



ALPINE CITY COUNCIL MEETING

NOTICE is hereby given that the **CITY COUNCIL** of Alpine City, Utah will hold a **Meeting** on **TUESDAY, June 25, 2013 at 7:00 pm** at Alpine City Hall, 20 North Main, Alpine, Utah as follows:

I. CALL MEETING TO ORDER

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

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

III. CONSENT CALENDAR

- A. **Approve the minutes of June 11, 2013**

IV. REPORTS AND PRESENTATIONS

- A. **Swearing in of Youth Council**
- B. **Report from UDOT on SR-92, SR-74**

V. ACTION/DISCUSSION ITEMS

- A. **Fireworks Discussion:** The Council will discuss mitigating the potential hazards that fireworks could create.
- B. **Pfeifferhorn Trail Discussion:** The Council will consider a proposal to leave the Pfeifferhorn trail unpaved.
- C. **Motorized Vehicles in Lambert Park Discussion:** The Council will consider a proposal to disallow motorized vehicles in Lambert Park.
- D. **Accessory Apartment Discussion:** The Council will continue their discussion on accessory apartments.
- E. **Ordinance No. 2013-06,** Amending Article 2.4 of the Development Code regarding the Development Review Committee: The Council will consider adoption of amendments to the DRC Ordinance regarding composition of the Committee.
- F. **Ordinance No. 2013-10,** Amending Article 3.21.6 of the Development Code regarding fences: The Council will consider adoption of an amendment that would create a requirement to obtain a building permit (no fee) before installing a fence.
- G. **Ordinance No. 2013-11,** Amending Article 4.14 of the Development Code regarding Site Plans (Not in an approved subdivision): The Council will consider adoption of an amendment that would allow the DRC to approve Site Plans.
- H. **Ordinance No. 2013-12,** Amending Article 4.5 of the Development Code regarding Minor Subdivisions: The Council will consider adoption of an amendment that would allow the DRC to approve Minor Subdivisions.

VI. STAFF REPORTS

VII. COUNCIL COMMUNICATION

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

* **Some Council Members may participate electronically.**

ADJOURN

Hunt Willoughby, Mayor
June 21, 2013

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS. If you need a special accommodation to participate, please call the City Recorder's Office at (801) 756-6241.

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

ALPINE CITY COUNCIL PUBLIC HEARING AND MEETING
Alpine City Hall, 20 North Main, Alpine, UT
June 11, 2013

I. CALL MEETING TO ORDER: The meeting was called to order at 7:04 pm by Mayor Hunt Willoughby.

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

Mayor Hunt Willoughby

Council Members: Troy Stout, Will Jones, Bradley Reneer, Kimberly Bryant, Mel Clement

Staff: Rich Nelson, Shane Sorensen, Jason Bond, Marla Fox, David Church, Annalisa Beck, Annette Scott

Others: Peter Hart, Jeana Hart, Jannicke Brewer, Police Chief Gwilliam, Fire Chief Brad Freeman, Mike Kennedy, Will Jones, Kent Hastings, Allan Hastings, Preston Harvey, Jannicke Brewer, Bruce Harvey, Ginny Rainsdon, Stephen Larsen, Darren Gooch

B. Prayer: Troy Stout

C. Pledge of Allegiance: Alan Hastings

II. PUBLIC COMMENT

Alan Hastings presented an Eagle Project to put up plaques in Lambert Park to raise awareness about the poppy fields. Alan Hastings said he emailed his project ideas to Ron Devey. He wants to define some trails through the flowers and put the plaque up on a rock. Will Jones approved the project including the fundraising.

Preston Harvey presented an Eagle Project of painting fire hydrants in the Matterhorn, Pfeifferhorn area. He has received information on what type of paint to use and what color. Will Jones signed off on the project.

Kent Hastings said he wanted to let the City Council know what the Youth Council had planned for the following year. There would be 41 youth and 3 leaders. Some items they wanted to address were a PA system for the Easter Egg Hunt at Creekside Park. Also, if any of the town leadership could attend, that would be appreciated. For the Memorial Day Breakfast, he said they didn't know they were needed to cook the breakfast. In years past, they had put up tables and served at the breakfast. He asked that the Council please let them know in the future if they needed to cook.

Mr. Hastings said the Youth Council would like to get to know the Council better. If they could have an assignment to debate or research something, they would love to do that. He also asked if the assignment to work with the Youth Council could be rotated through the City Council so the youth could get to know more members. He added that they had a Facebook pages with updates on their activities.

Mr. Hastings said the Youth Council wanted to provide the best service for Alpine Days, and needed information sooner than later. They lost revenue if events were cancelled or changed. Kimberly Bryant told them to work with Curry Jones on getting information. Mr. Hastings said the Youth Council needed a good location for their Coke trailer because the money was used throughout the year for various activities. They needed information on the movie night, talent show, etc in order to set up the trailer. He also asked that they be exempt from Alpine Days fees. Kimberly Bryant said they were exempt last year. Mel Clement said the City Council appreciated the Youth Council.

Jenny Rainsdon said they had 63 kids on the Youth Council last year and it was difficult to manage. Some of the kids were just using it as a box checker for college and they were going to be stricter this year and limit the numbers.

Fire Chief Brad Freeman said they were in the fire season and they had a lot of citizens asking them to be proactive and shut the City down for fireworks. However they wouldn't be able to do that this year. Last year was the worst fire season in the history of Utah and it cost over fifty million dollars to fight fires yet, the fireworks laws were more relaxed this year. The new laws said the City Council had to vote on the fire restrictions this year. They were to use the new state guidelines to restrict areas. That took it out of the Fire Marshal's hands. Rich Nelson said the Fire Marshal still had to prove restricted areas met the criteria for dryness.

1
2 There was a question about Chinese lanterns. The Fire Chief said they were illegal and weren't allowed in any
3 district or city. David Church confirmed that the City Council had to make decisions about fire restrictions in the
4 mountainous and wildland interface areas. The Council could not close the whole city because that would be over-
5 reaching. The Fire Chief would determine the at-risk areas then the Council would vote on closing the area.
6

7 Troy Stout asked if the City could implement emergency measures and call a meeting without notice. David Church
8 said the Mayor already had that power. Chief Freeman said it would be a fierce fire season. If the paramedics were
9 up fighting fires, there would be no one to help with medical problems. He asked the Council to get fire restrictions
10 in place because they wouldn't have the manpower to fight fires and provide medical coverage
11

12 Will Jones mentioned that Cedar Hills had two fires last week during their city fireworks program. Alpine needed to
13 do what they could to protect the city. David Church said that according to the state law, there would be a large area
14 of Alpine that would be off limits. Chief Freeman showed on the map what areas would be off limits.
15

16 The Mayor said he had received the report for the Quail fire. He would read it, scan it and send it out to be
17 reviewed.
18

19 III. CONSENT CALENDAR

20
21 **A. Approve minutes of May 14, 2013**

22 **B. Bond Release Bennett Farms, Plat A - \$47,166.16**

23 **C. Bond Release River Meadows, PRD Senior Housing - \$50,545.29**
24
25

26 **MOTION:** Will Jones moved to approve the Consent Calendar. Kimberly Bryant seconded. Ayes: 5 Nays: 0
27 Motion passed.
28

29 The Council said that in the future they wanted the DRC to handle the Bond Releases rather than seeing them on the
30 Consent Calendar.
31

32 IV. REPORTS AND PRESENTATIONS

33
34 **A. Introduce Moyle Park caretakers:** Peter and Jeana Hart said they had been married for 25 years and
35 had three children. Two were out of the home and the third was a senior in high school. They said it was an honor
36 and a privilege to serve in Moyle Park they were excited to be there. They would move in on July 1, 2013.
37

38 **B. Financial Report for May 2013:** General property taxes were down about \$5,000 from last year but
39 they were up 3% over what was budgeted. Sales tax revenue showed a 3% increase. Motor vehicle revenue was up
40 \$11,000. Franchise fees were up \$45,000. Overall the City was doing fine.
41

42 V. ACTION AND DISCUSSION ITEMS

43
44 **A. PUBLIC HEARING ON THE FINAL BUDGET FOR FISCAL YEAR 2013-2014:** Rich Nelson
45 introduced the budget and Mayor Willoughby opened the meeting for public comment. There were no comments
46

47 **B. Ordinance No. 2013-07 Adopting the Alpine City Budget for FY 2013-2014:** Rich Nelson said that
48 at the meeting of May 14, 2013, the City Council held a public hearing on the Tentative Budget, accepted the
49 Tentative Budget and asked for some information on staff. The three items the City Council asked for more
50 information on were:
51

- 52 1. TSSD.
- 53 2. Waste disposal.
- 54 3. Alternate merit raise structure for staff.
55

1 The TSSD question related to the City filling out the requested ERU information that the TSSD was requesting.
2 This issue was a non-budget issue and was resolved.

3
4 The waste disposal questions related to the new contract that the City signed with ACE Disposal, the use of a new
5 transfer station, and landfill operation. These issues were discussed with Council member Mel Clement and would
6 be reviewed, if needed, in the budget presentation to the Council.

7
8 A request for an alternate merit structure for staff was requested. The Tentative Budget included funds for a merit
9 increase for staff of up to 3%. The new proposal in the budget was a merit increase of 1% for those making more
10 than \$60,000 and 2% for those making less than \$60,000.

11
12 The City Council discussed the fact that the City workers were doing more work with fewer people than they had
13 four years ago. Will Jones said he felt like raises should be based on certification and schooling. They should not
14 be given an across-the-board increase just because. Mel Clement said there needed to be a ceiling on how much
15 someone was paid. Bradley Reneer asked if the Council could get job descriptions. Annalisa said with 14
16 employees, they all wore many different hats and had multiple job descriptions. It would be difficult to give a job
17 description for each person. She said every person in the organization was very important in making the City run
18 efficiently.

19
20 The City Council discussed the Cove having to pay additional fees for EMT and Fire Response. Bradley Reneer
21 asked if the City could charge a Cove resident extra if they fought a fire at their home. David Church said the Cove
22 paid \$12,000 as a standby charge. Utah County was not in the fire fighting business.

23
24 **MOTION:** Will Jones moved to approve the Final Budget for fiscal Year 2013-2014 for Alpine City with a 1% and
25 2% increase for City employees. Motion Failed

26
27 **MOTION:** Troy Stout moved to adopt the budget including a merit increase of up to 3% for Alpine City Staff with
28 the elimination of the telecommunications tax increase which would reduce the franchise fee fund by 40,000 to a
29 total of \$540,000 and increase the fund surplus to \$208,221. Kimberly Bryant seconded. Ayes: 3 Nays: 2. Troy
30 Stout, Bradley Reneer, and Kimberly Bryant voted aye. Will Jones and Mel Clement voted nay. Motion passed.

31
32 **MOTION:** Mel Clements made a substitute motion to pay the top employee a merit raise of 1%, the next two
33 employees 2% and all the rest a 3.5% merit raise. Will Jones seconded. Ayes: 2 Nays: 3. Will Jones and Mel
34 Clement voted aye. Troy Stout, Bradley Reneer, and Kimberly Bryant voted nay. Motion Failed.

35
36 Bradley Reneer said he felt that Mel Clement's proposal was targeting certain people, and they needed to talk about
37 the motion more.

38
39 **C. Resolution No. R2013-01 Adopting the Certified Tax Rate:** The Certified Tax Rate for the City for
40 the fiscal year 2013-2014 was set at 0.001773as determined by the County Tax Assessor's office.

41
42 **MOTION:** Troy Stout moved to approve to adopt the Tax Rate for Alpine City for Fiscal Year 2013-2014 to be
43 set at 0.001773, which was a reduction from last year of 0.0019. Will Jones seconded. Motion passed. Ayes: 5
44 Nays: 0. Troy Stout, Will Jones, Bradley Reneer, Kimberly Bryant and Mel Clement voted aye.

45
46 **D. Ordinance No. 2013-09 Adopting the Telecommunication Rate Increase:** Rich Nelson said the
47 purpose of the proposed increase in the telecommunications rate was to enable the City to pay for the increases in
48 Alpine City's share of the Lone Peak Public Safety District's police and fire budgets. This year the Lone Peak
49 Public Safety District Board voted to allocate Alpine's, Highland's and Cedar Hill's portion of the budget based on
50 the population figures generated by the Mountain Lands Association of Governments. While that would make for
51 better budgeting for the District in the long run, this change increased Alpine's portion of the District's budget. This
52 budget increase had to be paid for out of the General fund. The rate increase would enable the City to pay its
53 allocation of the budget without raising property taxes.

1 The proposed increase would increase the cell phone user's fee from 2.1% to 3.5%. The estimated amount of
 2 increase would be approximately \$0.52 cents a month. A Wireless Associations' survey states that the average cell
 3 phone bill was \$47.16 a month. The increase in the cell phone user's fee would increase that bill to \$47.68 a month.

