



ALPINE CITY PLANNING COMMISSION MEETING

NOTICE is hereby given that the **PLANNING COMMISSION** of Alpine City, Utah will hold a **Regular Meeting at Alpine City Hall, 20 North Main, Alpine, Utah on Tuesday, October 21, 2014 at 7:00 pm** as follows:

I. GENERAL BUSINESS

- A. Welcome and Roll Call: Jason Thelin
- B. Prayer/Opening Comments: Steve Swanson

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. **Ilangeni Estates Plat Amendment - Three Falls Ranch Preliminary Plan.**
The Planning Commission will review the proposed Three Falls Ranch preliminary plan.
- B. **Business Commercial Zone Boundaries**
The Planning Commission will discuss a potential change to the boundaries of the Business Commercial zone and prepare for a public hearing.

IV. COMMUNICATIONS

V. APPROVAL OF PLANNING COMMISSION MINUTES: October 7, 2014

ADJOURN

Chairman Jason Thelin
October 17, 2014

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

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

PUBLIC MEETING AND PUBLIC HEARING ETIQUETTE

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

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

Public Hearing v. Public Meeting

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

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

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Ilangeni Estates Plat Amendment - Three Falls Ranch Preliminary Review

FOR CONSIDERATION ON: 21 October 2014

PETITIONER: Will Jones

ACTION REQUESTED BY PETITIONER: Grant Preliminary Approval

BACKGROUND INFORMATION:

On October 7th, The Planning Commission discussed this proposal and decided to table this item for two weeks at which a recommendation would be made.

The proposed Three Falls Ranch development consists of 54 lots on 725 acres. The lots range in size from 1.37 to 6.97 acres. The development is located at the north end of Fort Canyon in the CE-5 zone. This proposal is to amend the existing Ilangeni Estates plat with the submitted Three Falls Ranch preliminary plat. The developer wishes to phase the project and obtain Final Approval for each phase of construction with its associated plat as they progress.

The first phase would include 5 lots, improvements to Fort Canyon Road, a water tank, infrastructure to support the development, and 2.5 acres of developed open space which includes a parking area and trailhead.

Development of this property has been in the works since 1984. Much work and effort from both the developer and the City has taken place over the years. From recent discussions, there are three remaining obstacles to overcome, which are:

- 1 - Fort Canyon Road Improvements
- 2 - The Beck properties and whether or not they should be part of the development
- 3 - What to do with Sliding Rock

See Engineers review for further information.

RECOMMENDED ACTION:

We recommend that Preliminary approval of the proposed development be granted with the following conditions:

- The City will prepare a development agreement outlining the requirements of the development. The City Attorney will determine the appropriate time for the signing of the agreement.
- Prior to final approval, the developer submit lot slope calculations, lot specific geotechnical & geologic hazard studies, construction drawings for developed open space and infrastructure, anything deemed necessary to ensure the safety and welfare of the public, and anything needed to ensure city ordinances are met.



Date: October 2, 2014

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

**Subject: Three Falls Ranch – Preliminary Review – Plat Amendment
54 lots on 725 acres**

Background

The proposed Three Falls Ranch (hereto known as “TFR”) development consists of 54 lots on 725 acres. The lots range in size from 1.37 to 6.97 acres. The development is located at the north end of Fort Canyon in the CE-5 zone. This proposal is to amend the existing Ilangeni Estates plat with the submitted TFR Preliminary Plat. The developer wishes to phase the project and obtain Final Approval for each phase of construction with its associated plat as they progress.

The first phase would include 5 lots, improvements to Fort Canyon Road, a water tank, infrastructure to support the development, and 2.5 acres of developed open space which includes a parking area and trail head.

Development of this property has been in the works since 1984. Much work and effort from both the developer and City has taken place over the years. From recent discussions, there are three remaining obstacles to overcome, which are:

- 1 – Fort Canyon Road Improvements
- 2 – The Beck properties and whether or not they should be part of the development
- 3 – What to do with Sliding Rock

Fort Canyon Road.

The City requires that the developer improve Fort Canyon Road from International Way to the development with the first phase of development. Due to the topography of Fort Canyon, improving it with the typical road cross section with 30 feet of asphalt and sidewalk on both sides would leave the city with very extensive retaining walls to maintain. Through coordination with the DRC the developer has proposed a more palatable road cross-section to be presented for approvals. Plans have not yet been submitted for this and would be required for review prior to Final Approval.

Beck Properties.

In a letter written by the City Engineer dated November 2, 2009 (attached) it was indicated that the Beck's did not want their property to be included with the TFR development, hence the need to revise the TFR preliminary plan from 59 lots to 54. This property has been excluded from the plan. In order to not create a land-locked piece of property, the TFR development is showing an easement to and for the Beck properties to be able to develop in the future.

Sliding Rock.

Sliding Rock is shown in public open space on the current plan. Some issues associated with acquiring this piece of ground as open space are safety, liability, and regulation. This topic needs to be discussed amongst the Planning Commission and City Council to decide what direction to take.

Prior Exceptions

Several exceptions have been approved as this development has progressed over the years. These exceptions are detailed in two previous memos written by the City Engineer. With this plat amendment, the DRC recommends these exceptions stand as the phasing moves forward. A final review will detail these again as each phase comes forth for Final Approval.

PRD Requirements

A slope analysis has been previously performed for this development both with and without the Beck properties. It was determined that up to 54 lots could be developed if the maximum bonus density was allowed without the Beck properties as part of the development. The open space provided exceeds the amount required for the maximum bonus density. Proposed is 99.2 acres of private open space, 395.8 acres of public open space, and 23.1 acres of developed open space. The developed open space includes a trail head and parking area at the beginning of the development as well as a developed 20.6 acre area further north into the development. Detailed plans for the developed open space will be required prior to Final Approval in the phase in which they are located.

The Alpine City Development Code allows lots in the CE-5 zone up to 15% of the lot to contain lands over 25% slopes, subject to an exception being recommended by the DRC and Planning Commission and approved by the City Council. This analysis was done on previous layouts of the plan but has not yet been completed on this proposal. It is recommended the developer submit a layout with lot slope calculations prior to Final Approval per phase.

Street System

Though this submittal is at the Preliminary level for a plat amendment, extensive design work and coordination with the City has taken place over the years for the road system. A detailed review of the road system is included herewith in the City Engineer review letter as attached. The road system has not changed from that review to this submittal besides the addition of an

easement for the potential future development of the Beck properties. In regards to this easement, section 4.7.4.3 of the Development Code states that stub streets shall be built to provide circulation and provide for the subsequent development of adjacent properties. This section mentions factors to help determine the responsibility of the developer and to what extent the stub street is built. The Planning Commission and City Council need make a recommendation and decision as to whether or not a fully improved stub street is built to the adjoining Beck property or if only street dedication is required as well as determine how this is to apply to a plat amendment. Section 4.7.4.3 of the Development Code is attached herewith.

Sewer, Culinary, Pressurized Irrigation, and Storm Drain Systems

As with the street system, the design of the infrastructure is unchanged from the previous submittal. Please refer to the attached letter for details. One thing to note is that the previous submittal was designed for 59 lots, not 54. The major parts of the infrastructure should remain unchanged, but we'd expect to see the locations of sewer and water laterals adjusted for the new layout. This will be reviewed prior to Final Approval.

General Subdivision Remarks

The property falls within the Geologic Hazards Overlay Zone. The potential hazards identified on this property are debris flow, rockfall and slide hazards. The Urban/Wildland Interface Overlay area (Section 3.12.7 of the development code) outlines the requirements for when property falls within this area, mainly secondary access. The plans show a secondary access as required. This topic has been discussed quite extensively in the past, what is shown on the plans is the result of these discussions. A Geotechnical and Geologic Hazard study shall be performed and submitted on every lot prior to Final Approval of any phase.

The water policy will need to be met.

We recommend that Preliminary approval of the proposed development be granted with the following conditions:

- **The City will prepare a Development Agreement outlining the requirements of the development, the City Attorney will determine the appropriate time for the signing of the agreement**
- **Prior to Final Approval the Developer submit lot slope calculations, lot specific geotechnical & geologic hazard studies, construction drawings for developed open space and infrastructure, anything deemed necessary to ensure the safety and welfare of the public, and anything needed to ensure city ordinances are met.**

