



ALPINE CITY COUNCIL MEETING

NOTICE is hereby given that the **CITY COUNCIL** of Alpine City, Utah will hold a **Meeting** on **Tuesday, September 9, 2014 at 6:30 pm** at Alpine City Hall, 20 North Main, Alpine, Utah as follows:

I. CALL MEETING TO ORDER*

- A. Roll Call:** Mayor Don Watkins
- B. Prayer:** Will Jones
- C. Pledge of Allegiance:** By Invitation

II. PUBLIC COMMENT: The public may comment on items that are not on the agenda.

III. CONSENT CALENDAR

- A. Approve the minutes of August 26, 2014**

IV. REPORTS AND PRESENTATIONS

- A. Deer Population Control Issues - Part I**

V. ACTION/DISCUSSION ITEMS

- A. Appointment to Planning Commission:** The Council will consider an appointment to fill a vacancy on the Planning Commission.
- B. Wireless Telecommunication Ordinance:** The City Council will review a proposal to amend the Telecommunication Ordinance (Article 3.27) to create an alternate submission procedure for cell tower upgrades that did not involve a substantial change to the existing tower.
- C. Fireworks at Creekside Park Next Year on July 4th and July 24th Discussion:** The City Council will consider how they would like to deal with fireworks at Creekside Park next year on July 4th and July 24th.
- D. Planned Residential Development (PRD) Ordinance Amendment:** The City Council will decide on a proposal to amend the PRD ordinance (Article 3.9) that involves the slope requirements.
- E. Vandalism at Lambert Park:** The City Council will consider how they want to deal with vandalism in Lambert Park.

VI. STAFF REPORTS

VII. COUNCIL COMMUNICATION

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

ADJOURN

***Council Members may participate electronically by phone.**

Don Watkins, Mayor
September 5, 2014

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) 756-6241.

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

ALPINE CITY COUNCIL MEETING
Alpine City Hall, 20 N. Main, Alpine, UT
August 26, 2014

I. CALL MEETING TO ORDER: The meeting was called to order at 6:38 pm by Mayor Don Watkins.

A. Roll Call: The following were present and constituted a quorum:

Mayor Don Watkins

Council Members: Lon Lott, Roger Bennett, Will Jones

Council Members not present: Troy Stout, Kimberly Bryant. Mayor Watkins explained that Troy Stout was undergoing chemotherapy and was unable to attend. Kimberly Bryant was also ill.

Staff: Rich Nelson, Charmayne Warnock, David Church, Shane Sorensen, Jason Bond, Brian Gwilliam, Brad Freeman, Joe McCrae

Others: Christian Hill, Daun Hill, Kellie Hall, Craig Chagnon, Shae Norton, Alyssa Walker, Chris Lamoureux, Gilbert Lamoureux, Cathy Lamoureux, Lynn Broadbent, DeAnza Tirrell, Trevor Tirrell, Jay Garlick, Mija Garlick, Lisa Brown, Nancy Brown, Loretta Allen, Spencer Pinegar, Alex Merrifield, Blair Holman, Margie Holman, Darrell Duty, Angela Duty, Michael Card, Eli Lund, Don Rogers, Downing Akin, Bob Nash, Sheri Nahs, Kelly Gregory, Keith Gregory, Robert Patterson

B. Prayer:

Lynn Broadbent

C. Pledge of Allegiance:

Gilbert Lamoureux

II. PUBLIC COMMENT: Blair Holmes said there appeared to be no consistency in City policy on whether or not signs stayed up. He said they had put up signs for ward functions that were taken down. On the other hand, he'd seen political signs that stayed up for weeks.

There were a number of young men present who were there to present their Eagle scout project. They were invited to come forward.

Alex Merrifield said he wanted to clean up and renew the area around the old Lambert homestead in Lambert Park. He would cut down the starter trees and overgrowth inside the building and clear out the piles of deadwood. Some signs were broken and needed to be fixed. He also want to "eternalize" the plaque. Roger Bennett reminded him to paint the cut trees so they didn't grow back.

Shae Norton said he planned to work on the debris basin at the corner of Country Manor Lane and Preston Drive. It used to have grass that the kids could play on but it got filled up with mud. He would take out the mud and reseed. In regard to a question about watering it, Shane Sorensen said it was getting water, and he approved the plan.

Trevor Tirrell said his project would be painting the curb in front of the Alpine West Stake Center. There was no paint there and the cars parked along it. Rich Nelson said the Fire Department had approved the project.

Spencer Pinegar said he planned to paint the curbs around the fire hydrants on the east side of Alpine. Cars parked in front of the hydrants and if there was a fire, the trucks couldn't get to the hydrants. He would also paint the curbs around the Healey church. Rich Nelson said the curb by the fire hydrants had been approved. They would need to check on painting the curb by the church.

Christian Hill said he wanted to replace the signs at Moyle Park and repaint the front pavilion, which was splitting apart. He had talked to Hunt Willoughby who was going to help him make the sign out of better material. The repainting, scraping and staining would be done by his scout troop.

Gilbert Lamoureux said he would get 20 volunteers to paint the curbing around 50 fire hydrants in the Alpine area. Some of the volunteers would be painting and some would be a safety lookout. He had a map of the service area and the UDOT regulations on painting curbing.

1 Rhonda Bromley, the new principal of Lone Peak High School, introduced herself and the assistant principals. She
 2 said they had an enrollment of 2,557 teenagers. Nine groups from the school had participated in the Alpine Days
 3 parade and had so much fun. There was a good feeling in the community and she appreciated the school's
 4 partnership with Lone Peak Police Department. They had a new resource officer at the school this year. Mayor
 5 Watkins asked what the Council could do to support the school. Ms. Bromley suggested they attend the games. She
 6 then passed out Lone Peak tee shirts to the Council and staff.

7 8 **III. CONSENT CALENDAR**

9 10 **A. Approve the minutes of July 22, 2014**

11 **MOTION:** Will Jones moved to approve the Consent Calendar and the minutes of July 22, 2014 as amended. Lon
 12 Lott seconded. Ayes: 3 Nays: 0. Will Jones, Roger Bennett, Lon Lott voted aye. Motion passed unanimously.

13 14 **IV. REPORTS AND PRESENTATIONS: None**

15 16 **V. ACTION/DISCUSSION ITEMS**

17
18
19 **A. Fort Canyon Parking:** Mayor Don Watkins said he had met with City Staff and the City Attorney,
 20 and had suggestions for the Council. They would also weigh heavily the points of view of the residents.

21
22 Rich Nelson said that ever since KSL had run their article about Sliding Rock, the parking along Fort Canyon Road
 23 had been out of control. Not only was it obnoxious to the residents, it was also a safety hazard. The City Council had
 24 met with the major landowner of the Sliding Rock area and concluded that No Parking signs would be placed on
 25 both sides of the road and parking tickets would be issued. However, that had not worked as well as they'd hoped.
 26 Prior to the signs in Fort Canyon, the police issued 35 parking tickets throughout the city of Alpine. Since the
 27 parking signs went up, 153 parking tickets were issued and most of them were in Fort Canyon. The parking fines
 28 had not deterred the parking. People seemed to think that \$35 was reasonable for a night out with the kids. He said
 29 some of the people getting tickets were bishops and leaders of youth groups who were having activities up the
 30 canyon. He said that if they would call City Hall first and let them know, they wouldn't issue tickets. But sometimes
 31 they didn't call, tickets were issued, and people were upset.

32
33 Rich Nelson said they decided to revisit the issue before next spring. Their plan was to leave up the No Parking
 34 signs and continue to write tickets. They also suggested the people who lived up Fort Canyon and were planning and
 35 event contact the church at the base of the canyon and ask if people could park there. They could then shuttle them
 36 up to their house.

37
38 Mayor Watkins said that he'd spoken with Public Safety and it wasn't safe to park on either side of the road. Years
 39 ago they had lost a child on that road. He said that the Live Nativity had 15,000 people attend. There was no parking
 40 on Grove Drive. Instead they had people park at the church and they transported them to the site.

41
42 Andrea Bishop said she lived up Fort Canyon. They usually had a monthly event at their home. She said that years
 43 ago the City made them pay to widen the road in front of their home and put in curb, gutter and sidewalk all the way
 44 to their property line. She said they should be allowed to have people park in front of their home. The No Parking
 45 signs should be placed up past their property line.

46
47 Jay Garlick said he was a BYU bishop and they had family home evening events at their home for the BYU kids.
 48 They had lived there 11 years and never had a problem with parking. He said they had three or four weddings at
 49 their home, and recently they had an officer giving tickets at his daughter's wedding. He said they'd been told by the
 50 City that they should call if they were having an event, but they'd forgotten to call on this one. Still, the officer knew
 51 they were having a wedding and he issued three tickets. He said he called Dispatch and they didn't know what he
 52 was talking about. Mayor Watkins noted that they were so supposed to call Alpine City so they could alert the
 53 officers.

54
55 Jay Garlick said the problem had been resolved, but his proposal was that the signs be moved farther up the canyon
 56 and not placed in front of his home. He didn't think they should be penalized for a problem up the canyon.

1
2 Mayor Watkins asked if it would be safe to park where the sidewalk was broken. The response from Public Safety
3 was no.
4

5 Darrell Duty said he lived at the top of the Fort Canyon Road where everyone parked to go to Sliding Rock. The
6 road was so narrow, there was no room for parking. Two of his daughters were in a head-on collision because the
7 road was so narrow. He disagreed about moving the parking signs higher up the canyon. If there was a fire at the top
8 of the canyon, the fire trucks wouldn't be able to get through. He commended the police and said they were doing an
9 outstanding job. He felt the traffic had been reduced by 80 percent. But he was still picking up trash. He suggested
10 the fine be even higher than \$35. The problem was they had people coming who were not from Alpine. They were
11 mostly young people who had no respect for other people's property. When it was hot, he was calling the police
12 three times a day.
13

14 Don Rogers said he lived on Fort Canyon Road. He was speaking for his wife regarding an email she sent. When the
15 signs were first put up to solve a problem at the end of the road, it seemed unreasonable for other residents on the
16 road. It hadn't stopped people from going to Sliding Rock, and it caused problems for people living along the road.
17 He had choir practice at his home. The best solution would be to provide an off-street parking area for people going
18 to Sliding Rock.
19

20 Kelly Gregory said they had provided an off-street parking lot. It was an opportunity for their son to have a summer
21 job so they opened up their property as a parking lot. She guessed that about half of the people who used it were
22 from Alpine. Sometimes they had old timers from Alpine with no money that just wanted to park, and they let them.
23 She said they'd had no issues, no garbage, no vandalism. The only the issue they'd seen was by the Duty's home. She
24 said the signs needed to be moved up past the Garlick house, but it was still a one-lane road.
25

26 Lisa Brown said she was the one whose road was falling apart. It had gotten so bad that she had people parking in
27 her driveway and lower down. She'd had motorcycles roll all the way down and fall on top of equipment. She was
28 grateful for the police. There were times when she couldn't get the cars out of her driveway. They were all kids with
29 out-of-state license plates. She said she was grateful for the big rocks that had been placed along her property to
30 keep people from parking there. She asked if it would be easier for residents to have something to put on their
31 windshield when they had an event so they wouldn't be ticketed.
32

33 Lynn Broadbent said he'd seen a lot of changes up Fort Canyon in the time he lived there. The thing that concerned
34 him more than the parking was the speeding. There would be some serious wrecks. He said that if they stopped
35 people from parking, they would be walking up the road which was more dangerous. It would help if they got the
36 development up the canyon built and widened the road and provided a parking lot.
37

38 Jay Garlick said he concurred with Lynn Broadbent and asked how fast a bike could legally come down the road.
39

40 Police Chief Brian Gwilliam said bikes were no safer than cars. In many cases they were worse because they
41 ignored speed limit signs and didn't stop at stop signs. He said writing tickets was not the favorite thing to do for his
42 officers, but they were asked to enforce the law. He was making no apologies for his officers for doing their job. He
43 said the road was too narrow for parking. He'd worked in Alpine for 20 years and when there was an accident on
44 Fort Canyon Road, it was not a fender bender. There were also motorcycle accidents with serious injuries.
45

46 Fire Chief Brad Freeman said he had two concerns with people parking on either side of the road. First, the fire
47 department couldn't get through with their fire trucks. Second, when cars pulled off the road onto the grass, the heat
48 from the car could start a fire. That was what started the fire up Fort Canyon a few years ago. If they parked off the
49 road, the grass would have to be mowed or plowed under.
50

51 Mayor Watkins thanked the public for their comments and their civility. He opened the discussion to the Council.
52

53 Lon Lott asked if people were paying their tickets. He said he liked the idea of raising the fine, but it would be
54 pointless if the tickets weren't being paid. Brian Gwilliam said he didn't know if the fines were being paid. They
55 would have to check with the court.
56

1 Will Jones said he agreed with Andrea Bishop's comment. The width of pavement in front of their property was the
2 same as in other parts of town. He said that when Fort Canyon Road was eventually improved as part of the Three
3 Falls development, people would still not be able to park on both sides of the road because there would be retaining
4 walls. Widening the road even more would increase the height of the retaining walls, plus every time a road was
5 widened, it increased the speed of the cars. He said Sliding Rock would go away when the development was built.
6 The City did not want to preserve it because of the liability. The development plan showed a parking area just inside
7 the gate, but it was not for Sliding Rock. It was to provide access to the trails.

