



ALPINE CITY COUNCIL **ELECTRONIC** MEETING AGENDA

NOTICE is hereby given that the **CITY COUNCIL** of Alpine City, Utah will hold an **Electronic Public Meeting** on **Tuesday, April 28, 2020 at 7:00 pm** hosted at Alpine City Hall, 20 North Main, Alpine, Utah.

The public may participate in this meeting by watching the livestream at the **Alpine City YouTube Channel**. A direct link to the channel may be found on the home page of the Alpine City website at www.alpinecity.org.

Public Comments may be submitted to admin@alpinecity.org Comments for items on the agenda may be submitted during the meeting as requested. Comments for an item not on the agenda must be submitted by 5 pm the day of the meeting.

I. CALL MEETING TO ORDER

- | | |
|---------------------------------|-------------------------|
| A. Roll Call | Mayor Troy Stout |
| B. Prayer: | Carla Merrill |
| C. Pledge of Allegiance: | By invitation |

II. CONSENT CALENDAR

- A. Approve City Council Minutes of April 14, 2020**
- B. Moyle Drive – Partial Payment No. 1 \$7,383.59**

III. PUBLIC COMMENT

IV. REPORTS AND PRESENTATIONS

V. ACTION/DISCUSSION ITEMS

- A. City Council Member Selection Process:** The City Council will vote to fill the City Council vacancy left by the resignation of Judi Pickell
- B. Plat Amendment – Three Falls Subdivision Plat G:** The Council will consider a plat amendment adjusting the open space.
- C. Ordinance 2020-08: Owner Occupied Temporary Absence:** The Council will consider an amendment allowing an accessory apartment to be rented during the temporary absence of the owner.
- D. The Ridge at Alpine – Request for Approval to Preform Some Construction on Phase 3**
 - 1. Request permission to work in Phase 3 prior to final approval.**
 - 2. Direction on final design of park/detention basin area.**
- E. Discussion about large addition to homes and accessory buildings.**

VI. STAFF REPORTS

VII. COUNCIL COMMUNICATION

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

ADJOURN

Mayor Troy Stout
April 24, 2020

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS. If you need a special accommodation to participate, please call the City Recorder's Office at (801) 756-6347 x 4.

CERTIFICATE OF POSTING. The undersigned duly appointed recorder does hereby certify that the above agenda notice was on the bulletin board located inside City Hall at 20 North Main and 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



PUBLIC MEETING AND PUBLIC HEARING ETIQUETTE

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

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

Public Hearing vs. Public Meeting

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

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

ALPINE CITY COUNCIL ELECTRONIC MEETING
Held at various locations including Alpine City Hall and Councilmember or Staff homes
April 14, 2020

I. CALL MEETING TO ORDER: The meeting was called to order at 7:00 pm by Mayor Troy Stout

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

Mayor Troy Stout

Council Members: Lon Lott, Jason Thelin, Carla Merrill, Greg Gordon.

Council Members not present: Judi Pickell submitted her resignation on April 6, 2020 due to change of employment.

Staff: Shane Sorensen, David Church, Charmayne Warnock, Austin Roy, Bonnie Cooper, Police Chief Gwilliam,

Fire Chief Reed Thompson, Marla Fox

Others: Brandon Johnson, Mark Anderson

B. Prayer: Lon Lott

C. Pledge of Allegiance: Troy Stout

II. CONSENT CALENDAR

A. Approve City Council minutes of March 10, 2020

B. Purchase of Parks Utility Vehicle: John Deer Company, \$20,981.86. Shane Sorensen said this was included in the budget as part of the vehicle replacement plan.

C. Bond Release #1, Montdella: \$9,665.75

D. Bond Release #4, The Ridge at Alpine, Phase II: \$14,350.00

E. Bond Release #5, The Ridge at Alpine, Phase II: \$33,152.25

F. Approval of 300 North Well Pump – Widdison Turbine Service: \$73,057.00.

Shane Sorensen said the Council previously approved funds for the development of the 300 North well. This expenditure was to install a new pump in the well.

G. Resolution No. R2020-05, Interlocal Agreement for Central Utah 911. Shane Sorensen said Pleasant Grove was joining Central Utah 911, so the Agreement needed to be amended to include them. The amendment also added a provision that when other cities joined in the future, they wouldn't have to amend the agreement each time.

MOTION: Lon Lott moved to approve the Consent Calendar. Seconded by Greg Gordon. Ayes: 4 Nays: 0. Motion passed.

Ayes

Lon Lott

Carla Merrill

Greg Gordon

Jason Thelin

Nays

None

III. PUBLIC COMMENT: There was no public comment.

IV. REPORTS AND PRESENTATIONS

A. Electronic Public Meeting Discussion

David Church said that under the Public Meetings Act, cities were authorized to hold public meetings electronically. Alpine City had already adopted their own ordinance allowing electronic participation in a public meeting. However, the City ordinance required an anchor location and provided for the public to attend that location. But due to COVID-19, Governor Herbert issued an emergency order waiving the requirement for an anchor location for public meetings.

Shane Sorensen said cities were required to provide a way for public meetings to be broadcast so the public could view it simultaneously and participate electronically. This City Council meeting was being broadcast live on Alpine City's YouTube channel at <https://www.youtube.com/watch?v=aIXnz9fellw>. The public could participate under Public Comment for items not on the agenda by emailing their comments to admin@alpinecity.org up until 5 pm on the day of the meeting. Comments on agenda items could be emailed during the meeting when they were called for. He asked that the Council remain muted unless they had something to say. Mayor Stout asked that roll call votes be taken to avoid confusion.

B. Introduction of City Recorder in Training: Bonnie Cooper

Shane Sorensen introduced Bonnie Cooper who was training as the new City Recorder since Charmayne Warnock was retiring. Mayor Stout said he was sad to see Charmayne go and thanked her for her years of outstanding service. He said he had met Bonnie Cooper and felt she would be a good addition to the staff.

C. Judi Pickell Resignation/Council seat vacancy

Shane Sorensen said Judi Pickell resigned her Council seat on April 6th because her husband obtained employment in another city and the family was moving. The vacancy had been posted in the Newsline and on the webpage and in various locations. Applications would be accepted until April 23rd at 5 pm. Applications and resumes would be included in the City Council packet so the Council could review them prior to the meeting of April 28th when the selection would be made. Charmayne Warnock said Lori Qian and Caroldeen Neves had applied for the seat.

D. Emergency Operations Plan (EOP)

Shane Sorensen said Alpine City had adopted an Emergency Operation Plan several years ago. In light of the COVID-19 pandemic, they would be making some adjustments to it. Section 3.1.4.5, which dealt with Public Health Emergencies and the possibility of a pandemic stated, *Planning for these events is well beyond the ability of Alpine City, but if an outbreak were to occur, the City will be expected to provide accurate information in an immediate fashion.*

Lon Lott said that in reading the EOP, he felt it would be critical for everyone to know their role. The mayor was the incident commander who would work with the city administrator and other officials. He said that as mayor pro tem, he would like to be aware if the mayor was leaving town in the event something did happen so he would know if he needed to step in. Mayor Stout said he was considering appointing an emergency event coordinator, but they would discuss that in a later meeting.

Chief Reed Thompson said that both FEMA and Texas A & M Extension Service offered a really good management course for emergencies. It was a four-day course taken at your location or their location. The cost of the course was completely covered for elected officials and public works and public safety personnel. The training would be very beneficial and he suggested they talk about getting some people into it.

E. Financial Report

Shane Sorensen said the City was 75 percent of the way through the budget year. Things had been going very well until they ran into COVID-19. They wouldn't know the true effect of the outbreak until next year. There was a two-month lag on revenue from sales tax and Class C road funds (gasoline tax) so they would know later how that was shaping up. They had already received the bulk of the property tax revenue, which was one of the City's biggest sources of revenue.

Greg Gordon asked how they would plan for the next year with the uncertainties and suggested they be conservative in planning. The projection was that the country would be amid a recession by fall. Shane Sorensen said that even after the budget was adopted, the Council could open it throughout the year and amend it as needed.

V. ACTION/DISCUSSION ITEMS

A. Resolution No. R2020-04, Authorizing the Issuance of Water Revenue and Refunding Existing Bonds

Shane Sorensen welcomed Mark Anderson with Zions Public Finance and Brandon Johnson, acting Bond Counsel to the meeting. He said the City needed to take out a bond for a few projects, the first one being construction of the CUP pump station, which was discussed in the previous meeting. The Central Utah Water District would pay 50% of the cost of the pump station; Alpine's share was estimated at \$600,000 for everything including engineering. The water would have to be filtered before entering the PI system which be an additional \$300,000. They were also including a pump for the 300 North well in the bond amount. Other items in the Capital Facilities plan may also be added.

This particular agenda item was a parameter resolution to set the limits of the bond, grant authorization to execute the bond, and set the public hearing. The principal amount of the bond would not exceed four million dollars. Part of that principal was the original three-million-dollar bond which would be refunded at a lower interest rate. Up to another 1.5 million dollars would be added to the bond. The bond maturity period would not exceed 12 years with an interest of rate of no more than 4%.

Mark Anderson said he had been involved in other bond openings and had seen higher than expected costs so it would be good to have some built-in flexibility. He expected the bonds to close in June. They were hoping to get an interest rate of 1.5%. He believed Alpine's type of bond would not be as susceptible to the fluctuations in the economy as some.

Shane Sorensen said they would have a public hearing on May 12th. Bids would be due by May 27th. They were proposing to maintain the same bond payment they currently paid. This reissuance would extend the life of the bond out another couple of years depending on the final amount. He said it would be a good idea to firm up the water supply for residents in the future.

MOTION: Lon Lott moved to approve Resolution No. R2020-04 Authorizing the Issuance of Water Revenue and Refunding Existing Bonds. Carla Merrill seconded. Ayes: 4 Nays: 0. Motion passed.

Ayes

Lon Lott

Carla Merrill

Greg Gordon

Jason Thelin

Nays

None

B. Approval of Amended Lone Peak PSD Interlocal Agreement

Troy Stout said the Lone Peak PSD Interlocal Agreement was being amended after the departure of Cedar Hills from the District. The Board had a lot of discussion about the potential makeup of the Board since Highland had a larger population and was providing more revenue, but they had come to an agreement.

Shane Sorensen reviewed the Board composition, which would have five members. Each city would have two regular members on the board, then each city would have an alternate member selected by a majority vote of the respective council. The fifth member would alternate year to year from each city and would be the chairman. Any action of the board had to be approved by three votes. The chair would vote only in the event of a tie or in the appointment or dismissal of a chief. The Agreement also included clarification about the population data, which was how assessments were calculated.

If a proposed budget for the Lone Peak PSD District exceeded the average property tax revenue for both cities for the previous fiscal year, both Councils would have to vote to approve it, excluding any new revenue increase.

Jason Thelin, as a board member, said he was present at the discussion on the amended agreement. He said the alternate member position was very important and he/she needed to be knowledgeable about the issues and step into the role. Judi Pickell was to be Alpine's alternate, but she had resigned so they needed to select a new alternate.

David Church said the alternate would be appointed by the mayor with the advice and consent of the council.

MOTION: Lon Lott moved to approve the Lone Peak Public Safety District Interlocal Agreement as amended. Greg Gordon seconded. Ayes: 4 Nays: 0. Motion passed.

<u>Ayes</u>	<u>Nays</u>
Lon Lott	None
Carla Merrill	
Greg Gordon	
Jason Thelin	

C. Ordinance No. 2020-06, Amendment to the Sign Ordinance

Austin Roy said the amendment to the sign ordinance grew out of concerns about the Altabank sign. The City had received numerous complaints about it obstructing the view at the intersection of Main Street and 100 South. The Council had discussed reducing the allowed height of signs and the item was tabled so staff could evaluate other signs in Alpine. Austin Roy said he had measured other signs in Alpine and included the list in the packet of different signs throughout Alpine and their various heights.

Lon Lott said it was critical when measuring the height of a sign that they consider where they were measuring from. A six-foot high sign sitting on a two-foot berm would be considerably higher. To be uniform, he suggested measuring from the level of the curb rather than the ground.

Shane Sorensen said a pedestal increased the height and people needed to include the pedestal in their measurements.

The Council discussed the problems related to signs and visibility along with possible solutions which included increasing the size of the sight triangle, increasing the required setback, taking into consideration natural terrain and the curb radius, and reducing the allowed height for a sign.

Carla Merrill pulled up a photo of the old Bank of American Fork sign. There had been no complaints about the old sign because it had not created a sight problem like the new sign. She pointed out that the old sign had a large space between the base of the sign and the actual sign. The space was at least three and half feet wide which allowed motorists to see oncoming traffic. The sign was also set farther away from the building. The new Altabank sign was a solid monument set on a solid base.

After a lengthy discussion, the issue of the sign ordinance was tabled, and staff was directed to come back with an ordinance that addressed their concerns. Shane Sorensen asked the Council if they wanted to reduce the height of the signs or stay at six feet. Jason Thelin said he thought they should consider reducing the height.

In response to a question about whether this needed to go back to Planning Commission, David Church said that it did not since they'd already made a recommendation on the sign ordinance.

MOTION: Lon Lott moved to ask staff to address the concerns raised that evening and return with their findings. Jason Thelin seconded. Ayes: 4 Nays: 0. Motion passed.

<u>Ayes</u>	<u>Nays</u>
Lon Lott	None
Carla Merrill	
Greg Gordon	
Jason Thelin	

D. Ordinances No. 2020 -02 and No. 2020-04, Short-term Rentals

Austin Roy said the Council had discussed the ordinances relating to short-term rentals in terms of allowing them if they were owner occupied. He had tweaked the language accordingly. He also added that if the owner was out of town for an extended period and had a rental unit in their home, they would be allowed to have an operator run the

rental in their absence. He said that putting a cap on the allowed number of short-term rentals could limit the number. Cities like Sandy that were near ski resorts capped the number allowed in their cities.

Troy Stout said that Hurricane had capped the number of short-term rentals which shifted the type of homebuyer. Before the number was capped, lots of investors were scooping up houses to turn them into Airbnbs which shut regular people out of the market who were looking for homes.

Greg Gordon said he was concerned that short term rentals would affect the availability of moderate income housing. He was also concerned about the language that allowed operators to run a rental while the owner was away.

Carla Merrill said she would be more inclined to pass the ordinance if there wasn't a provision allowing an operator to run a rental in place of an absent owner. Lon Lott said that was designed for someone like a mission president who went on a mission and had their kids to watch over their home. Austin Roy said the owner would have to provide proof that it was their legal residence. It could not be a second home.

Greg Gordon said the challenge would be identifying the short-term rentals and having a transient room tax that applied to the entire city. That would leave the burden on staff to inspect everything.

David Church said that if the City was going to allow short-term rentals, they should require a transient tax. Or the City could clearly ban short-term rentals and recognize that the ordinance had not been clear in the past; if the owner could prove they were operating a short-term rental prior to adoption, they could go through a process to seek grandfather status. If there was a problem, the City could pull their license. He noted that short-term rentals did drive up home prices and did have a negative effect on moderate income housing availability.

Mayor Stout said he didn't want to affect moderate income housing but would like to collect a transient room tax for short-term rentals that already existed.

MOTION: Carla Merrill moved to adopt Ordinance No. 2020-02 prohibiting short-term rentals. Greg Gordon seconded. Ayes: 3 Nays: 1. Motion passed.

Ayes

Lon Lott
Carla Merrill
Greg Gordon

Nays

Jason Thelin

When asked about grandfathering rights, David Church said that if someone believed they had a right to be grandfathered, they would need to prove it. If the City wanted to adopt a transient tax, they would need to pass a formal ordinance and send a notice to the State Tax Commission.

E. Budget Discussion

Shane Sorensen said there would be an increase in the budget to health, dental and solid waste costs. With all the revenue questions, the PSD budget meeting was cancelled to see if they could get more information. It would be helpful to have a tentative PSD budget when the City set their tentative budget. Sales tax revenue and Class C road funds were an unknown. The city was at almost 100 percent with property tax collections. The fourth quarter cent tax that went toward transit should give them a little less than \$100,000, but it would be affected as well.

Shane Sorensen said they would have to prioritize projects. Some projects that were in the first phase would need to be evaluated to see if they could do the second phase. Non-essential projects would be postponed. The improvement of 600 North and 800 South were planned for the upcoming budget year and they may still be able to do them since the upgrades were based on funds they had. Those funds were earmarked for transportation projects and could not be used for something else. Park projects from the General Fund may have to be put on hold. He said he'd had request from Wasatch Mental Health for \$25,000 a year for three years to build a North Utah County facility.

He said there were requests to Governor Herbert to push back the deadline for adopting the budget. However, once the budget was adopted, it could be amended anytime during the fiscal year. Usually cities had a merit increase for

employees but many were looking at increased insurance costs so they may not be giving a merit increase. They should have more information in the next few weeks.

Police Chief Brian Gwilliam said their costs were not going down. They were watching to see what happened. Fire Chief Reed Thompson said they had kept their operational budget pretty flat.

David Church said that under state law, the city would present the tentative budget then hold a public hearing and adopt a final budget in June. Because the budget can be amended, nothing should prevent them from moving forward in the process.

VI. STAFF REPORTS: Mayor Stout asked the Chiefs to report on how COVID-19 was affecting their departments.

Police Chief Brian Gwilliam

- He said they did have person protective equipment (PPE). They were short on some items but were expecting a new shipment.
- Two of their officers were quarantined. One tested positive and the other was his partner. It was not contracted at work but from a family member.
- With the minimum staff they had, they were still able to keep officers out on the road. With school out, they were able to utilize those officers that were normally at the school.
- The call volume was down since people were staying home. They did get some complaints about people going to the park and not maintaining social distance. Most of the offenders were teenagers. The officers had asked them to comply with the social distancing requirement and most of them were compliant. For the time being.
- Chief Gwilliam said he had contracted with a company that disinfected the vehicles and the building once a week. They were still under an obligation to look out for each other.
- The principal at Alpine Elementary, Dave Purdew was planning to have the teachers line up on 300 North and invite the kids to come by in cars and wave to their teachers.

Fire Chief Reed Thompson

- They had a part-time employee that was positive for strep with a pending COVID-19 test. The employee had a roommate that was a fulltime employee so that posed a challenge. They were both on isolation until they had the results.
- The virus had affected how the EMTs interacted with the public and how they acted when responding to calls at homes. If possible, they asked them to come outside to be evaluated, and if necessary, they sent in only one EMT unless it was a critical patient.
- Each of the hospitals they dealt with had different interaction policies, so staff had to be up to speed on each policy.
- In relation to disinfection, they had a process similar to the police department. If they had patients that were symptomatic, they disinfected the vehicles and apparatus. The disaster cleanup company did it at no cost.
- The Governor may shorten the open burn window from May 30th to May 1st to avoid the possibility of a fire. A wildfire would make social distancing even more difficult.

Shane Sorensen

- The staff at City Hall was on a split schedule so they worked in the office every other day and at home on the off day. They hadn't received any complaints, so things seemed to be working out okay.
- The Memorial Day program would be canceled. Possibly they would have a program on Veterans Day.
- Alpine Days would be a scaled back version if they had one at all. They were waiting to see what happened.
- The Dunn transfer station was closed so people were having to use the North Pointe landfill if they had a truckload of trash. North Pointe charged \$22 a load because the City did not have a contract with them. The front office had received a lot of complaints from citizens. Possibly the City could give citizens a \$7 voucher if they used North Pointe.
- Regarding streets sweepers, it was cheaper to drive the trucks to Fairfield than use North Pointe.

- T-Mobile and Sprint had merged and wanted to renegotiate their fees for their towers in Alpine. It would most likely be more in line with what Verizon paid.
- There were complaints about closed restrooms in the park but the temperature was still below freezing at night, so they hadn't opened them up. Plus, there were issues with cleaning them with COVID-19. They also had a shortage of toilet paper from their supplier.
- The projects on the Healey parking lots, the 800 South waterline, Moyle Drive improvements and 600 North were underway.

Austin Roy said the City had an application for a new subdivision at the north end of Whitby Woodlands and an application for the plat amendment for Summit Point.

VII. COUNCIL COMMUNICATION

Mayor Stout

- They were talking about providing greater protection for the staff at City Hall.
- In Utah County they had 328 cases with 18 hospitalized, six in ICU and three deaths. The proliferation was less in Utah County than Salt Lake County, but they still had a long way to go. People were still congregating too close together, particularly the teenagers.
- There was a question about the volleyball nets in the parks. People playing tennis were more likely to maintain their distance, but they may have to take down the volleyball nets.
- He was putting together a Mayor's Advisory Committee on COVID-19 which would include both the chiefs, an EMT, a local hospital CEO, an ER Physician, and a local family doctor. Shane Sorensen and himself and other members of the City Council would also serve on the advisory committee. They would do what they could to protect citizens and stay abreast of standard procedures.
- Reed Thompson recommended that the Mayor use Dr. Cowan who was the medical director in their district rather than an EMT.

Greg Gordon asked if anything had been done about a safety grate over the culvert on Village Way and Alpine Boulevard. The property owner who was concerned about it said he would check it and make sure it didn't plug. Shane Sorensen said he was aware of the problem and would talk to him about it.

Carla Merrill asked about the timeline for building a trail on the Pack property. Shane Sorensen said he would look into it.

Jason Thelin said the kids were putting up slack lines in Creekside Park that were hurting the trees. Shane Sorensen said they were looking at installing some pipes where they could install their lines and not hurt the trees.

VIII. EXECUTIVE SESSION: None held.

MOTION: Jason Thelin moved to adjourn. Lon Lott seconded. Ayes 4. Nays: 0. Motion passed.

The meeting was adjourned at 10:08 pm.

PAYMENT REQUEST NO. 1

Name of Contractor:	Kilgore		
Name of Owner:	Alpine City		
Date of Completion:	Amount of Contract:	Dates of Estimate:	
Original: 15-May -20	Original: \$55,922.48	From:	15-Mar-20
Revised: N/A	Revised:	To:	15-Apr-20
Description of Job: Moyle Drive Project			
Original Contract Amount			
Amount	This Period	Total To Date	
Amount Earned	\$7,772.20	\$7,772.20	
Amount Retained	\$388.61	\$388.61	
Retainage Being Released	\$0.00	\$0.00	
Previous Payments		\$0.00	
Amount Due	\$7,383.59	\$7,383.59	
Days Remaining	30 of 61	Percent Time Used:	51%
Estimated Percentage of Job Completed		13.20%	
Contractor's Construction Progress IS on schedule			

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

Recommended by: Alpine City Engineering Dept.

Date: 22-Apr-20

Accepted by: Kilgore

Date:

Approved By: Alpine City

Date:



Jed Muhlestein, P.E.
City Engineer

Mario Gonzalez
Kilgore

Troy Stout
Mayor

Project Owner: Alpine City
Project: Moyle Drive Project

Date: 22-Apr-20

Contractor: Kilgore

Original Contract Amount: \$55,922.48
Revised Contract Amount:

Payest #1								Total Billing		Percent Complete
Item	Description	Quantity	Units	Unit Price	Amount	Quantity this Month	Earnings this Month	Quantity to Date	Earnings to Date	
BID SCHEDULE										
1	Mobilization (not to exceed 5%)	1	LS	\$ 1,700.00	\$ 1,700.00	0.4	\$680.00	0	\$680.00	40.0%
2	Silt Fence	814	LF	\$ 2.80	\$ 2,279.20	814.0	\$2,279.20	814	\$2,279.20	100.0%
3	Pulverize and remove existing asphalt	4813	SF	\$ 1.00	\$ 4,813.00	4,813.0	\$4,813.00	4,813	\$4,813.00	100.0%
4	Site Grading - Clear & Grub, Roadway Prep to subbase	1	LS	\$ 14,349.92	\$ 14,349.92		\$0.00	0	\$0.00	0.0%
5	8" Roadbase	11650	SF	\$ 0.98	\$ 11,417.00		\$0.00	0	\$0.00	0.0%
6	3" Hot Mix Asphalt (PG58-28, 1/2", 15% RAP)	11292	SF	\$ 1.33	\$ 15,018.36		\$0.00	0	\$0.00	0.0%
7	Raise existing sewer manhole to grade	1	Each	\$ 2,300.00	\$ 2,300.00		\$0.00	0	\$0.00	0.0%
8	6" Topsoil (Roadway Slopes)	1600	SF	\$ 1.20	\$ 1,920.00		\$0.00	0	\$0.00	0.0%
9	Seed topsoil areas	5000	SF	\$ 0.32	\$ 1,600.00		\$0.00	0	\$0.00	0.0%
10	Signage	2	Each	\$ 262.50	\$ 525.00		\$0.00	0	\$0.00	0.0%
Total Bid/Contract					\$55,922.48					
Partial Payment Sub-Total							\$7,772.20		\$7,772.20	
Additive Alternates										
A	Engineered Fill (See City Spec)	180	CY	\$ 66.00	\$ 11,880.00	0.0	\$0.00	0	\$0.00	0.0%
Change Orders										
									\$ -	
	Change Order Sub-Total				\$0.00		\$0.00		\$0.00	
	Total Revised				\$55,922.48		\$7,772.20		\$7,772.20	
	5% Retainage				~		\$388.61		\$388.61	
	Retainage Paid						0		\$0.00	
	Total				\$55,922.48		\$7,383.59		\$7,383.59	

ALPINE CITY COUNCIL AGENDA

SUBJECT: City Council Seat Vacancy

FOR CONSIDERATION ON: 28 April 2020

PETITIONER: Mayor Stout

ACTION REQUESTED BY PETITIONER: Select a new Councilmember

BACKGROUND INFORMATION:

Councilmember Judi Pickell resigned her seat on April 6, 2020. (See attached letter.)

In accordance with **Utah Code 20A-1-510 Midterm vacancies in municipal offices**, notice of the vacancy was given at least two weeks prior to the date, time and place where the vacancy would be filled, the person to whom application should be made, and the deadline for submitting application.

Applications and resumes were submitted by the following candidates. The applications and resumes are attached.

- Lori Qian
- Caroldeen Neves
- Jessica Smuin
- Ed Bush
- Troy Slade

In an open meeting, interview each individual whose name is submitted for consideration, and who meets the qualifications for office, regarding the individual's qualifications.

A motion is made to nominate a candidate to fill the vacancy and a vote is taken. A majority vote is required to fill the vacancy.

If for any reason, an agreement is not reached within 30 days, the vacancy shall be filled from among the names submitted. The two individuals having the highest number of votes shall be voted on again. If neither candidate receives a majority vote, the vacancy shall be filled by lot.

STAFF RECOMMENDATION:

Select one of the candidates to fill the vacant seat on the City Council.

Judi Pickell
631 Hillside Circle
Alpine, UT 84004

March 29, 2020

Charmayne Warnock
20 North Main Street
Alpine, UT 84004

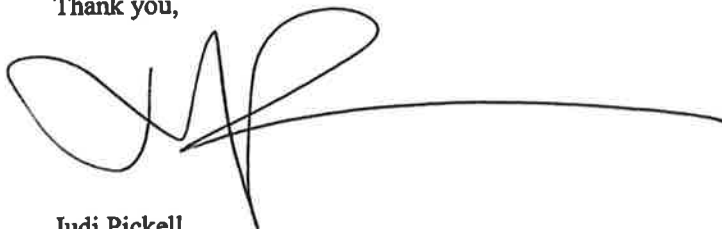
Dear Charmayne,

I would like to inform you of my intention to resign as Councilwoman for Alpine City, effective Monday, April 6, 2020.

I appreciate the opportunities I have had to serve the community of Alpine.

I sincerely wish you the very best.

Thank you,

A handwritten signature in black ink, consisting of a large, stylized 'J' and 'P' followed by a long horizontal line extending to the right.

Judi Pickell

NOTICE OF VACANCY ON THE ALPINE CITY COUNCIL

The **ALPINE CITY COUNCIL** hereby gives notice that a vacancy has occurred on the City Council. Applications for the seat may be found on the Alpine City website at www.alpinecity.org or picked up at Alpine City Hall at 20 North Main in Alpine. Since City Hall is currently closed to walk-ins due to COVID-19, please call first. Call Charmayne Warnock at 801-756-6347 x 4.

Qualifications to serve on the Council:

- Be a United States Citizen
- Be a registered voter of the municipality
- Be a resident of the municipality or recently annexed area for a period of 12 consecutive months immediately preceding the date of the selection.
- Be mentally competent
- Not be convicted of a felony or treason unless the right to hold elective office has been restored.

Applicants must take an oath that they meet the requirements set forth above. Applications and resumes for the vacant City Council seat will be accepted until Thursday, April 23, 2020 at 5 pm at Alpine City Hall, 20 North Main in Alpine. Please call 801-756-6347 x 4 in order to submit your application and resume in person or email it to cwarnock@alpinecity.org. The applicants will be interviewed at an ELECTRONIC City Council meeting on Tuesday, April 28, 2020 at 7:00 pm at Alpine City Hall, 20 North Main in Alpine, Utah, and a selection will be made by sitting members of the City Council. This will be a 2-year term through the end of 2021 at which time the seat will be up for election.

Charmayne G. Warnock
City Recorder
April 6, 2020

DECLARATION OF CANDIDACY

(Non-Partisan)

STATE OF UTAH

COUNTY OF

Utah

ss.

I, Lori Lynn Qian, being first sworn, say that I reside at

(Print name as it is to appear on the ballot)

320 N. 675 E.

Street, City of

Alpine

County of

Utah

, state of Utah, Zip Code 84

004

, Telephone No. (if any)

801 854 3335

that I am a registered voter; and that I am a candidate for the office of Alpine City Council Member for the term of 2 years. I will meet the legal qualifications required of candidates for this office. I will file all campaign financial disclosure reports as required by law and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my name from the ballot.

I request that my name be printed upon the applicable official ballots.

(Signed)

Lori L. Qian

Subscribed and sworn to (or affirmed) before me by

Lori L. Qian

on this

3rd

day of

April

, 20

Cheryl A. Wood

(Signed)

(Recorder/Clerk or other Officer Qualified to Administer Oath)

Note: The qualifications to be a candidate are:

- (1.) Be a United States citizen at time of filing.
- (2.) Be a registered voter of the municipality.
- (3.) Be a resident of the municipality or a resident of the recently annexed area for 12 consecutive months immediately preceding the date of the election.
- (4.) If elected from a council district, the person must be a resident of the council district.
- (5.) To not be a convicted felon, unless the right to hold elective office has been restored.

The following information would be helpful in contacting you if the need arises:

E-mail

Cell Phone

801-854-3335

Other Contact Information

RECEIVED APR 03 2020



Lori Qian (pronounced "Chen")
lorilynngian@outlook.com
801 854 3335

Our family moved to Alpine from Guangzhou, China in June of 2018. We were welcomed into this unique and extraordinary community and our hearts are at home here---as if we've always been a part of Alpine. We immediately jumped into life here, and it is exactly the kind of community we dreamed of when desiring to give our children a truly American experience, as they'd grown up in China.

I love Alpine, despite not being a lifelong resident---and maybe that's good---I see it with fresh eyes and I know how special our community is, and how lucky I am to be a part of it. I care about the city of Alpine and I would be honored to have a small voice in keeping it the special place it is, and doing all I can to contribute as a member of the Alpine City Council.

EDUCATION:

Columbia University, New York, NY

- Graduate certificate in Readers/Writers Workshop July, 2014

The College of New Jersey, Mallorca, Spain

- K-12 ESL Certification December 2011
- School Leadership Certification July 2017

University of Illinois, Chicago, Illinois

- M.A. in Applied Linguistics/Education June 2000

University of Illinois, Urbana-Champaign, Illinois

- B.A. in Cultural and Linguistic Anthropology June 1997

CURRENT POSITIONS:

Licensed Mortgage Broker

January 2019-Present

Lake City Funding, Draper, UT

- Assist clients in all aspects of securing a home loan
- Network and build relationships of trust within multiple communities
- Educate borrowers and potential borrowers about possible loan structures
- Collaborate extensively with real estate agents, escrow officers, and lenders

Educational Consultant,

August 2018-Present

Guangzhou, Shanghai China (remote)

- Use technology to train teachers in various international and bilingual schools in China.
- Train faculty on leadership, literacy, assessment practices, and lesson design.
- Work with school leadership on curriculum design and implementation

EDUCATIONAL LEADERSHIP:

Director of English Language Center

2000-2003

Clifford Bilingual English Experimental School, Panyu, China

- Directed English Language Center working collaboratively with School Director and Division Principals.
- Managed all aspects of English Language Center serving as both principal and coordinator for 180 students.
- Handled teacher recruitment, from advertising and interviewing, through orientating new teachers.
- Supervised eleven teachers and four teaching assistants.
- Observed teachers and regularly gave written and oral feedback, served as mentor for my staff.
- Led all aspects of curriculum, student learning and behavior, professional development, operations, public relations, and parent interactions.
- Provided professional training to local and foreign teachers in writing pedagogy, formative and summative assessment, language acquisition, literacy, and curriculum alignment.
- Organized schedules for fourteen classes and all personnel.
- Instituted western-style conferences, parent seminars, and social interactions for families.

