

NOTICE: THE CITY COUNCIL WILL BE WALKING THE TRAIL NEXT TO DRY CREEK IN THE CENTER OF THE CITY AT 6:30 P.M. THE CITY COUNCIL WILL MEET AT 175 WEST CANYON CREST ROAD (THE WATER WHEEL BUILDING). THE PUBLIC IS INVITED TO ATTEND.



ALPINE CITY COUNCIL PUBLIC HEARING & MEETING AGENDA

NOTICE is hereby given that the **CITY COUNCIL** of Alpine City, Utah will hold a public hearing and meeting on **Tuesday, May 26, 2015 at 7:00 pm** at Alpine City Hall, 20 North Main, Alpine, Utah as follows:

I. CALL MEETING TO ORDER*

- | | |
|--------------------------|-------------------|
| A. Roll Call: | Mayor Don Watkins |
| B. Prayer: | Roger Bennett |
| C. Pledge of Allegiance: | By Invitation |

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

III. CONSENT CALENDAR

- A. Approve the Minutes of May 12, 2015 City Council Meeting

IV. REPORTS AND PRESENTATIONS

V. ACTION/DISCUSSION ITEMS

- A. **Food Truck Pilot Program Discussion:** The Council will discuss the Food Truck Pilot Program.
- B. **Obere Annexation:** The Council will discuss any additional items from the May 5th meeting and set a public hearing on the Obere Annexation for June 23, 2015.
- C. **PUBLIC HEARING on Tentative City Budget:** Public comments will be received regarding the Tentative Fiscal Year 2015-2016 City Budget.
- D. **Tentative Budget Discussion:** The Council will discuss any directions they wish to give staff regarding the Tentative Fiscal Year 2015-2016 City Budget and will set a public hearing on the Final Budget for June 9, 2015.
- E. **Fence Ordinance Amendment:** The Council will consider approving an amendment to the Fence Ordinance regarding the height of fences.
- F. **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.
- G. **Paul Anderson Residence Setback Exception Request:** The City Council 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 Zone.
- H. **Retaining Wall Ordinance:** The City Council will consider approving a proposed ordinance that would regulate retaining walls.
- I. **Approval of A Letter to Utah County Regarding Patterson's Water Tower & Sewer Re: Box Elder South Subdivision:** The City Council will approve a letter to Utah County regarding the water tower and sewer constructed for servicing the Box Elder South Subdivision.

VI. STAFF REPORTS

VII. COUNCIL COMMUNICATION

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

ADJOURN

*Council Members may participate electronically by phone.

Don Watkins, Mayor
May 22, 2015

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

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

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 CITY COUNCIL PUBLIC HEARING & MEETING
Alpine City Hall, 20 N. Main, Alpine, UT
May 12, 2015

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

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

Mayor Don Watkins

Council Members: Troy Stout, Will Jones, Roger Bennett, Kimberly Bryant, Lon Lott

Staff: Rich Nelson, Charmayne Warnock, David Church, Shane Sorensen, Jason Bond, Steve Cosper – Planning Commission Chairman

Others: Bob Antrim, Bryan Hofheins, Gale Rudolph, Chris Rudolph, Jan Braithwaite, Cheri Jackson, Alan Gillman, David Zolman, Myrna Grant, Eric Grant, Mike Russon, Jane Griener, Emily Thrap, Brian Thrap, Paul Kroff, Jessica Smuin, Steve Zolman, Brian Burr, Commissioner Bill Lee, Todd Smith, Ron Madson, Pam Madson, Michelle Smith, Steve Cosper, Dave Fotheringham, Sheldon Wimmer

B. Prayer: Roger Bennett

C. Pledge: Brian Burr

II. PUBLIC COMMENT: Gale Rudolph said she still didn't have access to the trails up Fort Canyon. There was no parking at the trailhead. She said there had been parking along that road for years.

Rich Nelson said he would let Will Jones respond. Will Jones said he would let Brian Burr respond. Mr. Burr was on the trail development committee.

Brian Burr said he had been involved with lengthy discussions with the developer of that area and was pleased to report that there was some resolution. The developer would be putting in a parking lot with restroom facilities and a nice trail system patterned somewhat after Draper City's trail system in Corner Canyon.

Gale Rudolph asked where they could park in the meantime when all that was being developed.

Will Jones said the challenge was that they were tearing up the road and it wouldn't be a good thing to have people in that area.

Ms. Rudolph said people had been able to have access from the west side of the Young property before, but there was a gate and there was nowhere to park. She asked if local people could get a permit to park.

Mayor Watkins said he appreciated her comments. The Council had spent a lot of time on the issue the previous year, but it wouldn't be resolved until the subdivision was constructed, and it would probably get worse before it got better.

Will Jones said the trails would be built with the first phase, and they would be awesome, but currently there was security in Fort Canyon trying to protect the film site.

III. CONSENT CALENDAR

A. Approve the minutes of April 28, 2015

B. Bond Release - Heritage Hills, Plat C - \$122,730.65

MOTION: Troy Stout moved to approve the Consent Calendar and the minutes of April 28, 2015 as corrected. Will Jones seconded. Ayes: 5 Nays: 0. Troy Stout, Will Jones, Roger Bennett, Kimberly Bryant, Lon Lott voted aye. Motion passed.

Mayor Watkins said the Beck zone change request had been postponed at the request of the Becks.

1 **IV. REPORTS AND PRESENTATIONS:** None

2
3 **V. ACTION/DISCUSSION ITEMS**

4
5 **A. Beck Property Zone Change Request - 621 Westfield Road - Dana and Annalisa Beck:** This item was
6 postponed at the request of the property owners.

7
8 **B. Oberee Annexation:** The Oberee annexation petition for 190 acres (the old Pack property plus the Grant
9 property) on the northeast corner of Alpine came before the City Council at their meeting of December 9, 2014.
10 According to Alpine City's current Annexation Policy, the property in the Oberee annexation was included in Alpine
11 City's Annexation Declaration area. The Council accepted the petition and process of annexation was begun. The
12 petition was certified by the City Recorder and noticed in Daily Herald, which began the 30 day protest period.
13 Notice of the proposed annexation was sent to all the affected entities. No protests were filed. The next step would
14 be for the City Council to hold a public hearing on the proposed annexation, assign a zoning designation to the
15 annexed property, and vote on it. Typically, an annexation agreement and/or development plan was negotiated
16 during the annexation process. Since there was no annexation agreement or development plan as yet, the public
17 hearing was postponed. In addition, there was a question about whether or not the current Council would allow the
18 same density for the Oberee annexation that was shown in Alpine City's Annexation Policy.

19
20 The landowners then approached Utah County about possible development in the county. Since the property was
21 included in Alpine City's Annexation Declaration Area, the County referred it back to Alpine City to see if they
22 were going to act on it.

23
24 On March 24, 2015, the City Council and Planning Commission held a joint meeting to discuss the proposed
25 annexation. The following motion was made and passed.

26
27 **MOTION:** Troy Stout moved that the City Council make it clear that they intended to enter into a discussion with the
28 Oberee annexation representatives. Lon Lott seconded. Ayes: 3 Nays: 0. Troy Stout, Lon Lott, Roger Bennett
29 voted aye. Will Jones abstained. Motion passed.

30
31 The Oberee Annexation was then discussed by the Planning Commission at their meetings of April 7, 2015, April
32 21, 2015, and May 5, 2015. At the meeting of May 5th, the Planning Commission made the following motion:

33
34 **MOTION:** Judi Pickell moved to recommend to the City Council to accept the Oberee annexation petition and limit
35 the density to sixty (60) lots maximum for the Zolman property. David Fotheringham seconded the motion. The
36 motion passed with 4 Ayes and 3 Nays.

37
38 David Church said the City had also been recently approached by the owners of the Melby property about
39 annexation. Unfortunately the Oberee annexation petition had been caught up in the discussion about the Melby
40 property and they were quite different. The Melby property was not included in Alpine City Annexation Declaration
41 Area so procedurally it was on a different track. The Oberee annexation area was included in Alpine City's
42 expansion area, and had gone through the prescribed annexation process. He said that the landowner or owners had
43 the right to withdraw their application anytime up until the City adopted the ordinance approving the annexation.

