

ALPINE CITY COUNCIL WORK SESSION

August 25, 2026

Mayor Carla Merrill called the Work Session to order at 4:08 pm.

Attending: Brent Rummmler, Sarah Blackwell, Andrew Young, and Chrissy Hannemann

Staff: Shane Sorensen, Caden Lyon, Jason Judd, Steve Doxey, and DeAnn Parry

I. WORK SESSION

A. Lovell Development Group Development Agreement

Shane Sorensen explained that the Lovell Development Group has approached the city with a proposal to enter into a development agreement for the properties with serial nos. 11:054:0449 and 37:280:0001 on the south side of Healey Boulevard and west of the Healey Well. The properties are located in the CR-40,000 zone. The proposal includes developing five lots with the lots fronting on a private road. Private roads are not currently allowed in the Alpine City Development Code (DCA), other than in senior housing developments. In addition, all lots are required to meet the frontage requirements on a public street. The developer is seeking an exception to these provisions through a development agreement. The developer has also looked at a four-lot plan where all lots would front on Healey Boulevard and would not require a development agreement, since all provisions of the city code could be met. The five-lot plan is preferred.

The transportation plan shows Healey Blvd as a collector road with increased traffic, like Ridge Drive. We do not have restrictions on residents backing out of driveways on collector roads like we do on arterial roads, but this five-lot plan would prevent backing onto the busier street.

Utah State Code allows a city to grant exceptions to city code requirements through a development agreement, with the requirement that the development agreement goes through the same approval process required for adopting a new land use regulation (i.e., Planning Commission public hearing and recommendation and a City Council public hearing). This is outlined in Utah Code Ann. §10-20-508 as follows:

- (2) (a) A development agreement may not:
- (i) limit a municipality's authority in the future to:
 - (A) enact a land use regulation; or
 - (B) take any action allowed under Section 108-84;
 - (ii) require a municipality to change the zoning designation of an area of land within the municipality in the future; or
 - (iii) allow a use or development of land that applicable land use regulations governing the area subject to the development agreement would otherwise prohibit, unless the legislative body approves the development agreement in accordance with the same procedures for enacting a land use regulation under Section 10-20-502, including a review and recommendation from the Planning Commission and a public hearing.

Following is an excerpt from DCA 4.04.080 regarding limitations and prohibitions for development agreements:

4. Limitations and Prohibitions. A development agreement under this section shall not:
- a. Limit the city's authority in the future to enact a land use regulation or take any action allowed under 10-8-84 of Utah State Code (as amended);
 - b. Require the City to change the zoning designation of an area of land within the City in the future; or
 - c. Contain a term that conflicts with, or is different from, a standard set forth in an existing land use regulation that governs the area subject to the development agreement, unless the City Council approves the development agreement in accordance with the same procedures for enacting a land use regulation under 10-9a-502 of Utah State Code (as amended), including a review and recommendation from the Planning Commission and the conducting of a public hearing.

- d. The City shall not require a development agreement as the only option for developing land within the City.
- e. The City shall not require a development agreement as a condition for developing land within the City if the proposed development otherwise complies with the City's applicable ordinances and provisions contained within Utah State Code (as amended), the proposed development is an allowed or permitted use, or the City's land use regulations otherwise establish all applicable standards for development on the land.
- f. The City may not restrict the type of crop that may be grown in an area that is zoned agricultural or assessed under 59-2-5 of Utah State Code (as amended)
- g. To the extent that a development agreement does not specifically address a matter of concern related to land use or development, the matter of concern shall be governed by 10-9a of the Utah State Code (as amended) and the applicable land use regulations in this code.
- h. *[missing in the code]*
- i. The City may submit to the County Recorder's Office for recording a fully executed agreement or a document related to code enforcement, a special assessment area, a local historic district boundary or the memorializing or enforcement of an agreed upon restriction, incentive, or covenant. The City shall not cause to be recorded against private real property a document that imposes development requirements, development regulations, or development controls on the property, restricts ...*[missing in the code]*

Item 4.c. states that if anything conflicts with the city ordinance, that issue would be required to go through the process of a code amendment, which would involve the Planning Commission and City Council.

As part of this proposal, the developer would provide the following to the city:

- A 15-foot-wide storm drain easement along the south and west boundaries of the development.
- A 15-foot-wide waterline easement along the east boundary of the development.
- The developer is proposing to install a storm drain line and pressurized irrigation line within the easement, with the city reimbursing the developer for the cost of the improvements, less a \$100,000 contribution from the developer towards the cost of the improvements.