4
 5 **MOTION:** Will Jones moved to not approve Ordinance No. 2013-09 Adopting the Telecommunication Rate
 6 Increase, but to keep it at the current 2.1%. Seconded by Bradley Reneer. Ayes: 5 Nays: 0. Will Jones, Troy Stout,
 7 Bradley Reneer, Kimberly Bryant and Mel Clement voted aye.

8
 9 **E. Resolution No. R2013-02 - Approving the Consolidated Fee Schedule:** The City Council had been
 10 discussing increasing fees for park usage and accessory apartments, and had made motions approving the increase.
 11 The amended Consolidated Fee Schedule reflected those increases which also included an increase for Home
 12 Occupations from \$25 to \$50 as recommended by staff.

13
 14 Also shown was an increase from \$250 to \$750 for the initial Plan Check Fee for new homes and commercial
 15 buildings. It would not increase the overall amount paid by the builder/homeowner. It simply assessed a larger part
 16 of the plan check fee upfront. Occasionally someone submitted plans for a new home or commercial building, then
 17 backed out after the plan check reviewer had spent time reviewing and approving the plans. The City still had to pay
 18 Sunrise for their time. The upfront increase would mitigate expense to the City in the event someone backed out
 19 after going through the plan approval process.

20
 21 Annalisa Beck said the City paid Sunrise engineering \$56 an hour plus time the staff spent on it. Will Jones said he
 22 felt \$750 was too steep and the City would be making money on it. He didn't think they lost that many homes. He
 23 said he talked to Highland and they lost one home last year. They did charge more if the home was larger. Troy
 24 Stout said he liked the \$750 up-front charge. He said it didn't affect those who are serious about building.

25
 26 Bradley Reneer said he had a problem with charging \$50 for a home occupation. David Church said the was not
 27 intended to be a money maker for the city. It was to cover real costs for time and resources.

28
 29 **MOTION:** Will Jones moved to approve the Consolidated Fee Schedule, with the exception of dropping the \$750
 30 application fee for a new home to \$500. Seconded by Bradley Reneer. Ayes: 3 Nays: 2. Will Jones, Bradley Jones,
 31 and Mel Clements all voted Aye. Kimberly Bryant and Troy Stout voted Nay.

32
 33 **F. PUBLIC HEARING ON THE AMENDED BUDGET FOR FISCAL YEAR 2012-2013:** Rich
 34 Nelson introduced the amended budget. There were no comments.

35
 36 **G. Ordinance No. 2013-08 Amending the Budget for Fiscal Year 2012-2013:** The amended budget
 37 reflected four changes in the General Fund under revenue and four changes under expense. The amount of the
 38 changes and the reason were:

39
 40 **Revenue**

- 41
 42 1. Redemption Tax Revenue: Increased by \$93,000. Developers were paying back property taxes as
 43 they got ready to develop land in the city.
 44 2. Licenses & Permits: Increased by \$100,000. More development had taken place in the city than
 45 estimated in the Final budget.
 46 3. Quail Fire Grant: Increased by \$150,000. This was for the Quail Fire Rehabilitation Grant.
 47 4. Fund Balance: Increased by \$123,400. These were funds transferred to the fund balance to keep
 48 the City within the 18% legal limit for the unappropriated fund balance.

49
 50 **Expense**

- 51
 52 1. Administration: Decreased by \$62,000. This was for attorneys and consultant fees associated with the
 53 rehab center issues.
 54 2. Court: Decreased by \$13,000. This was for additional Justice Court costs that were unbudgeted.
 55 3. Parks & Recreation: Decreased by \$150,000. This is for the Quail Fire Rehabilitation Grant.

- 1 4. Miscellaneous: Decreased by \$241,400. This is to take care of the \$60,000 for the generator and generator
2 related wiring needs, and for the transfer of funds into the fund balance to stay within the %18 legal limit.
3

4 **MOTION:** Will Jones moved to approve Ordinance No. 2013-08 Amending the Alpine City Budget, Fiscal Year
5 2012-2013. Seconded by Kimberly Bryant Ayes: 5 Nays: 0. Troy Stout, Will Jones, Bradley Reneer, Kimberly
6 Bryant, Mel Clement voted aye.
7

8 **H. Canyon Brook Estates PRD - Final Approval - Steve Larsen:** Canyon Brook PRD was a proposed
9 subdivision located at approximately 1520 Fort Canyon Road. The proposed subdivision consisted of 3 lots on
10 52.01 acres in the CE-5 zone. This was a resubmittal of a development that was previously approved for this
11 property, also called Canyon Brook Estates. However, the approval of that development had lapsed and this was
12 being considered as a new application.
13

14 Shane Sorensen showed on the map where the lots were, the open public space, and the conservation easement.
15 Everything was completed with the exception of the road. Mr. Larsen would post a bond that would be held until
16 the road was constructed. When the proposed development came in previously, approval had been given to
17 construct a road with 26 feet of asphalt. That would need to be reapproved as an exception.
18

19 Jannicke Brewer said that because of terrain, this subdivision would not be required to have a second access if the
20 Fire Chief gave his approval. Because of the ordinance change, Mr. Larsen needed more open space this time
21 around and that's why the map looked a little different.
22

23 Shane Sorensen said there would be two catch basins. They also wanted to look at options to pipe the storm drain
24 water to Fort Creek, which would need to be finalized prior to recording. Mr. Larsen had already installed a water
25 line and a fire hydrant to his property. Nothing had changed except the open space.
26

27 **MOTION:** Will Jones moved that the following exceptions for Canyon Brook Estates PRD be approved:
28

- 29 1. The road width to be a maximum of 26 feet or match whatever road is finally approved in the
30 canyon.
- 31 2. Based on conditions and terrain, Canyon Brook be exempt from Section 3.12.7.4.2 of the
32 Development Code which required a secondary access.
- 33 3. In-home fire sprinklers be requested because it was in the urban wildland interface area.
- 34 4. The Fire Chief approve the exceptions.
35

36 Seconded by Kimberly Bryant. Ayes: 5 Nays: 0. Motion passed.
37

38 The Mayor and Troy Stout asked if there were any other possibilities for a second access. Shane Sorensen said that
39 once the Three Falls subdivision went in, there would be a second access.
40

41 **Motion:** Will Jones moved to grant final approval to Canyon Brook Estates PRD Subdivision subject to the
42 following conditions:
43

- 44 1. The pavement width may be 26 feet wide or match the new road in Fort Canyon.
- 45 2. The City Council determine if the street improvements will be constructed at this time or if the
46 funds for the improvements will be put in an escrow account with the City for use when the entire
47 Fort Canyon Road is re-constructed.
- 48 3. The Fire Chief determine if the fire sprinklers were an acceptable alternative to the reduced fire
49 flows in the area, and verify that the existing fire hydrants in the area were sufficient.
- 50 4. Require two catch basins to be piped to Fort Creek with the understanding that if they were
51 constructed prior to construction of the road, the developer would bear the cost with a
52 reimbursement from the City for oversized utilities.
- 53 5. A storm drain plan be designed that included piping the storm water from Fort Canyon Road to
54 Fort Creek. An easement for the line would need to be included on the final plat with a minimum

width of 15 feet. Oversized improvements would be reimbursed, but the developer would discuss the options for the cost of the oversized storm drain line with the City.

5. A UPDES permit be obtained and a SWPPP plan be provided to and approved by the City prior to beginning construction.
6. The water policy be met with the Alpine Irrigation Company shares.
7. A note be placed on the final plat noting the existing geological and geotechnical reports were on file with the City for this development.
8. A conservation easement be given to the City

Bradley Reneer seconded. Ayes: 6 Nays 0. Motion passed unanimously.

I. Water Conservation Enforcement Discussion: Shane Sorensen said the City originally set a date of June 1, 2013 to begin restrictions for the pressurized irrigation system. They moved the starting date for restrictions back to June 10, 2013 to allow the policy to be discussed and adopted at the May 28, 2013 City Council meeting. Following the meeting, a flyer would be sent out to all residents with water restriction details, the enforcement policy and educational information. Shane Sorensen said the same information would be on the website informing residents of the restrictions.

City staff proposed the following enforcement plan be considered:

1. First offense: Warning via a door hanger, or speak directly with resident if present.
2. Second offense: Pressurized irrigation service would be locked with \$50 reconnection fee.
3. Third offense: Pressurized irrigation service would be locked with a \$200 fee reconnection fee.

Troy Stout asked how dire the water situation was. Shane Sorensen said what little snow pack they had was not going to last very long. If the City had a well go down it wouldn't be good. Rich Nelson said the pumping costs would be extremely expensive. Mel Clements said they should have some sort of procedure for making sprinkling systems more efficient. Rich Nelson said the City would work with residents who called and made arrangements. Bradley Reneer said he has a problem with door hangers because they blew away. Shane Sorensen said they used a rubber band.

MOTION: Troy Stout moved that the City Council adopt the Water Conservation Enforcement Plan as proposed. Will Jones seconded. Ayes: 5 Nays: 0. Motion passed unanimously.

J. Pine Valley Offices - Parking Exception Request: Will Jones declared a conflict of interest on this item and sat in the audience.

Jason Bond said that Will Jones owned the parcel of land on the northwest corner of the intersection of Canyon Crest Road and Main Street (at the roundabout). The 26,465 square-foot parcel was planned to include a new office building for Pine Valley Realty. The building pad was 3,650 square feet. According to Article 3.24 (Off-Street Parking) of the Zoning Ordinance, four (4) parking spaces were required for every 1,000 square feet on the building. Mr. Jones planned on having two stories plus a basement which would bring the total requirement to 44 spaces.

Mr. Jones was requesting that an exception to the parking requirement as outlined in Section 3.24.4 Reduction of Off-Street Parking Requirements. He requested that the basement square footage not be included in the parking requirement because he intended to use it only for storage. That would bring the total requirement to 29 spaces.

Jason bond said the Planning Commission had been concerned about the future use of the building should it be sold to someone else. They wanted to hinder the possibility that the basement would be used for anything other than storage. They recommended limiting the ceiling height in the basement to seven feet so it couldn't be used as office space.

Mayor Willoughby asked if the Council would be contemplating this option if it wasn't Will Jones' Building? Rich Nelson asked what could be done with this corner to make it look the better. Did they want to have a sea of parking on that corner? Mel Clements asked why Mr. Jones didn't just build a half- basement? Mr. Jones said he needed the storage space. Mel Clements said he had built a lot of buildings and there was never enough parking. The more

1 the basement was limited, the less chance it had of being occupied. Mr. Jones said he will build it with no windows
 2 and with a deed restriction. He would like to landscape the corner instead of having parking there. He added that he
 3 had given part of his property to the City to build the roundabout.

4
 5 Troy Stout said he was sure Mr. Jones wouldn't use the basement for office space, but they didn't know what would
 6 happen on the future. Mr. Jones said he would have a deed restriction on the building that would transfer with the
 7 building to any owner. Troy Stout asked if any of the surrounding buildings had a parking exception. The answer
 8 was no. However, the City had a problem with one of the owners in the complex using the basement in his building
 9 for something other than storage when it was originally approved as storage only.

10
 11 David Church said they could place a restriction on the title. If someone new came in to get a building permit to
 12 build something in the basement, the City could tell them it is not allowed. If it was put in without permission, the
 13 City would find out about it through a fire inspection and the City could shut it down.

14
 15 Jason Bond said this area of town was in the Gateway Historic District and more parking didn't go along with how
 16 they wanted it to look. It was important for the City to dictate how it was developed and how it would look. The
 17 City Council discussed how Mr. Jones could create extra parking space by using his property to the west. Jannicke
 18 Brewer said the Planning Commission didn't want to approve a parking exception because others would want to do
 19 the same. She said if the City come up with restrictions on the basement, they could come up with additional
 20 parking spaces. Bradley Reneer said he didn't think Mr. Jones should build his building unsafely with no windows, -
 21 7-foot ceilings, no doors, etc. David Church said he agreed. The deed restriction should be adequate.

22
 23 **MOTION:** Troy Stout moved to grant an exception to the parking requirement for the proposed Pine Valley Realty
 24 office building to exclude the square footage in the basement from the calculation based on the finding that the
 25 basement would be used only for storage, and instead require 32 parking spaces as stated in section 3.24.4 of the
 26 Zoning Ordinance, subject to the following conditions:

- 27
 28 1. The developer enter an agreement with the City stating that the basement of the proposed office
 29 building will never be used for anything except storage.
 30 2. Record a deed restriction on the plat stating that the basement shall not be used for anything other
 31 than storage to be transferable to a future owner.

32
 33 Seconded by Bradley Reneer. Ayes: 4 Nays: 0. Troy Stout, Bradley Reneer, Kimberly Bryant, Mel Clement voted
 34 aye. Councilman Will Jones did not vote.