44
45 David Church said that state law did not require an annexation agreement prior to annexation, but Alpine City had
46 typically required an annexation agreement so both sides knew what to expect. In the absence of an annexation
47 agreement, Mr. Church recommended three possible approaches:

- 48
49 1. Have the property owners state what they proposed and what they would accept. The Council said could say yes
50 or no. If the Council agreed with the proposal, they would move forward and draw up an agreement which would be
51 adopted at the same the ordinance was adopted. It could be a simple agreement or a complicated agreement.
52
53 2. The City could move forward and schedule a public hearing and assign a zone to the property. The City would let
54 the landowners know of their intentions. The landowners could then withdraw their petition or be annexed and
55 develop according to the designated zoning.
56

3. They could continue how they had been going which was to try and guess what the other party wanted or would accept.

Mr. Church recommended they pursue one of the first two approaches. If the landowners knew how many lots they wanted and what they would do relative to infrastructure, the City could react to that. Or if the petitioners didn't know what they wanted, the City could set a public hearing and assign a zone. The petitioners could withdraw if they liked.

Troy Stout asked if they went forward with option two, did it have to fit the current zoning?

David Church said that if the City wanted to create a new zone, they would have to go through the process to create a new zone. However, there were enough zones in the City already to fit most anything scenario. Plus the PRD Ordinance provided flexibility in density and lot size.

Mayor Watkins invited the landowners, Steve Zolman and Myrna Grant, and their representative, Paul Kroft, to comment.

Paul Kroft said he agreed with David Church's options. He said that the landowners had sent a letter to the City dated April 2, 2015 in which they tried to be really clear about what they would expect. They had not submitted a site plan. He said they stood by their letter and were waiting for a response from the City Council.

Steve Zolman said he wanted to live in Alpine so he hoped they could come to something that was mutually agreeable. He asked the Council to remember that they were preserving a mountain in their proposal. He added that he had paid a premium for the property because the attorney said the land was already part of Alpine's Annexation Declaration Area. Second, Mr. Zolman said that there were some improvements the city would require the developers to make. They were asking for 60 lots. He said he would like to come to a mutually beneficial agreement, but didn't want it to drag on.

David Church said that for the public record, they should state what the letter said.

The letter dated April 2, 2015 requested a PRD with a zoning of CE-5 on the conservation easement area (to be private open space), and a zoning of CR-40 on the remainder. There would be a maximum of 40 lots in Phase 1 and maximum of 20 lots in Phase 2. The minimum lot size would be 20,000 square feet.

Water:

- The letter stated that, as a credit against impact fees, the applicant would install any offsite culinary water improvements necessary to service the property.
- As a credit against impact fees, the applicant would install any offsite pressurized irrigation improvements to needed to serve the property.

Roads:

- The primary point of ingress/egress would be off of Grove Drive at the sharp curve. As a credit against impact fees, the applicant would pay for required improvements at the intersection. Possible configurations were a 3-way T intersection, a roundabout, or a more gradual curve with the cooperation of adjacent property owners.
- If requested by the City, and as a credit against impact fees, the applicant would pay a pro-rata share of costs for widening Grove Drive south of the intersection.
- The second point of ingress/egress would be Oak View Lane connecting the property to Alpine Cove subdivision. This would be an emergency access only and would be improved to whatever standard requested by county, city, and neighbors.
- Phase 2 point of ingress/egress would be off of Elk Ridge Lane. The applicant would dedicate the requirement ROW for future road improvements for this access point. Road improvements would be installed if and when Phase 2 was developed.

Open Space:

- The Conservation Easement Area would be dedicated as private open space. A public trail would be dedicated through the non-developed property allowing access to the mountains and connection to northern trails. The open space and trail would preserve the hillside and allow public access through the property to the mountains.
- Property would at a minimum meet all the open space requirements outlined in Section 3.9 of the Alpine City Development Code.

The letter concluded with the following:

Development of the applicant's property has in the past been proposed, expected, and previously approved by the City. On November 20, 2007, the Alpine City Planning Commission granted preliminary approval for the Alpine Canyon Estate project with a total unit count of 79 lots (see attachment 4). On May 26, 2009, the Alpine City Council approved the City's Annexation Policy Plan & map. Exhibit C (attachment 5) of the adopted plan shows a potential of 89 lots on the Pack area (now Oberee) with a CE-5 and CR-40 zoning as currently requesting. The applicant was seeking development consistent in lot size and at a lower density than was previously approved.

Mayor Watkins acknowledged the presence of County Commission Bill Lee.

Myrna Grant said her property (59.17 acres) was located in the county next to Steve Zolman's. She was a widow and not a developer and had no development plan, but she wanted to annex into Alpine so she didn't leave an island. However, she would not feel good about having her property annexed into Alpine City if it still had the county zoning. If she were annexed, she said she had things she could give to the City but she didn't want to mention them at that time.

Paul Kroft reviewed the contents of the aforementioned letter which outlined what the landowners of the Oberee annexation wanted, and what they were willing to do.

Kimberly Bryant asked if there was a reason why the open space had to be private. Did it need to be protected?

Paul Kroft said it met the definition of open space in that it preserved the scenic view. David Church pointed out that it was not entirely private since there was a trail through it that the public could use to access the mountains. He said the previous owner had already given up the right to build structures on the land. The question for the City Council was whether they would agree to leaving it as private open space or if they wanted it to be public. Mr. Church said the landowners were not asking for any extra density based on the open space. They would already receive the proposed density based the proposed zoning without any additional open space.

Troy Stout asked how they would regulate the private open space if there was a trail running through it. David Church said that would be the landowner's responsibility.

Paul Kroft said that Mr. Zolman wanted it to be private open space because he wanted to graze livestock on it. The City would have the right annually inspecting the open space to make sure it conformed with the conditions of the conservation easement. He said he hoped the City would say thank you for preserving the hillside and providing access to the mountains.

Steve Zolman asked if anyone had read the terms of the conservation easement agreement, which were very restrictive and were written such that if the City defaulted even one time, they would no longer have access to the trail. He said the trail designated in the easement went straight up and along a ridge. A better access point would be closer to the neighborhood.

Troy Stout said he'd like to hear from the chairman of the Planning Commission and understand why the majority had a hard time coming to a vote. He asked Steve Cosper why he voted the way he did.

Steve Cospers said he voted in favor of the landowner's proposal for the Oberee annexation. After three or four meetings of discussion on the Oberee annexation, they tried to strike a balance. They understood there were still issues that needed to be discussed. A maximum of 60 lots was considered a starting point. Perhaps more of the land should be zoned CE-5. The water study showed that small lots used less water even though there were more homes. He said the study was helpful. There had been a lot of citizen input saying that Alpine was out of water. That wasn't necessarily the case. The pressurized irrigation water was limited but not the culinary water. Mr. Cospers said he thought the reason for the 4 to 3 vote was because some of the Planning Commission didn't like the idea of 60 lots. One member had a problem with the open space being private rather than public. Another one thought it had gone through too quickly and it needed more study. He said people wanted to lessen the density as development moved farther north. The Planning Commission recommended a maximum of 60 lots but that was not the final number. It could be less. With the zoning and PRD it was not clear. Lot sizes could change in a PRD. He said he'd love to see a CE-5 zoning but that was not practical. There was still a lot of work to be done.

Kimberly Bryant said there were no other half-acre lots in that area.

David Church explained that the zoning of CR-40 described one home per acre, but in a PRD the lots sizes could be smaller and the homes clustered so that part of the area was open space. It didn't necessarily mean the Oberee development would be done as a PRD. If the conservation easement area was zoned CE-5 and the rest was CR-40 and there was no open space, the density would be one home per acre.

Steve Cospers said no one on the Planning Commission was opposed to the annexation. It was the 60 lots that caused some objections.

