



ALPINE CITY PLANNING COMMISSION MEETING

NOTICE is hereby given that the **PLANNING COMMISSION** of Alpine City, Utah will hold a **Regular Meeting at Alpine City Hall**, 20 North Main, Alpine, Utah on **Tuesday, May 19, 2015 at 7:00 pm** as follows:

I. GENERAL BUSINESS

- A. Welcome and Roll Call: Steve Cospers
- B. Prayer/Opening Comments: David Fotheringham
- C. Pledge of Allegiance: By Invitation

II. PUBLIC COMMENT

Any person wishing to comment on any item not on the agenda may address the Planning Commission at this point by stepping to the microphone and giving his or her name and address for the record.

III. ACTION ITEMS

A. Lot Line Adjustment involving Alpine City Property

A proposed lot line adjustment at 721 West Lakeview Drive will be considered that involves Alpine City property.

B. Paul Anderson Residence Setback Exception Request

The Planning Commission will review a request for an exception from the front setback for a home (with a home occupation) on main street which is within the Gateway Historic District Overlay.

C. Alpine Olde Towne Centre Lot "D" Building Design Discussion

The Planning Commission will discuss the design of a proposed building.

D. Fence Ordinance Amendment

The Planning Commission will discuss proposed amendments to the Fence Ordinance related to height.

E. Retaining Wall Ordinance

The Planning Commission will discuss a proposed ordinance that would regulate retaining walls.

IV. COMMUNICATIONS

V. APPROVAL OF PLANNING COMMISSION MINUTES: May 5, 2015

ADJOURN

Chairman Steve Cospers
May 15, 2015

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 in three public places within Alpine City limits. These public places being a bulletin board located inside City Hall at 20 North Main and located in the lobby of the Bank of American Fork, Alpine Branch, 133 S. Main, Alpine, UT; and the bulletin board located at The Junction, 400 S. Main, Alpine, UT. The above agenda notice was sent by e-mail to The Daily Herald located in Provo, UT a local newspaper circulated in Alpine, UT. This agenda is also available on 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 v. 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: Lot Line Adjustment Involving Alpine City Property

FOR CONSIDERATION ON: 19 May 2015

PETITIONER: 721 West Lakeview Drive

**ACTION REQUESTED BY PETITIONER: Recommend Approval to
the City Council**

APPLICABLE STATUTE OR ORDINANCE: Section 3.16.4.2 (Open Space)

PETITION IN COMPLIANCE WITH ORDINANCE: Yes

BACKGROUND INFORMATION:

The boundaries of a residential lot located at 721 West Lakeview Drive is proposed to be adjusted. The lot is currently in the process of being sold but there are a few issues with the lot that have been discovered. First, the lot does not have the required street frontage at the front yard setback (~60 ft). It is unsure how this happened. Second, there was an Alpine City storm drain catch basin that was draining onto the lot. The storm drain has since been relocated to be within a roadway easement that will eventually extend Lakeview drive to the west. This roadway easement goes through the corner of the lot.

The total amount of property that is within Alpine City property that is proposed to be used to address these issues is approximately 2,633 square feet. 1,173 square feet of area, consisting of a piece of the lot and city property, would be used if the roadway were to be built.

The proposed lot line adjustment would address all of the issues for the lot and the city.

STAFF RECOMMENDATION:

We recommend approval of the proposed lot line adjustment which involves Alpine City Property.

Utah County Parcel Map

391860004



39:186:0006
ALPINE CITY...
Value: \$0 -- 13.37 acres

45:178:0018
SIMMONS, GLENN O...
693 W LAKEVIEW DR - ALPINE
Value: \$732,400 -- 0.52 acres

11:017:0060
VISTAMEADOWS LLC...
Value: \$393,200 -- 31.46 acres

39:186:0003
LAKEVIEW RIDGE LLC...
754 W 600 NORTH - ALPINE
Value: \$243,800 -- 0.94 acres

This plat is for reference only and no liability is assumed for any inaccuracies, incorrect data or variations with an actual survey

Date: 5/8/2015



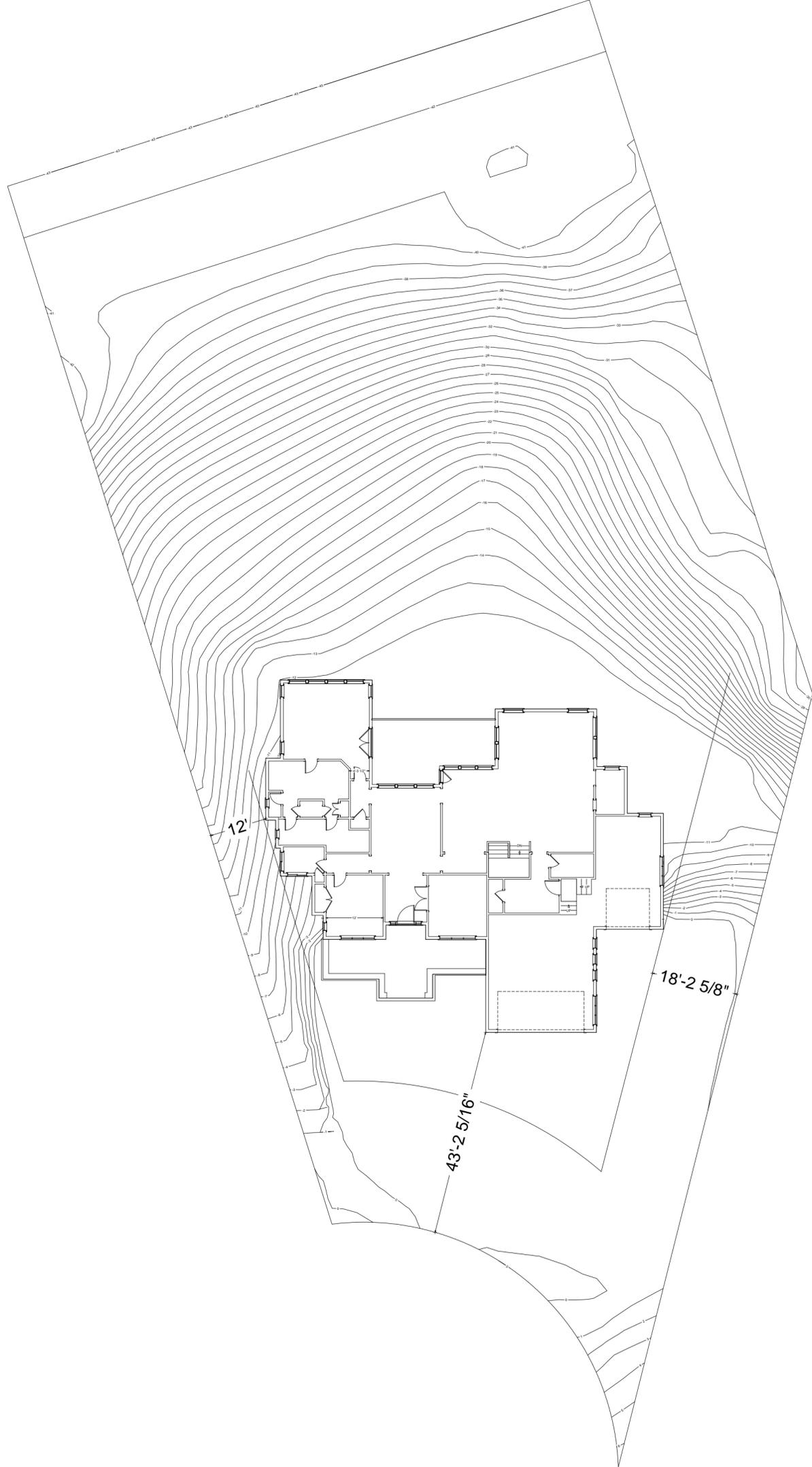
721

707

754

732

706





ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Paul Anderson Residence Request for Exception from Front Setback

