



ALPINE CITY PLANNING COMMISSION MEETING

NOTICE is hereby given that the **PLANNING COMMISSION** of Alpine City, Utah will hold an **Electronic Meeting** on **Tuesday, May 19, 2020 at 7:00 pm**. Meeting will be anchored from **Alpine City Hall**, 20 North Main, Alpine, Utah.

The public may view and participate in the meeting via the **Alpine City YouTube Channel**. A direct link to the channel can be found on the home page of the Alpine City website: alpinecity.org

Public Comments may be submitted to admin@alpinecity.org Comments for an item on the agenda may be submitted during the meeting and **comments for an item not on the agenda must be submitted by 5:00 pm the day of the meeting.**

I. GENERAL BUSINESS

- A. Welcome and Roll Call: Jane Griener
- B. Prayer/Opening Comments: Alan MacDonald
- C. Pledge of Allegiance: Jane Griener

II. PUBLIC COMMENT

Any person wishing to comment on any item not on the agenda may address the Planning Commission at this point by Submitting a public comment to admin@alpinecity.org and include his or her name and address for the record.

III. ACTION ITEMS

- A. **Public Hearing – Road Grade Exception Request – The Ridge at Alpine**
Request for an exception to the City intersection standard for road grade.
- B. **Public Hearing – Ordinance 2020-09: Flood Plain Ordinance Update**
Update ordinance to meet National Flood Insurance Program (NFIP) requirements.
- C. **Public Hearing – Ordinance 2020-10: Retaining Wall Irrigation**
Update language regarding requirements for drip irrigation on retaining walls.
- D. **Public Hearing – Ordinance 2020-11: Planter Strip Requirements**
Update code to refer to Tree Guide for plantings in park strip areas.
- E. **Discussion – Limitations on Size of Lots and Structures in the City.**
The Planning Commission will discuss limiting the size of homes, additions, accessory buildings and lot sizes.

IV. COMMUNICATIONS

V. APPROVAL OF PLANNING COMMISSION MINUTES: May 5, 2020

ADJOURN

Chair Jane Griener
May 19, 2020

THE PUBLIC IS INVITED TO ATTEND ALL PLANNING COMMISSION MEETINGS. If you need a special accommodation to participate in the meeting, please call the City Recorder's Office at 801-756-6347 ext. 5.

CERTIFICATION OF POSTING. The undersigned duly appointed recorder does hereby certify that the above agenda notice was posted at Alpine City Hall, 20 North Main, Alpine, UT. It was also 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 the City's web site at www.alpinecity.org and on the Utah Public Meeting Notices website at www.utah.gov/pmn/index.html.

PUBLIC MEETING AND PUBLIC HEARING ETIQUETTE

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

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

Public Hearing vs. Public Meeting

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

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

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Public Hearing – Road Grade Exception Request – The Ridge at Alpine

FOR CONSIDERATION ON: 19 May 2020

PETITIONER: Kyle Spencer of Northern Engineering, representing Paul Kroff/Steve Zolman

ACTION REQUESTED BY PETITIONER: Review and approve exception
BACKGROUND INFORMATION:

Developer is seeking an exception to the City standard for road grades in an intersection. Specifically, five percent (5%) grades through the intersection of Dean Court and Oak View Drive in the Ridge at Alpine Subdivision. Development Code states (4.07.090):

“Street intersections: Shall have a vertical alignment such that the grade shall not exceed three percent (3%) for a minimum distance of fifty feet (50') each way from the centerline of the intersection.”

STAFF RECOMMENDATION

Approve the exception with the outlined conditions.

SAMPLE MOTION TO APPROVE (Staff’s recommendation)

I motion to recommend approval of the 5% design exception request based on the following:

- The 5% design would serve the best interest of the City by reducing the amount of fill required to build the roads;
- The request follows generally accepted planning and engineering;
- The request does not vary the zone, use, or lot sizes within the development.

SAMPLE MOTION TO DENY

I motion to recommend denial of the exception request based on the following:

- ****INSERT FINDING****



**ALPINE CITY
STAFF REPORT**
May 6, 2020

To: Alpine City Planning Commission & City Council

From: Staff

Prepared By: Jed Muhlestein, City Engineer
Engineering & Public Works Department

Austin Roy, City Planner
Planning & Zoning Department

Re: Brookside Meadows – ROAD GRADE EXCEPTION REQUEST

Applicant: Kyle Spencer of Northern Engineering, representing Paul Kroff/Steve Zolman
Project Location: North Elk Ridge Lane/Grove Drive
Zoning: CR-40,000 Zone
Acreage: 189.5 Acres
Lot Number & Size: 72 lots
Request: Recommend approval of an exception to the 3% roadway intersection grading requirements

SUMMARY

The Ridge at Alpine consists of 72 lots on 189.5 acres. The development is located approximately at the north end of Elk Ridge Lane and Grove Drive, and in the CR 40,000 zone. The approved Concept and Preliminary plans show a connection to the Alpine Cove Subdivision on the east side of the property. The road names are Dean Ct (proposed road) and Oak View Drive (existing stub street). See Exhibit A. At this location the Developer is requesting an exception to the development code's street intersection standard which states:

DC 4.07.090 (4): ***“Street intersections:** Shall have a vertical alignment such that the grade shall not exceed three percent (3%) for a minimum distance of fifty feet (50') each way from the centerline of the intersection.”*

The Developer is requesting to be able to use 5% grades instead of 3% as required by code.

Regarding Exceptions in this circumstance, DC 4.01.202 states:

“When in the opinion of the City Planner and City Engineer, the best interest of the City would not be served by the literal enforcement of the design or improvement standards in this ordinance, the City Council may grant an exception from these standards.

Prior to the City Council considering the exception, the City Planner and City Engineer shall submit a written recommendation to the Planning Commission. The recommended exception shall be based on generally accepted planning and engineering. The recommended exception may not vary the zone, use or lot size of the development. The Planning Commission shall review the recommendation and advise the City Council as to whether or not the exception should or should not be granted.”

BACKGROUND

At the time this letter is written the development has been approved through Preliminary with two final phases being approved and under construction. The location of this request is situated in a future phase. Preliminary road grades have already been reviewed and approved at this intersection; they meet current ordinance (3%). However, the Developer has shown that an exception to the Street Intersections code would greatly reduce the amount of fill material for several hundred feet in all directions from the intersection if an exception were granted. Exhibit A shows the lots that would be affected by this exception request. The Developer does not feel that safety of the intersection would be compromised by raising the grade to 5%.

The Developer’s request letter and diagrams are attached as Exhibit B.

ANALYSIS

Staff has analyzed the request and notes the following:

Reduction of roadway fill

Within Exhibit B is a diagram labeled “Dean Court Profile.” This diagram shows what the approved finished roadway grade is vs what they are requesting it could be with a 5% intersection design. At the maximum height, the existing approved design is 12.75 feet higher than existing grades (near station 19+50). This excessive amount of fill runs from station 12+75 to 22+00, that’s 925 feet. If a 5% intersection grade is approved, the maximum fill height for the road is 4.1 feet, 8.65 feet lower than the approved design, and would run for approximately 600 feet.

Safety will not be compromised

AASHTO (American Association of State Highway Officials) is the standard by which most cities in the nation base their roadway design from. AASHTO covers a broad range of street design (ie – freeway, highway, local, and rural roads). Chapter 9 discusses intersections in depth. Exhibit D is page 586 of AASHTO that covers this topic. It specifically says *“intersecting roads should be as flat as practical on those sections that are to be used for storage of stopped vehicles...”* It talks about how 3 percent is a grade not to exceed without making changes in design elements but goes on to say, *“Where conditions make such designs too expensive, grades should not exceed about 6 percent, with a corresponding adjustment in specific geometric design elements.”*

This intersection will have a very low expected volume of traffic and therefore Staff does not anticipate this intersection to “be used for storage of stopped vehicles.”

5% Intersection designs are common among surrounding cities
(information from a previous request)

The following is data collected from some surrounding cities regarding intersection design:

Draper City – 5% (9-16-050 (i))
Park City – 2% (15-7.3-4 (g)) Includes grading the sight triangle for visibility
Lindon City – 3% (17.32.160 (4))
Cedar Hills – unspecified
Pleasant Grove - unspecified
Provo City – unspecified
Mapleton City – unspecified

It is safe to say that the “generally accepted...engineering” for intersection design grades is somewhere between 0 and 5 percent based on surrounding city codes.

STAFF RECOMMENDATION

Review staff report and findings and make a motion to approve or deny the proposed exception.

Findings for a Positive Motion:

- A. Allowing a 5% grade at this intersection would:
 - 1. Allow the roadway to be built at a much lower elevation.
 - a. Having the roadway built with a maximum fill of 4.1 feet vs 12.75 feet has a big impact on the finished elevation of homes, driveway grades, stormwater runoff from lots, elevation of city infrastructure and more.
 - 2. Allow the associated utilities and homes to be built at ground level (or in the ground) rather than on fill material.
 - a. It is generally accepted knowledge that building any structure on firm ground vs building it on fill material is simply the better way to do it. Any time there are large amounts of fill, the settlement of that fill over time is a concern.
 - 3. Both the above-mentioned items would qualify for serving the “**best interest of the City**” the code requires for an exception;
- B. The intersection is not expected to have a high volume of traffic and therefore is not anticipated to need a large flat area to “store vehicles” waiting to enter/exit the intersection. Without the need to “store vehicles”, the need for flatter slopes mentioned by AASHTO is minimized;
- C. Upon reviewing AASHTO and surrounding city codes, it appears the request falls within “**generally accepted planning and engineering**,” as required by Alpine City Ordinance;
- D. The request does not “**vary the zone, use or lot size of the development.**”

Findings for a Motion to Deny:

- A. “insert finding”

MODEL MOTIONS

SAMPLE MOTION TO APPROVE (Staff's recommendation)

I motion to recommend approval of the 5% design exception request based on the following:

- A. The 5% design would serve the best interest of the City by reducing the amount of fill required to build the roads;
- B. The request follows generally accepted planning and engineering;
- C. The request does not vary the zone, use, or lot sizes within the development.

SAMPLE MOTION TO TABLE

I motion to DENY the exception request based on the following:

- ****INSERT FINDING****

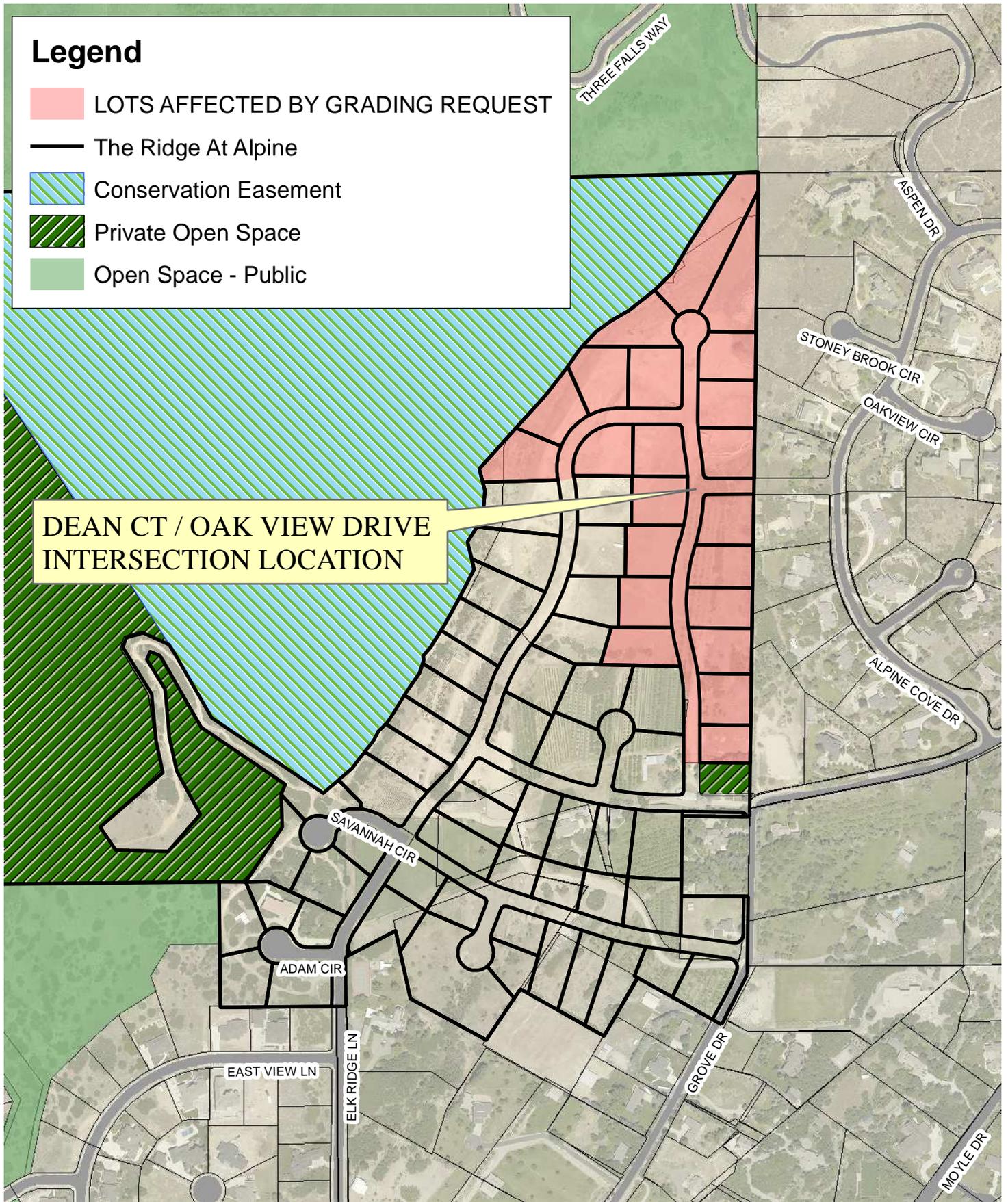
EXHIBIT A

Over view

Legend

- LOTS AFFECTED BY GRADING REQUEST
- The Ridge At Alpine
- Conservation Easement
- Private Open Space
- Open Space - Public

DEAN CT / OAK VIEW DRIVE INTERSECTION LOCATION



The Ridge At Alpine ROADWAY EXCEPTION REQUEST



EXHIBIT B

Request Letter and 5% Intersection Design



Planning Commission Agenda

Application Form

20 North Main Alpine, UT 84004 • 801-756-6347 (Phone) • 801-756-1189 (Fax) • www.alpinecity.org

All materials must be submitted to the City Planner at least **14 days** prior to the Planning Commission meeting for which you want to be scheduled.

