



## ALPINE CITY PLANNING COMMISSION MEETING

**NOTICE** is hereby given that the **PLANNING COMMISSION** of Alpine City, UT will hold a **Special Meeting** at **Alpine City Hall**, 20 North Main, Alpine, Utah on **Tuesday, July 26, 2016 at 6:30 pm** as follows:

### I. GENERAL BUSINESS

- |                             |               |
|-----------------------------|---------------|
| A. Welcome and Roll Call:   | Steve Cosper  |
| B. Prayer/Opening Comments: | Jane Griener  |
| C. Pledge of Allegiance:    | By Invitation |

### II. PUBLIC COMMENT

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

### III. ACTION ITEMS

#### A. Beck Pines Concept Plan – Approximately 600 West Westfield Road – Dana Beck

The Planning Commission will consider approving a concept plan for the Beck Pines Subdivision. The proposed subdivision consists of 19 lots ranging in size from 20,004 square feet to 23,903 square feet on a site that is 11.29 acres. The site is located in the CR-20,000 zone.

#### B. Open Space Ordinance and Map Amendments (Article 3.16)

The Planning Commission will review amendments to the Open Space Ordinance and corresponding map and make a recommendation to the City Council.

#### C. Flood Damage Prevention Overlay Ordinance Amendment (Section 3.12.8)

The Planning Commission will review amendments to the Flood Damage Prevention Overlay Ordinance and make a recommendation to the City Council.

### IV. COMMUNICATIONS

### V. APPROVAL OF PLANNING COMMISSION MINUTES: June 21, 2016

### ADJOURN

Chairman Steve Cosper  
July 22, 2016

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

CERTIFICATION OF POSTING. The undersigned duly appointed recorder does hereby certify that the above agenda notice was posted at Alpine City Hall, 20 North Main, Alpine, UT. It was also sent by e-mail to The Daily Herald located in Provo, UT a local newspaper circulated in Alpine, UT. This agenda is also available on the City's web site at [www.alpinecity.org](http://www.alpinecity.org) and on the Utah Public Meeting Notices website at [www.utah.gov/pmn/index.html](http://www.utah.gov/pmn/index.html).

# PUBLIC MEETING AND PUBLIC HEARING ETIQUETTE

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

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

## **Public Hearing v. Public Meeting**

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

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

## **ALPINE PLANNING COMMISSION AGENDA**

**SUBJECT: Beck Pines Concept Plan**

**FOR CONSIDERATION ON: 26 July 2016**

**PETITIONER: Dana Beck**

**ACTION REQUESTED BY PETITIONER: Approve the Concept Plan**

**APPLICABLE STATUTE OR ORDINANCE: Chapter 4 (Subdivision)**

**PETITION IN COMPLIANCE WITH ORDINANCE: Yes**

### **BACKGROUND INFORMATION:**

The proposed Beck Pines Subdivision consists of 19 lots ranging in size from 20,004 square feet to 23,903 square feet on a site that is 11.29 acres. The site is located in the CR-20,000 zone.

### **STAFF RECOMMENDATIONS:**

**The Planning and Zoning Department and Engineering Department recommends approval of the proposed Beck Pines Subdivision concept plan with the following conditions:**

- **The driveway access to lots 12 and 13 be restricted from Westfield Road, similar to Lot 5**
- **Sidewalk is shown to be completed along the entire frontage of Westfield Road as well as throughout the development.**
- **The lot line between Lot 6 and the existing Beck residence be straightened.**



Date: June 28, 2016

By: Jason Bond  
City Planner

**Subject: Planning and Zoning Review  
Beck Pines Subdivision Concept Plan  
Approximately 600 West Westfield Road– 19 lots on 11.29 acres**

### **Background**

The proposed Beck Pines Subdivision consists of 19 lots ranging in size from 20,004 square feet to 23,903 square feet on a site that is 11.29 acres. The site is located in the CR-20,000 zone.

### **Lot Area and Width Requirements**

The proposed lots for this subdivision meet the lot area requirement. The required lot width of 110 feet (80 feet when on a cul-de-sac) measured at the front setback for each proposed lot is shown to meet the requirements.

### **RECOMMENDATION**

**The Planning and Zoning Department recommends approval of the proposed Beck Pines concept plan.**



Date: June 29, 2016

By: Jed Muhlestein, P.E.   
Assistant City Engineer

Subject: **Beck Pines Subdivision – ENGINEER'S CONCEPT REVIEW**  
**19 Lots on 11.29 Acres, CR 20,000 Zone**

## **ENGINEERING REVIEW**

This is the engineering review for the proposed Beck Pines subdivision. A separate Planning Review will also be completed. The proposed development consists of 19 lots on 11.29 acres. The development is located in the CR 20,000 zone near 621 South Westfield Road, also known as the Beck Properties. Two maps were prepared showing the concept plan overlaid on existing city infrastructure, they are attached for reference.

### **Street System**

The street system generally connects Westfield Road to Long Drive with a cul-de-sac extending off the Long Drive segment. The cul-de-sac terminates with a 60-foot radius sized turn-a-round and is less than 450 feet in length, both of which meet code. The property to be developed fronts Westfield Road and extends Long Drive. Frontage improvements consisting of the standard street width, curb, gutter, and sidewalk would be required through-out on both sides of the streets; this is not currently reflected on the plan along Westfield Road in regards to sidewalk. Sidewalk exists on the southern half of the frontage shown, up to about the mid-point of Lot 12. Sidewalk would need extended from that point northward to the northern property boundary of Lot 13. Street right-of-way would also be required to meet the typical 54-foot standard street cross-section; this is reflected on the proposed concept plan. A temporary turn-a-round would be required at the end of Long Drive where it stubs into the northern property.

### **Utilities**

A detailed utility plan is not required at concept. Having said that, some general observations are mentioned:

**Sewer System.** An extension of the Long Drive sewer line was built in anticipation for this development and runs along the easterly boundary through the property. New lines can connect to this line for sewer service of the development. Minor modifications to the line will need to occur on the northerly end to keep the sewer main within the standard street cross-section

location. It will also need stubbed to the northern property boundary to serve northern properties. 4-inch sewer laterals would be required for each new lot.

**Culinary Water System.** The subdivision is well below the 5350 foot elevation, which is the highest elevation the existing water system can serve and still provide a minimum 40 psi required by ordinance. There is currently an 8-inch waterline in Long Drive and a 10-inch in Westfield Road. Connection to both these lines would be required with new lines throughout the development, sizing can be determined at preliminary. The Fire Marshall will need to approve the location of proposed fire hydrants as the plan moves forward. 3/4-inch water laterals will need to be constructed for each lot.

**Pressurized Irrigation System.** Similar to the culinary, there are currently pressurized irrigation lines in both Westfield Road and Long Drive; 12-inch and 8-inch respectively. Connection to both these lines would be required with new lines throughout the development, sizing can be determined at preliminary. 1-inch laterals will need to be constructed for each new lot, Lot 5 already has a service installed.

**Storm Water Drainage System.** Storm drainage detention of the 50-year event would be required for the development. It would need to be built such that it could discharge to Fort Creek or be designed in such a way to retain the 100-year event onsite if offsite connection won't work. The details of this, and all utilities, will be worked out at Preliminary.

**Misc. Utilities.** There is a 12-inch high pressure gas line and associated easement running through the property along the boundaries of lots 13-15 and 19. The developer has taken this into consideration and aligned boundaries in such a way as to keep the easement along property boundaries. At Final, the plat should give direction for individuals to be able to look up the specifics of the easement so they are aware of what that entails.

### **General Subdivision Remarks**

The property is not located within any of the sensitive areas as outlined in the city planning maps. A geotechnical report would be required at Preliminary to address public road, public infrastructure, and residential foundation design.

