

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: Ed Bush, Ethan Allen, John MacKay, Troy Slade

Excused: Sylvia Christiansen

Staff: Austin Roy, Jed Muhlestein, Marla Fox

Others: Kyle Spencer

B. Prayer/Opening Comments: John MacKay

C. Pledge of Allegiance: Jane Griener

II. PUBLIC COMMENT

Jane Griener introduced two new Planning Commission members: Ed Bush and Troy Slade. She asked each of them to introduce themselves.

Ed Bush said he had lived in Alpine for about four years and was a Physicist/Electrical Engineer and spent most of his career working in Aerospace. He said he retired here with his wife Judy and unfortunately, Judy passed away last February. He loved the beauty of Alpine and started the Nature Center which had an online presence with trail maps and hikes and documented the flora and blooming cycle in Lambert Park.

Troy Slade said he had lived in Alpine for seventeen years and had six children. He loved Alpine and the trails and enjoyed mountain biking and hiking. Professionally, he was a television producer for BYU. He produced a show called the Story Trek where he travelled the country and met many people. He said he was at a stage in his life where he had time to serve and was looking forward to working with the members of the Planning Commission.

III. ACTION ITEMS

A. Public Hearing – Road Grade Exception Request – The Ridge at Alpine

Jed Muhlestein said the Developer sought 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 stated (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.”

Jed Muhlestein said the final phases of the subdivision had not been approved yet. He said the City went through this about a month ago for Brookside Meadows where their current street maximum grade at an intersection was 3%, and they requested a 5% exception to that intersection design. The Planning Commission and City Council approved that exception based on the same reasons that the Planning Commission would discuss tonight on this exception request.

Jed Muhlestein said their ordinance gave three criteria to granting exceptions to road design standards:

1. Best interest of the City;
2. Generally accepted planning and engineering;
3. Exception cannot vary the zone, use, or lot size of the development.

Jed Muhlestein said at the time this letter was written, they had two phases of development that received final approval. At the last City Council meeting, Phase 3 of The Ridge at Alpine was also given final approval. He said Phases 1, 2 and 3 were all the lower half of the image on the packet, located from the bend in Grove Drive all the way down, and were all approved final phases of The Ridge at Alpine. So, as the Developer considered moving forward and they were analyzing their road designs and determined they could come up with a better road design for a future phase of development.

Jed Muhlestein showed on a map the area for which the Developer requested this exception. He said it affected a very large portion of the design of their development. AASHTO (American Association of State Highway Officials) was a standard by which most of the Nation followed and created their ordinances to follow road design standards. Chapter 9 of the AASHTO book specifically discussed intersections and grades at intersections. It stated the following: "At intersecting roads, it should be as flat as practical on those sections that are to be used for storage of stopped vehicles."

Jed Muhlestein said storage of stopped vehicles meant that any time there was a high frequency of traffic, there were vehicles stopped at the intersection waiting for other vehicles to come. Those vehicles were therefore "stored" at the intersection before they could safely enter the intersection and navigate their way down the road. He said the particular intersection at which the Developer requested the exception was at Dean Court and Elkview Drive.

Jed Muhlestein said this intersection design was more or less a secondary access route from The Ridge at Alpine to the Alpine Cove Subdivision. He said this connection was not meant to be made a thoroughfare. In other words, Staff did not anticipate a high volume of traffic to use this connection. The need for storage of vehicles at this intersection was actually very low. He said they did not anticipate the vehicles to have to wait for traffic at this intersection ever, really.

Jed Muhlestein said because they did not need to worry about storage for stopped vehicles. AASHTO went on to note the following: "Where conditions may make such designs too expensive, grades should not exceed about six percent, with a corresponding adjustment in specific geometric design elements." AASHTO gave an allowance to go above 3 % but they did not want a City going above 6%.

Jed Muhlestein said he was curious about what other cities did in their road design standards. He said Draper had 5% maximum, Park City had 2%, Lindon had 3%, and several other cities were unspecified. He said usually when a City was unspecified on their maximum designs, they referred the Design Engineer to AASHTO, and they would follow the same criteria in order to design their roads.

Jed Muhlestein referred back to the three reasons the Planning Commission could grant an exception. In reference to the "generally accepted engineering," he said this was considered generally excepted engineering for their area and allowed for a 5% grade when they did not anticipate high volumes of traffic.

Jed Muhlestein said he wanted to look specifically at what this exception did for this intersection. Exhibit B showed the effect on grading that this exception request would have. Jed Muhlestein showed on a map the amount of fill material and the width of fill material it was going to take to build the road at the currently approved design and that would be the 3% intersection design. He said that design was created such that the road was literally twelve feet higher than the existing grades at the time. If they were able to

steepen the grade of the intersection, this was a no brainer exception. He said the Planning Commission either had a road design that had twelve feet of fill, which meant all the houses in the area were also going to have to build up their homes and foundations twelve feet tall and there would be a constant need for more material to be hauled in to the area to build up these lots. He said this seemed backwards and not the way they City should build a house.