FOR CONSIDERATION ON: 19 May 2015

PETITIONER: Paul Anderson

**ACTION REQUESTED BY PETITIONER: Recommend Approval of the
Exception to the City Council**

**APPLICABLE STATUTE OR ORDINANCE: Section 3.11.3.3.5
(Gateway/Historic District)**

PETITION IN COMPLIANCE WITH ORDINANCE: Yes

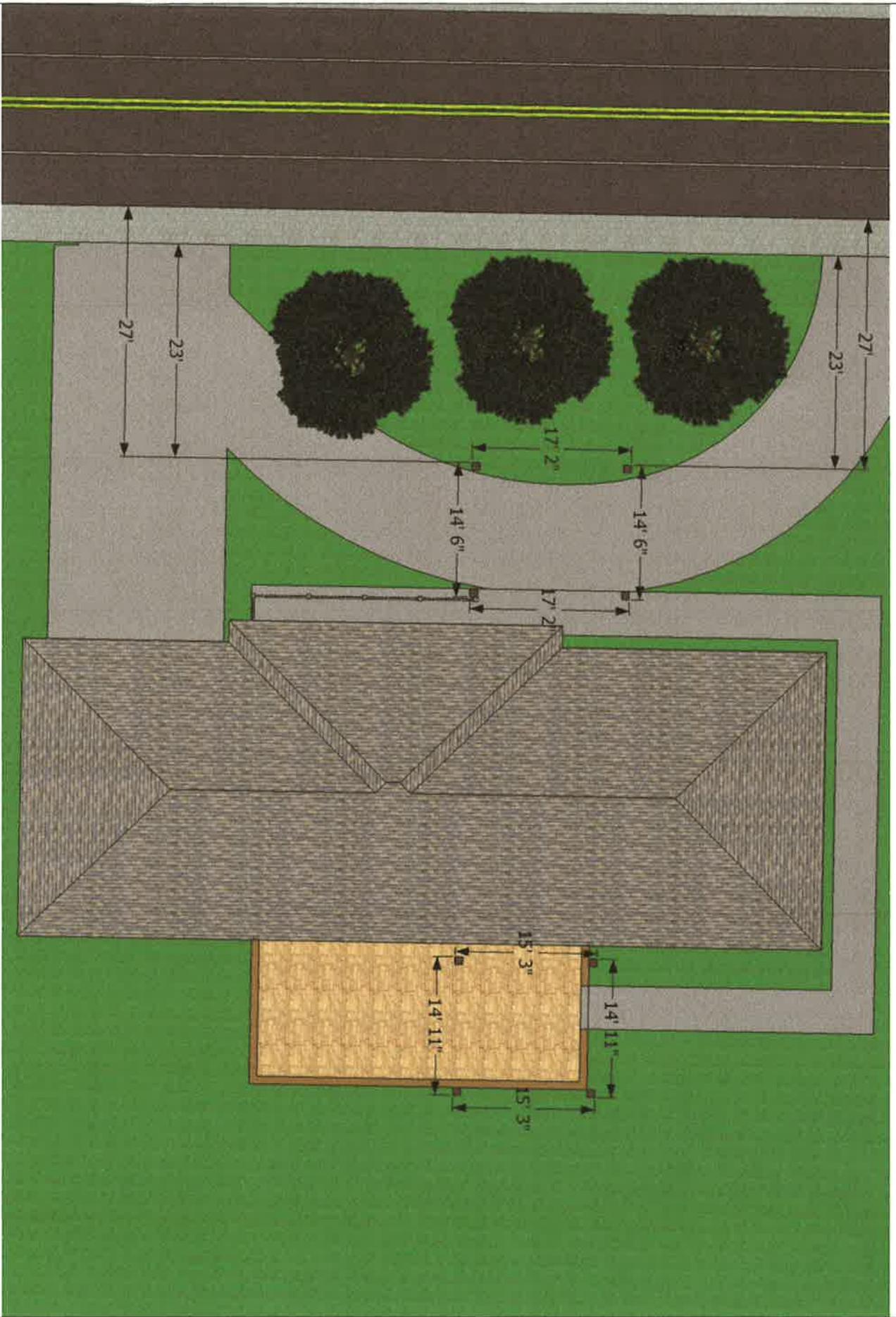
BACKGROUND INFORMATION:

Paul Anderson lives at 255 South Main Street. He is asking for an exception from the front setback requirement of 30 feet. He is proposing to build a pergola over the half-circle driveway that is in the front of his house. The posts closest to main street would be located 23 feet away from the property line.

The applicant's intention is to enhance the curb appeal of his home which could also enhance the aesthetics of Main Street. The home also contains a home occupation (salon). This residence is located within the Gateway Historic District Overlay so an exception to setbacks can be approved with a recommendation from the Planning Commission and Approval from the City Council.

STAFF RECOMMENDATION:

That the Planning Commission discuss this exception request and make a recommendation to the City Council.



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Initial: _____
Date: _____



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May 13, 2015



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ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Alpine Olde Towne Centre Lot “D” Building Design Discussion

FOR CONSIDERATION ON: 19 May 2015

PETITIONER: Ezra Lee

ACTION REQUESTED BY PETITIONER: Give Direction on the Design of a Proposed Building

BACKGROUND INFORMATION:

Ezra Lee has been hired to come up with a design for a proposed building to be located within the Alpine Olde Towne Centre on Lot “D”. Before getting too far with the design, he has asked that he be given some direction to help him understand what the City would like to see for the building that is located just off of Main Street but within the Gateway Historic District Overlay. Ezra Lee has been asked to bring some visuals to help facilitate some recommendations from the Planning Commission.

STAFF RECOMMENDATION:

Give some direction to help the designer know what Alpine City would like to see for the design of a building in the center of town.

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Fence Ordinance Amendment

FOR CONSIDERATION ON: 19 May 2015

PETITIONER: Mark Goodsell / City Council

ACTION REQUESTED BY PETITIONER: Discuss Ordinance and make a Recommendation to the City Council

APPLICABLE STATUTE OR ORDINANCE: Section 3.1.9.1 (Amendments)

PETITION IN COMPLIANCE WITH ORDINANCE: Yes

BACKGROUND INFORMATION:

The Alpine City fence ordinance has been discussed at the last Planning Commission meeting. Residents have asked that the height restrictions be carefully readdressed particularly as it pertains to keeping deer off of their property and eating their gardens and flowers. The Planning Commission also discussed a process for granting an exception to the fence requirements particularly for residents that are located next to a commercial business or a group home. Legal counsel has advised the city to not create a process for granting an exception from the regulations for residents that are next to a group home.

The Planning Commission directed staff to show some proposed language that would allow for an eight (8) foot tall fence. If the additional height is approved generally, it appears that language for an exception does not need to be added for residents next to a commercial use unless the Planning Commission feels that fences taller than 8 feet are needed.

STAFF RECOMMENDATION:

That the Planning Commission discuss a proposed amendment that would address the recent concerns regarding the fence ordinance and make a recommendation to the City Council.