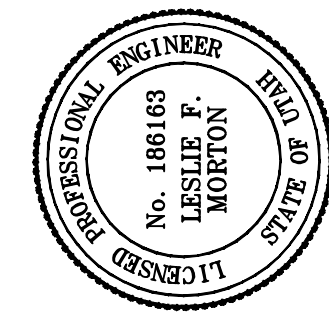
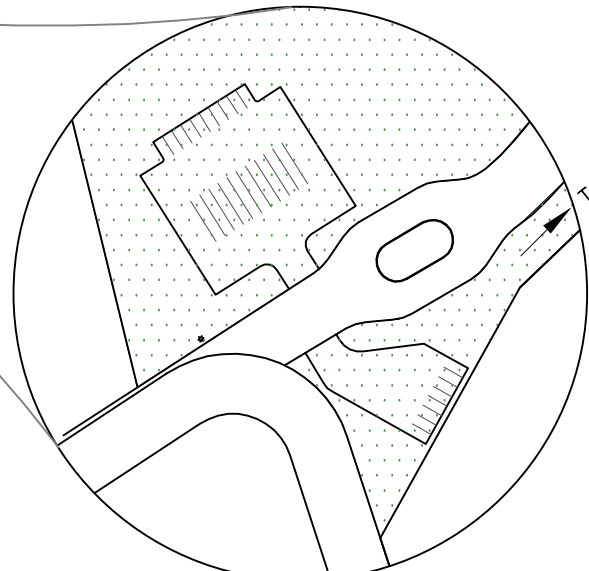
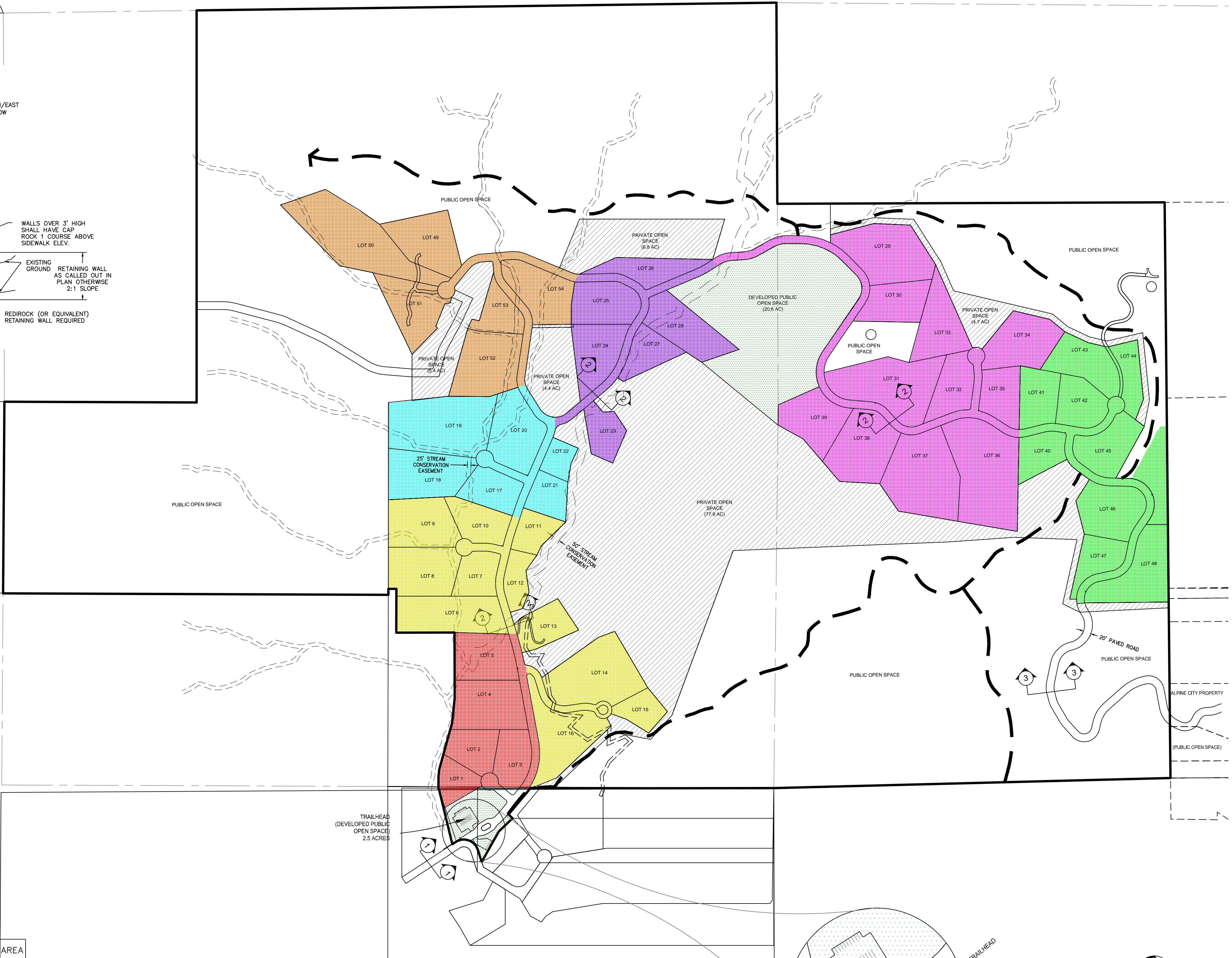
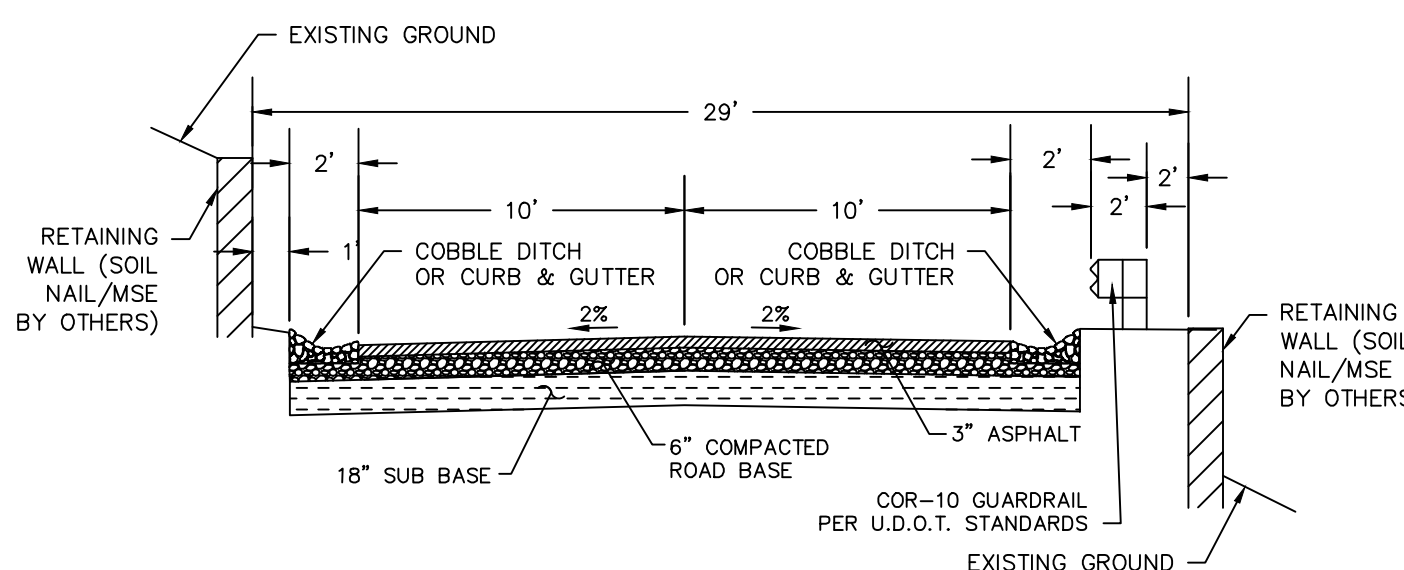
Attached:

- TFR Preliminary Plat
- Fort Canyon Alignment
- *(CONTINUED NEXT PAGE)*

- City Engineer Letter dated January 21, 2009 – TFR PRD – Exceptions
- City Engineer Letter dated January 21, 2009 – TFR PRD – Retaining Wall/Grading
Exceptions
- City Engineer Letter dated February 24, 2009 – TFR PRD Preliminary Review
- Developer’s Attorney Letter dated September 24, 2014 – Ilangeni Estates – Subdivision
Plat Amendment
- Alpine City Development Code, Section 4.7.4.3, “Stub Streets”

② SECONDARY ACCESS ROAD CROSS SECTION

PHASE	HATCH	PHASE	AREA	ROADS	AREA	LOTS	PRIVATE OPEN SPACE	TOTAL	AREA
		1	1.6 AC	12.2 AC	0	13.8 AC			
		2	2.5 AC	28.6 AC	0	31.1 AC			
		3	1.9 AC	17.6 AC	0	19.5 AC			
		4	2.6 AC	15.4 AC	82.3 AC	120.9 AC			
		5	5.0 AC	44.5 AC	4.7 AC	54.2 AC			
		6	3.3 AC	25.7 AC	0	29.0 AC			
		7	2.6 AC	22.8 AC	12.2 AC	37.6 AC			
		PHASE TOTALS	23.0 AC	168.1 AC	99.2 AC	306.1 AC			
		PUBLIC OPEN SPACE				395.8 AC			
		DEVELOPED OPEN SPACE				23.1 AC			
		PROJECT TOTAL				725.0 AC			



DATE	09-25-2014
SCALE	1"=400'
PROJECT NO.	8PVR010100

THREE FALLS RANCH
PRELIMINARY PLAT
(AMENDED AND EXTENDED ILANGENI ESTATES)
PREFERRED

PSOMAS
4170 South Riverboat Road Suite 200

4179 South Riverboat Road, Suite 200
Salt Lake City, Utah 84123
(801) 270-5777 (801) 270-5782 (FAX)

DESIGNED	KWM
DRAWN	ALN
CHECKED	LFM

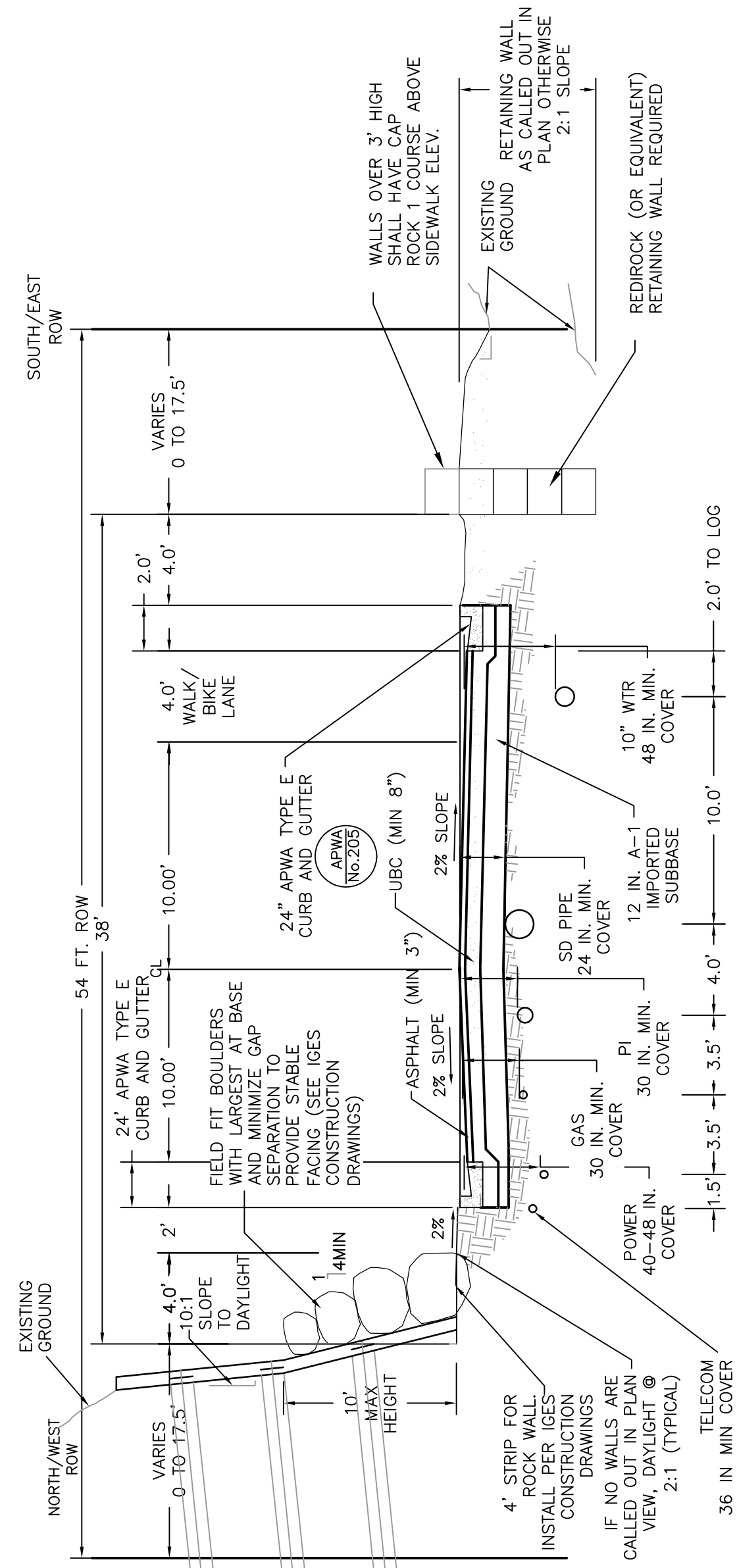
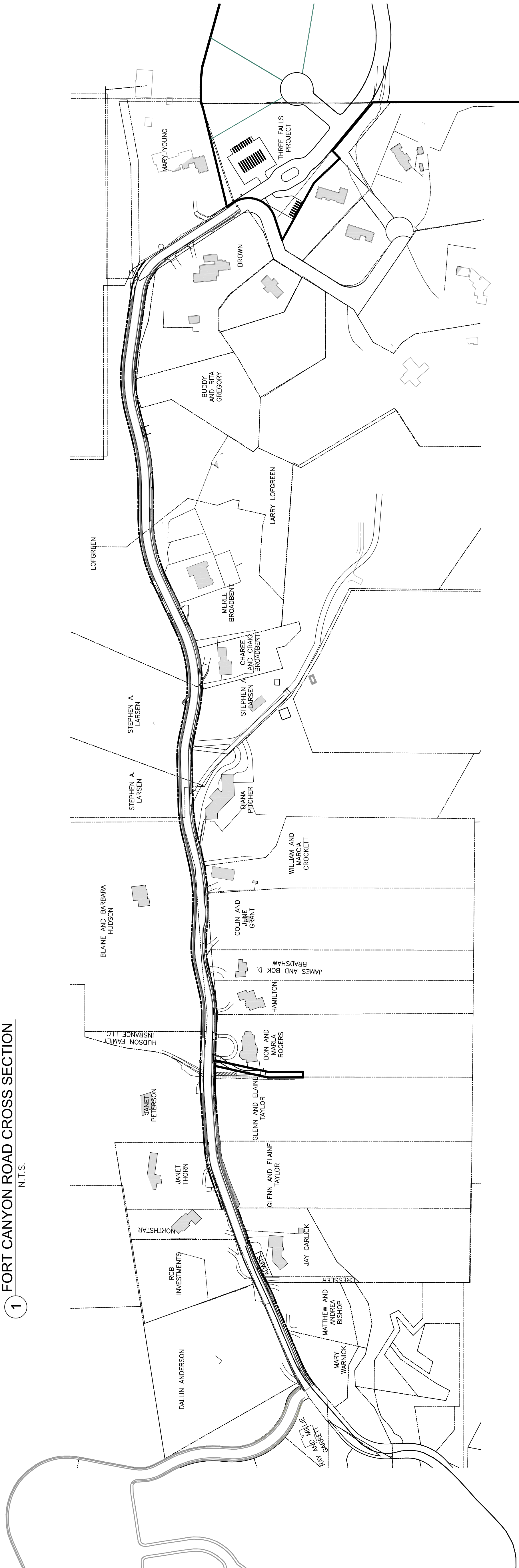
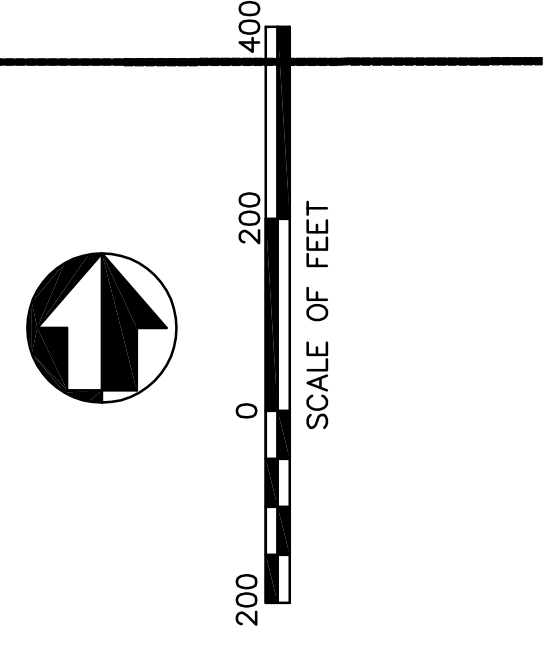
2
OF
3