8
9 Regarding signage, Mayor Watkins said there appeared to be a pretty good consensus that the road up to the end of
10 the sidewalk would not have to be signed because it was wider. They would still not allow parking past that point.

11
12 Jay Garlick said the kids from BYU came in the evening and didn't always see the signs. Mayor Watkins suggested
13 he email them and let them know about the parking restriction.

14
15 **MOTION:** Will Jones moved to continue the No Parking sign policy for Fort Canyon Road with the exception that
16 they remove the signs up to the end of the Bishop's property and have No Parking signs across the street from the
17 Anderson property. Roger Bennett seconded. Ayes: 3 Nays: 0. Will Jones, Roger Bennett, Lon Lott voted aye.
18 Motion passed.

19
20 **B. Sprint Cell Tower Upgrade:** Jason Bond said the upgrade request had been to the Planning
21 Commission who reviewed the plan and recommended the Council approve it. They asked that Sprint work with the
22 neighbors to mitigate any negative impact on the neighborhood. He then turned the time over to Craig Chagnan who
23 represented Sprint.

24
25 Mr. Chagnan said they would be adding two antennae to the tower which would expand the coverage, breadth and
26 speed of their service. It was phase two of the technology upgrade they started the previous year. A condition of
27 approval from a year ago was that they landscape the site. Five trees were planted but the watering system broke and
28 a couple of trees died. They had since added four trees and fixed the watering system. The feedback from the
29 neighbors was that it looked pretty good. The new antennae would not look that much different from before. It was
30 not quite a flush mount but they would be as close as they could get.

31
32 David Church said Congress had changed the laws on cell towers to say local governments shall approve a request
33 to upgrade a cell tower unless there is a substantial change. It allowed the cell companies to put in new technology
34 without going through a lengthy process. There was a list of things which constituted a substantial change.

35
36 Lon Lott said he wanted to go on record that he appreciated Sprint's effort to make the tower look good (as did some
37 of the residents in the area). The resident's focus was now on the AT&T tower which didn't look as good. He said
38 the residents were good people who had believed they could have some input on the towers, but realized after David
39 Church's presentation on the new legislation that they didn't have the control they thought they did. They couldn't
40 require landscaping but the neighbors would be more accepting of the towers if it was there.

41
42 **MOTION:** Will Jones moved to approve the Sprint Tower upgrade as outlined. Roger Bennett seconded. Ayes: 3
43 Nays: 0. Will Jones, Roger Bennett, Lon Lott voted aye. Motion passed.

44
45 Mayor Watkins suggested they move David's Court and Heritage Hills up on the agenda since the applicants were
46 there.

47
48 **E. David's Court, Plat F, Final Approval - Patterson Construction:** Jason Bond said the developers
49 were seeking final approval for the first of two phases in David's Court, Plat F. The first phase consisted of 8 lots on
50 the western part. The developer had worked with the Fire Chief on fire flow. One of the lots had frontage on Canyon
51 Crest Road, which was an arterial road. They would be required to have a circular driveway so they weren't backing
52 out into traffic. Mr. Bond said the subdivision ordinance had been recently amended to allow for cleaner lot lines.

53
54 Will Jones said he had concerns about lot 3 which fronted on Canyon Crest. He wasn't sure a circular driveway
55 would help. There was limited sight distance between the car and the top of the hill. If a car came over the hill fast, it
56 wouldn't give someone who was pulling out much time.

1
2 Shane Sorensen said the sight distance met national ASHTO standards. The homeowner may want to turn right as
3 they exited their property.
4

5 Will Jones asked about the sewer lateral in Canyon Crest Road and wondered if it should go back along the lot lines.
6 Shane Sorensen said there were pros and cons of each. It was a challenge to have a sewer lateral for someone's
7 property running across other people's property. They had looked at and thought this would be the best way to do it.
8

9 **MOTION:** Will Jones moved to approve the first phase of David's Court, Plat F subject to the following
10 conditions:
11

- 12 1. There be a circular driveway on lot 3 to prevent backing out onto Canyon Crest Road.
- 13 2. The developer meet the water policy.
- 14 3. The developer acquire approvals for the Utility Notification Form.
- 15 4. The developer address any remaining redlines on the construction drawings and plat.
- 16 5. The developer provide a construction cost estimate to access the bond.
17

18 Roger Bennett seconded. Ayes: 3 Nays: 0. Will Jones, Roger Bennett, Lon Lott voted aye. Motion passed.
19

20 Shane Sorensen also requested that the developer mow down the weeds along the road.
21

22 **F. Heritage Hills, Plat C – Revised Final Plat - Downing Akin:** Jason Bond said the developer had
23 already received final approval for Plat C in Heritage Hills but it had not been recorded. There were a few odd lot
24 lines that they wanted to clean up. The map showed the original lot lines with the revised lot lines superimposed on
25 them. There was not a lot of change. There was no increase in the number of lots. Some lots had widened frontages.
26

27 Jason Bond said the City was in the process of amending the PRD Ordinance which would provide for more logical
28 lot lines. Mr. Akin may come back with another plan depending on changes in the PRD Ordinance.
29

30 Jason Bond said that Jason Thelin had a copy of the original map for Heritage Hills which showed the trails. The
31 revised plat was missing part of a trail and the Planning Commission recommended it be shown on the revised plat.
32 Shane Sorensen said the developer had already bonded for the trails.
33

34 **MOTION:** Will Jones moved to approve the revised final plat for Heritage Hills Plat C subject to the following
35 conditions:
36

- 37 1. The developer meet the water policy.
- 38 2. The developer provide a construction cost estimate.
- 39 3. Show the trail between lots 316 and 317 on the final plat.
40

41 Lon Lott seconded. Ayes: 3 Nays: 0. Will Jones, Lon Lott, Roger Bennett voted aye. Motion passed.
42

43 **C. Alpine Days Review:** Mayor Don Watkins said Alpine Days was great and thanked Will Jones for his
44 work. The fireworks were amazing.
45

46 Fire Chief Brad Freeman said that if they did the same fireworks show again, they would have to go back to the
47 junior high. In Creekside Park they were 220 feet away from the people and had 6 inch shells. They should have
48 been 600 feet from the crowd. For safety they needed to move the event back to Burgess Park/Timberline Middle
49 School or have a smaller event.
50

51 Will Jones reviewed Alpine Days. He said he wanted to thank Janis Williams for coming down to City Hall every
52 day and selling tickets and tee shirts. There were several volunteers that had been doing the same event for years and
53 they really needed to express appreciation to them. He'd like to have something in the Newline to recognize them.
54 Mike Evans had been running the 5K for years. Also, people really appreciated having Alpine Days in Creekside
55 Park. It gave them room to move around.
56

1 Mr. Jones said the Fish Grab was very successful and people had asked that it be continued, but they didn't have
2 enough slots for all the people who wanted to sign up. He also thanked the Becks who put on the rodeo. Two weeks
3 before Alpine Days , the rodeo was called off and then it was on. The Council needed to decided if they wanted the
4 rodeo to continue.

5
6 The Senior Dinner was the best part of Alpine Days. The Alpine West Stake would be taking it over next year. The
7 Alpine's Got Talent needed work. It was the kind of event that people needed to start getting ready for now. He said
8 the parade also needed fixing. They had only two floats. They didn't do the Pig Wrestling this year because the
9 owners of the pigs were booked elsewhere.

10
11 There needed to be more activities for teenagers 12-18 in the park. There needed to be more game booths. They may
12 want to consider one enhancement ride such as a merry-go-round. The train ride was successful but there needed to
13 be an adult in the last car that was watching or there could be a mishap.

14
15 On the youth dance, they needed to be sure of what they were doing and be ready for it.

16
17 He recommended that they not have tee shirts next year. They had a lot of shirts left over. The story telling event
18 needed more publicity. People were asking for tennis competition and a bike race for next year.

19
20 Mr. Jones said the accounting on Alpine Days needed tighter controls. They came in under budget but there were
21 other costs they didn't know such as the barricades and bathrooms. He stressed that it was important to start now
22 with next year's Alpine Days. There were probably some chairmen who would be willing to do it again. They had
23 been paying the head chairman \$3000. They needed to advertise that and get a chairman sooner rather than later.

24
25 Mayor Watkins said they should put a notice in the Newline that they were looking for a chairman for next year's
26 Alpine Days.

27
28 **D. Food Trucks:** Rich Nelson said that when he started working for Alpine City the word was that food
29 trucks were not wanted. The attitude seemed to have changed. The Council needed to decide when and where they
30 wanted them. Will Jones said the challenge would be to have them in a location that didn't cause traffic problems,
31 and that they come on a regular basis.

32
33 David Church said that cities who allowed food trucks usually had some qualifications and limited licensing and
34 bonding. The food truck needed to have a business license so they could pay sales tax. The sales tax went to the city
35 where the truck was licensed Other cities could license them like peddlers.

36
37 Brad Freeman said he owned a food truck in Hurricane. He had to get a state license, a Board of Health license, a
38 license from Hurricane City, and approval from the lot owner where he parked. There were limited licenses in
39 Hurricane and there were three kinds of licenses. A long-term license, a short-term license, and a special event
40 license like Alpine Days. If they had a long-term license, the city inspected it. They did not drive up and down the
41 street but were in a fixed location. He said he had a long-term license.

42
43 Mayor Watkins asked Rich Nelson to get some best practices from Hurricane and other cities. They should start
44 small.

45
46 Jason Thelin said the City regulations had killed the hotdog stand last year, but they let in food trucks without much
47 thought. David Church said that once cities allowed food trucks, they couldn't discriminate in favor of residents
48 businesses. For instance, if the city had a brick and mortar businesses was selling ice cream, they couldn't prohibit a
49 food truck from selling ice cream. He said that was why the restaurant people hated them . The food trucks had so
50 little regulation and took away their business.

51 52 **VI. STAFF REPORTS:**

53
54 Charmayne Warnock said that some cities were going to election by mail rather than having early voting and polling
55 places. The city simply sent every registered voter an absentee ballot. In other cities it had increased turnout to about

1 68% rather than the usual 20%. She said she would come back with some estimated costs so the Council could
2 compare the possibilities.

3
4 Shane Sorensen said the HA5 project was almost complete. The rainy weather had not been conducive to it. The
5 overlay projects bid were in and the low bid was \$191,000. All the bids came back within \$10,000 of each other.
6 The roundabout was scheduled for work, but they would do it at 5 am Sunday morning to avoid inconveniencing
7 people.

8
9 Shane Sorensen reported that they had a couple of rain events in the past few weeks. They got .53 to .54 inches out
10 of Box Elder and it all went to Dry Creek. There were no issues. A second event generated 1.18 inches. The storm
11 system they put in place handled it very well. He said the rainfall was more drawn out this year, nothing like last
12 year's rainstorms. Hopefully things would continue like that. If they did get a big one, they may have to spread the
13 water out more.

14
15 Lee Devey was present and asked if there was any progress on the Ken McClure thing. He had brought in another
16 truck and some more junk. Jason Bond said he had contacted the prosecuting attorney but hadn't heard back.

