



ALPINE CITY PLANNING COMMISSION MEETING

NOTICE is hereby given that the **PLANNING COMMISSION** of Alpine City, Utah will hold a **Public Hearing and Regular Meeting at Alpine City Hall, 20 North Main, Alpine, Utah on Tuesday, December 1, 2015 at 7:00 pm** as follows:

I. GENERAL BUSINESS

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

II. PUBLIC COMMENT

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

III. ACTION ITEMS

A. PUBLIC HEARING - Public Works Building and Pickleball Court Renderings

The Planning Commission will review a concept plan and renderings for a site located at approximately 545 East 300 North, which would include a new public works building and pickleball courts.

B. PUBLIC HEARING - Ord. No. 2015-12 - Development Review Committee (DRC) Amendment

The Planning Commission will review an amendment to the Alpine City Development Code that would eliminate the Development Review Committee (Article 2.4) and references to it anywhere else in the Development Code. The DRC's land use authority will be deferred to individual staff members depending on the subject matter.

C. 2016 Annual Meeting Schedule

The Planning Commission will review the annual meeting schedule for the calendar year 2016.

IV. COMMUNICATIONS

V. APPROVAL OF PLANNING COMMISSION MINUTES: October 20, 2015

ADJOURN

Chairman Steve Cospier
November 25, 2015

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

CERTIFICATION OF POSTING. The undersigned duly appointed recorder does hereby certify that the above agenda notice was posted at Alpine City Hall, 20 North Main, Alpine, UT. It was also sent by e-mail to The Daily Herald located in Provo, UT a local newspaper circulated in Alpine, UT. This agenda is also available on the City's web site at www.alpinecity.org 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: Public Works Building and Pickleball Court Renderings

FOR CONSIDERATION ON: 1 December 2014

PETITIONER: Staff

**ACTION REQUESTED BY PETITIONER: Hold a Public Hearing and Give
Direction to Staff**

APPLICABLE STATUTE OR ORDINANCE:

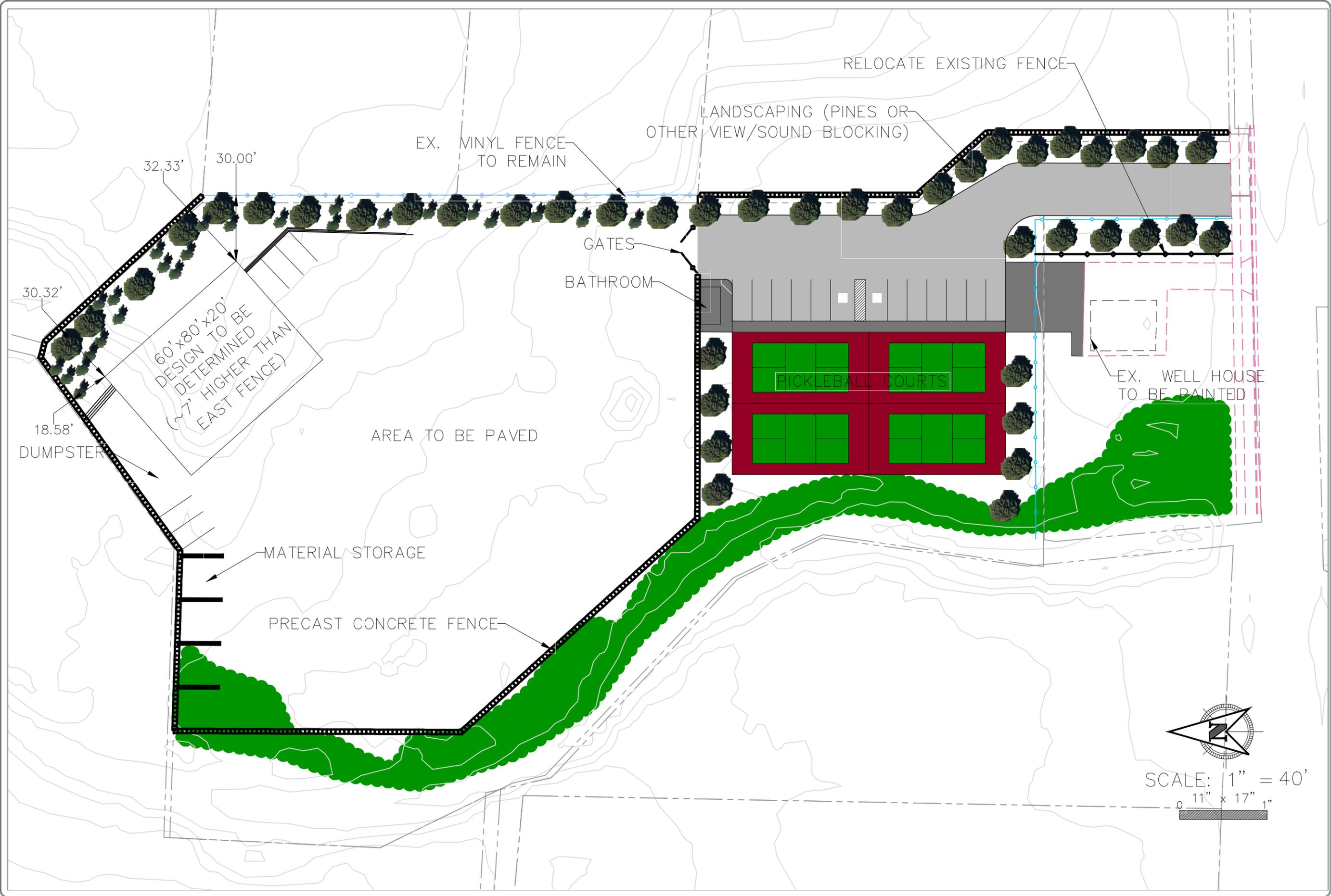
PETITION IN COMPLIANCE WITH ORDINANCE: Yes

BACKGROUND INFORMATION:

Staff has been working on a concept plan and renderings for a site located at approximately 545 East 300 North. This plan includes a new public works building and pickleball courts. A design for the building and other specifics will be finalized in the coming weeks before the Planning Commission makes a recommendation to the City Council to be considered for approval.

RECOMMENDED ACTION:

Hold the public hearing and provide direction to staff.