Mayor Watkins asked Shane Sorensen what the density would be on the Oberee property if it was all zoned CE-5? Shane Sorensen said if the conservation easement was included, it would be about 14 lots. If it was excluded, it would be about 10 lots.

Paul Kroft showed the following chart showing a comparison of the density in nearby developments compared to the Oberee property.

Neighborhood	Homes per Acre
Alpine Cove	0.74
Heritage Hills	0.68
Box Elder South	1.43
Oberee (60 lots)	0.47

Mr. Kroft reviewed the chart. Alpine Cove had a density of 0.74 home per acre. They were not preserving any mountain or open space. Heritage Hills had a density of 0.68 homes per acre. They had open space. Box Elder South was the most dense development with 1.43 homes per acre. It had less open space than Heritage Hills. The proposed Oberee development would be the least dense of all the areas with a density of 0.47 homes per acre. They were aiming for 60 lots. There would be 40 lots in Phase 1 and 20 lots in Phase 2.

Kimberly Bryant asked how many acres of open space were in Heritage Hills and Three Falls. Shane Sorensen estimated there were about 30 acres. Three Falls had 811 acres and over 450 acres of public open space.

Troy Stout said the City wouldn't be getting any benefits from the Oberee development. They already had the trail through the land in the conservation easement.

Steve Zolman said that under the current conservation easement, it would be very inconvenient for the City to access the trail. The City would be responsible to protect the trail and keep the livestock away from it. Plus, the trail could not be constructed until Three Falls was constructed and the trails in Three Falls completed to make a connection.

Kimberly Bryant said there were a lot of trails that ran past livestock and it wasn't a problem. She said she felt strongly about private and public open space. There were times when private open space was warranted. If they were going to trade private open space for extra density, it needed to be beneficial to the community.

1
2 Troy Stout said the numbers were confusing and asked Shane Sorensen to explain it. Shane Sorensen said that if
3 they looked at the conservation easement area and assumed it was zoned CE-5, it would be developed as a PRD so
4 the lots would be smaller. As a PRD with a maximum bonus, they would get four additional lots.

5
6 Troy Stout said that his point was that he didn't like 60 lots, but he didn't know that he wanted to limit them to 14 or
7 10 lots.

8
9 David Church said that they could pass a motion that said the zone on the conservation easement would be CE-5 and
10 the remainder would be zoned CR-40 with a development agreement that said "X" number of lots were the most
11 they could get.

12
13 Lon Lott said they needed to consider other issues that would be of value to the City such as widening Grove Drive
14 and preserving the hillside.

15
16 Troy Stout asked if the community really wanted Grove Drive widened? Mr. Lott said that since he'd occupied his
17 Council seat, he heard people screaming that it was so unsafe and people in Box Elder had to negotiate it every day,
18 but it was in the County and the City couldn't do anything about it. Now was he hearing that people wanted it to
19 remain the same?

20
21 Don Watkins said that what he'd heard that night was the developers would pay their pro rate share. Was that 5% or
22 50%?

23
24 Troy Stout said they were saying they'd fix it in lieu of impact fees. He saw that as a trade, not a benefit.

25
26 Paul Kroft said a study would need to be done. If no improvements were needed, did the City want it done anyway?

27
28 Lon Lott said there was a recommendation from staff that it be widened even if it wasn't recommended.

29
30 Paul Kroft said widening Grove Drive would be a big expense for 60 lots. Other existing lots in that area would also
31 benefit from the improvement. He said Oberees would expect to pay their share of the improvement but not absorb
32 all of the cost.

33
34 There was a question about impact fees versus the cost of improvements. David Church said impact fees were based
35 on the Capital Facilities Plan. There were some roads where it would be appropriate to use impact fees, but Grove
36 Drive was not one of those roads because it was in the County. If they did annex that area, they would recalculate
37 the impact fees and determine what share was the responsibility of the City and what would be the share of the
38 developer.

39
40 Kimberly Bryant asked if they had done that with other annexations.

41
42 David Church said they had done it with every one of them - Willow Canyon, Heritage Hills. There had been a
43 negotiated agreement. Typically the developer took care of their onsite development. Grove Drive was mostly
44 offsite. When the Alpine Canyon Estates (Roberts) annexation was under consideration, the City had approved an
45 annexation agreement that allowed 79 lots on the condition that the developer improve Grove Drive and provide a
46 second access. He said it was the same property they were currently looking at, but it was prior to the conservation
47 easement.

48
49 Troy Stout said they had requested 60 lots. He asked if they would consider a lower density. Mr. Kroft said they
50 might if they could get some relief on the offsite improvements.

51
52 Lon Lott said there was a recommendation from staff stating that the offsite improvements were going to be
53 beneficial to the City, such as the water line in the upper water zone.

54
55 Don Watkins asked if they had prices, benefits, and cost savings to the City.
56

Shane Sorensen said they didn't have any numbers yet. However, there was a culinary water loop line below the Grove tank. On the PI system there was also a looped line and a pump on the Assy property that the City owned where they had to pump water to a low pressure zone. It would be beneficial to the high zone to have water pumped because they didn't have any wells there. There were also the Grove Drive improvements.

Troy Stout asked if they had a ballpark figure on the cost of the improving the hard corner of Grove Drive. Shane Sorensen said it was tough because there was no planning. They had a sketch of a roundabout that might fit. It would depend on whether or not the Christensen property was involved.

Paul Kroft said the feedback from the residents was that they wanted a 3-way stop, which would be the most affordable.

Michelle Smith said she lived in Box Elder subdivision. She believed it was Patterson who had added a little bit of room to the road up there and it had helped the situation.

Troy Stout said they were talking about density versus improvements. Density was permanent. He was trying to calculate if they could prevent the density and make the improvements with City money. He was leaning toward lower density and having the City take on the cost of the improvements. Shane Sorensen said it had cost the City 2 million dollars to widen Westfield Road.

Kimberly Bryant said she wanted to do what benefited the community. Troy Stout said the community had said the most important thing was protecting the hillsides. He would like to do both, protect the hillsides and accommodate growth.

Brian Burr asked if the Grove Drive would become city property if they annexed they area. The answer was yes. Mr. Burr said they should have the county participate in improving Grove Drive because they had property beyond it. It would benefit them as well.

Will Jones said he had a conflict of interest on the Oberee annexation and recused himself from the vote.

Troy Stout indicated he would like to make a motion. He said he wasn't in favor of 60 lots but wasn't certain how to get there based on the zoning.

David Church asked if he could suggest some language that might help move it along. He suggested there be a motion that the City Council set a public hearing on the proposed annexation of the property for a certain date with a zone of CR-40, and instruct staff prior to the public hearing to negotiate a development agreement that limited the landowners of the Oberee annexation property to no more that X lots, and if an agreement between the landowners and the City Council could be reached prior to the date of the public hearing, the annexation could be done. If it couldn't be reached, the Council would indicate that they would not vote on the annexation. In that way they could move the discussion toward an end. He said the Council would also want to indicate what zone they would give the Grant property. If the Grants didn't like the zoning, they could withdraw and the whole thing would collapse.

Troy Stout asked what would take precedence - the zoning or the development agreement. David Church said the development agreement took precedence. It was the same thing they had done with the Willow Canyon annexation.

MOTION: Troy Stout moved to approve a zoning designation of CE-5 for the land in the conservation easement and CR-40,000 for the remainder of the Oberee property and CR-40,000 for the Grant property, and instruct staff to negotiate a development agreement to allow no more than 31 lots on the Oberee property. To further clarify, Mr. Stout stated that in the space where 60 lots were proposed, the number of lots would be reduced to 31 lots. Kimberly Bryant seconded. Ayes: 2 Nays: 2. Troy Stout and Kimberly Bryant voted aye. Roger Bennett and Lon Lott voted nay. Will Jones abstained. Since it was a tie vote, Mayor Watkins voted, and he voted aye. Motion passed.

