commencing upon the final inspection of said improvements by the City. Said performance bond shall be for an amount not less than ONE HUNDRED AND TEN PERCENT (110%) of the estimated cost of said work and improvements, as determined by the City Administrator and City Engineer. The purpose of the bond is to insure construction of the required improvements within one year from the date of final approval, without cost to the City, and to guarantee and warrant all improvements for a one-year period commencing upon the final inspection of said improvements by the City. Said required improvements shall include:

1. The grading, graveling, hard surfacing of streets, and installation of culverts in compliance with City standards.
2. The installation of facilities for water supplies, waste water management, storm water control and /or sewers, irrigation facilities when required by the City Engineer.
3. The installation of water, sewer, gas and pressurized irrigation mains and laterals to each lot property line, and fire hydrants as required by the City Engineer, all in accordance with Alpine City Standards.
4. The installation of curbs, gutters and sidewalks on both sides of the street in compliance with City standards.
5. The installation of irrigation and landscaping for planter strips in city-owned areas where there are double frontage lots.
6. The installation of Central Mail Box Units.
7. The installation of brass pins and other property corners.
8. Electrical, telephone and cable television lines shall be located underground except when the subdivider can show the Planning Commission that underground lines are not feasible.
9. The installation of survey monuments in accordance with City specifications.
10. The installation or construction of other on-site or off-site public improvements including but not limited to irrigation culverts, storm runoff detention basins, bridges, public parks, water mains, water pressure reducing stations, access roads, trails.
11. All cut and fill slopes must be treated with topsoil and revegetated.
12. The installation of street signs, street lighting and street planting in accordance with City specifications.
13. Installation of segments of proposed arterial or collector streets.
14. Installation of trails and trail signs when required.
15. Development of open space and parks when required in PRDs.
16. The installation of any other improvements required or specified in the Development
17. All development is to be in compliance with City Standards and specifications.

(Ord. 98-19 amending Ord. 78-03)
(Amended by Ord. 2008-08, 5/27/08; Ord. No. 2017-02, 01-10-17)

(amended Ord. 97-09 & Ord. 2004-13, 9/28/04).

4.10.020 Improvements Agreement

No final plat shall be approved until the subdivider has submitted a subdivision improvement agreement, on a form obtained from the City Recorder, agreeing to construct the required improvements as shown in documents supporting the final plat and agreeing to guarantee and warrant all improvements for a one-year period commencing upon the final inspection of said improvements by the City.

(Ord. 98-19 amending Ord. 78-03)

(Amended by Ord. 2008-08, 5/27/08; Ord. No. 2017-02, 01-10-17)

4.10.030 Guarantee Of Performance

No final plat shall be approved until the subdivider has posted a guarantee assuring the completion of all required improvements and guaranteeing and warranting all improvements for a one-year period commencing upon the final inspection of said improvements by the City. Said guarantee shall meet the following requirements:

1. **Type and Amount of Guarantee.** The type of guarantee shall be in the form of a performance bond for an amount not less than ONE HUNDRED TEN PERCENT (110%) of the cost of the required improvements, as determined by the City. The subdivider shall furnish an estimate of the cost of constructing the required improvements. Said estimate shall be prepared by an engineer registered to practice in the State of Utah and approved by the City Engineer.
2. **Duration.** Said performance bond shall begin at the time the bond is obtained and shall terminate at such time as all improvements pass the warranty inspection at the end of the one-year warranty period which commences upon the final inspection of the improvements by the City, or until such earlier time as the City Council may decide.
3. **Default.** In the event the subdivider is in default or fails or neglects to satisfactorily install the required improvements within one year from the date of approval of the final plat by the City Council, or to pay all liens in connection therewith, or the required improvements do not pass warranty inspection by the City at the end of the one-year warranty period, the City Council may declare the bond or other assurance forfeited and the City may install or cause the required improvements to be installed, may repair any improvements found to be in breach of warranty and may pay all liens in connection with the improvements, using the bond and proceeds of the collection of the bond to defray the expenses thereof.
4. **In Process Releases.** Partial bond releases may be made by the City Administrator upon completion of phases of the project satisfactory to the City Engineer and authorized representative. The developer shall make a formal request for a partial bond release to the City Recorder.
5. **Final Inspection and Release.** The subdivider shall be responsible for the quality of all materials and workmanship and shall warrant and guarantee all improvements for a one-year period commencing upon the final inspection of said improvements by the City. At the completion of the work, the City Engineer and authorized representative shall make an inspection of the improvements and shall submit a report to the City Administrator setting forth the condition of such facilities. If all liens are paid and conditions thereof are found to be satisfactory, the City Administrator may release that portion of the bond or other approved security which does not represent the TEN PERCENT (10%) of said performance bond. If the condition of materials or workmanship shows unusual depreciation or does not comply with standards of the City, or if any outstanding liens are not paid, the City Administrator may declare the subdivider in default. At the end of the one-year warranty and guarantee period, the City Engineer and authorized representative shall make a warranty inspection of the improvements and shall submit a report to the City Council setting forth the condition of such improvements. If the improvements are found to be in satisfactory condition, the City Staff shall release the remaining TEN (10%) of the performance bond or other approved security. If the improvements are not found to be in satisfactory condition, the City Council may declare the subdivider in default.

Note: As a minimum, City Council needs to inspect and sign off after the one-year warranty period before release of the final 10%.

(Ord. 98-19 amending Ord. 78-03)

(Amended by Ord. 2008-08, 5/27/08; Ord. No. 2017-02, 01-10-17)

4.11 Permits And Fees

[4.11.10 Permits](#)[4.11.020 Fees](#)**4.11.010 Permits**

From the effective date of this ordinance, the building official shall not grant a permit, nor shall any officer of the City grant any license or permit for the use of any land or the construction or alteration of any building or structure on a lot which would be in violation of any of the provisions of this ordinance, or of the subdivision regulations, or on a lot in a subdivision created by judicial decree, until a subdivision plat thereof has been recorded, or approved as required by this ordinance. Any license or permit issued in conflict with such provision shall be null and void.

(Ord. 98-19 amending Ord. 78-03)

4.11.020 Fees

At the time of filing an application for approval at any step or stage of the subdivision process, a non-refundable fee must be submitted, payable to the City of Alpine, in accordance with the currently-applicable fee schedule as adopted by resolution of the City Council.

An exception review fee shall be required of subdividers requesting an exception from improvement requirements of this ordinance. Such fee shall be in accordance with the currently applicable fee schedule as adopted by resolution of the City Council.

(Ord. 98-19 amending Ord. 78-03)

4.12 Infrastructure Protection Bond[4.12.10 Applicability Of Ordinance](#)[4.12.020 Type And Amount Of Guarantee](#)[4.12.030 Final Disposition And Release](#)[4.12.040 Partial Release Not Permitted](#)[4.12.050 Duration Of Guarantee](#)[4.12.060 Default](#)**4.12.010 Applicability Of Ordinance**

This ordinance shall govern the provisions, nature, use and disposition of an Infrastructure Protection Bond or Guarantee of Performance which are hereby required to be posted with or deposited for the benefit of the City for all building permits unless otherwise exempted by the City Engineer.

(Ord. 98-19 amending Ord. 78-03)

(Ord 97-04, 4/8/97; Amended by Ord. 2004-13, 9/29/04; Ord. 2008-03, 4/8/08; Ord. 2008-14, 8/26/08)

4.12.020 Type And Amount Of Guarantee

The Infrastructure Protection Bond shall be a cash deposit with the City in the amount indicated in the Consolidated Fee Schedule, which shall be kept by the City in a special escrow account. Any interest earned from the account shall be the property of the person who provides the cash bond upon satisfactory release of the Bond as provided in this ordinance.

(Ord. 98-19 amending Ord. 78-03)

(Ord 97-04, 4/8/97; Amended by Ord. 2004-13, 9/29/04; Ord. 2008-03, 4/8/08; Ord. 2008-14, 8/26/08)

4.12.030 Final Disposition And Release

The builder; or other person giving the Infrastructure Protection Bond provided for by this ordinance, shall be responsible for maintaining the Infrastructure, including but not limited to roadway, curb, gutter, sidewalk, trails, parks, planter strips, streetlights, open space, water and sewer pipes and appurtenances, valves, meters, etc., in the same condition as before the permit was issued. The burden of proof will be the responsibility of the Building Permit Holder to verify the condition of the infrastructure before work starts. If the builder posts the cash bond, it shall be acceptable to Alpine City for the builder to transfer the bond to the property owner, and the transfer shall be the responsibility of the builder. At the completion of the construction and landscaping, the person giving the guarantee shall submit to the City Building Department a request for release of the Protection Bond. The City Public Works Department shall then make a preliminary inspection of the City

infrastructure and shall then determine if the City infrastructure has been maintained in a satisfactory condition. If the City infrastructure is found to be satisfactory by the City Public Works Department, they shall authorize the release of the cash bond. The release of the bond shall only be made to the person or entity, which posted the bond and to no other person or entity. If the condition of the City infrastructure shows damage, unusual depreciation or does not comply with the acceptable standards of durability, the matter shall be referred to the City Administrator; and in accordance with DCA 4.12.060, the City Administrator may declare the person giving the guarantee in default.

(Ord. 98-19 amending Ord. 78-03)

(Ord 97-04, 4/8/97; Amended by Ord. 2004-13, 9/29/04; Ord. 2008-03, 4/8/08; Ord. 2008-14, 8/26/08)

HISTORY

Amended by Ord. [2019-05](#) on 4/23/2019

4.12.040 Partial Release Not Permitted

A partial release of the Cash infrastructure Protection Bond shall not be permitted. (Ord.

98-19 amending Ord. 78-03)

(Ord 97-04, 4/8/97; Amended by Ord. 2004-13, 9/29/04; Ord. 2008-03, 4/8/08; Ord. 2008-14, 8/26/08)

4.12.050 Duration Of Guarantee

The duration of the Cash Infrastructure Protection Bond shall be for the period of construction and landscaping. The time period shall begin on the date of issuance of the building permit by the City and shall continue until final approval of the improvements governed by the building permit is received and all construction and landscaping material, tools, and machinery used in the prosecution of said building permit are removed from the property.

