

**ALPINE CITY PLANNING COMMISSION MEETING at
Alpine City Hall, 20 North Main, Alpine, Utah
Apr 21, 2015**

I. GENERAL BUSINESS

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

Chairman: Steve Cospser

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

Commission Members Not Present: Jason Thelin, Judi Pickell

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

Others: Paul Bennett, Mark Goodsell, Tom Henroid, Ken Melby, Michael Melby, Paul Kroff, Logan Hunter, Lon Lott, Alanson Taylor, Larry Ellertson, Myrna Grant, M Eric Grant, Will Jones, Roger Bennett

B. Prayer/Opening Comments: Bryce Higbee

C. Pledge of Allegiance: Jane Griener

II. PUBLIC COMMENT

Mark Goodsell asked about a fence permit that would keep the deer out of his yard and greenhouse. He said a six foot fence was too short and he would like the City to give him permission to build an 8 foot fence. Steve Cospser said this is a staff issue. Jason Bond said he would like the Planning Commission to take a look at the ordinance to see if it needs to be amended because our ordinance states fences can only be 6 feet high. He said he would like some direction from the Planning Commission on what they think about the current ordinance. Is the ordinance good as is, does it need to be amended because of the deer problem in Alpine. Steve Cospser asked if this limit was placed because of safety or for aesthetics. Jason Bond said he knows agricultural farms are allowed to have an 8 foot fence but not sure why residential are limited to 6 feet. Steve Cospser said because of the deer problem, this is something that should be addressed. Jason Bond said he will write something up and get a Public Hearing set in two weeks. He also said he will include some of the things the City Council brought up regarding fences so they can be addressed as well.

Utah County Commissioner Ellertson said he was here to lend moral support for the discussion of annexation. He said the County would prefer that development was done within the City as opposed to in the County. He said he would encourage the City to move forward very seriously on that.

III. ACTION ITEMS

A. Retaining Wall Ordinance

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

Jed Muhlestein said we've seen large retaining walls in the City and more will be needed so we felt like we needed a retaining walls ordinance. He said we have taken Draper City's ordinance and modified it for Alpine City. He said currently it is not required to get a building permit for retaining walls lower than 4 feet. Jed Muhlestein said in Section 2, it is proposed to have an ordinance put in place for walls lower than 4 feet because of the slope of the yard. In some cases, walls are breaking and falling down because they are trying to hold up a steep hill and this section would help with that issue.

Jed Muhlestein said Section 3 states that any walls that are in our Sensitive Lands areas should be looked at a little more closely and a geology report should be required. Section 4 states that any kind of retaining wall that requires a permit will require a licensed engineer.

Jed Muhlestein said Section 5 takes into consideration the height of the wall. It limits retaining walls to 9 feet in heights no matter what. It also states that you can tier the wall but the wall can't go higher than 18 feet. He said Section 6 deals with specific items that need to be addressed by an engineer that need to be turned in for a review.

Alan Taylor from Taylor Geotechnical said he wrote this ordinance when he worked for Draper City. He was asked to look at walls in the City that were falling down. He took what was required to build a wall and put it into an ordinance. He said you can't go back and change existing walls but you can control what's coming in the door now. He said you can also control any modifications to existing walls. He said the other thing to keep in mind is that the engineer has to sign off on the project and will be involved in the process.

Steve Cospers asked if Mr. Taylor had reviewed the ordinance and wanted to make any revisions to it. Mr. Taylor said there are a few changes he would like to make and updates made. Jason Bond said we have to make sure the ordinance is enforceable and who is going to enforce it. Jane Griener said the inspector will be there and should sign off on it. Steve Swanson asked who in the City would be giving the permits. Steve Swanson asked if developments already in process will have to follow this new ordinance. Jason Bond said one development has already been through the process with the current ordinance. Steve Swanson asked because of safety issues, can that be changed.

MOTION: Bryce Higbee moved to have a Public Hearing for the Retaining Wall Ordinance drafted with any changes on May 5, 2015.

Steve Swanson seconded the motion 5 Ayes and 0 Nays. Bryce Higbee, David Fotheringham, Steve Cospers, Jane Griener, and Steve Swanson all voted Aye.

B. Melby annexation Discussion

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

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

Jason Bond said this property is not in the Annexation Master Plan and that would be needed in order for this to move forward.