DESIGNED	KWM
DRAWN	ALN
CHECKED	LFM

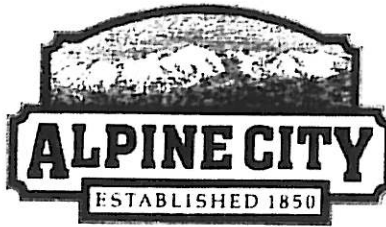
P S O M A S
4179 South Riverboat Road, Suite 200
Salt Lake City, Utah 84123
(801) 270-5777 (801) 270-5782 (FAX)

THREE FALLS RANCH
PRELIMINARY PLAT
FORT CANYON ROAD EXHIBIT

DATE	10/2/14
SCALE	
PROJECT NO.	8PVR010100



1 FORT CANYON ROAD CROSS SECTION
N.T.S.



January 21, 2009

Mayor Willoughby and City Council
Alpine City
20 North Main
Alpine, Utah 84004

Subject: Three Falls Ranch PRD – Exceptions

Dear Mayor Willoughby and City Council Members:

The Development Review Committee (DRC) has reviewed the proposed Three Falls Ranch PRD Subdivision preliminary plan submittal. Following is a list of exceptions which will need to be granted to allow the development to move forward. These exceptions have been presented to the Planning Commission.

- Sheet 4: Lot 9, The owner of this lot does not want to be a part of the Three Falls Ranch Subdivision, but wants the lot to remain as it is in the Ilangheni Estates Subdivision. If the lot has to be recorded as part of the Three Falls Ranch Subdivision, the issue is that there is more than the allowable percentage of 25 percent slope included in the lot. This item may or may not require an exception.
- Typically in PRD developments, all floodplain areas and creek channels have been included in the open space areas. However, the issue was before the Planning Commission on January 3, 2006, and a motion was made to allow the floodplain areas to be within the lots where necessary, but could not be included in the building envelope. The motion passed. A separate motion was made in the same meeting to remove flood areas from the rear of lots wherever possible. This motion also passed. These recommendations were taken to the City Council meeting on January 10, 2006, but the items were presented for information only. Since the City Council did not vote on the exceptions, they are still pending approval.

The development plan currently includes a 75-foot wide conservation easement on Fort Creek and a 25-foot wide conservation easement on the smaller channels that do not have constant flows, with portions of the floodplain remaining within some of the lots. The lots with the 75-foot wide conservation easement are as follows: 1, 2, 3, 4, 17, 18, 19, 24, 25, 26, 30, and 31. The lots with the 25-foot wide conservation easement are the following: 9, 10, 11, 12, 13, 20, 21, 22, 23, 54, 55, 56, and 57. The purpose of the conservation easement is to protect the channels and prevent alteration of them.

- The development code limits grades through intersections to 3% for 50 feet each way from the intersection. This proved difficult on several intersections throughout the development. Following is a list of intersections where exceptions have been requested that exceed the maximum allowable grade through the intersections:
 - Sheet 13: Proposes a 5% grade on Three Falls Way at Fawn Meadow.
 - Sheet 16: Proposes a 5% grade on Three Falls Way at the intersection of Summerfield Court and at Snow Meadow Drive/Mountain Park Drive.
 - Sheet 18: Proposes a 5% grade on Mountain Park Drive at the intersection with Three Falls Way.
 - Sheet 18: Proposes a 4% grade on Snow Meadow Drive at the intersection with Three Falls Way.
 - Sheet 35: Proposes a 5% grade on Snow Meadow Drive at the intersection with Sliding Rock Ridge.

C:\Engineering\Development\2008\Three Falls Ranch\Three Falls Ranch - Exception letter 1_21_09.doc

Alpine City Engineering
20 North Main · Alpine, Utah 84004
Phone/Fax: (801) 763-9862

- Sheets 30-32, 32A: On August 28, 2007, the City Council granted an exception to allow the secondary access to have 20-feet of pavement with curb and gutter on both sides. In addition, an exception was granted to allow 80-foot centerline radii.
- The cul-de-sac called Daybreak Way exceeds the 450 foot maximum length. The DRC recommended that an exception be granted for this cul-de-sac, and the Planning Commission recommended the exception be approved at their September 20, 2005, meeting. The City Council has not acted on this exception.
- The Hillside Protection Ordinance limits the height of structures in this area to 25 feet. Due to the location of the development not being visible from other parts of the City, the DRC and the Planning Commission have recommended that the structures be allowed to be up to 34 feet in height, as they are in other parts of the City.

Following are the recommendations of the DRC for each issue:

- **Lot 9:** We are awaiting a recommendation from David Church, City Attorney, on this issue. Our preliminary recommendation is that this lot be allowed to be withheld from the new development plat, since it is an existing lot in a recorded subdivision and it is our understanding that the property owner would like the lot to remain as is. Based on this recommendation, we do not believe that an exception will be necessary.
- **Floodplain areas within lots:** This is an item that we have previously addressed and a recommendation was given by the Planning Commission to allow the floodplain areas to be within lots where necessary but could not be included in building envelopes. The City Council will need to vote on this exception.
- **Grades through intersections:** The requirement of a maximum grade of 3% for 50 feet each way of the intersection has caused some problems with the mountainous terrain in this area. We have been working with the developer's engineer on this issue for some time. They submitted a drawing for Three Falls Way showing what including 3% grades through intersections would do to the design. The design was not desirable in this case. We discussed the issue at length and determined that if the intersections could be designed not to exceed 5% grades through the intersections, that we could recommend an exception to this requirement. The intersections have been designed with grades not exceeding 5%, therefore, we recommend that an exception be granted for the intersections outlined above as designed.
- **Secondary Access Design Parameters:** This issue has been before the City Council where they granted an exception to allow the secondary access to have 20-feet of pavement with curb and gutter on both sides. In addition, an exception was granted to allow 80-foot centerline radii.
- **Daybreak Way Cul-de-Sac:** We recommend that the exception be granted for the length of the cul-de-sac.
- **Height of Structures:** We recommend that the structures be allowed to be up to 34 feet in height, as they are in other parts of the City.

We feel that recommendation of these exceptions is based on sound engineering and planning principles and will not have a negative impact on the City.

Please call me if you have any questions.