(Ord. 98-19 amending Ord. 78-03)

(Ord 97-04, 4/8/97; Amended by Ord. 2004-13, 9/29/04; Ord. 2008-03, 4/8/08; Ord. 2008-14, 8/26/08)

4.12.060 Default

1. When the City Administrator shall determine that the person posting the Cash Infrastructure Protection Bond has failed or neglected to satisfactory protect the affected City infrastructure or make required repairs and/or corrections, the City Administrator may declare the Cash Infrastructure Protection Bond forfeited and the City's intentions to install or cause the required improvements to be installed or repaired using the proceeds of the Cash Infrastructure Protection Bond, plus any accrued interest, to defray the expense thereof. The City Administrator shall give written notice of his decision to the person who posted the bond. The City Administrator's decision may be appealed to the Administrative Law Judge. If the person who posted the bond wishes to appeal the City Administrator's decision, a notice of appeal must be filed in writing with the City Recorder within five (5) business days from the receipt of notice of the City Administrator's decision. The Administrative Law Judge shall hold a hearing to determine the appeal at its next public meeting. At the hearing the person who posted the bond shall be given an opportunity to present evidence as to why the bond should not be forfeited. The evidence may be in the form of written or oral submissions. The Public Works Department shall be asked to respond to the appeal at the hearing before the Administrative Law Judge. After hearing all evidence and considering all relevant facts the Administrative Law Judge shall determine if the bond is to be forfeited or released. If forfeited, the Cash Infrastructure Protection Bond, plus any accrued interest, shall be used to defray the expense of installing or repairing the City infrastructure.
2. In the event that the Cash Infrastructure Protection Bond is not sufficient to pay all the cost and expense of such installation, correction, or repair, the City may maintain an action against the person giving the guarantee for the excess. If the Cash Infrastructure Protection Bond is more than sufficient to pay all the cost and expense, then the excess proceeds shall be returned to the person who posted the bond.

(Ord. 98-19 amending Ord. 78-03)

(Ord 97-04, 4/8/97; Amended by Ord. 2004-13, 9/29/04; Ord. 2008-03, 4/8/08; Ord. 2008-14, 8/26/08)

HISTORY

Amended by Ord. [2019-05](#) on 4/23/2019

4.13 Constitutional Taking Issues

[4.13.10 Policy Considerations](#)[4.13.020 Definitions](#)[4.13.030 Guidelines Advisory](#)[4.13.040 Review Of Decision](#)[4.13.050 Reviewing Guidelines](#)[4.13.060 Results Of Review](#)**4.13.010 Policy Considerations**

There is an underlying policy in Alpine City strongly favoring the careful consideration of matters involving Constitutional Taking claims, in fairness to the owner of private property bringing the claim and in view of the uncertainty and expense involved in defending lawsuits alleging such issued. At the same time, the legitimate role of government in lawfully regulating real property must be preserved and the public's right to require the dedication or exaction of property consistent with the Constitution. Consistent with this policy, it is desired that a procedure be established for the review of actions that may involve the issue of a Constitutional Taking. These provisions are to assist governments in considering decisions that may involve Constitutional Takings. It is intended that a procedure for such a review be provided, as well as guidelines for such considerations. This ordinance is further intended and shall be construed to objectively and fairly review claims by citizens that a specific government action should require payment of just compensation, yet preserve the ability of Alpine City to lawfully regulate real property and fulfill its other duties and functions.

(Ord. 98-19 amending Ord. 78-03)

(ORD 95-12: 5/23/95)

4.13.020 Definitions

Constitutional Taking means actions by Alpine City involving the physical taking or exaction of private real property that might require compensation to a private real property owner because of:

1. the Fifth or Fourteenth Amendment to the Constitution of the United States;
2. Article I, Section 22, of the Utah Constitution;
3. any court ruling governing the physical taking or exaction of private real property by a government entity.

Actions by Alpine City involving the physical taking or exaction of private real property is not a Constitutional Taking if the physical taking or exaction:

1. bears an essential nexus to a legitimate governmental interest; and
2. is roughly proportionate and reasonably related on an individualized property basis, both in nature and extent, to the impact of the proposed development on the legitimate government interest.

(Ord. 98-19 amending Ord. 78-03)

(ORD 95-12: 5/23/95)

4.13.030 Guidelines Advisory

The guidelines adopted and decisions rendered pursuant to the provisions of this section are advisory, and shall not be construed to expand or limit the scope of Alpine City's liability for a Constitutional Taking. The reviewing body or person, shall not be required to make any determination under this ordinance except pursuant to DCA 2.04.

(Ord. 98-19 amending Ord. 78-03)

(ORD 95-12: 5/23/95)

4.13.040 Review Of Decision

Any owner of private real property who claims there has been a Constitutional Taking of their private real property shall request a review of a final decision of any officer, employee, board, commission, or council. The following are specific procedures established for such a review:

1. The person requesting a review must have obtained a final and authoritative determination, internally, within Alpine City, relative to the decision from which they are requesting review.

2. Within thirty (30) days from the date of the final decision that gave rise to the concern that a Constitutional Taking has occurred, the person requesting the review shall file in writing, in the office of the City Recorder, a request for review of that decision. A copy shall also be filed with the City Attorney.
3. The City Council, or an individual, or body designated by the City Council shall immediately set a time to review the decision that gave rise to the Constitutional Taking claim.
4. In addition to the written request for review, the applicant must submit, prior to the date of the review, the following:
 - a. name of the applicant requesting review;
 - b. name and business address of current owner of the property;
 - c. form of ownership, whether sole proprietorship, for-profit or not-for-profit corporation, partnership, joint venture or other, and if owned by a corporation, partnership, or joint venture, name and address of all principal shareholders or partners;
 - d. a detailed description of the grounds for the claim that there has been a Constitutional Taking;
 - e. a detailed description of the property taken;
 - f. evidence and documentation as to the value of the property taken, including the date and cost at the time the property was acquired. This should include any evidence of the value of that same property before and after the alleged Constitutional Taking, the name of the party from whom purchased, including the relationship, if any, between the person requesting a review and the party from whom the property was acquired;
 - g. nature of the protectable interest claimed to be affected, such as but not limited to, fee simple ownership, leasehold interest;
 - h. terms (including sale price) of any previous purchase or sale of a full or partial interest in the property in the three years prior to the date of application;
 - i. all appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the three years prior to the date of application;
 - j. the assessed value of and ad valorem taxes on the property for the previous three years;
 - k. all information concerning current mortgages or other loans secured by the property, including name of the mortgagee or lender, current interest rate, remaining loan balance and term of the loan and other significant provisions, including but not limited to, right of purchasers to assume the loan;
 - l. all listings of the property for sale or rent, price asked and offers received, if any, within the previous three years;
 - m. all studies commissioned by the petitioner or agents of the petitioner within the previous three years concerning feasibility of development or utilization of the property;
 - n. for income producing property, itemized income and expense statements from the property for the previous three years;
 - o. information from a title policy or other source showing all recorded liens or encumbrances affecting the property;
 - p. the City Council or their designee may request additional information reasonably necessary, in their opinion, to arrive at a conclusion concerning whether there has been a Constitutional Taking.
5. An application shall not be deemed to be "complete" or "submitted" until the reviewing body/official certifies to the applicant that all the materials and information required above have been received by Alpine City. The reviewing body/official shall promptly notify the applicant of any incomplete application.
 - a. The City Council or an individual or body designated by them, shall hear all the evidence related to and submitted by the applicant, Alpine City, or any other interested party.
 - b. A final decision on the review shall be rendered within fourteen (14) days from the date the complete application for review has been received by the City Recorder. The decision of the City Council regarding the results of the review shall be given in writing to the applicant and to the officer, employee, board, commission or council that rendered the final decision that gave rise to the Constitutional Takings claim.
 - c. If the City Council fails to hear and decide the review within fourteen (14) days, the City agency's original decision which lead to the appeal shall be presumed to be approved by the City Council.

(Ord. 98-19 amending Ord. 78-03)
(ORD 95-12: 5/23/95)

4.13.050 Reviewing Guidelines

The City Council shall review the facts and information presented by the applicant to determine whether or not the action by Alpine City, Constitutional Taking as defined in this chapter. In doing so they shall consider:

1. Whether the physical taking or exaction of the private real property bears an essential nexus to a legitimate governmental interest.
2. Whether a legitimate governmental interest exists for the action taken by Alpine City.
3. Is the property and exaction taken roughly proportionate and reasonably related, on an individual property basis, both in nature and extent, to the impact caused by the activities that are the subject of the decision being reviewed.

(Ord. 98-19 amending Ord. 78-03)
(ORD 95-12: 5/23/95)

4.13.060 Results Of Review

After completing the review, the reviewing person/body shall make a determination regarding the above issues and where determined to be necessary and appropriate, shall make a recommendation to the officer, employee, board, commission or council that made the decision that gave rise to the Constitutional Takings claim.

(Ord. 98-19 amending Ord. 78-03)
(ORD 95-12: 5/23/95)

4.14 Site Plan To Comply (Not Located In An Approved Subdivision)

- [4.14.10 Single Family Residential Dwelling Not Located In An Approved Subdivision Site Plan Approval Process](#)
- [4.14.020 Commercial Structure Site Plan Approval Process](#)

4.14.010 Single Family Residential Dwelling Not Located In An Approved Subdivision Site Plan Approval Process

1. The applicant shall submit the following to the City Planner:
 - a. The Site Plan Checklist and Application;
 - b. Two(2) D size twenty four inches by thirty six inches (24" x 36") copies of the final plan;
 - c. Two(2) eleven inch by seventeen inch (11" x 17") copies of the plan drawn to scale, and;
 - d. An electronic copy of the plan in a compatible format as specified by City Staff.

The applicant shall pay the associated fee(s) as set forth in the Alpine City Consolidated Fee Schedule. The fee(s) shall be paid to the City Treasurer, payable to Alpine City.

The City Planner and City Engineer shall review the application and plan to determine whether the proposed construction or alteration conforms to the ordinances of the City.

2. A building permit application and plan for a residential single family dwelling which is not located in an approved subdivision shall:
 - a. Conform to DCA 4.07, DCA 4.08 and DCA 4.10 (Subdivision Design and Financial Standards including Water Right Requirements) of the Alpine City Subdivision Ordinance.
 - b. Be reviewed and approved by the City Planner and City Engineer for compliance with the foregoing provisions prior to issuance of the permit;
 - c. A Developer's Agreement shall be executed between the City and the Developer outlining the conditions of approval of the site plan. The Development Agreement may include but is not limited to the following examples: any special conditions, trails, landscape issues, or off-site improvements. Rights-of-way must be dedicated to Alpine City.

3. The Building Department shall issue a permit and one set of approved plans to the applicant after the plan has been approved by the City Planner and City Engineer.
4. The Building Inspector shall retain one set of the approved plans and may revoke at anytime a permit which has been issued for any building constructed or being constructed which would be or result, if constructed, in a violation of any ordinance of this municipality.