17 18 VII. COUNCIL COMMUNICATION

19
20 Will Jones said there were complaints from neighbors about the metal tanks Edizone had behind their business.
21 David Church said he and Rich Nelson went by earlier and set up a meeting with them. The problem was that they
22 were an existing facility that predated the houses.

23
24 Will Jones said there was a request for an easement through Lambert Park to take power to Box Elder Plat E. There
25 was a PUE (public utility easement along the backs of the lots in the Box Elder subdivision but the lots were
26 landscaped and the power company wanted to know if they could go along the edge of Lambert Park instead. He
27 said the City also had a sewer easement along there. He expected the power company would be asking for a 10 feet
28 easement along Lambert Park because they would prefer to work with the City rather than with the homeowners, or
29 they would go through Box Elder and cut up the roads.

30
31 Mayor Watkins asked if that was the sort of thing that would need a super majority vote. David Church said it was a
32 utility so it wouldn't. There was a 10-foot public utility easement in Box Elder but homeowners had landscaped over
33 it.

34
35 Shane Sorensen said they would probably have the same issue when they wanted to run a gas line because they
36 didn't have the capacity to serve the existing lots. They would probably come in and request to connect to Moyle
37 Drive.

38
39 Mayor Watkins pointed out that if that was on private property, they would say make me an offer.

40
41 Lon Lott said residents were saying they couldn't access him by the email address on the website.

42 43 VIII. EXECUTIVE SESSION

44
45 **MOTION:** Will Jones moved to go into closed session to discuss pending litigation. Roger Bennett seconded. Ayes:
46 3 Nays: 0. Will Jones, Roger Bennett, Lon Lott voted aye. Motion passed.

47
48 The Council went into Executive session at 9:10 pm

49
50 The Council returned to open meeting at 10:10 pm.

51
52 **MOTION:** Will Jones moved to adjourn. Roger Bennett seconded. Ayes: 3 Nays: 0. Will Jones, Roger Bennett,
53 Lon Lott voted aye. Motion passed.

54
55 The meeting was adjourned at 10:10 pm.

ALPINE CITY COUNCIL AGENDA

SUBJECT: Deer Population Control Issues – Part I

FOR CONSIDERATION ON: September 9, 2014

PETITIONER: Mayor Don Watkins

PRESENTER: Brian Higbee

ACTION REQUESTED BY PETITIONER: This is the first segment of a 3 part presentation on deer population control issues in the City. This Part I will deal with ideas as presented by Brian Higbee. Part II will address how Highland City has chosen to deal with deer population control. Part III will be a presentation from DWR on how they feel the City should address the issue based on their two pilot programs. After these 3 presentations it is expected that the Council will vote on how they want to deal with deer population control issues in the City.

INFORMATION: The following information has been included in your packet:

1. A Memorandum of Understanding – Bountiful City Urban Deer Control Plan. A draft document that spells out how Bountiful City and DWR would work together on the proposed deer control plan.
2. A Bountiful City pamphlet that outlines the four steps that Bountiful is following to deal with the deer problem. It explains their catch, transport and release program.
3. A memo from Bountiful City that estimates their cost for the catch, transport and release program to be \$200 a deer.
4. A newspaper article about the Bountiful City program.
5. A newspaper article about the Highland City program.

RECOMMENDED ACTION: For Council information only.

Memorandum of Understanding Bountiful City Urban Deer Control Plan

This Memorandum of Understanding is entered into between the City of Bountiful, Utah, (“the City”) and the Utah Division of Wildlife Resources (“DWR”).

Introduction

The presence of deer within the city limits of Bountiful has increased significantly in the last decade. Just how many there are cannot be known, but certainly it amounts to at least several hundred and may be over a thousand. While the deer are a beautiful presence of nature, they are also a danger to human safety and destructive of public and private property. It is the finding of the Bountiful City Council that steps must be taken to reduce the number of deer within the city limits. In doing so, relocation efforts should be taken first.

DWR desires to help the City in a deer removal program. The specific goal for this pilot program is to remove a substantial number of deer from within the city limits to other areas within the State.

Terms of Understanding

1. It is intended that this is a deer trap and relocate program.
2. The City will make available appropriate City land for trapping, and invite public participation in providing private lands for that purpose if they are a minimum of a half acre in size.
3. DWR will select the specific locations most suitable for the placing of traps. It will provide and set the traps. City employees will check the traps daily and re-bait them as necessary.
4. When City employees find that deer have been trapped, it will immediately notify DWR.
5. DWR will notify its agents and private citizen groups to mobilize to remove the deer as soon as practical. It will test, collar and transport the deer to such locations as DWR deems appropriate.
6. Each party will bear its own costs incurred in fulfilling this program.

7. Each party shall indemnify and hold harmless the other from any damages or costs due to the negligence or willful act of the first party.

Signed this _____ day of August, 2014.

Bountiful City:

Division of Wildlife Resources

Mayor Randy C. Lewis

Attest:

City Recorder Kim J. Coleman

About Mule Deer

According to the Western Association of Fish & Wildlife Agencies, Mule deer do best in habitats that are in the early stages of plant succession. They look for thick brush and trees to use for shelter and look for small openings that provide forage and feeding areas.

Mule deer do not like to feed in planted areas with stable plant communities that are dominated by large trees and large shrubs. Tree-dominated habitats offer mule deer a place to retreat from severe weather, but these areas offer little in the way of food.

In other words, deer like plants that are young and small, where grassy plants and shrubs dominate. They do not like to feed in areas that have more mature and established landscapes.

Partners & Resources

Utah Division of Wildlife Resources

1594 W North Temple, Suite 2110
P.O. Box 146301
Salt Lake City, UT 84114
Phone: 801-538-4700
Email: DWRcomment@utah.gov
Web: wildlife.utah.gov/learn-more/mule-deer.html

Western Association of Fish & Wildlife Agencies: Mule Deer Working Group

555 N. Greasewood Rd.
Tucson, Arizona 85745
Phone: (520) 388-4448
Email: jheffelfinger@azgfd.gov
Web: www.muledeerworkinggroup.com

Mule Deer Foundation

1939 South 4130 West, Ste. H
Salt Lake City, UT 84104
Phone: 1-888-375-DEER (3337)
Web: www.muledeer.org



Bountiful City Hall
790 South 100 East
Bountiful, Utah 84010
801-298-6140
www.bountifulutah.gov

BOUNTIFUL
City of Beautiful Homes & Gardens

MULE DEER



July 2014

Deer In Bountiful

The presence of deer within Bountiful City has increased significantly over the last decade. While the deer are a beautiful presence of nature, they have also become a danger to human safety, as well as their own, when entering roads, public property and private property.

Likewise, the feeding habits of the deer population have become a destructive nuisance on private and public property, creating a problem for landscaping, gardening, and recreational space within our community.



What Bountiful City Is Doing

Step One:

In 2011, the City Council passed a law allowing landowners to establish an 8-foot fence to keep deer off private property.

Step Two:

Bountiful City Council also enacted a new ordinance in February 2014, making it illegal for anyone to feed deer.

Step Three:

This City is working to educate Bountiful residents, businesses, and property owners, by providing informational materials, such as this brochure, about deer habitat and what they can do to deter deer.

Step Four:

Bountiful City is currently working on a formal agreement with the Utah Division of Wildlife Resources to initiate a trial, catch and relocate program. The hope of the proposed program is to catch, transport, and relocate deer in a farther and safer location from Bountiful City limits. This program will not be done on private property without the permission of landowners.

What You Can Do

If you have unwanted deer on your property, here are a few helpful tips to proactively detract deer from entering your property:

- **Protect your plants and gardens** from disturbance while they are young and trying to mature.
- **Choose landscaping** that includes large trees and large shrubs.
- **Do not feed the deer.** Not only is it prohibited by Bountiful City ordinance, according to the Utah Division of Wildlife Resources, feeding deer will draw them out of their natural habitat, cause them to become dependent on the food you provide, and it can kill them.
- **Increase your fence height** to 8-feet. Check with the City first at, (801) 298-6190, so our friendly staff can help you ensure that your fence is built correctly the first time.
- **Check our Website at www.bountifulutah.gov/DeerPlan.aspx** in the coming months about the status of the catch and relocate program.

Rich Nelson

From: Russell Mahan [rmahan@bountifulutah.gov]
Sent: Monday, August 25, 2014 11:01 AM
To: Rich Nelson
Subject: Bountiful Deer Situation
Attachments: Deer Memo of Understanding 2014-08.doc

August 25, 2014

Re: Bountiful Deer

Richard --

Bountiful City Manager Gary Hill asked me to respond to you. On the deer situation here, I have drafted a Memorandum of Understanding with the Division of Wildlife Resources, which is attached. It has been given to DWR but they still have it under advisement. There are no costs associated with it. Because the program consists only of trapping and not of killing, DWR felt a formal plan under the new Rule was not necessary.

After the pilot program, or the informal arrangement under the MOU, the future and cost of the deer program is uncertain. The e-mail below gives a \$200 per deer estimate, but that is not final. Various numbers bounce around and where it will end I do not know.

**Russell Mahan
Bountiful City Attorney
790 South 100 East
Bountiful, Utah 84010
(801) 298-6143**



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Bountiful council favors non-lethal deer control

by TOM BUSSELBERG

Feb 22, 2014 | 2641 views | 0 | 12 |



FEEDING DEER in the winter time will do more harm than good due to their digestive system. Photo by Lynn Chamberlain | Utah DWR

BOUNTIFUL - Non-lethal ways of controlling Bountiful's deer population are favored by the city council.

That was made clear during a recent retreat, where ways to control the city's deer population were discussed at length.

As a start, the council expects to pass a "No Feed" ordinance Feb. 25, continuing its cooperative effort with the Utah Department of Wildlife Resources.

That agency is conducting a non-lethal deer removal program using traps from Bountiful Ridge

Golf Course and the Mill Street park property near Bountiful High School. Deer are removed to a site in Tooele County.

This follows a short-lived effort about four years ago where about 16 deer were shot by DWR sharpshooters with backup from the Bountiful Police Department.

Deer became a hot topic in the city, with a public hearing at that time drawing a packed house and many passionate comments from residents.

Most people spoke in support of using non-lethal means to control the deer population, said City Attorney Russell Mahan.

Thirty deer were removed from traps at the two sites, said Chad Wilson, a DWR biologist who is overseeing the program. That was as of a few weeks ago.

"We bait the traps in the evening, before it gets dark, and go back in the morning," he said, indicating the trapped deer stay "pretty calm."

The cost of removing deer averages between \$400 and \$1,000, Wilson said.

Mortality averages about 50 percent, which he said is "as high as we could expect" with deer.

The pilot program is set to run through August of 2015. Highland, Utah County, is currently also involved, using trained volunteer bow hunters.

Council members agreed something needs to be done to control the population.

"I see a significant number of deer" when driving to and from Val Verda, said Councilwoman Beth Holbrook.

Police Chief Tom Ross said the problem of deer within the county has escalated over the past 20 years to where they're now seen on Main Street and further west.

"People can't even use their yards, parents can't let their kids play outside or let their pets out," he said of some areas.

"I do believe there will come a time where we have to do something. Probably a very humane way is to cull the population," Ross said.

No accurate deer count is available but estimates put the number at 500 or more within the city.

"There's no humane way when you're talking about reducing deer herds," said Councilman John Pitt.

But currently, many deer are being killed by collisions with vehicles. That's to the point police cars are retrofitted with push bars, the chief said.

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If the city were to get serious about controlling deer, "it would take a gigantic program to take out hundreds of deer," Mahan said.

Ross emphasized his desire for humane treatment, relating experiences growing up.

"I grew up in Yellowstone National Park, spent every summer there until I was 18. My dad was a ranger," he said.

"We would try to manage wildlife. I'm very sensitive and appreciate wildlife," Ross said.

Wilson said the traps will probably be used until month's end. After that, and snow melt, deer are less likely to seek food sources offered in a trap, he said.

As noted in the Feb. 13 Davis Clipper, North Salt Lake is also imposing a no-feed ordinance but will be considering a deer control program, as well.

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Highland deer population may have a date with bow hunters

By Katie McKellar
For the Deseret News
Published: Saturday, July 20 2013 6:19 p.m. MDT

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Highland may soon allow deer hunting within city limits to control a pesky deer population that is damaging landscaping and causing traffic concerns on city roadways.