3.21.6 FENCES, WALLS AND HEDGES (amended by Ord. No. 2005-02, 2/8/05; Ord. No. 2013-10, 7/9/13)

- 3.21.6.1 Requirement.** All fences must be approved by the planning and zoning department and a building permit obtained.
- 3.21.6.2 Front Yard Fences.** Privacy fences, walls and hedges along the street frontage of a lot shall not exceed 3 feet in height when placed within 10 feet of the front property line. Open style fences shall not exceed 4 feet in height when placed within 10 feet of the front property line. Front yard fences may be ~~6-foot~~ eight (8) feet in height if they are placed at least 10 feet back from the front property line.
- 3.21.6.3 Interior Side Yard Fences.** Fences along side yards shall not exceed 3 feet in height for privacy fences and 4 feet in height for open style fences when they are within 10 feet of the front property line. Side yard fences may be ~~6-foot~~ eight (8) feet in height when they are located at least 10 feet back from the front property line.
- 3.21.6.4 Rear Yard Fences.** A rear yard fence may be ~~6-foot~~ eight (8) feet in height.
- 3.21.6.5 Corner Lot Fences within the Sight Triangle.** The sight triangle on corner lots shall not be obstructed. Privacy fences, walls, or hedges shall not exceed three (3) feet in height, and open-style fences shall not exceed four (4) feet in height, when located within the sight triangle on a corner lot. The sight triangle is defined as the area formed by connecting the corner of the property to points 35 feet back along each property line abutting the street.
- 3.21.6.6 Corner Lot Fences outside the Sight Triangle.** Side yard fences abutting the street may be ~~6-foot~~ eight (8) feet in height when they are located at least 35 feet back from the front property line, outside the sight triangle. For interior side fence see 3.21.6.2.
- 3.21.6.7 Agricultural Fences.** Fences on property where an identifiable commercial agricultural product is produced shall not exceed eight (8) feet in height, and shall be an open style fence.
- 3.21.6.8 Fences Along Public Open Space and Trails.** See Articles 3.16, Section 3.16.10.1 and Article 3.17 Section 3.17.10.3.1.
- Fences or borders along property lines adjacent to a trail or open space must meet with the DRC and meet specific standards.
1. When the width of the open space or trail easement is less than 50 feet, bordering fences may not exceed 6 feet in height, and shall not obstruct visibility. (Open style fences such as rail fences, field fence, or chain link are preferable.)
 2. When the width of the open space or trail easement is 50 feet or more, fence standards as specified elsewhere in this ordinance apply.
 3. Fences and hedges must be completely within the boundaries of the private property.
 4. Hedges or shrubs must be maintained to the same height requirements as fences.
 5. The owner of the fence or hedge must maintain the side facing the open space.

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Retaining Wall Ordinance

FOR CONSIDERATION ON: 19 May 2015

PETITIONER: Planning Commission

**ACTION REQUESTED BY PETITIONER: Recommend Adoption to
the City Council**

APPLICABLE STATUTE OR ORDINANCE: Section 3.1.9.1 (Amendments)

PETITION IN COMPLIANCE WITH ORDINANCE: Yes

BACKGROUND INFORMATION:

The Alpine City Planning Commission asked the staff to look into drafting a retaining wall ordinance. A draft ordinance is attached for the Planning Commission to review.

STAFF RECOMMENDATION:

That the Planning Commission discuss the proposed ordinance and make a recommendation to the City Council.

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ORDINANCE _____

AN ORDINANCE OF ALPINE CITY AMENDING ARTICLE(S) _____ OF THE ALPINE CITY DEVELOPMENT CODE RELATED TO THE DESIGN AND REVIEW OF RETAINING WALLS

WHEREAS, retaining wall construction can cause potential danger to life and property;

WHEREAS, the International Building Code requires a building permit for walls over four feet;

WHEREAS, there are a variety of guidelines and construction specifications to assist in the proper design of retaining walls over four feet prior to submitting for a building permit;

WHEREAS, retaining walls perform differently when built in different soils and must be designed with specific soil information incorporated into the design;

WHEREAS, Alpine City desires to provide clear direction about what is required for a retaining wall building permit; and

WHEREAS, the proposed zoning ordinance text amendment set forth herein has been reviewed by the Planning Commission and the City Council, and all appropriate public hearings have been held in accordance with Utah law to obtain public input regarding the proposed revisions;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF ALPINE CITY, STATE OF UTAH, AS FOLLOWS:

Article 1. **Amendment.** Articles _____ of the Alpine City Development Code is/are hereby amended to read in its entirety as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

Article 2. Severability.

Article 3. Effective Date.....

PASSED AND ADOPTED BY THE CITY COUNCIL OF ALPINE CITY, STATE OF UTAH, THIS ___ DAY OF _____, 2015.

ATTEST:

ALPINE CITY

By: _____.

City Recorder

Mayor

EXHIBIT "A"

Article 3.1.11.45 Retaining Wall: Any structure designed to resist the lateral displacement of soil or other materials. Examples include block walls, rock walls, concrete walls, and segmented walls. A retaining wall is not considered a fence.

46. **SIGN.** Any device for visual communication to the public displayed out-of-doors, including signs painted on exterior walls, and interior illuminated signs, to be viewed from out-of-doors, but not including a flag, badge, or ensign of any government or government agency.
47. **STREET, PUBLIC.** A thoroughfare which has been dedicated and accepted by proper public authority (or abandoned to the public) or a thoroughfare not less than twenty-four (24) feet wide which has been made public by right of use and which affords the principal means of access to abutting property.
48. **STRUCTURE.** Anything constructed, the use of which requires fixed location upon the ground, or attached to something having a fixed location upon the ground, and which creates an impervious material on or above the ground; definition includes "building."
49. **YARD.** A required space on a lot other than a court, unoccupied and unobstructed from the ground upward, by buildings, except as otherwise provided herein.
50. **YARD, FRONT.** A space between the front of the main building on a lot and the front lot line or line of an abutting street or right-of-way and extending across the full width of a lot. The depth (or setback) of the front yard is the minimum distance between the front lot line, and the front-most part of the primary structure of the nearest main building at the foundation level. (Primary structure includes overhangs, porches, and decks).
51. **YARD, REAR.** A space between the back wall of the nearest main building extending the full width of the lot and the lot line that is most distant from, and is most nearly parallel with, the front lot line. If the rear lot line is less than ten feet (10') in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a ten foot (10') line parallel to the front line, lying wholly within the lot for the purpose of establishing the minimum rear yard. The depth (or setback) of the rear yard is the minimum distance between the rear lot line and the rearmost part of the primary structure of the nearest main building at the foundation level. (Primary structure includes overhangs, porches and decks. See drawing in Appendix A). (Ord. 2004-13, 9/28/04)
52. **YARD, SIDE.** A yard that is neither a front yard nor a rear yard. The depth (or setback) of the side yard is the minimum distance between the side lot line and the nearest part of the primary structure of the nearest main building at the foundation level. (Primary structure includes overhangs, porches and decks).
53. **ZONING LOT** (Ord. 94-02, 2/8/94). A lot or parcel of land which:
 - a. Meets all area (lot size), frontage (width), setback (yard), and other zoning requirements applicable within the zone in which it is located;
 - b. Abuts upon and has direct access to a street which has been dedicated to the City or otherwise accepted by the City as a City Street;
 - c. Is served by the minimum level of improvements required for issuance of a building permit or for which the construction of the minimum level of improvements is secured through the posting of a performance guarantee; and
 - d. Is shown as a separate lot on the final plat of a subdivision or similar development, which has been approved in accordance with the applicable ordinance, or is legally exempted from compliance with said ordinance. A parcel which is part of an unapproved or illegal subdivision shall not qualify as a zoning lot.

Article 3.32

Retaining Walls (Ord. No. 2015- __)

3.32.1. Applicability. This section applies to all retaining walls as defined in Article 3.1.11.45

3.32.2. Exceptions from Article 3.32. When in the opinion of the Development Review Committee (DRC), the best interest of the City would not be served by the literal enforcement of the retaining wall standards as outlined in this ordinance, the City Council may grant an exception from these standards.

Prior to the City Council considering the exception, the DRC shall submit a written recommendation to the Planning Commission. The recommended exception shall be based on generally accepted planning and engineering. 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.

3.32.3. 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 Subsection (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.
 1. 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.
 2. 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;
 3. Double tiered retaining walls less than three 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, 1.5 foot spacing between the front face of the upper wall and back edge of the lower wall;
 4. 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 Article 3.12, then all analyses required for the design of retaining walls or rock protected slopes shall follow the Sensitive Land Ordinance, specifically in regards to limits of disturbance and the required geologic hazard and engineering geology reports (3.12.6.4).
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.**
 1. For the purposes of this subsection, the height of a retaining wall is measured as exposed height (H) of wall of an individual tier.
 2. A single retaining wall shall not exceed nine feet in height if exposed or can be seen from the nearest public right-of-way to which it is exposed.
 3. 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.