There are two existing buildings on lots 7, 10, 11, and 12 that would need removed prior to recordation or as a condition of recording with a bond provided. The buildings will need to be removed to be compliant with setback requirements of the zone.

Westfield Ditch runs through the property generally along Westfield Road. Per Dev. Code 4.7.19.1 the ditch would need to be piped through the development. Complete plans for such should be submitted with Preliminary application.

It is understood that the subdivision and street names are undecided at this point, the developer needs to propose those prior to Final Approval, preferably at the Preliminary level.

Lot 5 has double frontage. Per Dev. Code 4.7.3.4 double frontage lots are prohibited unless recommended by the Planning Commission and City Council. We would recommend that access

be restricted to just the cul-de-sac, as shown on the plan. This would need to be clearly labeled on the plat as well.

Westfield Road is a collector street and busier than the typical residential street. We would recommend Lots 12 and 13 be restricted from driveway access to Westfield Road.

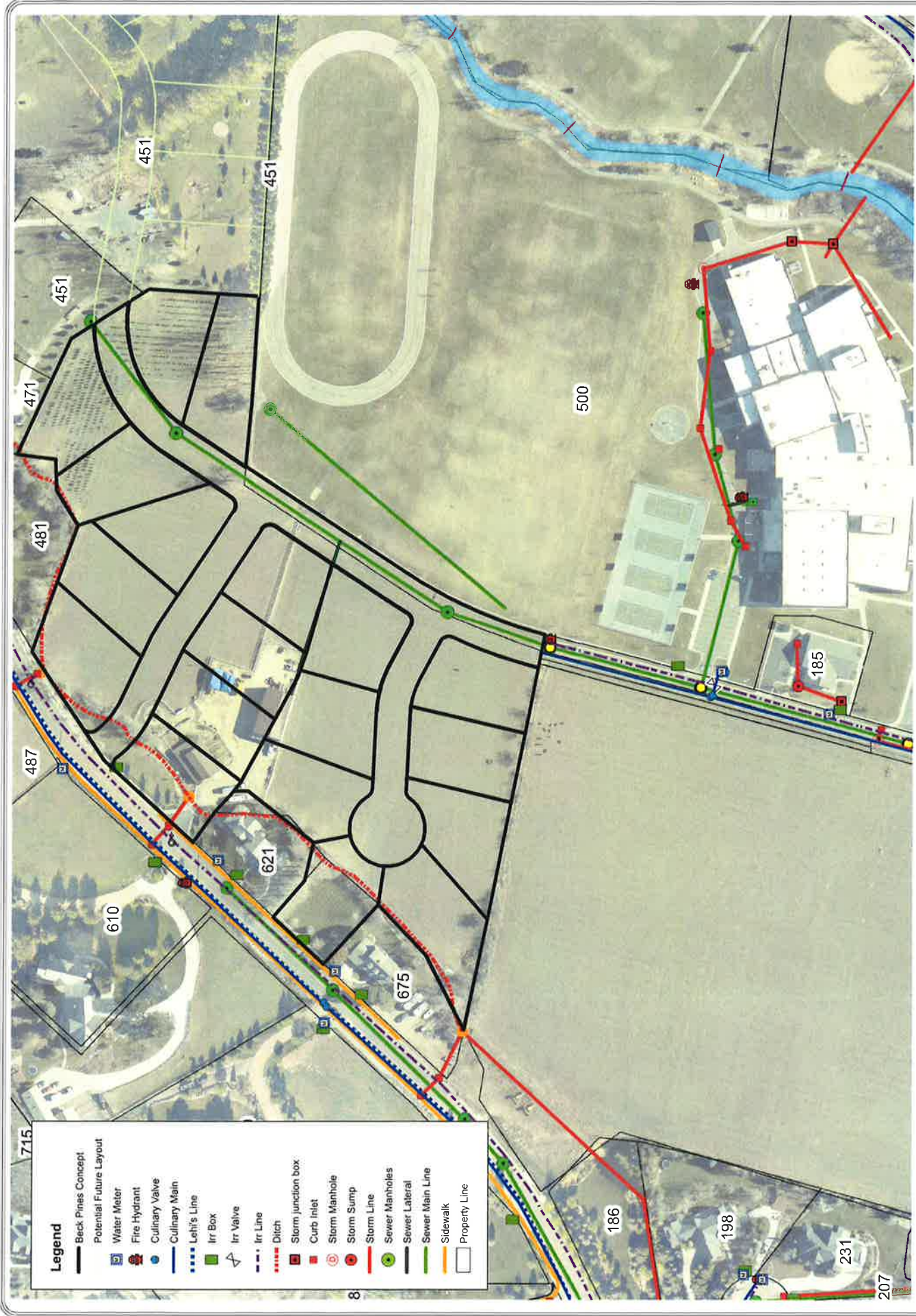
We would recommend the lot line between Lot 6 and the existing Beck residence be straightened.

### **ENGINEERING RECOMENDATION**

**We recommend that Concept Approval of the proposed development be approved with the following conditions:**

- **The driveway access to lots 12 and 13 be restricted from Westfield Road, similar to Lot 5**
- **Sidewalk is shown to be completed along the entire frontage of Westfield Road as well as throughout the development**
- **The lot line between Lot 6 and the existing Beck residence be straightened**





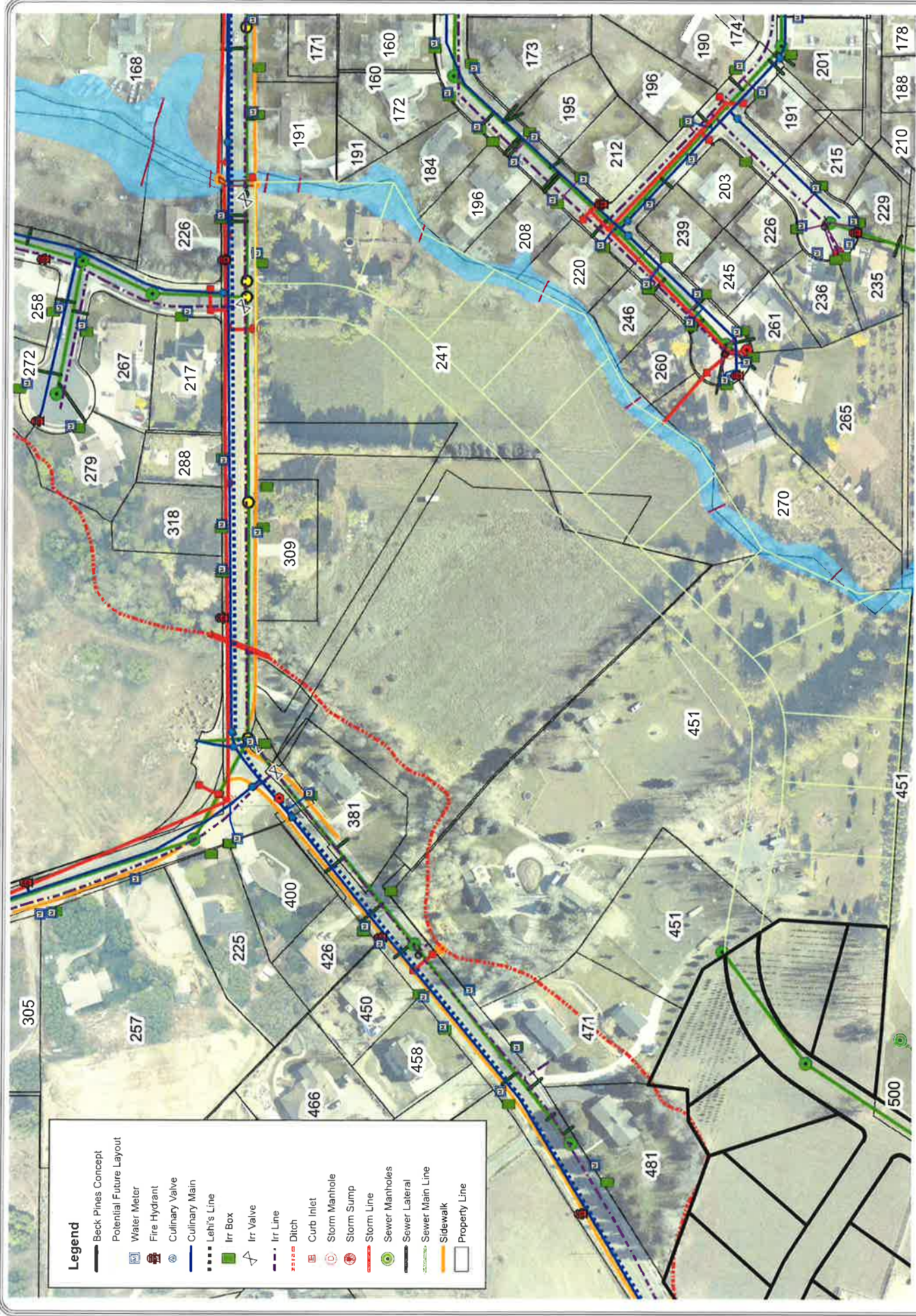
Property Boundaries and Utilities are shown for reference only. Though shown generally close, a survey and Blue Stake should be done to locate both accurately.