35 36 **VI. STAFF REPORTS**

37
 38 Rich Nelson said staff had received a request to send a letter to the owners of Box Elder South subdivision, but they
 39 felt uncomfortable sending a letter without the approval of the Council. A draft copy of the letter was presented to
 40 the Council along with the settlement agreement. The issues were relevant to the lawsuit plus a provision stating that
 41 the City would prosecute damage to Lambert Park. He said staff felt the street names in Box Elder South would be
 42 confusing. Also, the streets needed to be built to City standards. The sewer system needed to be addressed. Will
 43 Jones suggested adding details on certain subjects to the letter so they had a record in the future.

44
 45 Shane Sorensen said County Public Works would not approve it until Alpine City looked at it. They wanted
 46 comments on infrastructure and utilities. Mel Clement asked if Alpine City would plow snow in this subdivision.
 47 Rich Nelson said the County would be responsible for snow removal as with Alpine Cove. Shane Sorensen showed
 48 a map of the subdivision showing open space where they may build a restroom. He said he had made notes about the
 49 sewer line and wanted to know if he was okay to sign off on the letter. It was really an engineering review but he
 50 wanted the Council's input.

51
 52 David Church said both the Pattersons and the County would want the City to annex this property once the County
 53 approved the plat. Will Jones said Alpine should annex it because the City would have the impact. They may as
 54 well get the tax revenue.

55 56 **VII. COUNCIL COMMUNICATION**

1
2 Mel Clement said he called about the pressurized irrigation bond the City had. He said they could possibly borrow
3 money from themselves and fund it internally. They could pick up 2.5 % with a potential savings of \$125,000 per
4 year. He suggested they look at it.

5
6 Bradley Reneer asked if any more had been heard about the Lambert Park property. Staff said no. He said he'd heard
7 Cedar Hills was doing their fireworks early. Wondering if they should consider doing them early.

8
9 Mayor Willoughby said the previous resident of Alpine (name) was moving toward running toward president of
10 Mali.

11
12 Troy Stout said he spoke with Stake President Neilson about having service day at Lambert Park.

13
14 **VIII. EXECUTIVE SESSION**

15
16 **MOTION:** Will Jones moved to go to executive session for the purpose of discussing pending litigation: Kimberly
17 Bryant seconded. Ayes: 5 Nays: 0 Troy Stout, Will Jones, Bradley Reneer, Kimberly Bryant, Mel Clements voted
18 aye. Motion passed.

19
20 The Council went into closed session at 11:00 pm.

21
22 **MOTION:** Will Jones moved to return to open meeting. Troy Stout seconded. Ayes: 5 Nays: 0. Motion passed
23 unanimously.

24
25 **MOTION:** Troy Stout moved to adjourn. Mel Clement seconded. Ayes: 5 Nays: 0 Motion passed
26 unanimously.

27
28 The meeting was adjourned at 11:25pm.
29

ALPINE CITY COUNCIL AGENDA

SUBJECT: Paving Pfiefferhorn Trail

FOR CONSIDERATION ON: June 25, 2013

PETITIONEER: City Staff

ACTION REQUESTED BY PETITIONER: Consider whether or not to pave the Pfiefferhorn trail.

APPLICABLE STATUTE OR ORDINANCE: N/A

PETITION IN COMPLIANCE WITH ORDINANCE: N/A

INFORMATION: In 2009, the City obtained a grant to pave the Pfiefferhorn Trail on the west boundary of the City from Westfield Road going north. After the grant was obtained, several issues were discovered that complicated the project, including environmental requirements and right-of-way issues. Highland City had agreed to contribute to the project since around 70 percent of the trail bordered their open space. The planning for the project spanned budget years and since Highland had allocated approximately \$18,000 for the project in the budget year they were in and did not want to go through the allocation process again, they gave the City a check in advance. The check was given to the City prior to the design issues coming about. Eventually the City gave up the grant realizing that with the costs associated with the environmental and other requirements, the project could be done cheaper without the grant.

City staff has been reconsidering whether or not to spend the funds to pave the trail. The project cost is estimated to be in the \$70,000-75,000 range. Staff is recommending that the trail not be paved at this time and that the contribution from Highland City be returned. This plan will free up funds that could be used for other street improvement projects that have been on hold for a few years.

RECOMMENDATION: That the City Council consider leaving the Pfiefferhorn trail as a gravel trail and that Highland City's money be returned.

ALPINE CITY COUNCIL AGENDA

SUBJECT: No Motorized Vehicles in Lambert Park Discussion

FOR CONSIDERATION ON: June 25, 2013

PETITIONER: City Council

ACTION REQUESTED BY PETITIONER: For Council discussion and determination if a public hearing should be scheduled on limiting motorized vehicles in Lambert Park.

INFORMATION: The following is included for Council consideration:

1. Ordinance No. 96-07 (see attached ordinance and Council minutes). This included a discussion on whether to allow or not allow motorized vehicles in Lambert Park. No action was taken on Lambert Park.
2. July 16, 2002 PC Agenda Cover Sheet and Minutes (including a map of Lambert Park proposed areas that would allow motorized vehicles) and July 30, 2002 CC Minutes where the City Council adopted the PC recommendations with some modifications.
3. July 28, 2009 CC Agenda Cover Sheet and Minutes. The PRO Committee made a number of recommendations to the City Council regarding motorized vehicles in Lambert Park. The Council discussed the proposals at length but took no action. A map of how Lambert Park operates is included.

RECOMMENDED ACTION: For Council discussion and recommendation on whether to hold a public hearing on further limiting motorized vehicles in Lambert Park.

ORDINANCE NO. 96-07

AN ORDINANCE OF THE GOVERNING BODY OF ALPINE CITY REGULATING THE USE OF MOTORIZED VEHICLES IN CITY PARKS AND ON CITY TRAILS AND ESTABLISHING A PENALTY FOR THE VIOLATION

WHEREAS, Alpine City has and is establishing a park and trail system for the benefit of the citizens of the City and visitors; and

WHEREAS, the City wishes to protect the health safety and welfare of the users of the Alpine City park and trail system; and

WHEREAS, Alpine City has determined that its parks and trails are not appropriate for motorized vehicle use;

NOW, THEREFORE, be it ordained by the governing body of Alpine City that:

1. It shall be unlawful to use any motorized vehicle upon the parks and trails of Alpine City unless the area to be used is clearly posted by the City by sign as open to off highway vehicle use.

2. For purposes of this ordinance motorized vehicle shall include all motor vehicles designed for use on the highway, all recreational vehicles and all off-highway vehicles, whether registered with the State of Utah or exempt from registration by the State of Utah. For the purposes of this ordinance, motorized vehicles shall not include City maintenance vehicles, vehicles on official business or on City-sponsored activities.

3. A violation of this ordinance shall be a class C misdemeanor punishable by a fine not to exceed \$500.00 and or imprisonment for a jail term of not more than ninety (90) days.

4. This ordinance shall take effect immediately upon passage.

DATED this 14th day of MAY, 1996.



MAYOR:

James A. Hall

ATTEST:

Janis H. McLean
City Recorder

required as a condition of annexation. Mrs. Blackham said she was opposed to the amendment as written because she felt the City Council should be able to move forward on the annexation of parcels of less than five acres without waiting for a recommendation from the Planning Commission.

MOTION: Don Watkins made a motion to extend the meeting to 10:00 pm. Rob Bateman seconded. Ayes: 4 Nays: 0. Motion passed.

MOTION: Don Watkins made a motion to adopt Ordinance No. 96-06 which amended the Annexation Ordinance to allow the annexation of parcels of less than five acres without the preparation of an impact policy declaration, public hearing and 30 day waiting period. Kent Hanson seconded. Ayes: 2 Nays: 2. Mayor Hall voted aye. Motion passed. Pheobe Blackham and Rob Bateman voted nay.

Ordinance No. 96-07 - An Ordinance Regulating the Use of Motorized Vehicles in City Parks and Trails: Rob Bateman said there had been a lot of complaints about ATVs and other motorized vehicles tearing up the trails. This ordinance would prohibit motorized vehicles in parks and on trails, and attach a fine of up to \$500. An amendment was added excluding vehicles involved in official City business (such as lawn mowers and tractors) from the regulation. A notice would need to be placed in the Newsline informing people that motorized vehicles in such areas was a violation of the law and subject to a fine or imprisonment.

There was a discussion about providing a place where ATVs and dirt bikes could be operated legally, such as certain areas in Lambert Park. However, there was a lot of opposition to allowing motorized vehicle use in Lambert Park because it was suppose to be a natural park. Also, allowing such use would probably draw people from outside Alpine.

MOTION: Rob Bateman made a motion to adopt Ordinance No. 96-07 regulating the use of motorized vehicles in City parks and trails. A sentence would be added in part 2 stating that motorized vehicles did not include maintenance vehicles, vehicles on official business or vehicles at City-sponsored functions. Notification of this ordinance would be placed in the Newsline. Kent Hanson seconded. Ayes: 4 Nays: 0. Motion passed.

Ordinance No. 96-08 : This ordinance would amend the zoning ordinance relating to the permitted use of restaurants allowing drive-up service under certain conditions. The Council briefly discussed the possible ramifications of the ordinance, and a motion was made.

MOTION: Kent Hanson made a motion to deny Ordinance No. 96-08. Don Watkins seconded. Ayes: 3 Nays: 1. Motion passed. Pheobe Blackham voted nay because she felt such restaurants would be needed to expand the tax base.

Discussion on Business Licenses: Don Watkins suggested that, in the interest of time, this item be tabled, and be placed at the top of the agenda for the next meeting.

Payments on the Three Million Gallon Water Tank: Korey Walker represented Horrocks Engineers and informed the Council that there was a change order on the job which was included in the payment. Work was on schedule and he recommended approval of the payments.

MOTION: Rob Bateman made a motion to approve the partial payment to Paulsen Construction in the amount of \$28,316.00; the partial payment to Gerber Construction in the amount of \$183,604.68; and the final payment to Dunex, Inc. in the amount of \$71,251.80. Kent Hanson seconded. Ayes: 4 Nays: 0. Motion passed.

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Lambert Park- Motorized Vehicle Routes

FOR CONSIDERATION ON: July 16, 2002

PETITIONER: City Council

ACTION REQUESTED BY PETITIONER: Determine motorized vehicle routes in Lambert Park and make a recommendation to the City Council.

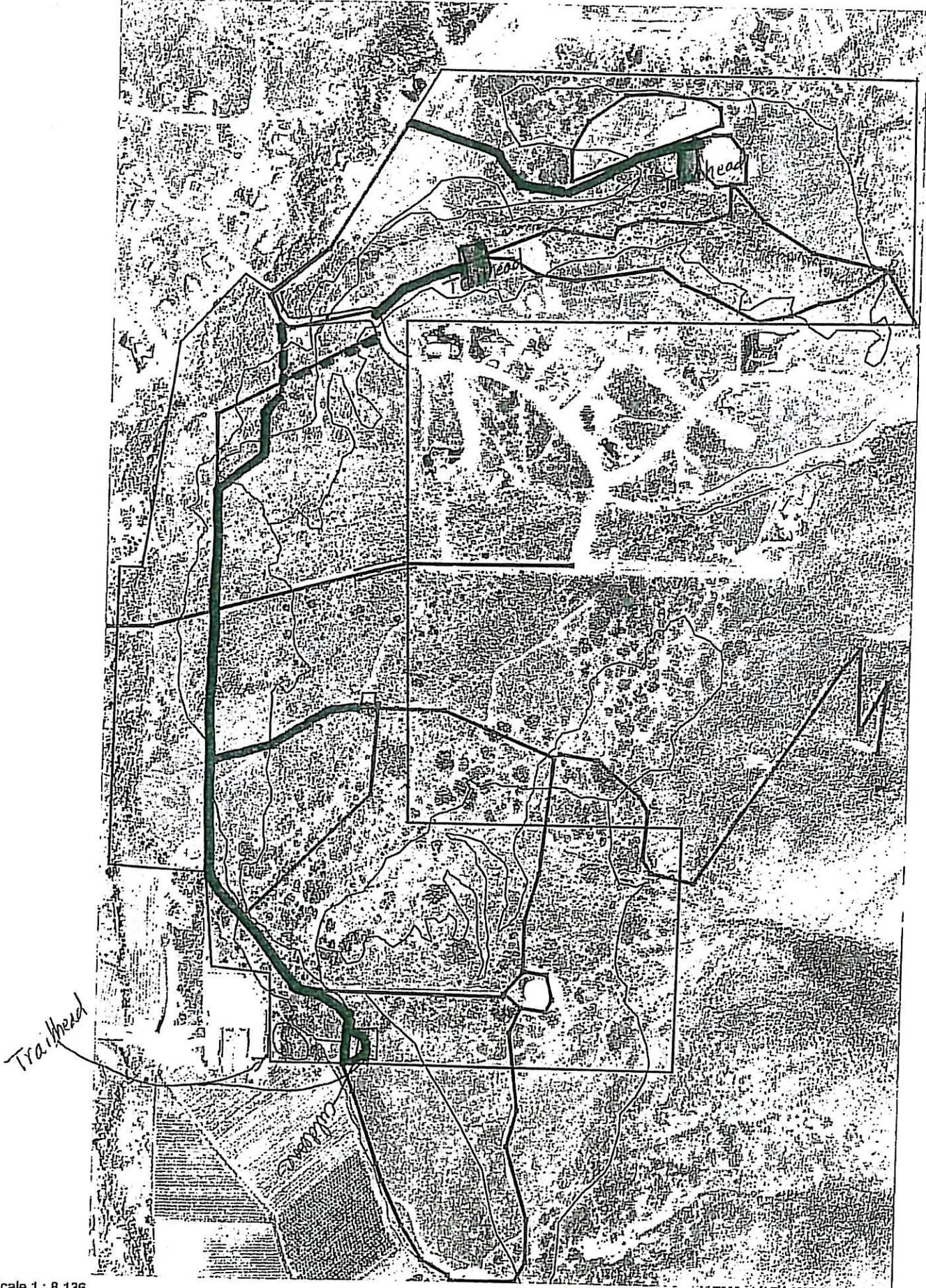
APPLICABLE ORDINANCE/STATUTE: Open Space