Name Kyle Spencer Date 5-5-2020

Address 1040 E 800N. Orem UT. 84097

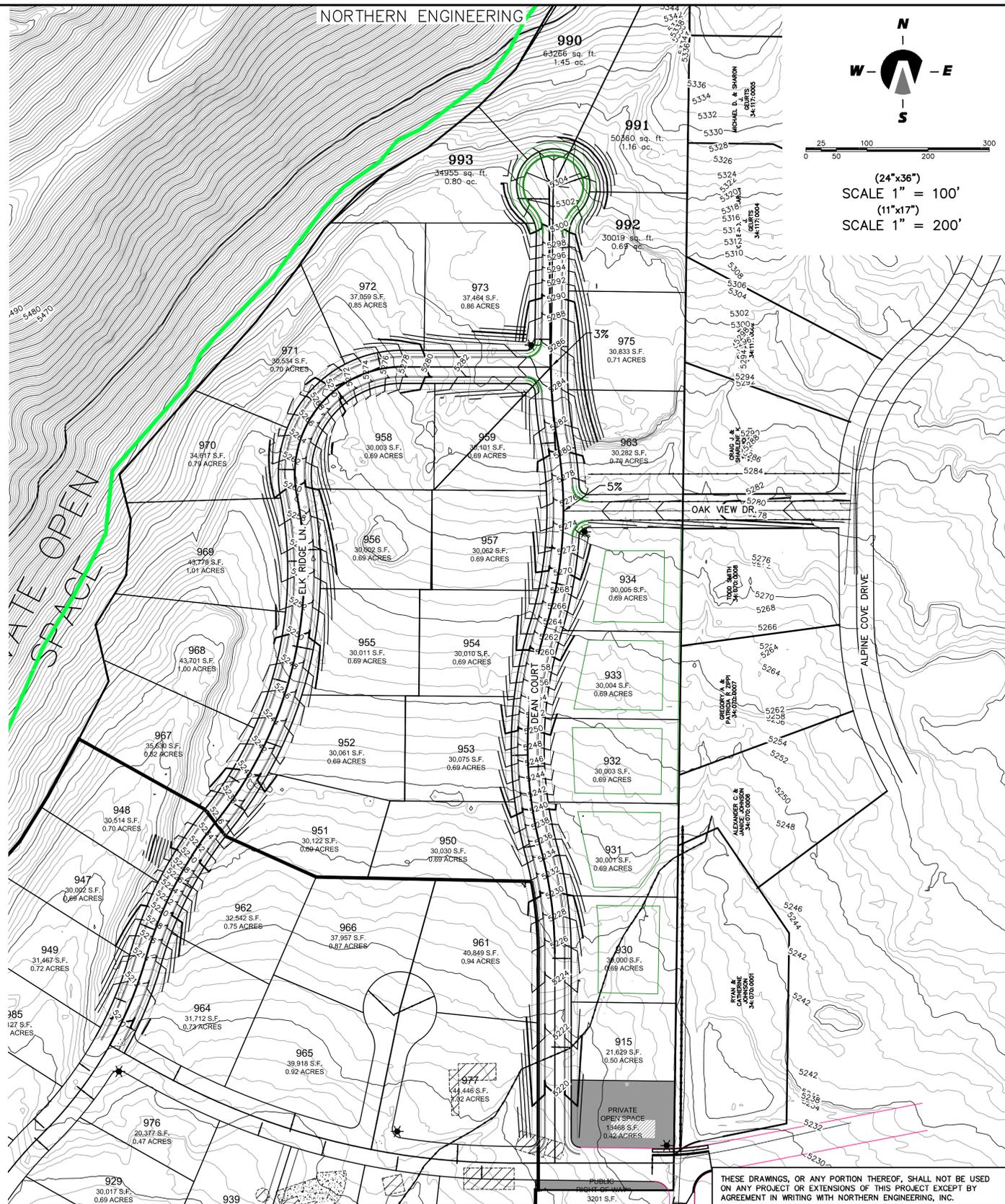
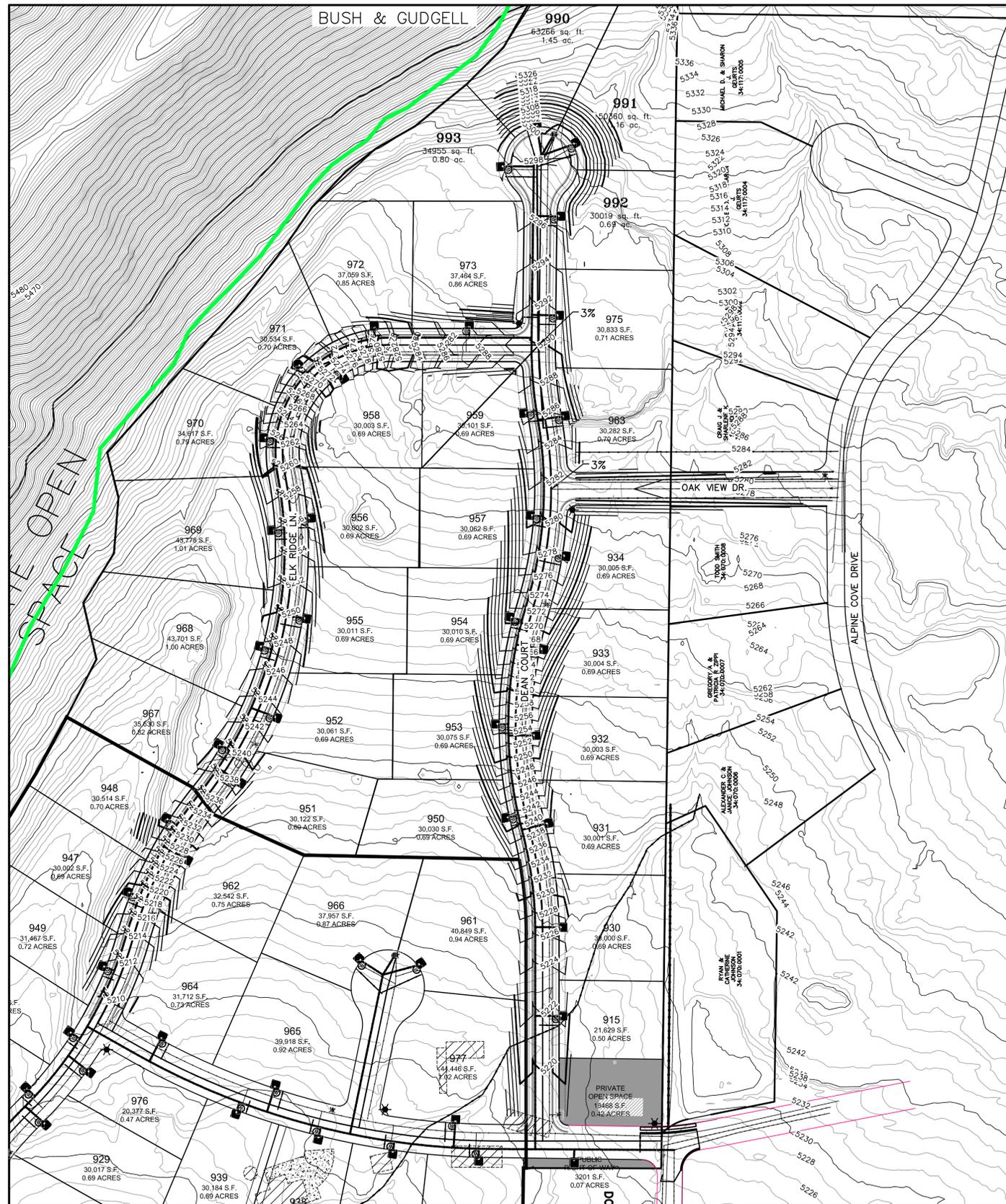
Phone 801-380-2118 Fax 801-802-8993 Email Kspencer@Neivtah.com

Subject for Discussion: (The more specific you are, the better prepared the Planning Commission will be to discuss your request.)

• Requesting the City to Consider allowing a Street grade of 5% Slope across the Tee intersection of Dean Court and Oak View Drive. The proposed profile grade for Dean Court could be substantially reduced and lowered for several hundred feet. Oak View Court has limited emergency access for Alpine Cove's Alpine Cove Drive. Approving a 5% grade on Dean Court across Oak View Drive should not create a dangerous or unsafe intersection for local traffic patterns.

Location Dean Court at Oak View Drive.

Please attach any necessary maps, plats, documentation, stamped and addressed envelopes for notification, etc.



(24"x36")
 SCALE 1" = 100'
 (11"x17")
 SCALE 1" = 200'

NO.	REVISIONS	BY	DATE	DESIGNED BY:	DATE:
5				DRAWN BY:	DATE:
4				CHECKED BY:	DATE:
3				APPROVED:	DATE:
2				COGO FILE:	DATE:
1					

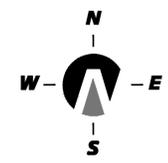

Northern ENGINEERING INC
 ENGINEERING-LAND PLANNING
 CONSTRUCTION MANAGEMENT

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

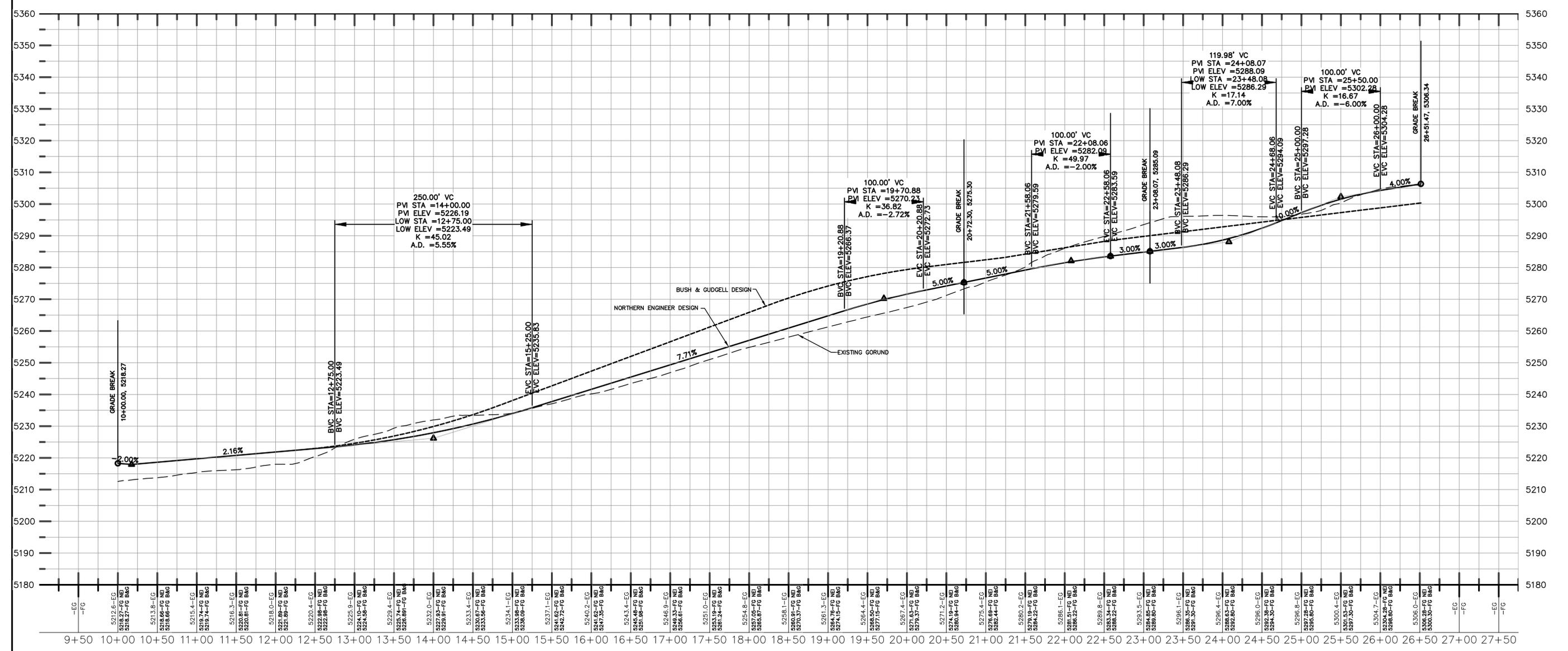
THE RIDGE AT ALPINE

COMPARISON B&G AND NEI	JOB NO. 3-20-030
ALPINE CITY, UTAH	SHEET NO. 1

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



(24"x36")
SCALE 1" = 60'
(11"x17")
SCALE 1" = 120'



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3		CHECKED BY:	DATE:
2		APPROVED:	DATE:
1		COGO FILE:	DATE:
NO.	REVISIONS	BY	DATE


Northern ENGINEERING INC
 ENGINEERING—LAND PLANNING
 CONSTRUCTION MANAGEMENT

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

THE RIDGE AT ALPINE

DEAN COURT PROFILE	JOB NO. 3-20-030
ALPINE CITY, UTAH	SHEET NO. 2

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



0 30 60 120 180
 (24"x36")
 SCALE 1" = 60'
 (11"x17")
 SCALE 1" = 120'

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NO.	REVISIONS	BY	DATE	DESIGNED BY:	DATE:
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4				CHECKED BY:	DATE:
3				APPROVED:	DATE:
2				COGO FILE:	DATE:
1				REV. COGO FILE:	DATE:

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

THE RIDGE AT ALPINE
 DEAN COURT PLAN
 ALPINE CITY, UTAH

JOB NO. 3-20-030
SHEET NO. 1

EXHIBIT C

AASHTO INTERSECTION DESIGN, PAGE 586

Intersection Design

Profile

Combinations of grade lines that make vehicle control difficult should be avoided at intersections. Substantial grade changes should be avoided at intersections, but it is not always practical to do so. Adequate sight distance should be provided along both intersecting roads and across their included corners, as discussed below, even where one or both intersecting roads are on vertical curves.