Jed Muhlestein said on top of that, the City infrastructure with a road that was twelve feet high, a sewer was typically only nine feet deep. Builders would have to bring material in before they could lay their sewer pipes and then continue to build. He said it was not an effective way of constructing. He said he was in full support of this exception request. It made a much cleaner, more constructible development, and on top of all that, it met the criteria that was outlined in Alpine City code. He said it was generally accepted engineering as it did not change the use of the zone or any lot sizes, and it would serve the best interest of the City by reducing the amount of fill required to build the road.

Jed Muhlestein said based on the analysis of their exception request, their findings for a positive motion by granting the Developer up to a 5% grade would allow the road to be built at a much lower elevation, the maximum height of the road would be 4.1 feet vs 12.75 feet. He said it would allow all the associated utilities for homes to build at ground level or in the ground rather than on fill material. Both of the above items would qualify for serving the best interest of the City. As mentioned before, the intersection was not expected to have a high volume of traffic, therefore it was not anticipated to need a large flat area to store vehicles waiting to enter or exit the intersection. Without the need to store vehicles, the need for flatter slopes mentioned by AASHTO was minimized. Also, upon reviewing other surrounding City's codes, generally excepted planning and engineering did allow for the steeper grades as mentioned. Staff's recommendation would be to approve this exception request based on those findings.

Jane Griener opened the Public Hearing.

Mike and Cory Russon, Alpine residents, stated: "Regarding the North/South road to be built behind the Alpine Cove, the Developer was asking the City to make an exception on the road grade steepness claiming it will be too expensive to bring in fill to build up the road to the proper grade for recommended safety standards. Since the owner spent many years commercially selling the topsoil off this area and mining it for boulders, they thought this was a frivolous request. They needed to build up the road grade resulted from the removal and sell of topsoil and boulders in the first place which lowered the elevation from ten to twenty feet in some areas. Additionally, large sorted piles of soil and rock remained on site prepared for commercial offsite sales. This might provide the necessary material for bringing the road grade up to specifications."

Jane Griener closed the Public Hearing.

Kyle Spencer, the Developer, said the model they used to evaluate the roadway improvements by lowering the grade, they actually used the pre-graded surface that predated any of the import and export of this area. He said when they spot checked some of those excavation elevations in the proximity of being cored, there were no cut or fills that exceed two feet in this roadway section. He said he believed that what they modeled actually represented the actual roadway, pre-excavation and post excavation. The other item he said he wanted to point out was the previous design on Oakview Drive, the connection road from Alpine Cove Drive to Dean Court, if they were to keep the original 3% across the intersection, then he said he believed Oakview Drive, in addition, would maintain that higher elevation of roughly twelve feet of import required for that minor roadway connection. He said he believed the new design greatly improved the impact of that minor roadway.

Jane Griener asked if Oakview Road had been built and who was responsible for building it. Jed Muhlestein said it had not been built yet and he thought it was the Developer's responsibility to build it but was not sure. He said he would check on that.

Ed Bush said he walked up there yesterday and said there was a lot of excavating out of the hillside which made the roadside difficult to be the right height.

Kyle Spencer said he believed the excavation that Ed Bush saw with the crusher in operation was actually located where the future cul-de-sac would be which was North of this intersection by 300 or 400 feet. He said either way this roadway was designed, the cul-de-sac still would require that excavation down where they harvested the rocks and boulders. He said that did not dictate the requirement here of the roadway grade. He said it was mainly to improve the roadway import South of Oakview Drive and the connection to Dean Court which was pretty native and natural. He said they had not regraded that section.

Jane Griener asked what the rules were for Developers mining and selling rocks and boulders because it was a concern to people who watched it. She said it might be nice to clarify any of the City ordinances regarding that.

Jed Muhlestein said the City could not have a commercial operation in a residential zone and said they City discussed this with the Developer about this issue a few times. He said where they were digging was within that cul-de-sac area that would require them to excavate down to build that cul-de-sac. He said it was common practice in all developments when digging down and finding boulders, they needed to get rid of them somehow. He said this was the same thing with topsoil. When they removed topsoil to build the roadway, they had the right to get rid of that topsoil. He said it was done in every development in the City and it was not considered a commercial operation. He said they were not allowed to go outside the roadway area, however.

MOTION: Ethan Allen moved to recommend approval of the 5% design exception request based on the following:

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

John MacKay seconded the motion. There were 5 Ayes and 0 Nays (recorded below). The motion passed unanimously.

Ayes:

Ed Bush
Ethan Allen
John MacKay
Jane Griener
Troy Slade

Nays:

None

B. Public Hearing – Ordinance 2020-09: Flood Plain Ordinance Update

Jed Muhlestein said 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 were needed to be in compliance with the National Flood Insurance Program (NFIP), which were outlined in a Staff report.

Jed Muhlestein said the Planning Commission needed to pass this in order to be included in the National Flood Insurance Program. He said there were definitions that needed to be refined or added for Base Flood Elevation, Flood Insurance Study, Updated FIRM map name, an adoption date reference, and minor language revisions.