PETITION IN COMPLIANCE WITH ORDINANCE: Yes

INFORMATION: The City Council asked the Planning Commission and the Lambert Park Committee to determine routes for motorized vehicles to use in Lambert Park. I contacted Scott Frazier, Chairman of the Lambert Park Committee and invited the Lambert Park Committee to participate in the selection of routes for motorized vehicles. He felt that the Planning Commission was already familiar with the main alternatives for allowing motorized vehicles and he felt comfortable with the Planning Commission determining which routes would be approved for motorized vehicles

STAFF COMMENTS:

RECOMMENDATION: That the Planning Commission tour Lambert Park and determine the best routes to allow motorized vehicles and make a recommendation to the City Council



LAMBERT PARK MOTORIZED VEHICLE ROADS: Following the field trip to Lambert Park at the beginning of the meeting, and a discussion on the issue, the Planning Commission made the following recommendations on motorized vehicles in Lambert Park.

Shane Sorensen said City vehicles would need to get into the certain areas in Lambert Park for maintenance.

Jannicke Brewer said the Open Space Ordinance allowed City vehicles into the parks for maintenance already. She said she felt there should be a parking area at the Bowery and at the rodeo grounds. People could drive to that point and park, then walk or ride bicycles or horses if they wanted to go other places in the park.

The Commission discussed if they wanted to include off-road vehicles such as ATVs or snowmobiles on the roads where motorized vehicles would be allowed. It was agreed it would be dangerous to have ATVs or snowmobiles on the same roads as cars, and they decided to limit the vehicles to street-legal motorized vehicles.

The question was raised of allowing cars to the poppy fields and Lambert house. It was thought that the poppies would be further encroached on if cars were allowed to go up there and turn around. It was suggested a special permit be obtained at City Hall for the elderly, etc. who needed to drive to see the poppies.

MOTION: Steve McArthur moved to recommend to the City Council that the following roads in Lambert Park be open for use by motorized vehicles: 1) road to the rodeo grounds; 2) road to the Bowery; 3) Box Elder Drive to Moyle Drive; 4) the north/south road. The roads to the water tank and the Lambert House are specifically excluded. He further recommend that only street-legal vehicles be allowed on those roads recommended for motorized vehicle use based on a concern that further damage will be done to the environment by motorized vehicles. Phil Andrus seconded. Ayes: 5 Nays: 1. Motion passed. Mike Mickelson voted nay saying that he was opposed to motorized vehicles in the park except on the road to the rodeo grounds and to the Bowery.

OTHER BUSINESS: Shane Sorensen said there was an issue with the new junior high that needed to be resolved. Van Burgess hadn't liked the way the School District planned it and they had come back with another plan, which he showed the Planning Commission. No action was taken.

APPROVE MINUTES OF JULY 2, 2002

MOTION: Steve McArthur moved to extend the meeting to 9:40 pm, approve minutes of July 2, 2002 as corrected, and adjourn. Loretta Stevens seconded. Ayes: 5 Nays: 0. Motion passed. Mike Mickelson was not present at the time of the motion.

The meeting was adjourned at 9:40 pm.

to the Development Code regarding height of accessory buildings.

MOTION: Hunt Willoughby moved to schedule a Public Hearing for August 27, 2002 at 7:00 pm on the accessory building height requirements. Thomas Whitchurch seconded. Ayes: David Adams, Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 1. Mel Clement voted nay. Motion passed.

E. LAMBERT PARK – MOTORIZED VEHICLES. Ted Stillman said the City Council referred the question of motorized vehicles in Lambert Park to the Planning Commission and the Lambert Park Citizens Committee. Scott Frazier, Chairman of the Lambert Park Citizens Committee, was contacted regarding their recommendation regarding motorized vehicles. Mr. Frazier stated that the committee had already addressed the vehicle issue and that he was comfortable with letting the Planning Commission address the issue. Mr. Stillman said the Planning Commission toured Lambert Park on July 16, 2002 and then made the following motion:

Steve McArthur moved to recommend to the City Council that the following roads in Lambert Park be open for use by motorized vehicles: 1) road to the rodeo grounds; 2) road to the Bowery; 3) Box Elder Drive to Moyle Drive; 4) the north/south road. The roads to the water tank and the Lambert House are specifically excluded. They further recommend that only street-legal vehicles be allowed on those roads recommended for motorized use based on a concern that further damage will be done to the environment by motorized vehicles. Phil Andrus seconded. Ayes: 5. Nays: 1. Motion passed. Mike Mickelson voted nay saying that he was opposed to motorized vehicles in the park except on the road to the rodeo grounds and to the Bowery.

Craig Skidmore showed the Lambert Park Committee's recommendation on the map the roads allowing motorized vehicles. Kent Hastings said he felt that sometimes we take the easy way out by limiting the park to licensed vehicles and felt that possibly we should allow everyone to enjoy this natural resource. Mel Clement said there were more residents who did not want ATV's in the park than those who want to see the ATV's continually tear up the park. Hunt Willoughby said he was willing to go with more signage and David Adams suggested that we try and allow the ATV's in the park but use plenty of signs, and then if it gets out of hand we could revisit this issue. Thomas Whitchurch made his recommendations and felt the loop road south of the rodeo grounds should be blocked and that this area should be preserved.

MOTION: Kent Hastings moved to adopt the Planning Commission's recommendation regarding motorized vehicles in Lambert Park but include the road to the Lambert house, the north/south road to the city boundary and delete all trails that connect to private property (map attached) and put signs up. Hunt Willoughby seconded. Ayes: David Adams, Kent Hastings and Hunt Willoughby. Nays: 2. Mel Clement and Thomas Whitchurch voted nay. Motion passed.

F. SECOND ACCESS FOR MORE THAN 20 LOTS. Ted Stillman said the current Subdivision Ordinance states "subdivisions with 20 or more lots shall provide two working accesses." This issue was debated by the City Council when Healey Blvd. was designated as the second access for Smooth Canyon Subdivision. The City Council asked the Planning Commission to review the second access issue and this was done at their meeting of July 2, 2002 with the motion being as follows:

Dale Porter moved to recommend to the City Council that no changes be

ALPINE CITY COUNCIL AGENDA

SUBJECT: Motorized Vehicles in Lambert Park

FOR CONSIDERATION ON: July 28, 2009

PETITIONER: PRO Committee

ACTION REQUESTED BY PETITIONER: Review PRO Committee's recommendation to restrict motorized vehicles in Lambert Park.

APPLICABLE STATUTE OR ORDINANCE: N/A

PETITION IN COMPLIANCE WITH ORDINANCE: N/A

INFORMATION:

Motorized Vehicles are currently allowed on many trails in Lambert Park (map attached). It has been an ongoing problem as motorized vehicles leave the roads and tear up the surrounding area. The PRO Committee addressed this problem at their meeting of June 17, 2009 and made the following recommendations to the City Council:

1. No motorized vehicles be allowed in Lambert Park except for on the main North/South road, the Bowery Road (ending at the Bower), and the Rodeo Grounds Road.
2. The designated roads be paved as soon as possible.
3. The PRO Committee plan parking areas near the roads.
4. Barriers and signage be erected as soon as possible.

RECOMMENDED ACTION: *Review the PRO Committee's Recommendations.*

C. MOTORIZED VEHICLES IN LAMBERT PARK

Ted Stillman explained that the City Council asked the PRO Committee to review the policy of allowing motorized vehicles on certain roads/trails in Lambert Park and showed the PRO Committee which trails in Lambert Park are approved for motorized vehicles. There has been a continuing problem of damage done to the park as motorized vehicles leave the designated roads. Jim Tracy said he had talked to the Fire Chief about this and said the Fire Chief's concern is that if any of these paths get overgrown he will not have emergency access. Ted Stillman said the main concern and problem is people leaving the road and tearing up the terrain. Another problem that has been occurring is the signs designating which roads are open to motorized vehicles have been destroyed. Jim Tracy said without proper signage that it is nearly impossible for people unfamiliar with the park to comply. April Cooper said motorcycles and four-wheelers probably cause most of the damage because they can get onto the really narrow paths.

Dave Fotheringham said the bottom line is if nothing is done, the problems will continue and asked if the status quo is acceptable or not. Jim Tracy said the police are not enforcing it. Ted Stillman said the issue was brought up at City Council and was referred back to the PRO Committee. April Cooper asked where the concern originated – if it came from someone who is just tired of hearing ATVs in the park or if it came from someone who really cared about the land. Jim Tracy said they do not know where it originated. April Cooper said she has been in the park on foot, horse, and in a vehicle in the past seven years and has not noticed any major deterioration. Larry Brown questioned if it were possible to talk to someone who was an expert in hillsides and get an opinion if it really is a big problem or if it could become one in the future. Bryce Higbee said most of the damage he has seen is along the trails, but does not know if there is damage in areas off the trails. Larry Brown said another problem is people have used it as a dumping ground in the past. Bryce Higbee says he has seen grass clippings dumped by the Lambert House ruins.

Jannicke Brewer said years ago when the City Council discussed this issue one of the main reasons motorized vehicles were allowed were so people could go up and see the poppies when they bloomed. Jannicke Brewer said she and Craig Skidmore would go up to Lambert Park quite often and saw a lot of damage done. Jim Tracy said many people are driving illegally on the streets to get to Lambert Park because they do not trailer them to the park. April Cooper said there are steps people can take to make their bikes street legal. Jim Tracy said one option to cut it down one step without completely banning them is to allow only licensed motorized vehicles. April Cooper said she thought whether or not an ATV was licensed, if someone saw other ATVs up there they would still ride without being licensed. April Cooper said she thought it would have to be all motorized vehicles or none at all.

Larry Brown asked what the vision for Lambert Park is and if it is going to remain open to motorized vehicle use then we have to openly accept that there is going to be some damage to the hillside. Jim Tracy asked if the police even drive into Lambert Park to enforce the ordinance. Ted Stillman said the police do have four wheel drive vehicles that can go in there and that Highland City is working closely with the police currently to eliminate motorized vehicle use along our shard boundary behind Pfeifferhorn Drive. Bryce Higbee wondered if we needed to have public input on this issue.

Jannicke Brewer said when the trail ordinance was first passed; the City had a committee that studied this issue in quite a bit of depth. In the hearings that have been held on this issue, public sentiment has been about 50-50. Bryce Higbee said most of the violators are people that live here in town. Dave Fotheringham stated he could see more trail development in Lambert Park and possibly some other improvements like picnic areas in the future. Jannicke Brewer pointed out that the Rodeo Grounds are within Lambert Park and we allow people to drive and park there and the City needs motorized access to the water tank. Jim Tracy said we could make those roads. Bryce Higbee said he would support paving a main road where people could drive through and park and access the park. Larry Brown said if we paved a couple of main roads those could

District has not cleaned up the easements for the past ten years but then this week crews were out taking down trees and structures that encroached on the easement. Jim Tracy asked about having a written agreement with the residents so they feel protected and also asked if there was some way the District could identify where their property begins and where the resident's property is. It was proposed that a gate be installed on the north side of Westfield Road and Shane Sorensen explained the history of the location of the Alpine City sign.