Director of Community-Based EAL Services

College of DuPage, Glen Ellyn, Illinois

1997-2000

- Directed off-campus program for Community-Based ESL Services
- Handled all registration, testing, class placement, and teacher training.
- Coordinated with Dean of Language Services to re-write ESL Curriculum.
- Observed and orientated new teachers, provided professional mentoring.
- Wrote grant proposals to receive state funding for program development.
- Led Family Literacy seminars and trained teachers in leading similar seminars.

RECENT CLASSROOM EXPERIENCE:

American International School of Guangzhou (AISG)

2013-2018

Grade 3 PYP Homeroom Teacher/Literacy Specialist

- Led faculty on the implementation of TCWRP Reading and Writing Workshop. Seamlessly infused technology (Flip Grid, Spero Coding, Go Formative, student blogging) into daily learning.
- Served as a member of the Elementary Literacy Committee and frequently was sought out to train and mentor teachers on Reading and Writing Workshop, Fountas and Pinnell assessments, Differentiation, and Inquiry within the Primary Years Program and English Language arts.
- Trained teachers on Primary Years Program and assisted Curriculum Director in all aspects of development.
- Active in school community in leading fundraising, establishing and running the first official Boy Scouts of America (in China), led student trips throughout China as well as to Nepal
- Extensive experience leading parent workshops, planning assemblies, and assisting with administrative duties.

American International School of Guangzhou (AISG)

2009-2011

English Teacher/Instructional Strategies Coach

- Taught Grade 7 and 8 English Language Arts, implementing improved curriculum and assessments throughout middle school.
- Served as Literary Magazine advisor, Drama Club Supervisor, and Curriculum Committee Member.
- Served as the Department Team Leader, as well as the Secondary School Faculty Representative to the Board of Directors
- Served on the AISG Mission and Vision Committee as Key Writer
- Served as the English Group Leader for the WASC Accreditation Committee, as well as the Technology Committee Chair

Middle School and High School English as an Additional Language (EAL) 2011-2013

- Implemented an EAL push-in program and provided faculty professional development surrounding a co-teaching model.
- Led restructuring of EAL Curriculum, reporting and assessment practices within the Middle School.
- Served on the Middle School UBD and Assessment Committees in effort to further implement best practices across the school in planning and assessment.

University of Illinois at Chicago, Chicago, Illinois 1998-2000

University Instructor

- Taught academic, developmental, and EAL composition courses.
- Designed curriculum for four distinct levels of freshman English including two levels of ESL, as well as introduction to academic writing, and writing research.

Utah Valley University, Orem Utah 2004-2006

University Instructor

- Taught all four language skill areas in an academic intensive ESL program.
- Taught beginner and advanced ESL courses.
- Offered Writing Workshops for all students enrolled in English or EAL courses

FUNDRAISING & DEVELOPMENT EXPERIENCE

American International School of Guangzhou (AISG)

AISG Fund Raising Committee Member 2013-2018

- Worked alongside with consultant and school admin on the Fundraising Feasibility Study
- Identified key parents / donors to approach and built relationship with them
- Coordinated with parent volunteers in planning key fundraising events
- Drafted communications to parents and the corporations regarding key events
- Involved in the 30th and 35th Anniversary Gala planning

AISG Mission and Vision Committee Member 2017-2018

- Worked with key board members and administrators to refine school mission / vision
- Led discussion and focus groups among teachers, parents, staff (in Chinese & English)
- Crafted the wording of final mission, vision, school-wide goals

AISG Marketing Committee Member 2015 – 2018

- Created marketing material to promote the school

- Worked with the news media to introduce the school to a wider audience
- Used social media to connect and communicate with prospective families

EXAMPLES OF PROFESSIONAL PRESENTATIONS

Evereve Clothing, City Creek, Salt Lake City	March, 2020
<ul style="list-style-type: none"> • Behind the Scenes in Memoir Writing 	
Sandy City Library	November, 2019
<ul style="list-style-type: none"> • The Craft of Memoir: Anyone can Do This! 	
American International School of Guangzhou	
<ul style="list-style-type: none"> • Establishing an Online Presence as an Educator 	February 2018
<ul style="list-style-type: none"> • Using social Media to Advance Your Career 	December 2017
<ul style="list-style-type: none"> • Strategies for Small Group Work in Writing Instruction 	September 2017
Utahloy International School	January 2017
<ul style="list-style-type: none"> • Reading Assessments 101 	
American International School of Guangzhou	2014-2018
<ul style="list-style-type: none"> • In-School Reading and Writing Workshop Coaching 	
Shanghai Community International School	November 2016
<ul style="list-style-type: none"> • Engaging Parents in Writing Celebrations 	
Garden International School	October 2016
<ul style="list-style-type: none"> • Engaging Readers and Writers through Workshop 	
Brigham Young University	
<ul style="list-style-type: none"> • Bringing the Workshop Approach to Chinese Middle Schools 	August 2014
Columbia Scholastic Press Association, New York City, USA	March, 2014
<ul style="list-style-type: none"> • Invoking Creativity, Encouraging Confidence, and Offering Constructive Feedback 	

WRITING RELATED:

- Several pieces published in Urban Family Magazine (Expat Publication in Guangzhou)
- Memoir *How Sweet the Bitter Soup* published by She Writes Press in August, 2019
- Have given several non-academic talks on the Craft of Memoir/Personal Narrative

LANGUAGES SPOKEN:

- English: Native Speaker
- Mandarin: High Intermediate
- Spanish: Intermediate

LOCAL ALPINE REFERENCES:

Nadeene Anderson 801-502-4824 or nadeenelenz@yahoo.com
I've known Nadeene and her husband Tom (who has passed away) since 2002.

Sue Mika 801-885-3851 or slmika07gmail.com
I met Sue and her husband through Waterford School. We connected in 2017.

Amy Thackeray 801 427 7441
I've known Amy since 2003 when our husbands were in graduate school at BYU.

(I have many additional Alpine references if you are interested.)

SUPERVISOR/ADMINISTRATIVE REFERENCES:

Liz Gale
Former Elementary Assistant Principal
The American International School of Guangzhou
Currently the Lower School Principal at Shanghai Community International School
Email: egale@scis-china.org

Katherine Greer-Chwirut
Grade 3 Team Leader
The American International School of Guangzhou
Currently teaching in Virginia
kchwirut@gmail.com
(703)517-5278

Gary MacPhie
Former Elementary Principal
The American International School of Guangzhou
Currently an Associate for SEARCH
Email: gmacphie@hotmail.com

Karen Bergendorf
Former Deputy Head of School, Clifford Bilingual School, Guangzhou, China
Currently Director of Selnate International School
Email: Kbergs50@yahoo.com

Ellen Knell
Associate Director for Curriculum and Instruction, Center for Language Studies
Brigham Young University
801 422-3253
ellenknell@msn.com or ellen_knell@byu.edu

DECLARATION OF CANDIDACY

(Non-Partisan)

RECEIVED APR 09 2020

STATE OF UTAH }
COUNTY OF Utah } ss.

I, Caroldean Neves, being first sworn, say that I reside at
(Print name as it is to appear on the ballot)

81 North 300 East Street, City of Alpine

County of Utah, state of Utah, Zip Code 84004, Telephone No. (if any) 801-428-7301

that I am a registered voter; and that I am a candidate for the office of Alpine City Council

for the term of 2 years. I will meet the legal qualifications required of candidates for this

office. I will file all campaign financial disclosure reports as required by law and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my name from the ballot.

I request that my name be printed upon the applicable official ballots.

(Signed)

Subscribed and sworn to (or affirmed) before me by

on this 9th day of April, 2020

(Signed)

(Recorder/Clerk or other Officer Qualified to Administer Oath)

- Note: The qualifications to be a candidate are:
- (1.) Be a United States citizen at time of filing.
 - (2.) Be a registered voter of the municipality.
 - (3.) Be a resident of the municipality or a resident of the recently annexed area for 12 consecutive months immediately preceding the date of the election.
 - (4.) If elected from a council district, the person must be a resident of the council district.
 - (5.) To not be a convicted felon, unless the right to hold elective office has been restored.

The following information would be helpful in contacting you if the need arises:

E-mail neves.caroldean@gmail.com

Cell Phone 801-428-7301

Other Contact Information _____

Caroldean Neves
81 North 300 East
Alpine, UT 84004
801-428-7301
neves.caroldean@gmail.com

RECEIVED APR 09 2020

I am applying for the open position on the City Council because I believe that we live in a great city and want to help keep it that way. That doesn't always mean keeping things the same as they have always been, sometimes things have to change to make them better. I also believe that all parts of the City need to be represented and currently, the downtown area does not have a member on the City Council. I know that City Council members represent everyone, but having someone from every area makes the residents feel more in touch with the City Government.

My husband and I moved our family here on June 1, 1996. We have six children, five are Lone Peak graduates and the youngest is a junior.

I became involved in politics in Alpine in 2000, serving as the secretary of our precinct. I then started working elections in 2001 and have worked in every election since. I have run for ASD School Board twice, losing both times in a large primary race. I have served as Alpine Days Parade Chair on three different occasions for a total of 7 years. I have served on the Family Week Committee and the Cemetery Commission.

I have served in the PTAs of Alpine Elementary, Timberline Middle and Lone Peak High Schools. As well as on the Council, Region and State PTA Boards. I currently am a member of the State PTA Legislative Action Committee and the Education Commission.

I have been active in the Lone Peak High School Band, Color Guard and Choir programs as my kids have been and are involved in these programs. I also serve on the Corps Encore Committee and have helped with the Battalion Drum and Bugle Corps.

I am currently a stay-at-home mom, WGU student finishing my degree in Science Education and very part-time substitute teacher in Jordan School District.

RECEIVED APR 09 2020

Caroldean Neves

2019-21 Utah Color Guard Circuit Parents Organization Chair
2018-19 Concessions Chair, WGI Regional Competition (Winter Guard International)
2017-18, 2020 Lone Peak Winter Guard Show Host
2017-18 Lone Peak Choir PR person
2017 Alpine Days Parade Chair
2015-17 Battalion Drum and Bugle Corps Volunteer
2014-17 Lone Peak Winter Guard Show Assistant Host
2014-17 Lone Peak Marching Band Tour Director
2013-15 State PTA Student Involvement Commissioner
2012-13, 2019-20, ASD District Community Council Member
2012-17 ASD Calendaring Committee Member
2012-14 Alpine Days Bowling Tournament Assistant Chair
2012-13 Region 9 PTA Associate Director
2010-2018 ASD Transportation Committee Member
2009-10 Alpine Days Parade Chair
2008-12 Timberline Middle Community Council Member, Chair 2008-11
2009-10, 2020-21 State PTA Education Commission Member
2008-09, 2010-12 Region 9 PTA Legislative VP
2007-present Committee Member Corps Encore, DCI (Drum Corps International)
2006-present State PTA Legislative Action Committee Member
2005-06 Lone Peak High PTA PR Chair/Lone Peak Council PTA Secretary
2004-present Lone Peak High Band Booster
2004-09 Alpine Elementary Community Council Member
2004-2007 Alpine Days Parade Chair
2004-06 Alpine City Family Week Committee Member
2004-05 Alpine Elementary/Timberline Middle PTA Legislative VP
2003-04 Alpine Elementary PTA President
2001-03 Alpine Elementary PTA Legislative VP
1996-2014 Alpine Elementary Book Fair/Carnival Volunteer

DECLARATION OF CANDIDACY

(Non-Partisan)

STATE OF UTAH

COUNTY OF

Utah

ss.

I, Jessica Smuin, being first sworn, say that I reside at

(Print name as it is to appear on the ballot)

1192 Moyle Dr.

Street, City of

Alpine

County of

Utah

, state of Utah, Zip Code 84

004

Telephone No. (if any)

801-473-1236

that I am a registered voter; and that I am a candidate for the office of City Council
for the term of 2 years. I will meet the legal qualifications required of candidates for this
office. I will file all campaign financial disclosure reports as required by law and I understand that failure to do so
will result in my disqualification as a candidate for this office and removal of my name from the ballot.

I request that my name be printed upon the applicable official ballots.

(Signed)

Jessica Smuin

Subscribed and sworn to (or affirmed) before me by

Jessica Smuin

on this

15th

day of

April

, 20

20

(Signed)

Cheryl W. Warrick
(Recorder/Clerk or other Officer Qualified to Administer Oath)

Note: The qualifications to be a candidate are:

- (1.) Be a United States citizen at time of filing.
- (2.) Be a registered voter of the municipality.
- (3.) Be a resident of the municipality or a resident of the recently annexed area for 12 consecutive months immediately preceding the date of the election.
- (4.) If elected from a council district, the person must be a resident of the council district.
- (5.) To not be a convicted felon, unless the right to hold elective office has been restored.

The following information would be helpful in contacting you if the need arises:

E-mail

jessicasmuin@gmail.com

Cell Phone

801-473-1236

Other Contact Information





RECEIVED APR 15 2020

JESSICA SMUIN

PROFILE

I have been active in my community since my early teens, working for my family's real-estate investment and development firm. At the age of eighteen I became a licensed real-estate agent and focused on marketing and the daily operations of a brokerage firm. Over the years I have assisted in planning large scale residential and commercial developments. While raising my family I was also on several boards and committees ranging from AYSO Soccer, Co-Chair JWPOSD annual Gala, Highland Oaks HOA, Pitch Popcorn, Alpine Days, Random Acts of Kindness at Timberline Middle School, and TARP Committee to working in private companies. I have been active in multiple start-ups and have personally invested in several. I co-founded doTERRA Women where I recruited and trained hundreds of Wellness Advocates that have produced millions in revenue. Most recently I co-founded KidConnect, an early childhood care and education company opening in the Winter of 2020. I am passionate about people and dedicate much of my free time to helping others develop necessary skills that enable them to accomplish their goals. I love it when others succeed!

CONTACT

 801.473.1236
 jessicasmuin@gmail.com
 Alpine, Utah
 LinkedIn.com/in/jessicasmuin

EDUCATION

ASSOCIATE'S DEGREE:

Business Management
University of Oklahoma / 1986 – 1991

PROFESSIONAL DEVELOPMENT

WOMEN'S LEADERSHIP INSTITUTE

Political Development Series
Sept. 2019 – Feb. 2020

U OF U EXECUTIVE LEADERSHIP

Point of Mountain Executive Leadership Series
August 2019

UTAH STATE UNIVERSITY

Master Remote Work Professional Certificate
Feb. 2019 – March 2019

BIKE UTAH SUMMIT

Bike Utah Spoke Series
May 2019

RELEVANT EXPERIENCE

CO-FOUNDER

KidConnect / 2019 — Present

KidConnect is a business to business education management company that provides employer-sponsored on and near-site childcare for companies. The company offers a turnkey service, tackling the liability, licensing, logistics and staffing of the highest quality child care centers. Founder responsibilities include site selection and improvement, staff hiring and management and working closely with municipal and state licensing agencies to meet compliance regulations.

MEMBER

Alpine City Planning Commission / May 2019 — Present

One of seven members of the planning board for Alpine City. Participates in making a variety of decisions on diverse items of importance to the City and its residents. Provides review and recommendations to the City Council on matters dealing with City code, ordinances and the general plan. Attends bi-monthly meetings to evaluate and make recommendations to City Council in regards to agenda items presented to Planning Commission.

CO-FOUNDER

doTERRA Women, LLC / 2010 — Present

doTERRA Women is a direct sales company founded under the umbrella of doTERRA International. The company consists of nearly four thousand Wellness Advocates and customers throughout the world. doTERRA Women assists individuals in a variety of ways to reach health and financial goals by promoting sound principles of self reliance both physically and financially. doTERRA Women is a strong community of like-minded women that guide one another through monthly team training and mentoring calls supporting team members to reach self directed goals. doTERRA Women generates over 1.8 million in annual sales.

OFFICE MANAGER/SALES ASSOCIATE

Homesteaders at Hallbrooke / 1986 — Dec. 2000

Homesteaders, Inc has been a leading real estate sales and development company in Norman, Oklahoma for over 50 years. The city of Norman has been shaped by the strong ethical and visionary leadership of Homesteaders through the decades. Overseeing and driving both internal and external daily operations.

AREAS OF EXPERTISE

- Recruiting and training
- Creative problem solving
- Interpersonal communication
- Multitasking and prioritization
- Market research
- Bookkeeping
- Sales and marketing
- Policy and procedure implementation

DECLARATION OF CANDIDACY

(Non-Partisan)

STATE OF UTAH

COUNTY OF

Utah

ss.

I, Ed Bush, being first sworn, say that I reside at

(Print name as it is to appear on the ballot)

1463 Box Elder Drive Street, City of Alpine,
County of Utah, state of Utah, Zip Code 84004, Telephone No. (if any) 443-841-5374

that I am a registered voter; and that I am a candidate for the office of City Council
for the term of 2 years. I will meet the legal qualifications required of candidates for this
office. I will file all campaign financial disclosure reports as required by law and I understand that failure to do so
will result in my disqualification as a candidate for this office and removal of my name from the ballot.

I request that my name be printed upon the applicable official ballots.

(Signed)

Ed Bush

Subscribed and sworn to (or affirmed) before me by

Ed Bush

on this 20th day of April, 2020

(Signed)

Cheryl Ward
(Recorder/Clerk or other Officer Qualified to Administer Oath)

Note: The qualifications to be a candidate are:

- (1.) Be a United States citizen at time of filing.
- (2.) Be a registered voter of the municipality.
- (3.) Be a resident of the municipality or a resident of the recently annexed area for 12 consecutive months immediately preceding the date of the election.
- (4.) If elected from a council district, the person must be a resident of the council district.
- (5.) To not be a convicted felon, unless the right to hold elective office has been restored.

The following information would be helpful in contacting you if the need arises:

E-mail edjbush@gmail.com

Cell Phone 443-841-5374

Other Contact Information _____

RECEIVED APR 20 2020

Edward J. Bush

1463 Box Elder Drive

Alpine, UT 84004

443-841-5374 (mobile), 385-309-0912 (home)

edjbush@gmail.com

Motivation:

A strong desire to want to use my talents, expertise and capabilities to better the city and community of Alpine, Utah.

Strengths:

- Strong leadership, decision and communication skills
- Ability to develop and implement vision and policy
- Diverse technical and business experience
- Long experience in government relations and negotiation

Recent Experience:

March 2017 – Present

Co-director, co-developer and webmaster of the Alpine Nature Center website and Facebook page.

Responsibilities include Nature Center vision and strategy; and web-site design, development, content and management. Activities include organized hikes, creek cleanup, informational activities on Alpine flora, fauna, water supply, geology, history, etc.

September 2002 – January 2016

Vice President of Restricted Space Systems and Networked Systems for the Northrop Grumman Corporation. Responsibilities included market assessment and strategic planning, customer relations, technology investment planning and execution, and program review. Additional responsibilities included operational and general management of Northrop Grumman Colorado sites. Organizational responsibility for over \$700M of annual sales with a population of over 2,500 engineers and scientists.

April 1998 – August 2002

Vice President of the Intelligence, Surveillance and Reconnaissance (ISR) Corporate Strategic Business Area for the Raytheon Company. Responsible for strategy development and knowledge management for Raytheon in the ISR marketplace. Organizational responsibility for over \$500M of annual sales with a workforce population of over 1,000 engineers and scientists.

April 1996 – March 1998

Vice President of Space Systems Business Area for the Hughes Aircraft Company. Responsible for general management of 2,100 person, \$300M annual sales organization.

Education:

General Management Program (TGMP), Harvard Business School, 2005

Engineers in Electrical Engineering, University of Southern California, 1984

M.S. Physics, University of California at Los Angeles, 1981

B.S. Physics, Rensselaer Polytechnic Institute, 1979

Interests:

Hiking, computers and information technology, DIY projects, pickleball

DECLARATION OF CANDIDACY

(Non-Partisan)

STATE OF UTAH }
COUNTY OF Utah } ss.

I, Troy Slade, being first sworn, say that I reside at

291 S. 700 E. Street, City of Alpine,

County of Utah, state of Utah, Zip Code 84 004, Telephone No. (if any) 801-706-4663;

that I am a registered voter; and that I am a candidate for the office of Alpine City Council

for the term of two years. I will meet the legal qualifications required of candidates for this office. I will file all campaign financial disclosure reports as required by law and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my name from the ballot.

I request that my name be printed upon the applicable official ballots.

(Signed)

Subscribed and sworn to (or affirmed) before me by Troy Slade

on this 23rd day of April, 20 20.

(Signed)

(Recorder/Clerk or other Officer Qualified to Administer Oath)

- Note: The qualifications to be a candidate are:
- (1.) Be a United States citizen at time of filing.
 - (2.) Be a registered voter of the municipality.
 - (3.) Be a resident of the municipality or a resident of the recently annexed area for 12 consecutive months immediately preceding the date of the election.
 - (4.) If elected from a council district, the person must be a resident of the council district.
 - (5.) To not be a convicted felon, unless the right to hold elective office has been restored.

The following information would be helpful in contacting you if the need arises:

E-mail troyslade@gmail.com

Cell Phone 801-706-4663

Other Contact Information _____

RECEIVED APR 23 2020

TROY SLADE

291 S. 700 E.
ALPINE, UT, 84004

PH. 801 706-4663
TROYSLADE@GMAIL.COM

Professional Experience

Nov. 2011 – Present **Television Producer**

TKH Productions: BYUTV / The Story Trek Alpine, UT.

- Act as director by making creative decisions and directing crew during productions
- Assign tasks and manage crew
- Determine b-roll needs during production shoots
- Initiate ideas and present them to other producers
- Create all production calendars and keep everyone on schedule throughout all phases of production.
- Work with third parties to schedule and coordinate production needs
- Obtain all necessary film permits
- Operate third camera on production shoots and take photos for social media
- Scout locations for standups etc.
- Review rough cuts and make suggestions

2004 – July 2011 **Owner / Founder / CEO**

ModBod / Heirloom Clothing Companies Springville, UT.

- Created company that went from 1 million in sales in the first 6 months to over 10 million annually by year 7
- Secured investment capital and managed partnerships
- Created budgets and set up accounting methods including inventory management
- Created clothing brand and marketing campaigns including packaging, print and video
- Acquired and managed large accounts like Costco, Wal-Mart and Dillards
- Managed 20 employees
- Created systems for organizing and maintaining warehouse and inventory.

2000 – Present **Real Estate Agent / Investor** Alpine, UT.

1997 – 1999 **Video Producer / Director of Marketing**

Sarcos, Inc. Salt Lake City, UT.

- Worked with company engineers and executives to produce marketing videos and website that promoted robotic products to various companies such as Disney and MGM.

- 1993 – 1997 **Senior Television Producer**
Oklahoma State University Stillwater, OK
- Produced a daily news magazine show for the Universities Dept. of Agriculture Extension Service (which aired on the PBS network).
 - Interviewed university professors and other content experts to collect technical information about current university research and developments etc.

- 1989 – 1992 **Creative Director / Copywriter**
TCI Cable Logan, UT
- Worked with local businesses to assess their advertising needs
 - Wrote and produced award winning television commercials

- Education**
- 1993 - 1997 Oklahoma State University Stillwater, OK.
M.S. Education
- Curriculum and Instruction
- 1988 - 1992 Utah State University Logan, UT.
B. A. Communication
- Broadcasting & Journalism

- Summary of Qualifications**
- Experience in various aspects of television production including storyboarding, shooting, writing, editing, producing and directing
 - Develop and collaborate creative input from a variety of team members and remaining focused on the objective.
 - Leadership, Team building, Management, people skills
 - Develop and implement strategies and processes
 - Successfully manage several projects in various stages simultaneously
 - Understanding and experience with budgeting, marketing, sales
 - Dependable, passionate, adaptable, sense of humor

- Awards and Achievements**
- 4 Emmy awards for video producing and editing
- National advertising award
- Two year voluntary church mission to Sydney, Australia 1986 – 1988

- Objective**
- To combine my talents, passions, beliefs and convictions to help make the world a better place!

- Interests and activities**
- Family, Outdoors, Friends, Success

ALPINE CITY COUNCIL AGENDA

SUBJECT: Plat Amendment – Three Falls Subdivision Plat G

FOR CONSIDERATION ON: 28 April 2020

PETITIONER: Three Falls

ACTION REQUESTED BY PETITIONER: Amendment to the Development

BACKGROUND INFORMATION:

The Owners of Three Falls are proposing an amendment to a portion of the development, which consists of 11 lots on 304.90 acres (total development is 57 lots on 806.35 acres).

Reasons for amendment

The developer has provided a list of changes. The primary reason/change that requires Planning Commission and City Council approval is changes to open space boundaries. Below is the list of all proposed changes:

1. Public and Private Open Spaces were altered in several locations, see attached exhibits showing currently recorded open spaces and proposed.
 - a. All combined, the overall changes netted 2.09 MORE acres of Public Open Space and 1.01 LESS acres of Private Open Space.
 - b. The PRD calculations for the development have been updated and are attached. The proposed amendment still meets the PRD ordinance and density requirements.
2. More “lot specific” fault studies and site surveys have been performed on lots 30, 31, 34, 38, 39, 42, 49, 50, 51, and 57. The fault was either not found on the lot or shifted and the slopes present were more accurately measured. Because of these studies, building envelopes were changed on these lots.
3. Lot line adjustments occurred between lots 38 and 39 due to the above stated reasons in item 2.
4. Lot line adjustments occurred on lots 50 and 51 for the addition of a cul-de-sac and the secondary access road design has been completed refined on the plat.
5. Lot line adjustment occurred on lot 31 for City booster station site layout.

The Planning Commission reviewed the plans and found that they met ordinance and recommended approval:

MOTION: John MacKay moved to recommend that the plat amendment be approved with the following conditions/changes:

1. *The Developer address the plat redlines, including showing the trails*

Bryce Higbee seconded the motion. There were 6 Ayes and 0 Nays (recorded below). The motion passed

Ayes:

Bryce Higbee

Ethan Allen

John MacKay

Jane Griener

Jessica Smuin

Sylvia Christiansen

Nays:

None

STAFF RECOMMENDATION:

Approve the proposed plat amendment with the following condition(s):

- The Developer address the plat redlines, including showing the trails.

SAMPLE MOTION TO APPROVE WITH CONDITIONS:

I motion to approve the plat amendment with the following conditions/changes:

- The Developer address the plat redlines, including showing the trails.
- ***Insert Finding***

SAMPLE MOTION TO TABLE/DENY:

I motion to table/deny the plat amendment based on the following:

- ***Insert Finding***



Date: April 13, 2020

By: Jed Muhlestein, P.E.
City Engineer

**Subject: Three Falls Subdivision Plat G – Amendment of Three Falls Sub.
11 Lots on 304.90 Acres**

Background

The Owners of Three Falls are proposing an amendment to a portion of their development which consists of 11 lots on 304.90 acres (total development is 57 lots on 806.35 acres).

Reasons for amendment

The developer has provided a list of changes. The primary reason/change that requires Planning Commission and City Council approval is changes to open space boundaries. Below is the list of all proposed changes:

1. Public and Private Open Spaces were altered in several locations, see attached exhibits showing currently recorded open spaces and proposed.
 - a. All combined, the overall changes netted 2.09 MORE acres of Public Open Space and 1.01 LESS acres of Private Open Space.
 - b. The PRD calculations for the development have been updated and are attached. The proposed amendment still meets the PRD ordinance and density requirements.
2. More “lot specific” fault studies and site surveys have been performed on lots 30, 31, 34, 38, 39, 42, 49, 50, 51, and 57. The fault was either not found on the lot or shifted and the slopes present were more accurately measured. Because of these studies, building envelopes were changed on these lots.
3. Lot line adjustments occurred between lots 38 and 39 due to the above stated reasons in item 2.
4. Lot line adjustments occurred on lots 50 and 51 for the addition of a culdesac and the secondary access road design has been completed refined on the plat.
5. Lot line adjustment occurred on lot 31 for City booster station site layout.

The amended lots meet current slope ordinance requirements with each having less than 15% area containing slopes greater than 25%. All requirements of the development agreement still stand (i.e. – individual lot geotechnical reports, landscaping restrictions, etc.) and the plat notes are identical to what was originally platted.

Typically, changing lot lines would require an amended water policy to be met. In the case of Three Falls, water rights calculations were based on what the residents are allowed to water by plat restriction, which is 1 acre of irrigable area. Water rights for this development are based on this restriction and therefore there is no need to amend the water policy that has already been met.

There are some minor redlines that should be corrected prior to recordation including the requirement to show trails.