Sincerely,
ALPINE CITY



Shane L. Sorensen, P.E.
City Engineer

cc: File

C:\Engineering\Development\2008\Three Falls Ranch\Three Falls Ranch - Exception letter 1_21_09.doc

Alpine City Engineering
20 North Main · Alpine, Utah 84004
Phone/Fax: (801) 763-9862

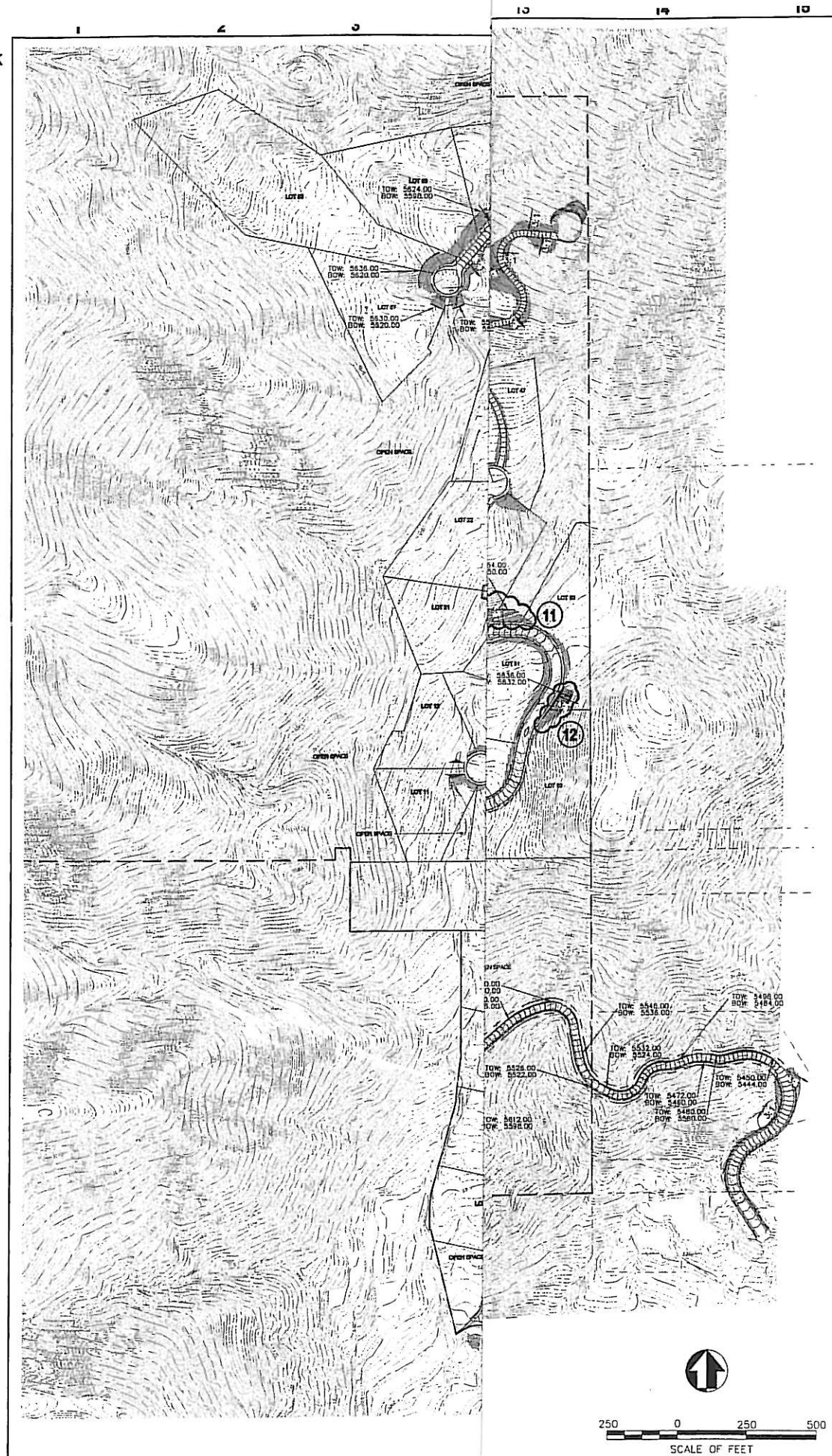
DATE	
SCALE	1"=250'
PROJECT NO.	8PVR010100

THREE FALLS RANCH
PRELIMINARY PLAT
PROPOSED GRADING AND/OR
SETBACK MODIFICATIONS

P S O M A S
4179 South Riverbent Road, Suite 200
Salt Lake City, Utah 84123
(801) 270-5777 (801) 270-5782 (FAX)

DESIGNED	
DRAWN	
CHECKED	

OF



3:1 GRADING LIMITS

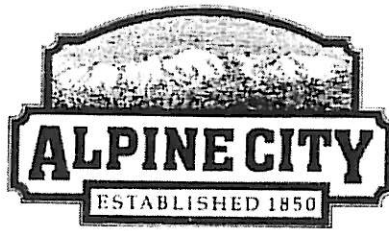
2:1 GRADING LIMITS

5420

PROPOSED WALL
TO BE ELIMINATED

4





January 21, 2009

Mayor Willoughby and City Council
Alpine City
20 North Main
Alpine, Utah 84004

Subject: Three Falls Ranch PRD – Retaining Wall/Grading Exceptions

Dear Mayor Willoughby and City Council Members:

The Three Falls Ranch development is progressing towards a preliminary approval. As the preliminary plans were presented to the Planning Commission at the January 6 and 20, 2009, Planning Commission meetings, we had a discussion concerning the grading and retaining walls. The City's cut/fill ordinance limits the area of disturbance for cuts and fills to a distance of 50 feet from the right-of-way line. In certain areas, retaining walls had to be used to prevent the cut or fill line from daylighting beyond the limit of disturbance. In reviewing the plans, it was evident that some retaining walls could be eliminated by allowing the grading to extend a distance beyond the limit of disturbance. The developer was asked to have his engineer review the plans and bring back a plan showing where some walls could be eliminated if extended grading was allowed.

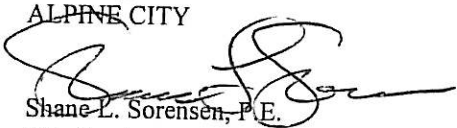
Attached is a drawing showing proposed grading modifications and what setback or slope would be required to grade these areas without the use of retaining walls. The Planning Commission recommended approval of the revised grading plan with the exception of number 3. The 140-foot setback that would be required for this one would encroach a significant distance on a lot. There was one additional change recommended near lot 27 that would eliminate a 2-foot high retaining wall by extending the grading a short distance beyond the limit of disturbance.

The thought behind this recommendation is that there would initially be some additional scarring of the hillsides, but with the 3H:1V slopes, revegetation should be able to be accomplished readily. The alternative is a retaining wall that would remain in place forever.

The developer is now seeking approval from the City Council for the revised grading plan.

Please call me if you have any questions.

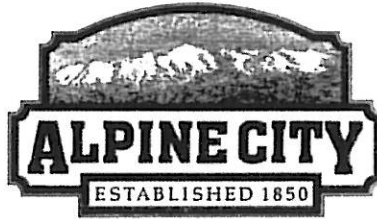
Sincerely,
ALPINE CITY


Shane L. Sorensen, P.E.
City Engineer

cc: File

F:\Three Falls Ranch- Retaining Wallls 1_21_09.doc

Alpine City Engineering
20 North Main · Alpine, Utah 84004
Phone/Fax: (801) 7639862



Date: February 24, 2009

By: Shane L. Sorensen, P.E.
City Engineer

Subject: **Three Falls Ranch PRD – Preliminary Review**
59 lots on 805.98 acres (this includes Lot 9 owned by Gary Young)

Background

The proposed Three Falls Ranch PRD Subdivision which consists of 59 lots on 805.98 acres, is located at the north end of Fort Canyon Road. There is an existing, recorded development called Ilangeni Estates which consists of 37 lots on 167.457 acres (according to the recorded plats), with an additional 512 acres being dedicated as common area (private open space). The plat was recorded in 1985, but due to financial problems, development of the property was never completed.

The development as proposed will require vacating the existing Ilangeni Estates plat. The property is currently zoned CE-5 and if re-platted would be required to be a planned residential development (PRD) since the parcels involved include areas designated as sensitive lands. In accordance with the PRD ordinance, a minimum of 50 percent of the property, or approximately 403.5 acres, will be required to be designated as common open space area. The proposed plan provides approximately 652 acres of dedicated open space. There is approximately 19.08 acres of the total open space area that is proposed as private open space.

PRD Requirements

A slope analysis has been previously performed for this development. It was determined that up to 59 lots could be developed if the maximum bonus density was allowed.

The Alpine City Development Code to allow lots in the CE-5 zone up to a maximum of 15% of the lot area to be over 25%, subject to an exception being recommended by the DRC and Planning Commission and approved by the City Council. An additional requirement is that the lots must be able to meet the standard ordinance of no more than 5% of the lot exceeding the 25% slope limit. The development engineer has analyzed the lots to determine the amount of each lot that is over 25% slope. Sheets 4-9 of the preliminary drawings show the percentage of

each lot that exceeds the 25% slope. It appears that the only lot that has an issue is lot 9, assuming that the Planning Commission is satisfied with the information that has been presented in the past concerning the layout of the lots. However, lot 9 will not be included in the redevelopment of the subdivision.

The developer has proposed a change from public to private open space for 0.93 acres of land north of lot 56. This is a change from what was approved with the concept plan. It is our understanding that the proposed change is to better protect an area that has several springs. In addition, the boundaries of this parcel have been designed to allow it to be a potential lot in the future, if one of the current lots has geologic issues that make it non-buildable. This change will need to be addressed. In return, there is a portion of the large piece of private open space that will be set aside as public open space for a future parking area for visitors of Sliding Rock.

Street System

The development plan includes maintaining the alignment of some of the existing roads, in addition to some additional streets that will accommodate frontage for the proposed arrangement of lots. The existing roads in the Ilangeni Estates area are surfaced with asphalt. All of the existing asphalt will be replaced. The proposed plan does provide for a different entrance to the subdivision, which is further west, than the access used by Ilangeni Estates.

Plan and profile sheets have been submitted for Fort Canyon Road. These plan sheets are not included in the preliminary plan submittal, but were submitted separately several months ago after working with City Staff in refining the design. We have reviewed the design and feel that it is the best fit for the circumstances, knowing that there will be some minor changes as right-of-way is acquired and construction begins. The anticipated cut and fill limits are shown on the drawings. The retaining wall design has been completed for walls along Fort Canyon Road. The majority of the retaining walls are on the cut side or west side of the road. It is approximately 4,680 feet or 0.89 miles from the intersection of Fort Canyon Road and Meadowlark Drive and the entrance to the Three Falls Ranch development. The proposed cross section is the rural street cross section, which consists of 26 feet of pavement, curb and gutter on each side of the street, and in this case a 5-foot wide sidewalk on the east side of the street. The sidewalk is shown as being adjacent to the curb. The developer is in the process of negotiating right-of-way for acquisition along the alignment.

Plan and profile sheets have been provided for the interior of the subdivision and the secondary access road. All of the streets within the cul-de-sacs will have 36 feet of pavement, with the exception of the cul-de-sacs which will have the standard 30 feet of pavement. The pavement widths have been presented to the Planning Commission at previous meetings. The reason for the additional six feet of pavement on the main streets is to accommodate bike lanes. There is a significant amount of retaining walls within the development to maintain the cuts and fills within the 50-foot clear zone, which is a requirement of the cut/fill ordinance. There are some areas that have been granted an exception to grade beyond the 50-foot clear zone, which will allow some retaining walls to be eliminated. These changes are reflected on the revised plans. The location

and the heights of the necessary retaining walls are shown on the plans, however the retaining wall design within the development is not fully complete. IGES, the consultant that has been hired by the developer to design the retaining walls, has completed a geotechnical study within the development. They have indicated that they do not see any areas of concern that would cause problems with the design of retaining walls. The developer has requested that we not require a full design of these retaining walls until he is confident that the layout and design of the streets is acceptable to the City. This could be a condition of preliminary approval.

One design issue that has been difficult to deal with in this area is the City's requirement of a maximum 3% grade for 50 feet each way from intersections. The intersections that had design issues have been previously presented to the Planning Commission and City Council for an exception. The City Council approved exceptions to the problem intersections at the February 10, 2009, City Council meeting. The intersections where exceptions were granted do not exceed 5% grades.