1 inch = 200 feet



# Beck Pines - Alpine Utilities





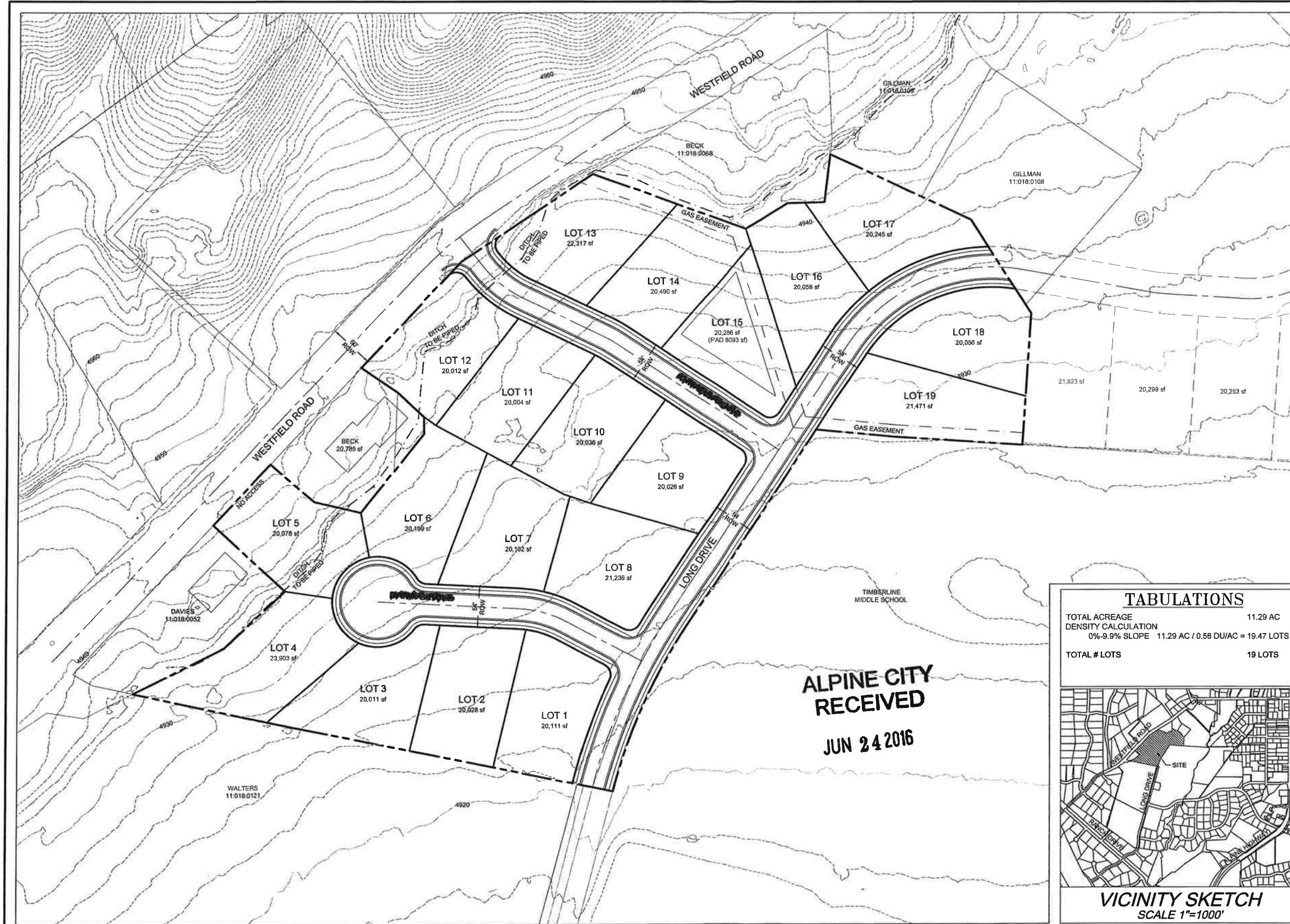
Property Boundaries and Utilities are shown for reference only. Though shown generally close, a survey and Blue Stake should be done to locate both accurately.

1 inch = 200 feet



# Beck Pines - Alpine Utilities





**ALPINE CITY  
RECEIVED**  
**JUN 24 2016**

TABULATIONS	
TOTAL ACREAGE	11.29 AC
DENSITY CALCULATION	
0%-9.9% SLOPE	11.29 AC / 0.58 DU/AC = 19.47 LOTS
TOTAL # LOTS	19 LOTS



**VICINITY SKETCH**  
SCALE 1"=1000'

DEVELOPMENT

SCALE: 1"= 60'

**CIVIL ENGINEERING**  
11038 N Highland Blvd Suite 400  
Highland UT, 84003  
office (801) 482-1277  
cell (801) 616-1677