B. MOTORIZED VEHICLES IN LAMBERT PARK. Ted Stillman said that motorized vehicles are currently allowed on many trails in Lambert Park; however, it has been an ongoing problem as motorized vehicles leave the roads and tear up the surrounding area. The PRO Committee addressed this problem at their meeting of June 17, 2009 and made the following recommendations to the City Council:

1. No motorized vehicles be allowed in Lambert Park except for on the main north/south road, the bowery road (ending at the bowery) and the Rodeo grounds road.
2. The designated roads be paved as soon as possible
3. The PRO Committee plan parking areas near the roads
4. Barriers and signage be erected as soon as possible

Paving the roads in Lambert Park was discussed at length as well as signage on the trails. Thomas Whitchurch said there would be a learning curve and Jannicke Brewer said that signs were important. Ted Stillman said currently we have an ordinance that allows motorized vehicles in Lambert Park and said he was looking for direction as to whether to prepare an ordinance with this change. Jim Tracy asked if we couldn't use this as a survey item that was discussed in a previous City Council meeting. Mayor Hunt Willoughby said he would write his September Newsline article about this issue.

C. ACE DISPOSAL BOND. Ted Stillman introduced Richard Hammick from Ace Disposal and said the current Solid Waste Contract with ACE Disposal calls for a Performance Bond equal to four months gross revenue. ACE Disposal would like to amend the Contract to allow them to post a cash bond in the amount of two months of gross revenues. Richard Hammick said was a cost-saving measure for their company and David Church explained the purpose of the Surety Bond. We have had a good working relationship with ACE Disposal for seven years and there hasn't been any problems during this time. Jim Tracy asked Richard Hammick if ACE Disposal would consider lowering the cost of garbage service to the residents if we dropped the Cash Bond and Mr. Hammick said this could be looked at and considered. Mayor Willoughby said the driver who is in Alpine does an excellent job and the Council all said they hoped he would stay indefinitely.

MOTION: Tracy Wallace moved to approve the amendment to the Solid Waste Contract with ACE Disposal to allow for a cash bond. Thomas Whitchurch seconded. Ayes: Kimberly Bryant, Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

D. OVERLAYS. Shane Sorensen said the 2009-2010 Budget includes funds for overlays. There were three firms who bid on the project as follows:

<u>Contractors</u>	<u>Bid Amount</u>
Staker & Parson Companies	\$144,880.70
Kilgore Paving	\$147,456.00
Geneva Rock Products	\$151,409.10
Engineer's Estimate	\$160,566.80

Shane Sorensen said that because of the amount of turns on the roundabout this will be included in the overlay project.

MOTION: Kent Hastings moved to award the bid for the 2009 Overlay project to Staker & Parson Companies

ALPINE CITY COUNCIL AGENDA

SUBJECT: Accessory Apartments

FOR CONSIDERATION ON: June 25, 2013

PETITIONER: Staff

**ACTION REQUESTED BY PETITIONER: Discuss accessory apartments in
Alpine City**

APPLICABLE STATUTE OR ORDINANCE: Zoning

PETITION IN COMPLIANCE WITH ORDINANCE:

BACKGROUND INFORMATION:

A lot of discussion has taken place on the topic of accessory apartments in Alpine City. A summary of what has been discussed and further items that should be considered are laid out on the attached pages.

RECOMMENDED ACTION:

Request items that have been discussed be organized and drafted in the form of an amendment to the accessory apartment ordinance.

Give direction on whether or not detached accessory dwelling units should be looked at further.

Summary and Discussion Items for Accessory Apartments

Summary:

The City Council has discussed and taken action in regards to the following:

- Accessory apartments are a good thing for Alpine City. They provide an additional housing option while allowing residents to aid family members and/or generate supplementary income. Accessory apartments help the city comply with the State's Moderate Income Housing Requirement and prevent the need to permit unwanted apartment complexes.
- However, when Alpine City's regulations are abused, accessory apartments can be detrimental to a neighborhood through decreasing adjacent property values or lack of ownership pride in property maintenance.
- Accessory apartments are only permitted when the owner of record is currently living on the property. This does not pertain to the ability to rent the dwelling or a portion of it to one (1) tenant.
- Accessory Apartments are to be renewed annually every calendar year. The permit will include a fee of \$50. Fees are non refundable if a resident decides not to rent an accessory apartment. The fee is not reduced if a decision to get a permit is towards the end of the year.
- Following the conclusion of the discussion and action regarding accessory apartments, a Newsline article will be prepared to educate and inform the public on the topic.

Discussion:

The City Council may want to discuss and consider the following:

- Nightly Rentals: If an accessory apartment permit is granted, neither the main dwelling unit nor the accessory apartment may be rented for periods of time less than thirty (30) days.
- Notification Requirement: Notify all neighbors within 500 feet of the property of the existence of an accessory apartment.
- Enforcement: How will accessory apartments be enforced?
- ADUs: Would the Council like to further discuss the option to pursue the implementation of detached accessory dwelling units?

Accessory Dwelling Units (Detached)

Public ADU Benefits

- Minimizes subsidies for affordable units
- Keeps growing/aging families together comfortably
- Maximizes use of existing infrastructure and services
- Alternative to unenforceable accessory apartment issue
- Increases Tax Revenues
- Promotes stable neighborhoods
- Moderate income housing requirement
- Easier to track and regulate

Private ADU Benefits

- Rental income for homeowners
- Separate living space for helping family
- Potential home office or guest house
- More appealing alternative to accessory apartments
- Increased property values
- Control over who rents in Alpine
- Opportunity to age in place

Summary of ADU Benefits

- Better uses existing infrastructure and services
- Generates community economic development
- Reduces costs for young families/elderly
- Water conservation
- Connects families

Who Typically Creates ADUs?

- Older singles/ couples
- Younger singles/couples
- People who travel often
- Middle-aged “empty nesters”
- Single Working Parents

Ideas for Mitigating Potential Impacts on Alpine City

- Off-street parking requirement (2 spaces per ADU)
- Minimum acreage zone to build ADU (30,000 sq. ft.)
- Require Business License regardless of use
- Primary Dwelling and ADU have same utilities
- Construct as restrictive use covenant to be signed
- Max of 650 sq. ft. building pad
- Maximum height of 24 feet
- Maximum of 10 built per year
- Cannot subdivide or sell ADUs
- ADU design similar to main dwelling

Accessory Apartment Agreement

Ordinance 3.23.7.1 Accessory Apartments (Amended by Ord. No. 95-04, 02/28/95; Ord. No. 2004-13, 09/28/04; Ord. No. 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:

1. Accessory apartments are listed as a conditional use within the zone.
2. Accessory apartments shall be permitted only in owner-occupied single-unit detached dwellings.
3. A maximum of one (1) accessory apartment shall be permitted in each owner occupied single-unit detached dwelling.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.

As the owner of record, I have read and understood the requirements for obtaining a permit for an accessory apartment and agree to the terms stated above. I agree to pay the applicable fee and will do so annually at the beginning of the calendar year.

Owner's Signature: _____ **Date:** _____

ALPINE CITY COUNCIL AGENDA

SUBJECT: DRC Amendment

FOR CONSIDERATION ON: 25 June 2013

PETITIONER: Rich Nelson, City Administrator

**ACTION REQUESTED BY PETITIONER: Amend Article 2.4 Development
Review Committee**

APPLICABLE STATUTE OR ORDINANCE: Municipal Planning

PETITION IN COMPLIANCE WITH ORDINANCE: Yes

BACKGROUND INFORMATION:

The Development Review Committee (DRC) currently consists of four (4) members: The City Administrator, the City Planner, the City Engineer and the Public Works Director. The Police Chief, The Fire Chief, The City Attorney, and the Chief Building Official are advisors to the DRC. The City Administrator is the chairperson of the DRC.

RECOMMENDED ACTION:

We recommend that Article 2.4 of the Development Code be amended as proposed so that the DRC may include any individual the City Administrator deems necessary.

ARTICLE 2.4

DEVELOPMENT REVIEW COMMITTEE (DRC) (Ord.No. 2000-23) (Amended by Ord. 2004-13 on 9/28/04 and Ord. 2006-17, 11/14/06)

- 2.4.1 Purpose of the DRC.** The purpose of the Development Review Committee (DRC) is to assure that all proposed development within the City complies with the City Master Plan and with current City ordinances and resolutions. The DRC shall give advice that has ~~and have~~ no power to bind the City.
- 2.4.2 Composition of the DRC.** The DRC shall consist of four (4) members: The City Administrator, the City Planner; the City Engineer, and the Public Works Director. The Police Chief, the Fire Chief, the City Attorney, ~~and~~ the Chief Building Official and any other individual the City Administrator deems necessary shall serve as advisors to the DRC. The City Administrator shall serve as chairperson of the DRC.
- 2.4.3 Duties of the DRC.** The DRC shall have the following duties and responsibilities:
- 2.4.3.1** The DRC shall review the following items to determine if they comply with the City Master Plan and with current City ordinances and resolutions:
1. Concept, preliminary and final subdivision plats
 2. Site plans
 3. PRDs, condominiums and condominium conversions
 4. Any other proposed development of real property requiring Planning Commission review.
- 2.4.3.2** The DRC may make recommendations regarding the following items:
1. Rezones
 2. Annexations
 3. Conditional Use Permits
 4. Any development matter that is governed by a law that gives discretionary authority to determine compliance.
- 2.4.3.3** The DRC may establish procedures for the preparation of its agendas, the scheduling of meetings, and the conduct of meetings and field trips. The DRC shall respond to the applicant within fourteen (14) days of presentation of the application to the DRC.
- 2.4.4 Appeals.** In the event of an impasse between the DRC and the developer related to discretionary authority, each party may present its position directly to the Planning Commission.

ORDINANCE NO. 2013-06

AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 2.4 OF THE ALPINE CITY DEVELOPMENT CODE RELATING TO THE DEVELOPMENT REVIEW COMMITTEE (DRC) INCLUDING ANY INDIVIDUAL THE CITY ADMINISTRATOR DEEMS NECESSARY.

WHEREAS, The City Council of Alpine, Utah has deemed it in the best interest of Alpine City to allow the City Administrator to include any individual deemed necessary to be advisors to the DRC; and

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

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

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

The Amendments to Article 2.4 contained in the attached document will supersede Article 2.4 as previously adopted.

This Ordinance shall take effect upon posting.

Passed and dated this 28th day of May 2013.

Hunt Willoughby, Mayor

ATTEST:

Charmayne G. Warnock, Recorder

ARTICLE 2.4

DEVELOPMENT REVIEW COMMITTEE (DRC) (Ord.No. 2000-23)
(Amended by Ord. No. 2004-13, 9/28/04; Ord. No. 2006-17, 11/14/06;
Ord. No. 2013-06, 5/28/13)

- 2.4.1 Purpose of the DRC.** The purpose of the Development Review Committee (DRC) is to assure that all proposed development within the City complies with the City Master Plan and with current City ordinances and resolutions. The DRC shall give advice that has no power to bind the City.
- 2.4.2 Composition of the DRC.** The DRC shall consist of four (4) members: The City Administrator, the City Planner; the City Engineer, and the Public Works Director. The Police Chief, the Fire Chief, the City Attorney, the Chief Building Official and any other individual the City Administrator deems necessary shall serve as advisors to the DRC. The City Administrator shall serve as chairperson of the DRC.
- 2.4.3 Duties of the DRC.** The DRC shall have the following duties and responsibilities:
- 2.4.3.1** The DRC shall review the following items to determine if they comply with the City Master Plan and with current City ordinances and resolutions:
1. Concept, preliminary and final subdivision plats
 2. Site plans
 3. PRDs, condominiums and condominium conversions
 4. Any other proposed development of real property requiring Planning Commission review.
- 2.4.3.2** The DRC may make recommendations regarding the following items:
1. Rezones
 2. Annexations
 3. Conditional Use Permits
 4. Any development matter that is governed by a law that gives discretionary authority to determine compliance.
- 2.4.3.3** The DRC may establish procedures for the preparation of its agendas, the scheduling of meetings, and the conduct of meetings and field trips. The DRC shall respond to the applicant within fourteen (14) days of presentation of the application to the DRC.
- 2.4.4 Appeals.** In the event of an impasse between the DRC and the developer related to discretionary authority, each party may present its position directly to the Planning Commission.

ALPINE CITY COUNCIL AGENDA

SUBJECT: Fence Ordinance Amendment

FOR CONSIDERATION ON: 25 June 2013

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Amend Article 3.21.6 Fences, Wall, and Hedges

APPLICABLE STATUTE OR ORDINANCE: Zoning Ordinance

PETITION IN COMPLIANCE WITH ORDINANCE: Yes

BACKGROUND INFORMATION:

Currently, only fences in excess of six (6) feet need to be approved by the planning and zoning department and obtain a building permit. Staff would like to require all fences to obtain a building permit (no fee) so that all fences are built up to code.

PLANNING COMMISSION MOTION: Steve Cosper moved to recommend that Article 3.21.6 of the Development Code not be amended.

Bryce Higbee seconded the motion. The motion passed unanimously with 6 Ayes and 0 Nays. Bryce Higbee, Steve Cosper, Jason Thelin, Jannicke Brewer, Chuck Castleton, and Steve Swanson all voted Aye.