Paul Kroft said that the number Mr. Stout put out there would not work with the cost of the offsite improvements.

Steve Zolman said maybe he should go back to what was approved in 2007 where they got 79 lots and paid for all the improvements. Mr. Church said they probably wouldn't be able to afford to do that even today. And he wasn't sure Mr. Zolman would get the votes for 79 lots.

Mayor Watkins said that what he understood from the City Attorney was that if 31 lots passed, they would negotiate a development agreement if everyone was willing.

Lon Lott said he thought 31 lots was too low. Roger Bennett agreed. Mr Lott said he felt that should make a good faith offer and make a reasonable offer on the number of lots so they could do some offsite improvements.

Troy Stout said he did make the motion in good faith.

C. Tentative Budget for Fiscal Year 2015-2016

PUBLIC HEARING – TENTATIVE BUDGET FOR FISCAL YEAR 2015-2016

Mayor Watkins opened the Public Hearing on the Budget. There were no comments. The Public Hearing was closed.

City Finance Officer Alice Winberg introduced the Tentative Budget for Fiscal Year 2015-2016. She said she appreciated the opportunity to meet individually with some of the Council members earlier and review the budget with them.

Rich Nelson reminded the Council that this was not the Final Budget. They would accept the Tentative Budget by motion with the understanding that changes may still be made. The Final Budget had to be adopted by June 23, 2015.

Will Jones asked about funding for the Youth Council. Alice Winberg said the Youth Council would be earning some of their own revenue. Any overage would be met by the City. They had allocated \$3800 to the Youth Council. Kimberly Bryant said she felt they should have more since the Youth Council was four times bigger than it used to be. They didn't want the leaders paying for some of the activities out of their own pockets.

MOTION: Will Jones moved to allocate \$5,000 to the Youth Council. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Will Jones, Roger Bennett, Troy Stout, Lon Lott, Kimberly Bryant voted aye. Motion passed.

Alice Winberg said the proposed budget included capital improvements and one new fulltime employee. It also included the equipment that needed to be replaced. There was no proposed increase in property taxes.

Rich Nelson said they had included a 3% salary increase in the budget but only .07% of that would be a cost of living increase. It was not a 3% increase across the board.

Alice Winberg said they may not give all that out. They didn't last year.

Kimberly Bryant thanked Alice for all the work she had done on the budget.

Alice Winberg said the Budget was available on the City website. Notice of the public hearing had been published in the Daily Herald and noticed on the utility bills.

Shane Sorensen reviewed the equipment replacement schedule, vehicle replacement schedule, waterline replacement projects, and street projects.

Rich Nelson listed other improvements that were included in the budget including a salt shed, Moyle Park improvements, new windows in the Moyle Park house and plaster work, soffit and fascia.

Shane Sorensen said restroom for Moyle Park would be here in late May. They might have to bring in water from 770 North.

Rich Nelson said the improvement in Lambert Park including \$80,000 for fencing. The Bowery roof need to be fixed. The bell tower in City Hall needed to be fixed.

Mr. Nelson said there would be \$1 rate increase for culinary water which would continue. They were hoping to receive some increases in the B&C Road Fund. There would need to be budget opening for the current year to include money for the Dispatch Building and the remodel of City Hall. Pickle ball courts and tennis courts in Burgess Park would also be included in the budget opening.

MOTION: Lon Lott moved to accept the Tentative Budget for fiscal year 2015-2016 as proposed. Will Jones seconded. Ayes: 5 Nays: 0. Lon Lott, Will Jones, Roger Bennett, Kimberly Bryant, Troy Stout voted aye. Motion passed.

The Council next discussed the request for a new employee for City Hall. The Council questioned if extra help was needed for Shane Sorensen in the Public Works building since Ron Devey and Jay Healey had both left.

Shane Sorensen said their responsibilities had been absorbed by the remaining workers, primarily himself, Landon Wallace and Greg Kmetzch. They were making it work but they were stretched.

Will Jones said he thought the new employee should spend four hours working in the Public Works building as an assistant for that department and four hours at City Hall.

Shane Sorensen said he wasn't asking for help but they could probably use the help. With all the meetings they had, they could use someone to answer the phone.

Rich Nelson said there was plenty for work at City Hall for another full-time employee. He would move Marla Fox to the building department and make her a part-time deputy recorder. Charmayne Warnock could be a fulltime recorder. They were swamped with GRAMA requests and with all the lawsuits, he didn't see that changing. He added that there was also enough money for a part-time employee in City Shops along with a fulltime employee at City Hall.

MOTION: Troy Stout moved to accept the addition of a fulltime employee in City Hall and half-time employee for Shane Sorensen at City Shops. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Lon Lott, Will Jones, Roger Bennett, Kimberly Bryant, Troy Stout voted aye. Motion passed.

D. Inspection Services Contract Recommendation: Alpine City had published notices for a Request for Proposal (RFP) to provide services for the Alpine City Building Department for plan check reviews and building inspections. Three firms had responded which met the required qualifications. They were Epic Engineering, Forsgren Engineering, and Sunrise Engineering. After comparing the three proposals, Rich Nelson said staff recommended staying with Sunrise Engineering. He also recommended that Rich Nelson, Charmayne Warnock (building department coordinator) and Will Jones sit down with Sunrise and negotiate the contract.

MOTION: Kimberly Bryant moved to approve Sunrise Engineering as the provider for building inspection service and plan review, and further recommend that the Council authorize the Rich Nelson, Charmayne Warnock, and Will Jones to negotiate the contract with Sunrise Engineering. Troy Stout seconded. Ayes: 5 Nays: 0. Lon Lott, Will Jones, Roger Bennett, Kimberly Bryant, Troy Stout voted aye. Motion passed.

E. Independent Audit Services: Alpine City had published notices for a Request for Proposal for independent audit services. They had received proposals from Greg Ogden, Pinnock & Robbins, Kedding & Chris, and Larson. Rich Nelson said that after reviewing the proposals, it was pretty clear that Greg Ogden, the CPA the City had been using, was the most cost effective. In addition, he recommended it would make sense to stay with someone who knew the City.

MOTION: Will Jones moved to approve Greg Ogden, CPA as Alpine City's auditor, and further recommend that the City Administrator be assigned to negotiate the contract with Greg Ogden. Troy Stout seconded. Ayes: 5 Nays: 0. Lon Lott, Will Jones, Roger Bennett, Kimberly Bryant, Troy Stout voted aye. Motion passed.

1
2 **VI. STAFF REPORTS:** None.
3

4 **VII. COUNCIL COMMUNICATION:**
5

6 Mayor Watkins said the first night the food trucks had been in Alpine was fantastic. They had sold out of food.
7 However, he'd received a call from Brian Burr whose son owned a food truck business and would like to participate
8 in Alpine's food truck night, but he'd been told no by Clayton Johnson who was the food truck owner the City had
9 authorized to manage it. He said it was heartbreaking that people from the community weren't allowed to participate
10 in it. He asked Rich Nelson to contact Mr. Johnson and say "Thank you" but please respect the residents of Alpine
11 who had a food truck business and wanted to participate, and tell him they didn't want to have the same trucks every
12 weeks.
13

14 **VIII. EXECUTIVE SESSION**
15

16 **MOTION:** Troy Stout moved to go to closed meeting to discuss property acquisition and lawsuits. Lon Lott
17 seconded. Ayes: 5 Nays: 0. Troy Stout, Lon Lott, Will Jones, Roger Bennett, Kimberly Bryant voted aye. Motion
18 passed.
19

20 The Council went into closed session at 9:49 pm.
21

22 They returned to open meeting at 10:11 pm.
23

24 **MOTION:** Will Jones moved to adjourn. Lon Lott seconded. Ayes: 5 Nays: 0. Will Jones, Lon Lott, Troy Stout,
25 Roger Bennett, Kimberly Bryant voted aye. Motion passed.
26

27 The meeting was adjourned at 10:11 pm.
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ALPINE CITY COUNCIL AGENDA

SUBJECT: Food Truck Pilot Program Discussion

FOR CONSIDERATION ON: May 26, 2015

PETITIONER: Mayor Don Watkins

ACTION REQUESTED BY PETITIONER:

INFORMATION: The City Council approved a Food Truck pilot program for the City at a previous City Council meeting. Since then some questions have come up that the Mayor would like to discuss with the City Council. See attached information from the Mayor.