REVISIONS			SEAL
NO.	DATE	DESCRIPTION	
1			
2			
3			
4			
5			
6			
7			

ACTION	DATE
CONCEPT	6/20/2016

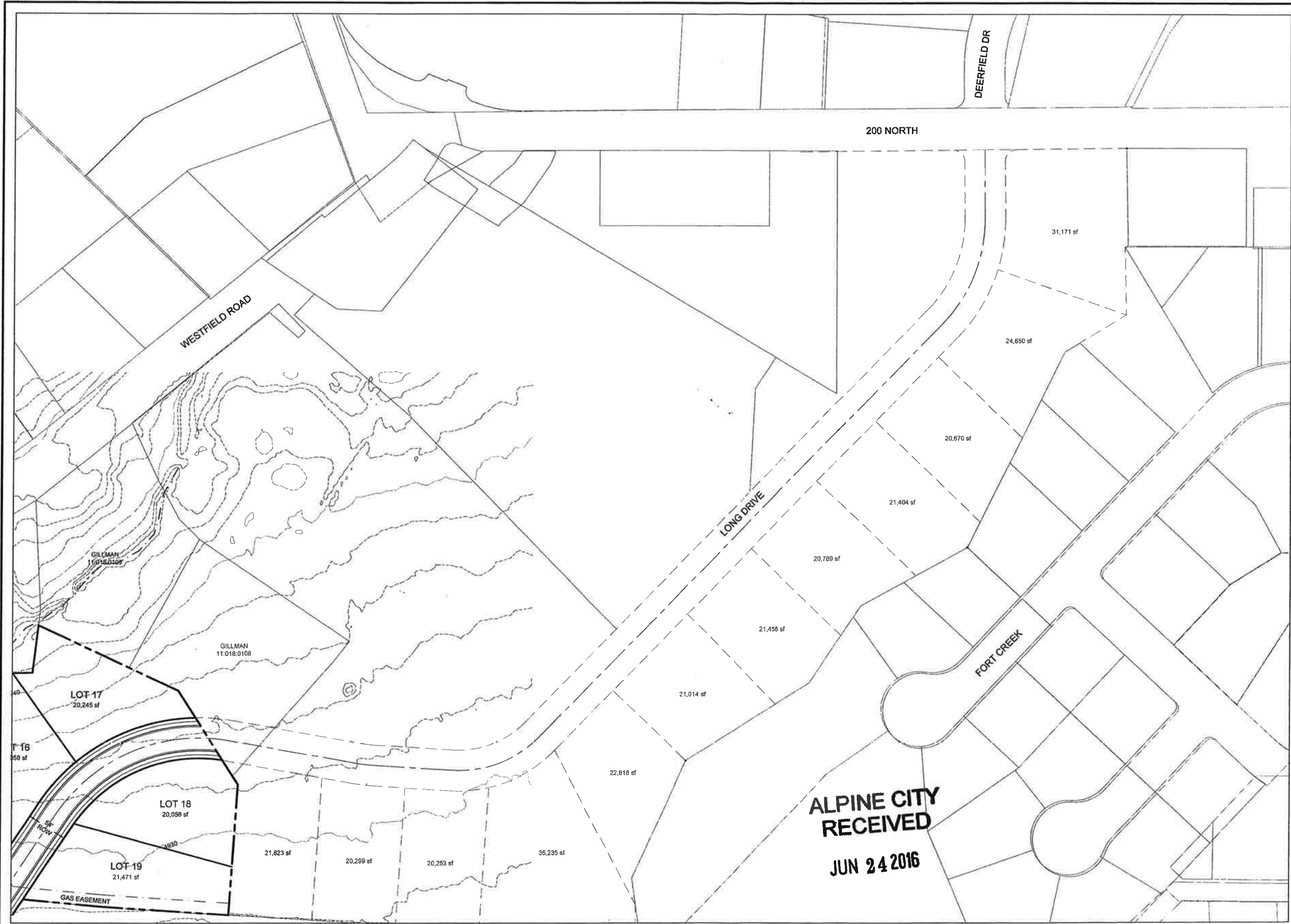
PROJECT

**BECK  
SUBDIVISION**  
621 WESTFIELD RD.  
ALPINE, UT 84004

DESCRIPTION

**CONCEPT  
PLAN**

SHEET NAME	SHEET NUMBER
CONCEPT	<b>C1</b>



DEVELOPMENT

SCALE: 1"= 60'

**berg**  
CIVIL ENGINEERING  
11038 N Highland Blvd Suite 400  
Highland UT, 84003  
office (801) 492-1277  
cell (801) 616-1677

REVISIONS		SCALE
NO.	DATE	DESCRIPTION
1		
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ACTION	DATE
CONCEPT	6/20/2016

PROJECT

**BECK  
SUBDIVISION**  
621 WESTFIELD RD.  
ALPINE, UT 84004

DESCRIPTION

**CONCEPT  
PLAN**

SHEET NAME	SHEET NUMBER
CONCEPT	<b>C2</b>

## **ALPINE PLANNING COMMISSION AGENDA**

**SUBJECT:** Open Space Ordinance and Map Amendment

**FOR CONSIDERATION ON:** 26 July 2016

**PETITIONER:** City Council

**ACTION REQUESTED BY PETITIONER:** Create Definitions for  
“Developed” and “Natural”  
Open Space as part of the  
Amendment.

**APPLICABLE STATUTE OR ORDINANCE:** Article 3.16 (Open Space)

### **BACKGROUND INFORMATION:**

Over the past couple months, The Planning Commission and City Council have both reviewed and discussed the open space ordinance and master plan map. Included are the proposed amendments to each of these documents. Both the Planning Commission and City Council expressed the desire to have both documents simplified and not have several different designations for open space.

The City Council has reviewed a few options to the map and have decided that a few different types of open space (Developed and Natural) should be shown on the map. This means that these types of public open spaces need to be defined in the ordinance text. The City Council has asked that the Planning Commission work on this before they consider adopting the changes to the Open Space Ordinance and corresponding map.

### **CITY COUNCIL MOTION:**

Troy stout moved to reject ordinance no. 2016-07 and look toward option 2 as proposed by the Planning Commission.

Kimberly seconded. Ayes: 5 nays: 0. Motion passed.

## **ARTICLE 3.16 OPEN SPACE ORDINANCE (Ord.98-20/11-24-98; amended Ord. 2007-12/8-14-07)**

### **3.16.1 PURPOSE**

To enhance and preserve the quality of life in Alpine by providing for the preservation of selected areas within the City to be dedicated for the express purpose of preserving open space for the recreational use of the citizens of Alpine. To provide for the use of competitive sports, picnics, family gatherings, community social functions and other like activities. To maintain the rural nature of Alpine with appropriate landscaping and natural open space. (Open space consists of public and private open space.) Open space is set aside to accomplish one or more of the following functions:

1. To preserve viewscales, natural ridgelines, etc.
2. To create or preserve a buffer between developed areas for privacy, aesthetic, and other purposes.
3. To provide areas for recreation, such as ballparks, swimming pools, picnic and playground facilities.
4. To preserve wildlife habitat.
5. To provide off-street venues for activities such as walking, jogging, cross-country skiing, snow-shoeing, cycling and horseback riding, etc.
6. To preserve native vegetation and topography.

### **3.16.2 PERMITTED USES**

Permitted uses of the land in the Open Space Zone include:

1. Walkways
2. Paths
3. Trails
4. Picnic Shelters
5. Sanitary Facilities
6. Lawns
7. Landscaping

These permitted uses shall be part of the Alpine Park plan and shall be recommended by the Planning Commission and approved by the City Council.

### **3.16.3 CONDITIONAL USES**

The following uses shall be permitted upon compliance with the requirements of this ordinance and approval of a site plan by the Planning Commission and in compliance with the attached guidelines.

1. Permanent recreation facilities such as baseball diamonds with accompanying auxiliary structures, tennis courts and basketball courts.
2. Temporary recreational facilities such as soccer goals.
3. Structures for sale of food, drinks, game booths etc. which are of strictly a temporary nature for specific events.
4. Structures for use in organized group areas to be approved by the Planning Commission.
5. Wells with accompanying auxiliary structures, water, sewer and utility transmission lines and facilities.
6. [Structures for the maintenance and operation of city business.](#)
7. Other uses which are determined by the Planning Commission to be similar and compatible with the foregoing uses and in harmony with the intent of the zone.

### **3.16.4 SPECIAL PROVISIONS**

- 3.16.4.1** All public parks in the City of Alpine as noted on the attached map, hereby made a portion

of this Ordinance, are included in this Zone and are subject to all of the provisions of this Zone.

- 3.16.4.2** Land included in these parks shall not be disposed of in any manner or used for any other purpose than specified herein except after a recommendation of the Planning Commission and a public hearing and by a super majority vote of the City Council (4 positive votes are required).

### **3.16.5 PROHIBITED ACTIVITIES**

All activities specified in the attached guideline that are not allowed, as well as all activities not expressly permitted.

### **3.16.6 OPEN SPACE DEFINITIONS ~~AND DESIGNATIONS~~**

Open Space is defined as any area where either commercial or residential building of structures is restricted or prohibited. Open Space may be either publicly or privately owned. City (public) ownership should be clearly indicated on plans and plats and recorded on deeds. Public open space encompasses all city parks and all city trails but not all city property. Private open space encompasses land retained open by conservation agreement in private ownership.