Bruce Chambers,, MCT
[Enlarge photo»](#)

Summary

Highland may soon allow deer hunting within city limits to control a pesky deer population that is damaging landscaping and causing traffic concerns on city roadways.

HIGHLAND — Highland may soon allow deer hunting within city limits to control a pesky deer population that is damaging landscaping and causing traffic concerns on city roadways.

Both Bountiful and Highland have partnered with the Utah Division of Wildlife Resources to implement a two-year pilot program to discover the best way to address a decade-long problem of growing deer-resident conflicts in urban areas.

Bountiful began the program in 2011 but has discontinued its hunts, citing conflict with residents and insufficient resources and manpower to manage the program with DWR.

Highland, however, could give the OK to hunters as soon as next month if it can work out details with DWR officials.

The plan: an archery hunt.

“We actually encourage and do anything we can to help deer be successful in their population to thrive and grow in mountain ranges and other deer habitat, but within cities it causes a problem obviously because of damage caused in residential property and the public safety dangers of deer on the highways,” said Bill Bates, DWR’s wildlife section chief.

Deer on the rise

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Bates said conflicts between urban residents and deer have increased roughly 30 percent during the past 10 years. He said while wild deer populations have stayed steady where hunting is allowed, deer herds are flourishing in urban areas, especially as the resident deer — deer that live in the cities year round — reproduce. There are currently about 320,000 deer in Utah, he said.

Highland Mayor Lynn Ritchie said he gets about 50 calls a year from residents complaining about the deer and the calls have increased during the past decade.

The Highland City Council voted this week to submit the Highland Urban Deer Control Plan to the Division of Wildlife Resources for a certificate of registration, said Highland City Council member Tim Irwin. Once the city receives the certificate and program plans are solidified, Highland's first controlled deer hunt can take place.

"We'll look at the number of deer, we'll tell (hunters) how many deer they can remove and what season dates, and just make sure they are doing it according to state law," Bates said. "If it falls within those parameters, then I'm fairly confident it'll be approved."

Bates said a small group of experienced bow hunters would then be selected to participate in the program after passing a shooting proficiency test and demonstrating responsible understanding of the program's rules.

Hunters would be certified as "urban bow hunting specialists," according to the proposal. Brian Cook, owner of Humphries Archery in American Fork, will serve as the program coordinator and will be responsible for selecting the hunters.

If the program passes DWR approval, the certified archers will then be allowed to shoot deer during a specified period of time, starting perhaps at the end of August. Hunters will be directed to designated areas where the deer will be baited. Hunters would have the option of using tree stands to obtain clear fields of view, Bates said.

Why bow hunting?

Bates said bow hunting was chosen for the program because of its reputation for safety, and its efficiency in killing game in a discreet way.

"Bow and arrow we just felt was the safest and most appropriate way to go forward," Irwin said. "There are some people that are concerned about (public safety) ... but the professional groups that we're using are licensed, professional, expert bow hunters, so I think we're in good shape."

The DWR will analyze the results of the hunt to determine future policies regarding urban deer population control, Bates said. A handful of other Utah cities that face similar deer population challenges are interested in Highland's plan and may consider implementing similar programs depending on the results, he said.

Bates said in previous years, the DWR partnered with

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Bountiful to find ways to control the deer population. But the program is now managed and carried out by city officials themselves.

Irwin said hunters will pay a \$50 certification fee to participate and help offset the \$40 fee per animal the city will pay to process the deer for consumption and donation to a local food bank.

While some residents welcome the eradication of the garden-munching deer, others have concerns.

“I think it sounds highly dangerous,” Highland resident Judy Fluckiger said. “We’ve got a lot of little kids in this area, and I don’t think I would like anybody out shooting bows.”

To give residents a chance to voice their opinions, Highland officials have organized a public open house at Highland City Hall on July 30 from 5 to 7:30 p.m.

“We want to be as transparent as possible,” Irwin said. “We’d like the residents to understand and know what’s going on within Highland, their own city, and so we felt that would be a good way to get input, and if there are concerns, then we’ll hear them.”

City officials will then finalize the details of the program at an Aug. 6 City Council meeting, and if the plans adhere to DWR requirements, the program will begin at the end of August.

“We’re all anxious to see how successful it is,” Bates said. “It’s going to take a lot of effort to make this program successful and so the cooperation between the cities, the division, law enforcement and the residents of the area is imperative to making it successful. So people should work closely with their city officials to help design a program that will work for them.”

Email: kmckellar@deseretnews.com

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Redshirt1701 Deep Space 9, Ut

If I pay the \$50, is there some way that I could keep the deer meat for myself? That would be an awesome bow hunt. Step out into the back yard in my PJs, bow in hand, and by lunch I have fresh venison.

12:27 p.m., July 22, 2013 ★ Top comment

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ALPINE CITY COUNCIL AGENDA

SUBJECT: Wireless Telecommunications Amendment

FOR CONSIDERATION ON: 9 September 2014

PETITIONER: Staff and Planning Commission

ACTION REQUESTED BY PETITIONER: Discuss Proposed Amendment

APPLICABLE STATUTE OR ORDINANCE: Article 3.27 (Wireless Telecommunications)

PETITION IN COMPLIANCE WITH ORDINANCE: Yes

BACKGROUND INFORMATION:

See attached memo and proposal.

PLANNING COMMISSION MOTION:

Steve Cospers moved to recommend to City Council to not approve the proposed Wireless Telecommunications amendment and to seek further direction from Counsel regarding the FCC proposed changes.

Steve Swanson seconded the motion. The motion passed with 4 Ayes and 0 Nays. Bryce Higbee, Steve Cospers, Jason Thelin, and Steve Swanson all voted Aye.

MEMO



To: Mayor/City Council and Planning Commission
From: Rich Nelson and Jason Bond
Date: August 12, 2014
Subject: Wireless Telecommunication Towers

Wireless telecommunication towers are controversial and they will continue to be (especially on Shepherd's Hill). There has been a lot of contact recently with companies that are looking to do work on the towers. We have some concerns about the way we are currently addressing these cell tower proposals. To sum it up, we feel that with the federal regulations that exist and that are being considered there is only so much that can be regulated at the local level. Recently, the city has received praise from the residents around Shepherd's Hill for changes that they are seeing on the hill. The credit should be given to Clyde Shepherd and the cell tower companies. The City is not able to legally make planting trees, tucking in antennas, etc. a condition of approval. We would like to clarify a process for handling the modifications, upgrades, and additions to the towers. This process may eventually need to be reflected in the ordinance by amendment. See proposed process below:

New Rules on Cell Tower Requests that do not "Substantially Change" the Tower or Base Station

Major Point: New congressional legislation has changed the shape of how cities can respond to requests by cell phone tower owners to upgrade the towers in a way that does **not "substantially change"** the tower or base station.

What does not "substantially change" mean:

1. The height of the tower is not increased by more than 10%;
2. The addition will not extend more than 20 feet from the tower;
3. It will add no more than one equipment shelter or four equipment cabinets; and
4. It will not involve excavation outside the tower site or existing utility and access easements

Effect on the City with regard to requests for changes on Shepherd's Hill: When a cell tower company makes a request to modify an existing wireless tower or base station that does not "substantially change" the tower or base station the City has 90 days to approve that request. **The request has changed from a city regulatory decision making process to an information sharing process.**

The protocol that the City had previously followed on cell tower change requests was:

1. A request for a change is made to the City.
2. The request is taken to the DRC.
3. The cell tower company is asked to contact the Shepherd's Hill neighbors' group for meeting and clarification.
4. The request is taken to the Planning Commission for their recommendation to the City Council.
5. The request is taken to the City Council for their regulatory decision on the cell tower request.

This protocol will remain the same for requests that do "substantially change" the tower or base station.

If the request by the cell tower owners does **not “substantially change”** the tower or base station the protocol to be followed is:

1. A request for change that does not “substantially change” the tower or base station is made to the DRC.
2. The request is forwarded for information purposes **only** to the Shepherd’s Hill neighbors’ group, the Planning Commission and the City Council.

Background Information: David Church, Alpine City Attorney, has written, “When Congress adopted the Middle Class Tax Relief and Job Creation Act of 2012 (Pub. L. 112-96) in February 2012, it included in it a number of special provisions, including Section 6409(a), which broadens the federal preemption of local cell tower regulations. This new law provides that state or local governments “shall approve” any eligible request to modify an existing wireless tower or base station that does not “substantially change” the tower or base station. Eligible requests include collocation of new transmission equipment and replacement of existing equipment.

This mandate raises the obvious question of just what constitutes a “substantial change” that must be approved. On January 25, 2013 the FCC provided notice that in interpreting the new law it intends to adopt regulations that provides that it is not a substantial change if: (1) the height of the tower is not increased by more than 10%; (2) the addition will not extend more than 20 feet from the tower; (3) it will add no more than one equipment shelter or four equipment cabinets; and (4) it will not involve excavation outside the tower site or existing utility and access easements. Proposed modifications to existing towers that fall within these guidelines must be approved by local governments.

The FCC guidance (I do not believe it is yet part of the federal regulations) goes on to address several other questions raised by the new legislation. It interprets the law as applying to both telecommunication towers and to other structures that support or house an antennae and to include emerging technologies such as distributed antenna systems and small cells. It does not affect collocations on structures other than wireless towers or base stations. It concludes that a local government may require an application for administrative approval, but that such applications must be approved within 90 days.”

Conclusion: For requests that do not substantially change the tower or base station as described above, **the request has changed from a city regulatory decision making process to a city information sharing process.**

Please contact Rich Nelson or Jason Bond if you would like to discuss and understand this topic more.



Jason Bond
City Planner
(801) 756-6347 x 6
jbond@alpinecity.org



Rich Nelson
City Administrator
(801)404-7850
rnelson@alpinecity.org

ARTICLE 3.27

WIRELESS TELECOMMUNICATIONS ORDINANCE

(Ordinance No. 2006-06, 4/25/06; Amended by Ordinance No. 2012-05, 7/10/12)

3.27.1 GENERAL PROVISIONS

1. Title. This Ordinance shall be known as the Wireless Telecommunications Ordinance.
2. Purpose & Intent. The unique character, landscapes and scenic vistas of Alpine are among its most valuable assets. Preserving and promoting those assets are essential to the long-range social and economic wellbeing of the City and its inhabitants. Protecting these assets requires sensitive placement and design of wireless communication facilities so that these facilities remain in scale and harmony with the existing character of the community.
 - a. To amend Ordinance No. 2006-06 to accommodate new technology and develop regulations on the use and development of City property for new cell tower facilities.
 - b. To regulate personal wireless services antennas, with or without support structures, and related electronic equipment and equipment structures.
 - c. To provide for the orderly establishment of personal wireless services facilities in the City.
 - d. To minimize the number of antenna support structures by encouraging the co-location of multiple antennas on a single new or existing structure.
 - e. To establish siting, appearance and safety standards that will help mitigate the potential impacts related to the construction, use and maintenance of personal wireless communication facilities.
 - f. To comply with the Telecommunication Act of 1996 by establishing regulations that (1) do not prohibit or have the effect of prohibiting the provision of personal wireless services, (2) do not unreasonably discriminate among providers of functionally equivalent services, and (3) are not based on the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communications Commission's regulations concerning such emissions.
3. Findings.
 - a. Personal wireless services facilities (PWSF) are an integral part of the rapidly growing and evolving telecommunications industry, and present unique zoning challenges and concerns by the City.
 - b. The City needs to balance the interests and desires of the telecommunications industry and its customers to provide competitive and effective telecommunications systems in the City, against the sometimes differing interests and desires of others concerning health, safety, welfare, and aesthetics, and orderly planning of the community.
 - c. The City has experienced an increased demand for personal wireless services facilities to be located in the City, and expects the increased demand to continue in the future.
 - d. It is in the best interests of the City to have quality personal wireless services facilities available, which necessarily entails the erection of personal wireless services facilities in the City.
 - e. The unnecessary proliferation of personal wireless services facilities through the City creates a negative visual impact on the community.
 - f. The visual effects of personal wireless services facilities can be mitigated by fair standards regulating their siting, construction, maintenance and use.
 - g. A private property owner who leases space for a personal wireless services facility is the only one who receives compensation for the facility, even though numerous other property owners in the area are adversely affected by the location of the facility.
 - h. Chapter 69-3, Utah Code Annotated, grants cities the authority to create or acquire sites to accommodate the erection of telecommunications tower in order to promote the location of telecommunication towers in a manageable area and to protect the aesthetics and environment of the area. The law also allows the City to require the owner of any

tower to accommodate the multiple use of the tower by other companies where feasible and to pay the City the fair market rental value for the use of any City-owned site.