RECOMMENDED ACTION: *That the City Council discuss the Food Truck pilot program and decide what direction they want to go with the program.*

ALPINE CITY COUNCIL AGENDA

SUBJECT: Oberee Annexation

FOR CONSIDERATION ON: May 26, 2015

PETITIONER: Rich Nelson, City Administrator

ACTION REQUESTED BY PETITIONER: For the Council to set a public hearing on June 9, 2015 to deal with the Oberee Annexation Petition and to discuss any other items it may wish to regarding this petition.

INFORMATION: The City Council has already voted to limit the number of lots in the Zolman portion of the Oberee Annexation Petition to 31 lots. The purpose of this meeting is to set the date of a public hearing on the Petition and to discuss any additional items related to this. Paul Kroff has requested that the Council set the public hearing for June 23, 2015 so he can be present for the public hearing and vote.

RECOMMENDED ACTION: That the City Council move to set June 23, 2015 as the Public Hearing date for the Oberee Annexation Petition.

ALPINE CITY COUNCIL AGENDA

SUBJECT: Public Hearing on the Tentative Budget/Tentative Budget Discussion

FOR CONSIDERATION ON: May 26, 2015

PETITIONER: Rich Nelson, City Administrator, and Alice Winberg, City Financial Officer

ACTION REQUESTED BY PETITIONER:

INFORMATION: As the previous Council meeting the City Council accepted the Tentative Budget and made some changes to that budget. An updated budget will be given to the Council on Tuesday and placed on the City's website and Facebook page.

RECOMMENDED ACTION: For public comments on the budget and additional direction from the City Council on changes they would like to make to the Tentative 2015-2016 City Budget.

ALPINE CITY COUNCIL AGENDA

SUBJECT: Fence Ordinance Amendment

FOR CONSIDERATION ON: 26 May 2015

PETITIONER: Mark Goodsell / City Council

ACTION REQUESTED BY PETITIONER: Adopt Ordinance No. 2015-06

APPLICABLE STATUTE OR ORDINANCE: Section 3.1.9.1 (Amendments)

PETITION IN COMPLIANCE WITH ORDINANCE: Yes

BACKGROUND INFORMATION:

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 the City Council's request for a process for granting an exception to the fence requirements particularly for residents that are located next to 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.

PLANNING COMMISSION RECOMMENDATION:

Judi Pickell moved to recommend approval of the amendment to ordinance 3.21.6, fence, wall and hedges, changing the height from 6 feet to 8 feet. In Section 3.21.6.9, conditional uses for interior fences up to 12 feet for such things as sports courts, gardens and swimming pools with an open style fence.

Bryce Higbee asked about the height of the fence. The Planning Commission said conditional use fences need to be open style, eight foot yard fences don't have to be open style.

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

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-foot~~ eight (8) 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.

3.21.6.9 Conditional Uses for Interior Fences. A conditional use permit may be approved by the Development Review Committee (DRC) for an interior fence over eight (8) feet in height for such things as sports courts, gardens and swimming pools. A conditionally approved interior fence shall not exceed twelve (12) feet in height and shall be an open style fence.

ORDINANCE NO. 2015-06

AN ORDINANCE ADOPTING AMENDMENTS TO SECTION 3.21.6 OF THE ALPINE CITY DEVELOPMENT CODE RELATING TO FENCES.

WHEREAS, The City Council of Alpine, Utah has deemed it in the best interest of Alpine City to amend the ordinance to address fence height; and

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

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

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

The amendments to Section 3.21.6 contained in the attached document will supersede Section 3.21.6 as previously adopted.

This Ordinance shall take effect upon posting.

Passed and dated this 26th day of May 2015.

Don Watkins, Mayor

ATTEST:

Charmayne G. Warnock, Recorder

3.21.6 FENCES, WALLS AND HEDGES (amended by Ord. No. 2005-02, 2/8/05; Ord. No. 2013-10, 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 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 alongside 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 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 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 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 eight (8) 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.
- 3.21.6.9 Conditional Uses for Interior Fences.** A conditional use permit may be approved by the Development Review Committee (DRC) for an interior fence over eight (8) feet in height for such things as sports courts, gardens and swimming pools. A conditionally approved interior fence shall not exceed twelve (12) feet in height and shall be an open style fence.

ALPINE CITY COUNCIL AGENDA

SUBJECT: Lot Line Adjustment Involving Alpine City Property

FOR CONSIDERATION ON: 26 May 2015

PETITIONER: 721 West Lakeview Drive

ACTION REQUESTED BY PETITIONER: Approve of City Property being used for the Proposed Lot Line Adjustment

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.

PLANNING COMMISSION RECOMMENDATION:

Jason Thelin moved to recommend approval of the proposed lot line adjustment which involves Alpine City Property for 721 West Lakeview Drive with a condition that the City Council determines a fair price for the exchange of property.