4. 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.
 5. 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.
 6. 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.
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:
1. 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;
 2. 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;
 3. 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;
 4. a copy of the geotechnical report used by the design engineer. The geotechnical report shall include requirement of Item 5 below otherwise additional laboratory testing is required in Item 5;
 5. material strength parameters used in the design of the retaining wall, substantiated with laboratory testing of the materials as follows:
 - a. for soils, this may include, but is not limited to, unit weights, direct shear tests, triaxial shear tests and unconfined compression tests;
 - b. 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;
 - c. minimum laboratory submittal requirements are the unit weight of retained soils, gradation for cohesionless soils, Atterberg limits for cohesive soils, and shear test data;
 - d. soil classification testing shall be submitted for all direct shear or triaxial shear tests;

- e. if a Proctor is completed, classification testing shall be submitted with the Proctor result; and,
 - f. laboratory testing should be completed in accordance with applicable American Society for Testing and Materials (ASTM) standards.
 - g. for segmented block walls, the manufacturer's test data for the wall facing, soil reinforcement, and connection parameters shall be submitted in an appendix;
6. 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;
- a. design calculations ensuring stability against overturning, base sliding, excessive foundation settlement, bearing capacity, internal shear and global stability;
 - b. 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;
 - c. 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.
 - d. 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,
 - e. concrete cantilever walls shall be designed in general accordance with specifications provided in current American Concrete Institute or American Society of Civil Engineers publications;
7. 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:
- a. factors of safety results shall be presented to the nearest hundredth;
 - b. 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;
 - c. the cross-sectional view of each analysis shall be included, and the printout of the input and output files placed in an appendix; and,
 - d. 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;
8. 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

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proper outlet or weep holes placed through the base of the wall, however,

- a. 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;
 - b. a synthetic drainage composite is not allowed behind rock walls
 - c. a synthetic drainage composite may be used behind the stem of the concrete cantilever walls.
 - d. if the engineering can substantiate proper filtering between the retained soils and the drain rock, then the filter fabric may be omitted; and,
 - e. 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;
9. the design engineer's acknowledgement that the site is suitable for the retaining wall.
 10. 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.

**ALPINE CITY PLANNING COMMISSION MEETING at
Alpine City Hall, 20 North Main, Alpine, Utah
May 5, 2015**

I. GENERAL BUSINESS

A. Welcome and Roll Call: The meeting was called to order at 7:00pm by Chairman Steve Cosper. The following commission members were present and constituted a quorum.

Chairman: Steve Cosper

Commission Members: Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cosper, Jane Griener, Steve Swanson, Judi Pickell

Commission Members Not Present:

Staff: Jason Bond, Marla Fox, Jed Muhlestein

Others: Alan Gillman, Harley Gillman, Mary Gillman, Annie Jackson, Doug Vance, Jewel Walters, Clive Walters, Mark Goodsell, Alex Johnson, John Walton, Annalisa Beck, Dana Beck, Ross Beck, Broderick Thomas, Paul Bennett, Jim Bishop, Jennifer Bishop, John Ogden, Amy Ogden, Ryan Johnson, Mike Russon, Rachel Johnson, Jenn Gubler, Michelle Frandsen, Daniel Jackson, Kadin Bob, Tanner Esplin, Jake Hasleton, Justin Ostler, Toby Call, Thomas Wadsworth, Julie Peterson, Isaac Whitaker, Harken Kerr, Ryan Porter, Boman Johnson, Gritt Johnson, Carla Merrill, Cole Merrill, Sheldon Whimmer, Bryan Hofheins, Paul Kroff, Lon Lott, Myrna Grant, M Eric Grant, Jeff Davis, Pam Madson, Michelle Smith, Kristen Shelley, Melissa Shelley, Todd Smith, Logan Hunter, DL Zolman Sr., Maureen Kirkland, Will Jones, Roger Bennett, Tricia Zippi, Steve Zolman

B. Prayer/Opening Comments: Jason Thelin

C. Pledge of Allegiance: Duncan

II. PUBLIC COMMENT

III. ACTION ITEMS

A. PUBLIC HEARING – Beck Property Zone Change Request – Dana and Annalisa Beck

Dana and Annalisa Beck are requesting that the zoning for their property located at 621 Westfield Road be changed from CR-40,000 zone to TR-10,000 zone. The ordinance requires that the Planning Commission make a recommendation to the City Council. The City Council may approve or deny the proposed amendment to the zoning map, either as proposed by the Planning Commission or after making any revision the City Council considers appropriate.

Jason Bond said there is a process for property owners to come in and request a zone change. The Beck's are requesting a zone change from Country Residential zoning to Town Residential zoning which is quarter acre. Some areas of town have smaller lots than what the designated zone requires and that's because the subdivision came in as a PRD which requires dedicated open space. He said the Beck's are not proposing to dedicate any land to the City for open space.

Dana Beck said about a year ago the gas company said they were going to replace the gas line and it would run through his property. The gas company said they would relocate the gas line in a different location on the property if the property owner had a specific place they wanted it. Mr. Beck said it would cost roughly about a quarter of a million dollars to put the gas line through his property so he said he would like to get it in the right place the first time.

Dana said when they bought the property; it was zoned one half acres. Sometime later it was rezoned one acre and the homeowners weren't a part of it. He said nobody was happy about it but at the time he didn't really care because he was farming the land. He said everyone is really happy now with the big open area and he is too and said he has no plans to develop.

1 Mr. Beck said the way the gas line is proposed, it will mess up development if development is allowed in the future.
2 He came to DRC to propose acre and half acre lots but said he would prefer one third acres. He said the City staff
3 told him the only way he could get one third acres would be to propose his property as quarter acre lots because the
4 City doesn't have a one third acre zone. Mr. Beck said he has no intentions of putting in quarter acre lots and never
5 will. Mr. Beck said Alpine has a water problem and quarter acre lots will use less water than an acre lot. He said he
6 was encouraged by staff to resubmit his proposal for quarter acre lots in order to get one third acre lots but said he
7 would be happy with half acre lots.

8
9 Mr. Beck said he was not here to propose a development but to ask the City to rezone his property back to one half
10 acre like it was when he bought the property. He would like this done now before the gas line goes in so they can
11 figure out the best place for the line.

12
13 Jason Bond said it was mentioned in DRC by some of the members that an option would be to ask for one quarter
14 acre since we don't have one third acres. He said the staff did mention water concerns but said the staff didn't have
15 a preference or tell Mr. Beck what he should do. Mr. Beck agreed with that and said staff has to worry about water
16 issues and revenue for the City and that is why this discussion took place. He said staff does an excellent job and
17 did not push him either way.

18
19 Mr. Beck said some of his neighbors are very upset about this and he is willing to go back to half acres instead of
20 quarter acres. He said he has to make a decision right now before the gas line goes in. Mr. Beck showed on the
21 zoning map where it went from quarter acre to one acre lots. He said it would make sense to make his property one
22 half acre lots to buffer between quarter and one acre lots. He said his own children tried to buy in Alpine and there
23 were no small homes or lots that they could afford and they had to buy in other cities.

24
25 Jason Thelin said his concern with the DRC is staff making policy or pushing their philosophy onto the developer
26 versus it going through the Planning Commission and City Council. He said the Planning Commission tries to
27 offload certain things to the DRC that they don't need to see. He said he's concerned because in a Planning
28 Commission meeting, everyone knows how the others feel and votes are cast, but in DRC someone told developers
29 one thing and pushed some changes and encouraged them to down zone.

30
31 Jed Muhlestein said the discussion came up in DRC by Mr. Beck to have one third acre lots and the comment was
32 made that the only way to make that happen would be to have one quarter acres lots because there is no third acre
33 zoning. He said no-one in the meeting encouraged them to go that way. Jason Thelin said the problem is that Mr.
34 Beck came to DRC with one acre and one half acre proposals and we don't see those proposals here tonight. All we
35 see is the one quarter acre proposal and it would have been nice for the Planning Commission to have been able to
36 see those as well. He said the only justification for downsizing in his mind is if Mr. Beck can't make it work based
37 on him being forced to put a natural gas line through his property. Jason Bond said Mr. Beck said the Planning
38 Commission is looking at what was submitted. He said they did bring in other plans to show the DRC but didn't
39 submit them.