REMARKS

1. Revised (7-7-10) Profile Labels for SDMH-A2 & SDMH-B4

--

Pickle Ball & City Facilities
 300 North, Alpine September 2015

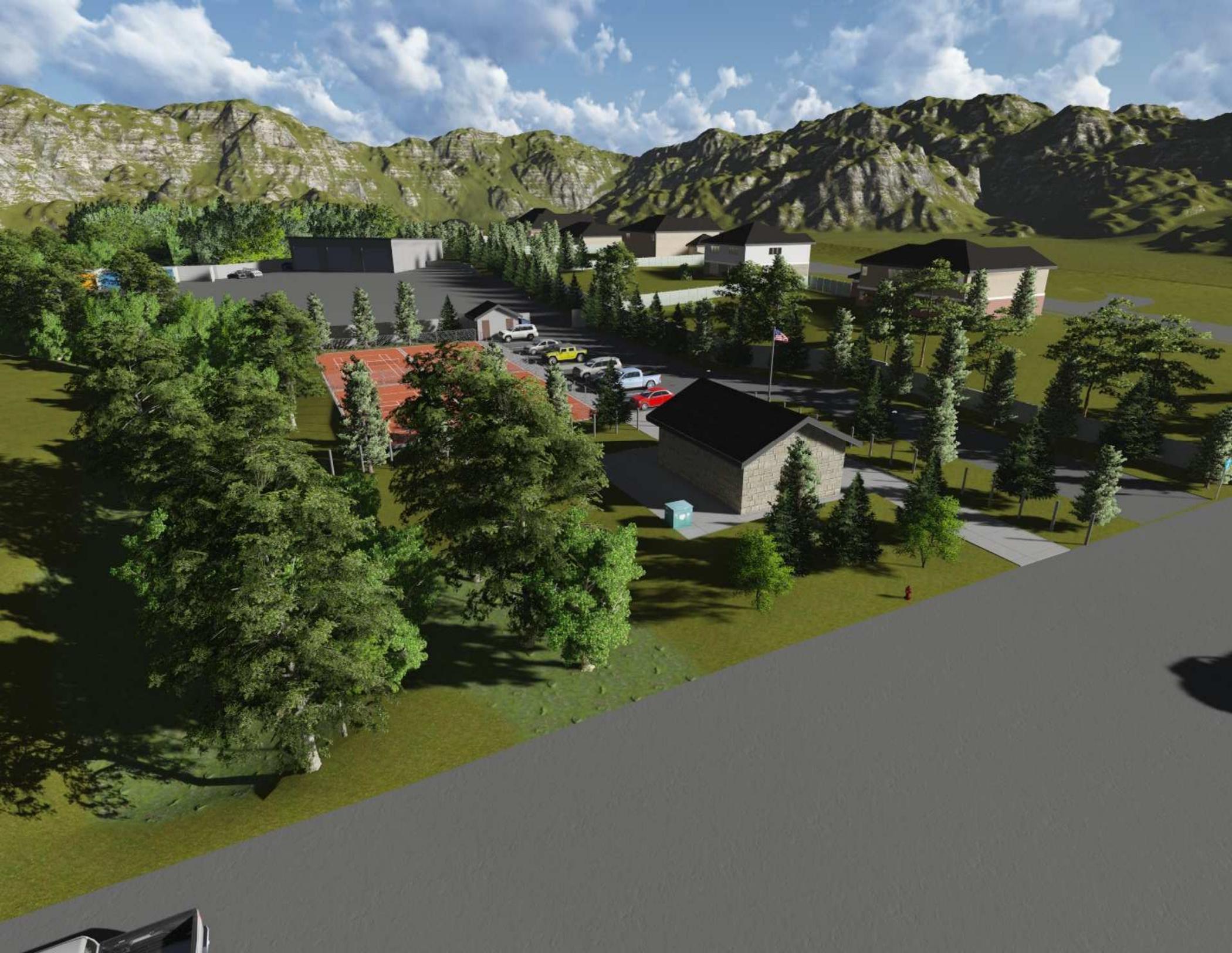
Concept Plan

Engineering File Number: -

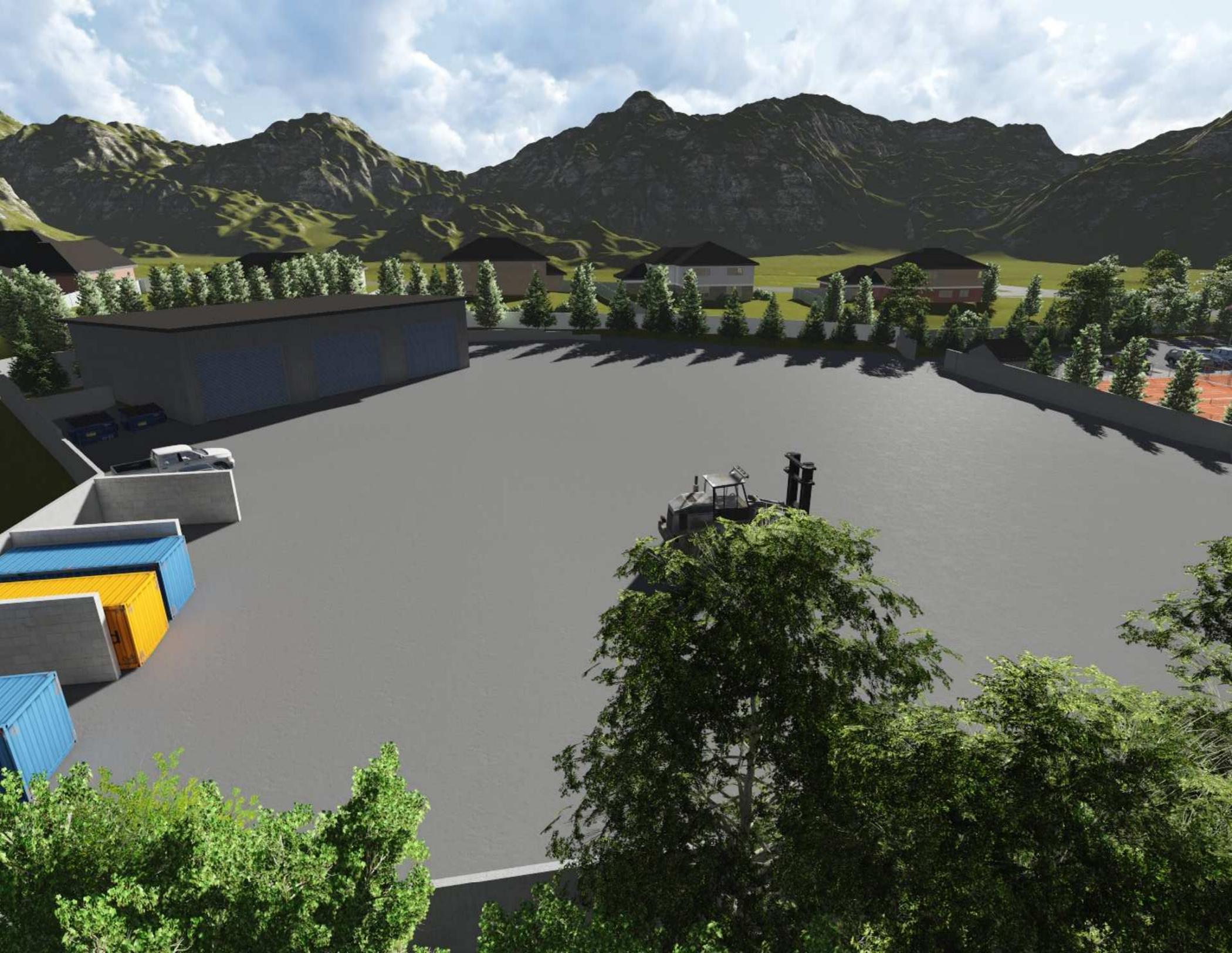
Drawing: -

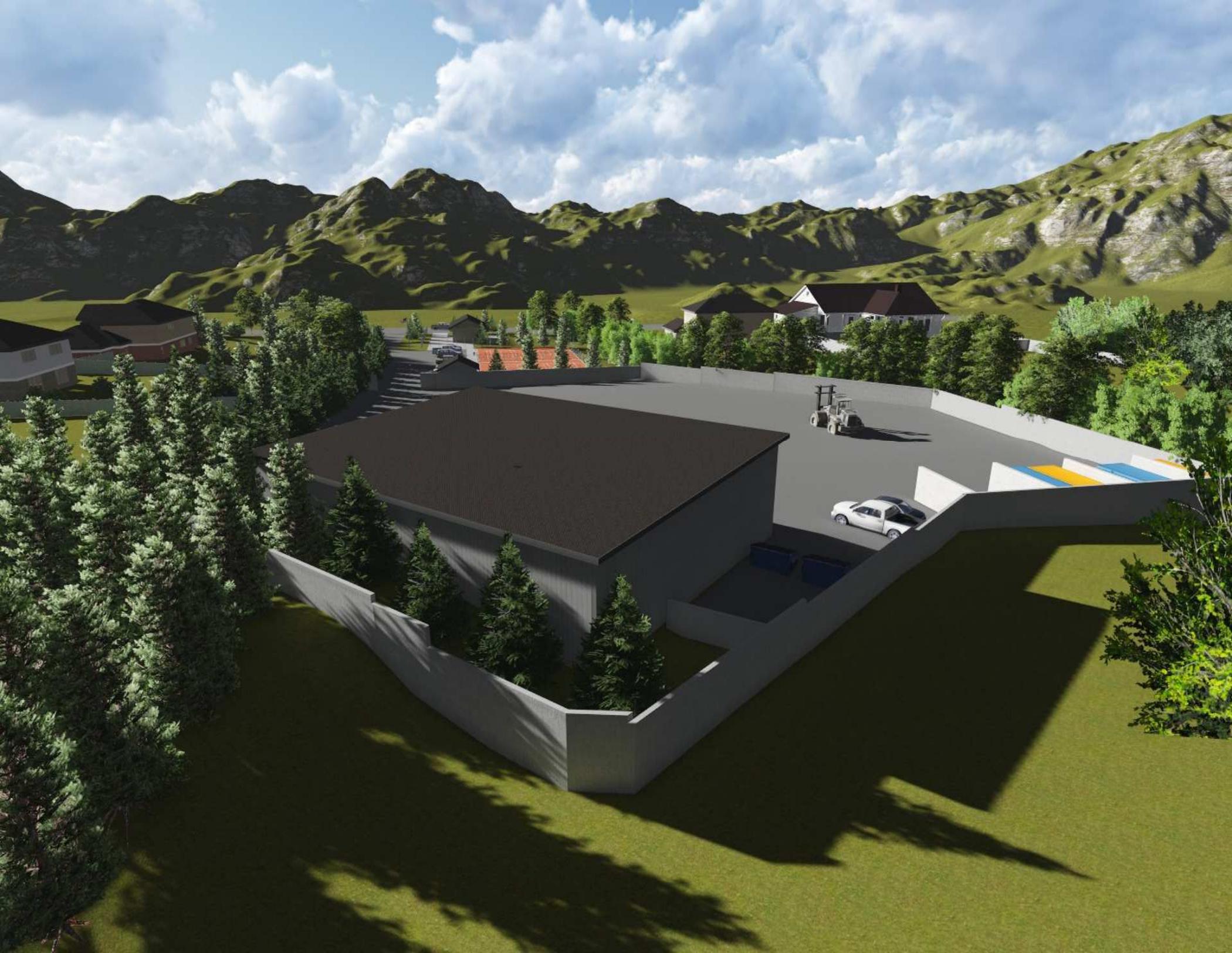