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

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

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

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

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

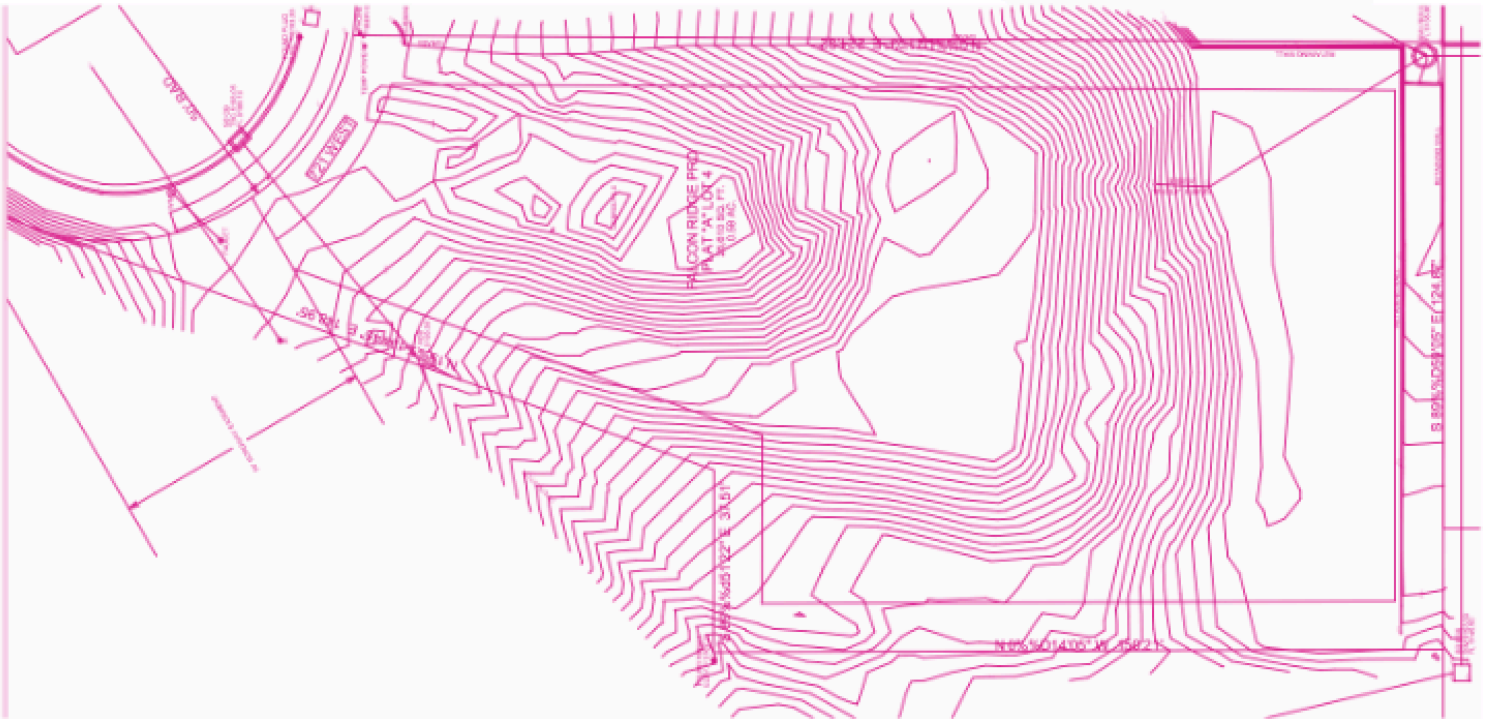
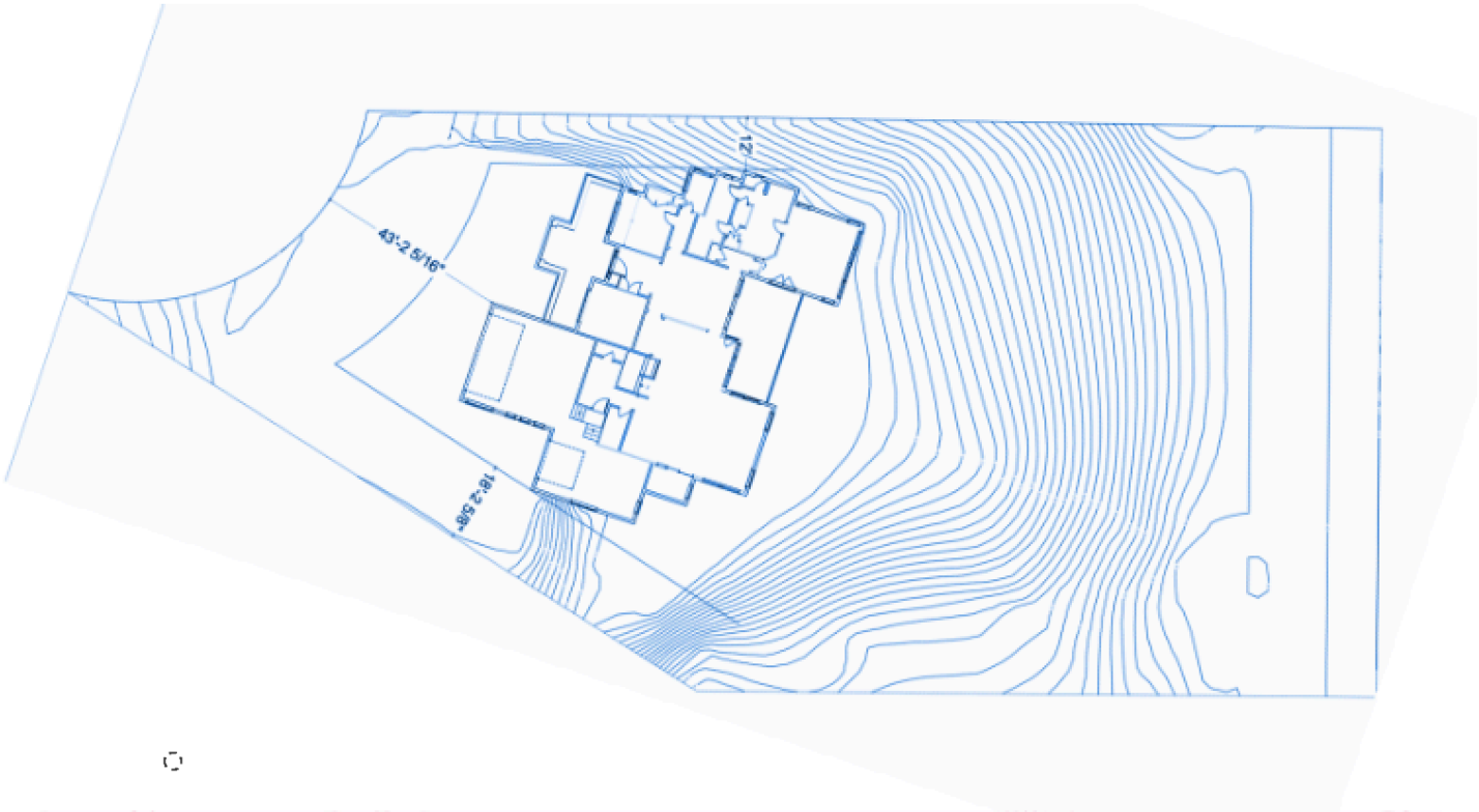
754

732

706









ALPINE CITY COUNCIL AGENDA

SUBJECT: Paul Anderson Residence Request for Exception from Front Setback

FOR CONSIDERATION ON: 26 May 2015

PETITIONER: Paul Anderson

ACTION REQUESTED BY PETITIONER: Approve the Exception

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

PETITION IN COMPLIANCE WITH ORDINANCE: Yes

BACKGROUND INFORMATION:

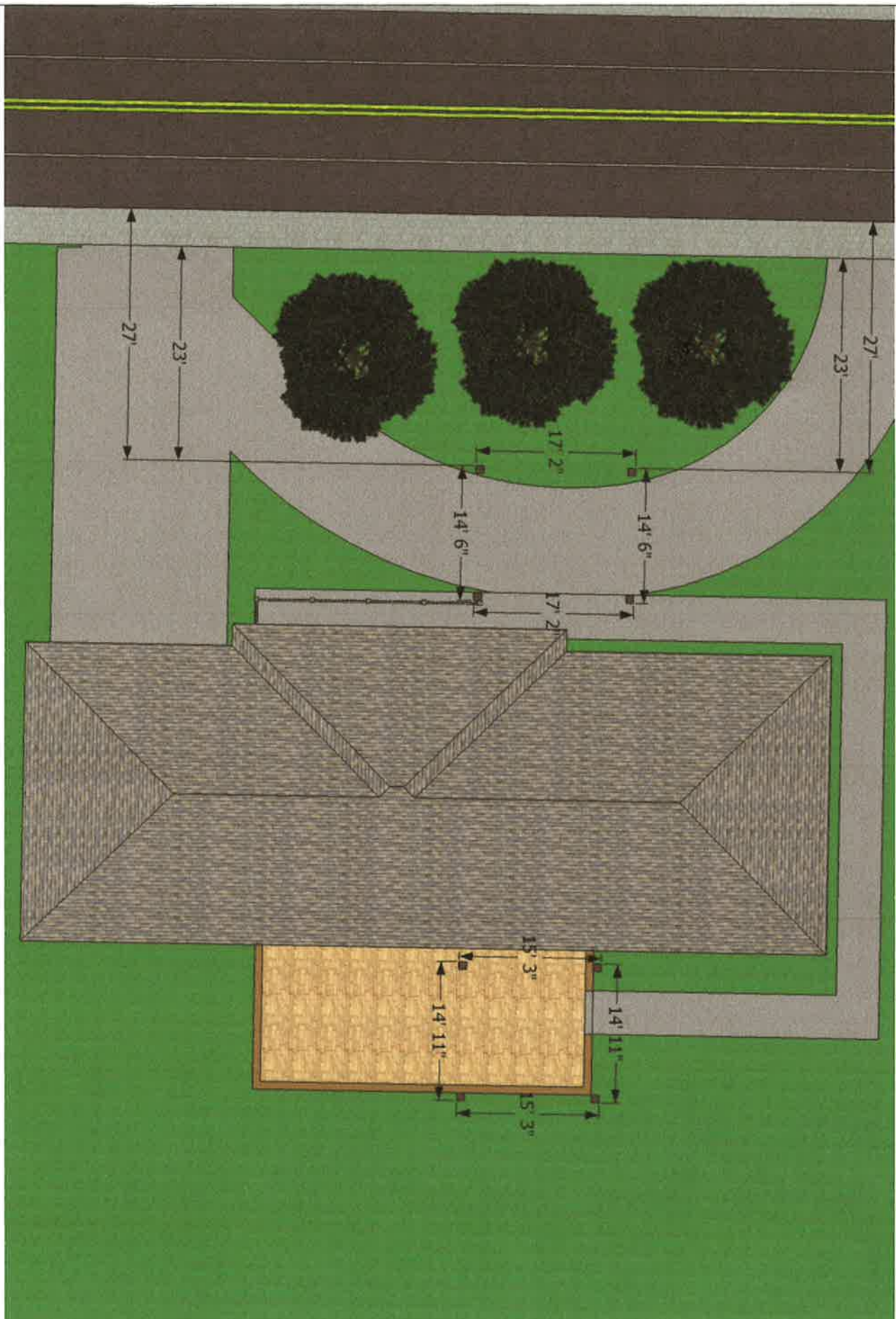
Paul Anderson lives at 255 South Main Street. He is asking for an exception from the front setback requirement of 30 feet. He is proposing to build a pergola over the half-circle driveway that is in the front of his house. The posts closest to main street would be located 23 feet away from the property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