(Ord. 98-19 amending Ord. 78-03)

(Ord. No. 92-03 Amended by Ord. No. 2004-13, 9/28/04; Ord. No. 2013-11, 7/23/13; Ord. No. 2017-08, 6/13/17)

4.14.020 Commercial Structure Site Plan Approval Process

1. The applicant shall submit the following to the City Planner at least fourteen (14) days before the scheduled Planning Commission meeting:
 - a. The Site Plan Checklist and Application;
 - b. Two(2) D size twenty four inches by thirty six inches (24" x 36") copies of the final plan;
 - c. Two(2) eleven inch by seventeen inch (11" x 17") copies of the plan drawn to scale, and;
 - d. An electronic copy of the plan in a compatible format as specified by City Staff.

The applicant shall pay the associated fee(s) as set forth in the Alpine City Consolidated Fee Schedule. The fee(s) shall be paid to the City Treasurer, payable to Alpine City.

The plans will not be presented to the Planning Commission until the application is complete, including submitting all required information and paying all fees. The City Planner and City Engineer shall review the application and plan to determine whether the proposed construction or alteration conforms to the ordinances of this municipality.

2. A building permit application and plan for a commercial structure shall:
 - a. Conform to DCA 4.07, DCA 4.08 and DCA 4.10 (Subdivision Design and Financial Standards including Water Right Requirements) of the Alpine City Subdivision Ordinance, DCA 3.07 (Business/Commercial District) and DCA 3.11 (Gateway/Historic Zone)
 - b. Be reviewed by the City Planner, City Engineer, Planning Commission and approved by the City Council for compliance with the foregoing provisions prior to issuance of the permit;
 - c. A Developer's Agreement shall be executed between the City and the Developer outlining the conditions of approval of the site plan. The Development Agreement may include but is not limited to the following examples: any special conditions, trails, landscape issues, or off-site improvements. Rights-of-way must be dedicated to Alpine City.
3. The Building Department shall issue a permit and one set of approved plans to the applicant after the plan has been approved by the City Council.
4. The Building Inspector shall retain one set of the approved plans and may revoke at any time a permit which has been issued for any building constructed or being constructed which would be or result, if constructed, in a violation of any ordinance of this municipality.

An exception may be obtained from the foregoing provisions by following the procedures set forth in DCA 4.01.020.

(Ord. 98-19 amending Ord. 78-03)

(Ord. No. 92-03 Amended by Ord. No. 2004-13, 9/28/04; Ord. No. 2013-11, 7/23/13; Ord. No. 2017-08, 6/13/17)

4.15 Street, Water, And Sewer Extensions; Reimbursement

4.15.10 Title And Intent4.15.020 General Provisions4.15.030 System Extensions When Part Of A Subdivision Or Planned Development Project4.15.040 Extensions To Water And Sewer System When Not Part Of A Subdivision Or Planned Development Project4.15.050 Extension Charges To Be Assessed To Subsequent Connectors; Reimbursement Permitted4.15.060 Council To Establish Fees**4.15.010 Title And Intent**

1. **Title.** This Ordinance shall be entitled THE STREET AND UTILITY ORDINANCE OF ALPINE CITY, UTAH. In addition, the provisions of this Ordinance, as may from time to time be amended are hereby included in and shall be designated as DCA 4.15.
2. **Intent.** It is the intent of this Ordinance to:
 - a. Provide for the logical extension of City streets and water and sewer systems in a manner consistent with the City's General Plan and the economic capacity of the community.
 - b. Provide a means whereby property, which is not suitable for development because of inadequate street access or frontage or water or sewer utilities may be made suitable for development.
 - c. Establish the terms and conditions under which proposed extensions of the City street system and water and sewer mains shall be evaluated and approved.

(Ord. 98-19 amending Ord. 78-03)

(ORD 95-11, 5/23/95)

4.15.020 General Provisions

1. **Design Requirements and Criteria.** The design, location, material and standards of construction of all extensions to the City's street and water and sewer utility systems shall be in accordance with City standards and approved by the City Engineer. The design and sizing of all extensions shall be based upon considerations of adequacy to meet both present and future requirements and consistency with the City's Major Street Plan and water and sewer elements of the General Plan. All extension shall connect to the nearest adequate public street or nearest adequate water or sewer line, as applicable, as determined by the City, and shall extend the full length of the frontage of the property to be serviced by such extension.
2. **Applicant Responsible to Construct Improvements - Reimbursement for Certain Extensions Permitted.** All rights-of-way, and easements required for the placement of required improvements and all costs in connection with the construction of streets or water or sewer main extensions shall be borne by the applicant, provided that the applicant shall be eligible for reimbursement for certain of the improvements as hereinafter set forth or credit for payment of impact fees as applicable.

(Ord. 98-19 amending Ord. 78-03)

(ORD 95-11, 5/23/95)

4.15.030 System Extensions When Part Of A Subdivision Or Planned Development Project

1. **All Subdivisions and Planned Development Projects to be Served by Adequate Facilities.** All subdivisions and planned development projects shall have adequate vehicular access over public streets and shall be served by the City's central water distribution system and sewage collection system. The required improvements shall include such improvements as are necessary, in accordance with established level of service standards, for vehicular access and circulation and proper operation of water and sewer utility systems within the boundary of a proposed subdivision or planned development project (on-site facilities) and also those contiguous to the boundary of the proposed project and considered necessary to provide adequate service to the proposed project (off-site facilities). All such facilities shall be designed, approved and constructed in accordance with the applicable provisions of the Subdivision Ordinance, Zoning Ordinance and other applicable regulations and standards and specifications adopted pursuant thereto.
2. **City Engineer to Approve Plans to be Reviewed Concurrently with Development Approval Plan.** The City Engineer shall review and approve or disapprove all plans for facilities required for submission for approval of subdivision or planned development projects. The Engineer may, where necessary to adequately accommodate a proposed project, require amendments to the design of the project plan and, pursuant to the provisions of Part

3 require the installation of facilities having capacities in excess of the minimum required to serve the proposed development.

For purposes of compliance with the provisions of this Section the review of the proposed extensions shall be conducted concurrently with, and as part of, the review process for the applicable subdivision or planned development project.

3. **Oversize Facilities May be Required.** Where identified in the General Plan or where the City Council has determined that future growth of the City necessitates the construction of streets or water or sewer mains having a capacity larger than required to serve the proposed development, the construction of such oversize line or facility shall be required as a condition of approval of the extension. Costs for the construction of the oversize portion of the project shall be borne by the City or be incorporated within the terms of reimbursement agreements, as determined applicable.

(Ord. 98-19 amending Ord. 78-03)
(ORD 95-11, 5/23/95)

4.15.040 Extensions To Water And Sewer System When Not Part Of A Subdivision Or Planned Development Project

1. **Maps and Plans to be Prepared by Applicant - Planning Commission to Approved.** Upon receipt of an application for extension of a public street or a water or sewer main to a premises not fronting on an adequate public street or not served by an existing adequate water or sewer main, as applicable, the City Engineer shall prepare or cause to be prepared a map or maps showing:
- The design of the proposed extension,
 - The location and ownership of all property fronting upon the proposed extension and the location of all such parcels owned by the applicant, and
 - The engineer's recommendations with respect to the design and construction of proposed extension and any rights-of-way or easements required to accommodate the extension.

Construction of any proposed extension, not shown on the City's General Plan shall not commence until the location thereof shall have been approved by the Land Use Authority and any required right-of-way or easement accepted by the City. In the event the construction necessitates the disturbance of existing City facilities, the City may require a performance guarantee, satisfactory to the council, to insure the restoration of any disturbed improvement.

2. **Oversize Facilities May Be Required.** Where identified in the General Plan or where the Land Use Authority has determined that future growth of the City necessitates the construction of a street or water or sewer main having a capacity larger than required to serve the proposed development, the construction of such oversize line or facility shall be required as a condition of approval of the extension. Costs for the construction of the oversize portion of the project shall be borne by the City or be incorporated within the terms of reimbursement agreements, as determined applicable.

(Ord. 98-19 amending Ord. 78-03)
(ORD 95-11, 5/23/95)

4.15.050 Extension Charges To Be Assessed To Subsequent Connectors; Reimbursement Permitted

1. **City Engineer to Determine Cost of Extensions Reimbursement Charge to be Assessed to Subsequent Connectors-Amount and Time Limit**
- Upon completion of construction of any extension installed as part of the off-site street or water or sewer requirements for a subdivision or planned development project (pursuant to the provisions of DCA 4.15.030, or any such improvements serving a non-subdivided area (pursuant to the provisions of DCA 4.15.040), the City Engineer shall determine:
 - the current reasonable per-foot cost for constructing the extension, but not including the cost of any over-sizing contributed by the City in accordance with the provisions of DCA 4.15.030 Part 3 or DCA 4.15.030 Part 2,

- ii. the portion of such off-site extension, not included as part of the applicant's project, which abuts upon one or more parcels of land which qualify as benefited parcels, as hereinafter defined and
- iii. those benefited parcels to be subject to assessment of a reimbursement charge and the number of lineal feet of each benefited parcel to be subject to the assessment.

For purposes of this Chapter, "Benefited Parcel" shall mean and include any parcel of land which abuts a street or water or sewer main, constructed pursuant to the terms of this DCA 4.15 and is capable of receiving service from the main, but not including any such abutting land owned by the applicant or the width of the right-of-way of any existing intersecting public street.

- b. Whenever part of all of a benefited parcel is subsequently granted final approval of a subdivision or planned development or building permit for a dwelling or other main building or is connected to an off-site water or sewer line extension, the applicant thereof shall, as a condition of connection thereto, pay to the City an extension reimbursement charge. The amount of the extension charge to be assessed shall be a proportionate amount of any road adjacent to the parcel and one-half the cost per linear foot of any water or sewer mains extension adjacent to the parcel, times the number of linear feet of the parcel fronting upon the extension, all as determined by the City Engineer.
- c. The extension reimbursement charge assessed pursuant to this Section shall continue for a period of ten (10) years from the date of acceptance of the completed extension by the city and shall be in addition to all other charges and fees assessed upon the property.
- d. The extension reimbursement charge shall also be applicable to any benefited properties adjacent to streets or water or sewer mains constructed by the City.

2. Reimbursement to Original Developer Authorized - Time Limit

- a. Whenever a street, water or sewer system has been constructed in accordance with the provisions of this Chapter, the City shall enter into a "Reimbursement Agreement" with the original developer, which agreement shall specify the terms of reimbursement for the cost of the extension, as determined by the City Engineer pursuant to Part 1.a. Thereafter, the City shall make reimbursement payments to the original applicant for costs incurred in making the extension, after and subject to:
 - i. the collection of the extension reimbursement charge, as provided under Part 1, and
 - ii. the receipt of a written request from the original applicant, after due notice is delivered to the last known address of the applicant.
- b. The period of time during which the original applicant shall be eligible for reimbursement payments shall be ten (10) years from the date of acceptance of the extension by the City.
- c. The City shall also be eligible for extension reimbursement payment whenever any off-site streets, water or sewer mains are constructed by the City.