These improvements are desired by the city. The storm drain line would help cure a drainage issued that has been a problem in the past for the city property to the east. The pressurized irrigation line would complete a portion of the master planned 24" line in the irrigation system. This action would avoid utility conflicts and allow the city to run the pipe to the west side of the building.

The following list of perceived benefits for the 5-lot plan was provided by developer:

We continue to believe the private lane concept provides several meaningful benefits when compared to the traditional four-lot layout, including:

- *Reduced driveway cuts along Healey Boulevard, improving traffic flow and safety.*
- *Improved ingress and egress through a consolidated access point.*
- *A cleaner and more attractive streetscape.*
- *Enhanced frontage landscaping and improvements that would be privately maintained.*
- *Additional infrastructure benefits to the city through the proposed storm drain and water line easements.*
- *A planning outcome that we believe better fits the property while minimizing impacts to the surrounding neighborhood.*

Additionally, it is important to note that the proposed storm drain and water line easements would not be provided under the traditional four-lot code-compliant layout. We believe the Development Agreement approach creates an opportunity for the city to receive meaningful infrastructure benefits while also achieving what we feel is a superior planning outcome for the property and surrounding neighborhood.

The draft development agreement included in the packet includes some comments from Steve Doxey's review. This is not meant to be all-inclusive but can be used as a starting point if the council wants to consider this property being developed with a development agreement. Staff agree with Mr. Doxey's comments.

Brent Rummmler said he researched reasons that a city would not allow private roads. Some of those are:

- Public streets are systematically maintained - *This is more like shared driveway or pipe stem.*
- Emergency access – *If the plan is adequate for Emergency Services this will not be an issue.*
- No through traffic - *Public access is not applicable here.*
- Financial protection for homeowners (usually an HOA) - The street cost can be a shock to homeowners when they learn that they have to pay for it - *The owners here would know about the private road ahead of time.*

Brent has seen these pipe stem driveways work in other areas. Not having four driveways exit on Healey Blvd is also a benefit. Westbound traffic moves quickly so one ingress/egress is preferable.

Sarah Blackwell asked several questions:

- Will the neighborhood be gated?
- Why a private road instead of a PRD?
- Is the easement in the backyards?
- What are the total estimated costs?

Brent Lovell, Developer, said that it is not planned to be gated and the homeowners will have an HOA. It is not proposed as a PRD because they wanted to have larger lots (above 40,000 sf). The easements will be in the backyards and will be disclosed to the owners. Costs are not yet known.

Shane Sorensen explained that one provision in the development agreement is that their contractor will do some of the city utility work. Our attorney review brought up a few questions about the procurement process and required government bids, which could affect the cost of the project.

Sarah Blackwell said she likes getting something that will benefit the city and wondered how often we get requests for private streets.

Shane Sorensen responded that last year we had one other private street request, and development agreements are new to Alpine except for senior housing areas. This property came on the market in the last few months, and four parties have approached staff about it. The water line is the most important of the two improvements, if we can work out the terms and financial elements.

Mayor Carla Merrill confirmed that staff are planning ahead for the water line, which is the first priority. The storm drain is second, if we can work it out.

Chrissy Hannemann felt that the advantages outweighed the disadvantages.

Andrew Young said he has talked to nearby residents, and they do not want the city to make exceptions. This neighborhood has had a lot of bizarre things happen. They are reeling from it across the street up the road. We recently approved an exception to a four-sided lot. It is not just this neighborhood, but the two surrounding neighborhoods are asking how it was allowed. He asked Brent Rummmler how he would handle this because it is so against code.

Brent Rummmler responded that land use is not an exact science and no ordinance is perfect. So generally, you have exceptions within the ordinance for additional uses and other issues. Not every property will fit perfectly in the code. The developer benefits by being able to sell an additional lot, but the residents will have the burden to maintain the road and plow the snow. Alpine has an ordinance about no private roads, but this is really a shared driveway. Brent does not think it will negatively impact the nearby residents. Motorists driving on Healey Blvd would likely want one entrance

instead of four driveways, which is a significant safety issue. This may not have been explained to the neighbors. When unforeseen issues come up, that is the reason for exceptions.

Mayor Carla Merrill mentioned a similar situation in the North Point subdivision and said that a road and a drive are essentially the same. The city benefits because this will save us money and give us access for utilities, and the water and storm drain easements are important. She wanted to know how firm the developers were on the \$100,000 contribution and if was negotiable. She also commented that the city may be able to partner with them for excavation or other work.

Brent Lovell responded that everything is negotiable because they are developers. Their attorney suggested they have a plan to help the city. They are happy to give the easements plus the \$100,000. More than that might be challenging as they also have to build a private road. Mr. Lovell said they can develop cheaper than the city because they do not have the government bidding requirements. They offered to do some of the work as an incentive for the city to partner with them. They also think one drive instead of four is preferable.