Engineering recommends approval of the proposed plat amendment with the following conditions:

- **The Developer address the plat redlines including showing the trails**

Attached

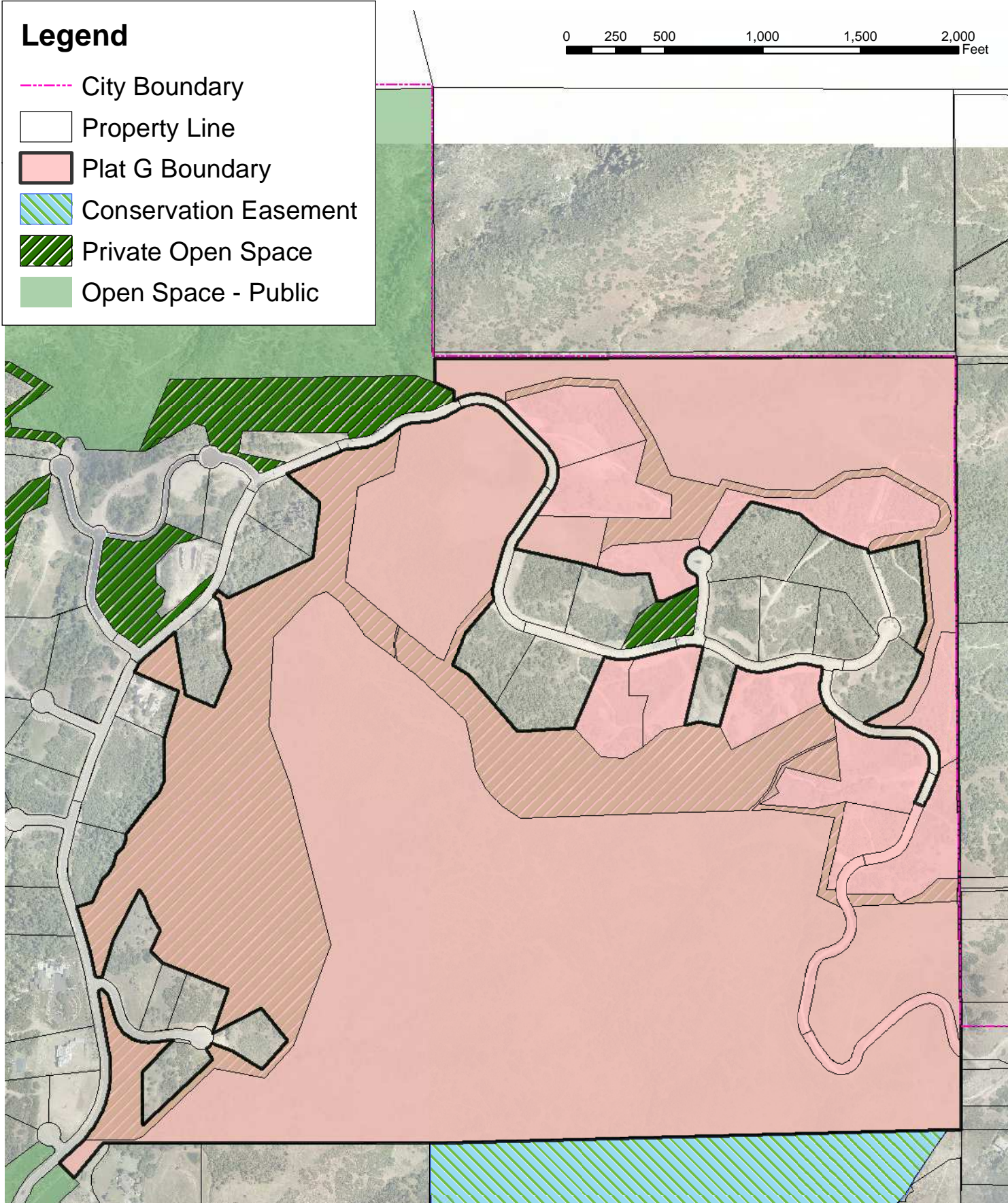
- **Plat G Exhibits, Old Open Space vs New**
- **Three Falls Plat G**
- **PRD Density Calculations**

OPEN SPACE EXHIBITS – OLD vs NEW

Legend

- City Boundary
- Property Line
- Plat G Boundary
- ▨ Conservation Easement
- ▨ Private Open Space
- Open Space - Public







0 250 500 1,000 1,500 2,000 Feet



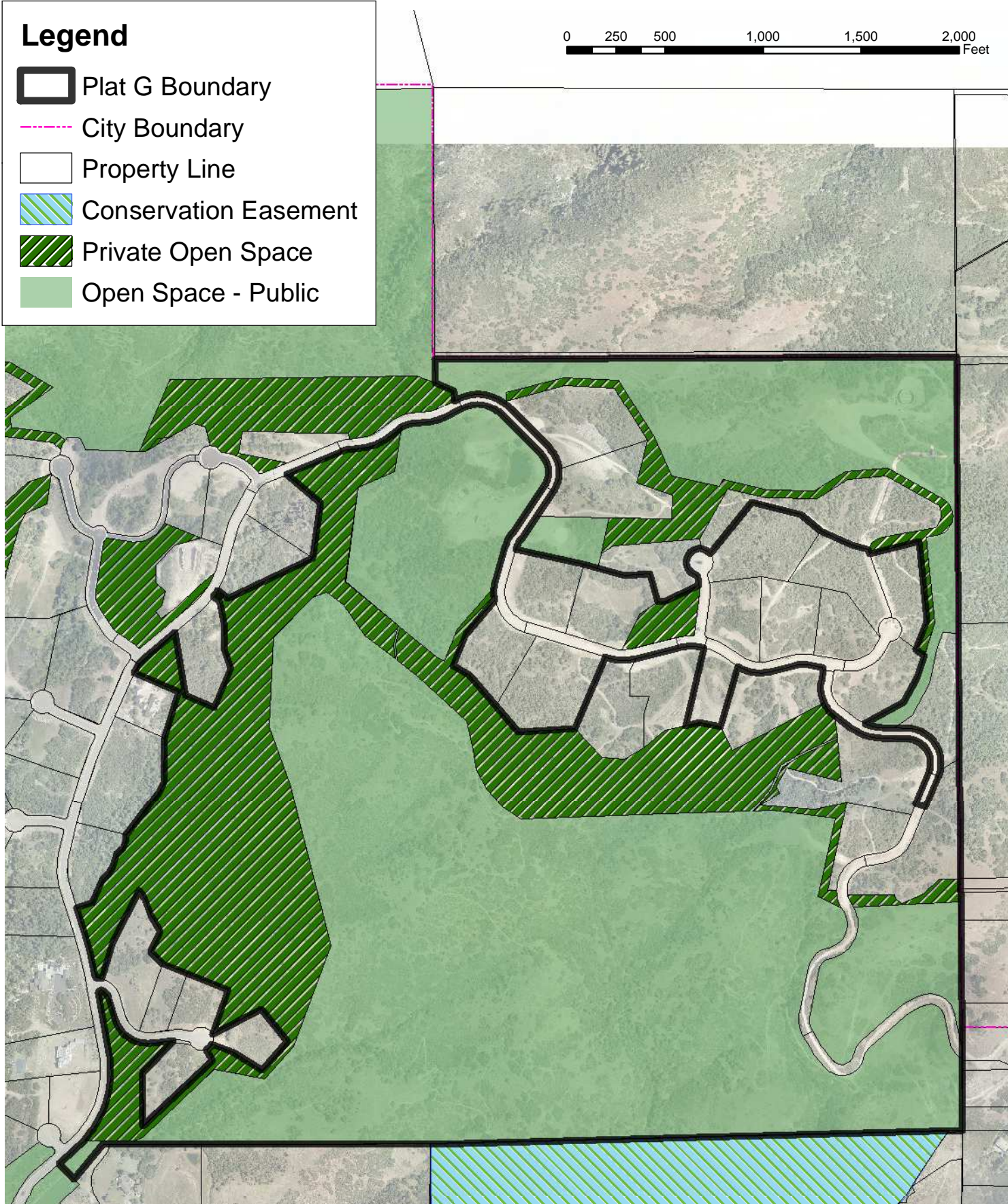
THREE FALLS PROPOSED PLAT G BOUNDARY



Legend

-  Plat G Boundary
-  City Boundary
-  Property Line
-  Conservation Easement
-  Private Open Space
-  Open Space - Public

0 250 500 1,000 1,500 2,000 Feet

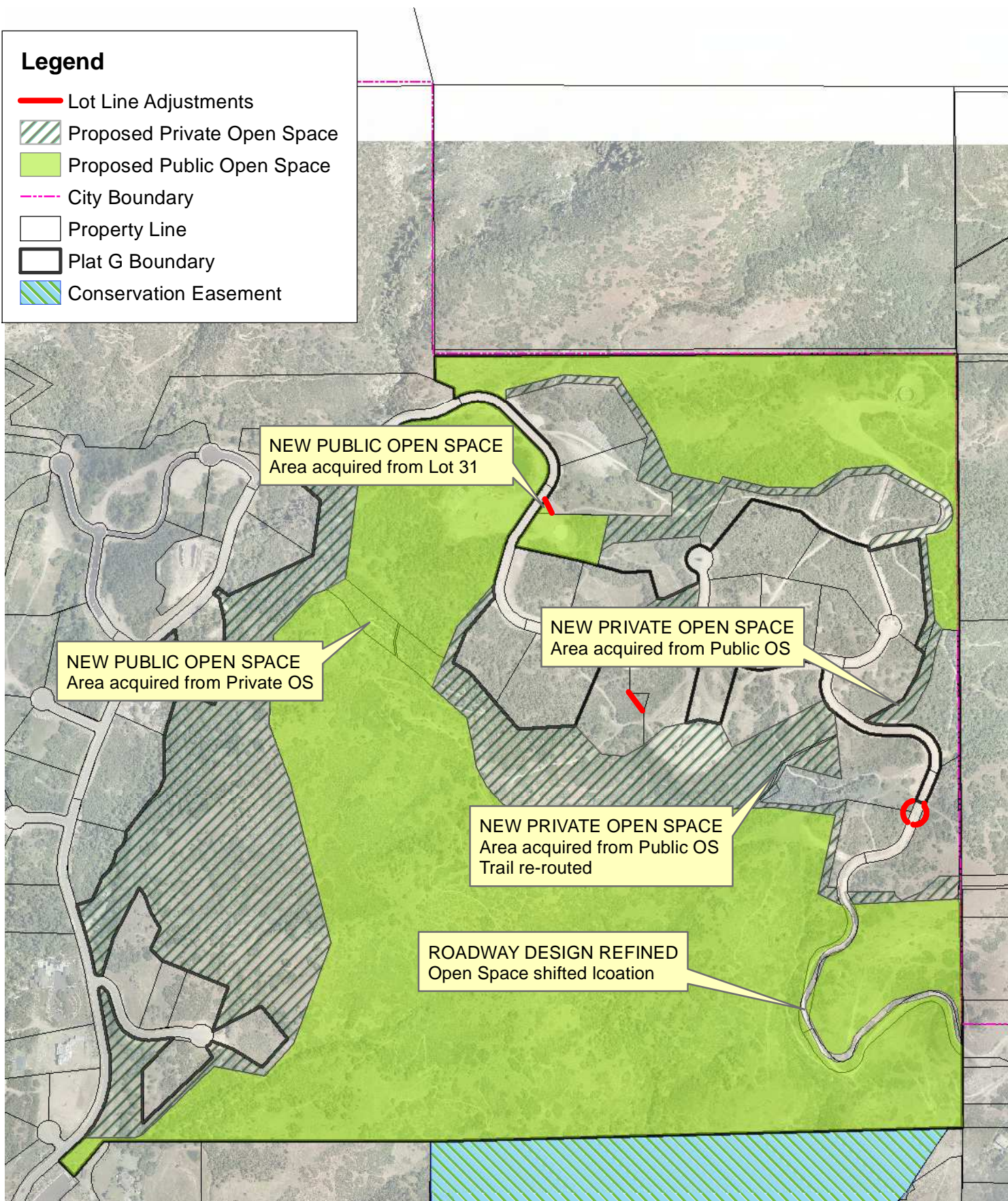


PROPOSED PLAT G BOUNDARY & EXISTING OPEN SPACE



Legend

- Lot Line Adjustments
- Proposed Private Open Space
- Proposed Public Open Space
- City Boundary
- Property Line
- Plat G Boundary
- Conservation Easement



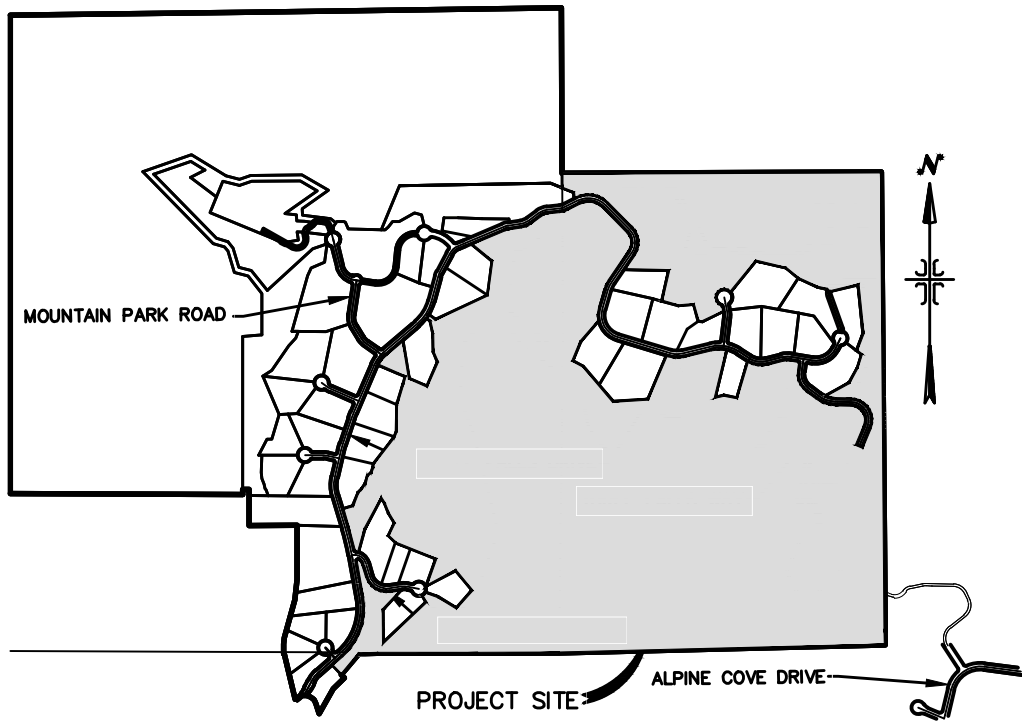
Plat G Open Space & Lot Line Adjustments



0 250 500 1,000 1,500 2,000 Feet



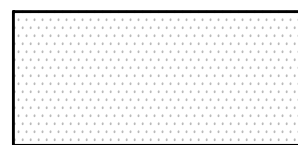
THREE FALLS PLAT G



VICINITY MAP
-NTS-

NOTES:

- 1) ALL PROPERTY LINES TO HAVE A RIVET SET IN THE TOP OF CURB ON THE EXTENSION OF EACH LOT LINE (AT THE FRONT OF EACH LOT).
- 2) PUBLIC OPEN SPACE OWNED AND MAINTAINED BY ALPINE CITY.
- 3) SEE SHEET 6 OF 6 FOR BOUNDARY DESCRIPTION & CURVE TABLE



PUBLIC OPEN SPACE



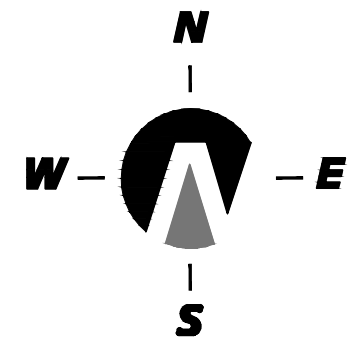
PRIVATE OPEN SPACE

ADDRESS TABLE	
30	2673 N. THREE FALLS DRIVE
31	2697 N. THREE FALLS DRIVE
34	2513 N. MOUNTAIN SPRINGS COURT
38	476 E. THREE FALLS DRIVE
39	434 E. THREE FALLS DRIVE
42	594 E. THREE FALLS DRIVE
48	2350 N. THREE FALLS WAY
49	2323 N. THREE FALLS WAY
50	2241 N. THREE FALLS WAY
51	2210 N. THREE FALLS WAY
57	2518 N. MOUNTAIN SPRINGS COURT

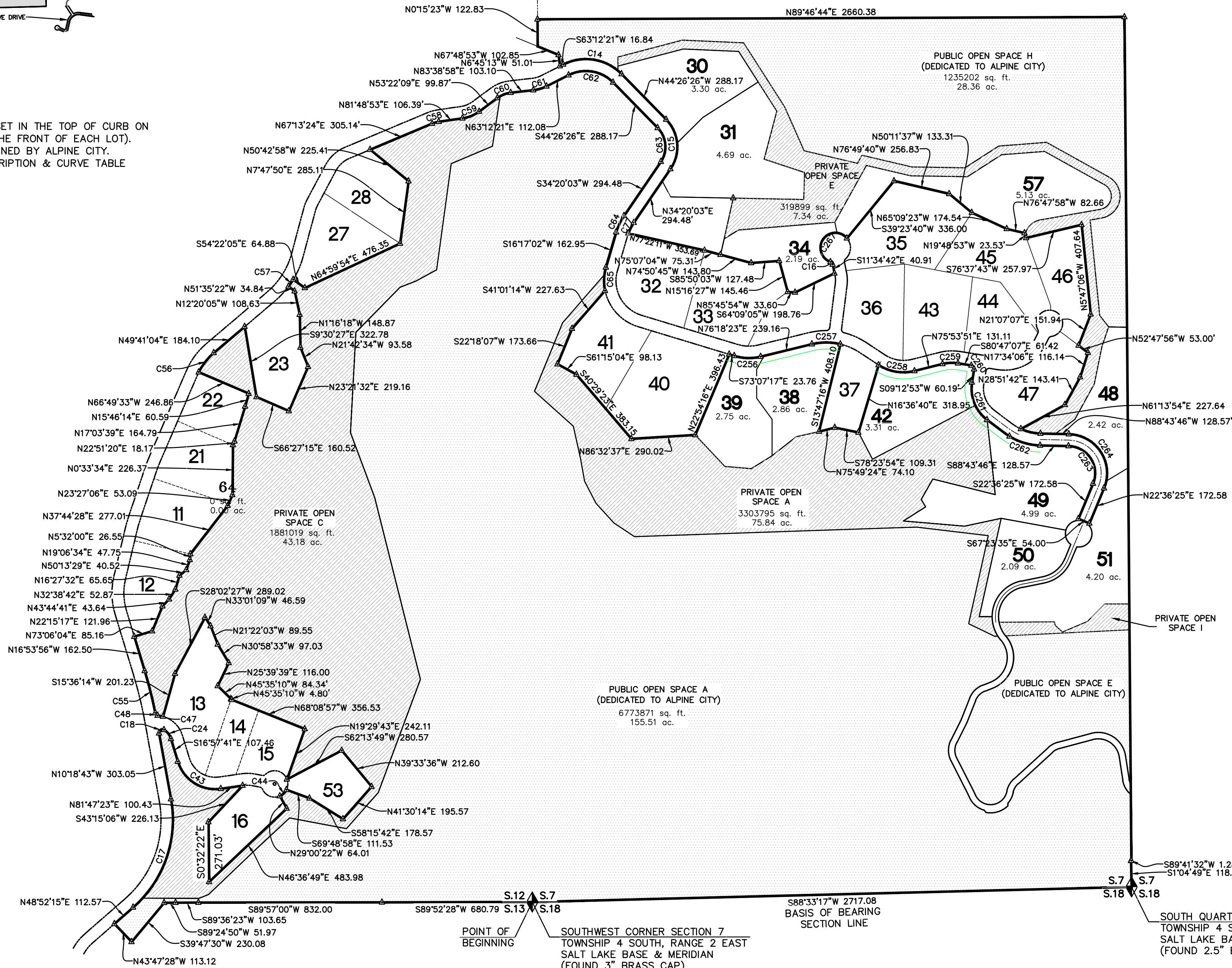
THREE FALLS SUBDIVISION PLAT "G"

AMENDING PUBLIC OPEN SPACE A, C, D, E & H, PRIVATE OPEN SPACE A, C & E. LOTS 30, 31, 34, 38, 39, 42, 49, 50 & 51 OF THREE FALLS SUBDIVISION PLAT "E"

A SUBDIVISION LYING IN THE EAST HALF OF SECTION 12, THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 4 SOUTH, RANGE 1 EAST, AND THE WEST HALF OF SECTION 7, TOWNSHIP 4 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, ALPINE CITY, UTAH COUNTY, UTAH



(24"x36")
SCALE 1" = 300'
(11"x17")
SCALE 1" = 600'



STATE OF UTAH } S.S.
COUNTY OF UTAH }

CITY ACKNOWLEDGMENT

ON THIS _____ DAY OF _____, A.D. 20____ PERSONALLY APPEARED BEFORE ME _____ WHO BEING BY ME SWORN, DID SAY THAT HE IS THE MAYOR OF ALPINE CITY, A MUNICIPAL CORPORATION, AND THAT SAID INSTRUMENT WAS SIGNED IN BEHALF OF THE CITY BY AUTHORITY OF ITS GOVERNING BODY AND SAID MAYOR ACKNOWLEDGE TO ME THAT THE CITY EXECUTED THE SAME.

COMMUNITY DEVELOPMENT DIRECTOR APPROVAL

APPROVED THIS _____ DAY OF _____, A.D. 20____, BY THE ALPINE CITY DEVELOPMENT DIRECTOR.

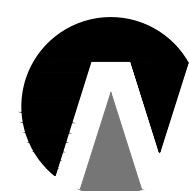
DIRECTOR

IRRIGATION CANAL COMPANY APPROVAL

APPROVED THIS _____ DAY OF _____, A.D. 20____, BY THE ALPINE IRRIGATION COMPANY.

WATER MASTER

PSOMAS ENGINEERING HAS FILED A THREE FALLS SUBDIVISION PLAT FOR THIS PROJECT. SUBDIVISION CORNERS, REAR LOT CORNERS, AND FRONT LOT CORNERS WERE MONUMENTED BY PSOMAS ENGINEERING.



**Northern
ENGINEERING INC**
ENGINEERING—LAND PLANNING
CONSTRUCTION MANAGEMENT
1040 E. 800 N.
OREM, UTAH 84097
(801) 802-8992

SURVEYOR'S SEAL

NOTARY PUBLIC SEAL

SURVEYOR'S CERTIFICATE

I, KENNETH E. BARNEY, 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. 172762. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, PSOMAS MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND I 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 PSOMAS 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

KENNETH E. BARNEY, P.L.S.

BOUNDARY DESCRIPTION

SEE SHEET 6 OF 6 FOR BOUNDARY DESCRIPTION

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. PURSUANT TO UTAH CODE 10-9A-604CD, THE OWNERS HEREBY CONVEY & DEDICATES THE PUBLIC OPEN SPACE PARCELS A, E, AND H TO ALPINE CITY, THE OWNERS HEREBY COVEYS & DEDICATES THE PRIVATE OPEN SPACE PARCELS A, C, AND E TO THE THREE FALLS HOMEOWNERS ASSOCIATION, A UTAH NON-PROFIT CORPORATION WITH A REGISTERED ADDRESS OF 2085 N. THREE FALLS DRIVE ALPINE, UT. 84004.

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

L.C.

BY:

BY:

ACKNOWLEDGMENT

STATE OF UTAH } S.S.
COUNTY OF UTAH }

ON THIS _____ DAY OF _____, IN THE YEAR 20____ BEFORE ME _____, THE SIGNER OF THIS DOCUMENT, WHO DULY ACKNOWLEDGED TO ME THAT (S)HE IS THE _____, [NAME OF OFFICE] OF _____ A UTAH CORPORATION, AND IS AUTHORIZED TO EXECUTE THE FOREGOING INSTRUMENT IN ITS BEHALF AND THAT HE OR SHE EXECUTED IT IN SUCH CAPACITY.

NOTARY PUBLIC _____

NOTARY FULL NAME _____ A NOTARY COMMISSIONED IN UTAH

COMMISSION NUMBER _____ MY COMMISSION EXPIRES _____

ACKNOWLEDGMENT

STATE OF UTAH } S.S.
COUNTY OF UTAH }

ON THIS _____ DAY OF _____, IN THE YEAR 20____ BEFORE ME _____, PERSONALLY APPEARED _____ WHO DULY ACKNOWLEDGED TO ME THAT (S)HE IS A _____ [MEMBER WITH MANAGEMENT AUTHORITY] [MANAGER] OF _____ A UTAH LIMITED LIABILITY COMPANY, AND IS AUTHORIZED TO EXECUTE THE FOREGOING AGREEMENT IN ITS BEHALF AND THAT HE OR SHE EXECUTED IT IN SUCH CAPACITY.

NOTARY PUBLIC _____

NOTARY FULL NAME _____ A NOTARY COMMISSIONED IN UTAH

COMMISSION NUMBER _____ MY COMMISSION EXPIRES _____

ACCEPTANCE BY LEGISLATIVE BODY

THE CITY COUNCIL OF ALPINE, 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 _____ CITY ENGINEER (SEE SEAL)

ATTEST _____ CITY RECORDER (SEE SEAL)

THREE FALLS SUBDIVISION PLAT "G"

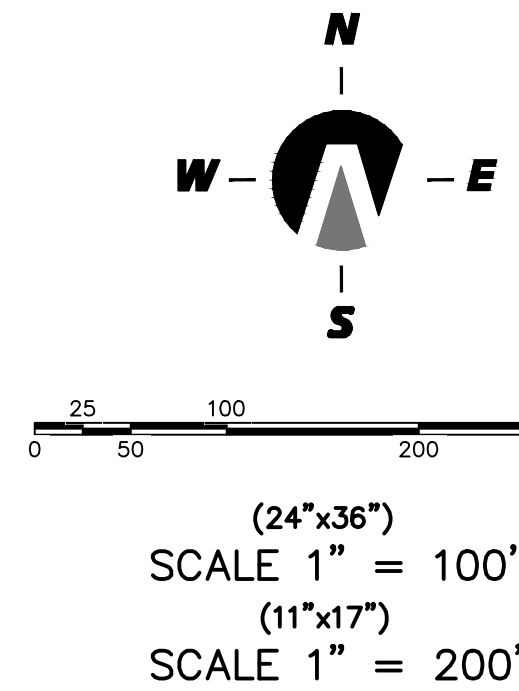
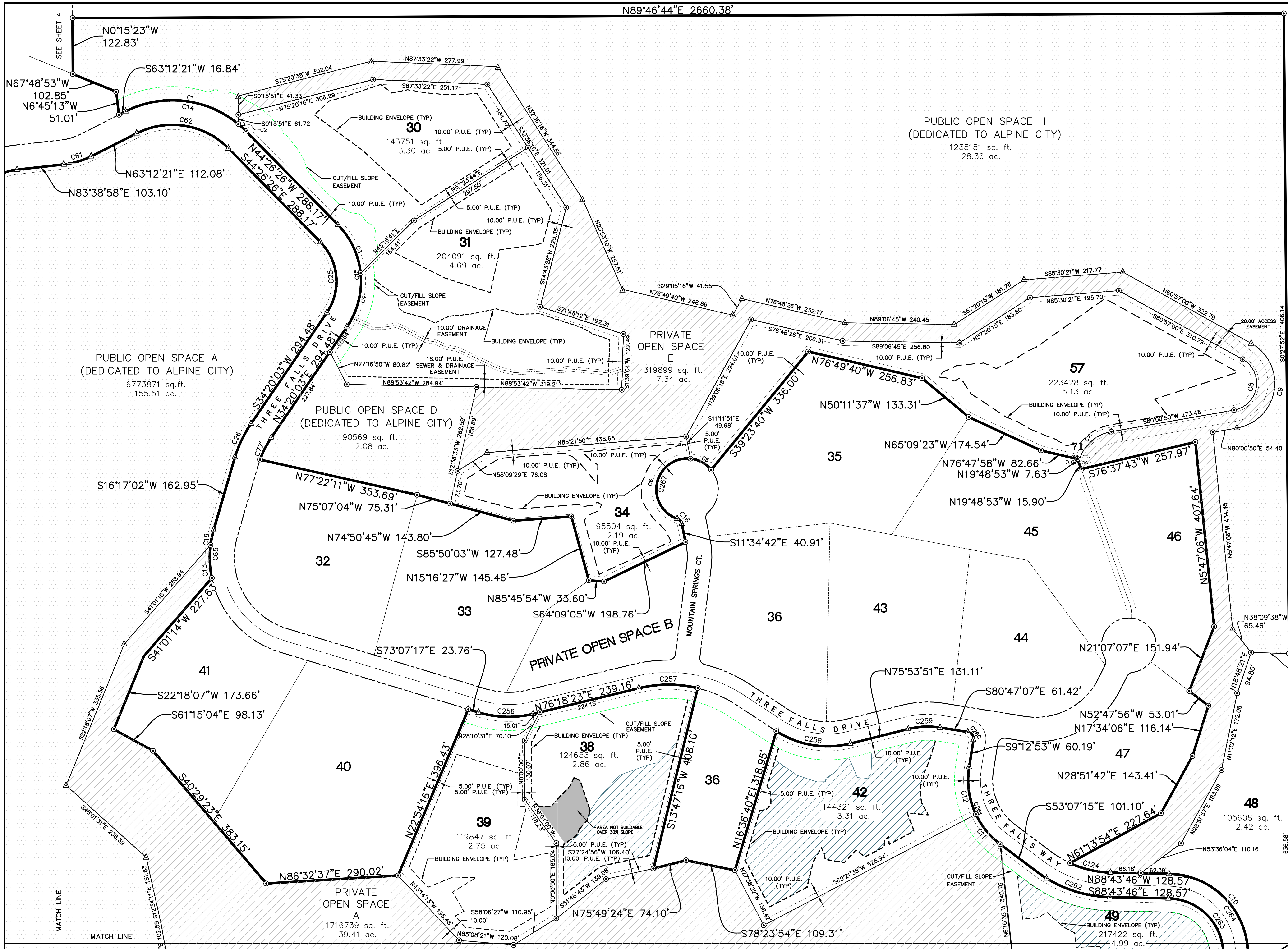
AMENDING PUBLIC OPEN SPACE A, C, D, E & H, PRIVATE OPEN SPACE A, C & E. LOTS 30, 31, 34, 38, 39, 42, 49, 50 & 51 OF THREE FALLS SUBDIVISION PLAT "E"

A SUBDIVISION LYING IN THE EAST HALF OF SECTION 12, THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 4 SOUTH, RANGE 1 EAST, AND THE WEST HALF OF SECTION 7, TOWNSHIP 4 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, ALPINE CITY, UTAH COUNTY, UTAH

ALPINE CITY
SCALE: 1" = 300 FEET

CITY-COUNTY ENGINEER SEAL

CLERK-RECORDER SEAL



PORTION OF BUILDING ENVELOPE WHERE SEWER IS NOT AVAILABLE

REVISIONS		DATE	BY	APP.
NO.				
Northern ENGINEERING INC ENGINEERING-LAND PLANNING CONSTRUCTION MANAGEMENT				
THREE FALLS SUBDIVISION PLAT "C"				
FINAL PLAT		ALPINE, UTAH		
SCALE: 1" = 100 FT				
DESIGNED BY:				
DRAWN BY:				
JOB NO. 3-18-049				
SHEET NO. 2 OF 6				

THESE DRAWINGS OR ANY PORTION THEREOF SHALL NOT BE USED ON ANY PROJECT OR EXTENSIONS OF THIS PROJECT EXCEPT BY AGREEMENT IN WRITING WITH NORTHERN ENGINEERING, INC.

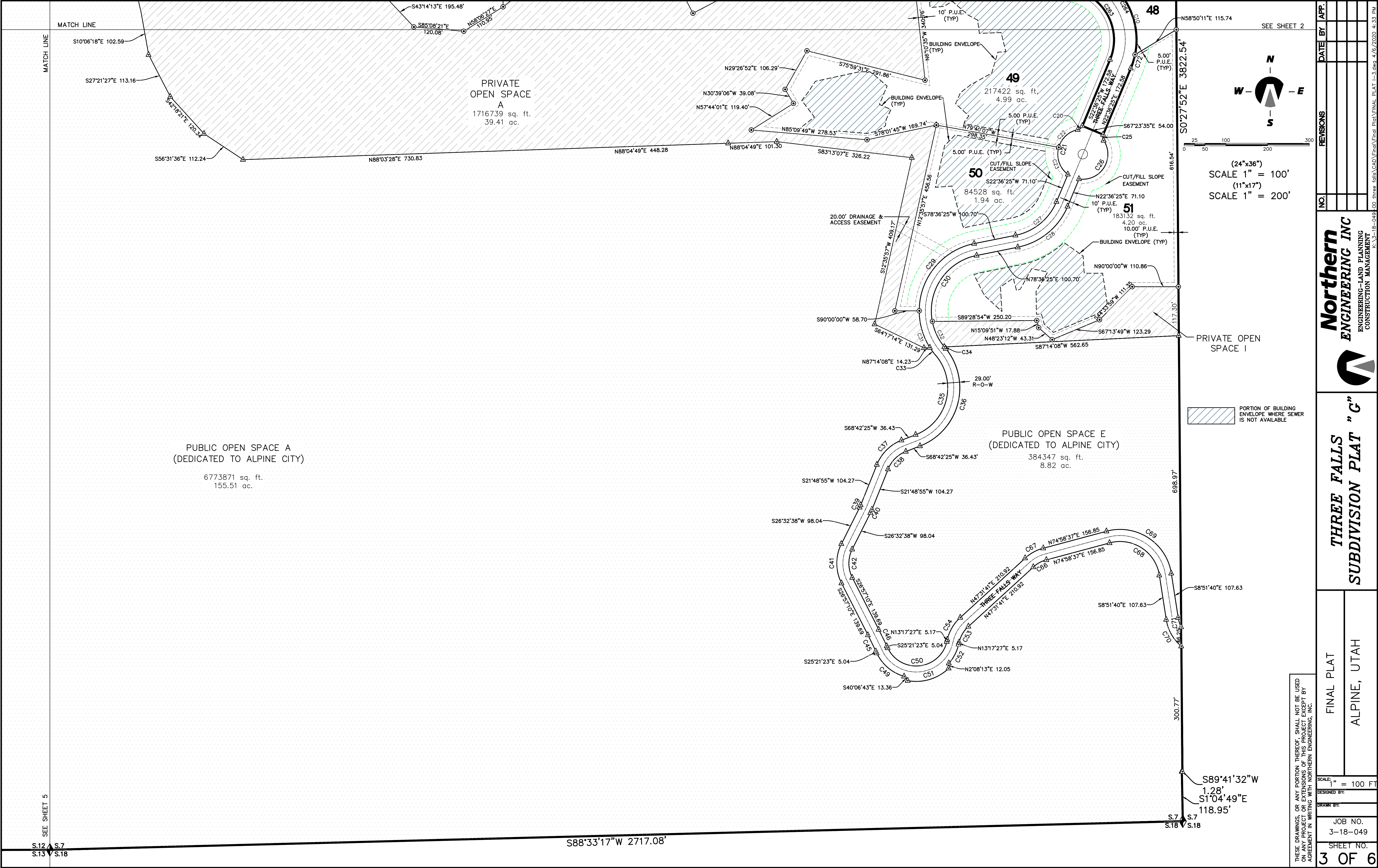
SEE SHEET 3

SEE SHEET 4

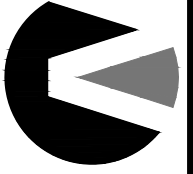
MATCH LINE

MATCH LINE

SEE SHEET 3



Northern Engineering Inc.
ENGINEERING-LAND PLANNING
CONSTRUCTION MANAGEMENT



**THREE FALLS
SUBDIVISION PLAT "C"**

FINAL PLAT
ALPINE, UTAH

SCALE: 1" = 100 FT

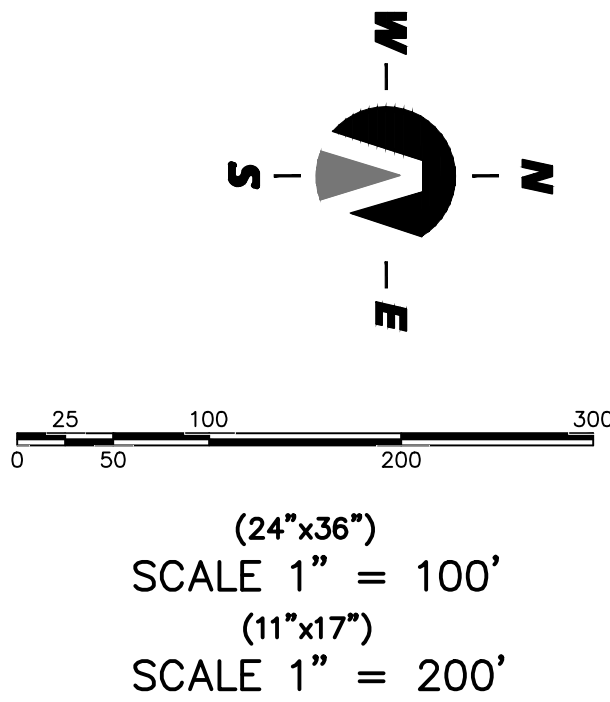
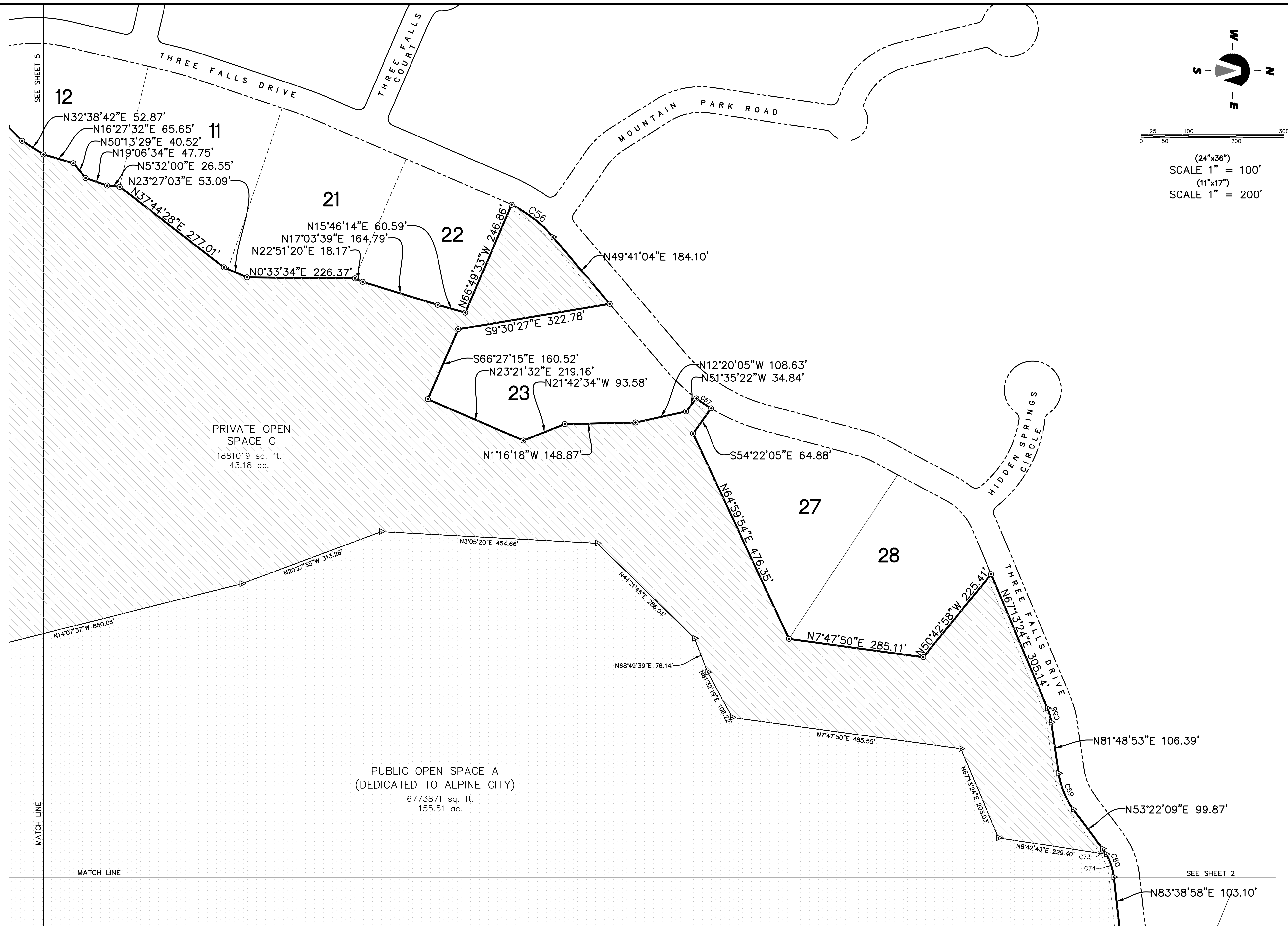
DESIGNED BY:

DRAWN BY:

JOB NO.
3-18-049

SHEET NO.
3 OF 6

THESE DRAWINGS OR ANY PORTION THEREOF SHALL NOT BE USED ON ANY PROJECT OR EXTENSIONS OF THIS PROJECT EXCEPT BY AGREEMENT IN WRITING WITH NORTHERN ENGINEERING, INC.