- i. Telecommunications towers located on government property with the lease payments being paid to Alpine City instead of individual property owners evenly distributes the income from the lease payments to all citizens of Alpine through increased government services thus indirectly compensating all of the citizens of Alpine for the impact all citizens experience. The public policy objectives to reduce the proliferation of telecommunications towers and to mitigate their impact can be best facilitated by locating telecommunications and antenna support structures on property owned, leased or used by Alpine City as a highest priority whenever feasible.
4. Definitions. The following words shall have the described meaning when used in this ordinance, unless a contrary meaning is apparent from the context of the word.
- a. Antenna. A transmitting or receiving device used in telecommunications that radiates or captures radio signals.
 - b. Antenna Support Structure. Any structure that can be used for the purpose of supporting an antenna(s).
 - c. City. The City of Alpine, Utah.
 - d. City-owned property. Real property that is owned by the City.
 - e. Close to Tower Mount. Also known as slim mount, antennas on cell towers mounted very close to tower in order to appear less noticeable.
 - f. Co-location. The location of an antenna on an existing structure, tower or building that is already being used for personal wireless services facilities.
 - g. Monopole. A single, self-supporting, cylindrical pole that acts as the support structure for one (1) or more antennas for a personal wireless services facility.
 - h. Non-Substantial Change
 1. The height of the tower is not increased by more than 10%;
 2. The addition will not extend more than 20 feet from the tower;
 3. It will add no more than one equipment shelter or four equipment cabinets; and
 4. It will not involve excavation outside the tower site or existing utility and access easements
 - i. Personal Wireless Services. Commercial mobile telecommunications services, unlicensed wireless communications services, and common carrier wireless telecommunications exchange access services.
 - j. Personal Wireless Services Antenna. An antenna used in connection with the provision of personal wireless services.
 - k. Personal Wireless Services Facilities (PWSF). Facilities for the provision of personal wireless services. Personal wireless services facilities include transmitters, antennas, structures supporting antennas, and electronic equipment that is typically installed in close proximity to a transmitter.
 - l. Private Property. Any real property not owned by the City, even if the property is owned by another public or government entity.
 - m. Quasi public use. Uses such as a school or church or other uses defined as quasi public uses in Section 3.1.11 of the Alpine City Zoning Ordinance.
 - n. Tower. A freestanding structure that is used as a support structure for antenna.
 - o. Whip antenna. An antenna that is cylindrical in shape. Whip antennas can be directional or omnidirectional and vary in size depending on the frequency and gain for which they are designed.
5. Applicability. This ordinance (the Wireless Telecommunications Ordinance) applies to both commercial and private low power radio services and facilities, such as “cellular” or PCS (personal communications system) communications and paging systems. This ordinance shall not apply to the following types of communications devices, although they may be regulated by other City ordinances and policies.

- a. Amateur Radio. Any tower or antenna owned and operated by an amateur radio operator licensed by the Federal Communication Commission.
- b. Amateur T.V. Any tower or antenna owned and operated by an amateur T.V. operator licensed by the Federal Communication Commission.
- c. Satellite. Any device designed for over-the-air reception of television broadcast signals, multichannel multipoint distribution service or direct satellite service.
- d. Cable. Any cable television head-end or hub towers and antennas used solely for cable television services.

3.27.2 LOCATION AND TYPES OF TOWERS/ANTENNAS

1. Personal Wireless Services Facilities Site Locations. The following are currently approved locations:

- a. Co-location on an existing tower.
- b. City owned property.
- c. Property in conjunction with a quasi-public or public use.
- d. Commercial property in the business commercial zone.

No new towers shall be located in Lambert Park.

New towers shall be located no closer than a one-quarter (1/4) mile radius from another tower and shall be no closer to a residence than two (2) times the height of the tower.

If the applicant desires to locate on a site other than the approved sites listed above, the applicant shall have the burden of demonstrating to the City why it cannot locate on an approved site. To do so, the applicant shall provide the following information to the City:

- a. The identity and location of any approved sites located within the desired service area.
- b. The reason(s) why the approved sites are not technologically, legally, or economically feasible. The applicant must make a good faith effort to locate towers and antennas on an approved site. The City may request information from outside sources to justify or rebut the applicant's reason(s) for rejecting an approved site.
- c. Why the proposed site is essential to meet the service demands of the geographic service area and the citywide network. If the applicant desires to construct a monopole, the applicant shall also submit a detailed written description of why the applicant cannot obtain coverage using existing towers.

2. Permitted and Non-Permitted Towers and Antennas.

- a. Permitted. The following are permitted:

1. Co-location on existing towers.
2. Existing towers may be maintained, used, and upgraded or replaced. A replacement tower shall not exceed the height of the tower being replaced.
3. Monopoles are permitted subject to the following:
 - a. A monopole shall not exceed eighty feet (80').
4. Roof-mounted Antennas are permitted subject to the following:
 - a. A roof-mounted antenna shall be screened, constructed, and/or colored to match the structure to which it is attached.
 - b. A roof-mounted antenna shall be set back from the building edge one (1) foot for every one (1) foot of antenna height and shall not exceed fifteen (15) feet in height.
5. All new antennas shall be slim-mounted or mounted to an existing array.

- b. Not Permitted. The following are not permitted:
 - 1. Lattice Towers. Lattice appearance is not permitted.
 - 2. Guyed Towers.
- 3. Co-location Requirement. Unless otherwise authorized by the approving authority for good cause shown, every new tower shall be designed and constructed to be of sufficient size and capacity to accommodate at least two (2) additional wireless telecommunications providers on the structure in the future.
- 4. Lease Agreement. The City has no implied obligation to lease any particular parcel of City-owned property to an applicant. The City shall enter into a standard lease agreement with the applicant for any facility built on City property. The Mayor or designee is hereby authorized to execute the standard lease agreement on behalf of the City. The lease shall contain the condition that the approving authority must first approve the site plan before the lease can take effect, and that failure to obtain such approval renders the lease null and void.

3.27.3 PROCEDURE FOR NEW TOWERS AND SUBSTANTIAL CHANGES TO EXISTING TOWERS

- 1. **Application Requirements** Any person desiring to develop, construct or establish a personal wireless services facility in the City shall submit an application for site plan approval to the City. A site plan shall be required for all new towers and antennas and any **modification** **substantial changes** or replacement of a tower or antenna. The City shall not consider the application until all required information has been included. The application shall be submitted to the City Planner at least fourteen (14) days prior to the public meeting at which it will be presented to the Planning Commission. The applicant shall include the following:
 - a. Fee. The applicable fee shall be paid to the City Recorder, payable to Alpine City, as set forth in the Alpine City Consolidated Fee Schedule.
 - b. Site Plan. A site plan meeting the City's standard requirements for site plans.
 - c. Notification Letter. The applicant shall submit a list of all property owners within five hundred (500) feet of the boundaries of the property where the proposed tower or antenna is to be located. The applicant shall also submit envelopes that have been stamped and addressed to all property owners on the list. The City may require a greater distance if deemed necessary or appropriate. The City shall prepare a notification letter to be sent to the property owners on the list submitted by the applicant to be mailed out at least seven (7) days prior to the public meeting at which the application will be presented to Planning Commission. The letter shall contain the following information:
 - 1. Address or location of the proposed tower, co-location, tower modification, etc.
 - 2. Name of the applicant.
 - 3. Type of tower/antenna (e.g. monopole, roof antenna, etc.)
 - 4. Date, time, and place of the public meeting at which the application will be presented to the Planning Commission.
 - d. Sign. The applicant shall erect a sign of sufficient durability, and print and size quality that is reasonably calculated to give notice to passers-by. The sign shall be posted at least fourteen (14) days prior to the public meeting at which the application will be presented to the Planning Commission. The sign:
 - 1. Shall be 4 ft. (H) x 8 ft. (W)
 - 2. Shall not be more than six (6) feet in height from the ground to the highest point of the sign; and
 - 3. Shall be posted five (5) feet inside the property line in a visible location on the property where the tower/antenna is to be located. If the property is located in such a spot that the sign would not be visible from the street, the sign shall be erected in

another location close by that will give notice to passers-by, or at Alpine City Hall. The applicant shall be responsible to obtain permission of the property owner to erect the sign. The sign shall include the following information:

- a. Address of location of the proposed tower, co-location, tower modification, etc.
 - b. Type of tower/antenna (e.g. monopole, roof antenna, etc.)
 - c. Date, time, and place of the public meeting at which the application will be presented to the Planning Commission.
- e. **Written Information.** The following written information shall be submitted:
1. **Maintenance.** A description of the anticipated maintenance needs for the facility, including frequency of service, personnel needs, equipment needs, and traffic noise or safety impacts of such maintenance.
 2. **Service Area.** A description of the service area for the antenna or tower and a statement as to whether the antenna or tower is needed for coverage or capacity.
 3. **Licenses and Permits.** Copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of the antenna.
 4. **Radio Frequency Emissions.** A written commitment to comply with applicable Federal Communications Commission radio frequency emission regulations.
 5. **Liaison.** The name of a contact person who can respond to questions concerning the application and the proposed facility. Include name, address, telephone number, facsimile number and electronic mail address, if applicable.
2. **Approval Process.** The application and site plan shall be reviewed by the City pursuant to its standard site plan approval process. The City shall process all applications within a reasonable time and shall not unreasonably discriminate among providers of functionally equivalent services. Any decisions to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record. The application and site plan will be reviewed by Planning Commission for a recommendation to City Council. The City Council shall review the application and site plan and shall act as the land use authority in approving or denying the application and site plan.

The Planning Commission may, if it deems necessary, require each application to be reviewed independently by a certified radio frequency engineer, licensed to do such work in the State of Utah. The purpose of the review is to determine if other locations are available to achieve an equivalent signal distribution and not significantly affect the operation of the telecommunications facility. Such a review may be required when an applicant indicates that no other acceptable location exists. The costs of an independent review shall be borne by the applicant.

3.27.4 PROCEDURE FOR NON-SUBSTANTIAL CHANGES (3.27.1.4h) TO EXISTING TOWERS

1. **Application Requirements** Any person desiring to make a non-substantial change to a personal wireless services facility in the City shall submit an application for site plan approval to the Development Review Committee (DRC). A site plan shall be required for the proposed non-substantial changes to the tower. The City shall not consider the application until all required information has been included.
2. **Approval Process.** The application and site plan shall be reviewed by the DRC. The DRC shall process all applications within a reasonable time and shall not unreasonably discriminate among providers of functionally equivalent services. Any decision to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record. The DRC shall review

[the application and site plan and shall act as the land use authority in approving or denying the application and site plan.](#)

3.27.5 BUILDING PERMITS

1. General Requirements. No tower or antenna support structure shall be constructed until the applicant obtains a building permit from the City. No building permit shall be issued for any project for which a site plan or amended site plan is required, until the site plan or amended site plan has been approved by the appropriate authority. If the design or engineering of the antenna support structure is beyond the expertise of the Building Official, the City may require third party review by an engineer selected by the City prior to the issuance of a building permit. The applicant shall pay an additional fee to cover the cost of the third party review.
2. Additional Requirements for New Towers. If the applicant is constructing a new tower, the applicant shall, if requested by the City, submit a written report from a qualified structural engineer licensed in the State of Utah, documenting the following:
 - a. Height and design of the new tower, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design.
 - b. Seismic load design and wind load design for the new tower.
 - c. Total anticipated capacity of the new tower, including number and types of antennas which can be accommodated.
 - d. Structural failure characteristics of the new tower and a demonstration that the site and setbacks are adequate size to contain debris.
 - e. Soil investigation report, including structural calculations.