PLANNING COMMISSION RECOMMENDATION:

Bryce Higbee moved to recommend approval of a seven (7) foot exception to the thirty (30) foot front setback requirement for the Paul Anderson residence located at 255 South Main Street to allow for the construction of a pergola over the driveway. We recommend that the pergola be constructed to appear as has been proposed.

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



Western Timber Frame

Anderson, Paul Pavilions (David)

"Distribution of this drawing is limited to the purchaser or contractor for the limited purpose of assembling the structure. No copies or further distribution of this drawing is allowed."



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Anderson, Paul Pavilions (David)



TM

Initial: _____

Date: _____

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May 13, 2015



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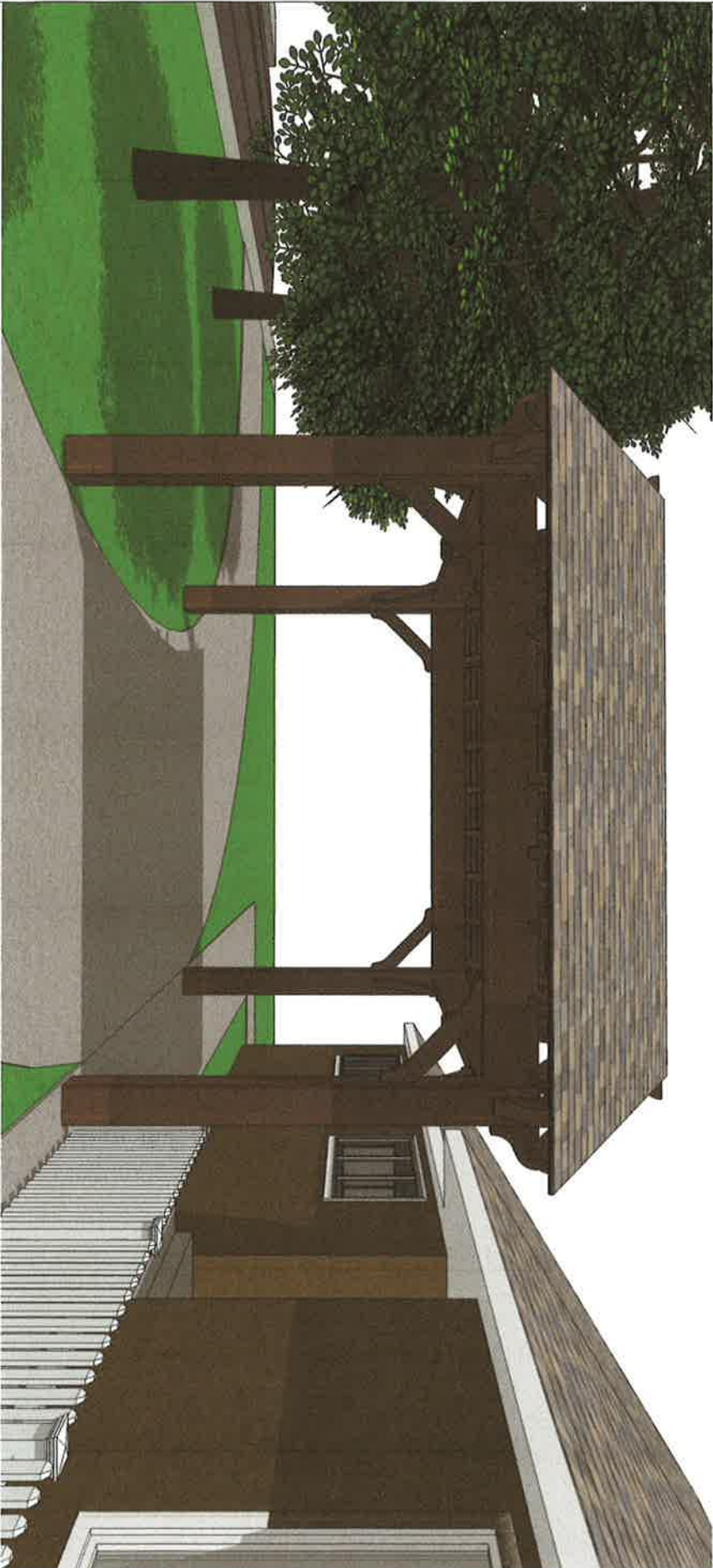
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ALPINE CITY COUNCIL AGENDA

SUBJECT: Retaining Wall Ordinance

FOR CONSIDERATION ON: 26 May 2015

PETITIONER: Planning Commission

ACTION REQUESTED BY PETITIONER: Adopt Ordinance No. 2015-07

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. Jed Muhlestein has worked with Alan Taylor (Geotechnical Engineer) to draft an ordinance. Alan Taylor has previously worked with Draper City in drafting their retaining wall ordinance.

PLANNING COMMISSION RECOMMENDATION:

Bryce Higbee moved to recommend the adoption of the retaining wall ordinance as proposed with the discussed changes being made before final approval.

1. Article 3.32 remove first sentence where it states: 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.
2. Article 3.32.3.5.6 the sentence was changed to state: Shrubs shall be watered by drip irrigation to minimize erosion by property owner, not by Alpine City.
3. Article 3.32.3.6.6.e the sentence was changed to state: Concrete cantilever walls shall be designed in general accordance with specifications provided in current American Concrete Institute or American Society of Civil Engineers standards and specifications.

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

STAFF RECOMMENDATION:

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

DRAFT

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

City Recorder

By: _____
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, t~~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

DRAFT

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 by property owner, not by Alpine City.

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;
- DRAFT

- 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~~7.2~~;
 - 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~~7.2~~;
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~~7.2~~:
- 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~~7.2~~;
 - 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~~7.2~~;
 - 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~~standards and specifications~~7.2~~;
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~~7.2~~;

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 proper outlet or weep holes placed through the base of the wall, however:
- 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;
 - a synthetic drainage composite is not allowed behind rock walls;
 - a synthetic drainage composite may be used behind the stem of the concrete cantilever walls;
 - if the engineering can substantiate proper filtering between the retained soils and the drain rock, then the filter fabric may be omitted; and,
 - 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.

ORDINANCE NO. 2015-07

AN ORDINANCE OF ALPINE CITY ADOPTING ARTICLE 3.32 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 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 3.32 of the Alpine City Development Code is/are hereby adopted to read in its entirety as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

This Ordinance shall take effect upon posting.

PASSED AND ADOPTED BY THE CITY COUNCIL OF ALPINE CITY, STATE OF UTAH, THIS 26th DAY OF MAY , 2015.

ATTEST:

ALPINE CITY

City Recorder

By:_____.

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- 07)

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3.32.2. Exceptions from Article 3.32. 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.