(Ord. 98-19 amending Ord. 78-03)
(ORD 95-11, 5/23/95)

4.15.060 Council To Establish Fees

The City Council may, by resolution, establish fees and charges for the purpose of defraying the cost of processing extension applications and the administration of this Title.

(Ord. 98-19 amending Ord. 78-03)
(ORD 95-11, 5/23/95)

4.16 Construction Of Temporary Turn-Arounds

- 1. The attached Exhibit A shall constitute the standards and specifications for new temporary turn-arounds constructed within Alpine City.
- 2. The standards shall apply to all new temporary turn-arounds constructed within Alpine City until such time as such standards may be changed and approved by the Alpine City governing body.

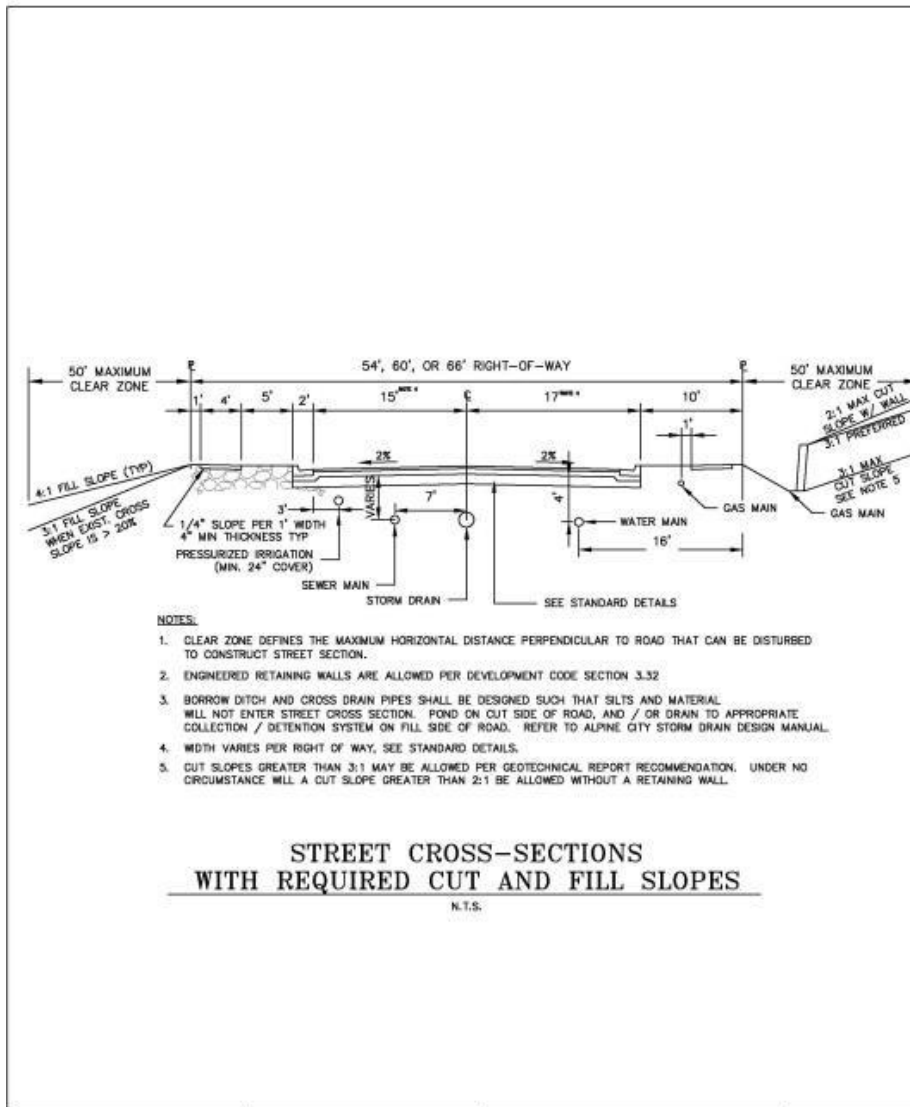
(Ord. 98-19 amending Ord. 78-03)
(R96-06, 5/28/96)

4.17 Cut And Fill Standards

1. The attached Exhibit A shall constitute the standards and specifications for cut and fills for new streets constructed within Alpine City.
2. The standards shall apply to all new streets constructed within Alpine City until such time as such standards may be changed and approved by the Alpine City governing body.
3. The City Engineer will verify that cuts and fills meet the standards and specifications of Alpine City.
4. Use of retaining walls is prohibited unless approval is recommended by the City Engineer and the Planning Commission, and approved by the City Council.

(Ord. 98-19 amending Ord. 78-03)
(R96-04: 3/12/96; amended by Ord. No. 2007- 04, 4/10/07)

[Exhibit A](#)



- NOTES:**
1. CLEAR ZONE DEFINES THE MAXIMUM HORIZONTAL DISTANCE PERPENDICULAR TO ROAD THAT CAN BE DISTURBED TO CONSTRUCT STREET SECTION.
 2. ENGINEERED RETAINING WALLS ARE ALLOWED PER DEVELOPMENT CODE SECTION 3.32
 3. BORROW DITCH AND CROSS DRAIN PIPES SHALL BE DESIGNED SUCH THAT SILTS AND MATERIAL WILL NOT ENTER STREET CROSS SECTION. POND ON CUT SIDE OF ROAD, AND / OR DRAIN TO APPROPRIATE COLLECTION / DETENTION SYSTEM ON FILL SIDE OF ROAD. REFER TO ALPINE CITY STORM DRAIN DESIGN MANUAL.
 4. WIDTH VARIES PER RIGHT OF WAY. SEE STANDARD DETAILS.
 5. CUT SLOPES GREATER THAN 3:1 MAY BE ALLOWED PER GEOTECHNICAL REPORT RECOMMENDATION. UNDER NO CIRCUMSTANCE WILL A CUT SLOPE GREATER THAN 2:1 BE ALLOWED WITHOUT A RETAINING WALL.

**STREET CROSS-SECTIONS
WITH REQUIRED CUT AND FILL SLOPES**

N.T.S.

<p>STATEMENT OF USE THIS DOCUMENT AND ANY ILLUSTRATIONS HEREON ARE PROVIDED AS STANDARD CONSTRUCTION DETAILS WITHIN ALPINE CITY. DEVIATION FROM THIS DOCUMENT REQUIRES APPROVAL OF ALPINE CITY. ALPINE CITY CORRELATION CAN NOT BE HELD LIABLE FOR MISUSE OR CHANGES REGARDING THIS DOCUMENT.</p> <p>REVISION</p> <table border="1"> <tr> <td>NO.</td> <td>BY</td> <td>DATE</td> <td>DESCRIPTION</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	BY	DATE	DESCRIPTION						<p align="center">STREET CROSS-SECTIONS</p> <p align="center">ALPINE CITY 20 NORTH MAIN ALPINE, UT 84004</p>	<p>STANDARD DRAWING NUMBER: 1b</p> <p>DRAWN BY: NEM</p> <p>CHECKED BY:</p> <p>ADOPTED DATE: 10/3/01</p>
NO.	BY	DATE	DESCRIPTION								

4.18 Legal Remedies

4.18.10 Violation

4.18.020 Enforcement; Remedies For Violation; Penalty

4.18.010 Violation

1. Any owner or agent of the owner of any land who shall fail to comply with any of the provisions of this ordinance or who knowingly makes false statements, representations or certifications in any application or document filed or required to be maintained under this ordinance shall be guilty of a violation of this ordinance; and
2. Any owner or agent of the owner of any land located in a subdivision who transfers or sells any land in that subdivision before a plan or plat has been approved and recorded in accordance with the provisions of this ordinance, shall be deemed guilty of a violation for each lot or parcel transferred or sold. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt such transaction from a violation or from the penalties and remedies provided in this ordinance.
3. Any plat of a subdivision filed or recorded without the approval required by this ordinance is void.

4.18.020 Enforcement; Remedies For Violation; Penalty

1. **Withholding Building Permits.** In addition to all other remedies, the City may enforce the provisions of this ordinance by withholding building permit, grading, excavation or similar permits, and may also refuse to issue such a permit for a building or development upon a parcel which has not been subdivision in accordance with the provisions of this ordinance.
2. **Injunction, Mandamus, Abatement.** The City or any owner of real estate within the City in which a violation of this ordinance occurs or is about to occur may, in addition to other remedies provided by law, institute:
 - a. Injunction, mandamus, abatement or any other appropriate actions; or
 - b. Proceedings to prevent, enjoin, abate or remove any unlawful building, use or act. The City need only establish the violation to obtain the injunction.
3. **Penalties.** In addition to the foregoing remedies, violation of any of the provisions of this ordinance or of any regulation, order or permit adopted or issued under this ordinance are punishable as a class C misdemeanor upon conviction either:
 - a. As a class C misdemeanor; or
 - b. By imposing a civil penalty not to exceed one thousand dollars (\$1,000) per violation per day. (Ord. 98-19

amending Ord. 78-03)

4.19 Severability

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such holding shall not affect the validity of the remaining portions of this ordinance.

(Ord. 98-19 amending Ord. 78-03)

4.20 Emergency

In the opinion of the City Council, a public emergency exists in connection with the matters herein contained, and it is therefore necessary for the peace, health, safety and the general welfare of the inhabitants of the City of Alpine that this Ordinance take effect immediately upon its adoption.

(Ord. 98-19 amending Ord. 78-03)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Chrissy Hannemann	_____	_____	_____	_____
Jason Thelin	_____	_____	_____	_____
Jessica Smuin	_____	_____	_____	_____
Brent Rummeler	_____	_____	_____	_____
Kelli Law	_____	_____	_____	_____
Presiding Officer		Attest		

Carla Merrill, Mayor, Alpine City

DeAnn Parry, City Recorder, Alpine City

ALPINE CITY COUNCIL AGENDA

SUBJECT: Code Amendment: Variance Reapplication Time Requirement

FOR CONSIDERATION ON: January 23rd, 2024

PETITIONER: City Staff

REVIEW TYPE: Legislative

ACTION REQUESTED BY PETITIONER: Approval of Time Requirements to Reapply for a Variance.

BACKGROUND INFORMATION:

The Utah State Code (10-9a-702) defines a variance as *a modification of a zoning requirement made necessary because some unique aspect of a parcel makes the requirement burdensome or unfair*. As variance requests have increased over the last year, city staff have found the need to include a requirement that a variance application that has been denied will need to wait six (6) months before applying again. Once denied, the application will need to start the process over again which requires a public meeting, notification of neighbors within 300' of the proposed property, staff reports from the city, and the review by the appeal officer to decide to grant or deny the variance.