The secondary access road has been designed based on some criteria that were approved by the City Council, which included a 20-foot pavement width and a minimum 80-foot radius at centerline. Again, there are significant retaining walls that will be required along this alignment. The location and height of the walls is shown on the plans, however the full design of the walls is not complete. A portion of the secondary access road alignment goes through an annexation that is pending approval of the City. There will be geotechnical work required in this area prior to construction. It is our understanding that Utah County would not issue a permit for this work to be done.

The issue of where sidewalks will be required has been before the Planning Commission and the City Council. The City Council recently approved a design that would not require any sidewalks on cul-de-sacs. A 5-foot wide sidewalk will be required, on one side only and adjacent to the curb, on all streets except the cul-de-sacs and the secondary access road beyond the last lot.

The development code requires two working accesses for developments with more than 20 lots. The issue of when the secondary access would be required to be constructed was taken before the City Council. The City Council approved allowing development of the lots that are essentially west of the Sliding Rock area to be developed without a working second access. Any lots that are developed east of the Sliding Rock area will require completion of the secondary access road.

Sewer System

The City recently completed a sewer line extension up Fort Canyon that has been planned since 1997. The sewer system can now serve all properties in Fort Canyon. There is an existing 8-inch sewer line that is stubbed to the entrance of the Three Falls Ranch development. The development plans include extending this line throughout the development. There will be a second sewer main that will be extended to provide sewer service to lots 44-53. This will require an extension of the sewer system from the Alpine Cove subdivision, which is operated and maintained by Alpine City, along the alignment of the secondary access road. Due to the curved

design of the road, a curved alignment has been designed using HDPE pipe that will reduce the number of manholes required significantly. The only other alternative to this design is a lift station, which the Public Works Department is not in favor of.

The sewer lines at the end of the Fawn Meadow and Summerfield Court cul-de-sacs are fairly shallow. A note should be placed on the plat indicating this issue to potential lot buyers.

Culinary Water System

The majority of the proposed development is above the 5,350 foot elevation. Developments above the 5,350 foot elevation are required to meet the requirements of the Hillside Protection ordinance. This ordinance requires the developer to provide all additional infrastructure required to provide adequate water and pressure". City ordinances require a minimum of 40 psi to all homes.

In order to meet these requirements, a satellite water system, similar to the system in the Box Elder and Willow Canyon subdivisions, has been proposed. The system includes two 500,000 gallon water tanks, and two booster pump stations. The lower booster pump station would pump water from the Grove pressure zone in the City's current system, to fill the intermediate water tank. A second set of booster pumps would pump water from the intermediate tank to the upper tank. Three separate pressure reducing valves would create four pressure zones within the development. The system is designed to provide sufficient capacity for indoor water, irrigation for a maximum of 1 acre per lot, and fire protection. We believe that it will be the most cost effective to serve indoor and outdoor water to the lots from the culinary system. This system will require the existing culinary water line in Fort Canyon road to be replaced from Meadowlark Drive going north. The line currently ends approximately half way up the canyon.

Complete designs for the water tanks and booster pump stations have not been provided. We recommend that a schematic of the water system meet the requirements for this stage of the development, and that full plans and specifications be required prior to final approval and construction. This schematic is provided in the current plan set. It is our understanding that the Division of Drinking Water will also have to review and approve the plans.

It is our understanding that the location of the fire hydrants has been reviewed and approved by the Fire Chief. One area of concern was access and fire protection to lots 57-59. We have met with the developer and Fire Chief to discuss this area. The Fire Chief indicated that if turnaround area would be constructed where he needed them along the shared access driveway and if fire hydrants were required where he needed them in the area, that he could accept the plan.

Pressurized Irrigation System/Irrigation System

We anticipate that outdoor irrigation water will be provided through the culinary water system for this development. However, the developer is investigating potential water sources within the development to determine if there is sufficient supply to serve part of the lots through a

pressurized irrigation system.

The City owns rights to springs within the area of this development. The City will determine what measures will need to be taken to develop these springs as the development progresses.

There is an existing open irrigation ditch that diverts water from Fort Creek and serves two shareholders in the Alpine Irrigation Company. The Alpine City development code requires that all open ditches be piped. A design has been provided for piping the ditch. An easement will be required along the alignment.

Storm Water Drainage System

A storm water drainage system has been designed throughout the development. The system includes a collection system and some detention basins. The water will drain through the system and then into the various channels throughout the development.

General Subdivision Remarks

There is a pending annexation that needs to be finalized prior to final approval of any phase of this development.

Driveway access to lots 57-59 appears to be difficult. A plan has been proposed for access to the lots.

A landscape plan has been submitted for some of the trailhead areas within the development. In addition, a trail plan has been provided. These plans need to be reviewed by the Planning Commission.

There are some redlines on the plans that need to be addressed.

A storm water pollution prevention plan has been provided. A more detailed plan will be required with each phase of the development. A UPDES permit will be required prior to beginning any construction.

Geologic Hazards Evaluation

A geologic hazards evaluation has been performed for this development area. Included in the evaluation were excavation and logging of seven exploratory trenches, in addition to reviewing other published geologic maps and reports for the area. Following is a quote from the Geologic Hazards Evaluation Report executive summary:

Due to the large scale of the development, geologic hazards potentially impact every lot at the site, including earthquake ground shaking, surface fault rupture, liquefaction, tectonic subsidence, stream flooding, debris flows, shallow ground-water, landslides, and rock fall. To

reduce the risk from these hazards, the report recommends constructing homes to current seismic standards to reduce the potential ground-shaking hazard; locating no structures designed for occupancy within the fault setback zone; evaluation of and recommendations regarding debris flows and stream flooding in the civil engineering design for the development; and conducting a design-level geotechnical engineering study prior to construction for addressing soil conditions, shallow ground water, and slope stability hazards. Data regarding expected debris flow volumes is provided for use in the civil engineering design.

The Geologic Hazards Evaluation Report appears to have been prepared in a very professional manner. The authors outlined the hazards for the area and proposed mitigation measures. Following is a summary of the information. Figure 4 of the report also indicates low and high hazard potential by lot for each of the identified hazards.

Geologic Hazard	Proposed Mitigation
Earthquake ground shaking	Design and construction of homes in accordance with appropriate building codes.
Surface fault rupture	Minimum setbacks from faults for occupied structures as determined by the fault setback formula, with a minimum setback of 15 feet.
Liquefaction and lateral-spread ground failure	Address in geotechnical engineering evaluation during the subdivision approval process.
Tectonic deformation	No mitigation measure stated. High hazard for several lots.
Seismic Seiche and Storm Surge	No mitigation measure stated. However, it is considered a low hazard for all lots.
Stream Flooding	Site hydrology and runoff should be addressed by the civil engineering design for the development.
Shallow ground water	Address in geotechnical engineering evaluation during the subdivision approval process.
Landslide and slope failures	Address in geotechnical engineering evaluation during the subdivision approval process.
Debris flows	Address in geotechnical engineering evaluation during the subdivision approval process. PSOMAS has prepared a map identifying debris flow risk for each lot.
Rock fall	Deflection berms or ditches may be effective and should be considered to protect lots in high hazard areas. However, lot owner and developer should be willing to accept the risk from

	rock falls as an inherent hazard.
Snow avalanche	Lot owner and developer should be willing to accept the risk from snow avalanches as an inherent hazard.
Radon	Moderate hazard rating. Indoor testing following construction is the best method to characterize the radon hazard and determine if mitigation measures are required.
Swelling and collapsible soils	Address in geotechnical engineering evaluation during the subdivision approval process to address soil conditions and provide specific recommendations for site grading, subgrade preparation, and footing and foundation design.
Volcanic eruption	No hazard.

Also see 8.0 Conclusions and Recommendations on page 22 of the Geologic Hazards Evaluation.

The geologic hazards for this site have been identified. Based on the recommendations of the geologists, some additional studies were recommended to finalize the development plans. Since the time that the Geologic Hazards Evaluation was performed, a supplemental surface fault rupture hazard study and landslide investigation has been completed. In addition, a geotechnical investigation was completed for roadway cut slopes and fill embankment stability analyses.

When the Planning Commission recommended approval of the concept plan, there was condition that required all lots to have a lot specific study for hazards for each lot prior to final approval. We anticipate that these lot specific studies will indentify more specifically any hazard issues associated with each lot.

RECOMMENDATIONS

We recommend preliminary approval of the proposed development subject to the following conditions:

- **The proposal of the additional 0.93 acres of private open space be approved by the Planning Commission.**
- **The design of the retaining walls within the development be completed. The City's independent consultant will need to review and approve the design.**
- **The necessary geotechnical studies be completed on the secondary access road prior to final approval.**
- **Cross sections be provided for the secondary access and other areas where there are significant retaining walls.**
- **A note be placed on the final plat indicating the shallow depth of the sewer line at the end of the Fawn Meadow and Summerfield Court cul-de-sacs.**

- **Full design of all components of the water system be provided, reviewed and approved prior to final plat approval.**
- **The annexation be finalized.**
- **The landscape and trail plans be approved.**
- **The redlines be corrected.**
- **Detailed stormwater pollution prevention plans be submitted for each phase of the development.**
- **A UPDES permit be obtained prior to construction.**
- **A lot specific study for hazards be completed for each lot prior to final approval.**

DRAFT
PRIVILEGED AND CONFIDENTIAL

BRUCE R. BAIRD P.C.

ATTORNEY AND COUNSELOR
2150 SOUTH 1300 EAST, FIFTH FLOOR
SALT LAKE CITY, UTAH 84106
TELEPHONE (801) 328-1400
BBAIRD@DIFFICULTDIRT.COM

September 24, 2014

VIA EMAIL ONLY

Mr. Will Jones
Pine Valley Realty

Re: Ilangeni Estates – Subdivision Plat Amendment

Dear Will:

You have asked me for a legal opinion on a very narrow question: Can an amendment to a previously recorded subdivision plat add property to the plat or, instead, is there a requirement to process and record a completely new plat. I have researched the Land Use, Development, and Management Act (“LUDMA”), Sections 10-9a-101, *et seq.*, specifically sections 601 – 609 dealing directly with subdivisions and amendments (much of which I have helped re-write over the years as a part of the Land Use Task Force) and, also, Chapter 4 of the Alpine City Development Code as found on the City’s website specifically including Section 4.6.3.15 dealing with “Resubdivision Procedure”. I have also kept in mind *Brown v. Sandy City Board of Adjustment*, 957, 207 (Utah App. 1998) and *Patterson v. Utah County Board of Adjustment*, 893 P. 2d 602 (Utah Ct. App. 1995) both articulating the strong, and constitutionally-based presumption in favor of a private party’s rights to develop their land free from government interference unless clearly and specifically discussed by properly enacted legislation.

I find nothing in either LUDMA or the Alpine City Code that prohibits the addition of land to a previously recorded subdivision plat nor any requirement that any such addition of land is required to go through all of the requirements for a new plat. I believe that is especially true where, as here, no development is being contemplated on the added land. It seems pointless to me to require a new subdivision application in this situation as all legitimate interests of Alpine City are being addressed by the “resubdivision”. I understand that the City’s attorney has a similar opinion and, of course, the City’s interpretation of its own Code is entitled to deference in that regard.