PRIVATE OPEN SPACE C
1881019 sq. ft.
43.18 ac.

PUBLIC OPEN SPACE A
(DEDICATED TO ALPINE CITY)
6773871 sq. ft.
155.51 ac.

THESE DRAWINGS, OR ANY PORTION THEREOF, SHALL NOT BE USED ON ANY PROJECT OR EXTENSIONS OF THIS PROJECT EXCEPT BY AGREEMENT IN WRITING WITH NORTHERN ENGINEERING, INC.

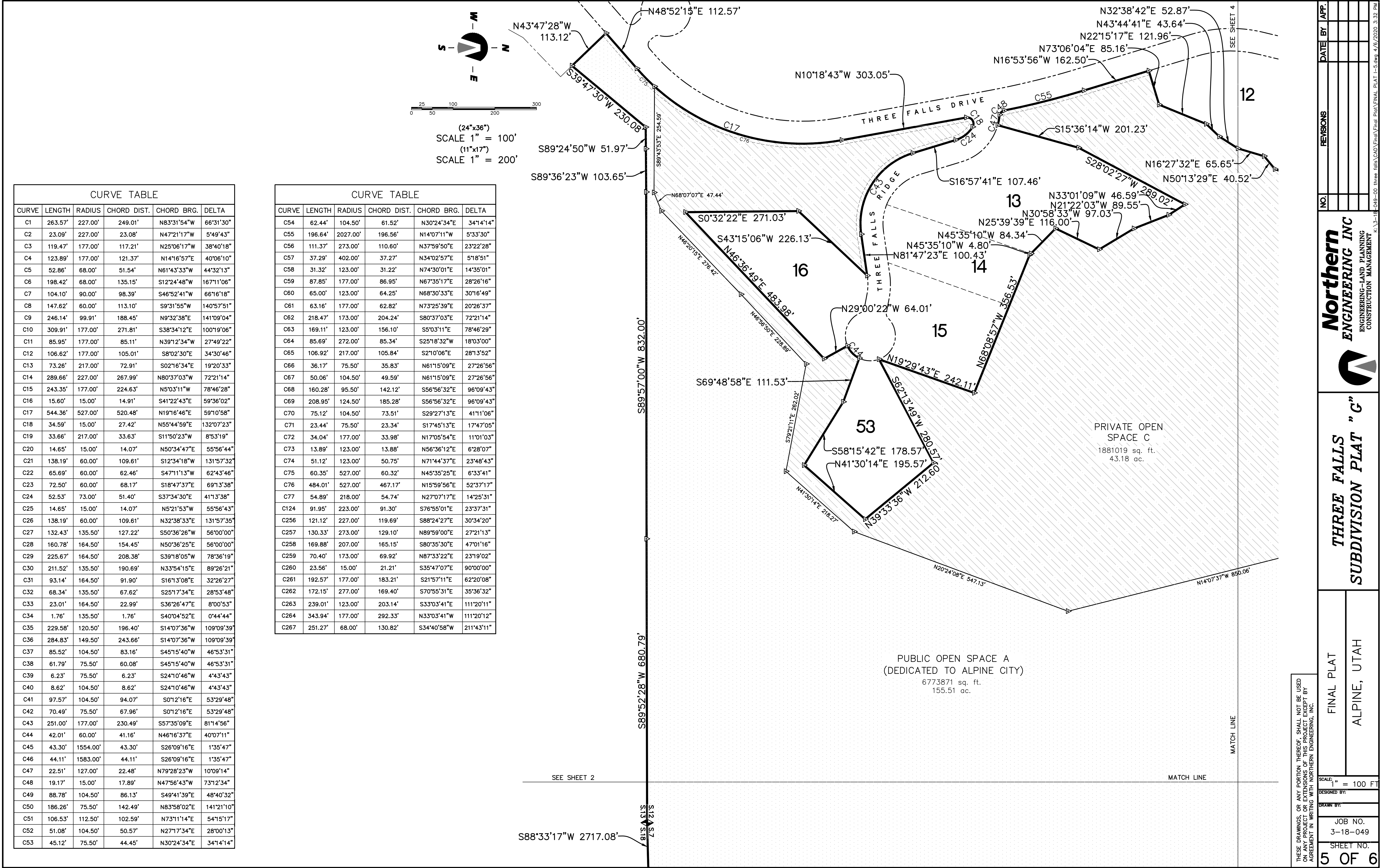
FINAL PLAT	ALPINE, UTAH
SCALE: 1" = 100 FT	DESIGNED BY:
DRAWN BY:	JOB NO. 3-18-049
	SHEET NO. 4 OF 6

THREE FALLS
SUBDIVISION PLAT "C"



NO.	REVISIONS	DATE	BY	APP.

K:\3-18-049\00 three falls\CAD\Final\Plat\Final PLAT I-4.dwg 4/3/2020 10:58 AM



BOUNDARY DESCRIPTION OF PLAT "G" THREE FALLS SUBDIVISION

A PARCEL OF LAND LOCATED IN THE WEST HALF OF SECTION 7, TOWNSHIP 4 SOUTH, RANGE 2 EAST, AND THE EAST HALF OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS"

COMMENCING AT A BRASS CAP MONUMENT MARKING THE SOUTHEAST CORNER OF SAID SECTION 12, SAID MONUMENT BEING THE POINT OF BEGINNING.

AND RUNNING THENCE ALONG THE SOUTHERLY BOUNDARY OF THREE FALLS SUBDIVISION, RECORDED SEPTEMBER 16TH, 2015 AS ENTRY NO. 84712/2015 AND MAP FILING NO. 14761 IN THE OFFICE OF THE UTAH COUNTY RECORDER, THE FOLLOWING FOUR (4) COURSES, SAID SOUTHERLY BOUNDARY LINE DEPARTS FROM THE SECTION LINE WITH THE FIRST COURSE: (1) S. 89°52'28" W. A DISTANCE OF 680.79 FEET, THENCE (2) S. 89°57'00" W. A DISTANCE OF 832.00 FEET, THENCE (3) S. 89°36'23" W. A DISTANCE OF 103.65 FEET, THENCE (4) S. 89°24'50" W. A DISTANCE OF 51.97 FEET, THENCE S. 39°47'30" W. A DISTANCE OF 230.08 FEET TO THE NORTHERLY LINE OF PUBLIC OPEN SPACE G, AS SHOWN ON SAID THREE FALLS SUBDIVISION; THENCE, ALONG SAID NORTHERLY LINE N. 43°47'28" W. A DISTANCE OF 113.12 FEET TO THE EASTERLY LINE OF THREE FALLS DRIVE, AS SHOWN ON SAID THREE FALLS SUBDIVISION, THENCE, ALONG SAID EASTERLY RIGHT OF WAY LINE, THE FOLLOWING FOUR (4) COURSES N. 48°52'15" E. A DISTANCE OF 112.57 FEET, (2) TO A POINT OF CURVATURE OF A 527.00-FOOT RADIUS TANGENT CURVE TO THE LEFT: THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, 544.36 FEET, HAVING A CENTRAL ANGLE OF 59°10'58" AND A CHORD THAT BEARS N.19°16'46"E. A DISTANCE OF 520.48 FEET, THENCE (3) N. 10°18'43" W. A DISTANCE OF 303.05 FEET, (4) TO A POINT OF CURVATURE OF A 15.00-FOOT RADIUS TANGENT CURVE TO THE RIGHT; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, 34.59 FEET, HAVING A CENTRAL ANGLE OF 132°07'23" AND A CHORD THAT BEARS N.55°44'59"E. A DISTANCE OF 27.42 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF THREE FALLS RIDGE, AS SHOWN ON SAID THREE FALLS SUBDIVISION, THENCE, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF THREE FALLS RIDGE, THE FOLLOWING FOUR (4) COURSES, (1) TO A POINT OF CURVATURE OF A 73.00-FOOT RADIUS TANGENT CURVE TO THE RIGHT: THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, 52.53 FEET, HAVING A CENTRAL ANGLE OF 41°13'38" AND A CHORD THAT BEARS S.37°34'30"E. A DISTANCE OF 51.40 FEET, THENCE (2) S. 16°57'41" E. A DISTANCE OF 107.46 FEET, (3) TO A POINT OF CURVATURE OF A 177.00-FOOT RADIUS TANGENT CURVE TO THE LEFT: THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, 251.00 FEET, HAVING A CENTRAL ANGLE OF 81°14'56" AND A CHORD THAT BEARS S.57°35'09"E. A DISTANCE OF 230.49 FEET, THENCE (4) N. 81°47'23" E. A DISTANCE OF 100.43 FEET TO THE WESTERLY LINE OF LOT 16 OF SAID THREE FALLS SUBDIVISION, THENCE ALONG SAID LOT 16, THE FOLLOWING FOUR (4) COURSES, (1) S. 43°15'06" W. A DISTANCE OF 226.13 FEET, THENCE (2) S. 00°32'22" E. A DISTANCE OF 271.03 FEET, THENCE (3) N. 46°36'49" E. A DISTANCE OF 483.98 FEET, THENCE (4) N. 29°00'22" W. A DISTANCE OF 64.01 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF AFORESAID THREE FALLS RIDGE, THENCE ALONG SAID SOUTHERLY RIGHT OF WAY TO A POINT OF CURVATURE OF A 60.00-FOOT RADIUS NON-TANGENT CURVE TO THE LEFT: THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, 42.01 FEET, HAVING A CENTRAL ANGLE OF 40°07'11" AND A CHORD THAT BEARS N.46°16'37"E. A DISTANCE OF 41.16 FEET TO THE SOUTHERLY LINE OF LOT 53 AS SHOWN ON AFORESAID THREE FALLS SUBDIVISION, THENCE ALONG SAID LOT 53, THE FOLLOWING FIVE (5) COURSES: (1) S. 69°48'58" E. A DISTANCE OF 111.53 FEET, THENCE (2) S. 58°15'42" E. A DISTANCE OF 178.57 FEET, THENCE (3) N. 41°30'14" E. A DISTANCE OF 195.57 FEET, THENCE (4) N. 39°33'36" W. A DISTANCE OF 212.60 FEET, THENCE (5) S. 62°13'49" W. A DISTANCE OF 280.57 FEET TO THE EASTERLY LINE OF LOT 15, AS SHOWN ON THREE FALLS SUBDIVISION PLAT B, RECORDED NOVEMBER 25, 2016 AS ENTRY NO. 106339/2015 AND MAP FILING NO. 14861 IN THE OFFICE OF THE UTAH COUNTY RECORDER; THENCE, ALONG SAID LOT 15 AND LOT 14 OF SAID THREE FALLS SUBDIVISION PLAT B, THE FOLLOWING THREE (3) COURSES: (1) N. 19°29'43" E. A DISTANCE OF 242.11 FEET, THENCE (2) N. 68°08'57" W. A DISTANCE OF 356.53 FEET, THENCE (3) N. 45°35'10" W. A DISTANCE OF 4.80 FEET TO THE NORTHEAST CORNER OF LOT 13, AS SHOWN ON THREE FALLS SUBDIVISION PLAT E, RECORDED SEPTEMBER 15, 2017 AS ENTRY NO. 90460/2017 AND MAP FILING NO. 15707 IN THE OFFICE OF THE UTAH COUNTY RECORDER; THENCE, ALONG SAID LOT 13 OF SAID THREE FALLS SUBDIVISION PLAT E, THE FOLLOWING SEVEN (7) COURSES: (1)N. 45°35'10" W. A DISTANCE OF 84.34 FEET, THENCE (2) N. 25°39'39" E. A DISTANCE OF 116.00 FEET, THENCE (3) N. 30°58'33" W. A DISTANCE OF 97.03 FEET, THENCE (4) N. 21°22'03" W. A DISTANCE OF 89.55 FEET, THENCE (5) N. 33°01'09" W. A DISTANCE OF 46.59 FEET, THENCE (6) S. 28°02'27" W. A DISTANCE OF 289.02 FEET, THENCE (7) S. 15°36'14" W. A DISTANCE OF 201.23 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF AFORESAID THREE FALLS RIDGE, THENCE, ALONG SAID NORTHERLY RIGHT OF WAY LINE, THE FOLLOWING TWO (2) COURSES: (1) TO A POINT OF CURVATURE OF A 127.00-FOOT RADIUS NON-TANGENT CURVE TO THE LEFT: THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, 22.51 FEET, HAVING A CENTRAL ANGLE OF 10°09'14" AND A CHORD THAT BEARS N. 79°28'23" W . A DISTANCE OF 22.48 FEET; THENCE (2) TO A POINT OF CURVATURE OF A 15.00-FOOT RADIUS TANGENT CURVE TO THE RIGHT: THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, 19.17 FEET, HAVING A CENTRAL ANGLE OF 73°12'34" AND A CHORD THAT BEARS N. 47°56'43" W. A DISTANCE OF 17.89 FEET TO THE EASTERLY RIGHT OF WAY LINE OF AFORESAID THREE FALLS DRIVE, THENCE ALONG SAID THREE FALLS DRIVE, THE FOLLOWING TWO (2) COURSES: (1) TO A POINT OF CURVATURE OF A 2027.00-FOOT RADIUS TANGENT CURVE TO THE LEFT: THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, 196.64 FEET, HAVING A CENTRAL ANGLE OF 05°33'30" AND A CHORD THAT BEARS N. 14°07'11" W. A DISTANCE OF 196.56 FEET, THENCE (2) N. 16°53'56" W. A DISTANCE OF 162.50 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF LOT 12 OF SAID THREE FALLS SUBDIVISION PLAT E, THENCE, ALONG SAID LOT 12 AND LOTS 11, 21, AND 22 OF SAID THREE FALLS SUBDIVISION PLAT E, THE FOLLOWING FIFTEEN (15) COURSES: (1) N. 73°06'04" E. A DISTANCE OF 85.16 FEET, THENCE (2) N. 22°15'17" E. A DISTANCE OF 121.96 FEET, THENCE (3) N. 43°44'41" E. A DISTANCE OF 43.64 FEET, THENCE (4) N. 32°38'42" E. A DISTANCE OF 52.87 FEET, THENCE (5) N. 16°27'32" E. A DISTANCE OF 65.65 FEET, THENCE (6) N. 50°13'29" E. A DISTANCE OF 40.52 FEET, THENCE (7) N. 19°06'34" E. A DISTANCE OF 47.75 FEET, THENCE (8) N. 05°32'00" E. A DISTANCE OF 26.55 FEET, THENCE (9) N. 37°44'28" E. A DISTANCE OF 277.01 FEET; THENCE (10) N. 23°27'06" E. A DISTANCE OF 53.09 FEET, THENCE (11) N. 00°33'34" E. A DISTANCE OF 226.37 FEET; THENCE (12) N. 22°51'20" E. A DISTANCE OF 18.17 FEET; THENCE (13) N. 17°03'39" E. A DISTANCE OF 164.79 FEET; THENCE (14) N. 15°46'14" E. A DISTANCE OF 60.59 FEET; THENCE (15) N. 66°49'33" W. A DISTANCE OF 246.86 FEET TO THE EASTERLY RIGHT OF WAY LINE OF AFORESAID THREE FALLS DRIVE, THENCE ALONG SAID THREE FALLS DRIVE, THE FOLLOWING TWO (2) COURSES: (1) TO A POINT OF CURVATURE OF A 273.00-FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT: THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, 111.37 FEET, HAVING A CENTRAL ANGLE OF 23°22'28" AND A CHORD THAT BEARS N.37°59'50"E. A DISTANCE OF 110.60 FEET; THENCE (2) N. 49°41'04" E. A DISTANCE OF 184.10 FEET MORE OR LESS TO THE NORTHWEST CORNER OF LOT 23 OF SAID THREE FALLS SUBDIVISION PLAT E, THENCE, ALONG SAID LOT 23 THE FOLLOWING SEVEN (7) COURSES: (1) S. 09°30'27" E. A DISTANCE OF 322.78 FEET; THENCE (2) S. 66°27'15" E. A DISTANCE OF 160.52 FEET; THENCE (3) N. 23°21'32" E. A DISTANCE OF 219.16 FEET; THENCE (4) N. 21°42'34" W. A DISTANCE OF 93.58 FEET; THENCE (5) N. 01°16'18" W. A DISTANCE OF 148.87 FEET; THENCE (6) N. 12°20'05" W. A DISTANCE OF 108.63 FEET; THENCE (7) N. 51°35'22" W. A DISTANCE OF 34.84 FEET, MORE OR LESS TO THE EASTERLY RIGHT OF WAY LINE OF AFORESAID THREE FALLS DRIVE, THENCE ALONG SAID THREE FALLS DRIVE TO A POINT OF CURVATURE OF A 402.00-FOOT RADIUS NON-TANGENT CURVE TO THE LEFT: THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, 37.29 FEET, HAVING A CENTRAL ANGLE OF 05°18'51" AND A CHORD THAT BEARS N. 34°02'57"E. A DISTANCE OF 37.27 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF LOT 27 OF SAID THREE FALLS SUBDIVISION PLAT E, THENCE, ALONG SAID LOT 27 AND LOT 28 THE FOLLOWING FOUR (4) COURSES: (1) S. 54°22'05" E. A DISTANCE OF 64.88 FEET; THENCE (2) N. 64°59'54" E. A DISTANCE OF 476.35 FEET; THENCE (3) N. 07°47'50" E. A DISTANCE OF 285.11 FEET; THENCE (4) N. 50°42'58" W. A DISTANCE OF 225.41 FEET MORE OR LESS TO THE EASTERLY RIGHT OF WAY LINE OF AFORESAID THREE FALLS DRIVE, THENCE ALONG SAID THREE FALLS DRIVE, THE FOLLOWING SIXTEEN (16) COURSES: (1) N. 67°13'24" E. A DISTANCE OF 305.14 FEET TO A POINT OF CURVATURE OF A 123.00-FOOT RADIUS TANGENT CURVE TO THE RIGHT: THENCE (2) NORTHEASTERLY ALONG THE ARC OF SAID CURVE, 31.31 FEET, HAVING A CENTRAL ANGLE OF 14°35'01" AND A CHORD THAT BEARS N. 74°30'54" E. A DISTANCE OF 31.22 FEET; THENCE (3) N. 81°48'25" E. A DISTANCE OF 106.39 FEET TO A POINT OF CURVATURE OF A 177.00-FOOT RADIUS TANGENT CURVE TO THE LEFT: THENCE (4) NORTHEASTERLY ALONG THE ARC OF SAID CURVE, 87.85 FEET, HAVING A CENTRAL ANGLE OF 28°26'16" AND A CHORD THAT BEARS N. 67°35'17" E. A DISTANCE OF 86.95 FEET, THENCE (5) N. 53°22'09" E. A DISTANCE OF 99.87 FEET TO A POINT OF CURVATURE OF A 123.00-FOOT RADIUS TANGENT CURVE TO THE RIGHT: THENCE (6) NORTHEASTERLY ALONG THE ARC OF SAID CURVE, 65.00 FEET, HAVING A CENTRAL ANGLE OF 30°16'49" AND A CHORD THAT BEARS N. 68°30'33" E. A DISTANCE OF 64.25 FEET; THENCE (7) N. 83°38'58" E. A DISTANCE OF 103.10 FEET TO A POINT OF CURVATURE OF A 177.00-FOOT RADIUS TANGENT CURVE TO THE LEFT: THENCE (8) NORTHEASTERLY ALONG THE ARC OF SAID CURVE, 63.16 FEET, HAVING A CENTRAL ANGLE OF 20°26'37" AND A CHORD THAT BEARS N. 73°25'39"E. A DISTANCE OF 62.82 FEET; THENCE (9) N. 63°12'21" E. A DISTANCE OF 112.08 FEET TO A POINT OF CURVATURE OF A 173.00-FOOT RADIUS TANGENT CURVE TO THE RIGHT: THENCE (10) SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, 218.47 FEET, HAVING A CENTRAL ANGLE OF 72°21'14" AND A CHORD THAT BEARS S.80°37'03"E. A DISTANCE OF 204.24 FEET; THENCE (11) S. 44°26'26" E. A DISTANCE OF 288.17 FEET TO A POINT OF CURVATURE OF A 123.00-FOOT RADIUS TANGENT CURVE TO THE RIGHT: THENCE (12) SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, 169.11 FEET, HAVING A CENTRAL ANGLE OF 78°46'29" AND A CHORD THAT BEARS S.05°03'11"E. A DISTANCE OF 156.10 FEET; THENCE (13) S. 34°20'03" W. A DISTANCE OF 294.48 FEET TO A POINT OF CURVATURE OF A 272.00-FOOT RADIUS TANGENT CURVE TO THE LEFT: THENCE (14) SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, 85.69 FEET, HAVING A CENTRAL ANGLE OF 18°03'00" AND A CHORD THAT BEARS S. 25°18'32" W. A DISTANCE OF 85.34 FEET; THENCE (15) S. 16°17'02" W. A DISTANCE OF 162.95 FEET TO A POINT OF CURVATURE OF A 217.00-FOOT RADIUS TANGENT CURVE TO THE LEFT: THENCE (16) SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, 106.92 FEET, HAVING A CENTRAL ANGLE OF 28°13'52" AND A CHORD THAT BEARS S. 02°10'06" W. A DISTANCE OF 105.84 FEET MORE OR LESS TO THE NORTHWEST CORNER OF LOT 41 OF SAID THREE FALLS SUBDIVISION PLAT E, THENCE, ALONG SAID LOT 41 AND LOT 40 OF SAID THREE FALLS SUBDIVISION PLAT E, THE FOLLOWING SIX (6) COURSES: (1) S. 41°01'14" W. A DISTANCE OF 227.63 FEET; THENCE (2) S. 22°18'07" W. A DISTANCE OF 173.66 FEET; THENCE (3) S. 61°15'04" E. A DISTANCE OF 98.13 FEET; THENCE (4) S. 40°29'23" E. A DISTANCE OF 383.15 FEET; THENCE (5) N. 86°32'37" E. A DISTANCE OF 290.02 FEET; THENCE (6) N. 22°54'16" E. A DISTANCE OF 396.43 FEET MORE OR LESS TO THE SOUTHERLY RIGHT OF WAY LINE OF AFORESAID THREE FALLS DRIVE, THENCE ALONG SAID THREE FALLS DRIVE, THE FOLLOWING FOUR (4) COURSES: (1) S. 73°07'17" E. A DISTANCE OF 23.76 FEET TO A POINT OF CURVATURE OF A 227.00-FOOT RADIUS TANGENT CURVE TO THE LEFT: THENCE (2) SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, 121.12 FEET, HAVING A CENTRAL ANGLE OF 30°34'20" AND A CHORD THAT BEARS S.88°24'27"E. A DISTANCE OF 119.69 FEET; THENCE (3) N. 76°18'23" E. A DISTANCE OF 239.16 FEET TO A POINT OF CURVATURE OF A 273.00-FOOT RADIUS TANGENT CURVE TO THE RIGHT: THENCE (4) NORTHEASTERLY ALONG THE ARC OF SAID CURVE, 130.33 FEET, HAVING A CENTRAL ANGLE OF 27°21'13" AND A CHORD THAT BEARS N. 89°59'00"E. A DISTANCE OF 129.10 FEET MORE OR LESS TO THE NORTHWEST CORNER OF LOT 37 OF SAID THREE FALLS SUBDIVISION PLAT E, THENCE, ALONG SAID LOT 37 THE FOLLOWING FOUR (4) COURSES: (1) S. 13°47'16" W. A DISTANCE OF 408.10 FEET; THENCE (2) N. 75°49'24" E. A DISTANCE OF 74.10 FEET; THENCE (3) S. 78°23'54" E. A DISTANCE OF 109.31 FEET; THENCE (4) N. 16°36'40" E. A DISTANCE OF 318.95 FEET MORE OR LESS TO THE SOUTHERLY RIGHT OF WAY LINE OF AFORESAID THREE FALLS DRIVE, THENCE ALONG SAID THREE FALLS DRIVE, THE FOLLOWING FIVE (5) COURSES: (1) TO A POINT OF CURVATURE OF A 207.00-FOOT RADIUS NON-TANGENT CURVE TO THE LEFT: THENCE (1) SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, 169.88 FEET, HAVING A CENTRAL ANGLE OF 47°01'16" AND A CHORD THAT BEARS S.80°35'30"E. A DISTANCE OF 165.15 FEET; THENCE (2) N. 75°53'51" E. A DISTANCE OF 131.11 FEET TO A POINT OF CURVATURE OF A 173.00-FOOT RADIUS TANGENT CURVE TO THE RIGHT: THENCE (3) NORTHEASTERLY ALONG THE ARC OF SAID CURVE, 70.40 FEET, HAVING A CENTRAL ANGLE OF 23°19'02" AND A CHORD THAT BEARS N. 87°33'22" E. A DISTANCE OF 69.92 FEET; THENCE (4) S. 80°47'07" E. A DISTANCE OF 61.42 FEET TO A POINT OF CURVATURE OF A 15.00-FOOT RADIUS TANGENT CURVE TO THE RIGHT: THENCE (5) SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, 23.56 FEET, HAVING A CENTRAL ANGLE OF 90°00'00" AND A CHORD THAT BEARS S. 35°47'07" E. A DISTANCE OF 21.21 FEET TO THE WESTERLY RIGHT OF WAY LINE OF THREE FALLS WAY; THENCE ALONG SAID THREE FALLS WAY, THE FOLLOWING SEVEN (7) COURSES: (1) S. 09°12'53" W. A DISTANCE OF 60.19 FEET TO A POINT OF CURVATURE OF A 177.00-FOOT RADIUS TANGENT CURVE TO THE LEFT: THENCE (2) SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, 192.57 FEET, HAVING A CENTRAL ANGLE OF 62°20'08" AND A CHORD THAT BEARS S. 21°57'11" E. A DISTANCE OF 183.21 FEET; THENCE (3) S. 53°07'15" E. A DISTANCE OF 101.10 FEET TO A POINT OF CURVATURE OF A 277.00-FOOT RADIUS TANGENT CURVE TO THE LEFT: THENCE (4) SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, 172.15 FEET, HAVING A CENTRAL ANGLE OF 35°36'32" AND A CHORD THAT BEARS S.70°55'31"E. A DISTANCE OF 169.40 FEET; THENCE (5) S. 88°43'46" E. A DISTANCE OF 128.57 FEET TO A POINT OF CURVATURE OF A 123.00-FOOT RADIUS TANGENT CURVE TO THE RIGHT: THENCE (6) SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, 239.01 FEET, HAVING A CENTRAL ANGLE OF 111°20'12" AND A CHORD THAT BEARS S. 33°03'41" E. A DISTANCE OF 203.14 FEET; THENCE (7) S. 22°36'25" W. A DISTANCE OF 172.58 FEET; THENCE S. 67°23'35" E. A DISTANCE OF 54.00 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THREE FALLS WAY; THENCE ALONG SAID THREE FALLS WAY, THE FOLLOWING FOUR (4) COURSES: (1) N. 22°36'25" E. A DISTANCE OF 172.58 FEET TO A POINT OF CURVATURE OF A 177.00-FOOT RADIUS TANGENT CURVE TO THE LEFT: THENCE (2) NORTHEASTERLY ALONG THE ARC OF SAID CURVE, 343.95 FEET, HAVING A CENTRAL ANGLE OF 111°20'12" AND A CHORD THAT BEARS N. 33°03'41" W. A DISTANCE OF 292.33 FEET; THENCE (3) N. 88°43'46" W. A DISTANCE OF 128.57 FEET TO A POINT OF CURVATURE OF A 223.00-FOOT RADIUS TANGENT CURVE TO THE RIGHT: THENCE (4) NORTHWESTERLY ALONG THE ARC OF SAID CURVE, 91.95 FEET, HAVING A CENTRAL ANGLE OF 23°37'31" AND A CHORD THAT BEARS N. 76°55'01" W. A DISTANCE OF 91.30 FEET MORE OR LESS TO THE CORNER OF LOT 47 OF SAID THREE FALLS SUBDIVISION PLAT E, THENCE, ALONG SAID LOT 47, 46, 45, AND LOT 35 OF SAID THREE FALLS SUBDIVISION PLAT E, THE FOLLOWING THIRTEEN (13) COURSES: (1) N. 61°13'54" E. A DISTANCE OF 227.64 FEET; THENCE (2) N. 28°51'42" E. A DISTANCE OF 143.41 FEET; THENCE (3) N. 17°34'06" E. A DISTANCE OF 116.14 FEET; THENCE (4) N. 52°47'56" W. A DISTANCE OF 53.00 FEET; THENCE (5) N. 21°07'07" E. A DISTANCE OF 151.94 FEET. THENCE (6) N. 05°47'06" W. A DISTANCE OF 407.64 FEET; THENCE (7) S. 76°37'43" W. A DISTANCE OF 257.97 FEET; THENCE (8) N. 19°48'53" W. A DISTANCE OF 23.53 FEET; THENCE (9) N. 76°47'58" W. A DISTANCE OF 82.66 FEET; THENCE (10) N. 65°09'23" W. A DISTANCE OF 174.54 FEET; THENCE (11) N. 50°11'37" W. A DISTANCE OF 133.31 FEET; THENCE (12) N. 76°49'40" W. A DISTANCE OF 256.83 FEET; THENCE (13) S. 39°23'40" W. A DISTANCE OF 336.00 FEET TO THE RIGHT OF WAY LINE OF MOUNTAIN SPRINGS COURT; THENCE ALONG SAID MOUNTAIN SPRINGS COURT, THE FOLLOWING THREE (3) COURSES: (1) TO A POINT OF CURVATURE OF A 68.00-FOOT RADIUS NON-TANGENT CURVE TO THE LEFT: THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, 251.27 FEET, HAVING A CENTRAL ANGLE OF 21°14'31" AND A CHORD THAT BEARS S.34°40'58" W. A DISTANCE OF 130.82 FEET TO A POINT OF CURVATURE OF A 15.00-FOOT RADIUS TANGENT CURVE TO THE RIGHT: THENCE (2) SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, 15.60 FEET, HAVING A CENTRAL ANGLE OF 59°36'02" AND A CHORD THAT BEARS S. 41°22'43" E. A DISTANCE OF 14.91 FEET; THENCE (3) S. 11°34'42" E. A DISTANCE OF 40.91 FEET MORE OR LESS TO THE NORTHEAST CORNER OF THE PRIVATE OPEN SPACE "B" OF SAID THREE FALLS SUBDIVISION PLAT E, THENCE, ALONG SAID PRIVATE OPEN SPACE "B" AND LOT 33, OF SAID THREE FALLS SUBDIVISION PLAT E, THE FOLLOWING FIVE (5) COURSES: (1) S. 64°09'05" W. A DISTANCE OF 198.76 FEET; THENCE (2) N. 85°45'54" W. A DISTANCE OF 33.60 FEET; THENCE (3) N. 15°16'27" W. A DISTANCE OF 145.46 FEET; THENCE (4) S. 85°50'03" W. A DISTANCE OF 127.48 FEET; THENCE (5) N. 74°50'45" W. A DISTANCE OF 143.80 FEET; THENCE N. 75°07'04" W. A DISTANCE OF 75.31 FEET; THENCE N. 77°22'11" W. A DISTANCE OF 353.69 FEET MORE OR LESS TO THE EASTERLY RIGHT OF WAY LINE OF AFORESAID THREE FALLS DRIVE, THENCE ALONG SAID THREE FALLS DRIVE, THE FOLLOWING SIX (6) COURSES: (1) THENCE ALONG THE CURVATURE OF A 218.00-FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT; WITH A CURVE LENGTH OF 54.89- FEET, HAVING A CENTRAL ANGLE OF 14°25'31" AND A CHORD THAT BEARS N. 27°07'17" E. A DISTANCE OF 54.74 FEET; THENCE (2) N. 34°20'03" E. A DISTANCE OF 294.48 FEET TO A POINT OF CURVATURE OF A 177.00-FOOT RADIUS TANGENT CURVE TO THE LEFT: THENCE (3) NORTHWESTERLY ALONG THE ARC OF SAID CURVE, 243.35 FEET, HAVING A CENTRAL ANGLE OF 78°46'28" AND A CHORD THAT BEARS N. 05°03'11" W. A DISTANCE OF 224.63 FEET; THENCE (4) N. 44°26'26" W. A DISTANCE OF 288.17 FEET TO A POINT OF CURVATURE OF A 227.00-FOOT RADIUS TANGENT CURVE TO THE LEFT: THENCE (5) NORTHWESTERLY ALONG THE ARC OF SAID CURVE, 286.66 FEET, HAVING A CENTRAL ANGLE OF 72°21'14" AND A CHORD THAT BEARS N. 80°37'03" W. A DISTANCE OF 267.99 FEET; THENCE (6) S. 63°12'21" W. A DISTANCE OF 16.84 FEET; THENCE N. 06°45'13" W. A DISTANCE OF 51.01 FEET; THENCE N. 67°48'53" W. A DISTANCE OF 102.85 FEET; THENCE N. 00°15'23" W. A DISTANCE OF 122.83 FEET MORE OR LESS TO THE BOUNDARY LINE OF AFORESAID THREE FALLS SUBDIVISION PLAT E SAID LINE ALSO DEFINED AS THE 40-ACRE LINE OF SECTION 7, RANGE 2 EAST, THENCE, ALONG SAID BOUNDARY LINE OF THREE FALLS SUBDIVISION PLAT E, THE FOLLOWING FOUR (4) COURSES: (1) N. 89°46'44" E. A DISTANCE OF 2660.38 FEET TO THE CENTER QUARTER SECTION LINE; THENCE ALONG SAID LINE (2) S. 00°27'52" E. A DISTANCE OF 3822.54 FEET; THENCE (2) S. 89°41'32" W. A DISTANCE OF 1.28 FEET; THENCE (3) S. 01°04'49" E. A DISTANCE OF 118.95 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 7; THENCE (4) ALONG THE SOUTHERLY LINE OF SAID SECTION 7; S. 88°33'17" W. A DISTANCE OF 2717.08 FEET TO THE POINT OF BEGINNING.