Tom Henroid said they came tonight to make an application to the City to see if there is interest in annexing the Melby property into the City. If the City is not interested, they will go to the County. He said for them to make full application for annexation, they want to know what the code is they would need to follow. He said they would give detail of a traffic impact study, environmental impact study, wildlife study, and debris flow study. He said without knowing if they could be annexed, he didn't think they would provide that information.

Mr. Henroid said they will have 33 units based on the Alpine City PRD ordinance. He said open space is shown on the Concept Plan and they are proposing that utilities would be served by the City. Ken Melby said 2 lots are currently permitted in the Cove Subdivision. He said this also includes lot 14 which has an existing home on it.

Mr. Henroid said access to the property would be from Grove Drive up through the Cove. Jane Griener asked what the total acreage was. Tom Henroid said 68 acres with roughly 20 acres of open space. He said the Cove is in the 40,000 zone and this property borders the Cove and they would like to be the same zone. Jane Griener asked what type of open space this would be. Tom Henroid said it would be privately owned open space with some public access.

Jed Muhlestein said they would need their own water tank and it would probably have to go in the open space. Tom Henroid said this property was at one time contemplated to be phase two of the Cove and water from the tank used for this property. He said it has already been discussed tonight that if these properties are not annexed in to the City, they will go to the County and then the City can't make the improvements they want to.

Steve Swanson asked if this would be considered an island. Jason Bond said we will have to talk to David Church about the interpretation of an island and hear his thoughts on it. Jane Griener asked if this property was put on the Annexation Plan, is it then going to be expected by the developer to be annexed. Shane Sorensen said it probably would be expected. Jason Bond said it would not be binding by law but good planning is planning for the future and what we want to do. Steve Swanson asked why we would keep annexing to the North when we don't have access to get them out. Bryce Higbee said because the County will let them build and they will have to access out through Alpine anyway only we won't have any say. David Fotheringham said the question we need to ask ourselves is can we live with 33 lots in this development and can we service them. Steve Swanson said we don't have to accept that and we can say if it is annexed, it has to be at a lower number of lots.

Bryce Higbee said the difference between this development and the Cove is that the Cove has very restrictive covenants. Because of the natural habitat, watering yards is minimal. Tom Henroid said they have a lot of experience putting in developments with similar restrictive codes and said they have no issue doing the same with this development.

Tom Henroid said they would seek reimbursement if their impact fees were disproportionate to the impact of their subdivision. Jane Griener asked what zone this would be in and does that have to be listed in the annexation plan. Jason Bond said there are study areas that would have to be addressed and land use and zoning is one of the study areas. Tom Henroid said they are agreeable to answer questions as long as they are not outside the code or ordinance that is required for being adopted into the annexation policy.

C. Oberee Annexation Discussion

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

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

At the April 7th meeting, the Planning Commission gave staff some questions and items that they would like clarification on. Due to the limited amount of time, staff is working hard to get that information prepared and given to the Planning Commission the day before the meeting.

Steve Cospers said some of the questions are cost to the City, road improvements, water and all the issues that come along with an annexation.

Jed Muhlestein said some of the questions the Planning Commission had were how would this annexation impact irrigation, culinary water, sewer, storm drain, traffic, secondary access, impact fees and whether this would be a PRD.

Jed Muhlestein said the Oberee annexation came before the Planning Commission two weeks ago. He said that most of the items on the list for discussion will take some time to consider to see if the City can serve this area and the positive or negative impacts that will result from an annexation. He said another key point he wanted to bring up was that during an annexation the City Council is not required to follow City ordinances regarding density.

Jed said in order for us to evaluate this annexation we have to assume some sort of density to be able to analyze it. The developer has come forward and is requesting sixty lots. Jed Muhlestein said interestingly enough, when the PRD versus the non-PRD was run on the analysis of the area to be developed, if it came in as a straight subdivision, excluding the conservation easement, they could come in at forty-eight lots if this was in the 40,000 zone. Jed Muhlestein said if this was a PRD and they were able to maximize their bonus they would come in at sixty lots.

Jed Muhlestein said the City is working on a Pressurized Irrigation Master Plan. He said it would be a 12 inch line extending from the bend in the corner at Grove Drive through the Oberee property, and then connect to Elk Ridge Lane. He said as part of the annexation, the City would require the developer to build that 12 inch line. This line would improve water pressure for many existing Alpine citizens and is listed as an existing system improvement need in the current draft Irrigation Master Plan. Jed Muhlestein said the next thing we need to talk about is the source of the water. He said currently this development would be coming into the City's high zone. He said we have three main zones that are similar to the zones of a sprinkler system.