The gradients of intersecting roads should be as flat as practical on those sections that are to be used for storage of stopped vehicles, sometimes referred to as “storage platforms.”

The calculated stopping and accelerating distances for passenger cars on grades of 3 percent or less differ little from the corresponding distances on the level. Grades steeper than 3 percent may need changes in several design elements to sustain operations equivalent to those on level roads. Most drivers are unable to judge the effect of steep grades on stopping or accelerating distances. Their normal deductions and reactions may thus be in error at a critical time. Accordingly, grades in excess of 3 percent should be avoided on the intersecting roads in the vicinity of the intersection. Where conditions make such designs too expensive, grades should not exceed about 6 percent, with a corresponding adjustment in specific geometric design elements.

The profile gradelines and cross sections on the legs of an intersection should be adjusted for a distance back from the intersection proper to provide a smooth junction and proper drainage. Normally, the gradeline of the major road should be carried through the intersection and that of the minor road should be adjusted to it. This design involves a transition in the crown of the minor road to an inclined cross section at its junction with the major road. For simple unchannelized intersections involving low design speeds and stop or signal control, it may be desirable to warp the crowns of both roads into a plane at the intersection; the appropriate plane depends on the direction of drainage and other conditions. Changes from one cross slope to another should be gradual. Intersections at which a minor road crosses a multilane divided highway with a narrow median on a superelevated curve should be avoided whenever practical because of the difficulty in adjusting grades to provide a suitable crossing. Gradelines of separate turning roadways should be designed to fit the cross slopes and longitudinal grades of the intersection legs.

The alignment and grades are subject to greater constraints at or near intersections than on the open road. At or near intersections, the combination of horizontal and vertical alignment should provide traffic lanes that are clearly visible to drivers at all times, clearly understandable for any desired direction of travel, free from the potential for conflicts to appear suddenly, and consistent in design with the portions of the highway just traveled.

The combination of vertical and horizontal curvature should allow adequate sight distance at an intersection. As discussed in Chapter 3, “Combinations of Horizontal and Vertical Alignment,” a sharp horizontal curve following a crest vertical curve is undesirable, particularly on intersection approaches.

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Public Hearing – Ordinance 2020-09: Flood Plain Ordinance Update

FOR CONSIDERATION ON: 19 May 2020

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Hold a public hearing, review and recommend approval of the proposed update.

BACKGROUND INFORMATION:

In February the Planning Commission reviewed and made a recommendation to approve updates to the Flood Plain Ordinance to reference the new Flood Insurance Rate Map (FIRM). Additional changes are needed to be in compliance with the National Flood Insurance Program (NFIP), which are outlined in the attached staff report.

STAFF RECOMMENDATION:

Review and approve the proposed update.

SAMPLE MOTION TO APPROVE

I motion to recommend approval of Ordinance 2020-09 as proposed.

SAMPLE MOTION TO TABLE

I motion to table this item based on the following:

- ****INSERT FINDING****



**ALPINE CITY
STAFF REPORT**
April 29, 2020

To: Alpine City Planning Commission & City Council

From: Staff

Prepared By: Jed Muhlestein, City Engineer *JM*
Engineering & Public Works Department

Re: **Flood Plain Ordinances and Compliance with NFIP regulations**

In preparation for a new Flood Insurance Rate Map (FIRM) that FEMA is adopting for all of Utah County June 19th of this year, some minor revisions to Alpine City's Flood Plain ordinance are required. FEMA has reviewed city ordinance and requires the language revisions to be in compliance with the National Flood Insurance Program (NFIP). The changes are outlined below:

Summary of Changes:

- Definitions refined or added for Base Flood Elevation, Flood Insurance Study, (3.12.080.5)
- Updated FIRM map name and adoption date reference (3.12.080.6)
- Minor language revisions (3.12.080.8)

Changes:

3.12.080.5 – Definitions

Add definition

Base Flood Elevation (BFE) is the water surface elevation of the 1-percent-annual-chance flood event. It is the height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas. It is also the elevation shown on the FIRM and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1-percent chance of equaling or exceeding that level in any given year.

Adjusted definition

~~FLOOD INSURANCE STUDY - is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary Floodway Map.~~ **official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary and Floodway Map (if applicable), the Flood Insurance Rate Map, and supporting technical data.**

Adjusted definition

AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a one percent

or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, ~~A1-99~~, **A1-30, A99**, VO, V1-30, VE or V.

Adjusted definition

SUBSTANTIAL IMPROVEMENT - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary **to assure safe living** conditions or
2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Adjusted definition

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. **A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).**

SECTION 3.12.080.6.b

Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for ~~Alpine City~~ **Utah County, Utah and Incorporated Areas**" dated ~~September 2, 2016~~ **June 19, 2020** with accompanying Flood Insurance Rate Maps and ~~Flood Boundary Floodway Maps (FIRM and FBFM)~~ and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

SECTION 3.12.080.8.d.i & ii

Revised Language

i. Within zone AO all ~~All~~ new construction and substantial improvements of **residential** structures... (specified).

ii. Within zone AO all ~~All~~ new construction and substantial improvements of **non-residential** structures...

MODEL MOTION

SAMPLE MOTION TO APPROVE

I motion to recommend approval of the proposed ordinance 2020-09 as presented.

SAMPLE MOTION TO DENY

I motion to recommend denial of the proposed ordinance 2020-09 as presented.

**ALPINE CITY
ORDINANCE 2020-09**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.12.080 OF THE
ALPINE CITY DEVELOPMENT CODE PERTAINING TO THE FLOOD DAMAGE
PREVENTION OVERLAY.**

WHEREAS, The Alpine City Council has deemed it in the best interest of Alpine City to update the flood plain ordinance to meet the requirements of the National Flood Insurance Program; and

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

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

NOW THEREFORE, be it ordained by the Council of Alpine City, in the State of Utah, as follows: The amendments to Article 3.12.080 will supersede Article 3.12.080 as previously adopted. This ordinance shall take effect upon posting.

SECTION 1: AMENDMENT “3.12.080 Flood Damage Prevention Overlay”
of the Alpine City Development Code is hereby *amended* as follows:

A M E N D M E N T

3.12.080 Flood Damage Prevention Overlay

1. **Statutory Authorization.** The Legislature of the State of Utah has in Utah Code sections 10-3-701 and 10-8-84 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Alpine City Council does ordain as follows:
2. **Findings of Fact**
 - a. The flood hazard areas of Alpine, Utah are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
 - b. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

3. **Statement of Purpose.** It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
 - a. Protect human life and health;
 - b. Minimize expenditure of public money for costly flood control projects;
 - c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - d. Minimize prolonged business interruptions;
 - e. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in floodplains;
 - f. Help maintain a stable tax base by providing for the second use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
 - g. Insure that potential buyers are notified that property is in a flood area.
4. **Methods of Reducing Flood Losses.** In order to accomplish its purposes, this ordinance uses the following methods:
 - a. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
 - b. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
 - c. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - d. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
 - e. Control filling, grading, dredging and other development which may increase flood damage.
 - f. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.
5. **Definitions.** Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

ALLUVIAL FAN FLOODING - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high- velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

AREA OF SHALLOW FLOODING - means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly

defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, ~~A1-99~~A1-30, A99, VO, V1-30, VE or V.

BASE FLOOD - means the flood having a one percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE) - is the water surface elevation of the 1-percent-annual-chance flood event. It is the height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas. It is also the elevation shown on the FIRM and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1-percent chance of equaling or exceeding that level in any given year.

BASEMENT - means any area of the building having its floor sub-grade (below ground level) on all sides.

CRITICAL FEATURE - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT - means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING - means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means

of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

EXISTING CONSTRUCTION - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - Means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD OR FLOODING - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. the overflow of inland or tidal waters.
- b. the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

FLOOD INSURANCE STUDY - is the ~~official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.~~ official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary and Floodway Map (if applicable), the Flood Insurance Rate Map, and supporting technical data.

FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOODPLAIN MANAGEMENT - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management

regulations.

FLOODPLAIN MANAGEMENT REGULATIONS - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOOD PROOFING - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY (REGULATORY FLOODWAY) - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FUNCTIONALLY DEPENDENT USE - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE - means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - i. by an approved state program as determined by the Secretary of the Interior or;
 - ii. directly by the Secretary of the Interior in states without approved programs.

LEVEE - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood insurance Program regulations.

MANUFACTURED HOME - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE - means a vehicle which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projections;
- c. designed to be self-propelled or permanently towable by a light duty truck; and
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

START OF CONSTRUCTION - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified

by the local code enforcement official and which are the minimum necessary to assure safe living conditions or

- b. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

VARIANCE - is a grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations).

VIOLATION - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

6. General Provisions

- a. Lands to Which This Section Applies. This ordinance shall apply to all areas of special flood hazard within the jurisdiction of Alpine City, Utah.
- b. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for ~~Alpine City~~ Utah County, Utah and Incorporated Areas," dated ~~September 2, 2016~~ June 19, 2020, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.
- c. Establishment of Development Permit. A Development Permit shall be required to ensure conformance with the provisions of this ordinance.
- d. Compliance. No structure or land shall hereafter be located, altered or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.
- e. Abrogation and Greater Restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- f. Interpretation. In the interpretation and application of this ordinance, all provisions shall be:
 - i. Considered as minimum requirements;
 - ii. Liberally construed in favor of the governing body; and,
 - iii. Deemed neither to limit nor repeal any other powers granted under state

statutes.

- g. **Warning and Disclaimer of Liability.** The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

7. Administration

- a. **Designation of the Floodplain Administrator.** The City Engineer is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.
- b. **Duties and Responsibilities of the Floodplain Administrator.** Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:
 - i. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
 - ii. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
 - iii. Review, approve or deny all applications for development permits required by adoption of this ordinance.
 - iv. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
 - v. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
 - vi. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Utah Division of Water Rights, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 - vii. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
 - viii. When base flood elevation data has not been provided in accordance with Part 6,a, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data

available from a Federal, State or other source, in order to administer the provisions of Part 8.

- ix. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
 - x. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision).
 - xi. Where flood way velocities are generally determined to be under five feet (5') per second and maximum flood depth will not exceed three feet (3'), such uses as cultivated agriculture, nurseries, parks and recreation facilities and accessory parking may be permitted.
 - xii. Lots that contain land in the floodplain area shall contain a minimum area outside the floodplain corresponding to the underlying zone. For example, a lot in the TR-10,000 zone must have at least 10,000 sq. ft. of land above the 100-Year Recurrence Interval Flood. CR-20,000 lots in a floodplain must have at least 20,000 sq. ft. of land above 100-Year Recurrence Interval Flood. A CR-40,000 lot in a floodplain must have at least 40,000 sq. ft. of land above 100-Year Recurrence Interval Flood. Whenever 100-Year Recurrence Interval Flood data is not available, the required area as described above will be five feet above the elevation of the maximum flood of record.
- c. Permit Procedures. Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
- i. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 - ii. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 - iii. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the flood proofing

- criteria of Part 8,b,ii;
- iv. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
 - v. Maintain a record of all such information in accordance with Part 7,b,i.

Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

- (1) The danger to life and property due to flooding or erosion damage;
- (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (3) The danger that materials may be swept onto other lands to the injury of others;
- (4) The compatibility of the proposed use with existing and anticipated development;
- (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- (7) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- (8) The necessity to the facility of a waterfront location, where applicable;
- (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (10) The relationship of the proposed use to the comprehensive plan for that area.

d. Variance Procedures.

- i. The Alpine City Land Use Appeal Authority as established by the community shall hear and render judgment on requests for variances from the requirements of this ordinance.
- ii. The Appeal Authority shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
- iii. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
- iv. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

- v. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.
- vi. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Part 7,c,ii have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- vii. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Part 3).
- viii. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- ix. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- x. Prerequisites for granting variances:
 - (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (2) Variances shall only be issued upon:
 - (A) showing a good and sufficient cause;
 - (B) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - (C) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (3) Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- xi. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the

conduct of a functionally dependent use provided that:

- (1) the criteria outlined in Parts 7,d,i through 7,d,ix are met, and
- (2) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

8. Provisions for Flood Hazard Reduction

a. General Standards. In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

- i. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- ii. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- iii. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- iv. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- v. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- vi. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
- vii. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

b. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Part 6,b, (ii) Part 7,b,viii, or (iii) Part 8,c,iii, the following provisions are required:

- i. Residential Construction. - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this Part as proposed in Part 7,c,i, is satisfied.
- ii. Nonresidential Construction. - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects

of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this Part. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

iii. Enclosures. - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- (2) The bottom of all openings shall be no higher than one foot above grade.
- (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

iv. Manufactured Homes.