CONTAINING 2 LOTS, 244500 SQ.FT. OR 5.61 ACRES OF LAND MORE OR LESS.

Development Notes:

- 1- Prior plat superseded. This plat, when recorded, shall supersede any prior plat covering the same property, including, specifically, that certain plat "a" blocks a and b for Ilangen Estates recorded May 8, 1985 with the recorder for Utah county, Utah as entry No. 13218.
- 2- Development agreement. This Three Falls subdivision (the "project") is subject to that certain subdivision and improvement agreement, executed and dated March 31, 2015 (the "development agreement") between Alpine City (the "city") and developer Three Falls Development, Inc. ("declarant").
- 3- Governing documents for the project. Project documents, including, specifically, a declaration of covenants, conditions, and restrictions for Three Falls (the "declaration"), bylaws for the Three Falls homeowners association ("bylaws"), and the Three Falls design guidelines (the "design guidelines") have been prepared by the declarant and shall govern the project (the foregoing documents, together with this plat are, collectively, the "governing documents"). Additionally, the declarant has or will establish a homeowners association (the "association") consistent with the declaration to operate in accordance with the bylaws to enforce the covenants and restrictions in the governing documents and to maintain the common areas and facilities (as defined in the declaration) for the benefit of the project lot owners and the project.
- 4- Each lot in this plat has a building activity envelope location designated by the declarant. Excluding driveways and/or cuts and fill by the declarant for the purpose of construction project roadways or other uses permitted by the governing documents, all improvements must remain in this envelope. Purchasers of any lots within the project are directed to the declaration and design guidelines for further information regarding building activity envelope locations, restrictions, and allowances. Other than authorized association or declarant personnel, no motorized vehicles may be operated on any lot in this plat outside of the building activity envelope or driveway corridor.
- 5- Roads. In accordance with the development agreement, certain improvements to Fort Canyon Road, internal roads, and the secondary access road reflected hereon (Mountain Park Road) have been or will be constructed by the declarant, and said improvements shall be and hereby are dedicated to the city and all maintenance thereof shall be the responsibility of the city. Roads within the project, as identified in this plat, shall be and hereby are dedicated to the city as public roadways and all maintenance thereof shall be the responsibility of the city.
- 6- Certain lots and open spaces in Three Falls contain a cut/fill slope easement for the subdivision's roadways. The easement is necessary for the construction and maintenance of the roadways within the subdivision. This easement is for the benefit of Alpine City. Lot owners may not alter or affect this easement in any way unless expressly authorized by the Three Falls design review committee and Alpine City.
- 7- The total amount of irrigated landscaping shall not exceed one (1) acre.
- 8- Association responsibility for certain other improvements. The declarant has or may construct and/or install gatehouse gates, emergency gates, monument entry features, signage, and landscaping around the public trailhead within the project, not inconsistent with the governing documents (collectively, the "improvements"). Such improvements shall be included in the common areas and facilities, as defined in the declaration, and shall be privately owned and maintained by the association. Maintenance of any private driveway entry feature constructed on a lot in this project shall be the responsibility of the lot owner.
- 9- PURSUANT TO UTAH CODE 10-9A-604(D), public open space, public trail easement, public trailhead, indemnification. All public open space (including the public trails thereon) (the "public open space"), as shown on this plat, shall be and hereby is dedicated to Alpine City for the use and enjoyment of the public during hours of operation pursuant to Alpine City park and open space ordinances. The declarant has or will construct a public trailhead (consisting of a restroom facility and parking) not inconsistent with this plat or the development agreement. The public open space and the hardscape portion of the public trailhead (specifically, the restroom facilities and parking areas) shall be and hereby are dedicated to the city and all maintenance of the public open space and hardscape portions of the public trailhead shall be the responsibility of the city. Additionally, the declarant has or will construct a public trail through a portion of the private open space as reflected on this plat. A public trail easement, as shown on this plat, shall be and hereby is established for the use and enjoyment of the public. Consistent with the development agreement, the landscaped area around the public trail head shall be privately owned by the association and maintenance thereof shall be the responsibility of the association. Notwithstanding anything herein to the contrary, the city acknowledges and agrees that it shall indemnify and hold harmless, the declarant, the association, and lot owners within the project, from and against any and all claims and liabilities of any type or nature arising from or in any way connected to the use of the public open space, the public trails, the public trail easement, and/or the public trailhead by the public or any member thereof.
- 9B- Pursuant to Utah Code 10-9a-604(D), The owner hereby conveys the private Open space Areas as indicated hereon to the Three falls home owner's Association, a Utah nonprofit Corporation with a registered address of 2085 n. three falls drive Alpine, ut. 84004.
- 10- Utility easements subject to the public trail easement, liability for damage to open space or public trail. Any public utility easement ("PUE") established by and/or reflected on this plat or by the declaration is subject to the public trail easement shown hereon. Any damage to the public open space, public trail, or public trailhead within the project or any portions thereof caused by a utility provider shall be the responsibility of that utility provider to repair, at its sole expense, and restore the damaged area substantially the same condition as existed immediately prior to the damage, as determined by city, in its discretion. Similarly, any damage to the public open space, public trail, or public trailhead within the project, or any portion thereof, caused by any owner of a lot within the project shall be the responsibility of that lot owner to repair, at the lot owner's sole expense, and restore the damaged area to substantially the same condition as existed immediately prior to the damage, as determined by the city, in its discretion.
- 11- Non-combustible roofing material required: roofing materials for dwellings and any out buildings must be non-combustible and approved by the Three Falls design review committee. No wood shake roofing material will be permitted.
- 12- Compliance with sensitive land ordinance. All lot owners must comply with the city's sensitive lands ordinance.
- 13- Building permits. Pursuant to the development agreement, the declarant has or will construct and/or install certain required public improvements including water, sewer, and storm drains (collectively, the "public improvements"). Building permit for any lot within the project will not be issued from the city until such time as the public improvements have been completed by the declarant in accordance with city ordinance, standards, and specifications.
- 14- Building height restrictions, lot restrictions. All lots within the project are subject to the requirements and restrictions set forth in the declaration, design guidelines, and to city ordinances. In no event shall the height of any building within the project exceed the maximum 34 feet allowed by city standards. Lots 7, 8, 9, 10, and 16 have restrictions placed upon them by the declarant. Purchasers of any of these additionally restricted lots are directed to the design guidelines for the specific additional restrictions.
- 15- Utility easements. Public utility providers shall have the right to install, maintain, and operate their respective utility lines, pipes, conduits, cables, and/or equipment (all of the foregoing individually or collectively a "utility line") above and below ground within the PUE, as may be necessary or desirable in providing utility services within the project and to the individual lots identified herein. PUEs include a right of access to and a right to require removal of any obstructions including structures, trees, and vegetation that may be located within the public utility easement located on a lot. A utility provider may require the lot owner to remove all structures within the PUE at the lot owner's expense. At no time may any permanent structures or other obstruction which interferes with the use of the PUE be placed within the PUE without the prior written approval of the utility provider having a utility line in the PUE.
- 16- Service districts. Three Falls is served by or included within the boundaries of Alpine City, Timpanogos Special Service District, North Utah County Water Conservancy District, Wasatch Mental Health Special Service District, North Utah Valley Animal Shelter Special Service District, and Utah Valley Dispatch Special Service District. All lots are subject to assessments and fees of the foregoing district(s).
- 17- Private open space. The private open space, as reflected on this plat, less and excepting public trail easement reflected thereon, (the "private open space") is for the exclusive use and enjoyment of the project lot owners. The private open space shall be maintained by the association and the maintenance thereof shall be the responsibility of the association. Notwithstanding, any damage to any private open space or portion thereof caused by any construction, landscaping on a lot, or other improvement to the lot may be repaired by the association and the damaged portion of the private open space restored to substantially the same condition as existed immediately prior to the damage and the cost for such repair and/or restoration may be assessed to the responsible lot owner as a special assessment as provided in the declaration. Notwithstanding anything to the contrary contained herein, the declarant retains the right to construct and/or install private trails within the boundaries of the private open space. Other than authorized city, association, or declarant personnel, no motorized vehicles are allowed on the private or public trails.
- 18- Declarant rights retained, permanent drainage, and other easements. The declarant retains permanent easements throughout the project for drainage, natural drainage ways, trails, utilities, and other matters which may affect portions of lots outside of the area of the lot covered by residential improvements and outside of the right-of-way. These easements are in addition to easements identified on this plat. Natural drainage ways and storm drainage culverts, inlets, and discharges exist within the project. Except in connection with installation of driveways and utilities to the building envelope, lot owners may not impede or otherwise alter any of these drainage systems. Driveway and utility installation require prior written approval of the Three Falls design review committee. Declarant also reserves permanent easements across the portions of lots along roadways and outside of the right-of-way corridor for the maintenance and protection of cut and fill slopes, drainages, culverts, rip rap, and any other permanent roadway or drainage appurtenance. Access to lots within the project may be affected by cut and fill slopes or walls required for the roads. In certain instances, special engineering and construction techniques may be required for driveways across such cut and fill slopes.
- 19- Geotechnical. Purchasers of any lot within the project are directed to the geotechnical reports prepared by Bear West dated November 2003, titled "Three Falls Ranch Development Environmental Study Final Report", and Intermountain Geoenvironmental Services, Inc. dated July 20, 2005, titled "Landslide Investigation Three Falls Ranch Alpine, Utah", and Western Geologic, LLC dated September 7, 2004, titled "Geologic Hazards Evaluation Three Falls Ranch", and Western Geologic, LLC dated December 17, 2004, titled "Supplemental Surface Fault Rupture Hazard Study, Three Falls Ranch". Wherein each lot is required to provide a lot specific geotechnical/geologic study prior to obtaining building permit. These reports identify existing surface and subsurface conditions and geologic conditions, including faults, present in areas within the project.
- 20- Stream corridors. No alteration of any stream or stream bed shown on this plat may occur without design review committee and all state and local jurisdiction approvals.

NO.	REVISIONS	DATE	BY	APP.
Northern ENGINEERING INC ENGINEERING-LAND PLANNING CONSTRUCTION MANAGEMENT K:\3-18-049-00 three falls\CAD\Final Plat\Final				
THREE FALLS SUBDIVISION PLAT "G"				
FINAL PLAT		ALPINE, UTAH		
SCALE: 1" = 100 FT				
DESIGNED BY:				
DRAWN BY:				
JOB NO. 3-18-049				

PRD DENSITY CALCULATIONS



Alpine City Slope Analysis of Three Falls Ranch PRD (Fall 2013 Lidar Contours)

CE-5 Zone PLAT G CHECK

April 10, 2020

Slope Range		Percent of Total	Area	Area (acres)	CE-5 Zone Required Acres/Unit	Base Density Potential Units
Beg. Range	End Range					
0.00%	9.99%	9.00%	3,161,544	72.58	5	14.52
10.00%	14.99%	11.16%	3,918,903	89.97	7.5	12.00
15.00%	19.99%	11.35%	3,988,286	91.56	15	6.10
20.00%	24.99%	10.05%	3,531,073	81.06	30	2.70
25.00%	29.99%	9.29%	3,264,248	74.94	50	1.50
30.00%	100.00%	49.14%	17,260,545	396.25	50	7.92
		100.00%	35,133,600	806.35		44.74

Base Density: 45 lots

Max Bonus Density: 58.16 lots
(30% over Base Density)

Actual Bonus Density			
	Provided	For Calculation	
Total Acreage	806.35	806.35	ac
Public OS Provided	503.18	503.18	ac
Developed OS Provided (x3)	20.93	62.79	ac
Private OS Provided (x0.5)	102.47	51.24	ac
Total OS Provided	626.58	617.2	ac
Total OS % of project		76.5%	%
Minimum Required for PRD		50%	%
Actual Bonus %		26.54%	%
Actual Bonus Density		56.62	lots
Bonus Density Rounded		57	lots
<p>* Developed Open Space is worth 3x as much as Public Open Space</p> <p>** Private Open Space is worth 0.5x as much as Public Open Space</p> <p>Private Open Space cannot be more than 10% of the Bonus Density Calculations</p> <p>Private Open Space % for this development = 6%</p>			

ALPINE CITY COUNCIL AGENDA

SUBJECT: Owner Occupied Temporary Absence – Ordinance 2020-08

FOR CONSIDERATION ON: 28 April 2020

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Review and approve the proposed ordinance.

BACKGROUND INFORMATION:

Under the current ordinance all properties with an accessory apartment are required to be owner occupied. However, there are certain circumstances where a homeowner might be gone for extended periods of time, such as: temporary job assignments, sabbaticals, military service, voluntary service, etc.

Staff are recommending that a period of temporary absence should be allowed, where a home with an accessory apartment should not be required to be owner occupied. Staff would propose that a temporary absence application and ordinance be adopted to accommodate these types of situations.

The Planning Commission recommended approval of the proposed ordinance:

MOTION: *Ethan Allen moved to recommend that Ordinance 2020-08 be approved as proposed. John Mackay seconded the motion. There were 6 Ayes and 0 Nays (recorded below). The motion passed.*

Ayes:

*Bryce Higbee
Ethan Allen
John MacKay
Jane Griener
Jessica Smuin
Sylvia Christiansen*

Nays:

None

STAFF RECOMMENDATION:

Review and approve Ordinance 2020-08 as proposed.

SAMPLE MOTION TO APPROVE:

I motion to approve Ordinance 2020-08 as proposed.

SAMPLE MOTION TO APPROVE WITH CONDITIONS:

I motion to approve Ordinance 2020-08 with the following conditions/changes:

- ***Insert Finding***

SAMPLE MOTION TO TABLE/DENY:

I motion to table/deny Ordinance 2020-08 based on the following:

- ***Insert Finding***

- (a) legally existed before its current land use (zoning) designation;
- (b) has been shown continuously on the records of the Utah County Recorder as an independently existing piece of property; and
- (c) because of one (1) or more subsequent land use ordinance changes does not conform with the minimum size, width, frontage, depth or other applicable dimensional requirements of the zone where the lot is located.

“Nonconforming sign” means a sign or sign structure that:

- (a) legally existed before its current land use (zoning) designation; and
- (b) because of subsequent land use ordinance changes does not conform to the regulations that now govern use of the sign.

“Nonconforming use” means a use of land that:

- (a) legally existed before its current land use (zoning) designation;
- (b) has been maintained continuously since the time the land use ordinance governing the land changed; and
- (c) because of one (1) or more subsequent land use ordinance changes does not conform to the regulations that now govern the use of the land.

“Other nonconformity” means a circumstance governed by a land use ordinance other than a nonconforming use or lot, or a noncomplying structure, or use that:

- (a) legally existed before the current land use (zoning) designation of the lot where the nonconformity is located; and
- (b) because of subsequent zoning land use ordinance changes does not conform with the regulations that now govern the use of the land.

“Nursery-day child-care center, preschool” means any premises used for the care of six (6) or more children under the age of six (6) years who are not related within the second degree to the operator of said premises.

“Offices” means a building, room, or department wherein a business or service for others is transacted, but not including the storage or sale of merchandise on the premises.

“Openings” means windows and doors on any building facade.

“Owner occupant” means, except as set forth in Subsection (c) of this definition:

- (a) an individual who:
 - (i) possesses, as shown by a recorded deed, fifty (50) percent or more ownership in a dwelling unit; and
 - (ii) occupies the dwelling unit with a bonafide intent to make it his or her primary residence; or

- (b) an individual who:
 - (i) is a trustor of a family trust which:
 - (A) possesses fee title ownership to a dwelling unit;
 - (B) was created for estate planning purposes by one (1) or more trustors of the trust; and
 - (ii) occupies the dwelling unit owned by the family trust with a bonafide intent to make it his or her primary residence. Each living trustor of the trust shall so occupy the dwelling unit except for a trustor who temporarily resides elsewhere due to a disability or infirmity. In such event, the dwelling unit shall nevertheless be the domicile of the trustor during the trustor's temporary absence.
- (c) A person who meets the requirements of Subsections (a) and (b) of this definition shall not be deemed an owner occupant if the property on which the dwelling unit is located has more than one (1) owner and all owners of the property do not occupy the dwelling unit with a bona fide intent to make the dwelling unit their primary residence.
 - (i) A claim that a person is not an owner occupant may be rebutted only by documentation, submitted to the Community Development Department, showing that the person who occupies the dwelling unit has a bona fide intent to make the dwelling unit his or her primary residence as indicated by the following documents which show such person:
 - (A) is listed as a primary borrower on documents for any loan presently applicable to the property where the dwelling unit is located;
 - (B) has claimed all income, deductions, and depreciation from the property on his or her tax returns for the previous year;
 - (C) is the owner listed on all rental documents and agreements with tenants who occupy the dwelling unit, including any accessory apartment;
 - (D) is the owner listed on all insurance, utility, appraisal, or other contractual documents related to the property; and
 - (E) is a full-time resident of Utah for Utah State income tax purposes.
 - (ii) Any person who claims to be an owner of the dwelling unit, but who does not occupy it, shall provide documentation to the Community Development Department which shows such person:
 - (A) has not claimed any income, tax deduction, or depreciation for the property on the person's tax returns for the previous year;
 - (B) is not listed as an owner on any rental document or agreement with any tenant who occupies the dwelling unit, including any accessory apartment; and
 - (C) is not listed as an owner on any insurance, utility, appraisal, or a agreement related to the property.

(iii) Any person, or group of persons, who fails, upon request of the Community Development Department, to provide any of the documents set forth in Subsections (c)(i) or (c)(ii) of this definition or who provides a document showing that ownership of a dwelling unit is shared among persons who do not all occupy the dwelling unit shall mean for the purpose of this Title that such person or persons shall not be deemed an "owner occupant" of the dwelling unit in question.

(d) The provisions of Subsection (c) of this definition shall apply to any person who began a period of owner occupancy after March 1, 2009, regardless of when the person purchased the property where such person resides.

"Parcel" See definition of "Lot."

"Parking area" or "Parking lot" means an open area, other than a street or alley, used for the parking of more than four (4) automobiles whether free, for compensation, or as an accommodation. Required parking spaces shall not be provided within a required front yard or side yard adjacent to the street or a corner lot.

"Parking space" means a permanently surfaced area measuring not less than eight and one half (8 1/2) by eighteen (18) feet for large cars and seven and one half (7 1/2) by fifteen (15) feet for compact cars, as provided for in Section [14.37.100](#), Provo City Code exclusive of access or maneuvering area, ramps, or columns, except that within a parking structure, a single supporting column may encroach up to six (6) inches into the required width of the parking space along one (1) side of the space for a distance of not more than two (2) feet along the length of the space, to be used exclusively as temporary storage space for one (1) private motor vehicle.

"Patio" means a relatively flat outdoor living or recreational area that is no more than thirty (30) inches above grade level and may be either detached or attached to another building or structure on the property.

"Patio roof/covered patio" means a one (1) story roof structure extending over a patio that is open on at least three (3) sides.

"Person" means an individual, an association, a firm, a copartnership, a corporation, or any similar legal entity.

"Person with a disability" means a person who has a physical or mental impairment that substantially limits one (1) or more of a person's major life activities, including a person having a record of such an impairment, or being regarded as having such an impairment. This definition shall not include any person who has an impairment due to the current illegal use of, or addiction to, any federally controlled substance, as defined by federal law.

"Personal care provider" means a person who resides in the same dwelling unit as a family and who, with or without payment, provides daily physical, medical, or other assistance to another person on an on-going basis.

"Personal service provider" means a person who resides in the same dwelling unit as a family and who provides personal services such as a butler, maid, gardener, caretaker, and the like.

"Planning Commission" means the Planning Commission of Provo City as duly appointed under the provisions of State Law.

"Primary entrance" means any door or other means of ingress/egress designed to facilitate access into habitable areas of the building.

(ii) The occupancy of the one-family dwelling shall be limited to one (1) "family" as that term is defined in Chapter [14.06](#), Provo City Code, except that if the accessory apartment is also occupied, the occupancy of the one-family dwelling may not include the two (2) additional related or unrelated individuals described in Subsection (b)(i)(B) of the "Family" definition in Section [14.06.020](#), Provo City Code.

(iii) Except as permitted by Subsection [\(4\)](#) of this Section, the accessory apartment shall not be occupied by more than two (2) related or unrelated adults, with or without minor children.

(iv) Owner occupancy shall not be required when the owner has submitted a temporary absence application prior to beginning the temporary absence and meets the following criteria:

(A) The owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, military service, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or

(B) The owner is placed in a hospital, nursing home, assisted living facility or other similar facility.

(C) Owner occupancy shall have the meaning set forth in Section [14.06.020](#), Provo City Code.

(D) The owner has resided in the residence for at least one (1) year prior to beginning the temporary absence.

(e) *Parking.* A one-family dwelling with an accessory apartment shall have at least four (4) off-street parking spaces. Two (2) tandem parking spaces (front to rear) shall be permitted when the front and back spaces are both designated to serve either the accessory apartment or the principal part of the dwelling unit. In no case shall the number of off-street parking spaces be less than the number of vehicles being maintained on the premises. Parking in the front setback is prohibited unless the driveway leads to required covered parking. Parking shall comply with all other regulations of Chapter [14.37](#), Provo City Code.

(f) *Utility Meters.* A one-family dwelling with an accessory apartment shall have one (1) but no more than two (2) meters for each water, gas, and electricity utility service, and each meter shall be in the property owner's name.

**ALPINE CITY
ORDINANCE 2020-08**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLES 3.23.070 AND
3.01.110 OF THE ALPINE CITY DEVELOPMENT CODE PERTAINING TO
ACCESSORY APARTMENT OCCUPANCY REQUIREMENTS.**

WHEREAS, The Alpine City Council has deemed it in the best interest of Alpine City to allow for periods of temporary absence for owner occupied residents with an accessory apartment; 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 Council of Alpine City, in the State of Utah, as follows: The amendments to Articles 3.23.070 and 3.01.110 contained in the attached document will supersede Articles 3.23.070 and 3.01.110 as previously adopted. This ordinance shall take effect upon posting.

SECTION 1: **AMENDMENT** “3.23.070 Review Conditions And Criteria For Certain Conditional Uses” of the Alpine City Development Code is hereby *amended* as follows:

BEFORE AMENDMENT

3.23.070 Review Conditions And Criteria For Certain Conditional Uses

1. **Accessory Apartments** (Amended by Ord. 95-04, 02/28/95; 2004-13, 09/28/04; 2009-12, 07/14/09). An accessory apartment shall be considered a subordinate dwelling unit within and part of a principle dwelling and which has its own cooking, sleeping, and sanitation facilities. Accessory apartments may be permitted as a conditional use, upon approval of the City Planner and Building Official. Approval shall be subject to the following:
 - a. Accessory apartments are listed as a conditional use within the zone.
 - b. Accessory apartments shall be permitted only in owner-occupied single-unit detached dwellings.
 - c. A maximum of one (1) accessory apartment shall be permitted in each owner occupied single-unit detached dwelling.
 - d. Accessory apartments shall be permitted only in a basement, above an attached garage, or on the main floor limiting it to twenty-five percent (25%) of the main floor.

- e. A single-unit detached dwelling with an accessory apartment shall provide not less than four (4) off-street parking spaces. Parking spaces may include garage and driveway space. At least one (1) space shall be designated for the accessory apartment.
 - f. The accessory apartment shall contain no less than 300 square feet of living area and shall comply with all size and access specifications of the International Residential and Building Codes.
 - g. Accessory apartments shall have at least one (1) separate entrance from the main dwelling accessible from outside. The entrance shall be located on the side or rear of the main dwelling.
 - h. A single-unit detached dwelling containing an accessory apartment shall have not more than one (1) meter for each water, gas and electric utility service, and the meter shall be in the name of the owner.
 - i. All construction and remodeling to accommodate the accessory apartment shall be in accordance with the International Residential and Building Codes in effect at the time of construction or remodeling.
 - j. Any person constructing or causing the construction of a residence that has an accessory apartment or any person remodeling or causing the remodeling of a residence for an accessory apartment, or any person desiring to provide an accessory apartment within a single-unit detached dwelling, shall obtain an Accessory Apartment Permit from the Building Department. Such permit shall be in addition to any building permits that may be necessary.
2. **Guest Houses** (Ord. 94-06, 5/24/94). Guest houses may be permitted as a conditional use, upon approval of the Planning Commission and subject to compliance with the following:
- a. Guest Houses are listed as a conditional use within the zone.
 - b. The lot or parcel upon which the guesthouse is proposed to be placed shall have a lot area of not less than five (5) acres.
 - c. The guesthouse shall be located not less than 30 ft. to the rear of the primary dwelling and not closer than twelve (12) ft. to any side or rear property line.
 - d. The water and sewer service shall be the same as for the principle dwelling.
 - e. The hookup fees for a single-unit dwelling with a guest house shall be one and one-half (1 and 1/2) times the rate for a single family dwelling.
 - f. The guesthouse shall be an integral part of the site plan for the principle dwelling and attendant lot area. Vehicular access to the guest house shall be over the same driveway as for the primary dwelling.
 - g. Prior to approval, a site plan showing the proposed location of the guesthouse and provision for utilities, vehicular access and other standards and conditions shall be submitted and approved by the Planning Commission.
 - h. Any person desiring to construct a guest house shall convey to the City water rights in the amount of 1/2 acre foot.
3. **Home Occupations** (Ord. 95-04, 2/28/95. Amended Ord. 08-18, 12/16/08; Ord. 2009-14, 9/22/09; Ord. 2010-07, 5/11/10; Ord. 2010-11, 10/12/10; Ord. 2013-04, 3/12/13; Ord. 2014-06, 3/25/14; Ord. 2016-23, 11/09/16). Home occupations may be permitted

as a conditional use, upon review of Staff and approval by the City Planner. If the City Planner determines that the home occupation may create significant impacts, approval from the Planning Commission may be required. All home occupations will be subject to compliance with the following:

a. Terms and Conditions.

- i. Home occupations are listed as a conditional use in the zone.
- ii. The home occupation is conducted entirely within the livable area of a dwelling or attached garage. Business outdoor activities such as swimming lessons, tennis lessons, horseback riding lessons or other similar activities as determined by the Planning Commission may be considered as a home occupation.
- iii. The business activity of the Home Occupation carried out on the premises shall be conducted only by members of the residing family, except that not more than one person, not a member of the residing family, may be engaged in the conduct of the home occupation if such person is utilized in the capacity of a support function.
- iv. The home occupation does not involve the use of any accessory buildings or yard space for storage outside of the dwelling or attached garage.
- v. The home occupation shall contain no facilities for the display of goods. Any sale of goods and services shall constitute a clearly incidental part of the operation of the home occupation.
- vi. No commercial vehicles shall be stored at the premises except one delivery truck which does not exceed 12,000 gvw rated capacity.
- vii. The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the building from that of a dwelling.
- viii. Home occupation signs shall be limited to one (1) identification nameplate, not larger in area than two (2) square feet fastened to the home, and one (1) sign, not larger in area than one (1) square foot, fastened to the side of the mailbox structure at or below the level of the mail box. No off-site advertising signs shall be permitted.
- ix. The home occupation shall not occupy an area not more than the equivalent of twenty-five percent (25%) of the livable area of the dwelling or 1000 square feet, whichever is less. The livable area does not include the garage.
- x. The home occupation shall obtain a business license from the City.
- xi. The activities of the home occupation shall not involve the use of hazardous materials or chemicals in amounts that will increase the hazard of fire or explosion. Activities of the home occupation shall not decrease safety to the structure or occupants of the dwelling or adjacent dwellings.
- xii. The operation of the home occupation shall not produce any noise, smoke, glare, light, fumes, dust, electronic interference or similar condition which is discernible outside the dwelling.