Jed Muhlestein showed on a map the annexation boundary and said it included more than just the Oberee property. Jane Griener asked if this line would serve only the Oberee property or would it be for other properties in the area and other properties looking for annexation. Jed Muhlestein said the plan would be for future use as well. Steve Cospers said it would be good to know what percent the Oberee property would be using and what percentage would be left for the remaining properties.

David Church said we need to plan for the future and changes in the infrastructure would need to be made as well so we don't over tax the system for existing users. He said if we can't do it for the next guy up the line, then we shouldn't do it now for just one property. He said the secondary water is different than the culinary water and he said we're not supplying secondary water up past a certain point.

Steve Swanson wanted to know where the water is coming from especially when we are in a drought. Jed Muhlestein said the source of water is an ongoing problem for our high zone. He said the high zone is fed by two springs and Dry Creek. We don't have any wells in the higher zones and no booster systems in the lower zones to push water to the high zones. Because Dry Creek is really dry this year, we're going to go through some learning processes.

Steve Swanson asked if we will have to buy water. Jed Muhlestein said that is one possibility that has been listed in the Master Plan. Steve Cospers asked where the water is coming from to supply the high zone. Jed Muhlestein said high zone water is coming from Dry Creek, and Box Elder Spring. Grove Spring is supplying our culinary water. Jed Muhlestein said we could install some booster pumps in the higher zones or connect to the CUP Water and we would have to connect a line and booster pumps outside of the City and this option would be expensive. The third option would be to drill a well and Shane Sorensen said the other wells drilled in the City are approx 700 feet to 1500 feet deep. He said they have been a good water source for the City.

Steve Cospers asked if we should be talking about costs tonight to help with the Planning Commission recommendation. David Church said the City Council wants a recommendation on land uses. If this property is annexed, the density costs should be this much, and the infrastructure costs should be calculated based on that density. David Church said the water costs should be the same whether or not there are 40 lots or 60 lots. He said to come up with the density and then the engineers can come up with the numbers. He said the City needs to decide if they are going to help with infrastructure costs if it is to some benefit to the City; in the past, annexation has come with its own costs and the development pays whatever that cost is.

Steve Swanson said we are talking about drilling wells, putting in new pipes, or buying expensive CUP water. He wanted to know if this is something that the City was going to do regardless of annexation. David Church said it wouldn't be fair to the developer to cure an insufficient deficiency but the City engineers are saying that something needs to be done with the higher zones anyway. He said the question is how much of that should be City costs and how much developer costs. He said to the extent that it doesn't cure a deficiency, then 100% of the cost should go to the developer. He said this concept is similar to a new subdivision that comes into town or similar to Fort Canyon Road. He said we don't make new developers cure our existing deficiencies.

David Church said we may have excess capacity and when that happens, that gets to be a difficult thing. He said for example, we have excess ground water rights but we don't have a source or wells. He said it wouldn't make any sense for someone to give us more ground water because we don't have any way of using the ground water because we need a well and a pump or a water line to CUP.

David Church said we own some of CUP and we are committed to pay for that water. He said 25 years ago we signed a contract with CUP and we currently have an agreement with them where they're using our water to grow fish in the Provo River and so we don't have to pay for it. He said there will come a time when they say that we now need to pay for the water and unless we have a line, we're going to pay for water that we can't drink.

Shane Sorensen said we have a grant for our irrigation system and we have about 700 acre feet allocated for us. Once we start using this water it will cost the City \$112,000 per year to use CUP water regardless whether we use one foot or all 700 acre feet. He said the water is stored in Deer Creek and Jordanelle and it will be taken from there if we need it. He said we don't have any way to store the water here in the City. Steve Cosper asked how much water this annexation would need to service their area.

Bryce Higbee asked how the area north of Fort Canyon is getting their water. Jed Muhlestein showed on the map where a booster pump was located on the north side of Main Street. He said the City may put in a well at that location to help get water to the high zone. He said Alpine takes all the water from Dry Creek up to July 10th and then it is released to Lehi. Jed Muhlestein said we are already struggling with the high zone but said there are options to get more water but at a cost. He said the next question is if this property is annexed into the City, should developers help pay for some of these infrastructure costs up front.

Steve Swanson said he is concerned about where the water supply is going to come from to service 60 more homes. Shane Sorensen said we have a good source of water in the pressurized irrigation system. He said there have been challenges these past three years with the drought and having to have restrictions on the water. He said we don't run our wells 24 hours a day we pretty much run the wells at night.