This time requirement will help repeat applications by allowing for a thorough assessment of the proposed variance and giving the applicant enough time to address any concerns or issues raised during the previous application review process. This time restriction only applies if the applicant would like to apply for a variance with the city's appeal authority. If the applicant would like to appeal the decision of the appeal authority to the District Court, there are no restrictions from doing so.

The Planning Commission held a public hearing on this proposed amendment on January 16th, 2024. The discussion was focused on the difference between a code amendment or exception and a variance. A variance is not a favor to be granted but an injustice to be solved, and is different than a code amendment or if the code allows for an exception to be granted in certain circumstances.

MOTION: *Planning Commission member Troy Slade moved to recommend approval of Ordinance 2024-04 amending chapter 2.03.030 of the Alpine Development Code requiring a denied variance applicant to wait six (6) months before applying for another variance with these changes:*

- 1. Strike the word property and the word or following it.*

Susan Whittenburg seconded the motion. There were 6 Ayes and 0 Nays. The motion passed.

ALPINE CITY CODE:

- [Alpine Development Code 2.03.030 Variances](#)

GENERAL PLAN:

- N/A

SAMPLE MOTION TO APPROVE:

I move to approve Ordinance 2024-04 amending chapter 2.03.030 of the Alpine Development Code requiring a denied variance applicant to wait six (6) months before applying for another variance.

SAMPLE MOTION TO APPROVE WITH CONDITIONS:

I move to approve Ordinance 2024-04 amending chapter 2.03.030 of the Alpine Development Code requiring a denied variance applicant to wait six (6) months before applying for another variance with the following conditions/changes:

- ****insert additional findings****

SAMPLE MOTION TO TABLE/DENY:

I move that Ordinance 2024-04 amending chapter 2.03.030 of the Alpine Development Code requiring a denied variance applicant to wait six (6) months before applying for another variance to be tabled/denied based on the following:

- ****insert finding****

SECTION 1:**AMENDMENT** “2.03.030 Variances” of the Alpine City Development Code is hereby *amended* as follows:

AMENDMENT

2.03.030 Variances

1. Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the Hearing Officer for a variance from the terms of the ordinance.
2. An appeal for a variance shall be filed with the Zoning Administrator.
3. The Hearing Officer shall fix a reasonable time for the hearing of the appeal, and give at least ten (10) days public notice thereof, as well as due notice to the parties in interest and adjacent property owners within 300 feet, and shall decide the same within a reasonable time. Upon the hearing, any party may appear in person, by agent, or by attorney.
4. The Hearing Officer may administer oaths and compel the attendance of witnesses.
5. The Hearing Officer shall cause minutes of his/her proceedings to be kept indicating such fact, and shall cause records or his/her examinations and other official actions; all of which shall be immediately filed at Alpine City Hall and shall be public record.
6. Decisions of the Hearing Officer regarding variances become effective at the meeting in which the decision is made, unless a different time is designated in the Hearing Officer’s rules or at the time the decision is made.
7. The Hearing Officer may grant a variance only if:
 - a. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;
 - b. There are special circumstances attached to the property that do not generally apply to other properties in the same zone;
 - c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
 - d. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
 - e. The spirit of the land use ordinance is observed and substantial justice done.
8. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Part 7, the Hearing Officer may not find an unreasonable hardship unless the alleged hardship:
 - a. Is located on or associated with the property for which the variance is sought; and
 - b. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
9. In determining whether or not enforcement of the land use ordinance would cause

unreasonable hardship under Part 7, the Hearing Officer may not find an unreasonable hardship if the hardship is self-imposed or economic.

10. In determining whether or not there are special circumstances attached to the property under Part 7, the Hearing Officer may find that special circumstances exist only if the special circumstances:
 - a. Relate to the hardship complained of; and
 - b. Deprive the property of privileges granted to other properties granted in the same zone.
11. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
12. Variances run with the land.
13. The Hearing Officer may not grant a use variance.
14. In granting a variance, the Hearing Officer may impose additional requirements on the applicant that will:
 - a. Mitigate any harmful effects of the variance; or
 - b. Serve the purpose of the standard or requirement that is waived or modified.
15. Applicants seeking a variance hearing are required to observe a waiting period of six (6) months from the date of a previous variance application denial for the same request. During this waiting period, no new variance application related to the same project may be submitted to the appeal authority.

(Ord. 98-02, 1/13/98. Amended Ord. 2006-17, 11/14/06; Ord. 2013-03, 3/12/13; Ord. 2015-01, 02/10/15; Ord. No. 2017-10, 06/13/17)

**ALPINE CITY
ORDINANCE 2024-04**

**AN ORDINANCE AMENDING CHAPTER 2.03.030 OF THE ALPINE
DEVELOPMENT CODE AMENDING VARIANCE APPLICATION TIMELINES.**

WHEREAS, the Alpine City Planning Commission has reviewed proposed amendments to Chapter 2.03.030 of the Alpine Development Code and held a public hearing on January 16th, 2024, pertaining to the proposed amendments;

WHEREAS, on January 16th, 2024, the Planning Commission made a favorable recommendation of the proposed amendments to Chapter 2.03.030 of the Alpine Development Code;

WHEREAS, the Alpine City Council has reviewed the proposed amendments and deems it in the best interest of the health, safety, and welfare of Alpine City and its residents to amend Chapter 2.03.030 of the Alpine Development Code.

NOW THEREFORE, be it ordained by the Council of the Alpine City, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “2.03.030 Variances” of the Alpine City Development Code is hereby *amended* as follows:

AMENDMENT

2.03.030 Variances

1. Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the Hearing Officer for a variance from the terms of the ordinance.
2. An appeal for a variance shall be filed with the Zoning Administrator.
3. The Hearing Officer shall fix a reasonable time for the hearing of the appeal, and give at least ten (10) days public notice thereof, as well as due notice to the parties in interest and adjacent property owners within 300 feet, and shall decide the same within a reasonable time. Upon the hearing, any party may appear in person, by agent, or by attorney.
4. The Hearing Officer may administer oaths and compel the attendance of witnesses.
5. The Hearing Officer shall cause minutes of his/her proceedings to be kept indicating such fact, and shall cause records or his/her examinations and other official actions; all of which shall be immediately filed at Alpine City Hall and shall be public record.
6. Decisions of the Hearing Officer regarding variances become effective at the meeting

in which the decision is made, unless a different time is designated in the Hearing Officer's rules or at the time the decision is made.

7. The Hearing Officer may grant a variance only if:
 - a. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;
 - b. There are special circumstances attached to the property that do not generally apply to other properties in the same zone;
 - c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
 - d. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
 - e. The spirit of the land use ordinance is observed and substantial justice done.
8. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Part 7, the Hearing Officer may not find an unreasonable hardship unless the alleged hardship:
 - a. Is located on or associated with the property for which the variance is sought; and
 - b. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
9. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Part 7, the Hearing Officer may not find an unreasonable hardship if the hardship is self-imposed or economic.
10. In determining whether or not there are special circumstances attached to the property under Part 7, the Hearing Officer may find that special circumstances exist only if the special circumstances:
 - a. Relate to the hardship complained of; and
 - b. Deprive the property of privileges granted to other properties granted in the same zone.
11. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
12. Variances run with the land.
13. The Hearing Officer may not grant a use variance.
14. In granting a variance, the Hearing Officer may impose additional requirements on the applicant that will:
 - a. Mitigate any harmful effects of the variance; or
 - b. Serve the purpose of the standard or requirement that is waived or modified.
15. Applicants seeking a variance hearing are required to observe a waiting period of six (6) months from the date of a previous variance application denial for the same request. During this waiting period, no new variance application related to the same project may be submitted to the appeal authority.

(Ord. 98-02, 1/13/98. Amended Ord. 2006-17, 11/14/06; Ord. 2013-03, 3/12/13; Ord. 2015-01,

02/10/15; Ord. No. 2017-10, 06/13/17)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Chrissy Hannemann	_____	_____	_____	_____
Jason Thelin	_____	_____	_____	_____
Jessica Smuin	_____	_____	_____	_____
Brent Rummeler	_____	_____	_____	_____
Kelli Law	_____	_____	_____	_____

Presiding Officer

Attest

Carla Merrill, Mayor, Alpine City

DeAnn Parry, City Recorder, Alpine City

ALPINE CITY COUNCIL AGENDA

SUBJECT: Resolution R2024-05: Update to the Consolidated Fee Schedule – Increase in Pressurized Irrigation Rates, Sewer Rates and Cemetery Fees

FOR CONSIDERATION ON: January 23, 2024

PETITIONER: City Staff

ACTION REQUESTED BY PETITIONER: Review and Approve Resolution R2024-05 amending various fees in the fee schedule.

BACKGROUND INFORMATION:

There are several user rates and fees that are in need of being adopted as Resolution R2024-05. They are as follows:

- **Pressurized Irrigation User Rates:** After an extensive study, the City Council adopted a new user rate format in early 2023 that considers metered usage. As part of the plan, a 3% increase was approved for both the base rate and usage rate for years 2024-2027. The base rate will increase from \$40/acre per month to \$41.20 acre per month. The usage rate will increase 3% for each tier according to the table in Exhibit A. Shareholder rates will also increase by 3%.
- **Sewer Fees:** Timpanogas Service District (TSD) notified the City of a 40% increase in fees effective January 1, 2024. When this notification was received, the City was in the final stages of a rate study. We are proposing to include a \$7/month TSD surcharge for each account on the February utility bill and future months until the increase is worked into the rate model being finalized by LRB Public Finance Advisors
- **Cemetery Fees:** The new cemetery expansion has been completed and policies need to be updated prior to offering plots for sale. Staff has reviewed the expansion costs and did a comparison with other city’s cemetery fees. Following are the results:

Cemetery Survey							
	Cemetery Employees	Resident Lot Fees	Resident Upright Fees	Resident Open/Close Fees	Non Resident Lot Fees	Non Resident Upright Fees	Non Resident Open/Close Fees
Spanish Fork	3.0	\$ 1,000		\$ 550	\$ 1,300		\$ 850
Provo City	5.5	\$ 1,300		\$ 700	\$ 1,800		\$ 700
Springville	3.0	\$ 1,700		\$ 650	\$ 2,800		\$ 950
Orem	5.0	\$ 1,710		\$ 685	\$ 2,190		\$ 875
Lehi	1.5	\$ 1,000		\$ 500	\$ 1,300		\$ 850
Pleasant Grove	2.5	\$ 1,000		\$ 700	\$ 2,000		\$ 1,300
American Fork	6.0	\$ 1,500		\$ 700	\$ 1,500		\$ 700
Highland	3.0	\$ 1,210	\$ 75	\$ 600	\$ 1,690		\$ 950
Alpine City	1.0	\$ 985	\$ 75	\$ 600	N/A		\$ 1,000
Mean	3	\$ 1,267	\$ 75	\$ 632	\$ 1,823		\$ 908
Median	3	\$ 1,210	\$ 75	\$ 650	\$ 1,745		\$ 875

Staff recommends the following cemetery fees:

- Burial Plots: \$1,700 per plot (residents only; limited to purchasing 3 plots)
- Open/Close Fees: resident and non-resident fees increase by \$200

STAFF RECOMMENDATION:

Review and approve Resolution R2024-05 adopting the consolidated fee schedule with increases in pressurized irrigation rates, sewer rates and cemetery fees.