40
41 Dana Beck said they don't like any of the layouts, not even the quarter acre lots. He said it was a quick shot with the
42 engineer to try and figure something out that would work there. He said he needs to know if the City will entertain
43 the half acre zoning because he has to make a decision right now as to where the gas line is going to go. He said if
44 the City agrees, he will take a risk and put the gas line where he thinks it will work. He said if the City said no, we
45 are staying with a one acre zone, then he said he has to go back and figure out how that will work. Mr. Beck said
46 he's not developing now but circumstances are making it so he has to plan for the future. Jason Thelin said we have
47 to treat this like Mr. Beck would develop tomorrow. Judi Pickell said good policy is looking at the Master Plan and
48 knowing that that's where we look to for zoning in the City.

49
50 Dana Beck said there are about 5 properties that need to be looked at as well and he said the only way to get this
51 looked as is to bring something forward. Steve Swanson asked if water was an issue and if that is why smaller lots
52 were discussed in DRC. Jed Muhlestein said one acre properties use more outside water than smaller lots. Judi
53 Pickell said Mr. Beck brings up a good point about zoning issues in Alpine but said they will not get resolved
54 tonight.

1 Jason Bond said he received four emails concerning this issue and he sent them on to all Planning Commission
2 members. Steve Cosper said received four different emails and he shared them with the Planning Commission
3 members.

4
5 Allen Gillman is a neighbor to the Beck's. He said the gas lines needs to be replaced and Mr. Beck's plan will affect
6 his property. Mr. Gillman said Mr. Beck told him he needed to have the gas line moved so he could get lots in that
7 area. Mr. Gillman made a deal with the fence line. He read a text from Dana Beck where Mr. Beck said he will use
8 the gas line as an excuse to get smaller lots. Mr. Gillman said the gas line has nothing to do with getting smaller
9 lots.

10
11 Breezy Anson said he is not opposed to one half acre lots on this property. He showed on a map a neighborhood
12 that was quarter acre lots with large homes. Then he showed one half acre lots and said this is better because you
13 are not in a fish bowl right on top of your neighbor. He said he is not in favor of one quarter acres. He said Dana
14 Beck is not in favor of them either but his kids might be or a developer could come in and try to put one quarter lots
15 in. He said if quarter acres are allowed on this property, it will affect all the surrounding neighbors.

16
17 Mark Goodsell asked if the City has thought about smaller lots with some open space. That way you can bring in
18 another demographic and a more affordable piece of property. He said you can still keep a forever piece of open
19 space in the City. He said this needs to be looked at further and be done well.

20
21 Annie Jackson said she has lived on Westfield for 28 years and is opposed to the zone change. She said the City
22 General Plan states preserving the family oriented small town atmosphere is of utmost importance to the residents,
23 business owners and City officials of Alpine. The primary focus of Alpine City is to preserve and maintain these
24 characteristics and its high quality of life. Alpine City residents place a high value on their lower density
25 neighborhoods. Future residential development must be carefully considered and designed to maintain the low
26 density feeling in the City. She said lowering the density to quarter acre lots directly contradicts these principles.

27
28 Ms. Jackson said she didn't think our forefathers would want this changed and said there is a reason this area was
29 changed from half acres lots to one acre lots. She said if the Beck property is allowed to change zoning, other
30 properties will want to as well and the density will put pressure on the roads, schools and churches. It will affect the
31 beauty of the area, traffic, congestion and safety on Westfield Road which is so commonly used by walkers, joggers,
32 bikers and children walking to school. Ms. Jackson said she was concerned about what that type of density would
33 do to the population of Westfield Elementary, Timberline Junior High and the nearby churches and Wards. Not
34 only the larger classroom sizes but the congestion around the schools and the safety of the children should be
35 considered. The City General Plan Land Use Guideline states density increases should be considered only upon the
36 demonstration of adequate infrastructure, resource availability, amenities and benefit to the city and the residents of
37 the project. She said those of us who oppose this project feel that it does not meet these requirements and there is no
38 benefit or purpose of rezoning.

39
40 Clive Walters owns the property just south of the Beck property. He said he's looked at the minutes from the past
41 and couldn't find any notes on how this property was changed from half acre to one acre without neighbors knowing
42 about it. He said Dana and Annalisa Beck have complied with the current ordinance for a zone change. He said if a
43 zone change is made that affects neighboring properties. He said there has to be some kind of vision for this so Mr.
44 Beck knows where to put the pipeline. He said he supports a zone change. He said as far as joggers are concerned,
45 they are all over the city and not just on Westfield road. He said eventually, there will need to be some connecting
46 roads between Westfield and Lone Peak Drive.

47
48 Melissa Shelley asked why there can't be a variation of different sized lots. She said something like this could make
49 sense for the Beck property. Jason Bond said it could be done through a zone change if that's what the City wants.
50 He said one way to get smaller lots is through a PRD but that's not usually done on flat property. He said the Beck's
51 do not want to develop right now and there's no plan on the table. He said a zone change would take some time to
52 do.

53
54 Jason Thelin said if Mr. Beck had quarter acres he could still build one third, one half and one acre lots. He said that
55 doesn't happen though because there's a cost benefit to the developer to put in as many homes as they can and they
56 can make more money if quarter acres are allowed.

1
2 Steve Cosper closed the public hearing and opened up the discussion to the Planning Commission. David
3 Fotheringham said this is a whole Master Plan change and that will take some time. Judi Pickell said Mr. Beck does
4 not want to develop right now so this is not eminent right now. She said she thought when Mr. Beck does want to
5 develop in the future, he will have options but she thinks it is premature right now.

6
7 **MOTION:** Judi Pickell moved to recommend to the City Council to deny the request for a zone change for the
8 Beck Property at 621 Westfield Road from CR-40,000 to TR-10,000.

9
10 Steve Swanson seconded the motion. The motion passed with 7 Ayes and 0 Nays. Bryce Higbee, Jason Thelin,
11 David Fotheringham, Steve Cosper, Jane Griener, Steve Swanson, and Judi Pickell all voted Aye.

12 **B. Residential Lot Adjustment Request – John and Amy Ogden**

13 John and Amy Ogden are putting together plans to build a house on a lot at 864 East Jackson Lane. This lot is
14 within the CR-20,000 zone. The plan shows the home to be built outside of the designated building area. The
15 ordinance allows for an adjustment to be made if certain criteria are met (Section 3.3.8.4).

16
17
18 Jed Muhlestein said the Ogden's brought forth a building plan that extends beyond the buildable area as recorded on
19 the plat. The ordinance does not allow for a buildable area to contain slopes that are 20% or greater (Section
20 3.1.11.7). He said the ordinance does provide a section that states the Planning Commission can grant an exception
21 or adjustment to the ordinance.

22
23 The plan shows home being built into a sloped area that is 20% or greater. After reviewing the proposed site plan, it
24 also appears that the home is proposed to be built in a way that would also reduce the setbacks from the southern
25 property line. This would expand the area of what was originally designated as buildable. The Planning
26 Commission needs to determine if the original buildable area was correct in designating the southern setback as a 30
27 foot rear yard setback or if the southern setback should be designated as a side yard setback. If the setback is
28 designated as a rear yard setback, the Planning Commission or City Council cannot grant an exception to the
29 setbacks and a variance needs to be obtained from the Alpine City Hearing Officer. The criteria for granting a
30 variance are laid out by the State of Utah.

31
32 Jed Muhlestein said there are three criteria for granting a variance.