RECOMMENDED ACTION:

We recommend that Article 3.21.6 of the Development Code be amended as proposed so that all fences are required to have a building permit.

3.21.6 FENCES, WALLS AND HEDGES (amended by Ordinance 2005-02, 2/8/05)

3.21.6.1 2 **Requirement.** All fences must be approved by the planning and zoning department and a building permit obtained.

3.21.6.4 2 **Front Yard Fences.** Privacy fences, walls and hedges along the street frontage of a lot shall not exceed 3 feet in height when placed within 10 feet of the front property line. Open style fences shall not exceed 4 feet in height when placed within 10 feet of the front property line. Front yard fences may be 6 feet in height if they are placed at least 10 feet back from the front property line.

3.21.6.2 3 **Interior Side Yard Fences.** Fences along side yards shall not exceed 3 feet in height for privacy fences and 4 feet in height for open style fences when they are within 10 feet of the front property line. Side yard fences may be 6 feet in height when they are located at least 10 feet back from the front property line.

3.21.6.3 4 **Rear Yard Fences.** A rear yard fence may be 6 feet in height.

3.21.6.4 5 **Corner Lot Fences within the Sight Triangle.** The sight triangle on corner lots shall not be obstructed. Privacy fences, walls, or hedges shall not exceed three (3) feet in height, and open-style fences shall not exceed four (4) feet in height, when located within the sight triangle on a corner lot. The sight triangle is defined as the area formed by connecting the corner of the property to points 35 feet back along each property line abutting the street.

3.21.6.5 6 **Corner Lot Fences outside the Sight Triangle.** Side yard fences abutting the street may be 6 feet in height when they are located at least 35 feet back from the front property line, outside the sight triangle. For interior side fence see 3.21.6.2.

~~3.21.6.6 **Fences in Excess of Six (6) Feet.** Fences in excess of six (6) feet must be approved by the planning and zoning department and a building permit obtained.~~

3.21.6.7 **Agricultural Fences.** Fences on property where an identifiable commercial agricultural product is produced shall not exceed eight (8) feet in height, and shall be an open style fence.

3.21.6.8 **Fences Along Public Open Space and Trails.** See Articles 3.16, Section 3.16.10.1 and Article 3.17 Section 3.17.10.3.1.

Fences or borders along property lines adjacent to a trail or open space must meet specific standards.

1. When the width of the open space or trail easement is less than 50 feet, bordering fences may not exceed 6 feet in height, and shall not obstruct visibility. (Open style fences such as rail fences, field fence, or chain link are preferable.)
2. When the width of the open space or trail easement is 50 feet or more, fence standards as specified elsewhere in this ordinance apply.
3. Fences and hedges must be completely within the boundaries of the private property.
4. Hedges or shrubs must be maintained to the same height requirements as fences.
5. The owner of the fence or hedge must maintain the side facing the open space.

ORDINANCE NO. 2013-10

AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.21.6 OF THE ALPINE CITY DEVELOPMENT CODE RELATING TO ALL FENCES NEEDING A BUILDING PERMIT BEFORE INSTALLATION.

WHEREAS, The City Council of Alpine, Utah has deemed it in the best interest of Alpine City to require a building permit for the construction of all fences; and

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

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

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

The Amendments to Article 3.21.6 contained in the attached document will supersede Article 3.21.6 as previously adopted.

This Ordinance shall take effect upon posting.

Passed and dated this 25th day of June 2013.

Hunt Willoughby, Mayor

ATTEST:

Charmayne G. Warnock, Recorder

3.21.6 FENCES, WALLS AND HEDGES (amended by Ord. No. 2005-02, 2/8/05; Ord. No. 2013-10, 6/25/13)

- 3.21.6.1 Requirement.** All fences must be approved by the planning and zoning department and a building permit obtained.
- 3.21.6.2 Front Yard Fences.** Privacy fences, walls and hedges along the street frontage of a lot shall not exceed 3 feet in height when placed within 10 feet of the front property line. Open style fences shall not exceed 4 feet in height when placed within 10 feet of the front property line. Front yard fences may be 6 feet in height if they are placed at least 10 feet back from the front property line.
- 3.21.6.3 Interior Side Yard Fences.** Fences along side yards shall not exceed 3 feet in height for privacy fences and 4 feet in height for open style fences when they are within 10 feet of the front property line. Side yard fences may be 6 feet in height when they are located at least 10 feet back from the front property line.
- 3.21.6.4 Rear Yard Fences.** A rear yard fence may be 6 feet in height.
- 3.21.6.5 Corner Lot Fences within the Sight Triangle.** The sight triangle on corner lots shall not be obstructed. Privacy fences, walls, or hedges shall not exceed three (3) feet in height, and open-style fences shall not exceed four (4) feet in height, when located within the sight triangle on a corner lot. The sight triangle is defined as the area formed by connecting the corner of the property to points 35 feet back along each property line abutting the street.
- 3.21.6.6 Corner Lot Fences outside the Sight Triangle.** Side yard fences abutting the street may be 6 feet in height when they are located at least 35 feet back from the front property line, outside the sight triangle. For interior side fence see 3.21.6.2.
- 3.21.6.7 Agricultural Fences.** Fences on property where an identifiable commercial agricultural product is produced shall not exceed eight (8) feet in height, and shall be an open style fence.
- 3.21.6.8 Fences Along Public Open Space and Trails.** See Articles 3.16, Section 3.16.10.1 and Article 3.17 Section 3.17.10.3.1.

Fences or borders along property lines adjacent to a trail or open space must meet with the DRC and meet specific standards.

1. When the width of the open space or trail easement is less than 50 feet, bordering fences may not exceed 6 feet in height, and shall not obstruct visibility. (Open style fences such as rail fences, field fence, or chain link are preferable.)
2. When the width of the open space or trail easement is 50 feet or more, fence standards as specified elsewhere in this ordinance apply.
3. Fences and hedges must be completely within the boundaries of the private property.
4. Hedges or shrubs must be maintained to the same height requirements as fences.
5. The owner of the fence or hedge must maintain the side facing the open space.

ALPINE CITY COUNCIL AGENDA

SUBJECT: Site Plan (not located in an approved subdivision) Amendment

FOR CONSIDERATION ON: 25 June 2013

PETITIONER: Rich Nelson, City Administrator

ACTION REQUESTED BY PETITIONER: Amend Article 4.14 Site Plan to Comply

APPLICABLE STATUTE OR ORDINANCE: Subdivision Ordinance

PETITION IN COMPLIANCE WITH ORDINANCE: Yes

BACKGROUND INFORMATION:

Site Plans (not located in an approved subdivision) have been required to go to both Planning Commission and City Council for obtaining approval. A lot of Site Plans are straightforward but the process for approval can be cumbersome for the applicant. The proposed amendment would allow the DRC to approve Site Plans and streamline the process. Therefore, time would be saved for the applicant and for the Planning Commission to spend on other issues.

PLANNING COMMISSION MOTION: Bryce Higbee moved to recommend to City Council to approve the changes made to the Site Plan to Comply Ordinance Article 4.14 of the Development Code. We also recommend that the definition for subdivision in the “Definition” section remain, and items 3 and 4 under the “Site Plan Approval Process” not be changed.

Steve Cosper seconded the motion. The motion passed unanimously with 6 Ayes and 0 Nays. Bryce Higbee, Steve Cosper, Jason Thelin, Jannicke Brewer, Chuck Castleton and Steve Swanson all voted Aye.

RECOMMENDED ACTION:

We recommend that Article 4.14 of the Development Code be amended as proposed so that Site Plans (not located in an approved subdivision) may receive final approval from the Development Review Committee.

AN ORDINANCE PROVIDING FOR COMPLIANCE WITH ARTICLE 4.7, ARTICLE 4.8 and ARTICLE 4.10 OF THE ALPINE CITY SUBDIVISION ORDINANCE AND THE ALPINE CITY CONSTRUCTION STANDARDS FOR BUILDING PERMIT APPLICATION FOR SINGLE ~~FAMILY OR MULTI-FAMILY~~ RESIDENTIAL DWELLINGS OR COMMERCIAL STRUCTURES NOT LOCATED IN AN APPROVED SUBDIVISION.

~~4.14.1—Approval of Site Plan for a residential single family or multi-family dwelling or commercial structure that is not located in an approved subdivision.~~

Definitions:

~~Subdivision:—References to subdivisions in the foregoing provisions shall apply to the property and/or lot for which the building permit is sought.~~

~~Subdivider:—Reference to the developer or subdivider in the foregoing provisions shall apply to the contractor and owner of the property for which the building permit is sought.~~

4.14.1 Submission Requirements

1. The applicant shall submit the Site Plan Application and three (3) D size (22" x 34") and three (3) 11' x 17" paper copies of the site plan drawn to scale to the City Planner to be reviewed by the DRC along with an electronic copy in a compatible format (AutoCAD). The applicant shall pay the associated fee(s) as set forth in the Alpine City Consolidated Fee Schedule. The fee(s) shall be paid to the City Recorder payable to Alpine City.

4.14.2 Site Plan Approval Process

1. The DRC and Alpine City Building Inspector shall review the application and plan to determine whether the proposed construction or alteration conforms to the building codes and ordinances of this municipality.
2. A building permit application and plan for a residential single ~~family or multi-family~~ dwelling or commercial structure which is not located in an approved subdivision shall:
 - a. Conform to Article 4.7, Article 4.8 and Article 4.10 (Subdivision Design and Financial Standards including Water Right Requirements) of the Alpine City Subdivision Ordinance. If it is a commercial site plan, it also conforms to any additional requirements that are applicable to the site plan in Article 3.7 (Business/Commercial District) of the Alpine City Development Code;
 - ~~b. Conform to the Alpine City Construction Standards;~~
 - ~~c. b.~~ Be reviewed and approved by the Planning Commission and DRC for compliance with the foregoing provisions prior to issuance of the permit;
 - ~~d. c.~~ A Developer's Agreement shall be executed between the City and the Developer outlining the conditions of approval of the site plan subdivision. The Development Agreement may include but is not limited to the following examples: any special conditions, trails, landscape issues, or off-site improvements Rights-of-way must be dedicated to Alpine City
3. The Building Department shall issue a permit and one set of approved plans to the applicant after the plan has been approved by the Development Review Committee (DRC) Planning Commission. If the DRC determines that the plan is complex or may create significant adverse impacts on the community, the plat shall be further reviewed as necessary and approved by the Planning Commission.
4. The Building Inspector shall retain one set of the approved plans and may revoke at anytime a permit which has been issued for any building constructed or being constructed which would be or result, if constructed, in a violation of any ordinance of this municipality.

An exception may be obtained from the foregoing provisions by following the procedures set forth in Article 4.1.2 of the Alpine City Subdivision Ordinance.

ORDINANCE NO. 2013-11

AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 4.14 OF THE ALPINE CITY DEVELOPMENT CODE RELATING TO SITE PLANS NOT IN AN APPROVED SUBDIVISION.

WHEREAS, The City Council of Alpine, Utah has deemed it in the best interest of Alpine City to amend the ordinance regarding site plans not in an approved subdivision; and

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

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

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

The Amendments to Article 4.14 contained in the attached document will supersede Article 4.14 as previously adopted.

This Ordinance shall take effect upon posting.

Passed and dated this 25th day of June 2013.

Hunt Willoughby, Mayor

ATTEST:

Charmayne G. Warnock, Recorder

ARTICLE 4.14

**SITE PLAN TO COMPLY (Ord. No. 92-03 Amended by Ord. No. 2004-13,
9/28/04; Ord. No. 2013-11, 6/25/13)**

AN ORDINANCE PROVIDING FOR COMPLIANCE WITH ARTICLE 4.7, ARTICLE 4.8 and ARTICLE 4.10 OF THE ALPINE CITY SUBDIVISION ORDINANCE AND THE ALPINE CITY CONSTRUCTION STANDARDS FOR BUILDING PERMIT APPLICATION FOR SINGLE FAMILY RESIDENTIAL DWELLINGS OR COMMERCIAL STRUCTURES NOT LOCATED IN AN APPROVED SUBDIVISION.

4.14.1 Submission Requirements

1. The applicant shall submit the Site Plan Application and three (3) D size (22" x 34") and three (3) 11' x 17" paper copies of the site plan drawn to scale to the City Planner to be reviewed by the DRC along with an electronic copy in a compatible format (AutoCAD). The applicant shall pay the associated fee(s) as set forth in the Alpine City Consolidated Fee Schedule. The fee(s) shall be paid to the City Recorder payable to Alpine City.