SAMPLE MOTION TO APPROVE:

I move to approve Resolution R2024-05 adopting the consolidated fee schedule with increases in pressurized irrigation rates, sewer rates and cemetery fees.

SAMPLE MOTION TO APPROVE WITH CONDITIONS:

I move to approve Resolution R2024-05 adopting the consolidated fee schedule with increases in pressurized irrigation rates, sewer rates and cemetery fees, with the following conditions/changes:

****insert finding****

SAMPLE MOTION TO TABLE/DENY:

I move to table/deny Resolution 2024-05 based on the following:

****insert finding****

**ALPINE
RESOLUTION NO. 2024-05
A RESOLUTION ADOPTING THE AMENDED CONSOLIDATED FEE SCHEDULE FOR 2024**

WHEREAS, the City of Alpine (the “*City*”) has previously adopted by resolution the fee schedule in accordance with the requirements of the state statute; and

WHEREAS, the city administrator has prepared and filed with the City Council a proposed revised fee schedule for consideration by the City; and

WHEREAS, the City determined that amending the proposed fee schedule is in the best interest of the health, safety, and financial welfare of the City; and

WHEREAS, on January 23, 2024, the proposed amended fee schedule was duly noticed as an agenda item for the consideration and action of the City Council; and

WHEREAS, public comment was received concerning the proposed increases for pressurized irrigation and sewer user rates and cemetery fees.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Alpine City as follows:

The revised fee schedule attached hereto as *Exhibit A* and made a part of this Resolution is hereby-adopted effective January 23, 2024.

SIGNED, EXECUTED AND RECORDED in the office of the City Recorder, and accepted as required herein.

PASSED AND APPROVED this 23rd day of January 2024.

ALPINE CITY COUNCIL

By: _____
Carla Merrill, Mayor

[SEAL]

VOTING:

Jason Thelin	Yea	___	Nay	___	Absent	___
Jessica Smuin	Yea	___	Nay	___	Absent	___
Kelli Law	Yea	___	Nay	___	Absent	___
Chrissy Hannemann	Yea	___	Nay	___	Absent	___
Brent Rummler	Yea	___	Nay	___	Absent	___

ATTEST:

DeAnn Parry
City Recorder

DEPOSITED in the office of the City Recorder this 23rd day of January, 2024.

RECORDED this 23rd day of January, 2024.

EXHIBIT A

Consolidated Fee Schedule

EXHIBIT A

**ALPINE CITY
CONSOLIDATED FEE SCHEDULE**

I. The following fees are hereby imposed as set forth herein:

A. CITY RECORDER:

- | | |
|--|---|
| 1. Compiling records in a form other than that maintained by the City. | Actual cost and expense for employee time or time of any other person hired and supplies and equipment. Minimum charge of \$10 per request. |
| 2. Copy of record | \$0.50/printed page |
| 3. Certification of record | \$1.00/certification |
| 4. Postage | Actual cost to City |
| 5. Other costs allowed by law | Actual cost to City |

6. Miscellaneous copying (per printed page)	<table border="1"> <thead> <tr> <th></th> <th>B/W</th> <th>Color</th> </tr> </thead> <tbody> <tr> <td>8.5 x 11</td> <td>\$ 0.10</td> <td>\$ 0.50</td> </tr> <tr> <td>8.5 x 14</td> <td>\$ 0.15</td> <td>\$ 0.70</td> </tr> <tr> <td>11 x 17</td> <td>\$ 0.20</td> <td>\$ 0.90</td> </tr> </tbody> </table>		B/W	Color	8.5 x 11	\$ 0.10	\$ 0.50	8.5 x 14	\$ 0.15	\$ 0.70	11 x 17	\$ 0.20	\$ 0.90
	B/W	Color											
8.5 x 11	\$ 0.10	\$ 0.50											
8.5 x 14	\$ 0.15	\$ 0.70											
11 x 17	\$ 0.20	\$ 0.90											

7. Electronic copies of minutes of meetings	Actual cost to City
---	---------------------

8. Maps (color copies)	<table border="1"> <tbody> <tr> <td>8.5 x 11</td> <td>\$2.50</td> </tr> <tr> <td>11 x17</td> <td>\$5.00</td> </tr> <tr> <td>24 x 36</td> <td>\$18.00</td> </tr> <tr> <td>36 x 48</td> <td>\$30.00</td> </tr> </tbody> </table>	8.5 x 11	\$2.50	11 x17	\$5.00	24 x 36	\$18.00	36 x 48	\$30.00
8.5 x 11	\$2.50								
11 x17	\$5.00								
24 x 36	\$18.00								
36 x 48	\$30.00								

9. Maps with aerial photos	<table border="1"> <tbody> <tr> <td>8.5 x 11</td> <td>\$5.00</td> </tr> <tr> <td>11 x17</td> <td>\$10.00</td> </tr> <tr> <td>24 x 36</td> <td>\$32.00</td> </tr> </tbody> </table>	8.5 x 11	\$5.00	11 x17	\$10.00	24 x 36	\$32.00
8.5 x 11	\$5.00						
11 x17	\$10.00						
24 x 36	\$32.00						

B. BUILDING PERMITS AND INSPECTIONS:

- | | |
|--|---------|
| 1. Applications: | |
| a. New Homes/Commercial Buildings | \$1,000 |
| b. Construction jobs exceeding a value of \$50,000 | \$250 |
| c. Fee for all other Building Permit Applications | \$25 |
| d. Retaining Walls | \$300 |
2. Building Permit Fees will be based on the construction values in Appendix A and in accordance with-Appendix B. Finished basements and decks shall fall under (U) Utility, miscellaneous in Appendix A.
- Refunds for permits issued will be limited to 80 percent of the permit costs, not later than 180 days after the date of fee payment. No refunds for plan review costs will be given if the plan review has been conducted.

A building permit extension fee shall be assessed when building permits for new homes have become null and void. A permit becomes null and void if work or construction is not commenced within 180 days or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. The cost of extending a permit after it has become null and void will be one-half the original building permit fee which consists of the construction fee, electrical fee, plumbing fee and heating fee. A current infrastructure protection bond will also be posted by the new owner/applicant. The original infrastructure bond will be applied to any damage that occurred after the original permit was issued.

- | | | |
|----|--|--|
| 3. | Minimum fees for issuance of individual permits including, but not limited to, meter upgrades, A/C, furnace, water heaters, etc. | Actual cost of inspection |
| 4. | One percent surcharge per building permit (Utah Code):
a. 80 percent submitted to Utah State Government,
b. 20 percent retained by City for administration of State collection. | |
| 5. | Buildings of unusual design, excessive magnitude, or potentially hazardous exposures may, when deemed necessary by the Building Official, warrant an independent review by a design professional chosen by the Chief Building Official. The cost of this review may be assessed in addition to the building permit fee set forth in item #1 above. | |
| 6. | Special Inspections | Actual cost to City |
| 7. | Re-inspection Fee | Actual cost to City |
| 8. | Retaining Wall Design Review Fee | \$135/hr + mileage at current IRS rate |

C. BUSINESS LICENSES:

- | | | |
|----|--|--|
| 1. | Home Occupations | \$50 + \$25 for one non-family employee |
| 2. | Home Occupations (no impact) | No Fee |
| 3. | Commercial | \$50 + \$25 for each employee (max of \$400) |
| 4. | Late Charge after 3/01 of each year | Double the base fee |
| 5. | Canvasser, Solicitors, and Other Itinerant Merchants Application Fee | \$25 |
| 6. | Accessory Apartment Permit | \$50 registration and annual fee |

D. ORDINANCE ENFORCEMENT:

- | | | |
|----|--|--|
| 1. | Abatement of injurious and noxious real property and unsightly or deleterious objects or structures. | Actual cost of abatement plus 20% of actual cost |
| 2. | Code Compliance Fee | \$100 per violation per day
\$200 after 60 days
\$300 after 120 days |

E. PLANNING AND ZONING:

- | | | |
|----|------------------------|-------|
| 1. | General Plan Amendment | \$350 |
| 2. | Zone Change | \$350 |

3.	Appeal Authority	\$750	
4.	Variance	\$500	
5.	Conditional Use	\$250	
6.	Subdivisions		
	a. Plat Amendment Fee	\$250	
	b. Concept Plan Review Fee	\$100 + \$20 per lot + actual cost of City Engineer's review	
	c. Preliminary Plan Fee	\$100 + \$90 per lot + actual cost of City Engineer's review	
	d. Final Plat Fee	\$100 + \$90 per lot + actual cost of City Engineer's review	
	e. Preliminary Plan Reinstatement/Extension Fee	\$100	
	f. Final Plat Reinstatement/Extension Fee	\$100	
	g. Recording Fee	\$50 per sheet + \$2 per lot	
	h. Inspection Fee	\$418 per lot	
	i. Subdivision & Building Bonds		
	(1) Performance and Guarantee	120% escrow in bank or cash bond, letters of credit are not allowed	
	(2) Infrastructure Protection	\$2,500 cash bond \$5,000 cash bond for corner lots or regular lots with more than 150 feet of frontage	
	(3) Open Space Cash Bond	\$2,500 minimum or as determined by City Engineer	
	j. Storm Water Pollution Prevention Plan (SWPPP) Cash Bonds		
	(1) New Home	\$2,000	
	(2) Subdivision	\$200 per lot or \$2,000 minimum	
	(3) Other	As determined by City Engineer	
7.	Publications		
	a. General Plan	Electronic \$15	Hard Copy \$10
	b. Subdivision Ordinance	\$15	\$30
	c. Zoning Ordinance	\$15	\$30
8.	Site Plan Review Fee		
	a. Residential (not in approved subdivision)	\$150 + actual cost of engineering review	
	b. Commercial	\$250 + actual cost of engineering review	
9.	Lot Line Adjustment	\$125	
10.	Annexation		
	a. Application Fee	\$800	
	b. Plat Review Fee	\$200	