3.27.6 SAFETY

1. Regulation Compliance.
 - a. Compliance with FCC and FAA Regulations. All operators of personal wireless services facilities shall demonstrate compliance with applicable Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) regulations, including FCC radio frequency regulations, at the time of application and periodically thereafter as requested by the City. Failure to comply with the applicable regulations shall be grounds for revoking a site plan.
 - b. Other Licenses and Permits. The operator of every personal wireless services facility shall submit copies of all licenses and permits required by other agencies and governments with the jurisdiction over the design, construction, location and operation of the facility to the City, shall maintain such licenses and permits in good standing, and shall provide evidence of renewal or extension thereof upon request by the City.
2. Protection Against Climbing. Towers shall be protected against unauthorized climbing by removing the climbing pegs from the lower 20 feet of the towers.
3. Fencing. Towers shall be fully enclosed by a minimum 6-foot tall fence or wall, as directed by the City, unless the City determines that a wall or fence is not needed or appropriate for a particular site due to conditions specific to the site.
4. Security Lighting Requirement. Towers shall comply with the FAA requirements for lighting. The City may also require security lighting for the site. If security lighting is used, the lighting impact on surrounding residential areas shall be minimized by using indirect lighting, where appropriate.
5. Emergency. The City shall have the authority to move or alter a personal wireless services facility in case of emergency. Before taking any such action, the City shall first notify the owner of the facility, if feasible.

3.27.7 ADDITIONAL REQUIREMENTS

1. Regulations for Accessory Structures.
 - a. Storage Areas and Solid Waste Receptacles. No outside storage or solid waste receptacles shall be permitted on site.
 - b. Equipment Enclosures. All electronic and other related equipment and appurtenances necessary for the operation of any personal wireless services facility shall, whenever possible, be located within a lawfully pre-existing structure or completely below grade. When a new structure is required to house such equipment, the structure shall be harmonious with, and blend with, the natural features, buildings and structures surrounding such structure.
 - c. Accessory Buildings. Freestanding accessory buildings used with a personal wireless services facility shall not exceed 450 square feet and shall comply with the setback requirements for structures in the zone in which the facility is located.
2. Parking. The City may require a minimum of one (1) parking stall for sites containing a personal wireless services facility and/or accessory buildings, if there is insufficient parking available on the site.
3. Maintenance Requirements. All personal wireless services facilities shall be maintained in a safe, neat, and attractive manner.
4. Landscaping. A landscaping plan shall be submitted to the Planning Commission who will make a recommendation to the City Council who will approve the landscape plan.
5. Site Restoration Upon Abandonment. All sites shall be restored to the original configuration upon abandonment.
6. Fencing. The City will determine the type of fencing used on wireless telecommunications sites on a case by case basis. In the case of the Rodeo Grounds, the fencing shall match the existing fencing. Fencing will recommend by the Planning Commission and approved by the City Council.
7. Color and material standards. The City shall make an administrative decision as to the color. To the extent the personal wireless services facilities extend above the height of the vegetation immediately surround it, they shall be painted in a nonreflective light gray, light blue or other hue, which blends with the skyline and horizon or a brown to blend in with the surrounding hillside.
8. Facility Lighting and Signage Standards. Facility lighting shall be designed so as to meet but not exceed minimum requirements for security, safety and/or FAA regulations. Lighting of antennas or support structures shall be prohibited unless required by the FAA and no other alternatives are available. In all instances, the lighting shall be designed so as to avoid glare and minimize illumination on adjacent properties. Lighting shall also comply with any applicable City lighting standards.
9. Facility Signs. Signs shall be limited to those needed to identify the numbers to contact in an emergency, public safety warnings, certifications or other required seals. These signs shall also comply with the requirements of the City's sign regulations.
10. Utility Lines. All utility lines serving new cell towers shall be located underground.
11. Business License. Each facility shall be considered as a separate use; and an annual business license shall be required for each facility.

ALPINE CITY COUNCIL AGENDA

SUBJECT: Fireworks at Creekside Park next year on July 4th and July 24th

FOR CONSIDERATION ON: September 9, 2014

PETITIONER: Rich Nelson, City Administrator

ACTION REQUESTED BY PETITIONER: For Council direction or decision.

INFORMATION: The last two years the City has allowed fireworks at Creekside Park because of the drought conditions around the rest of the City. While these have turned into fairly popular events there has been concern expressed about how the program was handled and safety issues.

To recap how the City handled the 24th last year:

1. The Fire Chief recommended in what area of the City fireworks should be banned.
2. The City Council made a motion to ban fireworks in the area recommended and decided that residents could use Creekside Park as an area where fireworks could be ignited.
3. This area was posted on the City web site, Facebook page and other places.
4. Certain areas of Creekside Park were roped off so people or fireworks were not allowed in those areas.
5. The trees and brush on the west side of the Park were watered down by the Fire Department.
6. Signs were placed at the various entrances to the Park explaining this was not a city sponsored event and could be dangerous.
7. The City's call out system was used to notify all residents to reiterate the message of #5 above.
8. Police and Fire officers and equipment were located at Creekside Park.

RECOMMENDED ACTION: *The Council will decide what protocol they want to follow for next year's events.*

ALPINE CITY COUNCIL AGENDA

SUBJECT: Planned Residential Development (PRD) Amendment

FOR CONSIDERATION ON: 9 September 2014

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Adopt Ord. No. 2014-14

APPLICABLE STATUTE OR ORDINANCE: Article 3.9 (PRD)

PETITION IN COMPLIANCE WITH ORDINANCE: Yes

BACKGROUND INFORMATION:

The Planning Commission and City Council recently reviewed and approved an amendment to the lot area and width requirements in residential zones. This amendment will allow subdivisions to create better subdivisions with cleaner lot lines. However, this amendment did not address Planned Residential Developments (PRD). See attached memo from the City Engineers regarding the proposed changes.

PLANNING COMMISSION MOTION:

Bryce Higbee moved to recommend to the City Council the addition of language in Option 2 to add a paragraph C to section 3.9.4.3 to the Planned Residential Development (PRD) Amendment, with the following verbiage: An exception may be made by the Planning Commission that an individual lot may contain up to another 5% of the lot (on top of the percentage as mentioned in Sections 3.9.4.3.A or 3.9.4.3.B) having a slope of more than 25% if it can be shown that the extra percentage of area acquired is being used to straighten and eliminate multiple segmented property lines as long as the lot can meet current ordinance without the exception.

Jed Muhlestein asked if the Planning Commission wanted to make it go to 30%. Bryce Higbee said to change the verbiage to 30% and let the City Council discuss it. Jason Thelin asked how this would affect the property. Bryce Higbee said it would give you more of a slope. Jed Muhlestein said it gives a little bit more latitude because in Alpine we define steep slopes as anything 25% and above and he said most other places are 30% and above. He also said the developer still has to meet the open space requirements. Bryce Higbee said to keep it at 25% and asked Jed Muhlestein to bring some examples to City Council.

Steve Cospers seconded the motion. The motion passed with 4 Ayes and 0 Nays. Bryce Higbee, Steve Cospers, Jason Thelin, and Steve Swanson all voted Aye.

Memo



To: Alpine City Planning Commission
From: Jed Muhlestein, P.E.
Assistant City Engineer
Date: August 13, 2014
Subject: Proposed Amendment to PRD Section 3.9.4.3

In light of recent development we have noticed issues with the creation of lot lines due to some verbiage in our Development Code. The section of code to discuss is the PRD section 3.9.4.3 and reads as follows:

3. *Notwithstanding the minimum open space requirements set forth under Section 3.9.4 #1, the designated open space area shall include and contain all 100 year flood plain areas, defined floodways, all avalanche and rock fall hazard areas, all areas having a slope of twenty five (25) percent or greater, or any other area of known significant physical hazard for development.*
 - A. An exception may be made by the Planning Commission that up to 5% of an individual lot may contain ground having a slope of more than 25% in the CR-20 and CR-40 zones as long as the lot can meet current ordinance without the exception.
 - B. An exception may be made that an individual lot may contain up to 15% of the lot having a slope of more than 25% in the CE-5 and CE-50 zone as long as the lot can meet current ordinance without the exception. The exception shall be recommended by the Development Review Committee (DRC) to the Planning Commission, and a recommendation by the Planning Commission to the Alpine City Council with the final determination to be made by the City Council. (Ord. 2005-02, 2/8/05)

The underlined sections essentially force a developer to draw irregular lot lines to try to minimize or reduce the amount land within the lot containing slopes greater than 25%. Irregular lot lines are difficult for a home owner to fence or landscape around. It is also easy for a home owner to lose a property corner where there are multiple segments within a short distance, which in turn creates landscaping issues where the owner unknowingly landscapes property that is not there's. See attached Exhibits A & B. This kind of lot line creation is present in the latest submission of Heritage Hills. Exhibit C shows what was submitted vs what could be proposed (in dark black) if the underlined sections above were deleted or altered in such a way to give the developer more leeway in the creation of lot lines.

Presented herewith are three options for the Planning Commission to think about:

Alpine City Engineering
20 North Main • Alpine, Utah 84004
Phone/Fax: (801) 763-9862
E-mail: jed@alpinecity.org

- 1) Option 1 would be to delete the above underlined sections of code.

This would eliminate the need to route property lines around 25% sloped areas, creating straighter lot lines and cleaner subdivisions. From an engineering stand point, there are already measures in place to ensure that homes will be built in safe locations. The Sensitive Lands Ordinance sets forth regulations regarding hillside lands, geologic hazard lands, urban/wildland lands, or flood plain lands as well as the design of driveways and buildable areas for homes.

The potential down side to this option is that it would allow the developer to retain as much property as possible inside the lots instead of donating it to open space. Do we want more open space? Heritage Hills currently has 63.7% Open Space. If Option 1 were applied, they would have nice clean lots lines, but could potentially have 13.7% (5.5 acres) less open space. The development is 40 acres in size.

In doing some research, it appears that most cities require lands that are “steep” to be developed as open space. They are classified slightly different from city to city; some say over 30%, others like us say lands with slopes over 25%, some just say “steep slopes”, but most cities have a slope component to their open space requirements.

- 2) Rather than deleting the underlined sections, another option could be to add a Section C with following verbiage:

C. An exception may be made that an individual lot may contain up to another 5% of the lot (on top of the percentage as mentioned in Sections 3.9.4.3.A or 3.9.4.3.B) having a slope of more than 25% if it can be shown that the extra percentage of area acquired is being used to straighten and eliminate multiple segmented property lines as long as the lot can meet current ordinance without the exception.

In other words, we'll give you a little more property if you can show you are using the gained area to straighten lot lines and create a cleaner development.

The potential down side to this is that in a development with a lot of slope, adding another 5% exception to the rule may or may not be enough and we'd still end up with lot lines being routed around sloped areas. The positive side is that we wouldn't be completely eliminating a section of code that gains the city open space or protects us from unknown issues involved with allowing property owners to landscape “steep” areas of land.

- 3) Option 3 would be to leave it as it is.