4.14.2 Site Plan Approval Process

1. The DRC and Alpine City Building Inspector shall review the application and plan to determine whether the proposed construction or alteration conforms to the building codes and ordinances of this municipality.
2. A building permit application and plan for a residential single family dwelling or commercial structure which is not located in an approved subdivision shall:
 - a. Conform to Article 4.7, Article 4.8 and Article 4.10 (Subdivision Design and Financial Standards including Water Right Requirements) of the Alpine City Subdivision Ordinance. If it is a commercial site plan, it also conforms to any additional requirements that are applicable to the site plan in Article 3.7 (Business/Commercial District) of the Alpine City Development Code;
 - b. Be reviewed and approved by the Planning Commission and DRC for compliance with the foregoing provisions prior to issuance of the permit;
 - c. A Developer's Agreement shall be executed between the City and the Developer outlining the conditions of approval of the site plan. The Development Agreement may include but is not limited to the following examples: any special conditions, trails, landscape issues, or off-site improvements Rights-of-way must be dedicated to Alpine City.
3. The Building Department shall issue a permit and one set of approved plans to the applicant after the plan has been approved by the Development Review Committee (DRC). If the DRC determines that the plan is complex or may create significant adverse impacts on the community, the plat shall be further reviewed as necessary and approved by the Planning Commission.
4. The Building Inspector shall retain one set of the approved plans and may revoke at anytime a permit which has been issued for any building constructed or being constructed which would be or result, if constructed, in a violation of any ordinance of this municipality.

An exception may be obtained from the foregoing provisions by following the procedures set forth in Article 4.1.2 of the Alpine City Subdivision Ordinance.

**ARTICLE 4.14 SITE PLAN TO COMPLY (Ord. No. 92-03 Amended by Ord. No. 2004-13,
9/28/04; Ord. No. 2013-11, 6/25/13)**

AN ORDINANCE PROVIDING FOR COMPLIANCE WITH ARTICLE 4.7, ARTICLE 4.8 and ARTICLE 4.10 OF THE ALPINE CITY SUBDIVISION ORDINANCE AND THE ALPINE CITY CONSTRUCTION STANDARDS FOR BUILDING PERMIT APPLICATION FOR SINGLE FAMILY RESIDENTIAL DWELLINGS OR COMMERCIAL STRUCTURES NOT LOCATED IN AN APPROVED SUBDIVISION.

4.14.1 Approval of Site Plan for a residential single family dwelling or commercial structure that is not located in an approved subdivision.

Definitions:

Subdivision: References to subdivisions in the foregoing provisions shall apply to the property and/or lot for which the building permit is sought.

4.14.2 Submission Requirements

1. The applicant shall submit the Site Plan Application and three (3) D size (22" x 34") and three (3) 11' x 17" paper copies of the site plan drawn to scale to the City Planner to be reviewed by the DRC along with an electronic copy in a compatible format (AutoCAD). The applicant shall pay the associated fee(s) as set forth in the Alpine City Consolidated Fee Schedule. The fee(s) shall be paid to the City Recorder payable to Alpine City.

4.14.3 Site Plan Approval Process

1. The DRC and Alpine City Building Inspector shall review the application and plan to determine whether the proposed construction or alteration conforms to the building codes and ordinances of this municipality.
2. A building permit application and plan for a residential single family dwelling or commercial structure which is not located in an approved subdivision shall:
 - a. Conform to Article 4.7, Article 4.8 and Article 4.10 (Subdivision Design and Financial Standards including Water Right Requirements) of the Alpine City Subdivision Ordinance. If it is a commercial site plan, it also conforms to any additional requirements that are applicable to the site plan in Article 3.7 (Business/Commercial District) of the Alpine City Development Code;
 - b. Be reviewed and approved by the Planning Commission and DRC for compliance with the foregoing provisions prior to issuance of the permit;
 - c. A Developer's Agreement shall be executed between the City and the Developer outlining the conditions of approval of the site plan. The Development Agreement may include but is not limited to the following examples: any special conditions, trails, landscape issues, or off-site improvements Rights-of-way must be dedicated to Alpine City
3. The Building Department shall issue a permit and one set of approved plans to the applicant after the plan has been approved by the Planning Commission.
4. The Building Inspector shall retain one set of the approved plans and may revoke at anytime a permit which has been issued for any building constructed or being constructed which would be or result, if constructed, in a violation of any ordinance of this municipality.

An exception may be obtained from the foregoing provisions by following the procedures set forth in Article 4.1.2 of the Alpine City Subdivision Ordinance.

ALPINE CITY COUNCIL AGENDA

SUBJECT: Minor Subdivision Amendment

FOR CONSIDERATION ON: 25 June 2013

PETITIONER: Rich Nelson, City Administrator

ACTION REQUESTED BY PETITIONER: Amend Article 4.5 Minor Subdivisions

APPLICABLE STATUTE OR ORDINANCE: Subdivision Ordinance

PETITION IN COMPLIANCE WITH ORDINANCE: Yes

BACKGROUND INFORMATION:

Minor Subdivisions have been required to go to both Planning Commission and City Council for obtaining approval. A lot of Minor Subdivisions are straightforward but the process for approval can be cumbersome for the applicant. The proposed amendment would allow the DRC to approve Minor Subdivisions and streamline the process. Therefore, time would be saved for the applicant and for the Planning Commission and City Council to spend on other issues.

PLANNING COMMISSION MOTION: Steve Cosper moved to recommend to the City Council to amend the Minor Subdivision, Article 4.5.1. of the Development Code to include only the following:

1. 4.5.3.1.3 be changed in accordance with the proposed revisions.
2. 4.5.3.2.3 last paragraph be changed to say “Alpine City shall mail the notification letter to the listed property owners that are within 300 feet of the property. This shall be done at least 7 days prior to the first Planning Commission at which the plan will be presented.”

Chuck Castleton seconded the motion. The motion passed unanimously with 6 Ayes and 0 Nays. Bryce Higbee, Steve Cosper, Jason Thelin, Jannicke Brewer, Chuck Castleton, and Steve Swanson all voted Aye.

RECOMMENDED ACTION:

We recommend that Article 4.5 of the Development Code be amended as proposed so that Minor Subdivisions may receive final approval from the Development Review Committee.

ARTICLE 4.5 MINOR SUBDIVISION OPTION (Amended by Ord. No. 2007-05, 5/8/07; Ord. No. 2011-07, 5/10/11)

4.5.1 PURPOSE

The intent of the minor subdivision process is to allow for small subdivisions to be processed more easily. Minor subdivisions include those developments of three (3) or fewer lots which meet the requirements of this Code. In this process, the preliminary and final plats required for most subdivisions, are simplified and combined.

4.5.2 APPLICABILITY

The procedures set forth in this Chapter shall govern the processing of, and the requirements pertaining to, minor subdivisions, and shall take precedence over any other provisions of the Code to the contrary.

4.5.3 MINOR SUBDIVISION PROCESS

During the review process, the Development Review Committee (DRC), the Planning Commission, and the City Council may request reasonable additional information from the subdivider from time to time; and may ask other advisors to review the plan if, in the opinion of the City, it may contribute to a decision in the best interest of the City.

After submittal of the required application materials, no excavation nor alteration of the terrain within a proposed subdivision may be undertaken prior to written approval by the [DRC or](#) City Council of the final plat. Excavation or alteration of the land prior to approval of the final plat may be cause for disapproval of the proposed subdivision.

4.5.3.1 DEVELOPMENT REVIEW COMMITTEE (DRC)

1. The subdivider of a minor subdivision shall meet with the Development Review Committee (DRC) to review the proposed subdivision before submitting an application.
2. The subdivider shall prepare a preliminary plan showing the land to be subdivided, properly and accurately drawn to scale that complies with the drawing requirements in Section 4.6.3.3. The plan shall be certified as to accuracy by a licensed land surveyor licensed to do such work in the State of Utah.
3. ~~The subdivider shall submit four (4) D size (22" x 34") copies of the plan to the City Planner to be reviewed by the DRC. The subdivider shall also submit an electronic copy of the plan in a compatible format as specified by City Staff.~~ The subdivider shall submit the Minor Subdivision Application and three (3) D size (22" x 34") and three (3) 11' x 17" paper copies of the plan drawn to scale to the City Planner to be reviewed by the DRC along with an electronic copy in a compatible format (AutoCAD). The subdivider shall pay the associated fee(s) as set forth in the Alpine City Consolidated Fee Schedule. The fee(s) shall be paid to the City Recorder payable to Alpine City.
4. The DRC shall review the plan to determine compliance with the Alpine City General Plan and all applicable City ordinances. The City Planner shall notify the subdivider of the review findings, including questionable design or engineering feasibility, inadequacy of submittals, non-compliance with local regulations, and the need for other information which may assist in the evaluation of the proposed subdivision.
5. ~~When the DRC determines that the plan is ready for Planning Commission review, the DRC, in consultation with the Planning Commission Chairperson, shall establish a~~

~~review date. The subdivider may prepare a final plan that incorporates all changes recommended by the DRC.~~

5. If the DRC determines that the plat is in conformity with all applicable requirements and any reasonable conditions or on its own initiative, it shall approve the plat.
6. If the DRC determines that the plat is not in conformity with all applicable requirements or any reasonable conditions imposed, it shall disapprove the plat specifying the reasons for such disapproval.
7. If the DRC determines that the plat is complex or may create significant adverse impacts on the community, the plat shall be further reviewed as necessary with a recommendation by the Planning Commission and approval by the City Council.
8. After all necessary approvals have been granted by the City, the subdivider shall meet all requirements for recordation prior to the final plat being recorded. If the recording requirements have not been met within 180 calendar days from the date of DRC approval, such approval shall be null and void. The voided/null final plat may be submitted for but will be subject to all applicable ordinances at the time of reinstatement and a reinstatement fee will be charged in accordance with the current fee schedule. The final plat must be recorded within 180 days after the reinstatement approval or the approval shall be null and void.

~~4.5.3.2 — PLANNING COMMISSION~~

- ~~1. Upon recommendation of the DRC, the subdivider shall submit the following to the City Planner at least fourteen (14) days before the scheduled Planning Commission meeting:
 - ~~a. the Minor Subdivision Checklist and Application;~~
 - ~~b. a list of all adjacent property owners of the proposed subdivision, and envelopes that have been stamped and addressed to all adjacent property owners named on the list;~~
 - ~~c. four (4) D size (22" x 34") copies of the final plan,~~
 - ~~d. ten (10) 11" x 17" copies of the plan drawn to scale, and~~
 - ~~e. an electronic copy of the plan in a compatible format as specified by City Staff.~~

~~The subdivider shall pay the associated fee(s) as set forth in the Alpine City Consolidated Fee Schedule. The fee(s) shall be paid to the City Recorder, payable to Alpine City.~~~~
- ~~2. The plans will not be presented to the Planning Commission until the application is complete, including submitting all required information and paying all fees. The application must be complete and accepted in writing by the City Planner.~~
- ~~3. Alpine City shall prepare a notification letter to be sent to the adjacent property owners that will include the following information:
 - ~~a. Address or location of the proposed subdivision and the zoning designation;~~
 - ~~b. Name of the developer(s);~~
 - ~~c. Type of development that is proposed;~~
 - ~~d. Number of acres in the proposed development;~~
 - ~~e. Number of lots in the proposed development and approximate lot size;~~
 - ~~f. Date, time, and place of the first Planning Commission meeting at which the plan~~~~

~~for the development will be presented; and
g. Reference to the applicable ordinances that govern the development.~~

~~Alpine City shall mail the notification letter to the listed adjacent property owners at least seven (7) days prior to the first Planning Commission meeting at which the plan will be presented.~~

- ~~4. The developer shall resubmit all required information, including a list of all property owners, if the application lapses for six (6) months or more.~~
- ~~5. The Planning Commission shall give guidance to the subdivider to assist in meeting the requirements and constraints for subdivision development within the City of Alpine.~~
- ~~6. If the Planning Commission finds that the proposed plat complies with all applicable requirements, it shall recommend final approval to the City Council. If the Planning Commission finds that the proposed plat does not meet the requirements, it shall recommend disapproval of such plat. After 180 calendar days, any Planning Commission approval shall be null and void. The voided/null plan may be resubmitted for reinstatement by the Planning Commission, but will be subject to all applicable ordinances at the time of reinstatement and a reinstatement fee will be charged in accordance with the current fee schedule.~~

~~4.5.3.3 CITY COUNCIL~~

- ~~1. Following the recommendation of approval or disapproval of the final plat by the Planning Commission, the City Council shall consider the plat at a regularly scheduled public meeting. If the City Council determines that the plat is in conformity with all applicable requirements and any reasonable conditions as recommended by City Staff, the Planning Commission, or on its own initiative, it shall approve the plat.~~
- ~~2. If the City Council determines that the plat is not in conformity with all applicable requirements or any reasonable conditions imposed, it shall disapprove the plat specifying the reasons for such disapproval.~~
- ~~3. After all necessary approvals have been granted by the City, the subdivider shall meet all requirements for recordation prior to the final plat being recorded. If the recording requirements have not been met within 180 calendar days from the date of City Council approval, such approval shall be null and void. The voided/null final plat may be submitted for reinstatement with a recommendation from the Planning Commission and approval by the City Council, but will be subject to all applicable ordinances at the time of reinstatement and a reinstatement fee will be charged in accordance with the current fee schedule. The final plat must be recorded within 180 days after the reinstatement approval or the approval shall be null and void.~~

4.5.4 REQUIRED CONDITIONS AND IMPROVEMENTS

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

1. No more than three parcels shall be created in the minor subdivision.
2. New or extended street dedications shall not be allowed. Minor right-of-way dedications on existing streets is permissible.
3. The area to be subdivided should be immediately adjacent to existing streets and utilities and shall not involve the extension of any such streets or utilities.
4. The minor subdivision shall conform to the general character of the surrounding area.