Sheet: 1 of 1





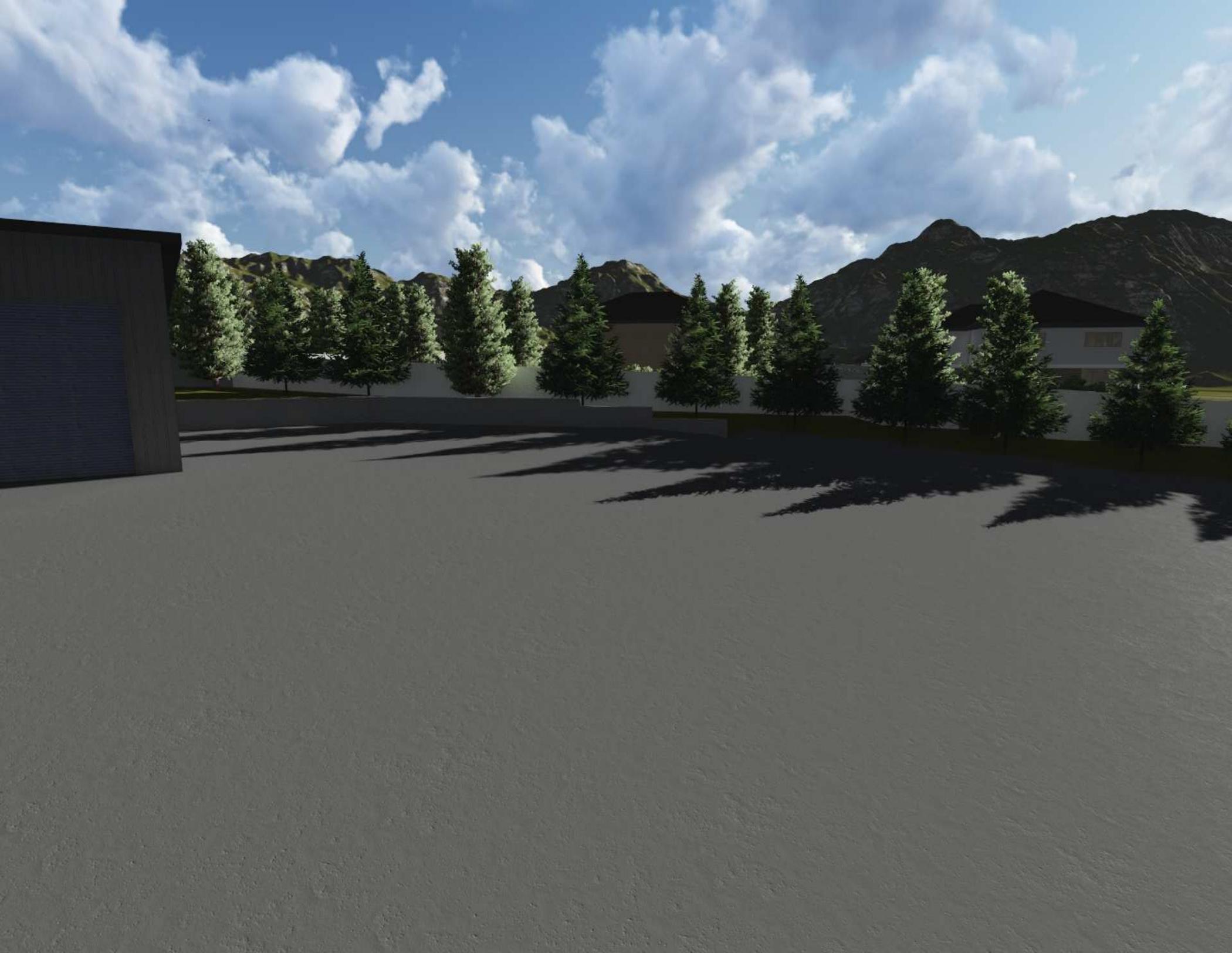


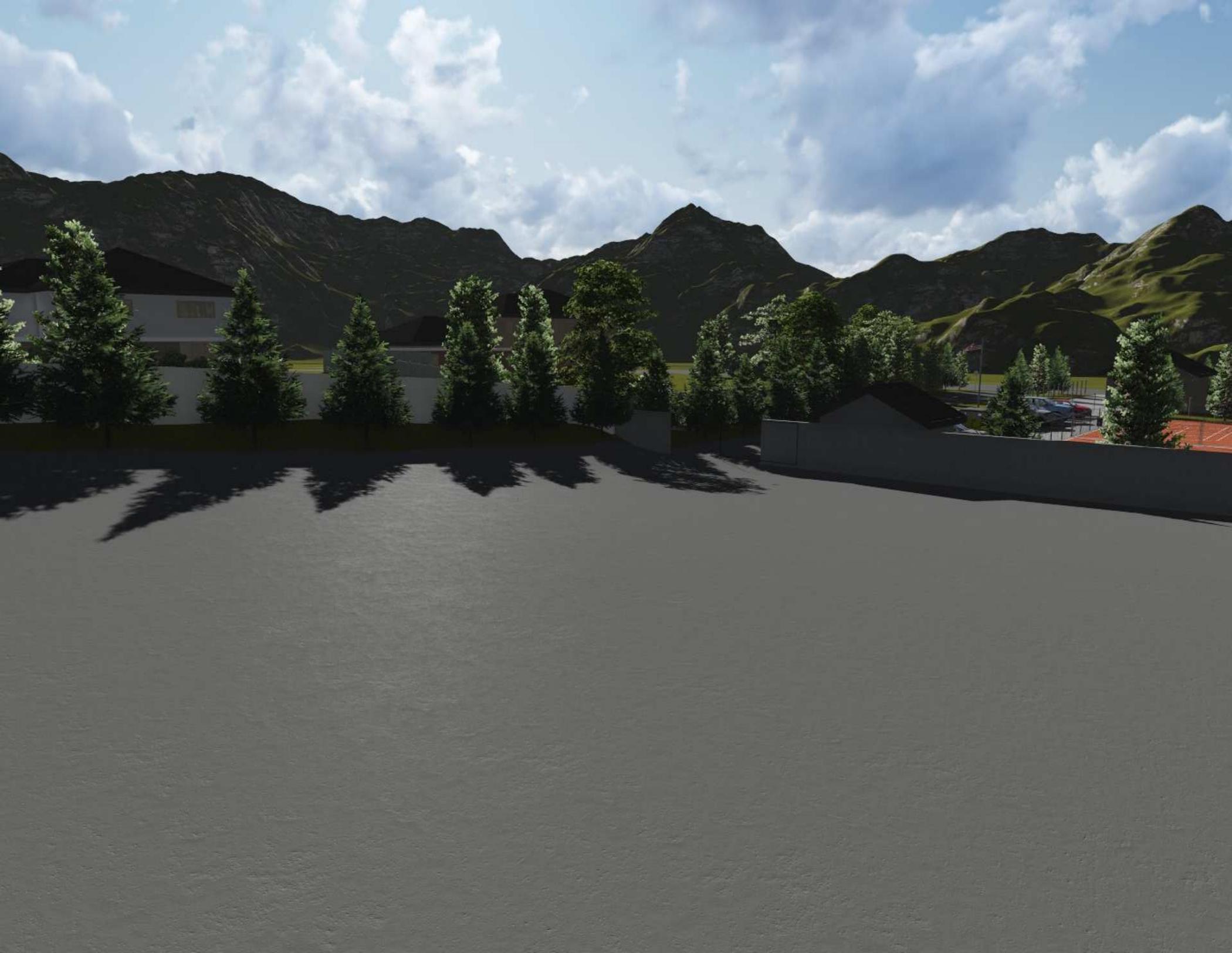


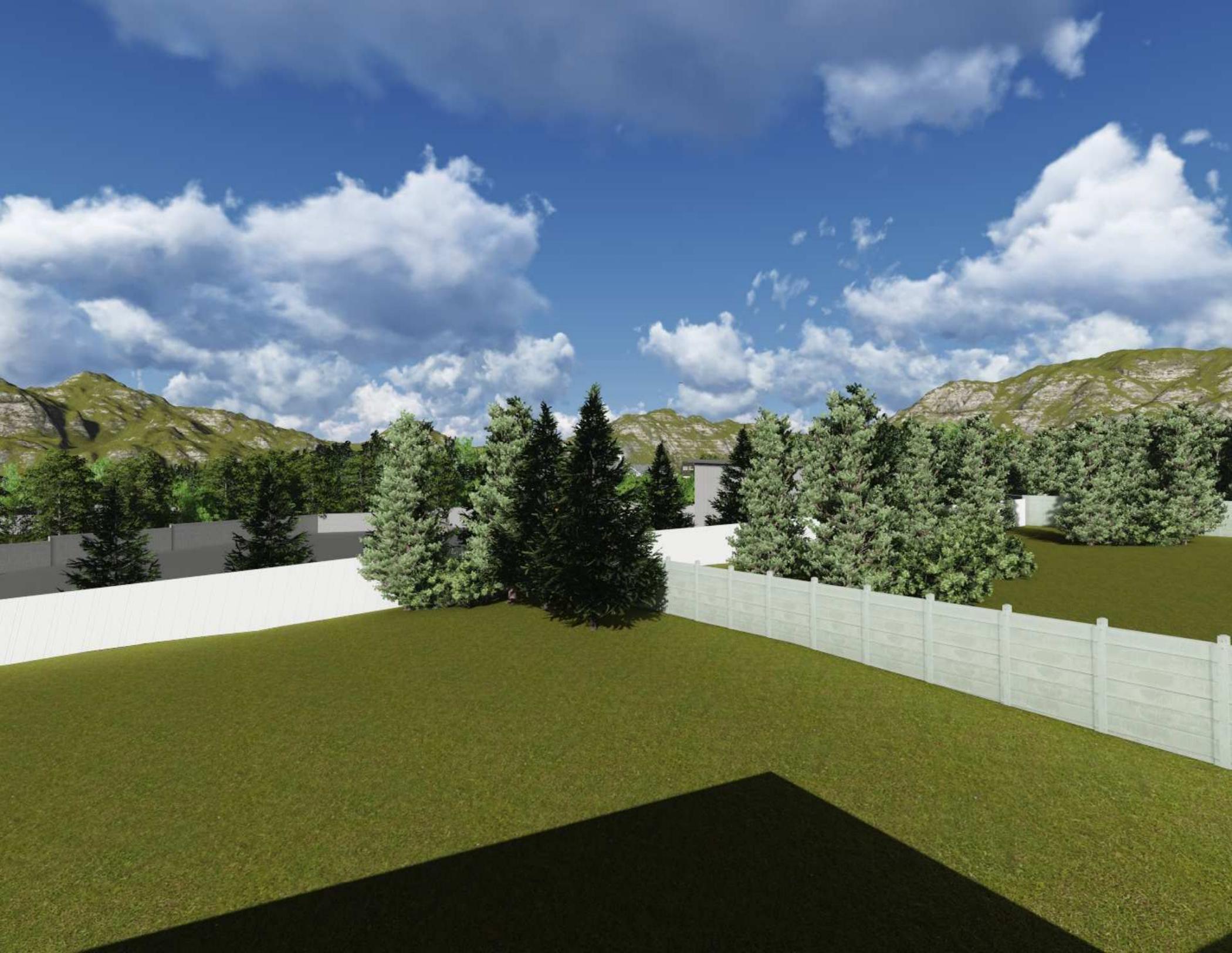












ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Ordinance No. 2015-12 Eliminating Development Review Committee