- (1) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- (2) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an

adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- (3) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of the previous Part 8,b,iv,2 be elevated so that either:

- (A) the lowest floor of the manufactured home is at or above the base flood elevation, or

- (B) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- v. Recreational Vehicles. - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

- (1) be on the site for fewer than 180 consecutive days,

- (2) be fully licensed and ready for highway use, or

- (3) meet the permit requirements of Part 7,c,i, and the elevation and anchoring requirements for "manufactured homes" in Part 8,b,iv,2. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

- c. Standards for Subdivision Proposals.

- i. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Parts 2 through 4.

- ii. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Part 6,c, Part 7,c and the provisions of Part 8.

- iii. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions.18 which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Part 6,b or Part 7,b,viii.

- iv. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

- v. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed

- to minimize or eliminate flood damage.
- d. Standards for Areas of Shallow Flooding (AO/AH Zones). Located within the areas of special flood hazard established in Part 6,b, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:
- Within zone AO all AH new construction and substantial improvements
 - i. of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
 - ii. Within zone AO all AH new construction and substantial improvements of non-residential structures;
 - (1) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or;
 - (2) together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
 - iii. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Part 7,c,i, are satisfied.
 - iv. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.
 - e. Floodways. Located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:
 - i. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - ii. If Part 6,b is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction

provisions of Part 8.

- iii. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision through FEMA.

9. Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute an infraction. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$750, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent Alpine City from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 1998-02; Incorporated into the Sensitive Land Ordinance by Ord. 2005-03, 01/25/05; Amended by Ord. 2016-13, 07/26/16)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

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

Presiding Officer

Attest

Troy Stout, Mayor, Alpine City

Charmayne G. Warnock, City
Recorder Alpine City

**ALPINE CITY
ORDINANCE 2020-09**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.12.080 OF THE
ALPINE CITY DEVELOPMENT CODE PERTAINING TO THE FLOOD DAMAGE
PREVENTION OVERLAY.**

WHEREAS, The Alpine City Council has deemed it in the best interest of Alpine City to update the flood plain ordinance to meet the requirements of the National Flood Insurance Program; and

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

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

NOW THEREFORE, be it ordained by the Council of Alpine City, in the State of Utah, as follows: The amendments to Article 3.12.080 will supersede Article 3.12.080 as previously adopted. This ordinance shall take effect upon posting.

SECTION 1: AMENDMENT “3.12.080 Flood Damage Prevention Overlay”
of the Alpine City Development Code is hereby *amended* as follows:

A M E N D M E N T

3.12.080 Flood Damage Prevention Overlay

1. **Statutory Authorization.** The Legislature of the State of Utah has in Utah Code sections 10-3-701 and 10-8-84 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Alpine City Council does ordain as follows:
2. **Findings of Fact**
 - a. The flood hazard areas of Alpine, Utah are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
 - b. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

3. **Statement of Purpose.** It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
 - a. Protect human life and health;
 - b. Minimize expenditure of public money for costly flood control projects;
 - c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - d. Minimize prolonged business interruptions;
 - e. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in floodplains;
 - f. Help maintain a stable tax base by providing for the second use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
 - g. Insure that potential buyers are notified that property is in a flood area.
4. **Methods of Reducing Flood Losses.** In order to accomplish its purposes, this ordinance uses the following methods:
 - a. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
 - b. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
 - c. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - d. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
 - e. Control filling, grading, dredging and other development which may increase flood damage.
 - f. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.
5. **Definitions.** Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

ALLUVIAL FAN FLOODING - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high- velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

AREA OF SHALLOW FLOODING - means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly

defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-30, A99, VO, V1-30, VE or V.

BASE FLOOD - means the flood having a one percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE) - is the water surface elevation of the 1-percent-annual-chance flood event. It is the height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas. It is also the elevation shown on the FIRM and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1-percent chance of equaling or exceeding that level in any given year.

BASEMENT - means any area of the building having its floor sub-grade (below ground level) on all sides.

CRITICAL FEATURE - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT - means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING - means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means

of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

EXISTING CONSTRUCTION - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - Means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD OR FLOODING - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. the overflow of inland or tidal waters.
- b. the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

FLOOD INSURANCE STUDY - is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary and Floodway Map (if applicable), the Flood Insurance Rate Map, and supporting technical data.

FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOODPLAIN MANAGEMENT - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS - means zoning ordinances,

subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOOD PROOFING - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY (REGULATORY FLOODWAY) - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FUNCTIONALLY DEPENDENT USE - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE - means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior;
- or

- d. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - i. by an approved state program as determined by the Secretary of the Interior or;
 - ii. directly by the Secretary of the Interior in states without approved programs.

LEVEE - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood insurance Program regulations.

MANUFACTURED HOME - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a

minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE - means a vehicle which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projections;
- c. designed to be self-propelled or permanently towable by a light duty truck; and
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

START OF CONSTRUCTION - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
- b. Any alteration of a "historic structure" provided that the alteration will not

preclude the structure's continued designation as a "historic structure."

VARIANCE - is a grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations).

VIOLATION - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

6. General Provisions

- a. Lands to Which This Section Applies. This ordinance shall apply to all areas of special flood hazard within the jurisdiction of Alpine City, Utah.
- b. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for Utah County, Utah and Incorporated Areas," dated June 19, 2020, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.
- c. Establishment of Development Permit. A Development Permit shall be required to ensure conformance with the provisions of this ordinance.
- d. Compliance. No structure or land shall hereafter be located, altered or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.
- e. Abrogation and Greater Restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- f. Interpretation. In the interpretation and application of this ordinance, all provisions shall be:
 - i. Considered as minimum requirements;
 - ii. Liberally construed in favor of the governing body; and,
 - iii. Deemed neither to limit nor repeal any other powers granted under state statutes.
- g. Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on

scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

7. Administration

- a. Designation of the Floodplain Administrator. The City Engineer is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.
- b. Duties and Responsibilities of the Floodplain Administrator. Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:
 - i. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
 - ii. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
 - iii. Review, approve or deny all applications for development permits required by adoption of this ordinance.
 - iv. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
 - v. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
 - vi. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Utah Division of Water Rights, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 - vii. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
 - viii. When base flood elevation data has not been provided in accordance with Part 6,a, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Part 8.
 - ix. When a regulatory floodway has not been designated, the Floodplain

Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

- x. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision).
 - xi. Where flood way velocities are generally determined to be under five feet (5') per second and maximum flood depth will not exceed three feet (3'), such uses as cultivated agriculture, nurseries, parks and recreation facilities and accessory parking may be permitted.
 - xii. Lots that contain land in the floodplain area shall contain a minimum area outside the floodplain corresponding to the underlying zone. For example, a lot in the TR-10,000 zone must have at least 10,000 sq. ft. of land above the 100-Year Recurrence Interval Flood. CR-20,000 lots in a floodplain must have at least 20,000 sq. ft. of land above 100-Year Recurrence Interval Flood. A CR-40,000 lot in a floodplain must have at least 40,000 sq. ft. of land above 100-Year Recurrence Interval Flood. Whenever 100-Year Recurrence Interval Flood data is not available, the required area as described above will be five feet above the elevation of the maximum flood of record.
- c. Permit Procedures. Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
- i. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 - ii. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 - iii. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the flood proofing criteria of Part 8,b,ii;
 - iv. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
 - v. Maintain a record of all such information in accordance with Part 7,b,i.

Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

- (1) The danger to life and property due to flooding or erosion damage;
- (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (3) The danger that materials may be swept onto other lands to the injury of others;
- (4) The compatibility of the proposed use with existing and anticipated development;
- (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- (7) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- (8) The necessity to the facility of a waterfront location, where applicable;
- (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (10) The relationship of the proposed use to the comprehensive plan for that area.

d. Variance Procedures.

- i. The Alpine City Land Use Appeal Authority as established by the community shall hear and render judgment on requests for variances from the requirements of this ordinance.
- ii. The Appeal Authority shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
- iii. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
- iv. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- v. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the

- procedures set forth in the remainder of this ordinance.
- vi. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Part 7,c,ii have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
 - vii. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Part 3).
 - viii. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - ix. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
 - x. Prerequisites for granting variances:
 - (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (2) Variances shall only be issued upon:
 - (A) showing a good and sufficient cause;
 - (B) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - (C) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (3) Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
 - xi. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - (1) the criteria outlined in Parts 7,d,i through 7,d,ix are met, and
 - (2) the structure or other development is protected by methods that

minimize flood damages during the base flood and create no additional threats to public safety.

8. Provisions for Flood Hazard Reduction

a. General Standards. In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

- i. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- ii. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- iii. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- iv. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- v. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- vi. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
- vii. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

b. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Part 6,b, (ii) Part 7,b,viii, or (iii) Part 8,c,iii, the following provisions are required:

- i. Residential Construction. - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this Part as proposed in Part 7,c,i, is satisfied.
- ii. Nonresidential Construction. - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of

construction are in accordance with accepted standards of practice as outlined in this Part. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

- iii. Enclosures. - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (2) The bottom of all openings shall be no higher than one foot above grade.
 - (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

iv. Manufactured Homes.

- (1) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- (2) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (3) Require that manufactured homes be placed or substantially

improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of the previous Part 8,b,iv,2 be elevated so that either:

- (A) the lowest floor of the manufactured home is at or above the base flood elevation, or
- (B) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

v. Recreational Vehicles. - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

- (1) be on the site for fewer than 180 consecutive days,
- (2) be fully licensed and ready for highway use, or
- (3) meet the permit requirements of Part 7,c,i, and the elevation and anchoring requirements for "manufactured homes" in Part 8,b,iv,2. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

c. Standards for Subdivision Proposals.

- i. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Parts 2 through 4.
- ii. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Part 6,c, Part 7,c and the provisions of Part 8.
- iii. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions.18 which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Part 6,b or Part 7,b,viii.
- iv. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- v. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

d. Standards for Areas of Shallow Flooding (AO/AH Zones). Located within the areas of special flood hazard established in Part 6,b, are areas designated as

shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- i. Within zone AO all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
 - ii. Within zone AO all new construction and substantial improvements of non-residential structures;
 - (1) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or;
 - (2) together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
 - iii. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Part 7,c,i, are satisfied.
 - iv. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.
- e. Floodways. Located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:
- i. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - ii. If Part 6,b is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Part 8.
 - iii. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would

result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision through FEMA.

9. **Penalties for Noncompliance.** No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute an infraction. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$750, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent Alpine City from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 1998-02; Incorporated into the Sensitive Land Ordinance by Ord. 2005-03, 01/25/05; Amended by Ord. 2016-13, 07/26/16)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

_____.

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

Presiding Officer

Attest

Troy Stout, Mayor, Alpine City

Charmayne G. Warnock, City
Recorder Alpine City

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Public Hearing – Ordinance 2020-10: Retaining Wall Irrigation

FOR CONSIDERATION ON: 19 May 2020

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Hold a public hearing, review the proposed ordinance and make a recommendation to City Council.

BACKGROUND INFORMATION:

The Development Code requires plantings on terraced retaining walls. Among the requirements is that the plants/shrubs shall be watered via drip irrigation. Staff are recommending additional language to clarify responsibility of drip irrigation installation and operation.

STAFF RECOMMENDATION:

Hold a public hearing, review and discuss Ordinance 2020-10 and make a recommendation to City Council.

SAMPLE MOTION TO APPROVE:

I motion to recommend that Ordinance 2020-10 be approved as proposed.

SAMPLE MOTION TO APPROVE WITH CONDITIONS:

I motion to recommend that Ordinance 2020-10 be approved with the following conditions/changes:

- ***Insert Finding***

SAMPLE MOTION TO TABLE/DENY:

I motion to recommend that Ordinance 2020-10 be tabled/denied based on the following:

- ***Insert Finding***

**ALPINE CITY
ORDINANCE 2020-10**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.32.030 OF THE
ALPINE CITY DEVELOPMENT CODE PERTAINING TO IRRIGATION OF
PLANTINGS ON RETAINING WALLS.**

WHEREAS, The Alpine City Council has deemed it in the best interest of Alpine City to update the requirements for the irrigation of plantings on retaining walls; and

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

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

NOW THEREFORE, be it ordained by the Council of Alpine City, in the State of Utah, as follows: The amendments to Article 3.32.030 will supersede Article 3.32.030 as previously adopted. This ordinance shall take effect upon posting.

SECTION 1: **AMENDMENT** “3.32.030 Purpose And Intent” of the Alpine City Development Code is hereby *amended* as follows:

BEFORE AMENDMENT

3.32.030 Purpose And Intent

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

1. **Building Permit Required.** Except as otherwise provided in Part 2, all retaining walls require a building permit prior to construction or alteration. Permit applications shall be processed and issued in accordance with building permit procedures and applicable provisions of this section. Building permit review fees will be assessed and collected at the time the permit is issued.
2. **Building Permit Exemptions.** The following do not require a building permit:
 - a. Retaining walls less than four feet in exposed height with less than 10H:1V (Horizontal: Vertical) front and back slopes within ten feet of the wall;
 - b. Non-tiered retaining walls less than four feet in exposed height with back slopes flatter than or equal to 2H:1V and having front slopes no steeper than or equal to 4H:1V;
 - c. Double tiered retaining walls less than four feet in exposed height per wall and

which have front slopes and back slopes of each wall no steeper than or equal to 10H:1V within ten feet of the walls, 2 foot spacing between front face of the upper wall and back edge of the lower wall;

d. Retaining walls less than 50 square feet in size, less than 4 feet tall.