- 33
34 1. Number one states: more adequately accommodate subsequent development of the lot.
35 2. Will not constitute a potential hazard to life or property.
36 3. Will serve to diminish the negative impact of subsequent development upon the lot or community.
37

38 Jed Muhlestein said the steepest part is 25% slope and the rest is around 22%. He said regardless of this property
39 just barely being outside the ordinance, staff cannot grant this request. He said the Ogden's had a Geotech report
40 done and it states that the development of their home on that slope will not pose any type of hazard to life or
41 property or to any surrounding area or to the building. Jed Muhlestein said as far as the three criteria listed are
42 concerned, the Geotech report takes care of number two and he said it would be up to the Planning Commission to
43 recommend an exception for number one and three.

44
45 John Ogden said this will be a walkout basement and no retaining walls because it's a natural slope there. He said on
46 the side with the steepest slope, they are planning on putting in an underground sport court. Judi Pickell asked what
47 evidence of number three would look like. Jed Muhlestein said it means anything extra ordinary that would serve as
48 an eyesore to the community. Jane Griener asked if the adjacent lots would have to have retaining walls or any
49 negative effect on those lots. Steve Cosper said it's nice the Ogden's have slope so they can have a walkout
50 basement without having to build any retaining walls. Mr. Ogden said the neighbor in the back is about 750 feet
51 away. He said he talked with all the neighbors and no one had a problem with their home. Steve Cosper said it is
52 not required to get approval from the neighbors.

53
54 David Fotheringham had questions about the layout of the home and the setbacks. Jason Bond said the side setback
55 was previously addressed about a year and a half ago so it is just the back of the house that needs to be addressed.
56 Jason Thelin said this is not up on a hill and will be hidden by natural scrub oak and will be blocked from view. He

1 said he thought it met the tree criteria. Steve Swanson asked how much retaining would be required for the home.
2 Mr. Ogden said there will be no retaining on the sides or the back of the house.

3
4 **MOTION:** Jason Thelin moved to approve the buildable area adjustment request for John and Amy Ogden.

5
6 David Fotheringham seconded the motion. The motion passed and was unanimous with 7 Ayes and 0 Nays. Bryce
7 Higbee, Jason Thelin, David Fotheringham. Steve Cospers, Jane Griener, Steve Swanson and Judi Pickell all voted
8 Aye.

9
10
11 **C. PUBLIC HEARING – Fence Ordinance Amendment**

12 The Alpine City Fence Ordinance has recently come up for a few different reasons. (1) Residents have asked that
13 the height restrictions be carefully readdressed particularly as it pertains to keeping deer off of their property and
14 eating their gardens and flowers. (2) The City Council would like to grant some exceptions to the fence ordinance.
15 There currently is no process for exceptions.

16
17 Jason Bond said we need to have a track able exception to the fence requirement because Planning Commissions
18 and City Councils change over time. He said we need to take a look at our ordinance and see if we need to put in
19 some language to allow an exception.

20
21 Jed Muhlestein said you could take 3.21.6.7 and make one simple change from agriculture fences to animal fences.

22
23 Steve Cospers opened the Public Hearing and asked if staff would approve an 8 foot fence. Jason Bond said he
24 would like to create some language and criteria to meet the exception. Mark Goodsell said he will design his fence
25 at 6 feet but with an option to raise the height to 8 feet to protect his garden. The 8 foot would only be around the
26 garden and 6 feet around the rest of the property.

27
28 Will Jones said he wanted to see this issue address because of the rehab house in Alpine. He said if the home owner
29 next to the rehab house could have a higher fence, they could block clients from looking into their windows and
30 giving them some privacy. He said because of the slope, a six foot fence is not high enough. He said the higher
31 fence would only be behind the house and a six foot fence around the side. The Planning Commission asked how
32 this would be regulated. Judi Pickell said we just need to have a way for someone to apply for an exception. Bryce
33 Higbee said maybe it could be for those people living next to a commercial business.

34
35 Bryce Higbee said he didn't think deer are an adequate reason to change the ordinance. Jane Griener thought safety
36 could be an issue because you can't see over high fences. Jason Bond said the fence couldn't be taller on the side or
37 in the front yard or in the sight triangle. Judi Pickell asked if you can put a higher fence within your yard and not on
38 the fence line. Mr. Goodsell said he needs an 8 foot fence on his property line. He said he has an agricultural need
39 to grow his garden and he needs to keep the deer out. He said he wants the City to know that he will try a fence at 6
40 feet, but will put it to 8 feet if and when the deer jump the fence.

41
42 Jason Thelin said he is in support of a higher fence around the drug rehab center. He said he thinks people should be
43 able to grow a garden and we should help them do that. Steve Cospers asked staff to bring back some changes to the
44 ordinance for next time. He asked that the rehab center or commercial buildings be addressed and 8 foot fences for
45 gardens and agricultural.

46
47
48 **D. PUBLIC HEARING – Retaining Wall Ordinance**

49 The Alpine City Planning Commission asked the staff to look into drafting a retaining wall ordinance.
50 Steve Cospers opened the Public Hearing.

51
52 Jed Muhlestein said this ordinance was brought forward because of unsightly retaining walls and for safety reasons.
53 The City asked for help from a gentleman who worked for Draper City. Jed Muhlestein said a building permit is
54 required for retaining walls over 4 feet if the terrain around the wall is on a steep slope. There are landscaping
55 requirements as well. He said 9 feet would be the maximum height for retaining walls but there is a provision to go
56 higher if that retaining wall was in a location where it cannot be viewed from the public, a public right-of-way, or

1 any of your neighbors. He also said if the wall is higher than 9 feet, it has to be terraced and if you have to do that,
2 the ordinance allows a terraced wall to go as high as 18 feet.

3
4 Jed Muhlestein said if the wall is viewable from a public right-of-way, the area would have to be landscaped. Jane
5 Griener asked if an engineer would have to inspect these walls. Jed Muhlestein said high walls would need to be
6 engineered and be inspected on a regular basis. He said our current ordinance doesn't require this even though
7 Alpine City has been doing it. He said going forward it will be required in the ordinance. Judi Pickell asked what
8 future development would be affected by this adoption. Jed Muhlestein said Three Falls and Eagle Pointe.

9
10 Mark Goodsell said rock retaining walls concern him. Jed Muhlestein said rock walls can be designed to be safe but
11 the problem is that people don't get permits to build their walls and they end up falling over. He said that is why the
12 City has ordinances and requires permits to build walls and it takes into consideration the land around it. Mr.
13 Goodsell said he is concerned about a seismic event and boulders ending up in people's living rooms. Jed
14 Muhlestein said the City will try to control this issue through permits. Judi Pickell asked who was going to maintain
15 the landscaping. Bryce Higbee said that would have to be addressed when a development comes in to the City. Steve
16 Cospser asked Jed Muhlestein to bring a final copy of the ordinance to the next meeting for review.

17 18 **E. Melby Annexation Discussion**

19 The City Council has asked that some discussion take place between the land owners/developer and the City to
20 discuss the possibility of annexation for the Melby property. The Melby property, which includes 68 acres, is
21 located north of the Alpine Cove Subdivision. This area is currently not within the Alpine City Annexation Policy
22 Plan. To help facilitate the discussion, staff has asked that 4 main topics be addressed in helping the City make a
23 decision on the annexation of this area. The four main topics are:

- 24
- 25 1. Density – How many lots are you proposing for the subdivision?
- 26 2. Roads – How are you accessing the subdivision? Because you are in a sensitive lands overlay,
27 you will need at least two accesses to the site.
- 28 3. Utilities – How will water and other utilities be provided?
- 29 4. Open Space – Where will open space be and how will it be designated?
- 30

31 It was requested at the April 21, 2015 Planning Commission meeting that the Annexation Declaration Policy,
32 potential Melby annexation and development be considered by the City. This report is not meant to detail specific
33 about each issue, but rather in a broad sense give the Planning Commission and City Council details to help decide if
34 the City would like to proceed with the request. If it is decided to proceed, more detail and studies can be
35 performed.