FOR CONSIDERATION ON: 1 December 2014

PETITIONER: Staff

**ACTION REQUESTED BY PETITIONER: Recommend to the City Council
Adoption of Ord. No. 2015-12**

**APPLICABLE STATUTE OR ORDINANCE: Article 2.4 and anywhere else in
the Development Code that
references the DRC**

PETITION IN COMPLIANCE WITH ORDINANCE: Yes

BACKGROUND INFORMATION:

It is proposed that the Development Review Committee (DRC) be eliminated from the Alpine City Development Code. With an understanding that an official committee created by ordinance would need to post agendas and keep minutes, staff feels that it is in the best interest of the City to amend the ordinance to give the authority and responsibilities of the DRC as written in the code to individual staff members. The DRC consisted of the City Administrator, City Engineer and City Planner. These three staff members were responsible for the DRC's decisions and recommendations and will continue to be over what the DRC was once responsible for. The proposed amendments include Article 2.4 (DRC) and anywhere else in the Development Code that references the DRC.

RECOMMENDED ACTION:

We recommend to the City Council that Ordinance No. 2015-12 be adopted which would eliminate the Development Review Committee (DRC) and any references to it anywhere else in the Development Code. The DRC's land use authority will be deferred to individual staff members depending on the subject matter.

ORDINANCE NO. 2015-12

AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 2.4, SECTION 3.1.6.4, SECTION 3.1.9, SECTION 3.9.4, SECTION 3.9.6, SECTION 3.9.12, ARTICLE 3.11, SECTION 3.12.3.2, SECTION 3.12.6.4, SECTION 3.21.6, PARAGRAPH 3.23.7.3, SECTION 3.24.5, ARTICLE 3.30, ARTICLE 3.31, SECTION 3.32.2, SECTION 4.1.2, SECTION 4.5.3, SECTION 4.5.8, ARTICLE 4.6, SECTION 4.7.4, SECTION 4.7.10, SECTION 4.7.18, SECTION 4.7.23, ARTICLE 4.12 AND ARTICLE 4.14 OF THE ALPINE CITY DEVELOPMENT CODE RELATING TO THE ELIMINATION OF THE DEVELOPMENT REVIEW COMMITTEE (DRC) FROM THE DEVELOPMENT CODE.

WHEREAS, The City Council of Alpine, Utah has deemed it in the best interest of Alpine City to amend the ordinance to eliminate the Development Review Committee (DRC) and defer the responsibilities of the DRC to specific staff members; and

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

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

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

The amendments to Article 2.4, Section 3.1.6.4, Section 3.1.9, Section 3.9.4, Section 3.9.6, Section 3.9.12, Article 3.11, Section 3.12.3.2, Section 3.12.6.4, Section 3.21.6, Paragraph 3.23.7.3, Section 3.24.5, Article 3.30, Article 3.31, Section 3.32.2, Section 4.1.2, Section 4.5.3, Section 4.5.8, Article 4.6, Section 4.7.4, Section 4.7.10, Section 4.7.18, Section 4.7.23, Article 4.12 and Article 4.14 contained in the attached document will supersede Article 2.4, Section 3.1.6.4, Section 3.1.9, Section 3.9.4, Section 3.9.6, Section 3.9.12, Article 3.11, Section 3.12.3.2, Section 3.12.6.4, Section 3.21.6, Paragraph 3.23.7.3, Section 3.24.5, Article 3.30, Article 3.31, Section 3.32.2, Section 4.1.2, Section 4.5.3, Section 4.5.8, Article 4.6, Section 4.7.4, Section 4.7.10, Section 4.7.18, Section 4.7.23, Article 4.12 and Article 4.14 as previously adopted.

This Ordinance shall take effect upon posting.

Passed and dated this 5th day of January 2015.

Don Watkins, Mayor

ATTEST:

Charmayne G. Warnock, Recorder

~~ARTICLE 2.4 — DEVELOPMENT REVIEW COMMITTEE (DRC) (Ord. No. 2000-23)
(Amended by Ord. No. 2004-13, 9/28/04; Ord. No. 2006-17, 11/14/06;
Ord. No. 2013-06, 7/9/13)~~

~~2.4.1 — Purpose of the DRC. The purpose of the Development Review Committee (DRC) is to assure that all proposed development within the City complies with the City Master Plan and with current City ordinances and resolutions. The DRC shall give advice that has no power to bind the City.~~

~~2.4.2 — Composition of the DRC. The DRC shall consist of four (4) members: The City Administrator, the City Planner, the City Engineer, and the Public Works Director. The Police Chief, the Fire Chief, the City Attorney, the Chief Building Official and any other individual the City Administrator deems necessary shall serve as advisors to the DRC. The City Administrator shall serve as chairperson of the DRC.~~

~~2.4.3 — Duties of the DRC. The DRC shall have the following duties and responsibilities:~~

~~2.4.3.1 — The DRC shall review the following items to determine if they comply with the City Master Plan and with current City ordinances and resolutions: —~~

- ~~1. — Concept, preliminary and final subdivision plats~~
- ~~2. — Site plans~~
- ~~3. — PRDs, condominiums and condominium conversions~~
- ~~4. — Any other proposed development of real property requiring Planning Commission review.~~

~~2.4.3.2 — The DRC may make recommendations regarding the following items:~~

- ~~1. — Rezones~~
- ~~2. — Annexations~~
- ~~3. — Conditional Use Permits~~
- ~~4. — Any development matter that is governed by a law that gives discretionary authority to determine compliance. —~~

~~2.4.3.3 — The DRC may establish procedures for the preparation of its agendas, the scheduling of meetings, and the conduct of meetings and field trips. The DRC shall respond to the applicant within fourteen (14) days of presentation of the application to the DRC.~~

~~2.4.4 — Appeals. In the event of an impasse between the DRC and the developer related to discretionary authority, each party may present its position directly to the Planning Commission.~~

3.1.6.4 Demolition of Homes. A demolition permit must be issued before any demolition takes place: (added by Ordinance 2004-13 on 9/28/04)

1. Demolition Permit must be reviewed by the ~~DRC~~ [City Engineer](#) and may be referred to the Planning Commission.

3.1.9.1 Amendments to the Zoning Ordinance

Amendments to the Zoning Ordinance may be initiated by the City Council, the Planning Commission, the ~~Development Review Committee (DRC)~~ [Staff](#), or by an owner of real property in the area included in the proposed amendment.

3.1.9.2 Amendments to the Zoning Map (Zone Change)

Amendments to the Zoning Map may be initiated by the City Council, the Planning Commission, the ~~Development Review Committee (DRC)~~ [Staff](#), or by an owner of real property in the area included in the proposed amendment.

Any application to change the boundary of a zone shall include an accurate map or other sufficient legal description of the area proposed for change. Applicants shall submit ten (10) copies of all required documentation to the City Planner at least fourteen (14) days prior to the public hearing.

Amendments to the Zoning Map (Zone Change):

1. Shall first be submitted to the ~~Development Review Committee (DRC)~~ [City Planner](#) for its review before an applicant may apply to the Planning Commission.
2. If the applicant chooses to apply to the Planning Commission for a proposed zone change, the applicant shall pay the associated fee and the ~~DRC~~ [City Recorder](#) shall set a public hearing for the Planning Commission on the proposed amendment to the zoning map, and shall provide appropriate notice for said public hearing. The public hearing shall be held before the Planning Commission may make a recommendation to the City Council. The Planning Commission may hold additional public hearings if deemed necessary or appropriate by the Planning Commission.

3.9.4 OPEN SPACE (Amended by Ord. No. 2005-02, 2/8/05; Ord. No. 2014-14, 9/9/14; Ord. No. 2015-05, 04/14/15)

3. Notwithstanding the minimum open space requirements set forth under Section 3.9.4 #1, the designated open space area shall include and contain all 100 year flood plain areas, defined floodways, all avalanche and rock fall hazard areas, all areas having a slope of twenty five (25) percent or greater, or any other area of known significant physical hazard for development.
 - A. An exception may be made with a recommendation by the Planning Commission to the City Council with the final determination to be made by the City Council that up to 5% of an individual lot may contain ground having a slope of more than 25% in the CR-20,000 and CR-40,000 zones as long as the lot can meet current ordinance.
 - B. An exception may be made that an individual lot may contain up to 15% of the lot having a slope of more than 25% in the CE-5 and CE-50 zone as long as the lot can meet current ordinance without the exception. The exception shall be recommended by the ~~Development Review Committee (DRC)~~ [City Engineer](#) to the Planning Commission, and a recommendation by the Planning Commission to the Alpine City Council with the final determination to be made by the City Council. (Ord. 2005-02, 2/8/05)

3.9.6 DWELLING CLUSTERS - LOT SIZE - BUILDABLE AREA – SETBACK

3. (Ord 97-02, 2/25/97). Each individual lot shall contain at least one Designated Buildable Area of not less than five-thousand (5,000) square feet. All dwellings and other habitable structures and accessory buildings shall be located within the Designated Buildable Area.
 - E. The Designated Buildable Area may be amended by the ~~Development Review Committee (DRC)~~ [City Planner and City Engineer](#) as long as the minimum setback requirements of the underlying zone are met. (Ord. 2004-13, 9/28/04)

3.9.12 APPROVAL PROCEDURE - COMPLIANCE WITH RELATED REQUIREMENTS

3.9.12.1 Approval Procedure

1. The procedure to be followed in obtaining approval of a PRD, or any amendment thereto shall be the same as required for a subdivision. The Planning Commission shall hold a public hearing on the application prior to concept approval and after a recommendation from the ~~DRG~~ [City Planner and City Engineer](#).