3. **Geologic Hazards.** If construction of any retaining wall, which requires a building permit, occurs within sensitive land areas as outlined by DCA 3.12, then all analyses required for the design of retaining walls or rock protected slopes shall follow the Sensitive Lands Ordinance, specifically in regards to limits of disturbance and the required geologic hazard and engineering geology reports (DCA 3.12.060 Part 4)

4. **Engineer Design Required.** All retaining walls required to obtain a building permit shall be designed by an engineer licensed by the State of Utah.

5. **Height, Separation and Plantings**

a. For the purposes of this Part, the height of a retaining wall is measured as exposed height (H) of wall of an individual tier.

b. A single retaining wall shall not exceed nine feet in exposed height if it can be seen from the nearest public right-of-way or adjacent properties to which it is exposed.

c. Terracing of retaining walls is permitted where justified by topographic conditions, but the combined height of all walls shall not exceed a height of 18 feet if exposed or can be seen from the nearest public right-of-way or adjacent properties. Walls with a separation of at least 2H (H of largest of 2 walls) from face of wall to face of wall shall be considered as separate walls for analysis purposes and applicability to this ordinance. If walls are within 2H (H of largest of 2 walls), then the combined height of the terrace shall be used for limitation of height.

d. In a terrace of retaining walls, a minimum horizontal separation of H/2 (H of largest of 2 walls) is required as measured from back of lower wall to face of higher wall. If the walls are not viewable from the nearest public right-of-way or adjacent properties, then there is no limitation of height.

e. The view of the nearest public right-of-way or adjacent property shall be verified by the City Official during the review process and prior to permit for construction.

f. For terraced walls viewable from the nearest public right-of-way, the horizontal separation between walls shall be planted with a minimum of five shrubs for every 20 linear feet of planting area. The size of the shrubs shall be less than one-half the width of the terrace. Shrubs shall be watered by drip irrigation to minimize erosion by property owner, not by Alpine City.

g. Walls greater than four (4) feet in height (H) placed within H/2 of an adjacent property line, which would create a drop-off for the adjacent property, shall install a fence along the top of the wall in accordance with ADC 3.21.060.

h. No retaining wall component shall extend beyond the property lines unless written permission is obtained from the affected property owner.

6. **Submittals.** The following documents and calculations prepared by a licensed engineer of the State of Utah shall be submitted with each retaining wall building permit application:

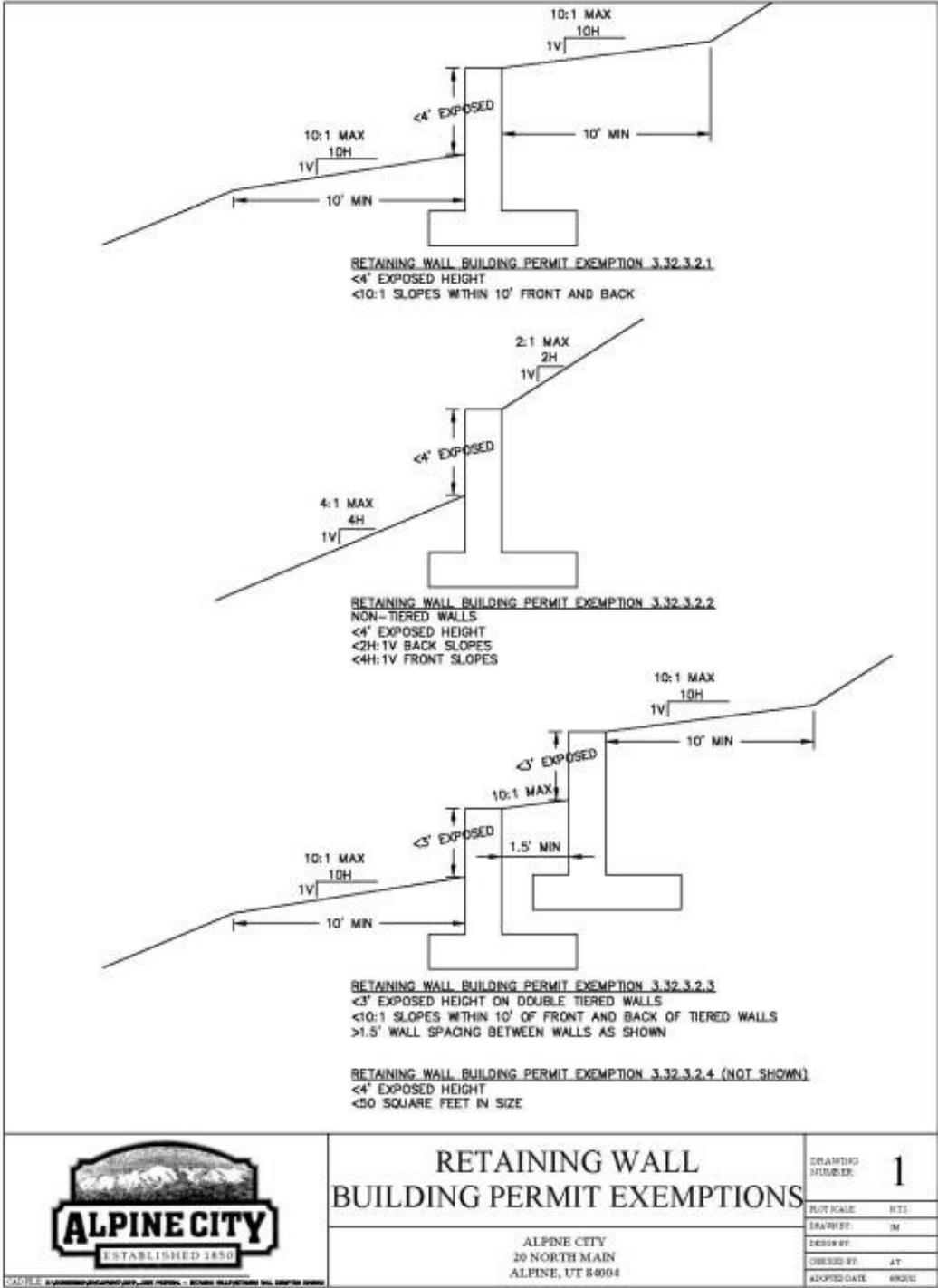
- a. profile drawings if the retaining wall is longer than 50 lineal feet, with the base elevation, exposed base elevation and top of wall labeled at the ends of the wall and every 50 linear feet or change in grade;
- b. cross-sectional drawings including surface grades and structures located in front and behind the retaining wall a distance equivalent to three times the height of the retaining wall, and if the retaining wall is supporting a slope, then the cross section shall include the entire slope plus surface grades and structures within a horizontal distance equivalent to one times the height of slope;
- c. a site plan showing the location of the retaining walls with the base elevation, exposed base elevation and top of wall labeled at the ends of wall and every 50 lineal feet or change in grade;
- d. a copy of the geotechnical report used by the design engineer. The geotechnical report shall include requirement of Part 6,e otherwise additional laboratory testing is required in Part 6,e;
- e. material strength parameters used in the design of the retaining wall, substantiated with laboratory testing of the materials as follows:
 - i. for soils, this may include, but is not limited to, unit weights, direct shear tests, triaxial shear tests and unconfined compression tests;
 - ii. if laboratory testing was conducted from off-site but similar soils within a 2000 foot radius of the proposed wall location, the results of the testing with similar soil classification testing needs to be submitted;
 - iii. minimum laboratory submittal requirements are the unit weight of retained soils, gradation for cohesionless soils, Atterberg limits for cohesive soils, and shear test data;
 - iv. soil classification testing shall be submitted for all direct shear or triaxial shear tests;
 - v. if a Proctor is completed, classification testing shall be submitted with the Proctor result; and,
 - vi. laboratory testing should be completed in accordance with applicable American Society for Testing and Materials (ASTM) standards;
 - vii. for segmented block walls, the manufacturer's test data for the wall facing, soil reinforcement, and connection parameters shall be submitted in an appendix.
- f. the design engineer shall indicate the design standard used and supply a printout of the input and output of the files in an appendix with factors of safety within the design standard used as follows:
 - i. design calculations ensuring stability against overturning, base sliding, excessive foundation settlement, bearing capacity, internal shear and global stability;
 - ii. calculations shall include analysis under static and seismic loads, which shall be based on the PGA as determined from probabilistic analysis for the maximum credible earthquake (MCE), with spectral acceleration factored for site conditions in accordance with the current IBC;
 - iii. Mechanically Stabilized Earth (MSE) walls shall be designed in general accordance with current FHWA or AASHTO standards for design of

Mechanically Stabilized Earth Walls and Reinforced Soil Slopes or the current National Concrete Masonry Association (NCMA) Design Manual for Segmental Retaining Walls;

- iv. rock walls shall be designed in general accordance with 2006 FHWA-CFL/TD-06-006 “Rockery Design and Construction Guidelines,” or current FHWA standard of care and;
 - v. concrete cantilever walls shall be designed in general accordance with specifications provided in current American Concrete Institute or American Society of Civil Engineers standards and specifications.
- g. a global stability analysis with minimum factors of safety of at least 1.50 under static conditions and at least 1.10 under seismic loading conditions as follows:
- i. factors of safety results shall be presented to the nearest hundredth;
 - ii. seismic loads shall be based on the PGA as determined from probabilistic analysis for the maximum credible earthquake (MCE), with spectral acceleration factored for site conditions in accordance with the current IBC;
 - iii. the cross-sectional view of each analysis shall be included, and the printout of the input and output files placed in an appendix; and,
 - iv. the global stability analysis may be omitted for concrete cantilever retaining walls that extend to frost depth, that are less than nine feet in exposed height, absent of supporting structures within 30 feet of the top of the wall, and which have less than 10H:1V front and back slopes within 30 feet of the retaining structure.
- h. a drainage design, including a free draining gravel layer wrapped in filter fabric located behind the retaining wall with drain pipe day-lighting to a proper outlet or weep holes placed through the base of the wall, however:
- i. a synthetic drainage composite may be used behind MSE walls if a materials specific shear testing is completed to determined friction properties between the backfill and synthetic drainage composite;
 - ii. a synthetic drainage composite is not allowed behind rock walls;
 - iii. a synthetic drainage composite may be used behind the stem of the concrete cantilever walls;
 - iv. if the engineering can substantiate proper filtering between the retained soils and the drain rock, then the filter fabric may be omitted, and;
 - v. if the retaining wall is designed to withstand hydrostatic pressures or the retained soils or backfill is free-draining as substantiated through appropriate testing, then drainage material may be omitted from the design.
- i. the design engineer’s acknowledgement that the site is suitable for the retaining wall;
 - j. an inspection frequency schedule.
7. **Preconstruction Meeting.** At least 48 hours prior to the construction of any approved retaining wall, a preconstruction meeting shall be held as directed by the Building Official. The meeting shall include the Building Official, the design engineer, the contractor and the project or property owner. The preconstruction meeting can be waived

at the discretion of the Building Official.

8. **Inspections and Final Report.** The design engineer shall make all inspections needed during construction. A final report from the engineer shall state that the retaining wall was built according to the submitted design. The report shall include detail of the inspections of the wall in accordance with the inspection frequency schedule. All pertinent compaction testing shall also be included with the final report.
9. **Maintenance.** All retaining walls shall be maintained in a structurally safe and sound condition and in good repair.



**RETAINING WALL
 BUILDING PERMIT EXEMPTIONS**

ALPINE CITY
 20 NORTH MAIN
 ALPINE, UT 84004

DRAWING NUMBER:	1
PLOT SCALE:	HTS.
DRAWN BY:	IM
DESIGN BY:	
CHECKED BY:	AT
ADOPTED DATE:	6/9/15

(Ord. No. 2015-07, 06/09/15)

AFTER AMENDMENT

3.32.030 Purpose And Intent

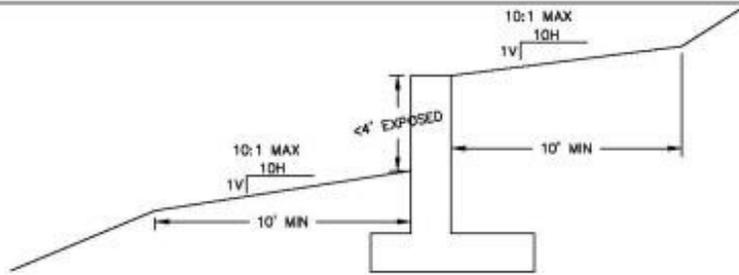
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 - c. Double tiered retaining walls less than four feet in exposed height per wall and which have front slopes and back slopes of each wall no steeper than or equal to 10H:1V within ten feet of the walls, 2 foot spacing between front face of the upper wall and back edge of the lower wall;
 - d. Retaining walls less than 50 square feet in size, less than 4 feet tall.
3. **Geologic Hazards.** If construction of any retaining wall, which requires a building permit, occurs within sensitive land areas as outlined by DCA 3.12, then all analyses required for the design of retaining walls or rock protected slopes shall follow the Sensitive Lands Ordinance, specifically in regards to limits of disturbance and the required geologic hazard and engineering geology reports (DCA 3.12.060 Part 4)
4. **Engineer Design Required.** All retaining walls required to obtain a building permit shall be designed by an engineer licensed by the State of Utah.
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 - a. For the purposes of this Part, the height of a retaining wall is measured as exposed height (H) of wall of an individual tier.
 - b. A single retaining wall shall not exceed nine feet in exposed height if it can be seen from the nearest public right-of-way or adjacent properties to which it is exposed.
 - c. Terracing of retaining walls is permitted where justified by topographic conditions, but the combined height of all walls shall not exceed a height of 18 feet if exposed or can be seen from the nearest public right-of-way or adjacent properties. Walls with a separation of at least 2H (H of largest of 2 walls) from face of wall to face of wall shall be considered as separate walls for analysis purposes and applicability to this ordinance. If walls are within 2H (H of largest of 2 walls), then the combined height of the terrace shall be used for limitation of height.