David Church said you could recommend that there be no secondary water system in this annexation because of the cost and the elevation and it is too much of a burden on the City. Steve Swanson asked if we had adequate water pressure for culinary water. The engineers said culinary water is not a problem unless home sizes are too large and then you get into fire flow issues. Jed Muhlestein said it will take some time to evaluate the impact of all these homes on the system.

Jed Muhlestein said low density, big acre lots puts a large tax on our pressurized irrigation system. Whereas higher density, small lots use less water because there is less landscaping. He said it is typical in the City, no matter the size of the lot, to landscape 70% of the lots. He said if this development was not allowed to use the conservation easement as open space, they would need an additional twenty eight acres of open space. The property has been scraped down to bare dirt with zero natural landscaping. Twenty eight acres would have to be landscaped and watered.

Steve Cosper said it sounds like engineering is making a case for higher density. Jed Muhlestein said it makes sense as far as secondary water is concerned. He said that's if they came in as a straight subdivision and we gave them credit for the conservation easement. Jane Griener asked if the City has put in stipulations that landscaping is limited or zero scape. Jed Muhlestein said yes, that has been done for Three Falls because they have some pretty big acreage lots up there. He said that was restricted to one acre of developable ground. David Church said the City imposed the restriction on the plat amendment and the development agreed to it. He also said they have no secondary water. Shane Sorensen said those restrictions were put in place because the lots were steep and had natural landscaping. He said the Oberee property is different.

Jed Muhlestein said Alpine City has the right to build, at its own expense, a trail through the property when there are connection points on both sides, meaning Three Falls needs to be developed with a potential trail connection and the Grant properties also need a connection point. Until that happens, the City has no right to the trail on that property. Steve Zolman currently has the right to fence the entire property and continue to graze animals. Paul Kroff said they propose to keep the conservation easement with the City as the Holder, and keep it in private open space. He said

they will put in the trail at their expense after waiting for future developments to happen and alter the location of the trail in trade for density.

Jane Griener asked what the difference between public and private open space was. David Church said two years ago a previous owner, Mr. Chapel, came to the City and asked the City to be the Holder of this conservation easement so he could get a tax deduction. The City Council agreed to be the Holder of the conservation easement. David Church said Mr. Chapel gave away a portion of his rights even though he still owns the property and can use the property. David Church said the City doesn't want to develop this property and they don't want to maintain it, so it is put into private open space. He said another type of private space is when a developer puts open space into a park and then an HOA maintains it. David Church said sometimes a developer is given density bonus if they give open space for public use in the form of a park or other use. David Church said Mr. Zolman can't get rid of the conservation easement because he bought the property with that stipulation on it. He said the City has to decide if they want to give credit for the easement or not. He said this conservation easement can't be built on. David Church said it's possible to do the PRD where we're not crediting anything for the conservation easement. They are still getting a certain number of lots and there's public open space in the twenty eight acres that would have to be landscaped and watered.

Jed Muhlestein said the culinary water system is similar to the pressurized irrigation system. In order for this development to have adequate pressure it would require a 10 inch line from the Box Elder water tank down to the development at the bend in the road at Grove Drive. By current state statutes, the City doesn't have enough source on culinary water. Having said that, the statues base water usage on 800 gallons per connection per day and our current usage is 208 gallons per connection per day. By current State regulations, we are using four times less water than we're required to have. He said we have three sources of culinary water and we only need one of them.

Jed Muhlestein said by bringing another development into the City by annexation, we are further in the hole. Should they be required to find another water source even though technically we wouldn't even use it? He said this is an issue that is actually with the Legislature right now. He said he doesn't know what or when the outcome will be. Jane Griener asked what happens if we don't meet the State requirement.

Shane Sorensen said we have never had an issue with the culinary water but Jed Muhlestein said we can't currently meet the state standards. Shane Sorensen said the State would have us spend a million dollars to drill a new well, but because we don't need the water, it would just sit there going to waste. Steve Swanson asked if there would be a problem getting pressure to this area. Jed Muhlestein said that is what the 10 inch line would be for and it would also help the City. David Church said the City will require this development to bring water rights so it's not a question of water, but do we have the tanks and the lines to get it to them.

Jed Muhlestein said the sewer system for this area has been considered in the Sewer Master Plan for Alpine City. It was determined that the existing system has capacity for development via connection to Grove Drive and Elk Ridge Lane. David Church said the Master Sewer Plan was developed in a way that whether a property was developed in the City or the County, the sewer gets to the treatment plant because the City doesn't want septic tanks. Jed Muhlestein said the upper portion of the property can gravity flow out to Grove Drive while the lower portion would require a sewer easement and connection through Kevin Towles property.