ARTICLE 3.11 GATEWAY/HISTORIC ZONE (Ord. No. 2002-06, 07/09/2002; Amended by Ord. No. 2010-19, 11/09/10)

3.11.4 SITE PLAN PROCESS

- 3.11.3.1 During the review process, the ~~Development Review Committee (DRG)~~ [City Planner, City Engineer](#), the Planning Commission, and the City Council may request reasonable additional information from the applicant from time to time; and may ask other advisors to review the plan if, in the opinion of the City, it may contribute to a decision in the best interest of the City.

3.11.3.2 ~~Development Review Committee (DRG)~~ [City Planner and City Engineer](#)

1. The applicant shall meet with the ~~Development Review Committee (DRG)~~ [City Planner and City Engineer](#) to review the proposed site plan before submitting an application.
2. The applicant shall prepare a concept site plan, properly and accurately drawn to scale.
3. The ~~DRG~~ [City Planner and City Engineer](#) shall review the site plan to determine compliance with the Alpine City General Plan and applicable City ordinances.
4. When the ~~DRG~~ [City Planner and City Engineer](#) determines that the site plan is ready for Planning Commission review, the ~~DRG~~ [City Planner](#), in consultation with the Planning Commission Chairperson, shall establish a review date. The applicant may prepare a site plan that incorporates all changes recommended by ~~DRG~~ [City Planner and City Engineer](#).

3.11.3.3 Planning Commission

1. ~~Upon recommendation of the DRG,~~ The applicant shall submit the following to the City Planner at least fourteen (14) days before the scheduled Planning Commission meeting:

3.11.5 PLAN REQUIREMENTS

The site plan shall include the following items:

1. Address of the site plan
2. A vicinity map
3. The property boundaries of the proposed site plan and the names of all adjacent property owners
4. The location of all existing and proposed easements
5. Lot dimensions
6. Location and orientation of all structures on the lot
7. Setbacks of all structures on the lot
8. Location of garbage dumpster
9. Location of all existing and proposed utilities
10. Parking plan
11. Lighting plan
12. Other information which may allow the ~~DRG~~ [City Planner, City Engineer](#), Planning Commission, and City Council to evaluate the proposed site plan.

ARTICLE 3.12 SENSITIVE LAND ORDINANCE (Original Ordinance No. 2002-01. Amended by Ordinance 2005-03, 1/25/05)

3.12.3.2 If a development is exclusive of any other regulatory process but in a sensitive land area then the Sensitive Land Area Review may be processed by the ~~Development Review Committee~~ [City Engineer](#).

3.12.6.4 Required Geologic Hazard and Engineering Geology Reports

An engineering geology report may be required in Geologic Hazard areas that include a geologic hazards investigation and assessment prepared by a qualified engineering geologist upon the recommendation ~~DRC~~ [of the City Engineer](#) or at the request of the Planning Commission or City Council. The report shall be site-specific and shall identify all know or suspected geologic hazards, whether previously mapped or unmapped, that may affect the particular property. All reports will be prepared by a qualified geologist or engineer and all reports shall be signed and stamped by the preparer and include their qualifications. Reports are:

3.21.6.8 Fences Along Public Open Space and Trails. See Articles 3.16, Section 3.16.10.1 and Article 3.17 Section 3.17.10.3.1.

Fences or borders along property lines adjacent to a trail or open space must meet with the ~~DRC~~ [City Planner](#) and meet specific standards.

1. When the width of the open space or trail easement is less than 50 feet, bordering fences may not exceed eight (8) feet in height, and shall not obstruct visibility. (Open style fences such as rail fences, field fence, or chain link are preferable.)
2. When the width of the open space or trail easement is 50 feet or more, fence standards as specified elsewhere in this ordinance apply.
3. Fences and hedges must be completely within the boundaries of the private property.
4. Hedges or shrubs must be maintained to the same height requirements as fences.
5. The owner of the fence or hedge must maintain the side facing the open space.

3.21.6.9 Conditional Uses for Interior Fences. A conditional use permit may be approved by the ~~Development Review Committee (DRC)~~ [City Planner](#) for an interior fence over eight (8) feet in height for such things as sports courts, gardens and swimming pools. A conditionally approved interior fence shall not exceed twelve (12) feet in height and shall be an open style fence. (Ord. No. 2015-06, 05/26/15)

3.23.7.3 Home Occupations (Ord. 95-04, 2/28/95. Amended Ord. 08-18, 12/16/08; Ord. 2009-14, 9/22/09; Ord. 2010-07, 5/11/10; Ord. 2010-11, 10/12/10; Ord. 2013-04, 3/12/13; Ord. 2014-06, 3/25/14). Home occupations may be permitted as a conditional use, upon review of Staff and approval by the ~~DRC~~ [City Planner](#). If the ~~DRC~~ [City Planner](#) determines that the home occupation may create significant impacts, approval from the Planning

Commission may be required. All home occupations will be subject to compliance with the following:

2. Commission May Attach Conditions.

In order to achieve the objectives of this Code and to protect the health, safety and quality of life in the community the Planning Commission or ~~DRG~~ [City Planner](#) may attach conditions to the granting of a home occupation consistent with the standards hereinabove stated.

3. Continuing Obligation - Business License Required.

All home occupations shall be operated in compliance with the conditions herein above set forth and any conditions which may be attached as part of the approval. Upon approval of a home occupation the applicant shall be eligible to acquire a business license to operate. Issuance of the Business License shall be conditioned upon continued performance of the conditions of approval and said license shall be refused or revoked upon failure of the owner and/or operator to maintain or operate the home occupation in accordance therewith.

The approval shall be valid for the remainder of the year in which it is first granted. Thereafter the approval will be extended for successive one year periods, commencing on January 1 of the calendar year, or such other date as the Council or ~~DRG~~ [City Planner](#) may from time to time establish as the effective date for business licenses, provided (1) that the home occupation remains substantially the same as initially approved and (2) that the home occupation has remained active as evidenced by the acquisition of a valid business license for the previous year.

3.24.5 LOCATION OF REQUIRED OFF-STREET PARKING. All required off-street parking spaces shall be located on-site on the same lot as the use or building it serves, unless otherwise recommended by the ~~Development Review Committee (DRG)~~ [City Planner, City Engineer](#), the Planning Commission, and approved by the City Council.

3.30.3 REQUESTING REASONABLE ACCOMMODATION.

A. Requests for reasonable accommodations shall be in writing and provide the following information:

- (1) Name and address of the individual(s) requesting reasonable accommodation;
- (2) Name and address of the property owner(s);
- (3) Address of the property for which accommodation is requested;
- (4) Description of the requested accommodation and the regulation(s), policy or procedure for which accommodation is sought;
- (5) Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling; and

(6) All information necessary for the findings set forth in Sec.3.30.5

Requests for reasonable accommodations shall be submitted to the ~~Development Review Committee (DRG)~~ [City Administrator](#).

3.30.4 REVIEWING AUTHORITY.

- A. Requests for reasonable accommodations shall be reviewed using the criteria set forth in Sec. 3.30.5 below.
- B. The ~~DRG~~ [City Administrator](#) shall issue a written decision on a request for reasonable accommodation within thirty (30) days of the date of the application and may either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with the required findings set forth in Sec. 3.30.5 below.

3.30.6 WRITTEN DECISION ON THE REQUEST FOR REASONABLE ACCOMMODATION.

- A. The written decision on the request for reasonable accommodation shall explain in detail the basis of the decision, including the reviewing authority's findings on the criteria set forth in Sec. 3.30.5. All written decisions shall give notice of the applicant's right to appeal and to request reasonable accommodation in the appeals process as set forth below. The notice of decision shall be sent to the applicant by certified mail.
- B. The written decision of the ~~DRG~~ [City Administrator](#) shall be final unless an applicant timely appeals it to the Land Use Hearing Officer, as the Alpine City Appeal Authority.
- C. If the ~~DRG~~ [City Administrator](#) fails to render a written decision on the request for reasonable accommodation within the thirty (30) day time period allotted by Sec. 3.30.4(B), the request shall be deemed denied based upon the insufficiency of the applicant's information to satisfy the criteria set forth in Sec. 3.30.3.
- D. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

3.30.7 APPEALS.

- A. Within ten (10) days of the date of the ~~DRG~~ [City Administrator](#)'s written decision or expiration of the thirty (30) day time period allotted by Sec. 3.30.4(B), an applicant may appeal an adverse decision to the Alpine City Appeal Authority. Appeals from the adverse decision shall be made in writing.
- B. If an individual needs assistance in filing an appeal on an adverse decision, the City will provide assistance to ensure that the appeals process is accessible.
- C. All appeals shall contain a statement of the grounds for the appeal. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.
- D. The review of all such appeals shall be based upon the record presented to the ~~DRG~~ [City Administrator](#).