5. Lots created shall not adversely affect the remainder of the parcel or adjoining property and shall conform to the applicable provisions of the Zoning Code.
6. Any remainder of the parcel must be capable of further subdivision.
7. Utility easements shall be dedicated.
8. Any further lot splits would be processed under the major subdivision process.
9. Derelict parcels shall not be created.
10. Minor Subdivision Plat shall comply with the drawing requirements of Section 4.6.3.3 (Final Plat).
11. A Developer's Agreement shall be executed between the City and the Developer outlining the conditions of approval of the subdivision. The Development Agreement may include, but is not limited to, the following requirements: any special conditions, trails, landscape issues, or off-site improvements.

4.5.5 BOND AGREEMENTS FOR IMPROVEMENTS REQUIRED

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

4.5.6 RECORDING OF PLAT

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

4.5.7 EXPIRATION OF FINAL APPROVAL

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

4.5.8 REINSTATEMENT OF THE FINAL PLAT (Ord. 2004-13, 9/28/04; Ord. 2008-07, 5/27/08)

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

ORDINANCE NO. 2013-12

AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 4.5 OF THE ALPINE CITY DEVELOPMENT CODE RELATING TO MINOR SUBDIVISIONS.

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

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

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

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

The Amendments to Article 4.5 contained in the attached document will supersede Article 4.5 as previously adopted.

This Ordinance shall take effect upon posting.

Passed and dated this 25th day of June 2013.

Hunt Willoughby, Mayor

ATTEST:

Charmayne G. Warnock, Recorder

ARTICLE 4.5 MINOR SUBDIVISION OPTION (Amended by Ord. No. 2007-05, 5/8/07; Ord. No. 2011-07, 5/10/11; Ord. No. 2013-12, 6/25/13)

4.5.1 PURPOSE

The intent of the minor subdivision process is to allow for small subdivisions to be processed more easily. Minor subdivisions include those developments of three (3) or fewer lots which meet the requirements of this Code. In this process, the preliminary and final plats required for most subdivisions, are simplified and combined.

4.5.2 APPLICABILITY

The procedures set forth in this Chapter shall govern the processing of, and the requirements pertaining to, minor subdivisions, and shall take precedence over any other provisions of the Code to the contrary.

4.5.3 MINOR SUBDIVISION PROCESS

During the review process, the Development Review Committee (DRC), the Planning Commission, and the City Council may request reasonable additional information from the subdivider from time to time; and may ask other advisors to review the plan if, in the opinion of the City, it may contribute to a decision in the best interest of the City.

After submittal of the required application materials, no excavation nor alteration of the terrain within a proposed subdivision may be undertaken prior to written approval by the [DRC or](#) City Council of the final plat. Excavation or alteration of the land prior to approval of the final plat may be cause for disapproval of the proposed subdivision.

4.5.3.1 DEVELOPMENT REVIEW COMMITTEE (DRC)

1. The subdivider of a minor subdivision shall meet with the Development Review Committee (DRC) to review the proposed subdivision before submitting an application.
2. The subdivider shall prepare a preliminary plan showing the land to be subdivided, properly and accurately drawn to scale that complies with the drawing requirements in Section 4.6.3.3. The plan shall be certified as to accuracy by a licensed land surveyor licensed to do such work in the State of Utah.
3. The subdivider shall submit the Minor Subdivision Application and three (3) D size (22" x 34") and three (3) 11' x 17" paper copies of the plan drawn to scale to the City Planner to be reviewed by the DRC along with an electronic copy in a compatible format (AutoCAD). The subdivider shall pay the associated fee(s) as set forth in the Alpine City Consolidated Fee Schedule. The fee(s) shall be paid to the City Recorder payable to Alpine City.
4. The DRC shall review the plan to determine compliance with the Alpine City General Plan and all applicable City ordinances. The City Planner shall notify the subdivider of the review findings, including questionable design or engineering feasibility, inadequacy of submittals, non-compliance with local regulations, and the need for other information which may assist in the evaluation of the proposed subdivision.
5. If the DRC determines that the plat is in conformity with all applicable requirements and any reasonable conditions or on its own initiative, it shall approve the plat.

6. If the DRC determines that the plat is not in conformity with all applicable requirements or any reasonable conditions imposed, it shall disapprove the plat specifying the reasons for such disapproval.
7. If the DRC determines that the plat is complex or may create significant adverse impacts on the community, the plat shall be further reviewed as necessary with a recommendation by the Planning Commission and approval by the City Council.
8. After all necessary approvals have been granted by the City, the subdivider shall meet all requirements for recordation prior to the final plat being recorded. If the recording requirements have not been met within 180 calendar days from the date of DRC approval, such approval shall be null and void. The voided/null final plat may be submitted for but will be subject to all applicable ordinances at the time of reinstatement and a reinstatement fee will be charged in accordance with the current fee schedule. The final plat must be recorded within 180 days after the reinstatement approval or the approval shall be null and void.

4.5.4 REQUIRED CONDITIONS AND IMPROVEMENTS

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

1. No more than three parcels shall be created in the minor subdivision.
2. New or extended street dedications shall not be allowed. Minor right-of-way dedications on existing streets is permissible.
3. The area to be subdivided should be immediately adjacent to existing streets and utilities and shall not involve the extension of any such streets or utilities.
4. The minor subdivision shall conform to the general character of the surrounding area.
5. Lots created shall not adversely affect the remainder of the parcel or adjoining property and shall conform to the applicable provisions of the Zoning Code.
6. Any remainder of the parcel must be capable of further subdivision.
7. Utility easements shall be dedicated.
8. Any further lot splits would be processed under the major subdivision process.
9. Derelict parcels shall not be created.
10. Minor Subdivision Plat shall comply with the drawing requirements of Section 4.6.3.3 (Final Plat).
11. A Developer's Agreement shall be executed between the City and the Developer outlining the conditions of approval of the subdivision. The Development Agreement may include, but is not limited to, the following requirements: any special conditions, trails, landscape issues, or off-site improvements.

4.5.5 BOND AGREEMENTS FOR IMPROVEMENTS REQUIRED

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

4.5.6 RECORDING OF PLAT

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

4.5.7 EXPIRATION OF FINAL APPROVAL

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

4.5.8 REINSTATEMENT OF THE FINAL PLAT (Ord. 2004-13, 9/28/04; Ord. 2008-07, 5/27/08)

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

ARTICLE 4.5 MINOR SUBDIVISION OPTION (Amended by Ord. No. 2007-05, 5/8/07; Ord. No. 2011-07, 5/10/11; Ord. No. 2013-12, 6/25/13)

4.5.1 PURPOSE

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4.5.2 APPLICABILITY

The procedures set forth in this Chapter shall govern the processing of, and the requirements pertaining to, minor subdivisions, and shall take precedence over any other provisions of the Code to the contrary.

4.5.3 MINOR SUBDIVISION PROCESS

During the review process, the Development Review Committee (DRC), the Planning Commission, and the City Council may request reasonable additional information from the subdivider from time to time; and may ask other advisors to review the plan if, in the opinion of the City, it may contribute to a decision in the best interest of the City.

After submittal of the required application materials, no excavation nor alteration of the terrain within a proposed subdivision may be undertaken prior to written approval by the [DRC or](#) City Council of the final plat. Excavation or alteration of the land prior to approval of the final plat may be cause for disapproval of the proposed subdivision.

4.5.3.1 DEVELOPMENT REVIEW COMMITTEE (DRC)

2. The subdivider of a minor subdivision shall meet with the Development Review Committee (DRC) to review the proposed subdivision before submitting an application.
2. The subdivider shall prepare a preliminary plan showing the land to be subdivided, properly and accurately drawn to scale that complies with the drawing requirements in Section 4.6.3.3. The plan shall be certified as to accuracy by a licensed land surveyor licensed to do such work in the State of Utah.
3. The subdivider shall submit the Minor Subdivision Application and three (3) D size (22" x 34") and three (3) 11' x 17" paper copies of the plan drawn to scale to the City Planner to be reviewed by the DRC along with an electronic copy in a compatible format (AutoCAD). The subdivider shall pay the associated fee(s) as set forth in the Alpine City Consolidated Fee Schedule. The fee(s) shall be paid to the City Recorder payable to Alpine City.
4. The DRC shall review the plan to determine compliance with the Alpine City General Plan and all applicable City ordinances. The City Planner shall notify the subdivider of the review findings, including questionable design or engineering feasibility, inadequacy of submittals, non-compliance with local regulations, and the need for other information which may assist in the evaluation of the proposed subdivision.
5. When the DRC determines that the plan is ready for Planning Commission review, the DRC, in consultation with the Planning Commission Chairperson, shall establish a review date. The subdivider may prepare a final plan that incorporates all changes recommended by the DRC.

4.5.3.2 PLANNING COMMISSION

1. Upon recommendation of the DRC, the subdivider shall submit the following to the City Planner at least fourteen (14) days before the scheduled Planning Commission meeting:
 - a. the Minor Subdivision Checklist and Application;
 - b. a list of all adjacent property owners of the proposed subdivision, and envelopes that have been stamped and addressed to all adjacent property owners named on the list;
 - c. four (4) D size (22" x 34") copies of the final plan,
 - d. ten (10) 11" x 17" copies of the plan drawn to scale, and
 - e. an electronic copy of the plan in a compatible format as specified by City Staff.

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

2. The plans will not be presented to the Planning Commission until the application is complete, including submitting all required information and paying all fees. The application must be complete and accepted in writing by the City Planner.
3. Alpine City shall prepare a notification letter to be sent to the adjacent property owners that will include the following information:
 - a. Address or location of the proposed subdivision and the zoning designation;
 - b. Name of the developer(s);
 - c. Type of development that is proposed;
 - d. Number of acres in the proposed development;
 - e. Number of lots in the proposed development and approximate lot size;
 - f. Date, time, and place of the first Planning Commission meeting at which the plan for the development will be presented; and
 - g. Reference to the applicable ordinances that govern the development.

Alpine City shall mail the notification letter to the listed property owners that are within 300 feet of the property at least 7 days prior to the first Planning Commission at which the plan will be presented.

4. The developer shall resubmit all required information, including a list of all property owners, if the application lapses for six (6) months or more.
5. The Planning Commission shall give guidance to the subdivider to assist in meeting the requirements and constraints for subdivision development within the City of Alpine.
6. If the Planning Commission finds that the proposed plat complies with all applicable requirements, it shall recommend final approval to the City Council. If the Planning Commission finds that the proposed plat does not meet the requirements, it shall recommend disapproval of such plat. After 180 calendar days, any Planning Commission approval shall be null and void. The voided/null plan may be resubmitted for reinstatement by the Planning Commission, but will be subject to all applicable ordinances at the time of reinstatement and a reinstatement fee will be charged in accordance with the current fee schedule.

4.5.3.3 CITY COUNCIL

1. Following the recommendation of approval or disapproval of the final plat by the

Planning Commission, the City Council shall consider the plat at a regularly scheduled public meeting. If the City Council determines that the plat is in conformity with all applicable requirements and any reasonable conditions as recommended by City Staff, the Planning Commission, or on its own initiative, it shall approve the plat.

2. If the City Council determines that the plat is not in conformity with all applicable requirements or any reasonable conditions imposed, it shall disapprove the plat specifying the reasons for such disapproval.
3. After all necessary approvals have been granted by the City, the subdivider shall meet all requirements for recordation prior to the final plat being recorded. If the recording requirements have not been met within 180 calendar days from the date of City Council approval, such approval shall be null and void. The voided/null final plat may be submitted for reinstatement with a recommendation from the Planning Commission and approval by the City Council, but will be subject to all applicable ordinances at the time of reinstatement and a reinstatement fee will be charged in accordance with the current fee schedule. The final plat must be recorded within 180 days after the reinstatement approval or the approval shall be null and void.

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4.5.8 REINSTATEMENT OF THE FINAL PLAT (Ord. 2004-13, 9/28/04; Ord. 2008-07, 5/27/08)

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