Shane Sorensen said if this development moves forward, we can use the construction costs from the fall 2025 projects for comparison.

Andrew Young confirmed that Lovell Development owns the land. He also said that Alpine residents come in and pitch for things. Our City Administrator and attorney have spent a lot of time on this agreement, and the residents deserve the same amount of time.

Brent Lovell clarified that his attorney drafted the development agreement, not the city.

Andrew Young suggested that council talk to the neighbors. They are not pleased with the recent discussions and elections are coming up. We represent the residents.

Brent Rummeler said that typically, conservative people in a conservative state err on side of the landowner. The city can impose restrictions on people's land use, but they have to be reasonable. Zoning and land use should also consider the public benefit. Utah law says to err on side of the landowner when the law is ambiguous or when there is not significant public benefit. Brent did not see a public benefit in denying this development.

Mayor Carla Merrill said that if the developer were asking for half-acre lots it would be different. These are over 40,000 sf, which is larger than what is required in the zone.

B. Detached Accessory Dwelling Units (ADUs)

City Planner Caden Lyon said that because Senate Bill 284 was approved, Alpine City is required to have a detached accessory dwelling unit (ADU) code adopted by October 1, 2026, to meet new State requirements. Staff and the Planning Commission have twice discussed different options for ADUs, but nothing has yet been sent as a formal recommendation to the City Council. Since our timeframe is growing short, we are overlapping the ADU discussion between Planning Commission and City Council and are looking for direction from the council.

The motion to table from the Planning Commission was as follows:

MOTION: Planning Commissioner John MacKay moved to Table the proposed amendments to the Development Code for Detached Accessory Dwelling Units for staff to rework language as such:

1. Language from the Holladay City ordinance specifically to include:
 - a. Purpose Statement.
 - b. Minimum rental term of 90 days.
 - c. Require a rental license as required with current interior dwelling units.
 - d. Incorporate dwelling occupancy language.
 - e. Include a footprint for lots:

- i. Minimum is 300 square foot building footprint
- ii. 0 – 10,000 sq ft lot 800 sq ft building footprint
- iii. 10,001 – 20,000 sq ft lot 900 sq ft building footprint
- iv. 20,001 – 40,000 sq ft lot 1,000 sq ft building footprint
- v. 40,001 – and above 1,200 sq ft building footprint
- f. Percent of lot coverage: We want to modify the language to say the total allowable lot coverage is for all permanent structures. Delete everything after the dwelling unit. We're not going to specify excluding outdoor swimming pools, ponds, artificial liners or other water features. We do want to include: Is set forth in the following chart expressed as a percentage of lot size. The percentages will be broken down into four bands:
 - i. Less than 10,000 sq ft 35% Coverage of all Structures
 - ii. 10,001 – 20,000 sq ft 30% Coverage of all Structures
 - iii. 20,001 – 40,000 sq ft 25% Coverage of all Structures
 - iv. 40,001 and above 22% Coverage of all Structures
- g. Delete from Holladay City the language that falls under Design Standards
- h. Incorporate the conversion of accessory buildings to include a process and criteria for granting exceptions and/or conditional uses that Alpine staff will come up with.
- i. Setbacks will be the same as for an accessory building in the same zone.
- j. The height of an ADU will be modified to a maximum of 25 feet and follow the same criteria as an accessory building in the same zone.
- k. These additional items are to be added to the existing proposed language.

Jeff Davis seconded the motion. There were 7 Ayes and 0 Nays. The motion passed unanimously.

Staff recommend that the council provide input into the Detached ADU code language so that the ordinance is ready for adoption by the required deadline of October 1.

Caden Lyon referenced the definition of an ADU from state code and the definition of living space. The Planning Commission recommended having a footprint requirement. Caden felt that a detached ADU should be based on living space instead of a footprint. One main reason is that if a resident wants to reconstruct an ADU over an existing garage, the footprint requirement would not allow them to proceed.

The council and staff held a discussion where the following points were presented:

Rentals & Enforcement - A 90-day minimum initial rental term could be required, but many people want a month-to-month lease option. This issue will need clarification. Residents have circumvented accessory structure rules in the past, which is something to watch for.

Lot Sizes - Lots smaller than 11,000 sf could have an ADU if the city approves. A maximum 800 sf ADU has been suggested for smaller lots. The State only requires one parking space, but the city can require two. This seems more appropriate. A small ADU could have just one space.