Exhibit A – Landscaping Visual

Legend

 Property Line



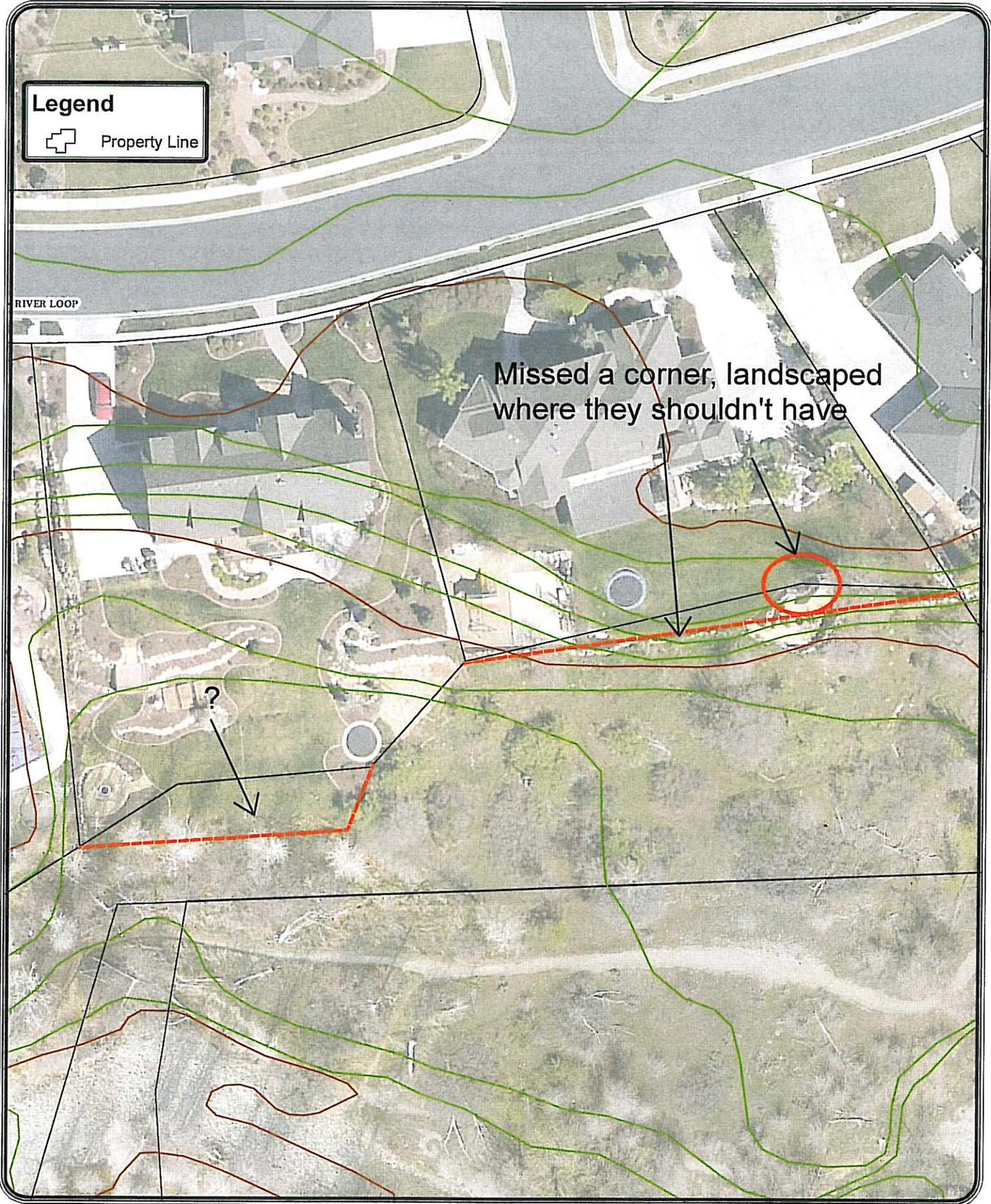
Missed a corner, landscaped where they shouldn't have



Building Outside Property Lines



Exhibit B – Landscaping Visual



Legend

 Property Line

Missed a corner, landscaped where they shouldn't have

?



Building Outside Property Lines



Exhibit C – Heritage Hills Potential

POINT	NORTHING	EASTING
FP 1	776,500.79	1,924,080.72
FP 2	778,921.63	1,924,026.46
FP 3	777,834.66	1,924,030.67
FP 4	778,040.62	1,924,224.83
FP 5	778,252.64	1,924,142.07
FP 6	778,290.74	1,924,231.84
FP 7	778,367.75	1,924,314.92
FP 8	778,424.84	1,924,279.79
FP 9	778,369.94	1,924,190.57
FP 10	778,709.42	1,924,318.52
FP 11	778,911.60	1,924,183.64
FP 12	778,998.25	1,924,931.83
FP 13	778,974.93	1,923,363.59
FP 14	779,148.81	1,923,363.59
FP 15	779,125.60	1,922,778.01
FP 16	777,866.05	1,922,771.06
FP 17	777,809.50	1,922,768.40
FP 18	777,821.72	1,923,983.55

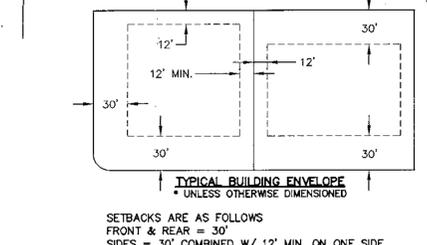
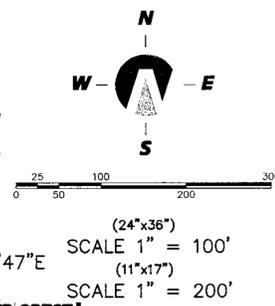
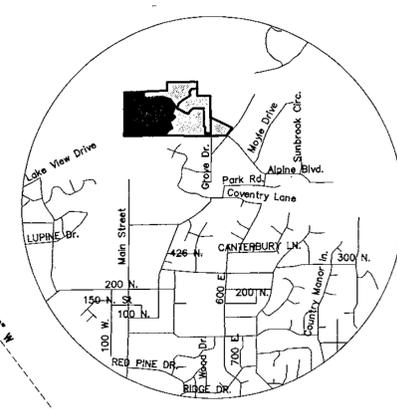
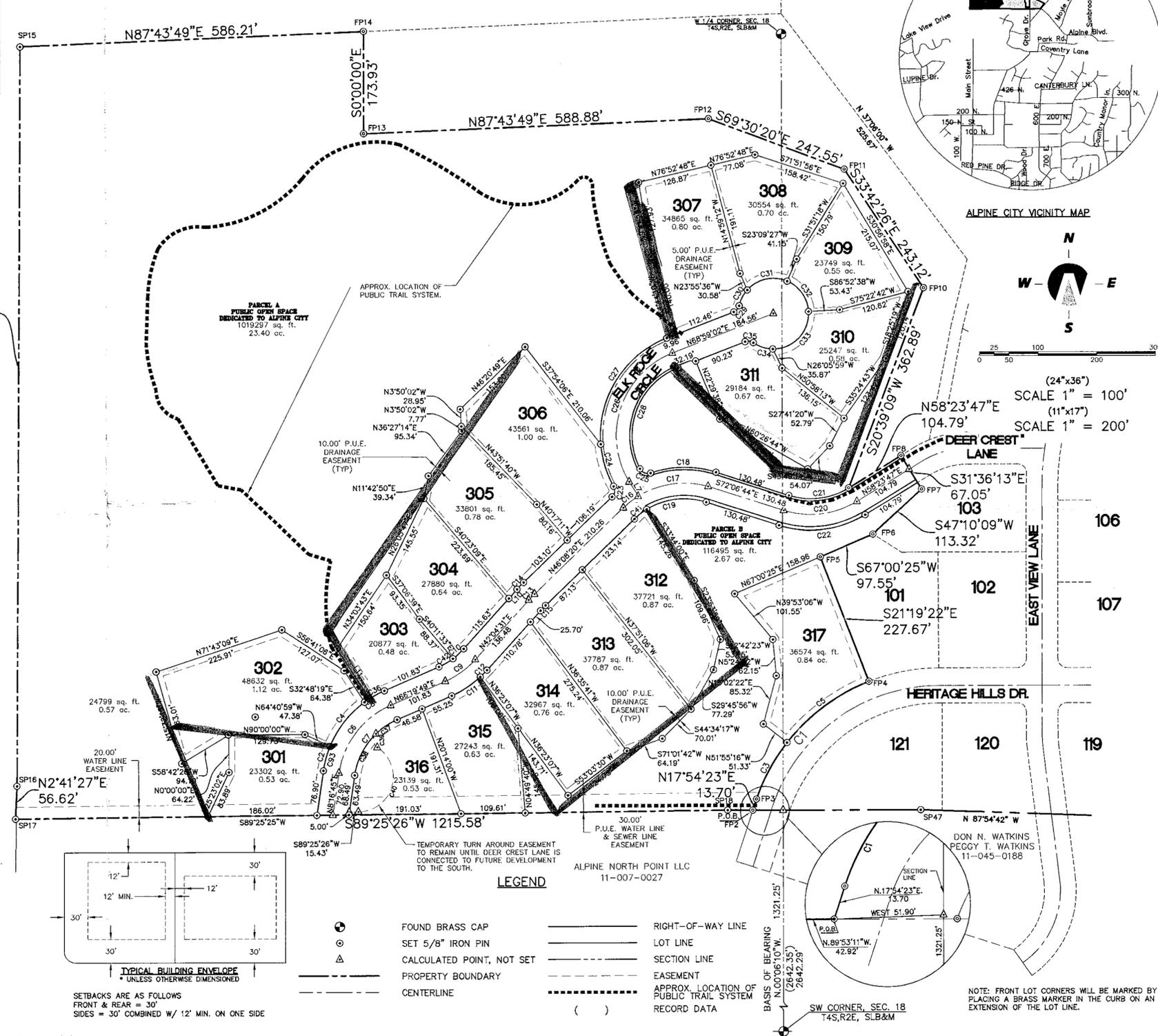
LINE	LENGTH	DIRECTION
L1	30.00'	N43°00'09"W
L2	30.00'	N23°09'27"E
L3	30.00'	N86°52'38"E
L4	30.00'	N9°04'15"W
L5	54.07'	S43°49'14"W
L6	52.79'	S27°41'20"W
L7	29.19'	N31°34'12"W

LOT NO.	ADDRESS
301	66 E. DEER CREST LANE
302	74 E. DEER CREST LANE
303	102 E. DEER CREST LANE
304	128 E. DEER CREST LANE
305	146 E. DEER CREST LANE
306	168 E. DEER CREST LANE
307	216 E. ELK RIDGE CIRCLE
308	238 E. ELK RIDGE CIRCLE
309	266 E. ELK RIDGE CIRCLE
310	253 E. ELK RIDGE CIRCLE
311	223 E. ELK RIDGE CIRCLE
312	173 E. DEER CREST LANE
313	153 E. DEER CREST LANE
314	137 E. DEER CREST LANE
315	117 E. DEER CREST LANE
316	91 E. DEER CREST LANE
317	1169 N. HERITAGE HILLS DR
318	1225 E. DEER CREST LANE
319	182 E. ELK RIDGE CIRCLE

CURVE	LENGTH	RADIUS	CHORD DIST.	CHORD BRG.	DELTA
C1	292.63'	330.00'	283.13'	N43°18'35"E	50°48'24"
C2	43.41'	177.00'	43.31'	S18°18'21"W	14°03'12"
C3	116.32'	330.00'	115.72'	N28°00'16"E	20°11'47"
C4	96.91'	177.00'	95.70'	S38°01'03"W	31°22'11"
C5	176.30'	330.00'	174.21'	S53°24'29"W	30°36'37"
C6	151.98'	150.00'	145.56'	N37°18'17"E	58°03'04"
C7	124.62'	123.00'	119.36'	N37°18'17"E	58°03'04"
C8	10.01'	177.00'	10.01'	N55°19'19"E	3°14'21"
C9	63.50'	150.00'	63.03'	N54°12'10"E	24°15'18"
C10	24.51'	123.00'	24.47'	S47°46'59"W	11°24'57"
C11	58.52'	177.00'	58.26'	N56°51'28"E	18°56'41"
C12	16.40'	177.00'	16.40'	N44°43'49"E	5°18'37"
C13	14.19'	200.00'	14.18'	N44°06'25"E	4°03'49"
C14	16.10'	227.00'	16.10'	S44°06'25"W	4°03'49"
C15	12.27'	173.00'	12.27'	N44°06'25"E	4°03'49"
C16	32.18'	150.00'	32.12'	N52°17'04"E	12°17'28"
C17	129.48'	150.00'	125.50'	N83°09'32"E	49°27'27"
C18	113.46'	177.00'	111.53'	N89°31'23"E	36°43'45"
C19	111.07'	123.00'	107.34'	S82°01'05"W	5°14'22"
C20	129.57'	150.00'	125.58'	N83°08'31"E	49°29'29"
C21	106.25'	123.00'	102.97'	N83°08'31"E	49°29'29"
C22	152.89'	177.00'	148.18'	S83°08'31"W	49°29'29"
C23	19.70'	15.00'	18.32'	S8°30'32"W	75°15'36"
C24	75.27'	177.00'	75.14'	S16°51'57"E	24°30'39"
C25	21.35'	15.00'	19.60'	S68°03'24"E	81°34'09"
C26	263.25'	150.00'	230.74'	N18°42'25"E	100°33'14"
C27	227.35'	177.00'	212.04'	N32°11'12"E	73°35'39"
C28	206.64'	123.00'	183.18'	S20°51'21"W	96°15'22"
C29	14.65'	15.00'	14.07'	S41°00'42"W	55°56'39"
C30	30.56'	60.00'	30.23'	S27°37'50"W	29°10'55"
C31	74.28'	60.00'	69.63'	S77°41'22"W	70°56'10"
C32	66.73'	60.00'	63.34'	N34°58'57"W	63°43'10"
C33	89.58'	60.00'	87.86'	N43°56'41"E	94°08'07"
C34	35.52'	60.00'	35.00'	S72°01'47"E	33°54'56"
C35	14.65'	15.00'	14.07'	S83°02'38"E	55°56'39"
C36	29.00'	177.00'	28.97'	S61°38'09"W	9°23'19"
C37	43.45'	123.00'	43.23'	N56°12'36"E	20°14'25"
C38	81.17'	123.00'	79.71'	N27°11'05"E	37°48'39"
C39	26.92'	15.00'	23.45'	S59°19'27"E	102°49'41"
C40	153.06'	60.00'	114.81'	S16°20'34"W	146°09'43"
C41	27.05'	123.00'	27.00'	S52°26'23"W	12°36'06"
C42	27.56'	123.00'	27.50'	S59°54'38"W	12°50'21"