1. Privately-owned open space is retained through conservation agreements for the use and benefit of the owner or homeowner's association. Public access may be granted in designated areas. Improvement decisions are controlled by the owner in compliance with the City Master Plan, ~~open space designations~~, City ordinances, and any commitments made pursuant to annexation or development agreements. Use by the public is restricted to trails and roads.
2. Publicly-owned open space is retained for the use and benefit of the general public. Improvement decisions are controlled by the City Council in compliance with the City Master Plan, ~~open space designations~~ and City ordinances. The two types of publicly-owned open spaces are defined as follows:

#### a. Natural Open Space:

1. Soil is left undisturbed.
2. Natural vegetation, whether or not native to the area, occupies the major visible aspect of the land.
3. Recreational improvements which are incidental to the natural area.
4. Construction and maintenance of City utilities shall be permitted.
5. Structures for the maintenance and operation of city business shall be conditionally approved.

#### b. Developed Open Space:

1. Formal grading.
2. Landscaping, including grass areas, shrubbery, trees, and other plants requiring watering and other maintenance.
3. Recreational areas with sufficient parking.
4. Construction and maintenance of City utilities shall be permitted.
5. Structures for the maintenance and operation of city business shall be conditionally approved.

#### **~~3.16.6.1 Designation of Type of Open Space~~**

~~As subdivisions are approved, or as land is acquired by the City, open space shall be designated as one of four types, which shall be recorded on final plats and on the map~~



~~which is part of this zone.~~

- ~~1. Natural or conservation open space.~~
- ~~2. Semi-improved open space.~~
- ~~3. Developed open space.~~
- ~~4. Organized group recreational open space.~~
- ~~5. Semi-improved recreational open space.~~

~~Usage restrictions, landscaping and maintenance guidelines, and future development of these open spaces are specified within this ordinance and shall be incorporated as either deed restrictions, conservation agreements, or by City ordinance. These apply to both private and public open space.~~

### **3.16.6.2 Definitions of Each Designation**

#### **3.16.6.2.1 Natural or Conservation Open Space:**

- ~~1. Soil is left undisturbed.~~
- ~~2. Natural vegetation, whether or not native to the area, occupies the major visible aspect of the land. Revegetation or additional plantings must be approved by the Planning Commission. (Refer to Schedule A to this zone for acceptable plants.)~~
- ~~3. Recreational improvement limited to natural or road base surfaced trails, trail head parking, scenic overlook, public (restroom) facilities and other improvements, which are incidental to the natural area.~~
- ~~4. Construction and maintenance of City utilities shall be permitted.~~

#### **3.16.6.2.2 Semi-improved open space:**

- ~~1. Limited grading for erosion control, access, etc.~~
- ~~2. Landscaping restricted to plants that require minimal water.~~
- ~~3. Recreational improvements limited to trails, trail head parking, scenic overlook, public (restroom) facilities and other improvements, which are incidental to the natural area.~~
- ~~4. Construction and maintenance of City utilities shall be permitted.~~

#### **3.16.6.2.3 Developed open space:**

- ~~1. Formal grading.~~
- ~~2. Landscaping, including grass areas, shrubbery, trees, and other plants requiring watering and other maintenance.~~
- ~~3. Recreational areas, including playgrounds, pavilions, picnic areas, public (restroom) facilities, etc, with sufficient parking.~~
- ~~4. Construction and maintenance of City buildings and utilities shall be permitted.~~

#### **3.16.6.2.4 Organized group recreational open space:**

- ~~1. Formal grading.~~
- ~~2. Landscaping, including grass areas, shrubbery, trees, and other plants requiring watering and other maintenance.~~
- ~~3. Land intended for ballparks, swimming pools and similar activities which may require lighting, parking lots and public (restroom) facilities.~~
- ~~4. Construction and maintenance of City buildings and utilities shall be permitted.~~

#### **3.16.6.2.5 Semi-Improved Recreational Open Space**

- ~~1. Limited grading for parking and erosion control, access, etc.~~
- ~~2. Landscaping restricted to plants that require minimal water.~~
- ~~3. Recreational areas, including playgrounds, pavilions, picnic areas, rodeo grounds, and similar activities which may require lighting, parking lots and public (restroom) facilities.~~
- ~~4. Construction and maintenance of City buildings and utilities shall be permitted.~~

### ~~3.16.6.3 Changes in Designation and Future Development~~

~~From time to time, changes in designation may be desired, or major improvements may be proposed to be added, which are not indicated on the attached map.~~

~~All requests by homeowners and/or citizens groups for such changes to City-owned property shall be presented in writing to the Planning Commission for review. The Planning Commission shall forward its recommendation to the City Council for a decision.~~

~~If the City Council, Planning Commission, City Committee, or citizens' group initiate a request for change or improvement, all residents within 500 feet of the affected area shall be notified by certified US Mail and invited to respond to the change. A public hearing shall be held.~~

## **3.16.7 PUBLIC RIGHT OF WAY (ROW) THROUGH OPEN SPACE**

### **3.16.7.1 Purpose of Improved Trails**

Trails encourage and enhance public use of open spaces, and may be added to any public area, within the guidelines of each designation, as deemed necessary by the City, and following recommended procedures for improvements. (Refer to Trail Ordinance, Article 3.17)

### **3.16.7.2 Permitted Uses on Trails**

Uses as determined by the City and designated by trail markers.

## **3.16.8 GENERAL RESTRICTIONS (amended by Ord. 2004-18, 11/23/04)**

Certain restrictions apply to all publicly-owned space, regardless of designation.

1. Unless specifically authorized, no motorized vehicles are allowed.
2. Public entry may be prohibited in designated areas, at specific times, and/or seasons. This may be further restricted to specific types of use, such as cycling, horseback riding, or cross country skiing as established by the City Council.
3. Open fires will not be allowed, except in City-installed fire pits in such places as the Bowery and Historic Moyle Park.
4. Overnight camping will not be allowed, except in designated areas (Bowery and rodeo grounds) and with the notification and permission of City Hall. Permit to be obtained at City Hall.
5. No animals of any kind are allowed in Historic Moyle Park. In all other parks pets are to be leashed, except in Lambert Park in which case the pet is to be under the owner's direct control at all times. All animal excrement is to be cleaned up by the owner of the animal or pet.
6. Dumping or storage of private property will not be allowed.
7. Nothing may be placed by individuals to restrict or obstruct the public right-of-way.
8. The City Council may allow or prohibit other uses as it deems reasonable and proper.

## **3.16.9 MAINTENANCE AND IMPROVEMENTS TO PUBLIC LANDS**

Alpine City is responsible for the landscaping and maintenance needs of all publicly-owned open space.

The City recognizes the benefit of private participation in caring for these lands. Therefore, individual citizens and citizen groups shall be allowed and encouraged to improve and maintain open spaces. However, these improvements shall be governed by guidelines incorporated in this ordinance, which includes specific rules for each designation.

All requests for improvements and maintenance of City-owned property by citizens shall be presented in writing and recommended by the Planning Commission and approved by the City Council. These requests shall include a written or drawn landscape design. Approval of such requests will be granted based on adherence to general and designation guidelines, compliance with City ordinances and a visit to the site. If approved, the request will be kept on file for further reference.

Any landscaping, maintenance or other improvements to public lands which does not receive prior approval as specified within this ordinance shall be deemed an encroachment. All such encroachments shall incur a penalty (fine) as established by the City Council. Upon direction of the City Council and after 30 days notice from the City Administrator, such encroachments are subject to removal and the area involved shall be restored to its original condition at the citizen's expense.

#### **3.16.9.1 General Improvement Guidelines**

The following guidelines apply to all improvements to publicly-owned lands, ~~regardless of the designation.~~

**3.16.9.1.1** Homeowners have no right to encroach on publicly-owned lands. These open spaces are not to be considered or treated as an extension of private property. Without a recommendation from the Planning Commission and approval of the City Council, all of the following apply:

1. Grass, trees or shrubbery may not be planted.
2. Fences may not be erected.
3. Grading may not be done.
4. Sprinkler systems may not be installed.
5. Vegetation may not be cut or destroyed.
6. Rain gutter or other drainage may not be directed onto public lands.
7. All other encroachments are expressly forbidden.