Coverage - The Planning Commission wanted to limit lot coverage by structures. This could apply to all structures, not just external ADUs. Holladay City has an impervious surface requirement that depends on lot size, and we may want to adopt one. This code could be for total lot coverage, rather than focusing solely on ADUs. We currently do not require a permit for concrete flatwork, but this could be addressed so we can calculate impervious surfaces.

Density & Views - People should be able to use their land, but neighbors will care about what happens to their view. Residents are concerned about high density housing in Alpine, and external ADUs can fill a housing need in our community without going to high density.

Permits - We can restrict ADUs to one per lot, either internal or external, but this will be hard to enforce. The Building Department will refine their process for accessory apartments to include external ADUs and State reporting. Registered accessory apartment permits help us meet our moderate-income housing goals. Accessory apartment permits or ADU fees are not currently required for family members.

Height, Materials & Setbacks - A height restriction is recommended at 25 feet. Requiring building materials to match the primary dwelling will create a consistent look.

Conversions - We need a provision for legally constructed accessory structures to be converted into ADUs. We can also adjust or eliminate the code that requires an accessory dwelling structure to have a roof connected to the primary dwelling.

Impact Fees - ADUs are required to connect to the same meter as the house, so impact fees are a concern. Currently we cannot add additional fees for internal units. This will need more research.

Caden Lyon asked council members to look at the exhibits, especially Exhibit D, and send their suggestions and ideas to him as soon as possible. The Planning Commission will need to provide a recommendation at their next meeting on September 1st.

C. Greg & Michelle Smith Plat Amendment

Caden Lyon said the Smiths want to build a wall across the front of their property (10 feet back as required per city code) in order to block traffic sound from cars using the public street in front of their home. Their design requires the wall to be placed in a location that is currently city property dedicated for a pump station. The rough estimate of the wall's location is portrayed in the aerial view below.



The wall as proposed would encroach onto the city pump dedication parcel by abutting the concrete walk-up that provides an entrance into the pump station. Staff are requesting direction from the City Council as to whether there is interest in providing a way for the property owners to build their wall as desired.

Homeowner Greg Smith was invited to the microphone, and the council and staff held a question-and-answer session.

Q: Why does the proposed fence not follow the property line?

A: Greg - A sound wall must be continuous, and there would be a 14-foot gap if it stopped at the city property.

Q: Can the wall be curved?

A: Greg – It cannot be curved and maintain the sound barrier. There were only 18 homes in Box Elder when they moved in. Now there are many more homes and the traffic is bad. They would like to acquire part of the city property (470 sf or 0.01 acres). This section looks like part of their front yard, and the city is only using half the space. He knows it is complicated because of the rules governing disposition of public property.

Caden Lyon directed the council to the PowerPoint pages in the packet to explain the process for disposing of city property or allowing an easement.

Q: Will the existing retaining wall remain in place?

A: Greg – Yes, they would build up to the retaining wall and follow behind the pump house. There will be an opening for the driveway with gates.

Q: If the city is not comfortable selling the property what about an easement?

A: Greg – The pump house is at the edge of Lambert Park so there is plenty of room if the city wants to expand it to the west. The Smiths would prefer to buy the land. They do not think it would require an auction because of the small size. There are no utilities in that space.

Q: What is the public benefit of doing nothing, granting an easement, or selling a piece of the land?

A: Shane Sorensen – We do not know what the future will bring and very few properties are sold by the city. We once sold a small property and then later needed it for a water line. If the council is comfortable with an easement, we would need a clause that if the city needed the property they could get it back. The wall would have to be moved.

Q: How do the public works staff feel about the proposal?

A: Sarah Blackwell received an email saying their concern is about future needs at the pump house. They were opposed to selling the land.

Q: What are possible complications with an easement?

A: Jason Judd - If the city needed the land in the future the wall would have to be moved. When pump houses are redesigned, they are always larger to provide water for more people.

Shane Sorensen commented that this pump station is very small for the Box Elder area. If it were built today, it would be larger.

Q: How often does a resident ask for an easement?

A: Shane Sorensen – It is very rare in Alpine.

Q: Is enlarging this pump house on our list of projects?

A: Shane Sorensen – The pump house has been expanded once and there is not much room left in the building. The future requirements for this pump station are not known because the standards set by the Division of Drinking Water are constantly updated.

Q: Would the Smiths be open to an easement with a time buffer of six months to a year?

A: Greg – If the wall had to be moved closer to the house it would create a blighted home. He did not think the city would want to do that.

Shane Sorensen asked the council to send their feedback to Caden Lyon. If two council members support this request moving forward, it can be included on a future agenda.

Shane Sorensen recommended moving Item D – Consideration of PI Bonding to Council Communications, due to the time.

The Work Session closed at 5:41 pm so the council could break for dinner.