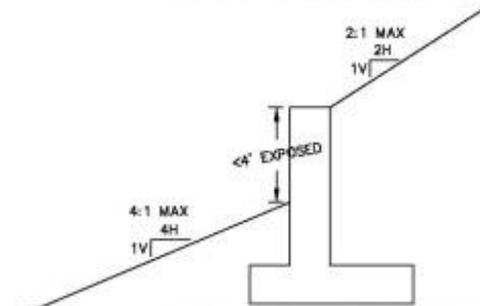
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 - e. The view of the nearest public right-of-way or adjacent property shall be verified by the City Official during the review process and prior to permit for construction.
 - f. For terraced walls viewable from the nearest public right-of-way, the horizontal separation between walls shall be planted with a minimum of five shrubs for every 20 linear feet of planting area. The size of the shrubs shall be less than one-half the width of the terrace. ~~Shrubs shall be watered by drip irrigation to minimize erosion by property owner, not by Alpine City~~ Shrubs shall be drip irrigated to minimize erosion. The responsibility of drip irrigation resides with the property owner on which the majority of the structure is built. If the majority of the structure is built on private or public open space, where no HOA is present, a pressurized irrigation service and drip irrigation system shall be installed by the Developer and Alpine City will be responsible for the drip irrigation maintenance and operation after the warranty period expires.
 - g. Walls greater than four (4) feet in height (H) placed within H/2 of an adjacent property line, which would create a drop-off for the adjacent property, shall install a fence along the top of the wall in accordance with ADC 3.21.060.
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 - b. cross-sectional drawings including surface grades and structures located in front and behind the retaining wall a distance equivalent to three times the height of the retaining wall, and if the retaining wall is supporting a slope, then the cross section shall include the entire slope plus surface grades and structures within a horizontal distance equivalent to one times the height of slope;
 - c. a site plan showing the location of the retaining walls with the base elevation, exposed base elevation and top of wall labeled at the ends of wall and every 50 lineal feet or change in grade;
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- a 2000 foot radius of the proposed wall location, the results of the testing with similar soil classification testing needs to be submitted;
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 - ii. calculations shall include analysis under static and seismic loads, which shall be based on the PGA as determined from probabilistic analysis for the maximum credible earthquake (MCE), with spectral acceleration factored for site conditions in accordance with the current IBC;
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 - iv. rock walls shall be designed in general accordance with 2006 FHWA-CFL/TD-06-006 "Rockery Design and Construction Guidelines," or current FHWA standard of care and;
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 - iii. the cross-sectional view of each analysis shall be included, and the printout of the input and output files placed in an appendix; and,

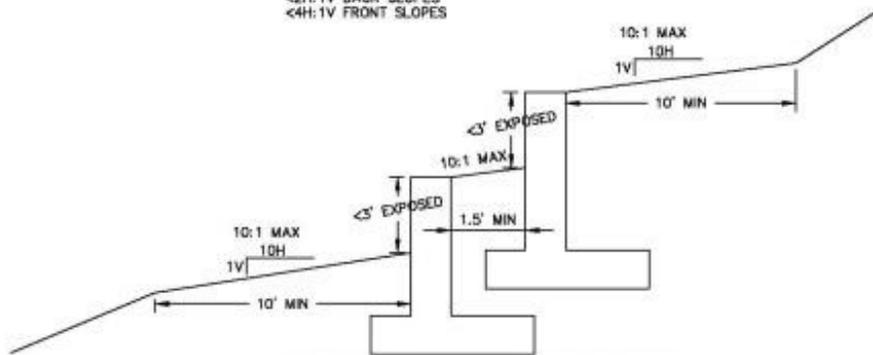
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RETAINING WALL BUILDING PERMIT EXEMPTION 3.32.3.2.1
 <4' EXPOSED HEIGHT
 <10:1 SLOPES WITHIN 10' FRONT AND BACK



RETAINING WALL BUILDING PERMIT EXEMPTION 3.32.3.2.2
 NON-TIERED WALLS
 <4' EXPOSED HEIGHT
 <2H:1V BACK SLOPES
 <4H:1V FRONT SLOPES



RETAINING WALL BUILDING PERMIT EXEMPTION 3.32.3.2.3
 <3' EXPOSED HEIGHT ON DOUBLE TIERED WALLS
 <10:1 SLOPES WITHIN 10' OF FRONT AND BACK OF TIERED WALLS
 >1.5' WALL SPACING BETWEEN WALLS AS SHOWN

RETAINING WALL BUILDING PERMIT EXEMPTION 3.32.3.2.4 (NOT SHOWN)
 <4' EXPOSED HEIGHT
 <50 SQUARE FEET IN SIZE



RETAINING WALL BUILDING PERMIT EXEMPTIONS

ALPINE CITY
 20 NORTH MAIN
 ALPINE, UT 84004

DRAWING NUMBER:	1
PLLOT SCALE:	RTS
DRAWN BY:	IM
DESIGN BY:	
CHECKED BY:	AT
ADOPTED DATE:	08/2012

(Ord. No. 2015-07, 06/09/15)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

_____.

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

Presiding Officer

Attest

Troy Stout, Mayor, Alpine City

Charmayne G. Warnock, City
Recorder Alpine City

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PLANTINGS ON RETAINING WALLS.**

WHEREAS, The Alpine City Council has deemed it in the best interest of Alpine City to update the requirements for the irrigation of plantings on retaining walls; and

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

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

NOW THEREFORE, be it ordained by the Council of Alpine City, in the State of Utah, as follows: The amendments to Article 3.32.030 will supersede Article 3.32.030 as previously adopted. This ordinance shall take effect upon posting.

SECTION 1: **AMENDMENT** “3.32.030 Purpose And Intent” of the Alpine City Development Code is hereby *amended* as follows:

A M E N D M E N T

3.32.030 Purpose And Intent

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

1. **Building Permit Required.** Except as otherwise provided in Part 2, all retaining walls require a building permit prior to construction or alteration. Permit applications shall be processed and issued in accordance with building permit procedures and applicable provisions of this section. Building permit review fees will be assessed and collected at the time the permit is issued.
2. **Building Permit Exemptions.** The following do not require a building permit:
 - a. Retaining walls less than four feet in exposed height with less than 10H:1V (Horizontal: Vertical) front and back slopes within ten feet of the wall;
 - b. Non-tiered retaining walls less than four feet in exposed height with back slopes flatter than or equal to 2H:1V and having front slopes no steeper than or equal to 4H:1V;
 - c. Double tiered retaining walls less than four feet in exposed height per wall and

which have front slopes and back slopes of each wall no steeper than or equal to 10H:1V within ten feet of the walls, 2 foot spacing between front face of the upper wall and back edge of the lower wall;

d. Retaining walls less than 50 square feet in size, less than 4 feet tall.

3. **Geologic Hazards.** If construction of any retaining wall, which requires a building permit, occurs within sensitive land areas as outlined by DCA 3.12, then all analyses required for the design of retaining walls or rock protected slopes shall follow the Sensitive Lands Ordinance, specifically in regards to limits of disturbance and the required geologic hazard and engineering geology reports (DCA 3.12.060 Part 4)

4. **Engineer Design Required.** All retaining walls required to obtain a building permit shall be designed by an engineer licensed by the State of Utah.

5. **Height, Separation and Plantings**

a. For the purposes of this Part, the height of a retaining wall is measured as exposed height (H) of wall of an individual tier.

b. A single retaining wall shall not exceed nine feet in exposed height if it can be seen from the nearest public right-of-way or adjacent properties to which it is exposed.

c. Terracing of retaining walls is permitted where justified by topographic conditions, but the combined height of all walls shall not exceed a height of 18 feet if exposed or can be seen from the nearest public right-of-way or adjacent properties. Walls with a separation of at least 2H (H of largest of 2 walls) from face of wall to face of wall shall be considered as separate walls for analysis purposes and applicability to this ordinance. If walls are within 2H (H of largest of 2 walls), then the combined height of the terrace shall be used for limitation of height.

d. In a terrace of retaining walls, a minimum horizontal separation of H/2 (H of largest of 2 walls) is required as measured from back of lower wall to face of higher wall. If the walls are not viewable from the nearest public right-of-way or adjacent properties, then there is no limitation of height.

e. The view of the nearest public right-of-way or adjacent property shall be verified by the City Official during the review process and prior to permit for construction.

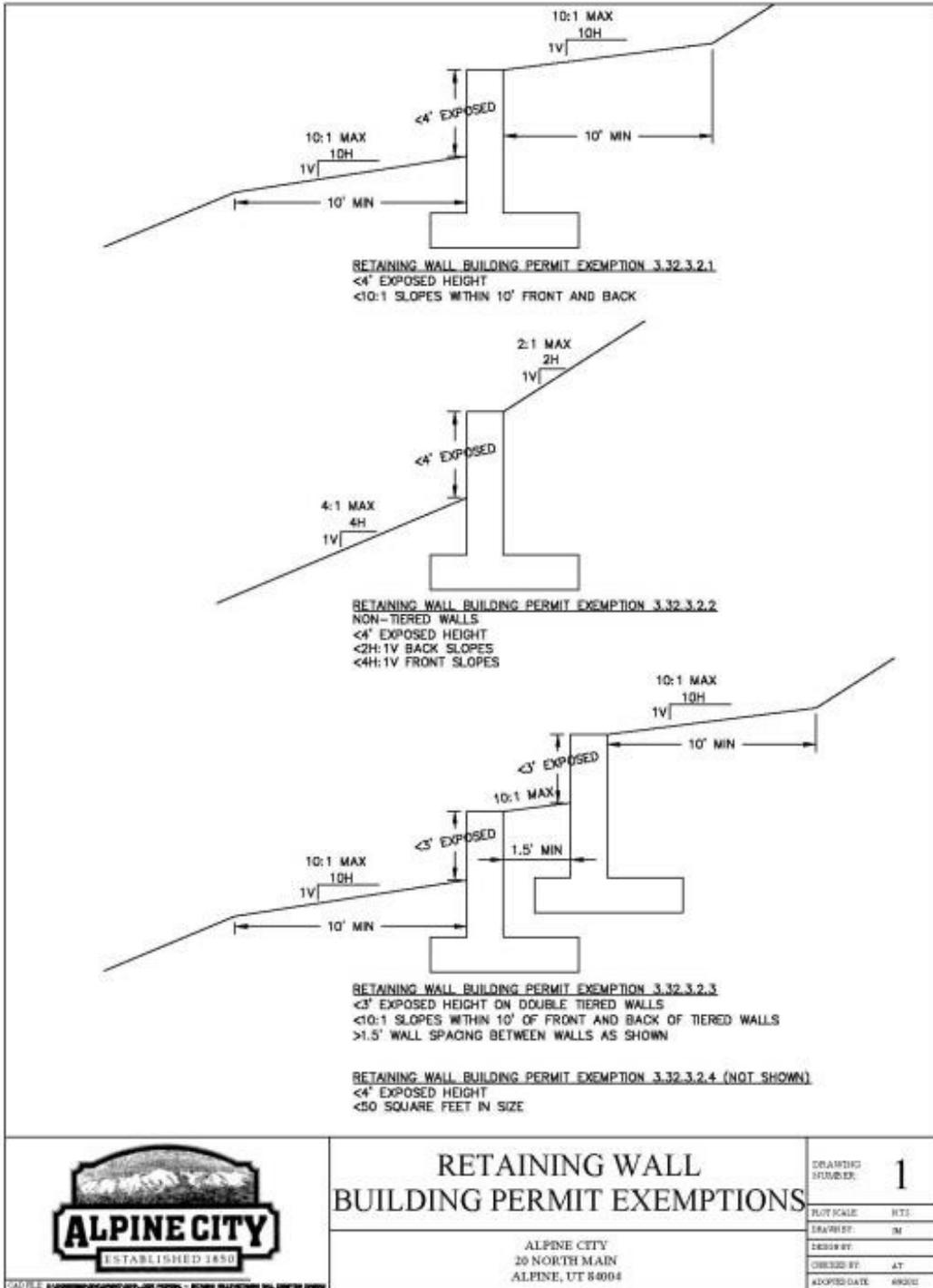
f. For terraced walls viewable from the nearest public right-of-way, the horizontal separation between walls shall be planted with a minimum of five shrubs for every 20 linear feet of planting area. The size of the shrubs shall be less than one-half the width of the terrace. Shrubs shall be drip irrigated to minimize erosion. The responsibility of drip irrigation resides with the property owner on which the majority of the structure is built. If the majority of the structure is built on private or public open space, where no HOA is present, a pressurized irrigation service and drip irrigation system shall be installed by the Developer and Alpine City will be responsible for the drip irrigation maintenance and operation after the warranty period expires..

g. Walls greater than four (4) feet in height (H) placed within H/2 of an adjacent property line, which would create a drop-off for the adjacent property, shall install a fence along the top of the wall in accordance with ADC 3.21.060.