If you have any questions please feel free to call me.

Sincerely,

A handwritten signature in black ink, consisting of a stylized 'B' followed by a horizontal line.

Bruce R. Baird

ALPINE CITY DEVELOPMENT CODE SECTION 4.7.4.3 – STUB STREETS

3. Stub Streets (Amended by Ord. 96-08, 5/28/96; Amended by Ord. 2013-01, 1/15/13) Shall be required to provide adequate circulation -- Temporary turnaround required in certain instances--Subsequent development of adjacent property to incorporate.
- (1) In order to facilitate the development of an adequate and convenient circulation system within the City, and to provide access for the logical development of adjacent vacant properties, the City shall, as a condition of approval, require the subdivision plan to include one or more temporary dead end streets (stub streets) which extend to the boundary of the parcel, and dedicate the right-of-way to the property line to the City to insure that adjacent properties are not landlocked.
- (2) All such stub streets shall be fully developed with full City street and utility improvements to the boundary of the subdivision unless it can be shown by the applicant for the subdivision that the need for a fully improved street does not have an essential link to a legitimate government interest or that the requirement to fully improve the stub street is not roughly proportionate, both in nature and extent to the impact of the proposed subdivision on the City.
- (3) Factors to be considered in determining whether or not the requirement to install a fully improved street is considered proportionate may include but not be limited to:
- The estimated cost to improve the stub street;
 - Whether or not the stub street will be essential to provide reasonable access to the undeveloped parcel;
 - The number of lots in the proposed subdivision that will be accessed from the improved stub street;
 - The estimated number of lots that can be developed in the future on the adjacent undeveloped parcel through use of the stub street.

After receiving a recommendation by the Planning Commission, if the City Council determines that the stub street need not be fully developed either because it does not further a legitimate government interest or that the requirement is disproportionate to the impact of the proposed subdivision on the City, then only the right-of-way for the stub street shall be dedicated to the City and the requirement to improve the stub street shall be placed on the undeveloped adjacent parcel as a condition of the development if the adjacent property is ever developed.

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Business Commercial Zone Boundaries

FOR CONSIDERATION ON: 21 October 2014

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Provide direction and prepare for a public hearing

BACKGROUND INFORMATION:

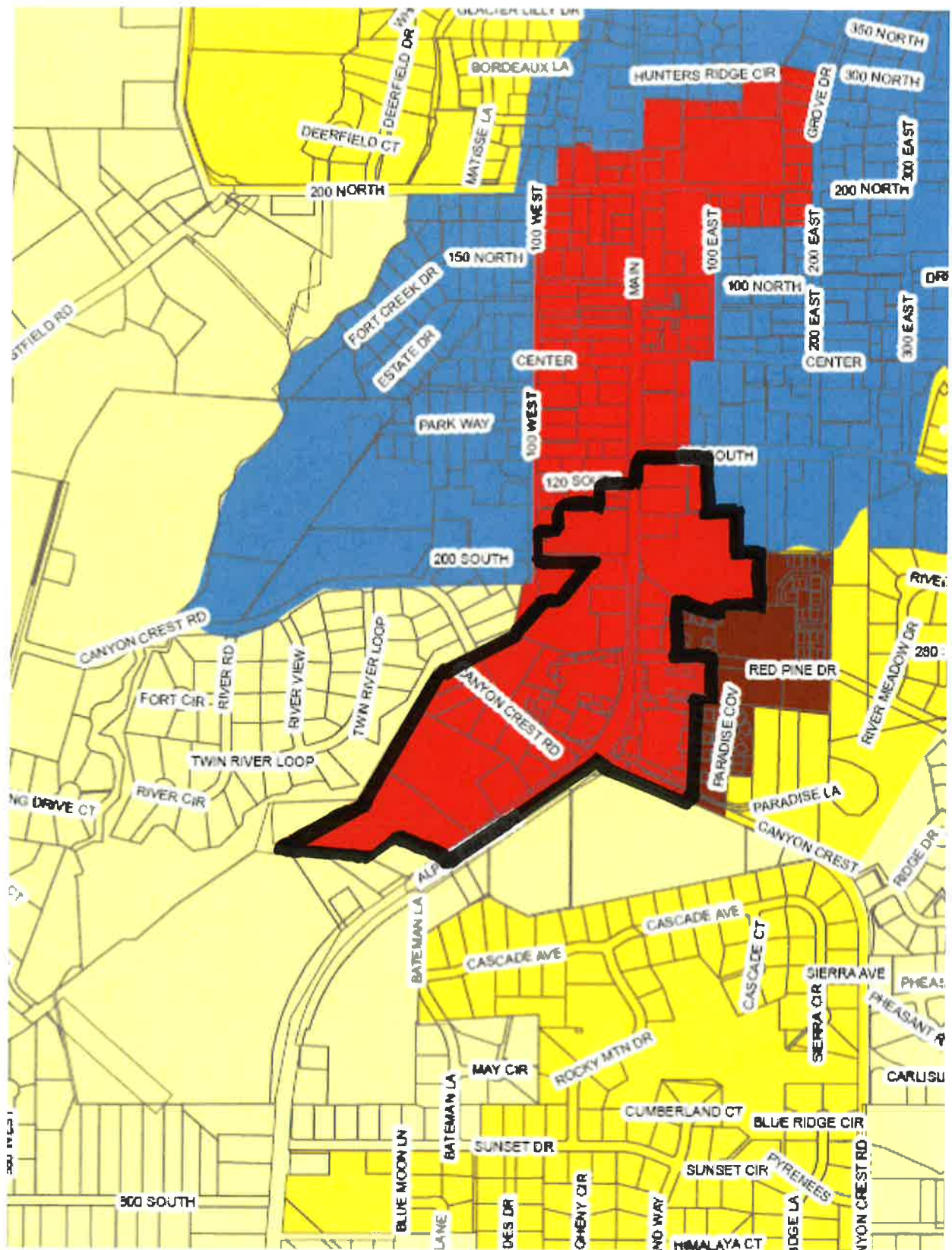
It has been brought up in previous meetings that the current Business Commercial (BC) zone boundaries are not realistic and should be reconsidered. Attached is a proposed amendment to the zone boundaries that was prepared by staff. The area within the black lines is proposed to remain BC and the red area outside of that line is proposed to be rezoned TR-10,000 (blue). Any business commercial activities in the rezoned area would be grandfathered and will be able to continue operating the way it does currently.

This defined boundary reflects a smaller BC area that will hopefully not just be zoned business/commercial, but is actively encouraged to be commercial in its use. A sales tax leakage study is currently being done that will help Alpine City better understand what types of commercial activities will work in this area. The results of this study will be presented within the next month.

Staff suggests readdressing the regulations within the BC zone and amend the ordinance as necessary. Staff would also suggest continuing to plan for what would be the best zoning designation for the property that has frontage on Alpine Highway south of the roundabout. It would not be wise to rezone this area until there is a much clearer vision or an actual proposed plan.

RECOMMENDED ACTION:

Discuss the boundaries of the Business Commercial zone and provide direction to staff in preparation for a public hearing at the November 4th Planning Commission meeting.



**ALPINE CITY PLANNING COMMISSION MEETING at
Alpine City Hall, 20 North Main, Alpine, Utah
Oct 07, 2014**

I. GENERAL BUSINESS

A. Welcome and Roll Call: The meeting was called to order at 7:05pm by Chairman Jason Thelin. The following commission members were present and constituted a quorum.

Chairman: Jason Thelin

Commission Members: Bryce Higbee, David Fotheringham, Jason Thelin, Chuck Castleton, Steve Swanson, Judi Pickell

Commission Members Not Present: Steve Cospers

Staff: Jason Bond, Marla Fox, Jed Muhlestein, Shane Sorensen, David Church

Others: Will Jones, Roger Bennett, Annette Scott, Mary Jo Matthews, Kevin Matthews, Scott Blackburn, Maxine Blackburn, JaNae Parker, Bruce Parker, Darwin Beck, Martha Beck, Aaron Russ

B. Prayer/Opening Comments: Chuck Castleton

The Planning Commission welcomes David Fotheringham as the newest member.

II. PUBLIC COMMENT

Will Jones said he would like the Planning Commission to give some input on street parking. He said we are getting complaints on this all over town and it needs to be addressed. Jason Thelin said residents are parking trailers and other recreational vehicles on the street for long periods as well. David Church said this is a traffic issue in the Municipal Code. It states that a car can't be parked longer than 48 hours. The Planning Commission said they would like to see this code enforced. Bryce Higbee suggested talking to neighbors and asking them to move their vehicles. He said we should send a notice out in the newsletter reminding residents that this will be enforced. Judi Pickell asked what the process was. Jason Bond said he sends a letter and if the vehicle is not removed, he calls the police and asks them to go out and take care of the issue. Jason Bond said this applies to construction vehicles as well and they should know the rules.

III. ACTION ITEMS

A. Olde Moyle Mound Final Plat B

The proposed Olde Moyle Mound Plat B subdivision consists of 3 lots on 1.92 acres. This is phase 2 of the Olde Moyle Mound subdivision which improvements have been built, bonded, and approved. The developer is requesting to record the next phase of the development which requires no construction as all the infrastructure exists. The 3 lots range in size from 20,070 to 20,150 square feet. The lots are located on the north side of Quail Ridge. There are two remaining lots in the development which will be part of the final phase to record when the developer is ready. The proposed development is an approved PRD in the CR-40,000 zone.

Jed Muhlestein said this is a subdivision that has already been approved and built and all of the infrastructure is there. The developer has decided to record the phasing of lots. There are already three or four lots developed and recorded and this is phase two where the developer is recording three more lots in the overall development. He said because this is a PRD, we have to make sure the open space is correct and it is. Jed Muhlestein said the developer has provided 27 percent open space when 25 percent was required. He said these lots all meet the square footage and frontage requirements.

Steve Swanson said we are to preserve open space to meet the recreational, scenic and public service needs. He said he didn't think this PRD fit the needs of the city. He said we need to address PRDs in the future and not just approve them Helter Skelter. Jason Bond said it is at the city's sole discretion if they want a PRD. Jason Bond said private versus public open space needs to be discussed and it is on his list of things to do in an upcoming meeting.

Jed Muhlestein said the redlines have been addressed and the water policy still needs to be met. He said that is something Charmayne Warnock checks before it is recorded.

MOTION: Bryce Higbee moved to recommend final approval of the proposed Olde Moyle Mound Final Plat B with the following condition:

1. Water policy be met.

Judi Pickell seconded the motion. The motion passed with 6 Ayes and 0 Nays. Bryce Higbee, David Fotheringham, Jason Thelin, Chuck Castleton, Steve Swanson and Judi Pickell all voted Aye.

B. Ilangeni Estates Plat A Amendment

Jason Bond said this is an ongoing, recorded and approved development but the developer is here for an amendment on the plat and proceed forward with a new plan.