- xiii. The physical appearance, traffic, and other activities in connection with the home occupation will not be contrary to the intent of the zone in which the home occupation is located and, in the opinion of the Planning Commission, the activities of the home occupation will not depreciate surrounding property values or the quality of the area for residential purposes as determined by the Planning Commission.
- xiv. A sexually-oriented business shall not be a home occupation.
- xv. An automotive repair business shall not be a home occupation.
- xvi. If the home occupation will have customers/clients coming to the home as part of the business, an inspection(s) of the business portion of the home is required to determine compliance with zoning, building, and life safety requirements. When no customers/clients will be coming to the home as part of the business, the applicant shall be required to submit the home business self fire inspection form.
- b. Commission May Attach Conditions. In order to achieve the objectives of this Code and to protect the health, safety and quality of life in the community the Planning Commission or City Planner may attach conditions to the granting of a home occupation consistent with the standards hereinabove stated.
- c. Continuing Obligation - Business License Required. All home occupations shall be operated in compliance with the conditions herein above set forth and any conditions which may be attached as part of the approval. Upon approval of a home occupation the applicant shall be eligible to acquire a business license to operate. Issuance of the Business License shall be conditioned upon continued performance of the conditions of approval and said license shall be refused or revoked upon failure of the owner and/or operator to maintain or operate the home occupation in accordance therewith.

The approval shall be valid for the remainder of the year in which it is first granted. Thereafter the approval will be extended for successive one year periods, commencing on January 1 of the calendar year, or such other date as the Council or City Planner may from time to time establish as the effective date for business licenses, provided (1) that the home occupation remains substantially the same as initially approved and (2) that the home occupation has remained active as evidenced by the acquisition of a valid business license for the previous year.

4. **Produce Stands** (Ord 96-05, 4/10/96). Incidental Produce stands may be permitted as a conditional use, upon approval by the Planning Commission and subject to compliance with the following:
 - a. Intent. The Intent and purpose of this Part is to allow the operation of incidental produce stands which supply the local market with needed food and farm products produced on the premises.
 - b. Terms and Conditions.
 - i. Incidental Produce Stands are listed as a conditional use in the zone.
 - ii. Only plants, animals, or parts thereof which are products of the subject lot shall be offered for sale.

- iii. The Produce stand shall provide sufficient off-street parking space to safely accommodate the anticipated level of patrons. The required off-street parking shall be in addition to the spaces required to meet the parking requirements of the primary use.
- iv. Each produce stand shall be entitled to one sign. Said sign shall have not more than thirty-two (32) sq. ft. of sign area and shall advertise only products of the lot. The sign shall not extend into the road right-of-way.
- v. An annual business license to operate the produce stand shall be obtained from the City.
- vi. The application shall include a detailed site plan showing the location of all dwellings and other buildings on the site and also all facilities and areas intended for use in the production, processing, storage and sales of the products intended to be offered for sale on the premises.

(Ord. 94-06, 5/24/94; Amended by Ord. 2004-13, 9/28/04)
 (Amended by Ordinance 2005-21 on 12/20/05)

AFTER AMENDMENT

3.23.070 Review Conditions And Criteria For Certain Conditional Uses

1. **Accessory Apartments** (Amended by Ord. 95-04, 02/28/95; 2004-13, 09/28/04; 2009-12, 07/14/09). An accessory apartment shall be considered a subordinate dwelling unit within and part of a principle dwelling and which has its own cooking, sleeping, and sanitation facilities. Accessory apartments may be permitted as a conditional use, upon approval of the City Planner and Building Official. Approval shall be subject to the following:
 - a. Accessory apartments are listed as a conditional use within the zone.
 - b. Accessory apartments shall be permitted only in owner-occupied single-unit detached dwellings.
 - i. Owner occupancy shall not be required when the owner has submitted a temporary absence application prior to beginning the temporary absence and meets the following criteria:
 - (1) The owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, military service, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or
 - (2) The owner is placed in a hospital, nursing home, assisted living facility or other similar facility.
 - (3) Owner occupancy shall have the meaning set forth in Article 3.01.110, Alpine City Development Code.
 - (4) The owner has resided in the residence for at least one (1) year prior to beginning the temporary absence.
 - c. A maximum of one (1) accessory apartment shall be permitted in each owner

occupied single-unit detached dwelling.

- d. Accessory apartments shall be permitted only in a basement, above an attached garage, or on the main floor limiting it to twenty-five percent (25%) of the main floor.
 - e. A single-unit detached dwelling with an accessory apartment shall provide not less than four (4) off-street parking spaces. Parking spaces may include garage and driveway space. At least one (1) space shall be designated for the accessory apartment.
 - f. The accessory apartment shall contain no less than 300 square feet of living area and shall comply with all size and access specifications of the International Residential and Building Codes.
 - g. Accessory apartments shall have at least one (1) separate entrance from the main dwelling accessible from outside. The entrance shall be located on the side or rear of the main dwelling.
 - h. A single-unit detached dwelling containing an accessory apartment shall have not more than one (1) meter for each water, gas and electric utility service, and the meter shall be in the name of the owner.
 - i. All construction and remodeling to accommodate the accessory apartment shall be in accordance with the International Residential and Building Codes in effect at the time of construction or remodeling.
 - j. Any person constructing or causing the construction of a residence that has an accessory apartment or any person remodeling or causing the remodeling of a residence for an accessory apartment, or any person desiring to provide an accessory apartment within a single-unit detached dwelling, shall obtain an Accessory Apartment Permit from the Building Department. Such permit shall be in addition to any building permits that may be necessary.
2. **Guest Houses** (Ord. 94-06, 5/24/94). Guest houses may be permitted as a conditional use, upon approval of the Planning Commission and subject to compliance with the following:
- a. Guest Houses are listed as a conditional use within the zone.
 - b. The lot or parcel upon which the guesthouse is proposed to be placed shall have a lot area of not less than five (5) acres.
 - c. The guesthouse shall be located not less than 30 ft. to the rear of the primary dwelling and not closer than twelve (12) ft. to any side or rear property line.
 - d. The water and sewer service shall be the same as for the principle dwelling.
 - e. The hookup fees for a single-unit dwelling with a guest house shall be one and one-half (1 and 1/2) times the rate for a single family dwelling.
 - f. The guesthouse shall be an integral part of the site plan for the principle dwelling and attendant lot area. Vehicular access to the guest house shall be over the same driveway as for the primary dwelling.
 - g. Prior to approval, a site plan showing the proposed location of the guesthouse and provision for utilities, vehicular access and other standards and conditions shall be submitted and approved by the Planning Commission.
 - h. Any person desiring to construct a guest house shall convey to the City water rights in the amount of 1/2 acre foot.

3. **Home Occupations** (Ord. 95-04, 2/28/95. Amended Ord. 08-18, 12/16/08; Ord. 2009-14, 9/22/09; Ord. 2010-07, 5/11/10; Ord. 2010-11, 10/12/10; Ord. 2013-04, 3/12/13; Ord. 2014-06, 3/25/14; Ord. 2016-23, 11/09/16). Home occupations may be permitted as a conditional use, upon review of Staff and approval by the City Planner. If the City Planner determines that the home occupation may create significant impacts, approval from the Planning Commission may be required. All home occupations will be subject to compliance with the following:

a. Terms and Conditions.

- i. Home occupations are listed as a conditional use in the zone.
- ii. The home occupation is conducted entirely within the livable area of a dwelling or attached garage. Business outdoor activities such as swimming lessons, tennis lessons, horseback riding lessons or other similar activities as determined by the Planning Commission may be considered as a home occupation.
- iii. The business activity of the Home Occupation carried out on the premises shall be conducted only by members of the residing family, except that not more than one person, not a member of the residing family, may be engaged in the conduct of the home occupation if such person is utilized in the capacity of a support function.
- iv. The home occupation does not involve the use of any accessory buildings or yard space for storage outside of the dwelling or attached garage.
- v. The home occupation shall contain no facilities for the display of goods. Any sale of goods and services shall constitute a clearly incidental part of the operation of the home occupation.
- vi. No commercial vehicles shall be stored at the premises except one delivery truck which does not exceed 12,000 gvwt rated capacity.
- vii. The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the building from that of a dwelling.
- viii. Home occupation signs shall be limited to one (1) identification nameplate, not larger in area than two (2) square feet fastened to the home, and one (1) sign, not larger in area than one (1) square foot, fastened to the side of the mailbox structure at or below the level of the mail box. No off-site advertising signs shall be permitted.
- ix. The home occupation shall not occupy an area not more than the equivalent of twenty-five percent (25%) of the livable area of the dwelling or 1000 square feet, whichever is less. The livable area does not include the garage.
- x. The home occupation shall obtain a business license from the City.
- xi. The activities of the home occupation shall not involve the use of hazardous materials or chemicals in amounts that will increase the hazard of fire or explosion. Activities of the home occupation shall not decrease safety to the structure or occupants of the dwelling or adjacent dwellings.

- xii. The operation of the home occupation shall not produce any noise, smoke, glare, light, fumes, dust, electronic interference or similar condition which is discernible outside the dwelling.
- xiii. The physical appearance, traffic, and other activities in connection with the home occupation will not be contrary to the intent of the zone in which the home occupation is located and, in the opinion of the Planning Commission, the activities of the home occupation will not depreciate surrounding property values or the quality of the area for residential purposes as determined by the Planning Commission.
- xiv. A sexually-oriented business shall not be a home occupation.
- xv. An automotive repair business shall not be a home occupation.
- xvi. If the home occupation will have customers/clients coming to the home as part of the business, an inspection(s) of the business portion of the home is required to determine compliance with zoning, building, and life safety requirements. When no customers/clients will be coming to the home as part of the business, the applicant shall be required to submit the home business self fire inspection form.
- b. Commission May Attach Conditions. In order to achieve the objectives of this Code and to protect the health, safety and quality of life in the community the Planning Commission or City Planner may attach conditions to the granting of a home occupation consistent with the standards hereinabove stated.
- c. Continuing Obligation - Business License Required. All home occupations shall be operated in compliance with the conditions herein above set forth and any conditions which may be attached as part of the approval. Upon approval of a home occupation the applicant shall be eligible to acquire a business license to operate. Issuance of the Business License shall be conditioned upon continued performance of the conditions of approval and said license shall be refused or revoked upon failure of the owner and/or operator to maintain or operate the home occupation in accordance therewith.

The approval shall be valid for the remainder of the year in which it is first granted. Thereafter the approval will be extended for successive one year periods, commencing on January 1 of the calendar year, or such other date as the Council or City Planner may from time to time establish as the effective date for business licenses, provided (1) that the home occupation remains substantially the same as initially approved and (2) that the home occupation has remained active as evidenced by the acquisition of a valid business license for the previous year.

4. **Produce Stands** (Ord 96-05, 4/10/96). Incidental Produce stands may be permitted as a conditional use, upon approval by the Planning Commission and subject to compliance with the following:
 - a. Intent. The Intent and purpose of this Part is to allow the operation of incidental produce stands which supply the local market with needed food and farm products produced on the premises.
 - b. Terms and Conditions.

- i. Incidental Produce Stands are listed as a conditional use in the zone.
- ii. Only plants, animals, or parts thereof which are products of the subject lot shall be offered for sale.
- iii. The Produce stand shall provide sufficient off-street parking space to safely accommodate the anticipated level of patrons. The required off-street parking shall be in addition to the spaces required to meet the parking requirements of the primary use.
- iv. Each produce stand shall be entitled to one sign. Said sign shall have not more than thirty-two (32) sq. ft. of sign area and shall advertise only products of the lot. The sign shall not extend into the road right-of-way.
- v. An annual business license to operate the produce stand shall be obtained from the City.
- vi. The application shall include a detailed site plan showing the location of all dwellings and other buildings on the site and also all facilities and areas intended for use in the production, processing, storage and sales of the products intended to be offered for sale on the premises.

(Ord. 94-06, 5/24/94; Amended by Ord. 2004-13, 9/28/04)
 (Amended by Ordinance 2005-21 on 12/20/05)

SECTION 2: **AMENDMENT** “3.01.110 Definitions” of the Alpine City Development Code is hereby *amended* as follows:

BEFORE AMENDMENT

3.01.110 Definitions

ACCESSORY APARTMENT. A subordinate dwelling unit within and part of a principle dwelling and which has its own cooking, sleeping and sanitation facilities.

ACCESSORY BUILDING. A detached subordinate building, the use of which is appropriate, subordinate, and customarily incidental to that of the main building or to the main use of the land and which is located on the same lot or parcel of land with the main building or use.

AGRICULTURE. The tilling of soil, the raising of crops, horticulture, the gardening, but not including the keeping or raising of domestic animals or fowl, except household pets, and not including any agricultural industry or business such as fruit packing plants, commercial egg production, or similar uses.

APIARY. Any place where one (1) or more colonies of bees are located.

AVERAGE SLOPE OF LOT. The average slope of a lot, expressed as the percent of slope, to be determined via computer modeling. AutoCAD or ESRI products are acceptable programs to be used for determining the average slope of lot; any other program must be pre-approved by the City Engineer.

BEEKEEPING EQUIPMENT. Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, and extractors.

BUILDABLE AREA. (Ord. 94-02, 2/8/94) A lot or portion thereof possessing all of the following physical characteristics:

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

BUILDING. Any structure having a roof supported by columns or walls, built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

CIVIC BUILDING. A structure owned by the City and used for governmental purposes, including administrative buildings (City Hall) fire stations, police stations, libraries, but not including shop and repair facilities.

COLONY. Bees in a hive including queens, workers, or drones.

CONDITIONAL USE. A use of land that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

CUSTOMARY RESIDENTIAL ACCESSORY STRUCTURE. A structure constructed on the same zoning lot as a dwelling and which is intended for the incidental and exclusive use of the residents of said dwelling, including but not limited to detached garages, carports, swimming pools, tennis courts, green houses, storage buildings, and satellite dishes.

DEVELOPMENT. Any change to a parcel of ground, which alters it from its natural state in any way. This includes clearing, excavation, grading, installation of any infrastructure or erection of any types of buildings.

DWELLING CLUSTER. A Group of three (3) or more single-unit detached Dwellings whose respective Buildable Areas are located no more than 400 feet from one Buildable Area to the next closest Buildable Area as measured from the midpoint of each Buildable Area.

DWELLING UNIT. One or more rooms in a building or portion thereof designed, occupied, or intended as a residence for a family with complete and independent facilities for living, sleeping, eating, cooking, and sanitation provided within the dwelling unit. See also Dwelling, Single Family.

DWELLING, MULTIPLE-UNIT. A building arranged to be occupied by two (2) or more families, the structure having two (2) or more attached dwelling units.

DWELLING, SINGLE FAMILY. A building arranged or designed to include only one (1) dwelling unit occupied by one (1) family, including extended living areas or an accessory apartment which may be approved as provided elsewhere in this Code.

ELECTRIC BICYCLE (CLASS 1). A bicycle equipped with an electric motor that: has a power output of not more than 750 watts; has fully operational pedals on permanently affixed cranks; is fully operational as a bicycle without the use of the electric motor; provides assistance only when the rider is pedaling; and ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour. For the purpose of City ordinances, shall not be considered a motorized vehicle.

FAMILY. An individual or two (2) or more persons related by blood, marriage, adoption, or guardianship; or a group of not more than four (4) persons, (excluding domestic help) who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities. "Family" does not exclude the care of foster children.

FENCES. A fence shall include any tangible barrier, an obstruction of any material, a line of obstacles, lattice work, screen, wall, hedge, or continuous growth of shrubs with the purpose of preventing passage or view across a boundary or lot line. (Ord. 2004-13, 9/28/04)

1. Privacy fences are structures where the field of vision through the fence is less than 50%.
2. Open-style fences are structures where the field of vision through the fence is 50% or greater.

FRONTAGE. The width of the lot or parcel of land measured at the required front setback-line.

GARAGE/CARPORT (PRIVATE). A structure for the parking or temporary storage of automobiles, but which does not involve commercial repairing or storage.

GEOLOGIC HAZARD. A hazard inherent in the surface or subsurface of the earth or artificially created, which is dangerous or potentially dangerous to life, property, or improvements, due to movement, failure, or shifting of earth.

GROUP LIVING ARRANGEMENT. A group living or congregate living arrangement where groups of more than four unrelated persons live together in a single dwelling unit, including, but not limited to, a batching apartment, boarding house, Congregate Living Unit, Assisted Living Facility, Nursing Care Facility, Residential Facility for Persons With a Disability, dormitory, student housing, fraternity, club, institutional group, half-way house, or similar group living or congregate living arrangement.

GUEST HOUSE. An accessory building constructed on the same zoning lot as the principle Single-Unit dwelling to be used for temporary occupancy.

HANDICRAFT PRODUCTION. Production of an individual's one-of-a-kind objects for sale on the site.

HELICOPTER. A manned aircraft in which lift, flight and landing is achieved by means of one or more power-driven horizontal propellers.

HELIPORT. An area on land or upon a building or structure set aside and used for the landing or takeoff of helicopters or other manned rotary wing aircrafts capable of vertical takeoff or landing.

HIVE. A frame hive, box hive, box, barrel, log, gum skep, or other artificial or natural receptacle which may be used to house bees.

HOME OCCUPATION. Any gainful occupation, service, profession or similar activity conducted in a consistent and ongoing manner within a dwelling. Business activity consisting primarily of the sale of goods produced elsewhere on the premises (i.e. retail sales establishment) shall not qualify as a home occupation.

HOBBY BEEKEEPER. A person who owns or has charge of eight (8) or fewer hives of bees.

HONEYBEE. The common honeybee, *Apis mellifera* species, at any stage of development, but not including the African honeybee, *Apis mellifera scutellata* species, or any hybrid thereof.

HOUSEHOLD PETS. Animals or fowl ordinarily permitted to a residence and kept for company or pleasure, such as dogs, cats, fish and canaries. Household pets do not include inherently or potentially dangerous animals or fowl, or those normally considered agricultural livestock.

IMPERVIOUS MATERIAL. Matter that is impenetrable as by moisture.

LOT. A parcel or unit of land describable either by metes and bounds, or by other legal plat designation held or intended to be held in separate ownership or leasehold or a parcel or unit of land shown as a lot or parcel on a recorded subdivision map, or shown on a plat used in the lease or sale of land resulting from the division of a larger tract into smaller units. Lots shall be generally rectangular in nature, and shall have no more than five sides without an exception being recommended by the Planning Commission and approved by the City Council; the front of a property, located at the front right of way, does not count against this requirement.

LOT, CORNER. Shall mean a lot located at the junction of and fronting on two (2) or more intersecting streets.

MOBILE HOME. A detached dwelling designed for long-term occupancy and to be transported on its own wheels, or on a flatbed or other trailer or detachable wheels, and arriving at the site where it is to be occupied as a complete dwelling unit ready for occupancy except for connections to utilities and other minor work. Removal of such wheels or placing such dwelling unit on a foundation shall not remove such unit from classification as a mobile home. Excluded from this definition shall be those permanent dwelling structures that are constructed of component parts that are transported to the building site and which meet structural requirements of the Uniform Building Code and which are finished with exterior building material that is typical of permanent residential buildings.

NON-CONFORMING USE. A building or structure, or portion thereof, or use of a building or land which does not conform to use regulations for the district in which it is situated, but which is in conformity with said regulations, if any, at the time of its establishment.

OFF STREET PARKING. An area adjoining a building providing for the parking of automobiles which does not include a public street but has convenient access to it.

OFFICE, PROFESSIONAL. A building or space used by persons such as accountants, architects, artists, dentists, designers, engineers, lawyers, physicians, realtors, teachers, and others who, by virtue of training and for license, are qualified to perform services of a professional nature, and where storage of goods and sale of merchandise is minimal and secondary to performance of the service.

OPEN SPACE. The use of land which leaves soil generally undisturbed and upon which natural vegetation, whether or not native to the area, occupies the major visible aspect of the land.

PERMITTED USE. A use of land for which no conditional use permit is required.

PUBLIC USE. A use operated or supervised exclusively by a public body, such use having the purpose of serving the public health, safety, or general welfare, and including uses such as public schools, parks, playgrounds, and other recreational facilities, administrative and service facilities, and public utilities.

QUASI PUBLIC USE. A use operated by a private non-profit educational, religious, recreational, charitable or philanthropic institution, having the primary purpose of serving the general public, such as churches, private schools, hospitals and similar uses.

REASONABLE ACCOMMODATION. A reasonable change in any rule, policy, practice, or service necessary to afford persons with a disability equal opportunity to use and enjoy a dwelling when compared to similarly-situated persons or groups.

RECREATION, PUBLIC. Recreation facilities operated by a public agency and open to the public with or without a fee.

RESIDENCE. A dwelling unit where an individual or family is actually domiciled at a given point in time and not a place of temporary sojourn or transient visit. Temporary sojourn or transient visit shall be thirty (30) days or less.

RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY. A residence in which no more than eight (8) unrelated persons with a disability resides and which is:

1. Licensed or certified by the Department of Human Services under Title 62A, Chapter 2, of the Utah Code, Licensure of Programs and Facilities; or
2. Licensed or certified by the Department of Human Health under Title 26, Chapter 21, Health Care Facilities Licensing and Inspection Act.

RETAINING WALL. Any structure designed to resist the lateral displacement of soil or other materials. Examples include block walls, rock walls, concrete walls and segmented walls. A retaining wall is not considered a fence.

SIGN. Any device for visual communication to the public displayed out-of-doors, including signs painted on exterior walls, and interior illuminated signs, to be viewed from out-of-doors, but not including a flag, badge, or ensign of any government or government agency.

STREET, PUBLIC. A thoroughfare which has been dedicated and accepted by proper public authority (or abandoned to the public) or a thoroughfare not less than twenty-four (24) feet wide which has been made public by right of use and which affords the principal means of access to abutting property.

STRUCTURE. Anything constructed, the use of which requires fixed location upon the ground, or attached to something having a fixed location upon the ground, and which creates an impervious material on or above the ground; definition includes "building."

YARD. A required space on a lot other than a court, unoccupied and unobstructed from the ground upward, by buildings, except as otherwise provided herein.

YARD, FRONT. A space between the front of the main building on a lot and the front lot line or line of an abutting street or right-of-way and extending across the full width of a lot. The depth (or setback) of the front yard is the minimum distance between the front lot line, and the front-most part of the primary structure of the nearest main building at the foundation level. (Primary structure includes overhangs, porches, and decks).

YARD, REAR. A space between the back wall of the nearest main building extending the full width of the lot and the lot line that is most distant from, and is most nearly parallel with, the front lot line. If the rear lot line is less than ten feet (10') in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a ten foot (10') line parallel to the front line, lying wholly within the lot for the purpose of establishing the minimum rear yard. The depth (or setback) of the rear yard is the minimum distance between the rear lot line and the rearmost part of the primary structure of the nearest main building at the foundation level.

(Primary structure includes overhangs, porches and decks. See drawing in Appendix A). (Ord. 2004-13, 9/28/04)

YARD, SIDE. A yard that is neither a front yard nor a rear yard. The depth (or setback) of the side yard is the minimum distance between the side lot line and the nearest part of the primary structure of the nearest main building at the foundation level. (Primary structure includes overhangs, porches and decks).

ZONING LOT (Ord. 94-02, 2/8/94). A lot or parcel of land which:

1. Meets all area (lot size), frontage (width), setback (yard), and other zoning requirements applicable within the zone in which it is located;
2. Abuts upon and has direct access to a street which has been dedicated to the City or otherwise accepted by the City as a City Street;
3. Is served by the minimum level of improvements required for issuance of a building permit or for which the construction of the minimum level of improvements is secured through the posting of a performance guarantee; and
4. Is shown as a separate lot on the final plat of a subdivision or similar development, which has been approved in accordance with the applicable ordinance, or is legally exempted from compliance with said ordinance. A parcel which is part of an unapproved or illegal subdivision shall not qualify as a zoning lot.

(Amended by Ord. 2004-14 on 9/28/04; Ord. 2009-16, 10/13/09; Ord. 20011-06, 03/08/11; Ord. 2011-12, 10/25/11; Ord. 2014-11, 6/24/14; Ord. 2015-02, 02/10/15; Ord. 2015-07, 05/26/15)

AFTER AMENDMENT

3.01.110 Definitions

ACCESSORY APARTMENT. A subordinate dwelling unit within and part of a principle dwelling and which has its own cooking, sleeping and sanitation facilities.

ACCESSORY BUILDING. A detached subordinate building, the use of which is appropriate, subordinate, and customarily incidental to that of the main building or to the main use of the land and which is located on the same lot or parcel of land with the main building or use.

AGRICULTURE. The tilling of soil, the raising of crops, horticulture, the gardening, but not including the keeping or raising of domestic animals or fowl, except household pets, and not including any agricultural industry or business such as fruit packing plants, commercial egg production, or similar uses.

APIARY. Any place where one (1) or more colonies of bees are located.

AVERAGE SLOPE OF LOT. The average slope of a lot, expressed as the percent of slope, to be determined via computer modeling. AutoCAD or ESRI products are acceptable programs to be used for determining the average slope of lot; any other program must be pre-approved by the City Engineer.

BEEKEEPING EQUIPMENT. Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, and extractors.

BUILDABLE AREA. (Ord. 94-02, 2/8/94) A lot or portion thereof possessing all of the following physical characteristics:

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

BUILDING. Any structure having a roof supported by columns or walls, built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

CIVIC BUILDING. A structure owned by the City and used for governmental purposes, including administrative buildings (City Hall) fire stations, police stations, libraries, but not including shop and repair facilities.

COLONY. Bees in a hive including queens, workers, or drones.

CONDITIONAL USE. A use of land that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

CUSTOMARY RESIDENTIAL ACCESSORY STRUCTURE. A structure constructed on the same zoning lot as a dwelling and which is intended for the incidental and exclusive use of the residents of said dwelling, including but not limited to detached garages, carports, swimming pools, tennis courts, green houses, storage buildings, and satellite dishes.

DEVELOPMENT. Any change to a parcel of ground, which alters it from its natural state in any way. This includes clearing, excavation, grading, installation of any infrastructure or erection of any types of buildings.

DWELLING CLUSTER. A Group of three (3) or more single-unit detached Dwellings whose respective Buildable Areas are located no more than 400 feet from one Buildable Area to the next closest Buildable Area as measured from the midpoint of each Buildable Area.

DWELLING UNIT. One or more rooms in a building or portion thereof designed, occupied, or intended as a residence for a family with complete and independent facilities for living, sleeping, eating, cooking, and sanitation provided within the dwelling unit. See also Dwelling, Single Family.

DWELLING, MULTIPLE-UNIT. A building arranged to be occupied by two (2) or more families, the structure having two (2) or more attached dwelling units.

DWELLING, SINGLE FAMILY. A building arranged or designed to include only one (1) dwelling unit occupied by one (1) family, including extended living areas or an accessory apartment which may be approved as provided elsewhere in this Code.

ELECTRIC BICYCLE (CLASS 1). A bicycle equipped with an electric motor that: has a power output of not more than 750 watts; has fully operational pedals on permanently affixed cranks; is fully operational as a bicycle without the use of the electric motor; provides assistance only when the rider is pedaling; and ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour. For the purpose of City ordinances, shall not be considered a motorized vehicle.

FAMILY. An individual or two (2) or more persons related by blood, marriage, adoption, or guardianship; or a group of not more than four (4) persons, (excluding domestic help) who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities. "Family" does not exclude the care of foster children.

FENCES. A fence shall include any tangible barrier, an obstruction of any material, a line of obstacles, lattice work, screen, wall, hedge, or continuous growth of shrubs with the purpose of preventing passage or view across a boundary or lot line. (Ord. 2004-13, 9/28/04)

1. Privacy fences are structures where the field of vision through the fence is less than

50%.

2. Open-style fences are structures where the field of vision through the fence is 50% or greater.

FRONTAGE. The width of the lot or parcel of land measured at the required front setback-line.

GARAGE/CARPORT (PRIVATE). A structure for the parking or temporary storage of automobiles, but which does not involve commercial repairing or storage.

GEOLOGIC HAZARD. A hazard inherent in the surface or subsurface of the earth or artificially created, which is dangerous or potentially dangerous to life, property, or improvements, due to movement, failure, or shifting of earth.

GROUP LIVING ARRANGEMENT. A group living or congregate living arrangement where groups of more than four unrelated persons live together in a single dwelling unit, including, but not limited to, a batching apartment, boarding house, Congregate Living Unit, Assisted Living Facility, Nursing Care Facility, Residential Facility for Persons With a Disability, dormitory, student housing, fraternity, club, institutional group, half-way house, or similar group living or congregate living arrangement.

GUEST HOUSE. An accessory building constructed on the same zoning lot as the principle Single-Unit dwelling to be used for temporary occupancy.

HANDICRAFT PRODUCTION. Production of an individual's one-of-a-kind objects for sale on the site.

HELICOPTER. A manned aircraft in which lift, flight and landing is achieved by means of one or more power-driven horizontal propellers.

HELIPORT. An area on land or upon a building or structure set aside and used for the landing or takeoff of helicopters or other manned rotary wing aircrafts capable of vertical takeoff or landing.

HIVE. A frame hive, box hive, box, barrel, log, gum skep, or other artificial or natural receptacle which may be used to house bees.

HOME OCCUPATION. Any gainful occupation, service, profession or similar activity conducted in a consistent and ongoing manner within a dwelling. Business activity consisting primarily of the sale of goods produced elsewhere on the premises (i.e. retail sales establishment) shall not qualify as a home occupation.

HOBBY BEEKEEPER. A person who owns or has charge of eight (8) or fewer hives of bees.

HONEYBEE. The common honeybee, *Apis mellifera* species, at any stage of development, but not including the African honeybee, *Apis mellifera scutellata* species, or any hybrid thereof.

HOUSEHOLD PETS. Animals or fowl ordinarily permitted to a residence and kept for company or pleasure, such as dogs, cats, fish and canaries. Household pets do not include inherently or potentially dangerous animals or fowl, or those normally considered agricultural livestock.

IMPERVIOUS MATERIAL. Matter that is impenetrable as by moisture.

LOT. A parcel or unit of land describable either by metes and bounds, or by other legal plat designation held or intended to be held in separate ownership or leasehold or a parcel or unit of land shown as a lot or parcel on a recorded subdivision map, or shown on a plat used in the lease or sale of land resulting from the division of a larger tract into smaller units. Lots shall be generally rectangular in nature, and shall have no more than five sides without an exception being recommended by the Planning Commission and approved by the City Council; the front of a property, located at the front right of way, does not count against this requirement.

LOT, CORNER. Shall mean a lot located at the junction of and fronting on two (2) or more intersecting streets.

MOBILE HOME. A detached dwelling designed for long-term occupancy and to be transported on its own wheels, or on a flatbed or other trailer or detachable wheels, and arriving at the site where it is to be occupied as a complete dwelling unit ready for occupancy except for connections to utilities and other minor work. Removal of such wheels or placing such dwelling unit on a foundation shall not remove such unit from classification as a mobile home. Excluded from this definition shall be those permanent dwelling structures that are constructed of component parts that are transported to the building site and which meet structural requirements of the Uniform Building Code and which are finished with exterior building material that is typical of permanent residential buildings.

NON-CONFORMING USE. A building or structure, or portion thereof, or use of a building or land which does not conform to use regulations for the district in which it is situated, but which is in conformity with said regulations, if any, at the time of its establishment.

OFF STREET PARKING. An area adjoining a building providing for the parking of automobiles which does not include a public street but has convenient access to it.

OFFICE, PROFESSIONAL. A building or space used by persons such as accountants, architects, artists, dentists, designers, engineers, lawyers, physicians, realtors, teachers, and others who, by virtue of training and for license, are qualified to perform services of a professional nature, and where storage of goods and sale of merchandise is minimal and secondary to performance of the service.