ARTICLE 3.31 BOUNDARY LINE ADJUSTMENTS (Ord. No. 2011-02, 01/11/11)

3.31.1 During the review process, the ~~Development Review Committee (DRC)~~ [City Planner, the City Engineer](#), the Planning Commission and the City Council may request reasonable additional information from the applicant(s) from time to time; and may ask other advisors to review the proposed application if, in the opinion of the City, it may contribute to a decision in the best interest of the City.

3.31.2 A boundary line adjustment may be approved by the ~~Development Review Committee (DRC)~~ [City Planner and City Engineer](#) unless the adjustment involves a change of use or change of zone of any of the property. If a change of use or change of zone is involved, the boundary line adjustment will require a recommendation from the ~~DRC~~ [City Planner and City Engineer](#) to the Planning Commission, a recommendation from the Planning Commission to the City Council, and a final approval by the City Council.

3.31.3 PROPERTY WITHIN A RECORDED SUBDIVISION. If any property included in a proposed boundary line adjustment is located within a recorded subdivision, the boundary line adjustment must be done by plat amendment and will require the notification and approval of all applicable utilities. In addition to the provisions below, the plat amendment shall comply with Utah State Code.

1. The applicant(s) shall meet with the ~~DRC~~ [City Planner and City Engineer](#) to review the proposed boundary line adjustment prior to submitting an application.
2. The applicant(s) shall have all of the property included surveyed by a surveyor licensed to do such work in the State of Utah and shall have a plat amendment prepared.
3. If there is no change of use or change of zone for any of the property included, the ~~DRC~~ [City Planner and City Engineer](#) may approve the application.
 - a. The applicant(s) shall submit the following materials to the City Planner for DRC review:
 1. Three (3) D (22x34) size copies,
 2. Four (4) 11x17 copies,
 3. An electronic copy in a format specified by City Staff,
 4. A completed boundary line adjustment application, and
 5. Pay the associated fee in accordance with the current fee schedule.

The application will not be accepted unless all materials are completed and submitted and the fee is paid.

- b. The ~~DRC~~ [City Planner and City Engineer](#) shall review the application for compliance with the Alpine City General Plan and all applicable City ordinances. If the ~~DRC~~ [City Planner or City Engineer](#) determines that the application complies with all applicable requirements, ~~the DRC they~~ shall approve the application. If the ~~DRC~~ [City Planner or City Engineer](#) determines that the proposed boundary line adjustment would violate local ordinances and regulations, no further review of the application shall be made. A new application shall be required to reinstate the process.
 4. If there is a change of use or change of zone for any of the property included, the application must be reviewed by the Planning Commission and City Council.
 - a. When the ~~DRC~~ [City Planner and City Engineer](#) determines that the application is ready for Planning Commission review, the applicant(s) shall submit the following information

to the City Planner fourteen (14) days prior to a regularly scheduled Planning Commission meeting:

1. Four (4) D (22x34) size copies,
2. Ten (10) 11x17 copies,
3. An electronic copy in a format specified by City Staff,
4. A completed boundary line adjustment application, and
5. Pay the associated fee in accordance with the current fee schedule.

The application will not be accepted unless all materials are completed and submitted and the fee is paid.

- b. The application shall be reviewed by the Planning Commission for compliance with the Alpine City General Plan and all applicable City ordinances. If the Planning Commission determines that the proposed boundary line adjustment complies with all applicable requirements, it shall make a favorable recommendation to the City Council.

If the Planning Commission determines that the proposed boundary line adjustment would violate local ordinances and regulations, no further review of the proposed boundary line adjustment shall be made by the Planning Commission. A new application shall be required to reinitiate the boundary line adjustment process.

- c. The City Council shall review the application at a regularly scheduled meeting. If the City Council determines that the proposed boundary line adjustment complies with all applicable requirements, it shall approve the proposed boundary line adjustment.

3.31.4 PROPERTY OUTSIDE AN APPROVED, RECORDED SUBDIVISION. If all of the property included in a proposed boundary line adjustment is not located in an approved, recorded subdivision, boundary lines may be adjusted through the use of legal descriptions following the process outlined below.

1. The applicant(s) shall meet with the **DRC** [City Planner and City Engineer](#) to review the proposed boundary line adjustment prior to submitting an application.
2. The applicant(s) shall have all of the property included surveyed by a surveyor licensed to do such work in the State of Utah.
3. If there are any recorded easements located on any of the properties, the applicant(s) shall notify the appropriate entity and obtain their approval and submit documentation of approval to Alpine City.
4. If there is no change of use or change of zone for any of the property included, the **DRC** [City Planner and City Engineer](#) may approve the application.
 - a. The applicant(s) shall submit the following materials to the City Planner for **DRC** review:
 1. Five (5) copies of before and after legal descriptions of the properties;
 2. Five (5) copies drawn to scale showing the properties before and after the adjustment,
 3. An electronic copy in a format specified by staff,
 4. A completed boundary line adjustment application, and
 5. Pay the associated fee in accordance with the current fee schedule.

The application will not be accepted unless all materials are completed and submitted and fee is paid.

- b. The [DRC City Planner and City Engineer](#) shall review the application for compliance with the Alpine City General Plan and all applicable City ordinances. If the [DRC City Planner or City Engineer](#) determines that the application complies with all applicable requirements, ~~the DRC they~~ shall approve the application. If the [DRC City Planner or City Engineer](#) determines that the proposed boundary line adjustment would violate local ordinances and regulations, no further review of the application shall be made. A new application shall be required to reinstate the process.
5. If there is a change of use or change of zone for any of the property included, the application must be reviewed by the Planning Commission and City Council.
- a. When the [DRC City Planner and City Engineer](#) determines that the proposed boundary line adjustment is ready for Planning Commission review, the applicant shall submit the following to the City Planner fourteen (14) days prior to a regularly scheduled Planning Commission meeting:
 - 1. Fifteen (15) copies of before and after legal descriptions of the properties,
 - 2. Fifteen (15) copies drawn to scale showing the properties before and after the adjustment,
 - 3. An electronic copy in a format specific by City Staff,
 - 4. A completed boundary line adjustment application, and
 - 5. Pay the associated fee in accordance with the current fee schedule.

The application will not be accepted unless all materials are completed and submitted and fee is paid.

- b. The application shall be reviewed by the Planning Commission for compliance with the Alpine City General Plan and all applicable City ordinances. If the Planning Commission determines that the proposed boundary line adjustment complies with all applicable requirements, it shall make a favorable recommendation to the City Council.

If the Planning Commission determines that that proposed boundary line adjustment would violate local ordinances and regulations, no further review of the proposed boundary line adjustment shall be made by the Planning Commission. A new application shall be required to reinstate the boundary line adjustment process.

- c. The City Council shall review the application at a regularly scheduled meeting. If the City Council determines that the proposed boundary line adjustment complies with all applicable requirements, it shall approve the proposed boundary line adjustment.

3.31.5 EXPIRATION. All Planning Commission recommendations shall be null/void 180 calendar days after a recommendation is given. If the boundary line adjustment is not recorded, all final approvals, whether granted by the [DRC City Planner and City Engineer](#) or City Council, shall be null/void 180 calendar days after final approval is granted.

The applicant(s) may request a reinstatement within fourteen (14) days of any expiration. The voided/null boundary line adjustment may be submitted to the ~~Development Review Committee~~ [City Planner](#) for reinstatement. If there are no changes to the voided/null boundary line adjustment and there have been no changes in ordinances that would affect the boundary line adjustment, the [DRC City Planner](#) may approve the reinstatement of the boundary line adjustment. If there are any changes in the boundary line adjustment or any changes in ordinances that would affect the boundary line adjustment, the voided/null boundary line adjustment may be submitted for reinstatement with a recommendation from the Planning Commission and approval by the City Council, but will be subject to all applicable ordinances at the time of reinstatement.

A current reinstatement fee will be charged in accordance with the current fee schedule for each reinstatement. The plat must be recorded within 180 days after the reinstatement approval or the approval shall be null and void. No further extensions/reinstatements will be approved. A new application shall be required to reinitiate the boundary line process.

ARTICLE 3.32 RETAINING WALLS (Ord. No. 2015-07, 06/09/15)

3.32.2 EXCEPTIONS FROM ARTICLE 3.32. The City Council may grant an exception from these standards. Prior to the City Council considering the exception, the ~~DRC~~ City Engineer shall submit a written recommendation to the Planning Commission. The recommended exception shall be based on generally accepted ~~planning and~~ engineering practices. The Planning Commission shall review the recommendation and advise the City Council as to whether or not the exception should or should not be granted.

4.1.2 EXCEPTIONS FROM DESIGN AND IMPROVEMENT STANDARDS (Amended by Ord. No. 2001-14 and Ord. 2004-13, 9/28/04)

When in the opinion of the ~~Development Review Committee (DRC)~~ City Planner and City Engineer, the best interest of the City would not be served by the literal enforcement of the design or improvement standards in this ordinance, the City Council may grant an exception from these standards.

Prior to the City Council considering the exception, the ~~DRC~~ City Planner and City Engineer shall submit a written recommendation to the Planning Commission. The recommended exception shall be based on generally accepted planning and engineering. The recommended exception may not vary the zone, use or lot size of the development. The Planning Commission shall review the recommendation and advise the City Council as to whether or not the exception should or should not be granted.