The proposed Three Falls Ranch development consists of 54 lots on 725 acres. The lots range in size from 1.37 to 6.96 acres. The development is located at the north end of Fort Canyon in the CE-5 zone. This proposal is to amend the existing Ilangeni Estates plat with the submitted Three Falls Ranch preliminary plat. The developer wishes to phase the project and obtain Final Approval for each phase of construction with its associated plat as they progress.

The first phase would include 5 lots, improvements to Fort Canyon Road, a water tank, infrastructure to support the development, and 2.5 acres of developed open space which includes a parking area and trailhead.

Development of this property has been in the works since 1984. Much work and effort from both the developer and the City has taken place over the years. From recent discussions, there are three remaining obstacles to overcome, which are:

1. Fort Canyon Road Improvements.
2. The Beck properties and whether or not they should be part of the development.
3. What to do with Sliding Rock

David Church said this subdivision has been a problem for a long time and needs to be resolved. He said in 1984, the City, at the request of the land owners, who are no longer involved with this property, petitioned the City to annex this property and do a development called Ilangeni Estates. He said it went through a fairly long process with a lot of public involvement and eventually it ended up with approval of a plat which was recorded. The City at that time had very similar subdivision ordinances to what they have now and a letter of credit was posted with the City with Citizens Bank to ensure the completion of the improvements.

David Church said the plat had 37 lots at that time and all the open space was platted as private open space to be held in common by the lot owners. Soon after it was platted, the economy crashed and the original developers ran into difficult times and went bankrupt. This happened after the plat was filed and after some significant work was done on the road. He said there are water lines in the ground, there's the start of a water system. Unfortunately for the City, at that time, Citizen's Bank went under and the letter of credit was no good and there was no guarantee left when the developers went broke. This left the City with no money to make the improvements that were needed. This property went into a long history of bankruptcy which the City was involved. There are stacks and stacks of legal filings with claims made in bankruptcy court, claims made with the FDIC about the letter of credit. In the end, there was nobody left to develop the subdivision and no pot of money for the City to finish the subdivision. After it all went through the bankruptcy process, banks foreclosed, and people began to buy at auction, we ended up with a whole new set of property owners. So instead of starting with one, we end up with a bunch of people who consider themselves not the original developers or purchasers of this property.

David Church said there are now eleven property owners who have approached the City, and did approach the City almost fourteen years ago and asked what they could do about the property. David Church said at the time, people who had bought a lot were calling saying the City had to give them a building permit and the City said no. The City met with some lawyers and gave the owners three choices. He told the people the City was not issuing building permits on those lots. He said there's no water system, there's no sewer system, and there's an inadequate road

1 system. He said the choice was they could vacate the plat and start over under our current ordinances. Or, he said
2 the City will recognize what we've done and you can complete the plat and continue just the way we approved it.
3 Or, there's a middle ground which is to attempt to amend the plat if you think it will be more palatable to you.
4

5 David Church said in 1997, the property owners were not all together. He said there were too many issues and no
6 one could come forward with a plan. The City refused to give any building permits because there was no road
7 system and no water system. He said what was left undone in 1985 and 1986 is they built part of the road but the
8 road never connected to the public road in Fort Canyon. He said there was a gap in the road because of a piece of
9 property owned by the Broadbent family. The Broadbent's were in a fight with the developers and the City signed
10 some contracts that said the developers needed to work together to develop the road. The owners of the property
11 where the proposed road was to go through, has changed hands several times and now has buildings on it and there
12 is no way to connect the two sections of public road the way it was originally platted. He said we ended with a
13 public right of way up Fort Canyon ending well short of the public right of way of Ilangeni Estates.
14

15 David Church said some fourteen years ago the owners got together and came to the City and said it won't pay for
16 us to build Ilangeni Estates. They said they will not vacate the plat because they didn't trust the City to approve a
17 development under the existing ordinances. They also said they did not believe under the existing ordinances the
18 City will approve a development because there is only one way in and one way out. The current ordinance will
19 require a second access road and there were also density issues with vacating, would they get a PRD approval,
20 would they get their private open space and who would improve Fort Canyon Road to get to the plat and at what
21 level.
22

23 David Church said at that time he told the developers that the City would run them through a process to see if they
24 could come to an agreement with an amended plat and with what would be acceptable to the City and acceptable to
25 the developers. David Church said it has taken ten years of going through the Planning Commission and the City
26 Council to come up with an acceptable plan to make this subdivision go through. David Church said the City
27 requires the developers to do the geological and hazardous studies as if it were a new development, the City required
28 the developers to design the road up Fort Canyon, and they were required to acquire the right of way necessary.
29 David Church said the developers had to come up with a solution for a second exit. He said at the end of ten years
30 we have come close to an agreement.
31

32 David Church said what the City thought was an agreement among all the parties blew up because the City was
33 assuming that the Beck interest, which is a private piece of property not included in the original Ilangeni Estates,
34 was cooperating with these developers and the plat that was being amended was going to include the Beck property.
35 He said that in 1985, the developers landlocked the Beck property and it was dispute back then. The Beck family
36 came to the City and said they wanted a road, the old developers said the Beck's had no right to access from their
37 property because they had another right of access from an old road. In 1985, Ilangeni Estates was allowed to be
38 platted without granting access to the Beck property.
39

40 David Church said as part of this ten year process, he urged the developers to resolve the access issue. He said the
41 City thought it was going to be resolved with them cooperating. At the end of that process, it turned out that they
42 were not in agreement and the Beck interest said the developers could not include their property in the plat. The
43 appeals and legal processes started and then the economy collapsed and the land owners backed off and said this no
44 longer works for us. Another issue was the cost of the offsite road which was required. The bid amount was very
45 high and the property owners said considering the dispute with the Beck's they decided to not spend the money and
46 back off.
47

48 David Church said the developers are back again without the Beck's, and with the eleven owners of Ilangeni
49 Estates. They have approached the City with a petition to amend the plat. David Church said the developers have a
50 proposed amendment that is very similar to what the City was close to agreeing to before with a couple of changes
51 to that. They would like to make it a PRD. The developers said they understand that amending the plat is in large
52 part discretionary with the City and the decision making body on amending the plat is the City Council, but they
53 need a recommendation from the Planning Commission. The developers said they will resolve some of the issues the
54 City has with Ilangeni Estates, they will give the City some money to improve Fort Canyon Road, they will resolve
55 the issue as to how to connect the existing Fort Canyon Road to the existing Ilangeni Estates road. They said they
56 will not provide the City with a full road to exit the property, but they will improve the access to Fort Canyon by

1 creating an emergency access road. The developers indicated that they would resolve an ongoing political issue by
2 dedicating to the City a significant amount of the open space that was all going to be private. In exchange for
3 resolving all of those issues, they would like the City to amend the plat to give them the lots that they think they
4 could get if they filed under our current PRD. The developers think they have filed an amendment that complies
5 with the current ordinance.

6
7 As to the Beck issue, the developers said they will improve the situation but not resolve it. The developers said they
8 would provide a right of way corridor where the Beck interest could build their own road to get to their property so
9 they won't be land locked, but they refuse to build a road for them. If the Becks want to have a road, water and
10 sewer, they will have build it and pay for it themselves.

11
12 David Church said the City is being sued for not providing this access and the lot owners have a cross suit saying
13 that it's a takings claim. In the past the City has been threatened with a claim saying that owners have a right to
14 build in Hangeri but without any input of money to improve Fort Canyon Road. They said Fort Canyon is the
15 City's problem and not their problem and the City needs to fix it. David Church said he sees the benefit of getting
16 money out of the developers for Fort Canyon Road. He also said it was a benefit for the city to get an emergency fire
17 access out of Fort Canyon even though it is not a full road.

18
19 David Church said the City has to pick a side on the Beck issue and make a decision in order for this issue to be
20 resolved. He said the City has to say they will approve the amended plat with the preserved right of way, or yes, we
21 will approve the amended plat but only if you build a full blown road for the Beck property. He said once this
22 decision is made, the other side will have the right to appeal that decision and take it to District Court. He said there
23 is no way the City can resolve this issue if the two parties can't resolve it between the two of them. He said the City
24 has to pick a side; there is no compromise; there will be a winner in this.

25
26 David Church said the City needs to come to an agreement with the developers as to how many lots meet the PRD
27 ordinance, configuration of lots that the City thinks meets the current PRD ordinance knowing that the developers
28 are not asking the City to apply the PRD ordinance, the developers are just asking to amend their existing plat.
29 David Church said he did not think there was a resolution where this old plat is vacated and we start over because
30 the developers will not take the risk of giving up their vested rights to the current lots guessing what the City will do
31 with a new application. He said the developers think they are starting from an approved plat, with an argument over
32 who has to pay for the water system and who has to pay to build the road system because they think it is the City's
33 fault that the water and road are not there. The City is taking the position that this new group is the successor to the
34 developer and the City has no obligation to do it and if the City does have an obligation to do it, it's only to do it in
35 our own good time. David Church said the City is not ready to build the Fort Canyon Road and the water system
36 yet. He said if the developers want to wait until the City is ready, they can.

37
38 David Church said the developers said they will build the water system and will give the city some money to build
39 the offsite road because they don't want to be in the road building business. The developers would like more lots
40 and they are willing to throw in more open space that the public seems to want. David Church said this issue is on a
41 tight timeline because it has to have a public hearing within 45 days and two weeks have already passed. This is the
42 reason they are petitioning for an amendment instead of just saying put us through the process again for another five
43 or six years.

44
45 Steve Swanson asked about the requirements for the Fort Canyon Road. David Church said our current standard
46 road design would cost in excess of six million dollars. And Will Jones said that is just for the road and not for the
47 retaining walls. David Church said the developers are offering 1.5 million dollars for this project. They have already
48 acquired the right of way and dedicated this property to the City for the road. They want the City to make decisions
49 about the road, the retaining walls and the sidewalks.

50
51 Jason Thelin said this debate has already taken place and he said he thought we had agreed on it. David Church said
52 the Beck people appealed this decision and filed a claim in District Court challenging that decision. The Three Falls
53 developers said the road is going to cost too and the economy went bad and both parties pulled out because attorney
54 fees were too high and a decision wasn't made.

1 David Church said the principles in Three Falls have changed. They said the Fort Canyon Road is not on their
2 property. It is an existing, offsite public road that is already there and said this is an exaction because we can't
3 require from them more than we would any other developer.

4
5 David Church said the law on exactions is the City can take sufficient land and money of what their burden is by
6 their development. It has to be proportionate to their burden of the development. David Church said he will guess
7 that the developer's lawyer will say that Fort Canyon Road as it sits is a deficient road and whether they develop or
8 not, it is a substandard road which does not meet the City's current codes. The developer's putting 57 homes up
9 there does not change that fact and the burden these homes would put on the road already exists because it is an
10 existing deficiency.

11
12 David Church said the City's response will be that the developer is adding more traffic and adding more houses and
13 there will be an additional burden placed on this road by the addition of 57 houses and the developers will need to
14 help pay their portion to fix the road. The developers will say that they are not responsible to repair 100% of the
15 road but they will pay their portion and they feel that amount is 1.5 million dollars. The Planning Commission said
16 the building of 57 homes will make the road more deficient than is currently is. Will Jones said the bid to repair the
17 road was three million and they are prepared to pay half of that and the City can pay the other half or build less than
18 the City standard.