- c. Annexation Study Fee Actual cost
- 11. Sign Permits
 - a. Application Fee \$25
 - b. Inspection Fee Actual cost

Application fee shall not apply to temporary non-profit signs
- 12. Utah County Surveyor Plat Review Fee \$125
- 13. Preservation Coat \$0.30 per square feet of asphalt area
- 14. Street Light Connection Fee \$150 per light
- 15. Credit Card Payments will only be accepted for total payments not exceeding \$1,000

F. PUBLIC WORKS:

- 1. Streets
 - a. Street Dedication or Vacation \$300
 - b. Street Name Change Application \$100
 - c. New Street Sign for Name Change Application \$75 per sign
- 2. Concrete Inspection Permits
 - a. Curb and Gutter \$35
 - b. Sidewalk \$35
- 3. Excavation Permits, Asphalt/Concrete Cuts/
Unimproved Surface
 - a. Excavation Bond \$4,000
 - b. Minimum fee for cuts in paved surfaces more than 3 years old \$300 + \$1.50 per square foot
 - c. Minimum fee for cuts in paved surfaces less than 3 years old \$300 + \$3.00 per square foot
- 4. Land Disturbance Permit \$300
- 5. Culinary Water Rates (Temporary disconnection is not permitted unless authorized by the Alpine City Administrator.):
 - a. Box Elder and those portions of Willow Canyon and any other areas of the City that cannot be served by pressurized irrigation:

Amount Used	Rate
0 to 8,000 gallons per month (base rate) + meter fee	\$17.00
Each 1,000 gallons over 8,000 gallons to 60,000 gallons per month	\$0.90
Each 1,000 gallons over 60,000 gallons to 175,000 gallons per month	\$1.40
Each 1,000 gallons over 175,000 gallons per month	\$2.80

b. All other users:

Amount Used	Rate
0 to 8,000 gallons per month (base rate) + meter fee	\$17.00
Each 1,000 gallons over 8,000 gallons to 10,000 gallons per month	\$2.00
Each 1,000 gallons over 10,000 gallons to 12,000 gallons per month	\$3.00
Each 1,000 gallons over 12,000 gallons per month	\$4.00

6. Culinary Water Meter Connection Fee (In addition to Impact Fee)

Minimum Lot Size Requirements	Meter Size	Fee
N/A	3/4"	\$450
One acre or larger or commercial use	1"	\$600
As justified by engineering requirements	1.5"	\$900
As justified by engineering requirements	2"	\$1,250

7. Pressurized Irrigation Connection Fee (In addition to Impact Fee)

Required for older services that are unable to accept a meter

Description	Meter Size	Fee
1" Service, only requires meter adapter parts	1"	\$50
1" Service, requires reconstruction	1"	\$600
1.5" Service, requires reconstruction	1.5"	\$900
2" Service, requires reconstruction	2"	\$1,250
Other	-	Actual cost of parts and labor

8. Pressurized Irrigation Meter Connection Fee (in addition to Impact Fee and Pressurized Irrigation Connection Fee, if applicable)

Description	Meter Size	Fee
1" Meter installation with provisions for meter	1"	\$500
1.5" Meter installation with provisions for meter	1.5"	\$1,000
2" Meter installation with provisions for meter	2"	\$1,300
Other	-	Actual cost of parts and labor

9. Pressurized Irrigation Rates (Temporary disconnection is not permitted unless authorized by the Alpine City Administrator. See example calculation in Appendix C):

Users	Rate
All Users - meter fee	\$1.00
Residential, Commercial, Church and School Users	Base Rate + Usage Rate = Total Bill (see Base Rate and Usage Rates below)
Residential shareholders in Alpine Irrigation Co.	\$0.000643 \$0.000662 per square foot per month
Agricultural shareholder in Alpine Irrigation Co.	\$1.20 \$1.23 per square foot acre per month
Excess Share Credit	\$5.20 \$5.36 per share per month

- a. 2023~~4~~ Pressurized Irrigation Base Rate Calculation = ~~\$40~~ \$41.20 per acre per month
- b. 2023~~4~~ Pressurized Irrigation Usage Rate Calculation= Cost is calculated through a tiered rate structure based on an allocation of water for the size and type of property, gallons used and which month the water is used. Tiered rates, allocation amounts and allocations by month are all shown below:

Tiered Rates	
Tier	Cost/1,000 gallons
1	\$0.12 \$0.125
2	\$0.343 \$0.357
3	\$0.429 \$0.446
4	\$0.686 \$0.713
5	\$1.029 \$1.070
6	\$1.303 \$1.355
Allocation Amounts*	
Use	Allocation (gallons/acre)
Residential	118,175
Commercial	36,930
Churches	64,627
Schools	97,864
*Allocation amounts fluctuate by month to account for seasonal water needs as follows:	
Month	Percentage of Gallons Allowed by Tier
April/October	34%
May/June/September	92%
July/August	129%
<i>(See example calculations in Appendix C)</i>	

Monthly Gallons Allowed per Acre for Each Tier					
Use	Tier	% Allocation Allowed	April / October	May/June/ September	July/August
Residential	1	0-75%	30,000	81,750	114,000
	2	75-100%	10,000	27,250	38,000
	3	100-150%	20,000	54,500	76,000
	4	150-200%	20,000	54,500	76,000
	5	200-250%	20,000	54,500	76,000
	6	250%+	Unlimited	Unlimited	Unlimited
Commercial	1	0-75%	9,375	25,547	35,625
	2	75-100%	3,125	8,516	11,875
	3	100-150%	6,250	17,031	23,750

	4	150-200%	6,250	17,031	23,750
	5	200-250%	6,250	17,031	23,750
	6	250%+	Unlimited	Unlimited	Unlimited
Churches	1	0-75%	16,406	44,707	62,344
	2	75-100%	5,469	14,902	20,781
	3	100-150%	10,938	29,805	41,563
	4	150-200%	10,938	29,805	41,563
	5	200-250%	10,938	29,805	41,563
	6	250%+	Unlimited	Unlimited	Unlimited
Schools	1	0-75%	24,844	67,699	94,406
	2	75-100%	8,281	22,566	31,469
	3	100-150%	16,563	45,133	62,938
	4	150-200%	16,563	45,133	62,938
	5	200-250%	16,563	45,133	62,938
	6	250%+	Unlimited	Unlimited	Unlimited

10. Other Utility Fees and Rates

- a. Deposit of \$100 refunded after one year of prompt payment \$100 deposit
- b. Transfer of service \$25
- c. Delinquent and Disconnect/Reconnect
 - (1) First time annually: \$70 + 10% penalty (the \$70 + 10% will be waived if the customer signs up for automatic bill pay by credit card through Xpress Bill Pay)
 - (2) Subsequent times \$45 + 10% penalty
- d. Utility tampering fee \$299
- e. Fees for Damage to Culinary Water Meter Components:
 - (1) Endpoint \$175
 - (2) Meter Can Lid \$50
 - (3) Meter Can Ring \$90
 - (4) Other Components at cost
- f. Fees for Damage to Pressurized Irrigation Meter Components:
 - (1) Endpoint \$175
 - (2) Complete Box for 1" Meter (includes lid) \$200
 - (3) Complete Box for 1.5" & 2" Meter (includes lid) \$550
 - (4) Lid for 1" Meter \$55
 - (5) Lid for 1.5" and 2" Meter \$200
 - (6) Other Components at cost

11. Water Management Plan Violation Fees:

- a. 1st Violation: Written warning
- b. 2nd Violation: Service will be locked with \$50 fee required to have lock removed.
- c. 3rd and Subsequent Violations: Service will be locked with \$200 fee required to have lock removed

12. Sewer Connection Fee

\$125

13. Sewer Usage Rate

a.

Amount Used	Rate
0 to 2,000 gallons per month	\$14.40
Each 1,000 gallons over 2,000 gallons per month	\$3.94

Sewer rates are based on average monthly water use from October 1 – March 30.

b. Timpanogas Service District Surcharge: \$7/utility account per month

14. Storm Drain Usage Rate

Parcels	Rate
Residential (1 ERU)	\$5.00 per month
Commercial	The charge shall be based on the total square feet of the measured impervious surface divided by 4,200 square feet (or 1 ERU), and rounded to the nearest whole number. The actual total monthly service charge shall be computed by multiplying the ERU's for a parcel by the rate of \$5.00 per month. See Municipal Code 14-403.6 for available credits.
Undeveloped	No charge

15. Infrastructure Protection Violation \$300

16. Monthly Residential Waste

- a. Collection Fee (1st unit) \$11.50
- b. Collection Fee each additional unit \$6.40
- c. Recycling (1st unit) \$6.25
- d. Recycling each additional unit \$6.25

17. Transfer of Utility Service \$25

G. PARKS:

- 1. Resident General City Park Reservation \$25 use fee
- 2. Non-resident General City Park Reservation (Parks other than Creekside Park) \$75 use fee
- 3. Non-resident Creekside Park Reservation \$100 use fee
- 4. Sports use of City Parks
 - a. Rugby, Soccer, Football, Baseball, etc. \$2 per player
 - b. Outside Leagues \$10 per game
- 5. Mass Gathering Event Application Fee
 - a. Residents \$150
 - b. Non-resident \$300
 - c. Business Entities \$2,500

- 6. Lambert Park
 - a. Event - Resident \$25 + \$150 deposit
 - b. Event - Non-resident \$75 + \$150 deposit
 - c. Races in Lambert Park \$500 + mass gathering fee and deposit
- 7. Rodeo Grounds
 - a. Event - Resident \$25 + \$150 deposit
 - b. Event - Non-resident \$75 + \$150 deposit
- 8. Moyle Park Weddings
 - a. Moyle Park Wedding - 100 people or fewer \$100
 - b. Moyle Park Wedding - 100+ people \$200
 - c. Non-resident Moyle Park Wedding - 100 people or less \$200
 - d. Non-resident Moyle Park Wedding - 100+ people \$400

H. IMPACT FEES:

- 1. Storm Drain \$800
- 2. Street \$1,183.32
- 3. Park/Trail \$2,688
- 4. Sewer \$362.52
- 5. Timpanogos Special Service District ~~\$3,559 through 12/31/23;~~ \$4,981 beginning 1/1/24
- 6. Culinary Water
 - a. With Pressurized Irrigation Service \$1,162.99
 - b. Without Pressurized Irrigation Service \$13,955.88
- 7. Culinary Water without Pressurized Irrigation
 - a. 0.25 acre lot \$4,666.95
 - b. 0.5 acre lot \$4,833.62
 - c. 1 acre lot \$6,722.63
 - d. Larger lots, Commercial, Religious & Educational Calculated**

**Calculation will be as outlined in the "2021 Pressurized Irrigation System Master Plan, Impact Facility Plan & Impact Fee Analysis" dated December 2021, prepared by Horrocks Engineers.
- 8. Pressurized Irrigation \$0.095 per square foot

I. CEMETERY:

- 1. Above ground marker or monument (upright) \$75
- 2. Single Burial Lot or Space (resident only) ~~\$985~~ \$1,700 (limited to purchasing 3 plots)

3. Opening & Closing Graves*

	Weekday	Saturday
Resident	\$600 \$800	\$850 \$1,050
Resident Infant (under one year)	\$125	\$350
Non-Resident Infant (under one year)	\$175	\$400
Non-Resident	\$1,000 \$1,200	\$1,500 \$1,700

4. Disinterment \$1,500
City will remove all earth and obstacles leaving vault exposed

5. Cremation
 a. Burial of ashes - Resident Non-Residents \$500

6. Deed Work \$50

7. *No Holiday Burials or Burials after 2:00 PM

J. SMALL WIRELESS FACILITIES RIGHT-OF-WAY RATES:

The fee a wireless provider shall pay for the right to use the right-of-way shall be the greater of the following:

1. 3.5% of all gross revenue relative to the wireless provider's use of the right-of-way for small wireless facilities; or
2. \$250 annually for each small wireless facility.