4.5.3.1 ~~DEVELOPMENT REVIEW COMMITTEE (DRC)~~ CITY PLANNER AND CITY ENGINEER

1. The subdivider of a minor subdivision shall meet with the ~~Development Review Committee (DRC)~~ City Planner and City Engineer to review the proposed subdivision before submitting an application.
2. The subdivider shall prepare a preliminary plan showing the land to be subdivided, properly and accurately drawn to scale that complies with the drawing requirements in Section 4.6.3.3. The plan shall be certified as to accuracy by a licensed land surveyor licensed to do such work in the State of Utah.
3. The subdivider shall submit three (3) D size (22" x 34") copies of the plan to the City Planner to be reviewed by the ~~DRC~~ City Planner and City Engineer. The subdivider shall also submit an electronic copy of the plan in a compatible format as specified by City Staff.
4. The ~~DRC~~ City Planner and City Engineer shall review the plan to determine compliance with the Alpine City General Plan and all applicable City ordinances. The City Planner

shall notify the subdivider of the review findings, including questionable design or engineering feasibility, inadequacy of submittals, non-compliance with local regulations, and the need for other information which may assist in the evaluation of the proposed subdivision.

5. When the ~~DRC~~ [City Planner and City Engineer](#) determines that the plan is ready for Planning Commission review, the ~~DRC~~ [City Planner](#), in consultation with the Planning Commission Chairperson, shall establish a review date. The subdivider may prepare a final plan that incorporates all changes recommended by the ~~DRC~~ [City Planner and City Engineer](#).

4.5.3.2 PLANNING COMMISSION

1. Upon recommendation of the ~~DRC~~ [City Engineer](#), the subdivider shall submit the following to the City Planner at least fourteen (14) days before the scheduled Planning Commission meeting:

4.5.8 REINSTATEMENT OF THE FINAL PLAT (Ord. 2004-13, 9/28/04; Ord. 2008-07, 5/27/08)

The voided/null Final Plat may be submitted to the ~~Development Review Committee (DRC)~~ [City Planner](#) for reinstatement. If there are no changes to the voided/null final plat and there have been no changes in ordinances that would affect the voided/null final plat, the ~~DRC~~ [City Planner](#) may approve the reinstatement of the final plat. If there are any changes on the final plat or any changes in ordinances that would affect the plat, the voided/null final plat may be submitted for reinstatement with a recommendation from the Planning Commission and approval by the City Council, but will be subject to all applicable ordinances at the time of reinstatement, and a current reinstatement fee will be charged in accordance with Alpine City's current fee schedule. The final plat must be recorded within 180 days after the reinstatement approval or the approval shall be null and void.

4.6.1.1 PLAN REQUIREMENTS

The subdivider shall submit a concept plan to the Planning Commission prior to the submission of a preliminary plan. The concept plan shall enable the subdivider and the Planning Commission to review the proposed subdivision for general scope and conditions, which might affect said subdivision. The concept plan shall consist of a simple layout of existing and proposed streets, trails, lots, major buildings, planned residential developments, utilities, drainage channels, ditches and waterways.

The plan shall include the following items:

1. The scale on the concept plan should not be less than 1 inch to 200 feet (1" = 200'). Math scale may change as required on the 11"x17" copy.
2. The proposed name of the subdivision.
3. The address of the subdivision.
4. A vicinity plan showing significant natural and man-made features on the site and within one half (2) mile of any portion of it.
5. The property boundaries of the proposed subdivision, the names of adjacent property owners; topographic contours at no greater intervals than two feet, and north arrow. If the topography is steep, five-foot contour intervals shall be used.
6. A proposed lot and street and trail layout, indicating general scaled dimensions of lots to

- the nearest foot.
7. The acreage of the entire tract proposed for the subdivision and number of lots.
 8. The location of waterways, ditches and easements.
 9. Soil profiles for the tract proposed for subdivision where there are geologic hazards known to the subdivider or Alpine City.
 10. Source of water rights to be conveyed to the City.
 11. Other information, which may allow the ~~DRC~~ [City Planner, City Engineer](#) and the Planning Commission to evaluate the proposed subdivision.

4.6.1.2 REVIEW PROCEDURES

During the concept plan review process, the ~~Development Review Committee (DRC)~~ [City Planner, City Engineer](#) and the Planning Commission may request reasonable additional information from the subdivider from time to time; and may ask other advisors to review the plan if, in the opinion of the City, it may contribute to a decision in the best interest of the City.

After submittal of the required application materials, no excavation nor alteration of the terrain within a proposed subdivision may be undertaken prior to written approval by the City Council of the final plat. Excavation or alteration of the land prior to approval of the final plat may be cause for disapproval of the proposed subdivision.

4.6.1.2.1 ~~DEVELOPMENT REVIEW COMMITTEE (DRC)~~ [CITY PLANNER AND CITY ENGINEER](#)

1. The subdivider shall meet with the ~~DRC~~ [City Planner and City Engineer](#) to discuss the proposed subdivision before submitting an application or any plans.
2. The subdivider shall prepare and submit four (4) D size (22" x 34") copies of the concept plan to the City Planner to be reviewed by the ~~DRC~~ [City Planner and City Engineer](#). The subdivider shall also submit an electronic copy of the plan in a compatible format as specified by City Staff.
3. The ~~DRC~~ [City Planner and City Engineer](#) shall review the concept plan to determine compliance with the Alpine City General Plan and all applicable City ordinances. The City Planner shall notify the subdivider of the review findings, including questionable design or engineering feasibility, inadequacy of submittals, non-compliance with the local regulations, and the need for other information which may assist in the evaluation the proposed subdivision.
4. When the ~~DRC~~ [City Planner and City Engineer](#) determines that the concept plan is ready for Planning Commission review, the ~~DRC~~ [City Planner](#), in consultation with the Chairperson of the Planning Commission, will establish a date for a public hearing and initial presentation and review of the concept plan. In case of an impasse between the ~~DRC~~ [City Planner/City Engineer](#) and the developer, the developer may appeal to the Planning Commission.

4.6.1.2.2 PLANNING COMMISSION

1. Upon recommendation of the ~~DRC~~ [City Planner and City Engineer](#), the subdivider shall prepare and submit the following required documentation to the City Planner at least fourteen (14) days prior to the scheduled public hearing and ten (10) days prior to a regularly scheduled Planning Commission meeting for a resubmission:
 - a. a completed Concept Plan Checklist and Application;
 - b. a list of all property owners within 500 feet of the boundaries of the proposed development, and envelopes that have been stamped and addressed to all the

- property owners named on the list;
- c. five (5) D size (22" x 34") copies of the plan (including any revisions recommended by the [DRC City Planner and City Engineer](#) in its initial review),
- d. ten (10) 11" x 17" copies drawn to scale, and
- e. an electronic copy in a compatible format, as specified by City Staff.

4.6.2.2 DRAWING REQUIREMENTS

28. Location of each lot's Buildable Area in a PRD, irregular lots or any other lots as requested by the [DRC City Planner, City Engineer](#) or Planning Commission. The designated buildable area should not be less than five thousand (5,000) sq. ft. except in the TR-10,000 zone, and shall be shown on the preliminary and final plat together with a notation to the effect that all main and accessory buildings shall be located within the Designated Buildable Area. (Amended by Ord. 2004-13, 9/28/04)

- (1) The Designated Buildable Area may be amended by the [DRC City Planner and City Engineer](#) as long as the minimum setback requirements of the underlying zone are met.

4.6.3.3 DRAWING REQUIREMENTS

13. Buildable areas when required by the [DRC City Planner, City Engineer](#) or Planning Commission, shall be noted with all dimensions. The Designated Buildable Area should be not less than five thousand (5,000) sq. ft. All dwellings and other habitable structures and accessory building shall be located within the Designated Buildable Area. (Amended by Ord. 2004-13, 9/28/04)

4.6.3.13 REINSTATEMENT OF FINAL PLAT (Amended by Ord. 2004-13, 9/28/04; Ord. 2008-07, 5/27/08)

The voided/null Final Plat may be submitted to the [Development Review Committee \(DRC\) City Planner](#) for reinstatement. If there are no changes to the voided/null final plat and there have been no changes in ordinances that would affect the voided/null final plat, the [DRC City Planner](#) may approve the reinstatement of the final plat. If there are any changes on the final plat or any changes in ordinances that would affect the plat, the voided/null final plat may be submitted for reinstatement with a recommendation from the Planning Commission and approval by the City Council, but will be subject to all applicable ordinances at the time of reinstatement and a current reinstatement fee will be charged in accordance with current fee schedule. The final plat must be recorded within 180 days after the reinstatement approval or the approval shall be null and void.

4.7.4 STREETS AND STREET REQUIREMENTS

12. Centerline of Intersecting Streets. The centerline of two subordinate streets meeting a through street from opposite sides shall extend as a continuous line, or the centerline shall be offset at least one hundred fifty (150') feet. An exception may be given to the off-set requirement of up to 15 feet as recommended by the ~~DRC~~ [City Engineer](#) and Planning Commission and approved by the City Council. (Amended by Ord. 2004-13, 9/28/04)
13. Curved Streets Preferred. In the design of subdivisions, curving streets shall be preferred to straight streets or rigid ninety degree grid systems.
14. Frontage on Arterial Streets. Driveways or other vehicular accesses to an individual lot that open onto any public street designated by the official City Street Plan as an arterial street may be used as an access if it is recommended by the ~~DRC~~ [City Engineer](#) and Planning Commission and approved by the City Council. Turn-arounds, hammerhead or side-entry driveways must be incorporated to ensure that vehicles will not back out on arterial streets. (Amended by Ord. 2004-13, 9/28/04)

4.7.10 SIDEWALKS, CURBS AND GUTTERS (Amended by Ord. 2014-12, 7/08/14)

Sidewalks, curbs, planter strips and gutters may be required on both sides of all streets to be dedicated to the public. Sidewalks, curbs, planter strips and gutters may be required by the Planning Commission and City Council on existing streets bordering the new subdivision lots.