**3.16.9.1.2** When permission is granted to individuals or groups to improve public lands, all such improvements become the property of the City.

1. The City is ultimately responsible for care and maintenance of such improvements.
2. The City may remove any elements as it deems necessary.
3. Written City approval must be obtained for any private parties to remove any such elements.

**3.16.9.1.3** When permission is given to private parties to improve public lands with landscaping, these same parties will be required to maintain these improvements, unless otherwise specified. When approved the following general guidelines apply to all designations except natural (conservation) areas:

1. All sprinkling piping and heads are to be located entirely on private property. Drip irrigation pipes may go into the easements and would be the preferred watering method. Water may spray on planted landscaping, but shall not spray

- on the trail.
2. Shrubs may be planted within the trail easement, but must be no more than 2 feet high and be kept pruned back from the trail edge.
  3. Non-invasive groundcovers may be planted in the trail easement but shall be kept off the trail. Low and slow-growing junipers, cotoneaster, vincas and grasses are examples of acceptable plants.
  4. All trees are to be planted outside the trail corridor.
  5. When written permission is granted for donated trees to be planted on public lands, they must be placed randomly, rather than parallel to private property lines, as such placement gives the visual effect of increasing the private area and effectually decreasing the public open space.

### **3.16.10 IMPROVEMENTS TO PRIVATE PROPERTY BORDERING PUBLIC OPEN SPACE**

**3.16.10.1** Fences or borders along property lines adjacent to open space must meet specific standards.

1. When the width of the open space is less than 50 feet, bordering fences may not exceed 6 feet in height.
2. When the width of the open space 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 requirement as fences.
5. The owner of the fence or hedge must maintain the side facing the open space.

**3.16.10.2** Dogs shall be restrained such that they cannot enter open space.

**3.16.10.3** All trees are to be planted entirely on private property.

### **3.16.11 ENFORCEMENT**

#### **3.16.11.1 Subdivision Approval Stage**

**3.16.11.1.1** Open space designations and ownership shall be included on all plats and recorded on deeds.

**3.16.11.1.2** Signs shall be provided by the City which can be photocopied, protected with plastic and fastened to stakes surrounding open space. These signs shall indicate City-owned open space and penalties for damage caused by construction crews and vehicles.

**3.16.11.1.3** Developers are required to stake, clearly tape off and post signs marking all trail corridors and open spaces prior to the start of construction. The site may be walked by the City Staff, City Council and Planning Commission.

**3.16.11.1.4** A bond to be approved by the City Engineer shall be posted by the developer against damage to public open space.

#### **3.16.11.2 Before Bond Release**

**3.16.11.2.1** Developers shall ensure that tapes and signs are in place continuously during construction. The tapes and signs shall remain in place until construction is completed and the final bonds are released. They shall be replaced if necessary if damaged or lost from other causes.

- 3.16.11.2.2** Developers will be assessed a fine if damage is done to publicly owned areas by their contractors or their agents, and they will be required to restore the area(s) at their cost to the satisfaction of the City Engineer.

**3.16.11.3 Before Building Permit is Issued**

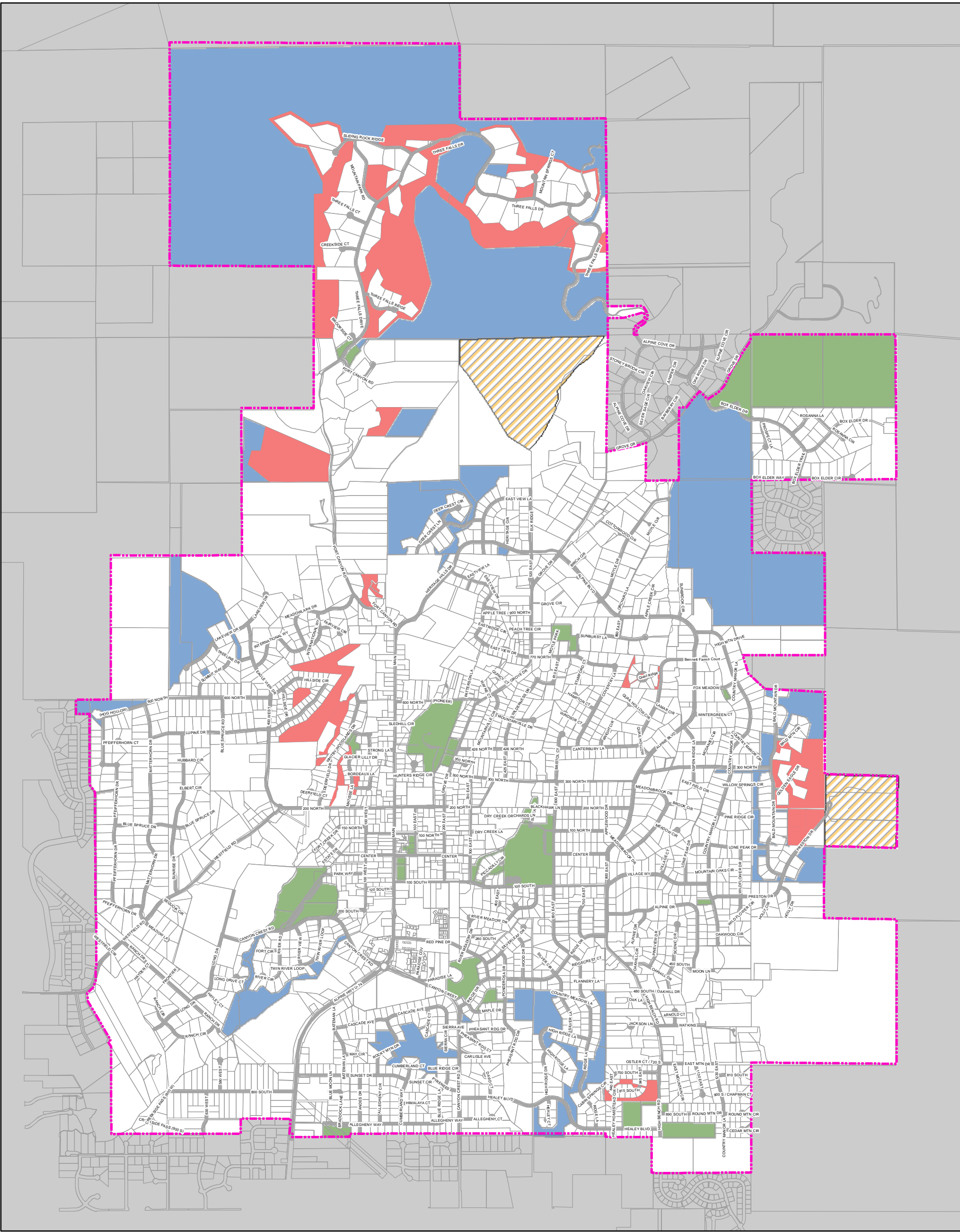
- 3.16.11.3.1** Before building permits are issued, all potential homeowners with property adjacent to open space shall bond, (amount to be set by City Engineer) for any and all damage done to public property caused by the owner and/or his contractor or agents during home construction.
- 3.16.11.3.2** Public open space must be staked, temporarily fenced off and marked with signs so that all construction crews will be aware of these public lands. (Amended by Ord. 2004-13, 9/28/04)
- 3.16.11.3.3** A copy of this ordinance shall be provided to the property owner when the building permit is issued.

**3.16.11.4 Before Occupancy Permits are Issued**

- 3.16.11.4.1** All damage to public open space and/or improvements upon it caused by home construction must be repaired by the homeowner at his or her expense.
- 3.16.11.4.2** If construction is completed during winter and weather prohibits replanting or other restoration, an additional bond may be posted to be held until repairs are approved by the City Administrator. The amount of bond to be determined by the City Engineer.