36
37 Jed Muhlestein said he received a letter from the Fire Marshall which said he was concerned with all the traffic
38 coming out onto Grove Drive. Jane Griener asked if the Planning Commission would look at the annexation policy
39 as a whole or by each development individually. Jason Bond said we will address the requests individually. Jane
40 Griener said it is redundant to do it over and over again since many of these questions will be the same. Jason Bond
41 said we would like to address the properties who have come forward but the information gathered for these
42 properties will be useful for others in the future.

43
44 Steve Swanson said the Fire Marshall has concerns but said we have some options. There are questions about water
45 as well but his main concern is what the Fire Marshall said. He said he has a concern about annexing this property
46 with a twisted arm because of the threat of going to the County if they don't get what they want. He said we need to
47 get a plan in front of us and then we have the ability to recommend that if we do annex it, we annex at a different
48 rate or different size. He said the county would have to adhere to what the Fire Marshall said as well.

49
50 Steve Cospser said we need to take a look at what's best for the City and then make a recommendation regardless of
51 political pressure and pressure from the applicant saying they will go to the County. He said there is a lot of emotion
52 in emails being sent by citizens concerning water and traffic issues but we need to do the job we've been tasked to
53 do.

54
55 Jason Thelin said the first question is whether we want to annex this property into the City. Steve Cospser said the
56 City has options for water to serve this development. Jed Muhlestein said we wouldn't be able to serve them with

1 pressurized irrigation but could get culinary water to them at a cost. The City would prefer that they work out their
2 own culinary water issues as well.

3
4 The Planning Commission had a discussion about the plat that the applicant brought in. David Church told Steve
5 Cosper that you have to make a recommendation based on the request the applicant brought in. The Planning
6 Commission said they are not in favor of the plan that was brought in because the cul-de-sac doesn't meet the
7 ordinance, the slope of the property doesn't meet the ordinance and because of water issues and road issues.
8 The Planning Commission said they didn't think this was ready to move on to the City Council. Judi Pickell said
9 the County asked us to work with the Melby's. Something was brought in to us and it doesn't meet the ordinance
10 for the reasons listed above, but we're willing to work with them. She said the Melby's need to submit something
11 that meets our ordinance and then we can open a discussion.

12
13 Bryce Higbee said he didn't think we could recommend annexing based on what was brought in. He said staff
14 should reach out to the applicant and ask them to submit a plan that comes closer to meeting our ordinance. He said
15 this is not going to be a quick process and needs to comply with our ordinance. He said they are requesting a zone
16 change as well. Steve Cosper said that the Melby's also need to know that we are open minded about approaching
17 the annexation. Bryce Higbee said absolutely, but it has to comply with our ordinance to even consider it.

18
19 Rod Bergman lives on Grove Drive said the City has ordinances. He doesn't like it when you say to staff to write a
20 letter letting the applicant know he should bring in something that is close to the ordinance. The applicant needs to
21 bring in a plan that meets the ordinance and the staff shouldn't have to do their homework for them. Steve Cosper
22 said he just wants to give the Melby's some direction. Bryce Higbee said the Melby's need to bring something in
23 with more detail.

24
25 Jason Thelin said we need to give the Melby's more. We need to let them know if we are willing to annex them and
26 change the zone to one acre. Bryce Higbee said he would like to see what a one acre zone looks like meeting the
27 ordinance. Steve Swanson said we are still running into the Fire Marshall's concern with the traffic.

28
29 Bryan Hoffeins said the Melby's said they didn't have any water shares and wanted to know if that had changed.
30 Jed Muhlestein said the Melby's said they had an agreement with the Cove to pull water from their tank but he
31 didn't know any more about it. Mr. Hoffeins said the neighbors want the zone to stay the same whether the property
32 gets annexed or not.

33
34 Jason Thelin said we need to let them know now if we will annex and if so, let them know that this is how we will
35 allow them to come into the City. Jason Thelin said he would be more inclined to let them know that we would be
36 interested in annexing their property but at five acres. Ask them to bring in a plan showing how they could make
37 five acre lots work within the ordinance.

38
39 Steve Cosper said we have to consider the plan they brought in, and it is not up to us to make a proposal for them.
40 Jason Bond said we should give them some direction and the Planning Commission could deny the current plan of
41 one acre lots, but could say we would be interested in looking at a plan that included five acre lots. Steve Swanson
42 said the reason we would want five acre lots is because of density, water, and traffic. Steve Cosper read eight steps
43 for annexation from David Church and the Planning Commission had a discussion about it.

44
45 Judi Pickell said if we asked them to come in with a five acre lot, the developers would only be able to get a couple
46 of lots because of the slope. The development wouldn't be feasible and they will then go to the County and it will
47 look like the City is not working with them. She said if you ask them to come in and meet our ordinance and allow
48 them to have one acre lots; the slope will still prevent the development from having too many lots because a lot of
49 that property is at 20% slope. Jason Thelin said the CE-5 zone states that this zone consists of the more mountainous
50 areas because of the steep slopes, soil characteristics, wildfire hazard and similar natural conditions that are
51 considered environmentally sensitive. The minimum standards and use within this zone are:

- 52
53
- 54 1. The need to preserve sensitive environmental conditions
 - 55 2. The need to mitigate potential unsafe conditions in the area and prevent development that might
56 increase hazards due to such conditions.
 3. The need to preserve a healthy, safe environment for the occupants of the zone and the surrounding

1 community.

2
3 Jason Thelin said this area is already zoned as CE-5 and he said this area fits perfect within that zoning. The
4 Planning Commission discussed this and some said the Melby's won't come into the City as a CE-5 zone, they want
5 one acre lots and that's what they've asked for. Others said if the City wants to keep this zone, they can and the
6 applicant will have to decide if they still want to proceed.

7
8 **MOTION:** Jason Thelin moved to deny the application as outlined in the packet and recommend to the City
9 Council that the Melby Property be put into the Annexation Master Plan with a CE-5 zoning designation.

10
11 Jane Griener said this is a compromise from both directions. She said the citizens have really expressed their
12 concerns about density. Bryce Higbee said if the applicant wants to propose a plan with one acre lots that meets our
13 ordinance then they can do that. Jason Bond said if it's CE-5, that doesn't exclude the possibility of it being
14 developed as a PRD.

15
16 Steve Cospers said that David Church said the applicant brings in the petition and that's what we act on. Steve
17 Cospers said we're going in the opposite direction in trying to force it back the other way. He said he didn't know
18 legally how that works. Jason Bond said there is a motion on the table and the Planning Commission has to do the
19 best they can and if there's a problem with that, David Church can give us some direction on it.

20
21 Steve Cospers said the other option is to go to the Melby's and say this is what our feeling is; resubmit something and
22 we'll look at it if it's a CE-5. Jason Thelin said his motion does that. It's a recommendation to the Melby's that
23 states we're interested in bringing them in as a CE-5. Steve Cospers said it's going to the City Council and not the
24 Melby's. He said he doesn't think we have the standing to recommend a change when they've come to us and we're
25 supposed to just be acting on what they brought to us.

26
27 Bryce Higbee said this can be included in our annexation plan even if the applicant doesn't want it to be. Will Jones
28 said that what Jason Thelin is trying to do is put it in a plan to come in as five acres. He said you can do that
29 because the plan is yours, and their proposal is theirs. Bryce Higbee said the applicant could then come in and
30 petition to change it. Jason Bond said this is a recommendation and nothing binding right now. He said if David
31 Church has a concern with the motion then we can readdress it.

32
33 Steve Swanson seconded the motion. The motion passed but was not unanimous with 6 Ayes and 1 Nay. Bryce
34 Higbee, Jason Thelin, Steve Cospers, Jane Griener, Steve Swanson and Judi Pickell all voted Aye. David
35 Fotheringham voted Nay.