- h. No retaining wall component shall extend beyond the property lines unless written permission is obtained from the affected property owner.
6. **Submittals.** The following documents and calculations prepared by a licensed engineer of the State of Utah shall be submitted with each retaining wall building permit application:
- a. profile drawings if the retaining wall is longer than 50 lineal feet, with the base elevation, exposed base elevation and top of wall labeled at the ends of the wall and every 50 linear feet or change in grade;
 - b. cross-sectional drawings including surface grades and structures located in front and behind the retaining wall a distance equivalent to three times the height of the retaining wall, and if the retaining wall is supporting a slope, then the cross section shall include the entire slope plus surface grades and structures within a horizontal distance equivalent to one times the height of slope;
 - c. a site plan showing the location of the retaining walls with the base elevation, exposed base elevation and top of wall labeled at the ends of wall and every 50 lineal feet or change in grade;
 - d. a copy of the geotechnical report used by the design engineer. The geotechnical report shall include requirement of Part 6,e otherwise additional laboratory testing is required in Part 6,e;
 - e. material strength parameters used in the design of the retaining wall, substantiated with laboratory testing of the materials as follows:
 - i. for soils, this may include, but is not limited to, unit weights, direct shear tests, triaxial shear tests and unconfined compression tests;
 - ii. if laboratory testing was conducted from off-site but similar soils within a 2000 foot radius of the proposed wall location, the results of the testing with similar soil classification testing needs to be submitted;
 - iii. minimum laboratory submittal requirements are the unit weight of retained soils, gradation for cohesionless soils, Atterberg limits for cohesive soils, and shear test data;
 - iv. soil classification testing shall be submitted for all direct shear or triaxial shear tests;
 - v. if a Proctor is completed, classification testing shall be submitted with the Proctor result; and,
 - vi. laboratory testing should be completed in accordance with applicable American Society for Testing and Materials (ASTM) standards;
 - vii. for segmented block walls, the manufacturer's test data for the wall facing, soil reinforcement, and connection parameters shall be submitted in an appendix.
 - f. the design engineer shall indicate the design standard used and supply a printout of the input and output of the files in an appendix with factors of safety within the design standard used as follows:
 - i. design calculations ensuring stability against overturning, base sliding, excessive foundation settlement, bearing capacity, internal shear and global stability;
 - ii. calculations shall include analysis under static and seismic loads, which

- shall be based on the PGA as determined from probabilistic analysis for the maximum credible earthquake (MCE), with spectral acceleration factored for site conditions in accordance with the current IBC;
- iii. Mechanically Stabilized Earth (MSE) walls shall be designed in general accordance with current FHWA or AASHTO standards for design of Mechanically Stabilized Earth Walls and Reinforced Soil Slopes or the current National Concrete Masonry Association (NCMA) Design Manual for Segmental Retaining Walls;
 - iv. rock walls shall be designed in general accordance with 2006 FHWA-CFL/TD-06-006 "Rockery Design and Construction Guidelines," or current FHWA standard of care and;
 - v. concrete cantilever walls shall be designed in general accordance with specifications provided in current American Concrete Institute or American Society of Civil Engineers standards and specifications.
- g. a global stability analysis with minimum factors of safety of at least 1.50 under static conditions and at least 1.10 under seismic loading conditions as follows:
- i. factors of safety results shall be presented to the nearest hundredth;
 - ii. seismic loads shall be based on the PGA as determined from probabilistic analysis for the maximum credible earthquake (MCE), with spectral acceleration factored for site conditions in accordance with the current IBC;
 - iii. the cross-sectional view of each analysis shall be included, and the printout of the input and output files placed in an appendix; and,
 - iv. the global stability analysis may be omitted for concrete cantilever retaining walls that extend to frost depth, that are less than nine feet in exposed height, absent of supporting structures within 30 feet of the top of the wall, and which have less than 10H:1V front and back slopes within 30 feet of the retaining structure.
- h. a drainage design, including a free draining gravel layer wrapped in filter fabric located behind the retaining wall with drain pipe day-lighting to a proper outlet or weep holes placed through the base of the wall, however:
- i. a synthetic drainage composite may be used behind MSE walls if a materials specific shear testing is completed to determined friction properties between the backfill and synthetic drainage composite;
 - ii. a synthetic drainage composite is not allowed behind rock walls;
 - iii. a synthetic drainage composite may be used behind the stem of the concrete cantilever walls;
 - iv. if the engineering can substantiate proper filtering between the retained soils and the drain rock, then the filter fabric may be omitted, and;
 - v. if the retaining wall is designed to withstand hydrostatic pressures or the retained soils or backfill is free-draining as substantiated through appropriate testing, then drainage material may be omitted from the design.
- i. the design engineer's acknowledgement that the site is suitable for the retaining wall;

- j. an inspection frequency schedule.
7. **Preconstruction Meeting.** At least 48 hours prior to the construction of any approved retaining wall, a preconstruction meeting shall be held as directed by the Building Official. The meeting shall include the Building Official, the design engineer, the contractor and the project or property owner. The preconstruction meeting can be waived at the discretion of the Building Official.
 8. **Inspections and Final Report.** The design engineer shall make all inspections needed during construction. A final report from the engineer shall state that the retaining wall was built according to the submitted design. The report shall include detail of the inspections of the wall in accordance with the inspection frequency schedule. All pertinent compaction testing shall also be included with the final report.
 9. **Maintenance.** All retaining walls shall be maintained in a structurally safe and sound condition and in good repair.



RETAINING WALL BUILDING PERMIT EXEMPTIONS

ALPINE CITY
20 NORTH MAIN
ALPINE, UT 84004

DRAWING NUMBER:	1
PLOT SCALE:	HTS.
DRAWN BY:	IM
DESIGN BY:	
CHECKED BY:	AT
ADOPTED DATE:	6/9/15

(Ord. No. 2015-07, 06/09/15)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

_____.

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

Presiding Officer

Attest

Troy Stout, Mayor, Alpine City

Charmayne G. Warnock, City
Recorder Alpine City

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Public Hearing – Ordinance 2020-11: Planter Strip Requirements

FOR CONSIDERATION ON: 19 May 2020

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Hold a public hearing, review the proposed ordinance and make a recommendation to City Council.

BACKGROUND INFORMATION:

The Development Code needs to be updated to reference the City's new Tree Guide with reference to what types of plants are permitted in park strips. The old language used to refer to a list kept by staff; however, the City now has a new Tree Guide specifically for this purpose.

STAFF RECOMMENDATION:

Hold a public hearing, review and discuss Ordinance 2020-11 and make a recommendation to City Council.

SAMPLE MOTION TO APPROVE:

I motion to recommend that Ordinance 2020-11 be approved as proposed.

SAMPLE MOTION TO APPROVE WITH CONDITIONS:

I motion to recommend that Ordinance 2020-11 be approved with the following conditions/changes:

- ***Insert Finding***

SAMPLE MOTION TO TABLE/DENY:

I motion to recommend that Ordinance 2020-11 be tabled/denied based on the following:

- ***Insert Finding***

**ALPINE CITY
ORDINANCE 2020-11**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 4.07.100 OF THE
ALPINE CITY DEVELOPMENT CODE PERTAINING TO PLANTER STRIP
REQUIREMENTS.**

WHEREAS, The Alpine City Council has deemed it in the best interest of Alpine City to update the City planter strip requirements; and

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

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

NOW THEREFORE, be it ordained by the Council of Alpine City, in the State of Utah, as follows: The amendments to Article 4.07.100 will supersede Article 4.07.100 as previously adopted. This ordinance shall take effect upon posting.

SECTION 1: AMENDMENT “4.07.100 Sidewalks, Curbs And Gutters” of the Alpine City Development Code is hereby *amended* as follows:

A M E N D M E N T

4.07.100 Sidewalks, Curbs And Gutters

Sidewalks, curbs, planter strips and gutters may be required on both sides of all streets to be dedicated to the public. Sidewalks, curbs, planter strips and gutters may be required by the Planning Commission and City Council on existing streets bordering the new subdivision lots.

General: The Developer of the project shall only be responsible for the cost of system improvements that are roughly proportionate and reasonably related to the service demands and needs of such development activity.

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

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

- a. Impractical to install curb, gutter or sidewalk because of drainage, topography or similar circumstances.

- b. Special circumstances, features or conditions of the property, normally of a technical nature.
 - c. Relationship to surrounding patterns of land use and street and circulation.
2. **Fees in Escrow for Future Improvements.** Where present conditions exist which make it unfeasible or impractical to install any required public improvements, the city may require the subdivider to pay to the city a fee equal to the estimated cost of such improvements as determined by the City Engineer. Upon payment of the fee by the developer, the city shall assume the responsibility for future installation of such improvements.

The Treasurer shall establish a special account for such fees and shall credit to such account a proportional share of interest earned from investment of city monies. Records relating to identification of properties for which the fees have been collected, fee amounts collected for such properties and money transfer requests shall be the responsibility of the Building Department.

3. **Planter Strip Requirements:** (Amended by Ord. 2004-13, 9/28/04)
- a. Double Frontage Lot Landscaping Requirements. The park strip or planter area in the City right-of-way on all rear lot frontages shall be fully landscaped by the developer or property owner. Full landscape shall be described as follows:
 - i. Grass, irrigation, and street trees; or
 - ii. Colored, stamped decorative concrete and street trees with required irrigation;
 - iii. Irrigation standards will be determined by City Staff and available through standard design drawing details provided by Staff.
 - iv. Street trees shall be planted at least every 50 ft. Street trees shall be selected from the ~~approved list available from City Staff~~ [Alpine City Tree Guide](#).
 - b. Single Frontage Lot Landscaping Requirements. Planter strips in the city right-of-way shall be landscaped and maintained by the property owner. If street trees are desired, the trees shall be selected from the ~~approved street tree list available from City Staff~~ [Alpine City Tree Guide](#).

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

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

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

_____.

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

Presiding Officer

Attest

Troy Stout, Mayor, Alpine City

Charmayne G. Warnock, City
Recorder Alpine City

**ALPINE CITY
ORDINANCE 2020-11**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 4.07.100 OF THE
ALPINE CITY DEVELOPMENT CODE PERTAINING TO PLANTER STRIP
REQUIREMENTS.**

WHEREAS, The Alpine City Council has deemed it in the best interest of Alpine City to update the City planter strip requirements; and

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

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

NOW THEREFORE, be it ordained by the Council of Alpine City, in the State of Utah, as follows: The amendments to Article 4.07.100 will supersede Article 4.07.100 as previously adopted. This ordinance shall take effect upon posting.

SECTION 1: AMENDMENT “4.07.100 Sidewalks, Curbs And Gutters” of the Alpine City Development Code is hereby *amended* as follows:

A M E N D M E N T

4.07.100 Sidewalks, Curbs And Gutters

Sidewalks, curbs, planter strips and gutters may be required on both sides of all streets to be dedicated to the public. Sidewalks, curbs, planter strips and gutters may be required by the Planning Commission and City Council on existing streets bordering the new subdivision lots.

General: The Developer of the project shall only be responsible for the cost of system improvements that are roughly proportionate and reasonably related to the service demands and needs of such development activity.

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

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

- a. Impractical to install curb, gutter or sidewalk because of drainage, topography or similar circumstances.

- b. Special circumstances, features or conditions of the property, normally of a technical nature.
 - c. Relationship to surrounding patterns of land use and street and circulation.
2. **Fees in Escrow for Future Improvements.** Where present conditions exist which make it unfeasible or impractical to install any required public improvements, the city may require the subdivider to pay to the city a fee equal to the estimated cost of such improvements as determined by the City Engineer. Upon payment of the fee by the developer, the city shall assume the responsibility for future installation of such improvements.

The Treasurer shall establish a special account for such fees and shall credit to such account a proportional share of interest earned from investment of city monies. Records relating to identification of properties for which the fees have been collected, fee amounts collected for such properties and money transfer requests shall be the responsibility of the Building Department.

3. **Planter Strip Requirements:** (Amended by Ord. 2004-13, 9/28/04)
- a. **Double Frontage Lot Landscaping Requirements.** The park strip or planter area in the City right-of-way on all rear lot frontages shall be fully landscaped by the developer or property owner. Full landscape shall be described as follows:
 - i. Grass, irrigation, and street trees; or
 - ii. Colored, stamped decorative concrete and street trees with required irrigation;
 - iii. Irrigation standards will be determined by City Staff and available through standard design drawing details provided by Staff.
 - iv. Street trees shall be planted at least every 50 ft. Street trees shall be selected from the Alpine City Tree Guide.
 - b. **Single Frontage Lot Landscaping Requirements.** Planter strips in the city right-of-way shall be landscaped and maintained by the property owner. If street trees are desired, the trees shall be selected from the Alpine City Tree Guide.

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

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

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

_____.

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

Presiding Officer

Attest

Troy Stout, Mayor, Alpine City

Charmayne G. Warnock, City
Recorder Alpine City

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Discussion – Limitations on Size of Lots and Structures in the City

FOR CONSIDERATION ON: 19 May 2020

PETITIONER: Mayor and City Council

ACTION REQUESTED BY PETITIONER: Review the ordinance and discuss limiting the maximum size of lots and structures in the City.

BACKGROUND INFORMATION:

Other than setback restrictions there is nothing in City ordinance to limit the maximum size of a structure (additions, main buildings, accessory buildings) or lot (plat amendments to combine 2 or more lots) in the City. Over the past few years some homes, accessory buildings and lots have been getting bigger. Planning Commission will discuss the need to limit the maximum size of buildings and lots.

STAFF RECOMMENDATION:

Discuss limitations for size of lot, home, accessory structure, and other buildings.