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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 by property owner, not by Alpine City.
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 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:
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 - 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 standards and specifications.
- 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 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 COUNCIL AGENDA

SUBJECT: Box Elder South Water Tank and Sewer Approval Letter

FOR CONSIDERATION ON: 26 May 2015

PETITIONER: Shane Sorensen

ACTION REQUESTED BY PETITIONER: Approval of Attached Letter

BACKGROUND INFORMATION:

Attached is the letter that was prepared by the Utah County Community Development Office and approved by the County Attorney's office for the Box Elder South Subdivision. The Letter needs to be signed by June 26.

**Certification of Installation of Improvements,
as it relates to water service, sewer service,
street and road use and maintenance, and all other off-site
improvements, for the
Box Elder South Subdivision, Plat "A,"**

Utah County Commission
51 South University Ave., Suite 117
Provo, UT 84601

RE: Box Elder South Subdivision, Plat "A"

Dear Commissioners:

This letter serves as Alpine City's certification of the installation of improvements for the Box Elder South Subdivision, Plat "A," specifically pertaining to the water storage and delivery system, sewer system, city streets, and the secondary emergency access road, and all other off-site improvements, as follows:

Water

Alpine City certifies that its storage system and delivery system, for the above mentioned development, have been constructed in accordance with the approved plans, and are complete, operational and conform to the pertinent regulations, including those of the State and County. Alpine City certifies further that Patterson Construction Inc. (or its subsidiaries) has deeded to Alpine City the necessary water rights to supply the subject development. The water system, including the water lines within the subject development, will be perpetually maintained by Alpine City.

Sewer

Alpine City certifies that its central public sewage disposal system for the above mentioned development, has been constructed in accordance with the approved plans and is complete, operational and conforms to the pertinent regulations, including those of the State and County. Alpine City further certifies that all required seeding and restoration work connected with the installation of the central public sewage disposal system for said development has been completed. The sewer system, including the sewer lines within the subject development, will be perpetually maintained by Alpine City.

Box Elder Way (Alpine City Street)

Alpine City certifies that the improvements for Box Elder Way, in relation to the above mentioned development, have been constructed in accordance with the approved plans, and are complete, operational and conform to the pertinent regulations, including those of Alpine City. Alpine City certifies further it will perpetually maintain Box Elder Way.

Box Elder Circle (Alpine City Street)

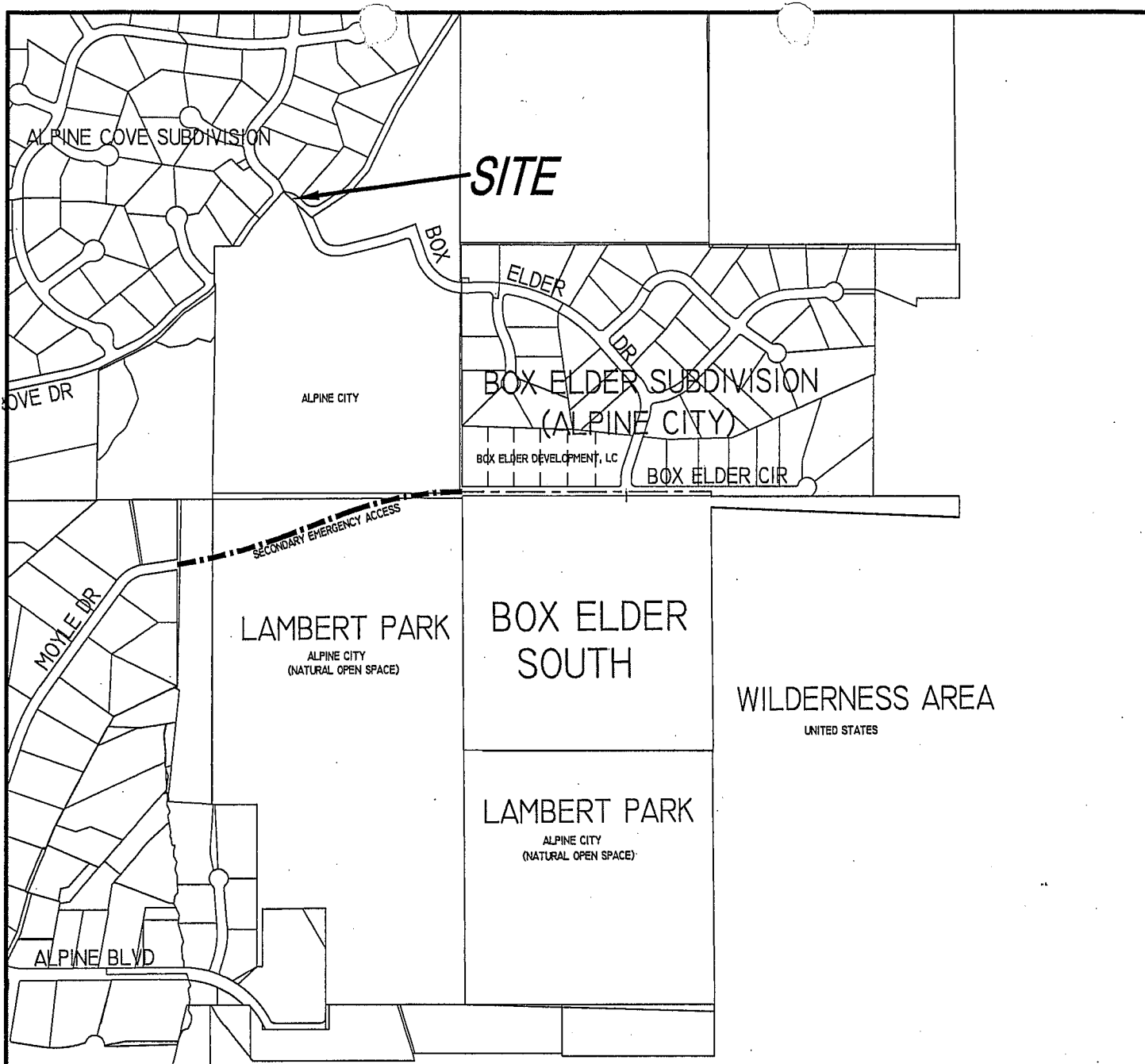
Alpine City certifies that the improvements for Box Elder Circle, in relation to the above mentioned development, have been constructed in accordance with the approved plans, and are complete, operational and conform to the pertinent regulations, including those of Alpine City. Alpine City certifies further it will perpetually maintain Box Elder Circle.

Secondary Emergency Access Road

Alpine City certifies that the secondary emergency access road has been constructed in accordance with approved plans, and is complete, operational and conforms to the pertinent regulations, including those of Alpine City. Alpine City certifies further that it will maintain the secondary emergency access road (description of the centerline of said road is attached to this document and entitled "Exhibit A").

The individual signing on behalf of Alpine City personally warrants to Utah County that this certification has been appropriately authorized and approved by Alpine City.

By: _____ Date: _____
Title: _____



SECONDARY EMERGENCY ACCESS ROAD

CENTERLINE DESCRIPTION

BEGINNING AT A POINT THAT IS N 00°19'13" W 31.98 FEET FROM THE WEST QUARTER CORNER OF SECTION 17, TOWNSHIP 4 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN;

THENCE ALONG THE ARC OF A 1753.18 FOOT RADIUS CURVE TO THE LEFT 617.49 FEET (CURVE HAS A CENTRAL ANGLE OF 20°10'48" AND A CHORD THAT BEARS S 79°55'33" W 614.30 FEET);

THENCE S 69°49'02" W 368.54 FEET;

THENCE ALONG THE ARC OF A 3000.00 FOOT RADIUS CURVE TO THE RIGHT 584.99 FEET (CURVE HAS A CENTRAL ANGLE OF 11°10'21" AND A CHORD THAT BEARS S 75°24'13" W 584.06 FEET) TO THE CONNECTION POINT OF THE EXISTING MOYLE DRIVE AS PUBLIC STREET.



CIVIL ENGINEERING

11038 N Highland Blvd
Suite 400
Highland Ut, 84003
office (801) 492-1277
cell (801) 616-1877

BOX ELDER SOUTH SECONDARY EMERGENCY ACCESS

DATE
2-25-2013

EXHIBIT

A