OWNER OCCUPANT. means, except as set forth in Subsection (3) of this definition:

1. an individual who:

a. possesses, as shown by a recorded deed, fifty (50) percent or more ownership in a dwelling unit; and

- b. occupies the dwelling unit with a bonafide intent to make it his or her primary residence; or
- 2. an individual who:
 - a. is a trustor of a family trust which:
 - i. possesses fee title ownership to a dwelling unit;
 - ii. was created for estate planning purposes by one (1) or more trustors of the trust; and
 - b. occupies the dwelling unit owned by the family trust with a bonafide intent to make it his or her primary residence. Each living trustor of the trust shall so occupy the dwelling unit except for a trustor who temporarily resides elsewhere due to a disability or infirmity. In such event, the dwelling unit shall nevertheless be the domicile of the trustor during the trustor's temporary absence.
- 3. A person who meets the requirements of Subsections (1) and (2) of this definition shall not be deemed an owner occupant if the property on which the dwelling unit is located has more than one (1) owner and all owners of the property do not occupy the dwelling unit with a bona fide intent to make the dwelling unit their primary residence.
 - a. A claim that a person is not an owner occupant may be rebutted only by documentation, submitted to the Planning and Zoning Department, showing that the person who occupies the dwelling unit has a bona fide intent to make the dwelling unit his or her primary residence as indicated by the following documents which show such person:
 - i. is listed as a primary borrower on documents for any loan presently applicable to the property where the dwelling unit is located;
 - ii. has claimed all income, deductions, and depreciation from the property on his or her tax returns for the previous year;
 - iii. is the owner listed on all rental documents and agreements with tenants who occupy the dwelling unit, including any accessory apartment;
 - iv. is the owner listed on all insurance, utility, appraisal, or other contractual documents related to the property; and
 - v. is a full-time resident of Utah for Utah State income tax purposes.
 - b. Any person who claims to be an owner of the dwelling unit, but who does not occupy it, shall provide documentation to the Planning and Zoning Department which shows such person:
 - i. has not claimed any income, tax deduction, or depreciation for the property on the person's tax returns for the previous year;
 - ii. is not listed as an owner on any rental document or agreement with any tenant who occupies the dwelling unit, including any accessory apartment; and
 - iii. is not listed as an owner on any insurance, utility, appraisal, or a agreement related to the property.
 - c. Any person, or group of persons, who fails, upon request of the Planning and Zoning Department, to provide any of the documents set forth in Subsections (3)(a) or (3)(b) of this definition or who provides a document showing that ownership of a dwelling unit is shared among persons who do not all occupy

the dwelling unit shall mean for the purpose of this Title that such person or persons shall not be deemed an “owner occupant” of the dwelling unit in question.

OPEN SPACE. The use of land which leaves soil generally undisturbed and upon which natural vegetation, whether or not native to the area, occupies the major visible aspect of the land.

PERMITTED USE. A use of land for which no conditional use permit is required.

PUBLIC USE. A use operated or supervised exclusively by a public body, such use having the purpose of serving the public health, safety, or general welfare, and including uses such as public schools, parks, playgrounds, and other recreational facilities, administrative and service facilities, and public utilities.

QUASI PUBLIC USE. A use operated by a private non-profit educational, religious, recreational, charitable or philanthropic institution, having the primary purpose of serving the general public, such as churches, private schools, hospitals and similar uses.

REASONABLE ACCOMMODATION. A reasonable change in any rule, policy, practice, or service necessary to afford persons with a disability equal opportunity to use and enjoy a dwelling when compared to similarly-situated persons or groups.

RECREATION, PUBLIC. Recreation facilities operated by a public agency and open to the public with or without a fee.

RESIDENCE. A dwelling unit where an individual or family is actually domiciled at a given point in time and not a place of temporary sojourn or transient visit. Temporary sojourn or transient visit shall be thirty (30) days or less.

RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY. A residence in which no more than eight (8) unrelated persons with a disability resides and which is:

1. Licensed or certified by the Department of Human Services under Title 62A, Chapter 2, of the Utah Code, Licensure of Programs and Facilities; or
2. Licensed or certified by the Department of Human Health under Title 26, Chapter 21, Health Care Facilities Licensing and Inspection Act.

RETAINING WALL. Any structure designed to resist the lateral displacement of soil or other materials. Examples include block walls, rock walls, concrete walls and segmented walls. A retaining wall is not considered a fence.

SIGN. Any device for visual communication to the public displayed out-of-doors, including signs painted on exterior walls, and interior illuminated signs, to be viewed from out-of-doors, but not including a flag, badge, or ensign of any government or government agency.

STREET, PUBLIC. A thoroughfare which has been dedicated and accepted by proper public authority (or abandoned to the public) or a thoroughfare not less than twenty-four (24) feet wide which has been made public by right of use and which affords the principal means of access to abutting property.

STRUCTURE. Anything constructed, the use of which requires fixed location upon the ground, or attached to something having a fixed location upon the ground, and which creates an impervious material on or above the ground; definition includes "building."

YARD. A required space on a lot other than a court, unoccupied and unobstructed from the ground upward, by buildings, except as otherwise provided herein.

YARD, FRONT. A space between the front of the main building on a lot and the front lot line or line of an abutting street or right-of-way and extending across the full width of a lot. The depth (or setback) of the front yard is the minimum distance between the front lot line, and the front-most part of the primary structure of the nearest main building at the foundation level. (Primary structure includes overhangs, porches, and decks).

YARD, REAR. A space between the back wall of the nearest main building extending the full width of the lot and the lot line that is most distant from, and is most nearly parallel with, the front lot line. If the rear lot line is less than ten feet (10') in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a ten foot (10') line parallel to the front line, lying wholly within the lot for the purpose of establishing the minimum rear yard. The depth (or setback) of the rear yard is the minimum distance between the rear lot line and the rearmost part of the primary structure of the nearest main building at the foundation level.

(Primary structure includes overhangs, porches and decks. See drawing in Appendix A). (Ord. 2004-13, 9/28/04)

YARD, SIDE. A yard that is neither a front yard nor a rear yard. The depth (or setback) of the side yard is the minimum distance between the side lot line and the nearest part of the primary structure of the nearest main building at the foundation level. (Primary structure includes overhangs, porches and decks).

ZONING LOT (Ord. 94-02, 2/8/94). A lot or parcel of land which:

1. Meets all area (lot size), frontage (width), setback (yard), and other zoning requirements applicable within the zone in which it is located;
2. Abuts upon and has direct access to a street which has been dedicated to the City or otherwise accepted by the City as a City Street;
3. Is served by the minimum level of improvements required for issuance of a building permit or for which the construction of the minimum level of improvements is secured through the posting of a performance guarantee; and
4. Is shown as a separate lot on the final plat of a subdivision or similar development, which has been approved in accordance with the applicable ordinance, or is legally exempted from compliance with said ordinance. A parcel which is part of an

unapproved or illegal subdivision shall not qualify as a zoning lot.

(Amended by Ord. 2004-14 on 9/28/04; Ord. 2009-16, 10/13/09; Ord. 20011-06, 03/08/11; Ord. 2011-12, 10/25/11; Ord. 2014-11, 6/24/14; Ord. 2015-02, 02/10/15; Ord. 2015-07, 05/26/15)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Lon Lott	_____	_____	_____	_____
Carla Merrill	_____	_____	_____	_____
Gregory Gordon	_____	_____	_____	_____
Jason Thelin	_____	_____	_____	_____

Presiding Officer

Attest

Troy Stout, Mayor, Alpine City

Charmayne G. Warnock, City
Recorder Alpine City

**ALPINE CITY
ORDINANCE 2020-08**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLES 3.23.070 AND
3.01.110 OF THE ALPINE CITY DEVELOPMENT CODE PERTAINING TO
ACCESSORY APARTMENT OCCUPANCY REQUIREMENTS.**

WHEREAS, The Alpine City Council has deemed it in the best interest of Alpine City to allow for periods of temporary absence for owner occupied residents with an accessory apartment; 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 Council of Alpine City, in the State of Utah, as follows: The amendments to Articles 3.23.070 and 3.01.110 contained in the attached document will supersede Articles 3.23.070 and 3.01.110 as previously adopted. This ordinance shall take effect upon posting.

SECTION 1: **AMENDMENT** “3.23.070 Review Conditions And Criteria For Certain Conditional Uses” of the Alpine City Development Code is hereby *amended* as follows:

A M E N D M E N T

3.23.070 Review Conditions And Criteria For Certain Conditional Uses

1. **Accessory Apartments** (Amended by Ord. 95-04, 02/28/95; 2004-13, 09/28/04; 2009-12, 07/14/09). An accessory apartment shall be considered a subordinate dwelling unit within and part of a principle dwelling and which has its own cooking, sleeping, and sanitation facilities. Accessory apartments may be permitted as a conditional use, upon approval of the City Planner and Building Official. Approval shall be subject to the following:
 - a. Accessory apartments are listed as a conditional use within the zone.
 - b. Accessory apartments shall be permitted only in owner-occupied single-unit detached dwellings.
 - i. Owner occupancy shall not be required when the owner has submitted a temporary absence application prior to beginning the temporary absence and meets the following criteria:
 - (1) The owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments,

sabbaticals, military service, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or

- (2) The owner is placed in a hospital, nursing home, assisted living facility or other similar facility.
 - (3) Owner occupancy shall have the meaning set forth in Article 3.01.110, Alpine City Development Code.
 - (4) The owner has resided in the residence for at least one (1) year prior to beginning the temporary absence.
 - c. A maximum of one (1) accessory apartment shall be permitted in each owner occupied single-unit detached dwelling.
 - d. Accessory apartments shall be permitted only in a basement, above an attached garage, or on the main floor limiting it to twenty-five percent (25%) of the main floor.
 - e. A single-unit detached dwelling with an accessory apartment shall provide not less than four (4) off-street parking spaces. Parking spaces may include garage and driveway space. At least one (1) space shall be designated for the accessory apartment.
 - f. The accessory apartment shall contain no less than 300 square feet of living area and shall comply with all size and access specifications of the International Residential and Building Codes.
 - g. Accessory apartments shall have at least one (1) separate entrance from the main dwelling accessible from outside. The entrance shall be located on the side or rear of the main dwelling.
 - h. A single-unit detached dwelling containing an accessory apartment shall have not more than one (1) meter for each water, gas and electric utility service, and the meter shall be in the name of the owner.
 - i. All construction and remodeling to accommodate the accessory apartment shall be in accordance with the International Residential and Building Codes in effect at the time of construction or remodeling.
 - j. Any person constructing or causing the construction of a residence that has an accessory apartment or any person remodeling or causing the remodeling of a residence for an accessory apartment, or any person desiring to provide an accessory apartment within a single-unit detached dwelling, shall obtain an Accessory Apartment Permit from the Building Department. Such permit shall be in addition to any building permits that may be necessary.
2. **Guest Houses** (Ord. 94-06, 5/24/94). Guest houses may be permitted as a conditional use, upon approval of the Planning Commission and subject to compliance with the following:
- a. Guest Houses are listed as a conditional use within the zone.
 - b. The lot or parcel upon which the guesthouse is proposed to be placed shall have a lot area of not less than five (5) acres.
 - c. The guesthouse shall be located not less than 30 ft. to the rear of the primary dwelling and not closer than twelve (12) ft. to any side or rear property line.

- d. The water and sewer service shall be the same as for the principle dwelling.
 - e. The hookup fees for a single-unit dwelling with a guest house shall be one and one-half (1 and 1/2) times the rate for a single family dwelling.
 - f. The guesthouse shall be an integral part of the site plan for the principle dwelling and attendant lot area. Vehicular access to the guest house shall be over the same driveway as for the primary dwelling.
 - g. Prior to approval, a site plan showing the proposed location of the guesthouse and provision for utilities, vehicular access and other standards and conditions shall be submitted and approved by the Planning Commission.
 - h. Any person desiring to construct a guest house shall convey to the City water rights in the amount of 1/2 acre foot.
3. **Home Occupations** (Ord. 95-04, 2/28/95. Amended Ord. 08-18, 12/16/08; Ord. 2009-14, 9/22/09; Ord. 2010-07, 5/11/10; Ord. 2010-11, 10/12/10; Ord. 2013-04, 3/12/13; Ord. 2014-06, 3/25/14; Ord. 2016-23, 11/09/16). Home occupations may be permitted as a conditional use, upon review of Staff and approval by the City Planner. If the City Planner determines that the home occupation may create significant impacts, approval from the Planning Commission may be required. All home occupations will be subject to compliance with the following:
- a. Terms and Conditions.
 - i. Home occupations are listed as a conditional use in the zone.
 - ii. The home occupation is conducted entirely within the livable area of a dwelling or attached garage. Business outdoor activities such as swimming lessons, tennis lessons, horseback riding lessons or other similar activities as determined by the Planning Commission may be considered as a home occupation.
 - iii. The business activity of the Home Occupation carried out on the premises shall be conducted only by members of the residing family, except that not more than one person, not a member of the residing family, may be engaged in the conduct of the home occupation if such person is utilized in the capacity of a support function.
 - iv. The home occupation does not involve the use of any accessory buildings or yard space for storage outside of the dwelling or attached garage.
 - v. The home occupation shall contain no facilities for the display of goods. Any sale of goods and services shall constitute a clearly incidental part of the operation of the home occupation.
 - vi. No commercial vehicles shall be stored at the premises except one delivery truck which does not exceed 12,000 gvw rated capacity.
 - vii. The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the building from that of a dwelling.
 - viii. Home occupation signs shall be limited to one (1) identification nameplate, not larger in area than two (2) square feet fastened to the home, and one (1) sign, not larger in area than one (1) square foot, fastened to the side of the mailbox structure at or below the level of the

mail box. No off-site advertising signs shall be permitted.

- ix. The home occupation shall not occupy an area not more than the equivalent of twenty-five percent (25%) of the livable area of the dwelling or 1000 square feet, whichever is less. The livable area does not include the garage.
 - x. The home occupation shall obtain a business license from the City.
 - xi. The activities of the home occupation shall not involve the use of hazardous materials or chemicals in amounts that will increase the hazard of fire or explosion. Activities of the home occupation shall not decrease safety to the structure or occupants of the dwelling or adjacent dwellings.
 - xii. The operation of the home occupation shall not produce any noise, smoke, glare, light, fumes, dust, electronic interference or similar condition which is discernible outside the dwelling.
 - xiii. The physical appearance, traffic, and other activities in connection with the home occupation will not be contrary to the intent of the zone in which the home occupation is located and, in the opinion of the Planning Commission, the activities of the home occupation will not depreciate surrounding property values or the quality of the area for residential purposes as determined by the Planning Commission.
 - xiv. A sexually-oriented business shall not be a home occupation.
 - xv. An automotive repair business shall not be a home occupation.
 - xvi. If the home occupation will have customers/clients coming to the home as part of the business, an inspection(s) of the business portion of the home is required to determine compliance with zoning, building, and life safety requirements. When no customers/clients will be coming to the home as part of the business, the applicant shall be required to submit the home business self fire inspection form.
- b. Commission May Attach Conditions. In order to achieve the objectives of this Code and to protect the health, safety and quality of life in the community the Planning Commission or City Planner may attach conditions to the granting of a home occupation consistent with the standards hereinabove stated.
- c. Continuing Obligation - Business License Required. All home occupations shall be operated in compliance with the conditions herein above set forth and any conditions which may be attached as part of the approval. Upon approval of a home occupation the applicant shall be eligible to acquire a business license to operate. Issuance of the Business License shall be conditioned upon continued performance of the conditions of approval and said license shall be refused or revoked upon failure of the owner and/or operator to maintain or operate the home occupation in accordance therewith.

The approval shall be valid for the remainder of the year in which it is first granted. Thereafter the approval will be extended for successive one year periods, commencing on January 1 of the calendar year, or such other date as

the Council or City Planner may from time to time establish as the effective date for business licenses, provided (1) that the home occupation remains substantially the same as initially approved and (2) that the home occupation has remained active as evidenced by the acquisition of a valid business license for the previous year.

4. **Produce Stands** (Ord 96-05, 4/10/96). Incidental Produce stands may be permitted as a conditional use, upon approval by the Planning Commission and subject to compliance with the following:
- a. Intent. The Intent and purpose of this Part is to allow the operation of incidental produce stands which supply the local market with needed food and farm products produced on the premises.
 - b. Terms and Conditions.
 - i. Incidental Produce Stands are listed as a conditional use in the zone.
 - ii. Only plants, animals, or parts thereof which are products of the subject lot shall be offered for sale.
 - iii. The Produce stand shall provide sufficient off-street parking space to safely accommodate the anticipated level of patrons. The required off-street parking shall be in addition to the spaces required to meet the parking requirements of the primary use.
 - iv. Each produce stand shall be entitled to one sign. Said sign shall have not more than thirty-two (32) sq. ft. of sign area and shall advertise only products of the lot. The sign shall not extend into the road right-of-way.
 - v. An annual business license to operate the produce stand shall be obtained from the City.
 - vi. The application shall include a detailed site plan showing the location of all dwellings and other buildings on the site and also all facilities and areas intended for use in the production, processing, storage and sales of the products intended to be offered for sale on the premises.

(Ord. 94-06, 5/24/94; Amended by Ord. 2004-13, 9/28/04)
(Amended by Ordinance 2005-21 on 12/20/05)

SECTION 2: **AMENDMENT** “3.01.110 Definitions” of the Alpine City Development Code is hereby *amended* as follows:

A M E N D M E N T

3.01.110 Definitions

ACCESSORY APARTMENT. A subordinate dwelling unit within and part of a principle dwelling and which has its own cooking, sleeping and sanitation facilities.

ACCESSORY BUILDING. A detached subordinate building, the use of which is appropriate, subordinate, and customarily incidental to that of the main building or to the main use of the land and which is located on the same lot or parcel of land with the main building or use.

AGRICULTURE. The tilling of soil, the raising of crops, horticulture, the gardening, but not including the keeping or raising of domestic animals or fowl, except household pets, and not including any agricultural industry or business such as fruit packing plants, commercial egg production, or similar uses.

APIARY. Any place where one (1) or more colonies of bees are located.

AVERAGE SLOPE OF LOT. The average slope of a lot, expressed as the percent of slope, to be determined via computer modeling. AutoCAD or ESRI products are acceptable programs to be used for determining the average slope of lot; any other program must be pre-approved by the City Engineer.

BEEKEEPING EQUIPMENT. Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, and extractors.

BUILDABLE AREA. (Ord. 94-02, 2/8/94) A lot or portion thereof possessing all of the following physical characteristics:

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

BUILDING. Any structure having a roof supported by columns or walls, built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

CIVIC BUILDING. A structure owned by the City and used for governmental purposes, including administrative buildings (City Hall) fire stations, police stations, libraries, but not including shop and repair facilities.

COLONY. Bees in a hive including queens, workers, or drones.

CONDITIONAL USE. A use of land that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

CUSTOMARY RESIDENTIAL ACCESSORY STRUCTURE. A structure constructed on the same zoning lot as a dwelling and which is intended for the incidental and exclusive use of the residents of said dwelling, including but not limited to detached garages, carports, swimming pools, tennis courts, green houses, storage buildings, and satellite dishes.

DEVELOPMENT. Any change to a parcel of ground, which alters it from its natural state in any way. This includes clearing, excavation, grading, installation of any infrastructure or erection of any types of buildings.

DWELLING CLUSTER. A Group of three (3) or more single-unit detached Dwellings whose respective Buildable Areas are located no more than 400 feet from one Buildable Area to the next closest Buildable Area as measured from the midpoint of each Buildable Area.

DWELLING UNIT. One or more rooms in a building or portion thereof designed, occupied, or intended as a residence for a family with complete and independent facilities for living, sleeping, eating, cooking, and sanitation provided within the dwelling unit. See also Dwelling, Single Family.

DWELLING, MULTIPLE-UNIT. A building arranged to be occupied by two (2) or more families, the structure having two (2) or more attached dwelling units.

DWELLING, SINGLE FAMILY. A building arranged or designed to include only one (1) dwelling unit occupied by one (1) family, including extended living areas or an accessory apartment which may be approved as provided elsewhere in this Code.

ELECTRIC BICYCLE (CLASS 1). bicycle equipped with an electric motor that: has a power output of not more than 750 watts; has fully operational pedals on permanently affixed cranks; is fully operational as a bicycle without the use of the electric motor; provides assistance only when the rider is pedaling; and ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour. For the purpose of City ordinances, shall not be considered a motorized vehicle.

FAMILY. An individual or two (2) or more persons related by blood, marriage, adoption, or guardianship; or a group of not more than four (4) persons, (excluding domestic help) who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities. "Family" does not exclude the care of foster children.

FENCES. A fence shall include any tangible barrier, an obstruction of any material, a line of obstacles, lattice work, screen, wall, hedge, or continuous growth of shrubs with the purpose of preventing passage or view across a boundary or lot line. (Ord. 2004-13, 9/28/04)

1. Privacy fences are structures where the field of vision through the fence is less than

50%.

2. Open-style fences are structures where the field of vision through the fence is 50% or greater.

FRONTAGE. The width of the lot or parcel of land measured at the required front setback-line.

GARAGE/CARPORT (PRIVATE). A structure for the parking or temporary storage of automobiles, but which does not involve commercial repairing or storage.

GEOLOGIC HAZARD. A hazard inherent in the surface or subsurface of the earth or artificially created, which is dangerous or potentially dangerous to life, property, or improvements, due to movement, failure, or shifting of earth.

GROUP LIVING ARRANGEMENT. A group living or congregate living arrangement where groups of more than four unrelated persons live together in a single dwelling unit, including, but not limited to, a batching apartment, boarding house, Congregate Living Unit, Assisted Living Facility, Nursing Care Facility, Residential Facility for Persons With a Disability, dormitory, student housing, fraternity, club, institutional group, half-way house, or similar group living or congregate living arrangement.

GUEST HOUSE. An accessory building constructed on the same zoning lot as the principle Single-Unit dwelling to be used for temporary occupancy.

HANDICRAFT PRODUCTION. Production of an individual's one-of-a-kind objects for sale on the site.

HELICOPTER. A manned aircraft in which lift, flight and landing is achieved by means of one or more power-driven horizontal propellers.

HELIPORT. An area on land or upon a building or structure set aside and used for the landing or takeoff of helicopters or other manned rotary wing aircrafts capable of vertical takeoff or landing.

HIVE. A frame hive, box hive, box, barrel, log, gum skep, or other artificial or natural receptacle which may be used to house bees.

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HOBBY BEEKEEPER. A person who owns or has charge of eight (8) or fewer hives of bees.

HONEYBEE. The common honeybee, *Apis mellifera* species, at any stage of development, but not including the African honeybee, *Apis mellifera scutellata* species, or any hybrid thereof.

HOUSEHOLD PETS. Animals or fowl ordinarily permitted to a residence and kept for company or pleasure, such as dogs, cats, fish and canaries. Household pets do not include inherently or potentially dangerous animals or fowl, or those normally considered agricultural livestock.

IMPERVIOUS MATERIAL. Matter that is impenetrable as by moisture.

LOT. A parcel or unit of land describable either by metes and bounds, or by other legal plat designation held or intended to be held in separate ownership or leasehold or a parcel or unit of land shown as a lot or parcel on a recorded subdivision map, or shown on a plat used in the lease or sale of land resulting from the division of a larger tract into smaller units. Lots shall be generally rectangular in nature, and shall have no more than five sides without an exception being recommended by the Planning Commission and approved by the City Council; the front of a property, located at the front right of way, does not count against this requirement.

LOT, CORNER. Shall mean a lot located at the junction of and fronting on two (2) or more intersecting streets.

MOBILE HOME. A detached dwelling designed for long-term occupancy and to be transported on its own wheels, or on a flatbed or other trailer or detachable wheels, and arriving at the site where it is to be occupied as a complete dwelling unit ready for occupancy except for connections to utilities and other minor work. Removal of such wheels or placing such dwelling unit on a foundation shall not remove such unit from classification as a mobile home. Excluded from this definition shall be those permanent dwelling structures that are constructed of component parts that are transported to the building site and which meet structural requirements of the Uniform Building Code and which are finished with exterior building material that is typical of permanent residential buildings.

NON-CONFORMING USE. A building or structure, or portion thereof, or use of a building or land which does not conform to use regulations for the district in which it is situated, but which is in conformity with said regulations, if any, at the time of its establishment.

OFF STREET PARKING. An area adjoining a building providing for the parking of automobiles which does not include a public street but has convenient access to it.

OFFICE, PROFESSIONAL. A building or space used by persons such as accountants, architects, artists, dentists, designers, engineers, lawyers, physicians, realtors, teachers, and others who, by virtue of training and for license, are qualified to perform services of a professional nature, and where storage of goods and sale of merchandise is minimal and secondary to performance of the service.

OWNER OCCUPANT. means, except as set forth in Subsection (3) of this definition:

1. an individual who:
 - a. possesses, as shown by a recorded deed, fifty (50) percent or more ownership in a dwelling unit; and

- b. occupies the dwelling unit with a bonafide intent to make it his or her primary residence; or
- 2. an individual who:
 - a. is a trustor of a family trust which:
 - i. possesses fee title ownership to a dwelling unit;
 - ii. was created for estate planning purposes by one (1) or more trustors of the trust; and
 - b. occupies the dwelling unit owned by the family trust with a bonafide intent to make it his or her primary residence. Each living trustor of the trust shall so occupy the dwelling unit except for a trustor who temporarily resides elsewhere due to a disability or infirmity. In such event, the dwelling unit shall nevertheless be the domicile of the trustor during the trustor's temporary absence.
- 3. A person who meets the requirements of Subsections (1) and (2) of this definition shall not be deemed an owner occupant if the property on which the dwelling unit is located has more than one (1) owner and all owners of the property do not occupy the dwelling unit with a bona fide intent to make the dwelling unit their primary residence.
 - a. A claim that a person is not an owner occupant may be rebutted only by documentation, submitted to the Planning and Zoning Department, showing that the person who occupies the dwelling unit has a bona fide intent to make the dwelling unit his or her primary residence as indicated by the following documents which show such person:
 - i. is listed as a primary borrower on documents for any loan presently applicable to the property where the dwelling unit is located;
 - ii. has claimed all income, deductions, and depreciation from the property on his or her tax returns for the previous year;
 - iii. is the owner listed on all rental documents and agreements with tenants who occupy the dwelling unit, including any accessory apartment;
 - iv. is the owner listed on all insurance, utility, appraisal, or other contractual documents related to the property; and
 - v. is a full-time resident of Utah for Utah State income tax purposes.
 - b. Any person who claims to be an owner of the dwelling unit, but who does not occupy it, shall provide documentation to the Planning and Zoning Department which shows such person:
 - i. has not claimed any income, tax deduction, or depreciation for the property on the person's tax returns for the previous year;
 - ii. is not listed as an owner on any rental document or agreement with any tenant who occupies the dwelling unit, including any accessory apartment; and
 - iii. is not listed as an owner on any insurance, utility, appraisal, or a agreement related to the property.
 - c. Any person, or group of persons, who fails, upon request of the Planning and Zoning Department, to provide any of the documents set forth in Subsections (3)(a) or (3)(b) of this definition or who provides a document showing that ownership of a dwelling unit is shared among persons who do not all occupy

the dwelling unit shall mean for the purpose of this Title that such person or persons shall not be deemed an “owner occupant” of the dwelling unit in question.

OPEN SPACE. The use of land which leaves soil generally undisturbed and upon which natural vegetation, whether or not native to the area, occupies the major visible aspect of the land.

PERMITTED USE. A use of land for which no conditional use permit is required.

PUBLIC USE. A use operated or supervised exclusively by a public body, such use having the purpose of serving the public health, safety, or general welfare, and including uses such as public schools, parks, playgrounds, and other recreational facilities, administrative and service facilities, and public utilities.

QUASI PUBLIC USE. A use operated by a private non-profit educational, religious, recreational, charitable or philanthropic institution, having the primary purpose of serving the general public, such as churches, private schools, hospitals and similar uses.

REASONABLE ACCOMMODATION. A reasonable change in any rule, policy, practice, or service necessary to afford persons with a disability equal opportunity to use and enjoy a dwelling when compared to similarly-situated persons or groups.

RECREATION, PUBLIC. Recreation facilities operated by a public agency and open to the public with or without a fee.

RESIDENCE. A dwelling unit where an individual or family is actually domiciled at a given point in time and not a place of temporary sojourn or transient visit. Temporary sojourn or transient visit shall be thirty (30) days or less.

RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY. A residence in which no more than eight (8) unrelated persons with a disability resides and which is:

1. Licensed or certified by the Department of Human Services under Title 62A, Chapter 2, of the Utah Code, Licensure of Programs and Facilities; or
2. Licensed or certified by the Department of Human Health under Title 26, Chapter 21, Health Care Facilities Licensing and Inspection Act.

RETAINING WALL. Any structure designed to resist the lateral displacement of soil or other materials. Examples include block walls, rock walls, concrete walls and segmented walls. A retaining wall is not considered a fence.

SIGN. Any device for visual communication to the public displayed out-of-doors, including signs painted on exterior walls, and interior illuminated signs, to be viewed from out-of-doors, but not including a flag, badge, or ensign of any government or government agency.

STREET, PUBLIC. A thoroughfare which has been dedicated and accepted by proper public authority (or abandoned to the public) or a thoroughfare not less than twenty-four (24) feet wide which has been made public by right of use and which affords the principal means of access to abutting property.

STRUCTURE. Anything constructed, the use of which requires fixed location upon the ground, or attached to something having a fixed location upon the ground, and which creates an impervious material on or above the ground; definition includes "building."

YARD. A required space on a lot other than a court, unoccupied and unobstructed from the ground upward, by buildings, except as otherwise provided herein.

YARD, FRONT. A space between the front of the main building on a lot and the front lot line or line of an abutting street or right-of-way and extending across the full width of a lot. The depth (or setback) of the front yard is the minimum distance between the front lot line, and the front-most part of the primary structure of the nearest main building at the foundation level. (Primary structure includes overhangs, porches, and decks).

YARD, REAR. A space between the back wall of the nearest main building extending the full width of the lot and the lot line that is most distant from, and is most nearly parallel with, the front lot line. If the rear lot line is less than ten feet (10') in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a ten foot (10') line parallel to the front line, lying wholly within the lot for the purpose of establishing the minimum rear yard. The depth (or setback) of the rear yard is the minimum distance between the rear lot line and the rearmost part of the primary structure of the nearest main building at the foundation level.

(Primary structure includes overhangs, porches and decks. See drawing in Appendix A). (Ord. 2004-13, 9/28/04)

YARD, SIDE. A yard that is neither a front yard nor a rear yard. The depth (or setback) of the side yard is the minimum distance between the side lot line and the nearest part of the primary structure of the nearest main building at the foundation level. (Primary structure includes overhangs, porches and decks).

ZONING LOT (Ord. 94-02, 2/8/94). A lot or parcel of land which:

1. Meets all area (lot size), frontage (width), setback (yard), and other zoning requirements applicable within the zone in which it is located;
2. Abuts upon and has direct access to a street which has been dedicated to the City or otherwise accepted by the City as a City Street;
3. Is served by the minimum level of improvements required for issuance of a building permit or for which the construction of the minimum level of improvements is secured through the posting of a performance guarantee; and
4. Is shown as a separate lot on the final plat of a subdivision or similar development, which has been approved in accordance with the applicable ordinance, or is legally exempted from compliance with said ordinance. A parcel which is part of an

unapproved or illegal subdivision shall not qualify as a zoning lot.

(Amended by Ord. 2004-14 on 9/28/04; Ord. 2009-16, 10/13/09; Ord. 20011-06, 03/08/11; Ord. 2011-12, 10/25/11; Ord. 2014-11, 6/24/14; Ord. 2015-02, 02/10/15; Ord. 2015-07, 05/26/15)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Lon Lott	_____	_____	_____	_____
Carla Merrill	_____	_____	_____	_____
Gregory Gordon	_____	_____	_____	_____
Jason Thelin	_____	_____	_____	_____

Presiding Officer

Attest

Troy Stout, Mayor, Alpine City

Charmayne G. Warnock, City
Recorder Alpine City

ALPINE CITY COUNCIL AGENDA

SUBJECT: The Ridge at Alpine – Request for Approval of Some Construction in Phase 3 and Other Areas

FOR CONSIDERATION ON: 28 April 2020

PETITIONER: Steve Zolman/Paul Kroff

ACTION REQUESTED BY PETITIONER: Approve some construction in phase 3 prior to final approval.

BACKGROUND INFORMATION:

The Ridge at Alpine subdivision is being developed in phases. The improvements in phase 1 are complete with the exception of the offsite upgrade to the Fort Creek Booster Pump Station (preconstruction meeting was held April 22), the construction of the Ridge Trail (under contract, anticipated completion by the end of May), completion of the parking lot and some off street storm water controls. Phase 2 connects Elk Ridge Lane to Grove Drive at the 90 degree bend. Most utilities have been installed and road improvements are under construction. Phase 3, which is scheduled for final approval at the Planning Commission on May 5 and City Council on May 12, includes lots abutting right of way constructed in Phase 2. The final redlines for utilities in phase 3 are being addressed now in preparation for the scheduled meetings. In addition, there is a detention basin planned in a future phase (south of phase 2). The detention basin will be within a planned public park. It will receive stormwater from phases 1-3, as well as future phases. Logistically, either temporary detention/retention basins will need to be constructed or the permanent detention basin. Either option would be outside of approved or soon to be approved phases.