HERITAGE HILLS ALPINE PLAT "C"

NOV. 2013
DEVELOPER: HERITAGE HILLS INC.
CURRENT ZONE: CR-40,000



LEGEND

- FOUND BRASS CAP
- SET 5/8" IRON PIN
- CALCULATED POINT, NOT SET
- PROPERTY BOUNDARY
- CENTERLINE
- RIGHT-OF-WAY LINE
- LOT LINE
- SECTION LINE
- EASEMENT
- APPROX. LOCATION OF PUBLIC TRAIL SYSTEM RECORD DATA

SURVEYOR'S CERTIFICATE

I, KIM WAYNE LUNDEBERG, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD A LICENSE IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT, UTAH CODE ANNOTATED, 1953 AS AMENDED, CERTIFICATE NO. 354377. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, STREETS, AND EASEMENTS, HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17, UTAH CODE ANNOTATED, 1953 AS AMENDED, HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT. I FURTHER CERTIFY THAT EVERY EXISTING RIGHT-OF-WAY AND EASEMENT GRANT OF RECORD FOR UNDERGROUND FACILITIES, AS DEFINED IN SECTION 54-8a-2, UTAH CODE ANNOTATED, 1953 AS AMENDED, AND FOR OTHER UTILITY FACILITIES, IS ACCURATELY DESCRIBED ON THIS PLAT, AND THAT THIS PLAT IS TRUE AND CORRECT.

DATE _____ KIM WAYNE LUNDEBERG, P.L.S.

BOUNDARY DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 4 SOUTH, RANGE 1 EAST AND THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 4 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS:
COMMENCING AT A BRASS MONUMENT MARKING THE SOUTHWEST CORNER OF SAID SECTION 18; THENCE N.00°06'10"W, ALONG THE SECTION LINE A DISTANCE OF 1321.25 FEET AND WEST A DISTANCE OF 51.90 FEET TO THE POINT OF BEGINNING.
THENCE N.89°53'11"W, A DISTANCE OF 42.92 FEET; THENCE S.89°25'26"W, A DISTANCE OF 1215.58 FEET; THENCE N.02°41'27"E, A DISTANCE OF 56.62 FEET; THENCE N.00°18'59"E, A DISTANCE OF 1259.95 FEET; THENCE N.87°43'49"E, A DISTANCE OF 586.21 FEET; THENCE SOUTH A DISTANCE OF 173.93 FEET; THENCE N.87°43'49"E, A DISTANCE OF 588.88 FEET; THENCE S.89°30'20"E, A DISTANCE OF 247.55 FEET; THENCE S.33°42'26"E, A DISTANCE OF 243.12 FEET; THENCE S.20°39'09"W, A DISTANCE OF 362.89 FEET; THENCE N.58°23'47"E, A DISTANCE OF 104.79 FEET; THENCE S.31°36'13"E, A DISTANCE OF 67.05 FEET; THENCE S.47°10'09"W, A DISTANCE OF 113.32 FEET; THENCE S.67°00'25"W, A DISTANCE OF 97.55 FEET; THENCE S.21°19'22"E, A DISTANCE OF 227.67 FEET; TO A POINT OF CURVATURE OF A 330.00-FOOT RADIUS NON-TANGENT CURVE TO THE LEFT; THENCE SOUTHWESTERLY A DISTANCE OF 292.63 FEET ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 50°48'24" AND A CHORD THAT BEARS S.43°18'35"W, A DISTANCE OF 283.13 FEET; THENCE S.17°54'23"W, A DISTANCE OF 13.70 FEET TO THE POINT OF BEGINNING, CONTAINING 40.41 ACRES OF LAND MORE OR LESS, CONTAINING 17 LOTS.

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, ALL OF THE UNDERSIGNED OWNERS OF ALL THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON AND SHOWN ON THIS MAP, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, STREETS, AND EASEMENTS AND DO HEREBY DEDICATE THE STREETS AND OTHER PUBLIC AREAS AS INDICATED HEREON FOR PERPETUAL USE OF THE PUBLIC.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS DAY OF _____ A.D. 20__

ACKNOWLEDGMENT

STATE OF UTAH } S.S.
COUNTY OF UTAH }
ON THE _____ DAY OF _____, A.D. 20__
PERSONALLY APPEARED BEFORE ME THE SIGNERS OF THE FOREGOING DEDICATION WHO DULY ACKNOWLEDGE TO ME THAT THEY DID EXECUTE THE SAME.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC (SEE SEAL)

ACCEPTANCE BY LEGISLATIVE BODY

THE CITY COUNCIL OF ALPINE CITY, COUNTY OF UTAH, APPROVES THIS SUBDIVISION AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS, AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC THIS _____ DAY OF _____, A.D. 20__

APPROVED _____ ATTEST _____
CITY ENGINEER (SEE SEAL) CITY RECORDER (SEE SEAL)

ACKNOWLEDGMENT

STATE OF UTAH } S.S.
COUNTY OF UTAH }
ON THE _____ DAY OF _____, A.D. 20__
PERSONALLY APPEARED BEFORE ME THE SIGNERS OF THE FOREGOING DEDICATION WHO DULY ACKNOWLEDGE TO ME THAT THEY DID EXECUTE THE SAME.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC (SEE SEAL)

RECEIVED AUG 05 2014

PLAT "C"

HERITAGE HILLS ALPINE

LOCATED IN THE SE 1/4 OF SECTION 13, T4S, R1E, SLB&M & THE SW 1/4 OF SECTION 18, T4S, R2E, SLB&M

ALPINE CITY UTAH COUNTY, UTAH

SCALE: 1" = 100 FEET

SURVEYOR'S SEAL	NOTARY PUBLIC SEAL	CITY-COUNTY ENGINEER SEAL	CLERK-RECORDER SEAL
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Northern ENGINEERING INC
ENGINEERING-LAND PLANNING
CONSTRUCTION MANAGEMENT

1040 E. 800 N.
OREM, UTAH 84097
(801) 802-8992

APPROVAL AS TO FORM:
APPROVED AS TO FORM THIS _____ DAY OF _____, A.D. 20__

CITY ATTORNEY _____

BOARD OF HEALTH
APPROVED SUBJECT TO THE FOLLOWING CONDITIONS _____

CITY-COUNTY HEALTH DEPARTMENT _____

ROCKY MOUNTAIN POWER
APPROVED THIS _____ DAY OF _____, A.D. 20__, BY PACIFICORP

PACIFICORP _____

PLANNING COMMISSION APPROVAL
APPROVED THIS _____ DAY OF _____, A.D. 20__, BY THE CITY OF ALPINE PLANNING COMMISSION.

DIRECTOR-SECRETARY _____ CHAIRMAN, PLANNING COMMISSION _____

R:\3-03-087-00 ALPINE BROWN\NEW PHASE 3 FOLDER\CAD\Final\FINAL PLAT C new 7-2014.dwg 8/5/2014 3:55 PM

3.9.4 OPEN SPACE (Amended by Ordinance 2005-02, 2/8/05)

1. A portion of each project area shall be set aside and maintained as designated open space. The minimum amount of a project area to be set aside as designated open space shall be as set forth in the following schedule:

Minimum Open Space Required

Zone District	Minimum % of Total Project Area Required as Open Space
CR-20,000	25%
CR-40,000	25%
CE-5	50%
CE-50	50%

2. The designated open space areas may include natural open space, (applicable to steep hillside, wetland, flood plain area etc.) and developed useable open space areas, or a combination thereof.
3. Notwithstanding the minimum open space requirements set forth under Section 3.9.4 #1, the designated open space area shall include and contain all 100 year flood plain areas, defined floodways, all avalanche and rock fall hazard areas, all areas having a slope of twenty five (25) percent or greater, or any other area of known significant physical hazard for development.
 - A. An exception may be made by the Planning Commission that up to 5% of an individual lot may contain ground having a slope of more than 25% in the CR-20 and CR-40 zones as long as the lot can meet current ordinance without the exception.
 - B. An exception may be made that an individual lot may contain up to 15% of the lot having a slope of more than 25% in the CE-5 and CE-50 zone as long as the lot can meet current ordinance without the exception. The exception shall be recommended by the Development Review Committee (DRC) to the Planning Commission, and a recommendation by the Planning Commission to the Alpine City Council with the final determination to be made by the City Council. (Ord. 2005-02, 2/8/05)
 - C. An exception may be made by the Planning Commission that an individual lot may contain up to another 5% of the lot (on top of the percentage as mentioned in Sections 3.9.4.3.A or 3.9.4.3.B) having a slope of more than 25% if it can be shown that the extra percentage of area acquired is being used to straighten and eliminate multiple segmented property lines as long as the lot can meet current ordinance without the exception.
4. The designated open space area shall be maintained so that its use and enjoyment as open space are not diminished or destroyed. The City will have sole discretion in determining if open space is held in private or public ownership. To assure that all designated open space area will remain as open space, the applicants/owners shall:
 - A. Dedicate or otherwise convey title to the open space area to the City for open space purposes;

- B. Convey ownership of the open space area to the homeowners association established as part of the approval of the PRD or to an independent open space preservation trust organization approved by the City.

In the event this alternative is used, the developer shall also execute an open space preservation easement or agreement with the City, the effect of which shall be to prohibit any excavating, making additional roadways, installing additional utilities, constructing any dwellings or other structures, or fencing or conducting or allowing the conduct of any activity which would alter the character of the open space area from that initially approved, without the prior approval of the City. The appropriate method for insuring preservation shall be as determined by the City at the time of development approval; or

- C. A combination of A and B above.

- 5. Where the proposed open space includes developed or useable space or facilities (tennis courts, pavilions, swimming pools) intended for the use by project residents, the organizational documents shall include provisions for the assessment of adequate fees and performance guarantees required to secure the construction of required improvements including the costs of installation of all landscaping and common amenities.
- 6. A detailed landscaping plan showing the proposed landscape treatment of all portions of the project proposed to be developed as, useable, common open space shall be submitted as part of the submittal documents.

ORDINANCE NO. 2014-14

AN ORDINANCE ADOPTING THE AMENDMENTS OF SECTION 3.9.4 OF THE ALPINE CITY DEVELOPMENT CODE RELATING TO SLOPE REQUIREMENTS IN PLANNED RESIDENTIAL DEVELOPMENTS (PRD).

WHEREAS, The City Council of Alpine, Utah has deemed it in the best interest of Alpine City to amend the ordinance regarding PRD slope requirements; and

WHEREAS, the Alpine City Planning Commission has reviewed the proposed amendments to the Development Code, held a public hearing, and has forwarded a recommendation to the City Council; and

WHEREAS, the Alpine City Council has reviewed the proposed Amendments to the Development Code:

NOW, THEREFORE, BE IT ORDAINED BY THE ALPINE CITY COUNCIL THAT:

The amendments to Section 3.9.4 contained in the attached document will supersede Section 3.9.4 as previously adopted.

This Ordinance shall take effect upon posting.

Passed and dated this 9th day of September 2014.

Don Watkins, Mayor

ATTEST:

Charmayne G. Warnock, Recorder

3.9.4 OPEN SPACE (Amended by Ordinance 2005-02, 2/8/05; 2014-14, 9/9/14)

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