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Planning Commission Minutes May 5, 2020

FOR CONSIDERATION ON: 19 May 2020

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Approve Minutes

BACKGROUND INFORMATION:

Minutes from the May 5, 2020 Planning Commission Meeting.

STAFF RECOMMENDATION:

Review and approve the Planning Commission Minutes.

ALPINE CITY PLANNING COMMISSION MEETING
Alpine City Hall, 20 North Main, Alpine, UT
May 5, 2020

I. GENERAL BUSINESS

A. Welcome and Roll Call: The meeting was called to order at 7:00 p.m. by Chairwoman Jane Griener. The following were present and constituted a quorum:

Chairman: Jane Griener

Commission Members: Ethan Allen, Alan MacDonald, John MacKay, Sylvia Christiansen, John MacKay (arrived late)

Staff: Austin Roy, Jed Muhlestein, Marla Fox

Others: Paul Kroff

B. Prayer/Opening Comments: Sylvia Christensen

C. Pledge of Allegiance: Ethan Allen

II. PUBLIC COMMENT

There were no public comments.

III. ACTION ITEMS

A. Final Plat – The Ridge at Alpine 3

The Ridge at Alpine development consisted of seventy-two lots on 189.5 acres, with Phase 3 being nine lots on 6.26 acres. The development was in the CR 40,000 zone, west of the Alpine Cove subdivision and Northeast of Heritage Hills Plat A. A map was attached showing Phase 3 and how it correlated to the rest of the development. The Ridge at Alpine was approved as a Planned Residential Development (PRD).

Phase 2 of The Ridge at Alpine was approved by the City Council on August 13, 2019 and Phase 1 on October 23, 2018. Trails, open space, and conservation easement were approved with the Phase 1 Plat. The applicant was now seeking approval for Phase 3 of The Ridge at Alpine Subdivision.

Austin Roy showed on a map where Phase 3 was located. He said all the open space for the development was in Phase 1 as was the Conservation Easement. He said Phase 1 was approved in 2018 and Phase 2 in 2019.

Austin Roy said this development had a PRD status because of the open space and designated park making the lots a little smaller than a normal 1-acre lot. The lots ranged in size from .47 acres to .88 acres. He said all the trails noted were recorded with Phase 1 but were still being worked on. The applicant's plans were consistent with the General Plan.

Austin Roy said there were two roads that serviced this development: Elk Ridge Lane and Grove Drive. He would recommend approval as far as planning and zoning was concerned.

Jed Muhlestein said this development was pretty low-key in terms of adding extra infrastructure, and engineering. He said the applicant needed a temporary turn-around at the end of Zachary Way. School house piping needed completion when they worked on their pond installation, and a regional detention pond for the entire development needed to be built as part of Phases 1, 2, and 3. He said when Phase 3 was recorded, they needed to record the easements for the offsite improvements to the pond.

1 Jed Muhlestein said Phase 3 did not include any of the hazards that were in Phase 1 and 2. He said the
 2 City had an ordinance that stated an applicant could not record a phase until the previous phases were
 3 completed. Trails and the Fort Creek Booster Station (needed for pressure and water supply to this
 4 development) were not yet completed. Jed Muhlestein said off-site requirements needed completion
 5 before Phase 3 was recorded. He said redlines on plans and plat needed to be corrected, and the
 6 developer needed to submit a construction cost estimate to the engineering department so they could
 7 create a bond letter. They also needed to meet the water policy. Staff would recommend approval with
 8 those conditions.

9
 10 Paul Kroff, the developer, said that depending on market conditions there could be up to three more
 11 phases in the development. He said next week curbing and guttering would be completed, and Grove
 12 Drive would be paved the week after. Mr. Kroff asked why there was a need for a circular turn-around on
 13 Zachary Way. Jed Muhlestein said there may not be enough frontage on Elk Ridge Way. They needed to
 14 survey the area, but likely would require a turn-around. Mr. Kroff said it would be better to not put in a
 15 temporary turn-a-round because of cost. He did not see the need if there was room on Elk Ridge Lane
 16 (South corner of lot 48). Jed Muhlestein said the City required a circular turn-a-round for the snowplows,
 17 as well as the asphalt and gutter improvements for future homes. Jed Muhlestein said he did not think it
 18 would cost too much and would rather see it be completed now. Jane Griener was concerned about the
 19 safety of residents as well because of the lack of sidewalk. Mr. Kroff said they would complete the turn-
 20 a-round.

21
 22 Jane Griener clarified that the Fort Creek Booster Station needed to be completed before Phase 3 was
 23 recorded. Jed Muhlestein said that was correct.

24
 25 **MOTION:** Alan MacDonald moved to recommend that the plat amendment, The Ridge at Alpine Phase
 26 3, be approved with the following conditions:

- 27
 28 1. Phase 3 cannot be recorded until all offsite improvements of Phase 1 were complete unless
 29 otherwise approved by City Council;
 30 2. The Developer provided a temporary turn-a-round at the end of Zachary Way that met City
 31 Specifications;
 32 3. The Developer provided access and maintenance easements for all offsite infrastructure to be
 33 recorded with Phase 3;
 34 4. The Developer either removed existing buildings or provided a bond for the removal of them
 35 prior to recording the plat;
 36 5. The Developer addressed redlines on the plat and plans;
 37 6. The Developer submitted a cost estimate;
 38 7. The Developer met the water policy.

39
 40 Sylvia Christiansen seconded the motion. There were 4 Ayes and 0 Nays (recorded below). The motion
 41 passed.

42
 43 **Ayes:**

44 Ethan Allen
 45 Alan MacDonald
 46 Jane Griener
 47 Sylvia Christiansen

48
 49 **Nays:**

50 None

51 **B. Business Commercial Setbacks – Ordinance 2020-04**

1 The PC discussed Ordinance 2020-04 at the April 21, 2020 meeting and decided to table the item for the
2 next meeting and address concerns regarding the sign ordinance and site triangle.

3 Most new buildings in the Business Commercial Zone requested an exception to the setback
4 requirements, with the front setback being the most common exception request. With so many requests
5 for setback exceptions, it was recommended that the City reevaluate the current setback requirements.
6

7 Staff reviewed setback requirements in neighboring municipalities, which include Lehi, American Fork,
8 Highland, and Pleasant Grove. Given the unique nature of Alpine City Main Street and Business
9 Commercial Zone, the current setbacks for existing buildings, and number of exception requests that were
10 received, Staff recommended reducing setback requirements for the Business Commercial Zone.
11

12 Austin Roy showed on a map what it would look like and explained that the City allowed commercial
13 buildings to have a 15-foot setback on a corner. He said the building would go into the sight triangle and
14 would need at least 17 ½ feet on both sides of the corner in order to work.
15

16 Austin Roy said if a monument sign were in the sight triangle, it could not be higher than three feet,
17 however it could be taller if it was outside the sight triangle.
18

19 Austin Roy explained that the City ordinance noted one requirement (30-feet for the setback, and 20-feet
20 on the sides), but the building ordinance noted something different. This issue was brought forward
21 because of how many requests for exceptions the Planning Commission (PC) received for construction to
22 occur closer to the street. He suggested making the ordinances match to what was actually built in
23 practice.
24

25 Ethan Allen said he thought 17 or 18-feet would be better than 15-feet. Sylvia Christiansen agreed; she
26 said she did not like giving a 15-foot exception.
27

28 Jane Griener asked if they had given exceptions for side yards in the past. Austin Roy said there were
29 some areas that were given exceptions and some that were not. He said they tried to leave more space
30 where the buildings bordered a residential property.
31

32 Sylvia Christiansen asked if the Fire Chief was in favor of a 10-foot side setback. Austin Roy said he was
33 aware of it and said it depended on the building code which they followed, but that generally he would
34 accept it.
35

36 John MacKay entered the meeting.
37

38 Alan MacDonald asked what the right length setback would be to cut down on the exception requests as it
39 pertains to parking in back. Austin Roy said 15 to 20-feet would be consistent to what was requested but
40 said 15-feet would be better.
41

42 Alan MacDonald said 15-feet on all lots and 18-feet on corner lots seemed the most reasonable. John
43 MacKay agreed with Alan MacDonald's comments.
44

45 Austin Roy said this was a business zone and could be closer and more intimate with less walking in-
46 between. He did not think it needed to be spread out.
47

48 **MOTION:** Ethan Allen moved to recommend that Ordinance 2020-04 be approved as follows:

- 49 1. Front setback not less than 15-feet from the property line on all streets.
- 50 2. Corner lots not be less than 18-feet from the property line on all streets.

- 1 3. No portion of the setback area adjacent to a street shall be used for off-street parking.
- 2 4. In commercial developments adjacent to other commercial areas, the side yard and rear yard
- 3 setbacks will be not less than 10-feet unless recommended by the Planning Commission and
- 4 approved by the City Council where circumstances justify.
- 5 5. Where commercial zone abuts a residential zone, the side yard and rear yard setbacks will be
- 6 not less than 20-feet unless recommended by the Planning Commission and approved by the
- 7 City Council where circumstances justify.
- 8 6. Accessory buildings shall be set back not less than 5-feet from the main building.
- 9

10 Alan MacDonald seconded the motion. There were 5 Ayes and 0 Nays (recorded below). The motion
 11 passed.

12
 13 **Ayes:**

14 Ethan Allen
 15 Alan MacDonald
 16 John MacKay
 17 Jane Griener
 18 Sylvia Christiansen
 19

20 **Nays:**

None

21 **C. Discussion – Sign Ordinance**

22 In April 2020, the Planning Commission discussed an ordinance to reduce setbacks within the
 23 Business/Commercial Zone. During that discussion it was noted that building setbacks impact signs and
 24 the location of those signs. The Planning Commission decided that they should review the sign ordinance
 25 in the next meeting to reconsider sign sizes (height, width, etc.) and if the sign ordinance would need to
 26 be updated if building setbacks were reduced in the Business/Commercial Zone.

27 Austin Roy said an individual must get a permit to install a sign. He said there were different standards
 28 depending on what type a sign it was (permanent or temporary). He explained, for example, that if a sign
 29 were on the side of a building it could only be 15% of the area of any side of the building. Jane Griener
 30 said the Planning Commission needed to let applicants know these rules when they came in to get
 31 approval of their building. She said they needed to address this issue earlier in their permit application.

32
 33 Austin Roy said the ordinances did allow neon signs, but they must be hung within the building in the
 34 window. The only buildings that could have electronic flashing signs were schools. He said there were
 35 different requirements for temporary signs, monument signs, upright, and signs on buildings.

36
 37 Jane Griener noted that the discussion was meant to focus primarily on monument signs. She was
 38 concerned with the size allowance (nine feet by eight feet) if they adjusted the building setbacks to only
 39 15-feet, leading to an eight-foot-wide sign (more than 50%) in the frontage of the 15-foot setback.

40
 41 Austin Roy said the City Council wanted to avoid having another Alta Bank sign situation. Therefore,
 42 they addressed the height of monument signs, the size of the setback, and whether the signs were
 43 necessary. Alan MacDonald said the concerns were that Alta Bank was a large building, pushed close to
 44 the street, and then they wanted a large sign which was very close to the sight triangle. He said the
 45 Madsen and Madsen sign did not seem as large because there was more space around it allowed by the
 46 ordinances.

47
 48 Alan MacDonald said the sign size should depend on the size of the surrounding area, the building,
 49 setbacks, and parking. If they had more room, the sign could be bigger.

1 Jane Griener asked Austin Roy to ask the City Council for their recommendations on the sign ordinance.
 2 She mentioned setbacks, height, and width of the sign. She wanted their feedback before making a
 3 recommendation to City Council.
 4

5 **D. Discussion – Criteria for Exceptions**

6 The Planning Commission discussed exception criteria on April 21, 2020. It was decided that there was
 7 no interest in creating a list of exception criteria, but the Planning Commission would like to discuss in
 8 the next meeting the possibility of charging a fee for exception requests. Staff verified with the City
 9 Attorney that this was a possibility if the City chose to do so.
 10

11 If the City were to charge a fee:

- 12 • Cannot be a form of punishment or a penalty.
- 13 • Cannot be used to make a profit.
- 14 • Must only cover the cost of the actual service or cost to process.

15
 16 If the goal was to reduce the number of exception requests, Staff would advise that the ordinance be
 17 changed to not allow exceptions and that the variance process be used for those who needed an exception
 18 to the rules.
 19

20 Alpine City allowed for exceptions in the Development Code, including setbacks, lot lines, etc.
 21 Exceptions were typically looked at based on whether the request would be compatible with the zone, if
 22 they were consistent with past decisions, and if the exception would overall benefit the community.
 23 Exceptions were not common in most municipalities; in fact, most just had appeals and variances.
 24

25 The Planning Commission discussed this issue and decided to leave things as they were.
 26

27 **IV. Communications**

28 Austin Roy said it sounded like the Planning Commission would continue to have Zoom meetings until
 29 further notice.
 30

31 Someone asked if anyone knew what the impact of COVID-19 was on the Alpine community. Austin
 32 Roy said a few police officers had caught the virus and it had a long incubation period. There were no
 33 deaths in the City from it so far.
 34

35 **V. APPROVAL OF PLANNING COMMISSION MINUTES: April 21, 2020**

36
 37 **MOTION:** Sylvia Christiansen moved to approve the minutes for April 21, 2020 as written. Ethan Allen
 38 seconded the motion. There were 5 Ayes and 0 Nays (recorded below). The motion passed.
 39

40 **Ayes:**

41 Ethan Allen
 42 Alan MacDonald
 43 John MacKay
 44 Jane Griener
 45 Sylvia Christiansen
 46

40 **Nays:**

41 None
 46

47 The meeting was adjourned at 8:35 p.m.