Section 4.08.040 of the development code reads as follows:

Commencement of Construction *Site improvement or grading of a proposed subdivision site prior to Final Plat approval by the City Council is prohibited.*

The requirement of this section was realized as plans were being finalized for the detention basin located just outside of phase 3. Since the detention basin receives water from other phases and it has always been shown as being incorporated into the park area, some direction from the City Council is needed, as work needs to be done in this area. In addition, there is a substantial amount of cut and fill for roadways within this development. It is necessary to haul fill material from the north side of Catherine Way to the south end of the development, in order to construct the roadways/park in the area south of phase 3. From an ideal order of construction standpoint, this should happen prior to concrete and asphalt work being completed on Catherine Way.

On July 10, 2018, the City Council reviewed the preliminary plans for the entire development after the planning commission had recommended approval. At this stage the City Council does not vote on the plan but there was some discussion in the minutes about different ideas for the park, namely whether it would be a soccer park with a full size field or more of a family park that would accommodate a smaller soccer field where

younger kids could play. See attached minutes. We have also attached some options for the park design with varying degrees of grading and fill.

Following is the request of the developer:

1. Asking for direction on what the park will be used for, i.e. full-size soccer field or family type park that would accommodate a smaller soccer field for younger kids. This is the option that has been pursued up to this point, based on the recommendations of the planning commission.
2. Request permission to allow grading work in phase 3 and the area just outside of phase 3 to take place while the approvals are being finalized between now and the May 12 City Council meeting, which would allow for fill to be moved around from different areas of the project as needed prior to conflicts happening with other improvements in the project.

STAFF RECOMMENDATION:

Review options for the park design and determine which one is the best fit for the area. Staff recommends option 1, which is a family type park which would accommodate a smaller soccer field. In addition, staff recommends that roadway grading be allowed, including grading for the park and detention basin area prior to receiving final approval. We recommend that utility construction be postponed until final approval is obtained.

SAMPLE MOTION TO APPROVE:

I make a motion to allow the following:

1. Approve the park in The Ridge at Alpine development as a family type park that would allow for a smaller soccer field, described as option 1 on the figure.
2. Grant permission for grading work to take place in phase 3 and the area south of phase 3 while the approvals are being finalized between now and the May 12 City Council meeting to allow for fill to be moved around from different areas of the project as needed prior to conflicts happening with other improvements in the project.
3. Require final approval of phase 3 and other phases prior to beginning utility construction.

SAMPLE MOTION TO APPROVE WITH CONDITIONS:

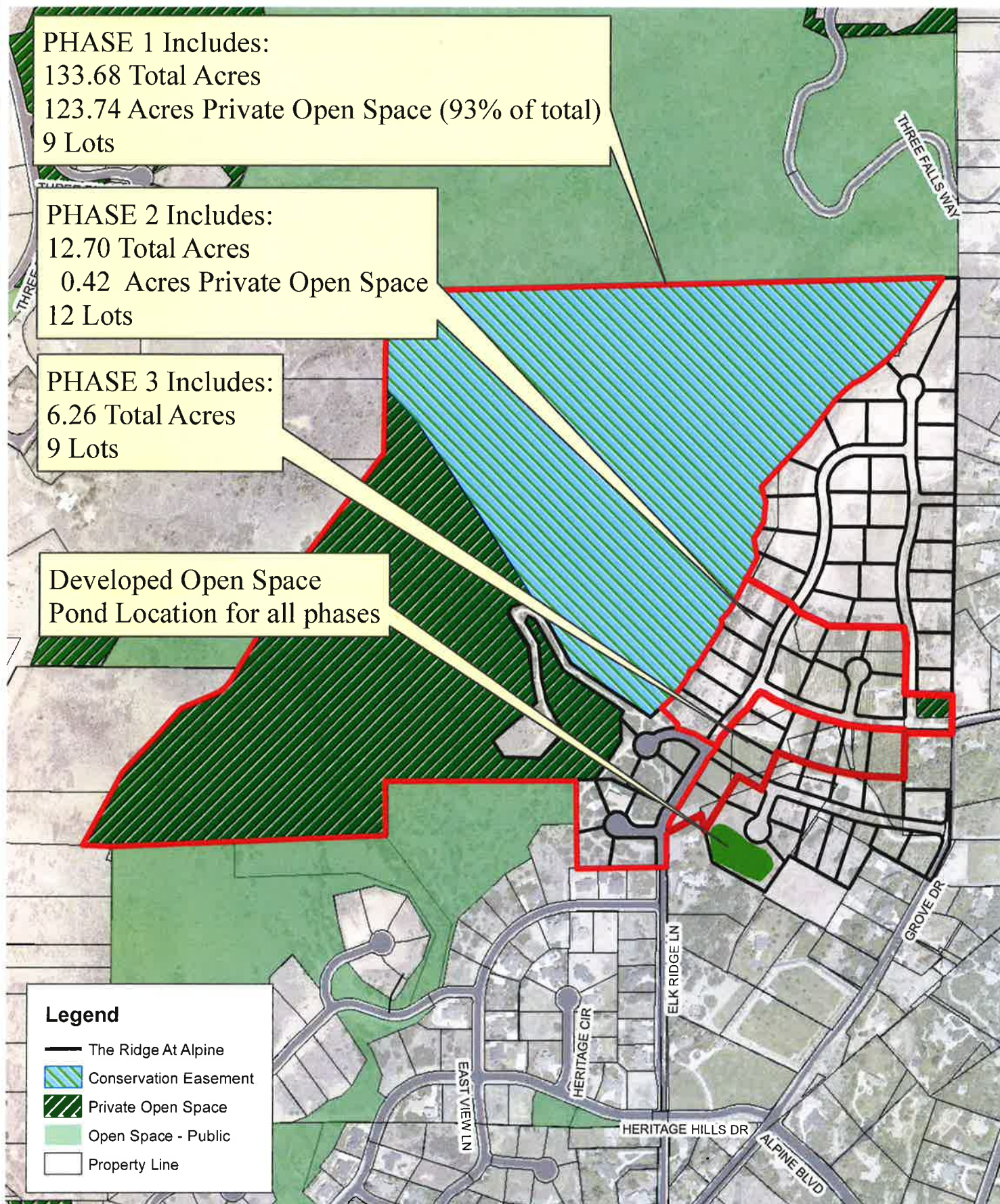
I make a motion to allow the following:

- ***Insert Finding***

SAMPLE MOTION TO TABLE/DENY:

I make a motion to table/deny the request for The Ridge at Alpine development based on the following:

- ***Insert Finding***

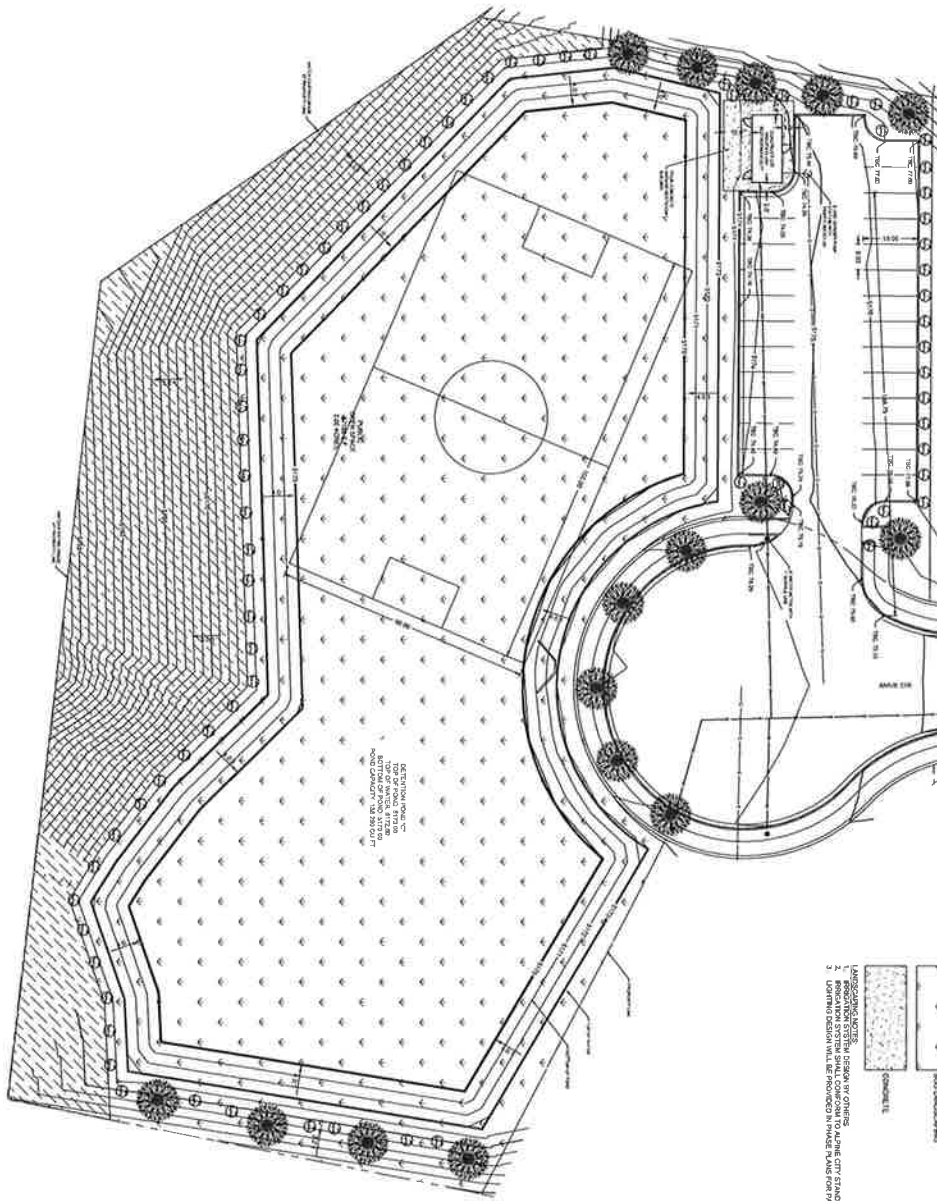


The Ridge At Alpine PHASES 1 - 3

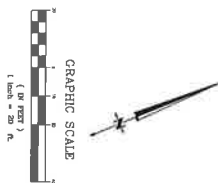


OPTION 1 – FAMILY SIZED PARK

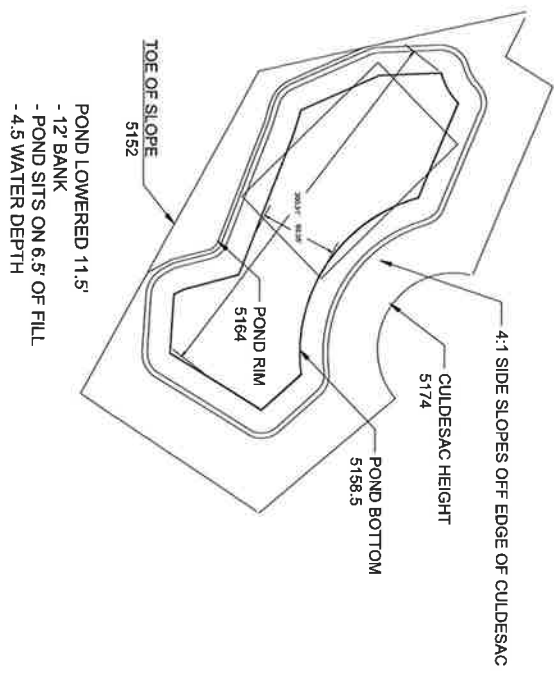
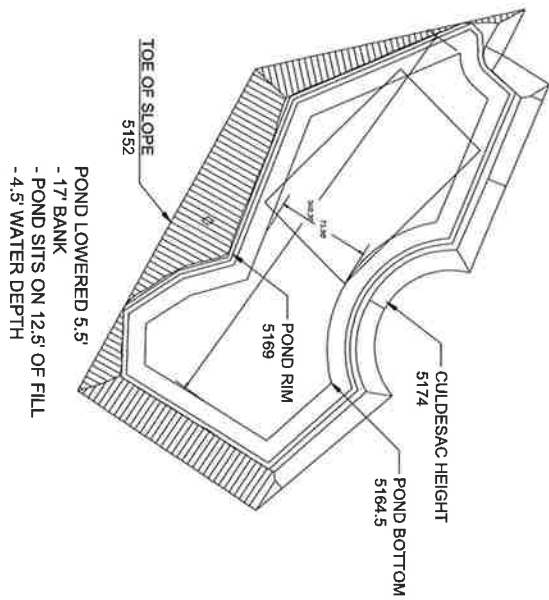
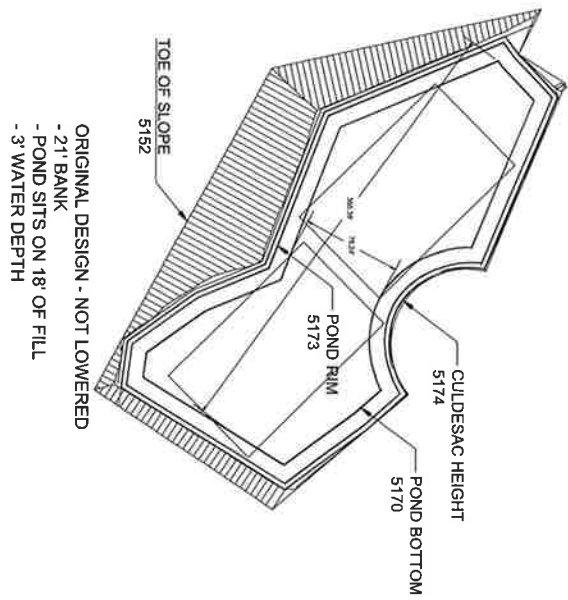
OPTION 2 – LARGER PARK



- LEGEND**
- PROJECT BOUNDARY
 - PROPOSED SIDEWALK
 - PROPOSED DRIVE
 - PROPOSED TREE
 - SPITS AREA WITH LANDSCAPE, VEGETATION
 - NO LANDSCAPE
 - CONCRETE
1. LANDSCAPING SHALL BE IN ACCORDANCE WITH THE CITY OF SALT LAKE CITY'S LANDSCAPE DESIGN STANDARDS. THE LANDSCAPE DESIGN SHALL BE PROVIDED IN PHASE PLANS FOR PARK.



SHEET C4.2 <small>DATE: 10/20/2011</small>	PARK PLAN THE RIDGE AT ALPINE PLANNED RESIDENTIAL DEVELOPMENT PREPARED FOR: PAUL KROFF	<small>DATE: JULY 2011</small> <small>DRAWN: CS</small> <small>APPROVED: BM</small> <small>SCALE: AS SHOWN</small> <small>JOB NO: 12208</small>	 BUSH & GUDGELL, INC. Engineers - Planners - Surveyors 855 East 4500 South, Suite 100 Salt Lake City, Utah 84107 Phone (801) 364-1212 / Fax (801) 364-1225 www.bushandgudgell.com	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>No.</th> <th>Date</th> <th>By</th> <th>Revised</th> </tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </table>	No.	Date	By	Revised																	
No.	Date	By	Revised																						



Sylvia Christiansen seconded the motion. The motion passed with 3 Ayes and 2 Nays. John MacKay, Sylvia Christiansen and Alan Macdonald voted Aye, and John Gubler and Bryce Higbee voted Nay.

B. Retaining Wall Exception – Michael Pratt

Jed Muhlestein explained the current retaining wall ordinance and said Mr. Pratt was requesting an exception for the height of his wall. He presented a map of the Pratt property and showed that the retaining wall would be located at the back of the property. The wall was for a vault to house the pond equipment. This wall would not be seen from the street or public right-of-way; therefore, from an engineering point-of-view staff was recommending approval because it was safe and could not be seen from the street or public right-of-way. Jed Muhlestein explained that this project was reviewed by two different engineers to ensure that it met the City's ordinance requirements.

MOTION: John Gubler recommended approval of the Michael Pratt Retaining Wall Exception.

Alan Macdonald seconded the motion. The motion passed with 5 Ayes and 0 Nays. Bryce Higbee, Alan MacDonald, John Mackay, John Gubler and Sylvia Christiansen all voted Aye.

C. Development Code Review – Section 3.32 Retaining Walls

Jed Muhlestein said staff wanted to change Section 3.32 Retaining Walls to state the following: "Double tiered retaining walls four feet or less don't need engineering." Currently, the Code read that over three feet required engineering. An official public hearing and vote would be needed on this item in a future meeting. Jed Muhlestein relayed a suggestion from David Church that a setback requirement be implemented for retaining walls built on property lines. Alternatively, a fence could be required.

Sylvia Christiansen was concerned that there was no limitation on height, and felt that there should be. Jed Muhlestein said David Church had raised the issue of whether or not to regulate the safety of people on their own personal property. Sylvia Christiansen also felt that drainage placement should be addressed.

Sylvia Christiansen pointed out some clerical errors in the Code language.

D. Major Subdivision Preliminary Review - The Ridge at Alpine - Paul Kroff

Austin Roy said a few changes had been made from the previous plan that was approved. He subsequently reviewed the following:

- The southern part of the trail was slightly modified
- Altered the course of the access to Lot 72
- Savannah Circle was modified with the alignment, but the same number of lots remained
- Katherine Way was modified
- Lot 52 was modified
- The plan was changed from 71 lots to 72 lots
- Zachary Way was modified
- 25 parking spots were added next to the soccer field (soccer field would be for U9)
- 13 parking spots were to the trail head
- A restroom was added at the soccer field

Austin Roy presented a letter from the Fire Chief showing that the access road to Lot 72 met the City's requirements. He noted there would also be a fire hydrant at Lot 72. However, the Planning and Zoning department still had an issue with Lot 72 because it was separate from the other lots, and the ordinance stated that in a PRD lots needed to be in a cluster of at least three lots. Additionally, it was not aesthetically pleasing on the mountain.

Wade Budge, an Attorney for the project said he only had a couple of issues. He said the lots met all the requirements for lot size. Lot 72 started down in Savannah Circle and the lot was clustered with others even though the building envelope was up higher on the mountain. Jed Muhlestein said the City needed to be clearer in the ordinance if the intent was to keep the houses clustered.

Alan Macdonald said he would like input from the City Attorney. Austin Roy said he spoke with the City Attorney, David Church, and he agreed with the staff and their interpretation of the ordinance. Also, because this subdivision was in a PRD, the City had more say on how it would be developed.

Wade Budge said they were not allowed to get any bonus density and they felt like this lot had been on the plans from the beginning. Paul Kroff said it had been their burden to show that this lot could meet the ordinance.

Sylvia Christiansen asked why this proposal did not meet the ordinance. Jed Muhlestein said the intent of the ordinance was to preserve the hillside and cluster the homes together.

Paul Kroff explained that in his proposal, he went well above the requirement for open space to get the PRD.

Bryce Higbee said Lot 72 did not meet the ordinance because this home would ruin the scenic value and it did not preserve the hillside. Paul Kroff said the scenic view was different for everybody. He said he would rather build on a flat lot than cut into the mountain and use retaining walls.

Austin Roy said the ordinance stated that the City would preserve the quality of the mountainside, so as to prevent erosion and fire. Paul Kroff said they were preserving 65% of the hillside.

The Planning Commission discussed the trails in the subdivision and said the trail map showed three trails. The developers were not aware of the third trail and would like to see a different alignment of the trails. Paul Kroff said his client would be running livestock in that area and would like the trail moved.

Will Jones said only a small portion of the trail crossed this subdivision. Using the aid of an aerial map, he identified where the trails would be located. After subsequent discussion, Austin Roy read language from the ordinance outlining the need to preserve the rights of neighboring residents near a trail.

The Planning Commission then discussed lighting and parking for the soccer field. They determined that 45 parking stalls sounded high for a small neighborhood park. Austin Roy said 25 stalls were not sufficient and the developer should try to get closer to 45 stalls. Jed Muhlestein said the first place people would park if there was not enough parking would be in the cul-de-sac. This would pose safety concerns because it would block access for emergency vehicles.

Jed Muhlestein stated that all the street systems met the requirements with the exception of Oak View Drive, which was not standard width. Staff's recommendation was to grant an exception on this road because it matched what was in the Cove.

Jed Muhlestein suggested adding a three-way stop at the intersection on Kathrine Way.

Cori Russon said it would be better to have a one-way stop on Kathrine Way because in the winter, it was very difficult to stop on the steep road.

Jed Muhlestein said sewer was normal except from Lot 61 to Lot 57. The developer was proposing a low gravity sewer system with a pump system for each individual lot.

Jed Muhlestein said the pressurized irrigation system would have a 12-inch pipe. The developer would pay for six inches and the City would pay the difference to upgrade the pipe up to 12 inches. Additionally, the development agreement required a booster pump and the recommendation was for the developer to work with staff to figure out these details.

Regarding culinary water, the developer elected to upgrade the water line size to have adequate flow. The Fire Chief reviewed and approved the plans.

The storm drain system was complicated; the interior was standard and most of the water would flow to a detention pond. However, there was a low point in Kathrine Way and the utilities in the street had been designed for a 10-year storm, but needed to be designed to withstand a 100-year storm capacity.

The geotechnical reports outlined the hazards of fire and flooding issues. Debris flow nets would catch all the debris but allow the water to flow through. The developer's engineer completed calculations on how much water would come down and where it would flow. It was determined that homes needed to be 1.75 feet above the curb to be protected from a 100-year storm. In addition, the geotechnical report addressed potential rock fall. The lower homes had a lower risk and the upper homes had a medium risk. There needed to be further analysis on the matter prior to this project phase.

Irrigation ditches were required to be piped; if it was not being used, the ditches could be abandoned and the developer would have to weld the head gates shut to prevent water from coming into the ditches. If pipes were used, they were required to be 30-inch pipes.

If Lot 72 were to be approved, there would need to be retaining walls that met the ordinance and were approved by the Fire Chief. Any existing buildings on the property needed to be removed prior to plat recordation.

MOTION: Sylvia Christiansen moved to approve The Ridge at Alpine Concept Plan with the following conditions:

1. Applicant meet the engineering requirements stipulated
2. Change soccer park to a family park
3. Add Screening for any parking
4. Add Lighting in the park
5. Add parking stalls appropriate to the use of the park
6. Work with the Trail Committee on the routing of the two trails
7. Subject to the applicant satisfying City Council that the scenic and cluster requirements are met for Lot 72.

John Gubler seconded the motion. The motion passed with 5 Ayes and 0 Nays. Bryce Higbee, Alan MacDonald, John Mackay, John Gubler and Sylvia Christiansen all voted Aye.

MOTION: Sylvia Christiansen moved to approve The Ridge at Alpine Preliminary Plan with the following conditions and subject to concept approval.

1. An exception be granted for a non-standard road cross section along Oak Drive.
2. The cross section would include 30 feet of pavement with three-foot shoulders on each side
3. The Developer address redline comments on the plans and drainage report
4. The Developer work with staff regarding the variable speed pumps required in the Annexation and Development Agreement, then report to the City Council prior to submitting for final Approval.
5. The Planning Commission approve or disapprove Lot 72. If Lot 72 is approved, the developer must submit a retaining wall design that meets the ordinance for Lot 72.

John Gubler seconded the motion. The motion passed with 5 Ayes and 0 Nays. Bryce Higbee, Alan MacDonald, John Mackay, John Gubler and Sylvia Christiansen all voted Aye.

IV.COMMUNICATIONS

There were no comments.

V. APPROVAL OF PLANNING COMMISSION MINUTES: May 15, 2018, June 5, 2018

MOTION: John Gubler moved to approve the minutes for May 15, 2018 and June 5, 2018 as written.

Sylvia Christiansen seconded the motion. The motion passed with 5 Ayes and 0 Nays. Bryce Higbee, Alan MacDonald, John Mackay, John Gubler and Sylvia Christiansen all voted Aye.

ADJOURN

Bryce Higbee stated that the Planning Commission had covered all the items on the agenda and adjourned the meeting at 11:05 p.m.

V. ACTION/DISCUSSION ITEMS

A. The Ridge at Alpine Subdivision – Revised Concept – Paul Kroff: Austin Roy introduced the proposed Ridge at Alpine subdivision which consisted of 72 lots on approximately 190 acres in the CR-40,000 zone. It contained a conservation easement of 68 acres. The developer also planned to build a two-acre park in the open space. The original concept plan showed it as a soccer park but at the recent Planning Commission meeting of June 19th, the Planning Commission recommended it be a family park instead of a soccer park. In addition to the change in the park, there were a number of other changes to original concept plan. The ordinance stated that all concept plans came to the City Council for review, which was the reason the Council was reviewing it that evening. The Planning Commission had approved a Revised Concept plan with a number of conditions, one of which was that the City Council review lot 72 and determine whether it met the scenic and clustering requirements in the ordinances.

Austin Roy showed the original Concept Plan which was approved in December 2016, then reviewed the changes in the Revised Concept Plan.

- The route of the private lane going up to lot 72 was altered.
- The retaining walls were constructed without a building permit and without engineering plans being submitted to Alpine City.
- The bulb on Savannah Circle had been extended. The cul-de-sac still had the same number of lots.
- The intersection of Catherine Way with Grove Drive had been changed.
- The lot line between lots 52 and 53 had been altered but it was still two lots.
- Lots 60 and 69 were reconfigured to create a third lot. The three lots were then renumbered as 46, 47, and 48.
- The alignment of the proposed trails had been changed. The City Council discussed the trails at length. The main issues were the steepness, the location, and the number of trails. One trail would be in the conservation easement as required in the Agreement. Paul Kroff said he would cooperate with the trail committee in designing the trails so they were functional and had less exposure and less impact on neighboring homes.
- Zachary Way was realigned to be a straighter road.
- Trailhead parking had been added at the bottom of lot 72.
- Parking and restrooms were added to the proposed soccer park.

Jason Thelin asked why the Planning Commission felt a family park would be preferable to a soccer park. Austin Roy said they felt Alpine had enough soccer fields and this area was not the best location to host soccer games. They felt there was a need for family parks.

Lon Lott said they had discussed that idea that it could be a practice field for younger soccer teams. It wouldn't make the park smaller but it would make the parking lot smaller. Austin Roy said the recommendation for a regulation soccer field was 45 parking spaces, but this would be smaller than a regulation field so fewer spaces were required.

Jason Thelin said there was actually a need for soccer fields. He questioned the need for a family park in that area because the building lots would be larger and people would be more likely to have recreational activities on their own property. He pointed out that there was a family park in Silverleaf that was hardly ever used. He was concerned that the City would be adding more parks to water and maintain when there were already family parks in the city that weren't being used.

Sylvia Christiansen was on the Planning Commission. She said the problem with the soccer park on High Bench Road was that there would be parking on the road. If people were parking on the street, how would emergency vehicles get by? That was why they recommended it be a family park instead of a soccer park. There would not be enough parking.

Austin Roy said that a park for nine and under would reasonably have 20 to 28 cars. The revised concept plan showed 25 off-street parking spaces for the soccer field.

Kimberly Bryant said they had a shortage of soccer fields, but parking could be an issue. Mayor Stout said that if they eliminated one of the soccer fields in Smooth Canyon Park, they would need another soccer field. He said there was a lot of emotional appeal for more soccer fields from parents who were upset that their kids didn't get to play on Alpine fields.

Lon Lott said he would be okay with a smaller soccer field. Troy Stout agreed, saying the smaller kids often got pushed off the fields. It would be nice to have a small field for younger kids. A scheduler could control the use.

Mayor Stout said he would like to talk about the realignment of the streets. They were trying get citizens to control their speed in town, but with a straighter, sloped road, people were more likely to speed.

Paul Kroff said the change in the intersection with Grove Drive was at Alpine City's request. The other street adjustments were minor and offered a better grading design.

Austin Roy said the fire chief had reviewed the latest design of the driveway up to lot 72. It would need to be paved with an all-weather surface and have a hammerhead turnaround to meet fire code.

Austin Roy reviewed the Planning Commission's motion approving the Revised Concept Plan, which included the following conditions:

1. Applicant meet the engineering requirements stipulated.
2. Change soccer park to a family park.
3. Add required screening for park and trail parking.
4. Add lighting to the parking lot.
5. Add parking stalls at the park.
6. Work with the Trail Committee on routing the two trails.
7. Subject to the applicant satisfying the City Council that the scenic and cluster requirements are met for lot 72.

Mr. Roy then reviewed references in the Alpine City Development Code relative to scenic and clustering requirements.

PRD Ordinance 3.09.010 Purpose and Intent: *In order to qualify for approval as a PRD, the proposed project must demonstrate that it will d. preserve open space to meeting recreational, scenic, and public service needs.*

PRD Ordinance 3.09.060 Dwelling Clusters. 1. *All lot shall be located within a designated development cluster. A project may contain more than one development cluster. Each cluster shall contain not less than three (3) separate lots.*

Open Space Ordinance 2.16.010 Purpose: *Open space is set aside to accomplish one or more of the following functions: 1) To preserve viewsapes, natural ridgelines, etc.*

Zoning Ordinance 3.01.020 Statement of Purpose. *The City of Alpine shall utilize powers granted to it by the Utah Code to accomplish the following: 1) Assure the proper use and management of the natural beauty and resources of Alpine City; 2) Protect life and property from avalanche, flood and geologic hazard; 3) Encourage a density of development that will be expressive of satisfying community life, that will conserve natural resources, protect scenic values, and prevent traffic congestion; 4) Encourage imaginative and innovation concepts in residential and commercial development that will perpetuate the visual character of Alpine*

Subdivision Ordinance 4.02.010 Intent and Purpose. *3) Preserving and protecting to the maximum extent possible, unique and valuable natural resources and amenities including . . . scenic vistas and attractions. 4) Preserving and protecting the special environmental quality of aesthetic character of all hillside and mountainous areas; 5) Encouraging the placement of housing developments where subdivisions are permitted in hillside and mountainous areas, minimizing grading, preserving natural terrain, and enhancing the open space.*

Major Subdivision Preliminary Design 4.06.020. Impact on Quality of Life. i *Aesthetics and Cultural. Address aspects of development that may impact the rural environment of Alpine City, including any landscape design features that may be inconsistent with retention of views or a rural atmosphere. Any features of development that will contrast with surrounding land uses will also be addressed.*

ii. *Viewscales. Address aspects of development that may impact view sheds including any landscape design features that may be inconsistent with retention of views. This section shall also include any unusual cuts or fills requirements and any development on hillsides and prominent rises.*

Wade Budge, the attorney for Paul Kroff, said this was not a new concept for lot 72. The lot was clearly discussed as part of the first concept plan. It was in the same place as it was in 2016. The question was whether it met the ordinance or not. State law ruled that if there was any ambiguity in an ordinance, the decision was in favor of the property owner. He said lot 72 was clustered with lots 69, 70, and 71. He said there wasn't much objective criteria in the city's ordinance and the owner could not be required to comply with a subjective requirement.

Mayor Stout said the lot was isolated, not clustered, and was obviously on a ridgeline. He said it would be up to the Council and their legal counsel to determine if the lot met the requirements of the ordinances.

Jason Thelin said the development was a PRD, which had to meet the conditions of a PRD and be approved by the City. The purpose of a PRD was to cluster lots to preserve open space and protect scenic vistas. In exchange, the developer got smaller lot sizes. If the developer didn't want to comply with the PRD requirements he could do a regular subdivision for that zone.

Mayor Stout asked about the retaining walls that were already built, saying he understood that the walls had not been engineered.

Paul Kroff said the building pad was part of the lot and the lot was part of the cluster. He said they needed to show they could put a driveway to the building area. After some additional discussion about lot 72, Mayor Stout said they were getting away from the retaining wall issue, which needed to be addressed.

Shane Sorensen said Alpine City had a specific retaining wall ordinance with extensive requirements that were adopted for safety reasons. None of the retaining walls that had been built in the subdivision had been through Alpine City's process. Whether they were built before it was annexed or after, according to code, any lot over four feet high had to be engineered. He said he was pretty sure the county required a grading permit and engineering on a wall over four feet high.

Mayor Stout asked Paul Kroff if the county had approved the retaining walls. Mr. Kroff said he didn't know. Mayor Stout said it was critical that the walls be engineered and built according to the approved design. The City was not willing to accept the potential for failure of the walls when the developers had completed the construction and were no longer liable. The walls should be the developer's top priority to get them reviewed and permitted before they did anything else.

B. Drone Discussion: David Church said that in 2017, the state passed a law regulating drones. One section of the law said a political subdivision of the state may not enact a law governing the use of an unmanned aircraft. Anything the city enacted had to be identical to state code. The question was, what benefit was there for the City to repeat the state code in a local ordinance?

David Church said trespassing issues would be covered by the amended trespass law and privacy law as they applied to drones, and would be enforced by the police force. Crossing a property line and remaining on or over someone's private property when it was not public property and the individual was not authorized to fly over the property would be criminal trespass.

Mayor Stout said it appeared the residents' privacy concerns were already protected under state law. They would need to inform the public about the law.

C. Resolution No. R2018-08, Consolidated Fee Schedule: Shane Sorensen said the amendment to the Fee Schedule dealt with the cost of meters for automatic monitoring system. New meters would need to be installed.