II. OTHER FEES:

It is not intended by this Resolution to repeal, abrogate, annul or in any way impair or interfere with the existing provisions of other resolutions, ordinances, or laws except to effect modification of the fees reflected above. The fees listed in the Consolidated Fee Schedule supersede present fees for services specified, but all fees not listed remain in effect. Where this Resolution imposes a higher fee than is imposed or required by existing provisions, resolution, ordinance, or law, the provisions of this Resolution shall control.

APPENDIX A

Square Foot Construction Costs^{a, b, c, d}

Group	(2008 International Building Code)	Type of Construction								
		IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A-1	Assembly, theaters, with stage	207.99	201.27	195.59	188.35	177.31	172.08	182.33	161.78	155.82
	Assembly, theaters, without stage	189.37	181.85	178.97	169.72	157.73	152.50	162.70	142.19	136.23
A-2	Assembly, nightclubs	160.95	155.84	151.87	146.10	137.40	133.65	140.99	124.59	120.41
A-2	Assembly, restaurants, bars, banquet halls	159.36	154.84	149.87	145.10	135.40	132.59	139.99	122.59	119.41
A-3	Assembly, churches	191.73	185.01	180.33	172.08	161.08	155.82	166.05	145.52	139.56
A-3	Assembly, general, community halls, libraries, museums	182.11	165.39	149.71	142.46	129.82	126.20	135.44	114.89	109.83
A-4	Assembly, arenas	187.37	180.85	174.97	167.72	155.73	151.50	161.70	140.19	135.23
B	Business	161.10	165.30	160.33	143.24	130.34	125.39	137.63	114.22	109.47
E	Educational	176.25	170.31	165.47	158.26	148.32	140.74	153.03	130.54	125.61
F-1	Factory and industrial, moderate hazard	97.88	83.20	87.88	84.88	78.10	72.71	81.54	62.67	59.24
F-2	Factory and industrial, low hazard	98.68	92.20	87.88	83.88	78.10	71.71	80.54	62.67	58.24
H-1	High Hazard, explosives	91.50	87.02	82.70	78.78	71.10	68.71	75.38	57.87	N.P.
H234	High Hazard	91.50	87.02	82.70	78.78	71.10	66.71	75.36	57.67	53.24
H-5	HPM	161.10	165.30	160.33	143.24	130.34	125.39	137.63	114.22	109.47
I-1	Institutional, supervised environment	181.32	155.78	151.81	145.46	135.81	132.09	146.81	122.94	118.11
I-2	Institutional, hospitals	271.13	265.33	260.35	253.27	239.63	N.P.	247.66	223.51	N.P.
I-2	Institutional, nursing homes	189.55	183.75	178.78	171.89	159.17	N.P.	168.08	143.05	N.P.
I-3	Institutional, restrained	185.18	179.37	174.39	167.30	155.66	149.72	161.89	139.55	132.80
I-4	Institutional, day care facilities	161.32	155.78	151.81	145.46	135.81	132.09	146.81	122.94	118.11
M	Mercantile	119.24	114.73	109.76	104.89	95.94	93.10	99.88	83.13	79.95
R-1	Residential, hotels	163.43	157.80	153.72	147.58	137.69	133.97	148.68	124.81	118.99
R-2	Residential, multiple family	136.97	131.44	127.26	121.11	111.35	107.83	122.34	98.47	93.85
R-3	Residential, one- and two-family	129.98	126.37	123.27	120.01	115.61	112.81	118.02	108.33	101.85
R-4	Residential, care/assisted living facilities	181.32	155.78	151.81	145.46	135.81	132.09	146.81	122.94	118.11
S-1	Storage, moderate hazard	90.50	86.02	80.70	77.78	69.10	65.71	74.36	55.67	52.24
S-2	Storage, low hazard	89.50	85.02	80.70	76.78	69.10	64.71	73.36	55.67	51.24
U	Utility, miscellaneous	69.10	65.33	61.44	58.37	52.71	49.14	55.08	41.81	39.61

- a. Private Garages use Utility, miscellaneous
- b. Unfinished basements (elf use group) = \$15.00 per sq. ft.
- c. For shell only buildings deduct 20 percent.
- d. N.P. = not permitted

Electronic files of the latest Building Valuation Data can be downloaded from the Code Council website at www.iccsafe.org/cs/techservices

APPENDIX B

BUILDING PERMIT FEES (2021 IRC Appendix AL, as amended)

Total Valuation	Fee
\$1 to \$500	\$24
Total Value from \$501 to \$2,000	
First \$500 Plust \$3 for each additional \$100 or fraction thereof, to and including \$2,000	\$24
Total value _____ = _____ - 5 = _____ x \$3 = _____ 100	
Building Permit Fee _____	
Total Value from \$2,001 to \$40,000	
First \$2,000 Plust \$11 for each additional \$1,000 or fraction thereof, to and including \$40,000	\$69
Total value _____ = _____ - 2 = _____ x \$11 = _____ 1,000	
Building Permit Fee _____	
Total Value from \$40,001 to \$100,000	
First \$40,000 Plust \$9 for each additional \$1,000 or fraction thereof, to and including \$100,000	\$487
Total value _____ = _____ - 40 = _____ x \$9 = _____ 1,000	
Building Permit Fee _____	
Total Value from \$100,001 to \$500,000	
First \$100,000 Plust \$7 for each additional \$1,000 or fraction thereof, to and including \$500,000	\$1,027
Total value _____ = _____ - 100 = _____ x \$7 = _____ 1,000	
Building Permit Fee _____	
Total Value from \$500,001 to \$1,000,000	
First \$500,000 Plust \$5 for each additional \$1,000 or fraction thereof, to and including \$1,000,000	\$3,827
Total value _____ = _____ - 500 = _____ x \$5 = _____ 1,000	
Building Permit Fee _____	
Total Value from \$1,000,001 to \$5,000,000	
First \$1,000,000 Plust \$3 for each additional \$1,000 or fraction thereof, to and including \$5,000,000	\$6,327
Total value _____ = _____ - 1,000 = _____ x \$3 = _____ 1,000	
Building Permit Fee _____	
Total Value from \$5,000,001 and over	
First \$5,000,000 Plust \$1 for each additional \$1,000 or fraction thereof	\$18,327
Total value _____ = _____ - 5,000 = _____ x \$1 = _____ 1,000	
Building Permit Fee _____	

<https://codes.iccsafe.org/content/IRC2021P2/appendix-al-permit-fees>

APPENDIX C

2023 PRESSURIZED IRRIGATION RATE CALCULATION EXAMPLE

See consolidated fee schedule for base rate, usage tiered rates, allocation amounts, gallons allowed per tier, etc.

Property Type = Residential
Property Acreage = 0.35 acres
Metered Usage = 125,000 gallons
Month = July

Step 1 – Calculate the Base Rate

Base Rate = $0.35 * \$40 = \14.00

Steps 2 – 5 Calculate the Usage Rate

Step 2 – Calculate the allowed gallons per tier, using the property size

$0.35 \times \text{Tier 1 Allowed Gallons} = 0.35 * 114,000 = 39,900$

$0.35 \times \text{Tier 2 Allowed Gallons} = 0.35 * 38,000 = 13,300$

$0.35 \times \text{Tier 3 Allowed Gallons} = 0.35 * 76,000 = 26,600$

$0.35 \times \text{Tier 4 Allowed Gallons} = 0.35 * 76,000 = 26,600$

$0.35 \times \text{Tier 5 Allowed Gallons} = 0.35 * 76,000 = 26,600$

$0.35 \times \text{Tier 6 Allowed Gallons} = \text{Unlimited Gallons}$

Step 3 – Calculate how many gallons were used in each tier

Total gallons used was 125,000 gallons, these needs spread out into the tiers, starting with Tier 1

Tier 1 = $125,000 - 39,900 = 85,100$ left over, all allowed 39,900 gallons used in this tier

Tier 2 = $85,100 - 13,300 = 71,800$ left over, all allowed 13,300 gallons used in this tier

Tier 3 = $71,800 - 26,600 = 45,200$ left over, all allowed 26,600 gallons used in this tier

Tier 4 = $45,200 - 26,600 = 18,600$ left over, all allowed 26,600 gallons used in this tier

Tier 5 = $18,600 - 26,600 = \text{None left over}$, 18,600 used in this tier

Tier 6 – None left over, no gallons used in this tier in this example

Step 4 – Calculate cost per tier

Tier 1 cost = $\$0.120 * 39,900 / 1000 = \4.79

Tier 2 cost = $\$0.343 * 13,300 / 1000 = \4.56

Tier 3 cost = $\$0.429 * 26,600 = \11.41

Tier 4 cost = $\$0.686 * 26,600 = \18.25

Tier 5 cost = $\$1.029 * 18,600 = \19.14

Tier 6 cost = $\$1.303 * 0 = \0.00

Step 5 – Calculate total Usage Rate by adding tiered costs from Step 4

	\$ 4.79
	\$ 4.56
	\$11.41
	\$18.25
	\$19.14
	+ \$ 0.00
<hr/>	
Total Usage Rate	= \$58.15

Step 6 – Calculate Pressurized Irrigation Bill by adding the Base Rate and Usage Rate

Base Rate \$14.00

Usage Rate + \$58.15

Total PI Bill = \$72.15