**3.16.12 OTHER REMEDIES**

Notwithstanding the enforcement measures in Section 3.16.5.4 above, all penalties contained in Chapter 8 of this ordinance may be imposed in lieu of or in addition to all other remedies in case of infractions.



Ordinance No. 2016-07  
Adopted July 12, 2016



# ALPINE CITY OPEN SPACE MASTER PLAN

0 650 1,300 2,600 3,900 5,200 Feet

-  Developed Public Open Space
-  Natural Public Open Space
-  Private Open Space
-  Conservation Easement
-  Alpine City Boundary



## **ALPINE PLANNING COMMISSION AGENDA**

**SUBJECT: Flood Damage Prevention Overlay Amendment**

**FOR CONSIDERATION ON: 26 July 2016**

**PETITIONER: Engineering Department**

**ACTION REQUESTED BY PETITIONER: Recommend Approval of the Proposed Amendments.**

**APPLICABLE STATUTE OR ORDINANCE: Section 3.12.8**

### **BACKGROUND INFORMATION:**

Alpine City has recently received a new flood plain map from the Federal Emergency Management Agency (FEMA). In order to be a part of the National Flood Insurance Program that FEMA manages, Alpine City needs to have an updated ordinance that goes along with this new map. This will allow Alpine residents to continue to obtain flood insurance. It appears like the current language in this section came from FEMA based on the fact that the proposed amended language is so similar.

### **STAFF RECOMMENDATION:**

That the Planning Commission recommend to the City Council approval of the proposed amendments to Section 3.12.8 regarding the Flood Damage Prevention Overlay Zone.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ADOPTING FLOOD DAMAGE PREVENTION REGULATION TO IMPLEMENT THE NATIONAL FLOOD INSURANCE REGULATIONS AND TO MINIMIZE THE LOSSES FROM FLOOD EVENTS.**

**Whereas** the City has the authority under state law to adopt regulations to provide for the health safety and general welfare of its residents; and

**Whereas** the City has areas within it that have been or may be impacted by flood events; and

**Whereas** the City believes it is in the best interests of its citizens to be able to participate in the National Flood Insurance programs as adopted by the federal government; and

**Whereas** the City has previously adopted a recommended model ordinance approved by the state and federal regulators involved in the flood prevention programs; and

**Whereas** that model ordinance has now been updated and changed in some respects and has been recommended for adoption to the City; and

**Whereas** adoption of flood prevention mitigation regulations is a prerequisite for the City to participation in these nation flood insurance programs;

**NOW THEREFORE BE IT ORDAINED BY THE ALPINE CITY COUNCIL AS FOLLOWS:**

**I. ADOPTION OF MODEL ORDINANCE.** The following is hereby adopted as the Alpine City flood prevention regulations and ordinance:

**FLOOD DAMAGE PREVENTION ORDINANCE**

**ARTICLE I**

**STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS**

**SECTION A. STATUTORY AUTHORIZATION**

The Legislature of the State of Utah has in Utah Code sections 10-3-701 and 10-8-84 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Alpine City Council does ordain as follows:

## **SECTION B. FINDINGS OF FACT**

(1) The flood hazard areas of Alpine City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

## **SECTION C. STATEMENT OF PURPOSE**

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. Insure that potential buyers are notified that property is in a flood area.

## **SECTION D. METHODS OF REDUCING FLOOD LOSSES**

1. In order to accomplish its purposes, this ordinance uses the following methods:
2. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
3. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
4. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
5. Control filling, grading, dredging and other development which may increase flood damage.

6. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

## **ARTICLE II**

### **DEFINITIONS**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

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

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

**AREA OF SHALLOW FLOODING** - means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

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

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

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

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

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

**ELEVATED BUILDING** - means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts

and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

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

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

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

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

1. the overflow of inland or tidal waters.
2. the unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD INSURANCE RATE MAP (FIRM)** - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY** - is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

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

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

**FLOODPLAIN MANAGEMENT REGULATIONS** - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain

ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

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

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

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

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

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

**HISTORIC STRUCTURE** - means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
  - a) by an approved state program as determined by the Secretary of the Interior or;
  - b) directly by the Secretary of the Interior in states without approved programs.



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

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

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

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

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

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

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

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

**RECREATIONAL VEHICLE** - means a vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. designed to be self-propelled or permanently towable by a light duty truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**START OF CONSTRUCTION** - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair,

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

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

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

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

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

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

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

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

**ARTICLE III**  
**GENERAL PROVISIONS**

**SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES**

The ordinance shall apply to all areas of special flood hazard within the jurisdiction of Alpine City.

**SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**

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

**SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT**

A Development Permit shall be required to ensure conformance with the provisions of this ordinance.

**SECTION D. COMPLIANCE**

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

**SECTION E. ABROGATION AND GREATER RESTRICTIONS**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**SECTION F. INTERPRETATION**

In the interpretation and application of this ordinance, all provisions shall be:

1. considered as minimum requirements;
2. liberally construed in favor of the governing body; and
2. deemed neither to limit nor repeal any other powers granted under State statutes.

**SECTION G. WARNING AND DISCLAIMER OR LIABILITY**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This

ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

## **ARTICLE IV**

### **ADMINISTRATION**

#### **SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR**

The City Engineer is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

#### **SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR**

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
2. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
3. Review, approve or deny all applications for development permits required by adoption of this ordinance.
4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
6. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Utah Division of Water Rights, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
8. When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation

data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.

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

10. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community **first** applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision).

### **SECTION C. PERMIT PROCEDURES**

Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

3. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the flood proofing criteria of Article 5, Section B(2);

4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

5. Maintain a record of all such information in accordance with Article 4, Section (B)(1).

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

1. The danger to life and property due to flooding or erosion damage;

2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

3. The danger that materials may be swept onto other lands to the injury of others;

4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
10. The relationship of the proposed use to the comprehensive plan for that area.

#### **SECTION D. VARIANCE PROCEDURES**

1. The Alpine City Land Use Appeal Authority as established by the community shall hear and render judgment on requests for variances from the requirements of this ordinance.
2. The Appeal Authority shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
3. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
4. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
5. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.
6. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2) of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
7. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Article 1, Section C).

8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

9. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

10. Prerequisites for granting variances:

a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

b) Variances shall only be issued upon:

1) showing a good and sufficient cause;

2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and

3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

c) Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

11. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

a) the criteria outlined in Article 4, Section D(1)-(9) are met, and

b) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

## **ARTICLE V**

### **PROVISIONS FOR FLOOD HAZARD REDUCTION**

#### **SECTION A. GENERAL STANDARDS**

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

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

## **SECTION B. SPECIFIC STANDARDS**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B(8), or (iii) Article 5, Section C(3), the following provisions are required:

**1. Residential Construction** - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C(1)a., is satisfied.

**2. Nonresidential Construction** - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.



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

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

**4 Manufactured Homes –**

a) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

b) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:

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

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

- a) be on the site for fewer than 180 consecutive days,
- b) be fully licensed and ready for highway use, or

c) meet the permit requirements of Article 4, Section C (1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

## **SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS**

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this ordinance.

2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this ordinance.

3. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions.<sup>18</sup> which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this ordinance.

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

5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

## **SECTION D. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)**

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

1. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

2. All new construction and substantial improvements of non-residential structures;  
a) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or;

b) together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads or effects of buoyancy.

3. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section C (1) a., are satisfied.

4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

## **SECTION E. FLOODWAYS**

Floodways - located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. If Article 5, Section E (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.

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

## **ARTICLE VI**

### **PENALTIES FOR NONCOMPLIANCE**

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

II. **REPEALER.** The provision of the Alpine City Development Code contained in section 3.12.8 are hereby repealed and replaced in its entirety by the above provisions and the City Recorder is hereby instructed to renumber and reformat the above adopted ordinance and place its provisions in the appropriate sections of the Alpine City Development Code.