Jane Griener opened the Public Hearing. There were no comments. Jane Griener closed the Public Hearing.

MOTION: Ed Bush moved to recommend that Ordinance 2020-09 be approved as proposed. Ethan Allen seconded the motion. There were 5 Ayes and 0 Nays (recorded below). The motion passed unanimously.

Ayes:

Ed Bush
Ethan Allen
John MacKay
Jane Griener
Troy Slade

Nays:

None

C. Public Hearing – Ordinance 2020-10: Retaining Wall Irrigation

Jed Muhlestein said the Development Code required plantings on terraced retaining walls. Among the requirements were that the plants/shrubs needed to be watered via drip irrigation. Staff recommended additional language to clarify the responsibility of drip irrigation installation and operation.

Jed Muhlestein said Staff wrote a new ordinance that stated, “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.”

Jed Muhlestein said the warranty period was typically one year and the “one year” period started after the development was completed. This was also written clearly in the code.

Jane Griener opened the Public Hearing. There were no comments. Jane Griener closed the Public Hearing.

Ed Bush asked about walls next to the roadway, because of their proximity to open space. Jed Muhlestein said the City would not require this landscaping next to the road. It also had to do with visibility from the public roadways.

Ethan Allen asked how much maintenance the City was going to need in the future. He said the Developer put this in and then the City had to maintain it. Jed Muhlestein said the City would look for low maintenance requirements.

MOTION: John MacKay moved to recommend that Ordinance 2020-10 be approved as proposed. Troy Slade seconded the motion. There were 5 Ayes and 0 Nays (recorded below). The motion passed unanimously.

Ayes:

Ed Bush
 Ethan Allen
 John MacKay
 Jane Griener
 Troy Slade

Nays:

None

D. Public Hearing – Ordinance 2020-2011: Planter Strip Requirements

Jed Muhlestein said the Development Code needed to be updated according to the City's new Tree Guide with reference to what types of plants were permitted in park strips. The old language used to refer to a list kept by Staff; however, the City now had a new Tree Guide specifically for this purpose. He noted that the trees in the planter strip needed to be planted fifty feet apart and only include trees chosen from the official Tree Guide.

Jane Griener opened the Public Hearing. There were no comments. Jane Griener closed the Public Hearing.

Troy Slade asked where the Tree Guide could be found. Jed Muhlestein said it could be found on the front page of the City website. It would be later moved to a planning or building page. Jane Griener said it would be nice if there was a hyperlink that could take a resident right to that section.

MOTION: Troy Slade moved to recommend that Ordinance 2020-11 be approved as proposed.

John MacKay seconded the motion. There were 5 Ayes and 0 Nays (recorded below). The motion passed unanimously.

Ayes:

Ed Bush
 Ethan Allen
 John MacKay
 Jane Griener
 Troy Slade

Nays:

None

E. Discussion – Limitations on Size of Lots and Structures in the City.

Austin Roy said that other than setback restrictions, there was nothing in City ordinances to limit the maximum size of a structure (additions, main buildings, accessory buildings) or lot (plat amendments to combine two or more lots) in the City. Over the past few years some homes, accessory buildings, and lots have been increasing in size.

The Planning Commission would discuss the need to limit the maximum size of buildings and lots. Austin Roy said this issue was discussed in 2009 and decided to not make any changes. He said most cities did not limit the size of homes. Alpine City steered away from going to higher density but had not limited the size of homes.

Jane Griener asked if this had anything to do with finances and recession leaving large homes vacant. Ed Bush said the Mayor's main concern was when a new addition to a home caused the original home look smaller and was built with a small breezeway.

Austin Roy said an addition to a home was treated as part of the home and had setback and height restrictions. This was how the City controlled the size of the home.

Jed Muhlestein said the City also had an ordinance against moving too much dirt into a lot (for the purpose of raising their elevation to build a home, for example, but this had never happened to his knowledge).

Jane Griener said some people built up a lot to get a daylight basement. She asked if there was a restriction for limiting the grade of a newly constructed lot. Jed Muhlestein said the driveway would not be buildable if the lot was raised too high. Jane Griener said she did not have much of an appetite for telling people how big their home could be.

Ethan Allen said the Planning Commission could indicate that a person could not change the original elevation. He said this might open up the City to lawsuits.

Ed Bush said the Mayor had concerns about garage door space and how dominating it potentially looked. It was difficult to write out all ideas in a law/ordinance.

Jane Griener asked Austin Roy to send some examples to the Planning Commission so they could get an idea of what the Mayor was referring.

The Planning Commission had a short discussion about the look of garages on corner lots and if they should be limited.

IV. Communications

Austin Roy welcomed the new Planning Commission members and thanked them for their service.

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

MOTION: Ethan Allen moved to approve the minutes for May 5, 2020 as written. John MacKay seconded the motion. There were 5 Ayes and 0 Nays (recorded below). The motion passed unanimously.

Ayes:

Ed Bush
Ethan Allen
John MacKay
Jane Griener
Troy Slade

Nays:

None

The meeting was adjourned at 8:25 p.m.