19
20 Judi Pickell asked about the Beck property and the stub street to their property. David Church said the ordinance
21 was changed after all of this came about with Three Falls. David Church said the City needs to decide the level of
22 improvements to Fort Canyon Road. What other options are there other than the full width 20 foot road with
23 retaining walls. He said any improvement will be a plus, and the City needs to get with the engineer and see what
24 can be done. He said this in an opportunity to finally resolve this.

25
26 Bryce Higbee asked about the emergency secondary access. David Church said the route was decided, the
27 connection was made, and the engineering studies were done, but has not been approved. Will Jones said there are
28 about three spots that need some grading. Bryce Higbee asked about the private open space and wanted to know
29 why it wasn't public open space.

30
31 Will Jones said some of the trails come close to the backs of some of the homes and it is on a hill and easy to look
32 down into backyards. He said the plan was to keep the public away from private homes. Will Jones said they will
33 put in a fence to define the open space from the private areas. David Church said this is something he asked for to
34 provide a definite line so everyone knows what belongs to the lot owners and where the public can go.

35
36 Will Jones said over 400 people came to Sliding Rock on Labor Day. He said they are providing a parking lot but
37 not for 400 people. He said they do not want this amenity and is not sure what to do with it. He said they had 7
38 accidents last year and 5 this year with 2 life flighted. He said the development does not want that liability and will
39 not take it. The Planning Commission said those who come onto the property are trespassing. David Church said
40 the City would have to be very careful and put up signs and make this a walk in site and not a drive in site. No
41 parking, picnic tables or anything to encourage people to come.

42
43 Bryce Higbee said this would be just like the American Fork River because it is a natural feature. People go there at
44 their own risk. Will Jones said people are already parking all over the streets up there to go to Sliding Rock and the
45 Police are constantly being called even though there are no parking signs all up Fort Canyon Road.

46
47 Judi Pickell asked Will Jones how the road connection from Fort Canyon to their subdivision was going to be
48 resolved. Will Jones said they have purchased an easement right away of 54 feet all the way up Fort Canyon Road
49 for 1 million dollars. He said his proposal to the City is curb and gutter on each side of the road, 10 foot of travel
50 lanes, one in each direction, and a four foot walkway. He said there would also be minimal retaining walls by
51 Broadbent's and Hudson's on both sides. This is what he is will to pay for and he said if the City wants more
52 improvements then they will need to come up with the additional money for the improvements. Will Jones said there
53 are 320 acres in Draper City that does not touch the easement.

54
55 Jason Thelin said we have already seen and approved this 4 years ago and he said it seems like the developer is
56 bring it back now and a benefit to them because they can spend less.

1 Will Jones said they have spent over a million dollars for an easement and they spent money to acquire land for a
 2 second access at their expense and it will be a benefit for the whole city and not just for them. He said they have
 3 done soil tests and earthquake and fault line studies as well. The amendment is also because they are reducing the
 4 number of homes because the Beck family pulled out.

6 Judi Pickell said we changed our ordinance for PRD so the lot lines could be better. She wanted to know if the new
 7 ordinance would apply to these lots to improve the irregular lot lines. Will Jones said the new ordinance has not
 8 been used on these lots. Judi Pickell asked if lots were going through the stream conservation area. Will Jones said
 9 they are not running through the stream conservation area, but run next to the conservation easement with 12 feet on
 10 each side. Jason Thelin said he had a problem with no sidewalks being built. Will Jones said they want to provide a
 11 way for the snowplow to get through. He said they do not need a sidewalk right now because there are no homes
 12 there. He also said any widening of the road will create retaining walls and raising of the road. He said the
 13 developers are improving the city by over 2 million dollars when they feel like that is not fully their responsibility.

15 David Church said there were two main issues raised by the attorneys and one was the lack of providing the access
 16 to the Beck property and the other one was a question of can an amended plat add property to the plat. It's clear that
 17 people can amend plats to add lots. The question is could you add property that wasn't originally in the plat. David
 18 Church said the developers could build Ilangeni right now today because it has been approved and if there was water
 19 and sewer, and the road connected in Fort Canyon, we could not tell an individual lot owner they could not have a
 20 building permit.

22 Jason Bond said the Planning Commission is recommending Preliminary approval to the City Council. He said the
 23 Planning Commission can discuss the Public and Private open space. David Church said the City Council has to
 24 hold a Public Hearing within 45 days from submittal which was about 2 weeks ago. Will Jones said there is less
 25 private open space in this proposal than there was in the last proposal. Jason Thelin said he has a problem with the
 26 developer knocking millions off from previous agreements of sidewalks and a wider road. Will Jones said they are
 27 happy to listen to any better plans and willing to take a look at it. He said they are not trying to play hard ball, they
 28 just want to move forward with the development.

30 Will Jones also said they have added the second access road with will come out at the Cove. He said the grade is
 31 less than 12 percent. Steve Swanson asked if this road will have a crash gate or be open to the public. Will Jones
 32 said it is open right now to bikers and hikers but it is private property. Jed Muhlestein said there are 396 acres of
 33 public open space, and 23 acres of developed open space and 99 acres of private open space.

35 Bruce Parker said he was asked to represent the Beck Family in this issue. He said there are a number of
 36 complicated issues from the Fort Canyon, Road, Sliding Rock, and open space. David Church said residents asked to
 37 vacate a dirt road leading up to the Beck Property. He said this issue was put on hold for now.

39 Bruce Parker said in 2009 there was a complete breakdown in communication and the Beck family didn't know that
 40 their property was being considered to be included in the Ilangeni Subdivision. It was just assumed by the City that
 41 the Beck's knew and by the time they did know, it was too late. Bruce Parker said he disagrees that there has to be a
 42 winner and a loser, but instead, he said they see the value is transferring 7 lots to the Three Falls subdivision and
 43 would like to figure out a way to make their property included into the subdivision. He said there could be a
 44 resolution. Bruce Parker said the Three Falls developer has an obligation to provide access to the Beck property.
 45 He said the road proposed to access their property seems like an afterthought. He said this road is straight up a
 46 mountainside and he said the City would not allow that road to be built. Bruce Parker said a better place for the road
 47 would be along the north trail border. He said this would not even be needed if the Three Falls subdivision would
 48 include the Beck property as was once proposed. He said this would be a win/win for everyone.

50 Bruce Parker said there are 3 owners of the Beck property and he said Will Jones communicated with only one
 51 owner and not the other 2 owners. David Church said this could be a good solution to add the Beck property and it
 52 could possibly give the Beck's 5 to 7 lots if the slope and density works out. Bruce Parker said he is confident that
 53 the Becks could get 7 lots. David Church said you would have to add the Becks 81 acres and then do a new
 54 calculation and that comes to 5 lots. David Church said as a city, we cannot make that deal, legally; the developer
 55 and the Becks have to work this out. Judi Pickell said there has to be a winner and a loser or this will go on forever.
 56 Bruce Parker said they have not been the ones to hold this up; they have come to every meeting.

Steve Swanson said the developer's job is to stub a street up to the border of his property as to not land lock the Beck property. David Church said the problem is who pays for the road, water and sewer to go through the open space to get to the Beck property. Shane Sorensen said to get a water line to the Beck property, the Three Falls Subdivision would have to pay for a water line through their property at no benefit to them at all because their lots would be served off a completely different line.

Bruce Parker said the Becks suggest Ilangeni Estates vacate instead of amending because they are eliminating public roads. David Church said Three Falls is not eliminating any roads, they are adding a road. Bruce Parker said the entire layout is being changed. David Church said this is what was done 14 years ago and the City thought the Becks were on board. Will Jones said there was a trustee for the Beck Family and they were interested. Will Jones said there were two different options; bring five lots into the subdivision or a buyout. Will Jones said Bruce Parker bought out the trustee for the same price that we had offered. Will Jones said Mr. Parker could have looked at the plans and how the lots were placed. He said he has one million dollars in engineering of this site because of the geological reports that had to be done.

Will Jones said his investors have said no. 14 years is long enough for this process. The studies have been done and the work has been done. He also said if 5 homes are built on the Beck property, where is there second access going to be, what about the water tanks and who is going to pay for it. Judi Pickell asked if the two parties worked something out, could they come back with a new plan. David Church said yes, we will respond to the new application whatever it is. The only requirement is to not bring anything that requires a zone change or an amendment to our ordinances.

Bruce Parker asked if the City could sign a development agreement. David Church said the City will not sign anything that violates the zoning ordinances. He said the maximum number of lots that can be put on this property is less than what both the Becks and Mr. Jones need to satisfy you both. David Church said we can only get 59 lots with the calculations and not 61 lots.

Will Jones said if Bruce Parker could bring him a good plan he would be willing to take it to his investors to see if it would work. Judi Pickell said it doesn't make sense for the Beck's to try and go alone with their own development but their best opportunity would be to try and work something out with Three Falls. She said it would cost a lot of money to put in a road, water, sewer, and retaining walls. Bruce Parker said he wanted to take the owners on a field trip to see their property and show them the value and the amenities of the Beck's 81 acres.

Bryce Higbee asked when the road has to be built. David Church said that is a decision that has to be made. He said if we are consistent with what we have done in other developments we would reserve the right of way in case the other owner wanted to go faster than they did. David Church said a condition could be made to have the road done with phase one and not wait until all the phases are done.

Steve Swanson asked if we table this issue, could Will Jones and Bruce Parker work something out in two weeks. Will Jones said it depends on how many lots the Beck's want.

Jason Thelin asked if the trails in this subdivision would connect to the trails in Lambert Park. Will Jones said there is a piece of land that he doesn't own, it belongs to the County. He said if they could acquire that piece of property, they could connect it. He said the trails will have bridges and go over streams and will be awesome. He said there are other trails that will connect with trails downtown. Aaron Russ said they want to compromise with the City, but the public tends to leave trash and they don't want them encroaching on private residences.

MOTION: Steve Swanson moved to delay the Ilangeni Estates Plat Amendment for 2 weeks.

Chuck Castleton seconded the motion. The motion passed with 4 Ayes and 2 Nay. David Fotheringham, Jason Thelin, Chuck Castleton, Steve Swanson all voted Aye. Bryce Higbee and Judi Pickell voted Nay.

David Church said he will not be at the next Planning Commission meeting.

IV. COMMUNICATIONS

1
2
3 **V. APPROVAL OF PLANNING COMMISSION MINUTES OF:** Sept 16, 2014
4

5 **MOTION:** Chuck Castleton moved to approve the Planning Commission Minutes for Sept 16, 2014 subject to
6 changes.
7

8 Steve Swanson seconded the motion. The motion passed unanimously with 6 Ayes and 0 Nays. Bryce Higbee,
9 David Fotheringham, Jason Thelin, Chuck Castleton, Steve Swanson and Judi Pickell all voted Aye.
10

11 Jason Thelin stated that the Planning Commission had covered all of the items on the agenda and adjourned the
12 meeting at 9:25pm.
13