III. **CERTIFICATION and EFFECTIVE DATE** .It is hereby found and declared by Alpine City that severe flooding has occurred in the past within its jurisdiction and will certainly occur

within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective immediately. Therefore, an emergency is hereby declared to exist, and this ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

PASSED AND ADOPTED on this \_\_\_\_\_ Day of June 2016

Alpine City

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Recorder

**ALPINE CITY PLANNING COMMISSION MEETING  
at Alpine City Hall, 20 North Main, Alpine, Utah  
June 21, 2016**

**I. GENERAL BUSINESS**

- A. Welcome and Roll Call:** The meeting was called to order at 7:05 p.m. by Chairman Steve Cosper. The following Commission members were present and constituted a quorum.

Chairman: Steve Cosper

Commission Members: David Fotheringham, Steve Cosper, Jane Griener, Steve Swanson

Commission Members Not Present: Judi Pickell, Jason Thelin, Bryce Higbee

Staff: Jason Bond, Jed Muhlestein, Marla Fox

Others: Mayor Sheldon Wimmer, Councilman Roger Bennett, Councilman Lon Lott, Councilman Ramon Beck, Justin Feaster, Sylvia Christiansen, Lorraine Lott, Corilyn Markham, Nick Markham, Will Jones, Bryan Prince.

- B. Prayer/Opening Comments:** Steve Swanson

- C. Pledge of Allegiance:** Steve Cosper

**II. PUBLIC COMMENT**

Sylvia Christiansen, 390 North High Bench Road, stated that she was the Utah Central Associations of Realtors' liaison for the City of Alpine. She introduced the organization and presented an invitation for the upcoming Housing Breakfast.

**III. ACTION ITEMS**

**A. PUBLIC HEARING – Walters Subdivision Concept Plan – Ivory Development**

City Planner, Jason Bond, explained that the Walters subdivision consists of nine lots ranging from 20,690 square feet to 32,796 square feet on a site that is 5.68 acres. The subject property is located in the CR-20,000 zone at approximately 615 East 300 North. Staff has reviewed the application and found no real issues with the proposal. In regards to 300 North, Jason Bond explained that street improvements will be installed wherever this subdivision fronts the street. Street improvements will include widening the road to the required size, and the installation of curb, gutter, and sidewalk. The road to the east of the subject property will not be improved at this time.

Assistant City Engineer, Jed Muhlestein, reported that the size of the proposed cul-de-sac meets all minimum requirements of the City Code. In regards to traffic impact, Jed Muhlestein stated that staff has received comments regarding the four-way intersection of 300 North and 600 East. The Engineering Department has examined this intersection on two different occasions, but the data has not warranted a four-way stop. Jed Muhlestein stated that they would reexamine the intersection once the development is complete and residential traffic has increased. In regards to utilities, Jed Muhlestein reported that sewer, culinary water, and pressurized irrigation systems are already installed along 300 North, so the development would be able to connect into them there. Storm drainage will need to be connected to Dry Creek as part of the preliminary design.

Jason Bond commented that the existing residential home on the property would be incorporated into the subdivision. However, the dwelling may not meet setback requirements once 300 North has been widened and improved. The shed located behind the home would be demolished.

Chairman Steve Cosper opened the Public Hearing.

Justin Feaster, of 313 North 600 East, asked if the developer would be required to improve the community as part of the development, such as including park space or trail systems. Jason Bond stated that this was not something required in the Alpine City Code. A comment was also made that there is a large City park to the southwest of this development. Mr. Feaster then asked if the City had concerns about the density of the proposed subdivision, and the

impact it will have on traffic. Staff reported that the proposal meets zoning ordinance requirements, and a traffic study would be conducted after the land was developed. Staff was comfortable with the density of the proposal.

Nick Markham, of 441 North Crystal Court, asked if sidewalks would be installed along Bristol Court up to 300 North. The Planning Commission confirmed that this developer would only be required to install street improvements where the development fronts 300 North. The sidewalk would be completed when the adjacent property was developed.

Chairman Steve Cospier closed the Public Hearing.

There was a brief discussion regarding the intersection of 300 North and 600 South. Chairman Steve Cospier commented at the strange placement of the intersection. Jane Griener stated that she would be in favor of installing a four-way stop at this location for the safety of school children and other pedestrians, even if the study did not warrant a four-way stop at this time. Jed Muhlestein explained that one of the reasons they have not installed a stop sign at this location is because it would disrupt the flow of school traffic.

Jane Griener asked if the adjacent property owner would be open to improving the road in front of his property. Jed Muhlestein reported that staff has been in contact with the property owner. He would be open to the improvements if the City would work with him, and if he were not required to pay for the improvements. Jane Griener commented that it would be ideal if the property owner gave the right-of-way to the City and the City made the improvements, just to ensure that the entire road was finished. She suggested that the City be preemptive in this situation.

Bryan Prince, from Ivory Homes, stated that the proposed subdivision meets the General Plan requirements for half-acre lots. He also reported that they had reached out to the adjacent property owner regarding possible development, but he was not interested in selling his property.

**MOTION:** David Fotheringham moved to approve the proposed Walters Subdivision Concept Plan.

Steve Swanson seconded the motion. The motion was unanimous with 4 Ayes and 0 Nays. David Fotheringham, Steve Cospier, Jane Griener and Steve Swanson all voted Aye.

## **B. General Plan Update**

Jason Bond explained that after reviewing the currently adopted Historic Preservation Element of the General Plan, the question has been raised regarding the need for this element. Aspects of this element have already been covered in the Land Use Element particularly as it pertains to a desired “historic small-town, rural atmosphere” and the implementation of Gateway Historic District Design Guidelines. Additionally, a few historic landmarks in Alpine including City Hall, Relic Hall, Moyle Park and the Indian Tower have already been preserved and included on the National Register of Historic Places. A Moyle Park Master Plan has been created and adopted in another element of the General Plan. The current language should be reviewed by the Planning Commission and a direction should be given regarding the Historic Preservation Element.

The Planning Commission began by reviewing the Vision Statement and Goal 1, with the accompanying objectives. There was some discussion on each of the objectives, and it was determined that the language was not necessary for the General Plan, as similar goals and objectives were contained in other sections.

There was some discussion regarding historically homes and buildings, and the Planning Commission felt that it would be wise to have a list of buildings within the City that are on the State Registry. However, that list did not need to be included in the General Plan.

Lon Lott addressed the Planning Commission and presented the rules associated with having a home on the Utah State Historical Society Registry, and he explained the advantages of such recognition.

The Planning Commission determined that the Historical Preservation Element was not necessary to the General Plan.

In response to a question from the Planning Commission, Jason Bond reported that the City has received three proposals for traffic studies. Staff will review the proposals and present their recommendation to the City Council. He stated that all of the proposals showed a time period of 18 months to two months to complete the study, and the estimated cost would be around \$10,000. The Planning Commission requested updates from staff regarding this issue, as they wanted to be made aware of the progress.

#### **IV.COMMUNICATIONS**

Jason Bond asked the Planning Commission if there will be a quorum for the July 5, 2016 meeting, and the Planning Commission Members stated that they would be present.

#### **V. APPROVAL OF PLANNING COMMISSION MINUTES: June 7, 2016**

**Motion:** Steve Swanson moved to approve the Planning Commission minutes for June 7, 2016 without any corrections.

Jane Griener seconded the motion. The motion passed and was unanimous with 4 Ayes and 0 Nays. David Fotheringham, Steve Cosper, Jane Griener, and Steve Swanson all voted Aye.

#### **Adjourn**

Steve Cosper stated that the Planning Commission had covered all of the items on the agenda and adjourned the meeting at 8:00 pm.