Jed Muhlestein said 60 lots would potentially add 70% more traffic to Grove Drive. A study was done in Box Elder South and the maximum time a car should be stopped at an intersection was ten seconds. The study showed traffic was stopped for only 3 seconds at the intersections during peak hours, well below the standard. Steve Cospere repeated what David Church had said about developers not curing an existing deficiency. David Church said the last time this area came in for annexation, part of the condition was some very significant road improvements on Grove Drive and provide a future second access. He said the cost of doing these improvements killed the deal because the City said the cost of annexing was making these improvements to Grove Drive.

David Church said Grove Drive is a problem that people have identified and that is a main concern for annexation. Jed Muhlestein said total build out volume is three times higher than what it is today. He said if the annexation were to move forward the City would require a traffic study to be done. Steve Swanson said if this development gets developed in the County, none of these improvements would be made. Jed Muhlestein said the developer may fix the 90 degree bend in the road, but infrastructure improvements would not be made.

Paul Kroff said their development meets the County ordinances if it's rezoned. Steve Cospers said the County is in favor of this development working things out with the City. Jane Griener said double the traffic would upset neighborhoods along Grove Drive no matter what the wait time was. She asked where the County line was and how far the road would be repaired. Jed Muhlestein said from the 90 degree bend all the way down to the intersection of Alpine Blvd and Heritage Hills. Jane Griener asked about impact fees and Paul Kroff said they would seek credits if they make improvements that benefited more than just his development.

Jed Muhlestein said they gave the secondary access plan to the Fire Marshall and he said his concern was that this road meets the letter of the law but said he would feel better if the connection point was on Elk Ridge Lane. Paul Kroff said this development meets the code and Mr. Zolman is not ready to develop the second phase because he plans to live there with his family. Steve Cospers said if the Fire Marshall is concerned about safety and he feels strongly about it, it would over ride other considerations. Paul Kroff said there are other ways to get to the property and one is through Lambert Park from the emergency access road. Bryce Higbee said he didn't know if that road would be improved. Jane Griener asked if this is a negotiation point in the annexation.

Steve Cospers said this was a good discussion and asked the Planning Commission to review all the information in the packet to be prepared for the next meeting. Jed Muhlestein said the staff will get some numbers on water together for next time. He said they will take a look at vacant lots in the City, developments that are coming into the City to get a better feel for the future. Paul Kroff said they are looking for a recommendation and that would be the Planning Commission supports annexation under these conditions or we don't support annexation under this scenario.

COMMUNICATION:

Jason Bond said Lawrence Hilton wants to take away 250 feet from his building to meet the square footage requirements. This footage would come off the front of the building. Steve Cospers said he thought it was discussed in City Council that the building would need to come off the north setback a few feet by moving the overhang columns back a couple of feet to the south. He said that Roger Bennett said in City Council that it shouldn't be so close to the property line. Steve Cospers said it was discussed in Planning Commission that Mr. Lawrence would meet code. Jason Bond said it was discussed that Mr. Lawrence would need an exception to be so close to the property line. Bryce Higbee said it was recommended as an exception.

David Fotheringham asked what the process was going forward with the annexation of these properties. He wanted to understand what his responsibility was and how he can get prepared for the next meeting. The Planning Commission had a discussion about the decision making process so they could come prepared for the next meeting. Steve Cospers said we don't need to dissect every dollar because the staff will do that. Jason Bond said the Planning Commission will talk about the details of how you would like to see this property developed. Things like the number of lots, the access, the zone, water, etc.

Jason Bond told the Planning Commission to go to the City Website and look up the Annexation Policy. Bryce Higbee asked what the plan is if the County develops this property. Our roads would be heavily used without any tax benefits. Steve Cospers asked Jason Bond have a Public Hearing before they make a decision.

VI. APPROVAL OF PLANNING COMMISSION MINUTES OF: Apr 07, 2015

MOTION: Bryce Higbee moved to approve the Planning Commission Minutes for Apr 07, 2015 subject to changes.

David Fotheringham seconded the motion. The motion passed unanimously with 5 Ayes and 0 Nays. Bryce Higbee, Steve Cospers, David Fotheringham, Steve Swanson and Judi Pickell all voted Aye.

Steve Cospers stated that the Planning Commission had covered all of the items on the agenda and adjourned the meeting at 10:05pm.