36 37 38 39 **F. Obereee Annexation Discussion**

40 The City Council has asked that some discussion take place between the land owners/developer and the City to
41 discuss the terms of annexation for the Obereee area. To help facilitate the discussion, staff has asked that 4 main
42 topics be addressed in helping the City make a decision on the annexation of this area. The four main topics are:

- 43
44
- 45 1. Density – How many lots are you proposing for the subdivision?
 - 46 2. Roads – How are you accessing the subdivision? Because you are in a sensitive lands overlay,
47 you will need at least two accesses to the site.
 - 48 3. Utilities – How will water and other utilities be provided?
 - 49 4. Open Space – Where will open space be and how will it be designated?
- 50

51 Jed Muhlestein said the staff is trying to bring forward more information since last meeting. Pressurized irrigation is
52 a big concern and how to get the water to this development. There are also concerns on how to get culinary water to
53 the homes. He said our Master Plan provides two different plans to get them water. Jed said we have a booster
54 pump on the North end of Main Street. He said the pump could be altered to boost water to the Obereee property.
55 One pump could take care of this development. Steve Swanson said the Obereee's would be responsible for the extra

1 costs. Jed Muhlestein said they would have to pay for the portion of the water they used and the city would pay for
2 their portion.
3

4 A 12 inch irrigation line would run through their property which would also help a portion of the City as well. He
5 said the improvements that need to be made could be done with the resources and infrastructure the City has. He
6 said the improvements would also help the fire flows in for Three Falls. Steve Cospers asked if Three Falls would
7 help pay for these costs. Jed Muhlestein said fire flows were discussed and a bigger line was discussed if large
8 homes are planned to be built to meet fire flows.
9

10 Jed Muhlestein said the water lines would be determined when a plan was submitted and we see what the needs are.
11 He said the City would prefer a secondary road through Elk Ridge. Paul Kroff said this road would not be an option
12 for phase one and said they meet the letter of the law. Steve Cospers said the Fire Marshall can override that decision
13 based on safety issues.
14

15 Steve Swanson asked if we have the water, do we need to increase density. Jed Muhlestein said it is always good to
16 conserve our water. Steve Cospers said there are other issues besides just the water like the traffic for instance. Jed
17 Muhlestein said the developer will need to do a traffic study. Jane Griener asked if a road going through Elk Ridge
18 encroaches on Mr. Zolman's home or what is the reason the owner is saying no to the road. Mr. Zolman said he
19 purchased three landlocked parcels of property and brought it back to one parcel to raise his family. He said he has
20 upset some of his neighbors and would like to make it right with them. He said he would like to keep the lower
21 orchard to farm and doesn't want a road going through it. He also said he needs to be able to get to the mountain
22 easement area to graze his cattle. He said the upper property is where he would develop and put in the lots.
23

24 Jason Thelin asked why the Packs didn't have their access in the same place Mr. Zolman is proposing. Mr. Zolman
25 said at that time someone owned a protection strip in between two properties and he said he has purchased that strip
26 and added it to his property.
27

28 Paul Kroff said they have made a lot of efforts with some of the adjacent property owners to think of ways to
29 improve the hairpin turn and Grove Drive. He said they need the City's support to rezone the property in
30 accordance with the Annexation Declaration. And second, to support the development of the Oberee property at a
31 standard density of what was submitted a month ago. Mr. Kroff said it would be a maximum of sixty lots.
32

33 Steve Cospers asked if a traffic study would be done. Paul Kroff said he agrees that a detailed traffic study needs to
34 be done and he agreed to do the study as one of their conditions. He said you do a traffic study to see what the
35 impact would be of the density you are seeking and what improvements would be associated with that.
36

37 Paul Kroff said that Horrocks is running the Master Plan specifically for the water. Their report states the anticipated
38 number of homes proposed is supported by the anticipated master development of the City. Steve Cospers said that
39 was based on the traffic plan that was put in eight years ago. Mr. Kroff said this report was specifically for water
40 and sewer.
41

42 Bryce Higbee said the Planning Commission has to decide if they want 60 lots with the density given in the
43 conservation easement. Paul Kroff said they would provide an access through the Conservation Easement.
44 The Planning Commission had a discussion about the open space and how it could be used. Judi Pickell asked
45 about access and Paul Kroff said the development would have access on the east and the west side. Judi Pickell said
46 she would like the public to be invited to the trail in the Conservation Easement. She would like to see some signs
47 and the trail marked at the trailhead. Paul Kroff said they would be open to allow access to the trail but the owner is
48 concerned about the public going through, over and all around his property.
49

50 Steve Cospers asked Jed Muhlestein if the Planning Commission had enough information to annex. Jed Muhlestein
51 said he thought they had enough general information to make a decision on whether they want to recommend
52 annexation or not. He said the specifics of the actual development could be worked out later. Bryce Higbee said
53 once annexation is approved then we can work on the development. Paul Kroff said once the annexation is approved
54 and the zoning designation is granted, we still have to meet the ordinance. David Fotheringham asked about the size
55 of the lots were. Paul Kroff said they were half acre or larger and they would self impose a ceiling of sixty lots

1 maximum which would be a lighter density. He said they would have forty lots in one phase and twenty lots in
2 another phase.

3
4 John Walton asked what the net size of the lots will be. Paul Kroff said they are seeking CR-40,000 zone and with a
5 PRD the smallest lot would be 20,000 square feet but most of the lots would be somewhere between a half acre and
6 one acre. Mike Russon asked why we are water restrictions if the City is saying we have ample water. Jed said we
7 don't have the infrastructure to get the water into the system especially in the high zone. The high zone depends on
8 the pond runoff and this year runoff has been low.

9
10 Todd Smith said he is concerned about higher density when we have one acre development right next to it. He
11 would rather see half acre than quarter or third acre. He said this owner shouldn't get a windfall just because he's
12 the next owner. He said he doesn't want the road to come out where it is planned because it will come out right at
13 his house and he doesn't want the traffic.

14
15 Mr. Zolman said he didn't get a windfall but the previous owner did because of the tax break he received. He said
16 he doesn't want a road running right through the middle of his farm. He said if the City makes them put the road
17 through the farm he might as well move to Payson because that's not going to work

18
19 Tricia Zippi said she chose to live in the Cove and doesn't want lower density on this property that borders her
20 neighborhood.

21
22
23 **MOTION:** Judi Pickell moved to recommend to the City Council to accept the Oberee Annexation Petition and
24 limit the density to sixty lots maximum for the Zolman property.

25
26 Jason Thelin said you've selected to include the Conservation Easement into a PRD environment. David
27 Fotheringham said not necessarily and Judi Pickell said she is not saying that and wants to keep it broad because
28 they can't develop on the easement. Jason Thelin said it has to be a PRD in order for them to get sixty lots. The
29 Planning Commission had a discussion about it and said if it's not a PRD they could get forty eight lots. Judi
30 Pickell said sixty lots would be the maximum but they could get less. She said the Planning Commission needs to
31 make a decision and move forward.

32
33 David Fotheringham seconded the motion. The motion was not unanimous but passed with 4 Ayes and 3 Nays.
34 Bryce Higbee, David Fotheringham, Steve Cosper, and Judi Pickell all voted Aye. Jason Thelin, Jane Griener, and
35 Steve Swanson all voted Nay.

36
37
38 **COMMUNICATION:**

39 Judi Pickell asked about the sign at the entrance to Alpine. Jason Bond said the City had to take it down because it
40 was on a water district easement. He said it is up at the shop and the City has to determine where they want to put it.
41 Lon Lott asked if any of the neighbors would be willing to put the sign on their property.

42
43
44 **VI. APPROVAL OF PLANNING COMMISSION MINUTES OF:** Apr 21, 2015

45
46 **MOTION:** David Fotheringham moved to approve the Planning Commission Minutes for Apr 21, 2015 subject to
47 changes.

48
49 Jane Griener seconded the motion. The motion passed unanimously with 7 Ayes and 0 Nays. Bryce Higbee, Jason
50 Thelin, David Fotheringham, Steve Cosper, Steve Swanson, Jane Griener and Judi Pickell all voted Aye.

51
52 Steve Cosper stated that the Planning Commission had covered all of the items on the agenda and adjourned the
53 meeting at 10:30pm.