General: The Developer of the project shall only be responsible for the cost of system improvements that are roughly proportionate and reasonably related to the service demands and needs of such development activity.

- 4.7.10.1 Exception.** On occasion, there may be circumstances in which an exception from the curb, gutter and sidewalk requirements may be warranted. An applicant should meet with the ~~DRC (Development Review Committee)~~ [City Engineer](#) to discuss the circumstances.

4.7.18 STORM DRAINAGE AND FLOOD PLAINS

2. Design. The drainage and flood plain systems shall be designed to:
 - (1) Permit the unimpeded flow of natural water courses.
 - (2) Ensure adequate drainage of all low points.
 - (3) Ensure applications of the following regulations regarding development in designated flood plains:
 - a. Construction of buildings shall not be permitted in a designated flood way with a return frequency more often than a 100-year storm.
 - b. Building construction may occur in that portion of the designated flood way where the return frequency is between a 100-year and a maximum probable storm provided all usable floor space is constructed above the designated maximum probable flood level.

- c. Where flood way velocities are generally determined to be under five feet (5') per second and maximum flood depth will not exceed three feet (3'), such uses as cultivated agriculture, nurseries, parks and recreation facilities and accessory parking may be permitted.
- d. Any use of land is prohibited where flooding would create a public health hazard or problem. This includes shallow wells, uncased deep wells, sanitary land fills, septic tank and on-lot sewage disposal systems, water treatment plants, and also sewage disposal systems not completely protected from inundation.
- e. Any contemplated flood plain encroachment or channeling shall be thoroughly analyzed and its effect on stream flow determined before such encroachment is undertaken. Any construction, dumping, and filling operations in a designated flood way constitutes an encroachment and must be approved by the Planning Commission, before accomplishment.
- f. Existing lots that contain land in the floodplain area shall contain a minimum area outside the floodplain corresponding to the underlying zone. For example, a lot in the TR-10,000 zone must have at least 10,000 sq. ft of land which is an elevation at least two feet above the elevation of the 100-Year Recurrence Interval Flood. CR-20,000 lots in a floodplain must have at least 20,000 sq. ft. of land that is two feet above the 100-Year Recurrence Interval Flood. A CR-40,000 lot in a floodplain must have at least 40,000 sq. ft. of land that is two feet above the 100-Year Recurrence Interval Flood. Whenever 100-Year Recurrence Interval Flood data is not available, the required area as described above will be five feet above the elevation of the maximum flood of record. (Ord. 2004-13, 9/28/04)

(4) Insure that lots are adequately drained into the city storm drain system as required by the ~~Development Review Committee (DRC)~~ [City Engineer](#). (Ord. 2004-13, 9/28/04)

- 4. Detention and Retention Basins. Detention basins shall be designed to accommodate a 50-year storm. Retention basins shall be designed to accommodate a 100-year storm. The basins shall be designed to drain at a controlled rate, not to exceed 0.2 CFS per developed acre. Detention/retention basins shall be graded to a 4:1 slope and seeded and sprinkles shall be installed upon recommendation of the ~~Development Review Committee (DRC)~~ [City Engineer](#) and the Planning Commission to the City Council. (Ord. 2002-14)

4.7.23.3 Type of Water Rights Acceptable For Conveyance. Water rights proposed for conveyance to the City shall be of a type which allow for municipal use within the City, or, if not, the water rights must be of the type which can be amended to provide for municipal use in accordance with the procedures of Utah's change application statute, Utah Code Ann. ' 73-3-3. The developer shall make application to the State Engineer and shall pay all costs associated with the application. The water rights may include one or a combination of the following as recommended by the ~~Development Review Committee (DRC)~~ [City Engineer](#) to the Planning Commission, and a recommendation by the Planning Commission to the Alpine City Council with the final determination to be made by the City Council.

ARTICLE 4.12 INFRASTRUCTURE PROTECTION BOND (Ord 97-04, 4/8/97; Amended by Ord. 2004-13, 9/29/04; Ord. 2008-03, 4/8/08; Ord. 2008-14, 8/26/08)

AN ORDINANCE REQUIRING AN INFRASTRUCTURE BOND AND ESTABLISHING A PROCEDURE FOR HOLDING, FORFEITING AND APPEALING DECISIONS REGARDING THE BOND.

- 4.12.1 Applicability of Ordinance.** This ordinance shall govern the provisions, nature, use and disposition of an Infrastructure Protection Bond or Guarantee of Performance which are hereby required to be posted with or deposited for the benefit of the City for all building permits unless otherwise exempted by the ~~Development Review Committee~~ [City Engineer](#).

ARTICLE 4.14 SITE PLAN TO COMPLY (Ord. No. 92-03 Amended by Ord. No. 2004-13, 9/28/04; Ord. No. 2013-11, 7/23/13)

AN ORDINANCE PROVIDING FOR COMPLIANCE WITH ARTICLE 4.7, ARTICLE 4.8 and ARTICLE 4.10 OF THE ALPINE CITY SUBDIVISION ORDINANCE AND THE ALPINE CITY CONSTRUCTION STANDARDS FOR BUILDING PERMIT APPLICATION FOR SINGLE FAMILY RESIDENTIAL DWELLINGS OR COMMERCIAL STRUCTURES NOT LOCATED IN AN APPROVED SUBDIVISION.

4.14.1 Site Plan Approval Process

- ~~1. The applicant shall submit the Site Plan Application and three (3) D size (22" x 34") to the City Planner to be reviewed by the DRC along with an electronic copy in a compatible format as specified by City Staff. The DRC and Alpine City Building Inspector shall review the application and plan to determine whether the proposed construction or alteration conforms to the building codes and ordinances of this municipality.~~
2. ~~Upon recommendation of the DRC,~~ The applicant shall submit the following to the City Planner at least fourteen (14) days before the scheduled Planning Commission meeting:
 - a. the Site Plan Checklist and Application;
 - b. three (3) D size (22" x 34") copies of the final plan,
 - c. ten (10) 11" x 17" copies of the plan drawn to scale, and
 - d. an electronic copy of the plan in a compatible format as specified by City Staff.

The applicant shall pay the associated fee(s) as set forth in the Alpine City Consolidated Fee Schedule. The fee(s) shall be paid to the City Recorder, payable to Alpine City.

The plans will not be presented to the Planning Commission until the application is complete, including submitting all required information and paying all fees. The application must be complete and accepted in writing by the City Planner. [The City Planner and City Engineer shall review the application and plan to determine whether the proposed construction or alteration conforms to the ordinances of this municipality](#)

3. A building permit application and plan for a residential single family dwelling or commercial structure which is not located in an approved subdivision shall:
 - a. Conform to Article 4.7, Article 4.8 and Article 4.10 (Subdivision Design and Financial Standards including Water Right Requirements) of the Alpine City Subdivision Ordinance. If it is a commercial site plan, it also conforms to any additional requirements that are applicable to the site plan in Article 3.7 (Business/Commercial District) of the Alpine City Development Code;
 - b. Be reviewed by the ~~DRC~~ [City Planner, City Engineer](#) and approved by the Planning Commission for compliance with the foregoing provisions prior to issuance of the permit;

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: 2016 Annual Meeting Schedule

FOR CONSIDERATION ON: 1 December 2014

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Approve Meeting Schedule

APPLICABLE STATUTE OR ORDINANCE:

PETITION IN COMPLIANCE WITH ORDINANCE: Yes

BACKGROUND INFORMATION:

At the beginning of each new the year, The Planning Commission members will review the Annual Meeting Schedule. They will discuss the schedule to see if the dates work or if changes need to be made.

RECOMMENDED ACTION:

We recommend approval of the dates for Planning Commission meetings on the 2016 Annual Meeting Schedule.



2016 ANNUAL MEETING SCHEDULE

FOR

ALPINE CITY, UTAH

PLANNING COMMISSION MEETINGS for the 2016 calendar year are scheduled on the 1st and 3rd Tuesday of each month as follows unless otherwise indicated:

January 5	May 3	September 6
January 19	May 17	September 20
February 2	June 7	October 4
February 16	June 21	October 18
March 1	July 5	November 1
March 15	July 19	November 15
April 5	August 2	December 6
April 19	August 16	

CITY COUNCIL MEETINGS for the 2016 calendar year are scheduled on the 2nd and 4th Tuesday of each month as follows unless otherwise indicated:

January 12	May 10	September 13
January 26	May 24	September 27
February 9	June 14	October 11
February 23	June 28	October 25
March 8	July 12	November 8
March 22	July 26	November 22
April 12	August 9	December 13
April 26	August 23	

All Planning Commission and City Council meetings will begin at 7:00 pm unless otherwise posted. Meetings are held at Alpine City Hall, 20 North Main, Alpine, Utah 84004.

Charmayne G. Warnock
City Recorder

THE PUBLIC IS INVITED TO ATTEND ALL PUBLIC CITY MEETINGS. If you need a special accommodation to participate in the meeting, please call the City Recorder's Office at 801-756-6347 ext. 113.

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 Orem, UT and local newspapers circulated in Alpine, UT. This agenda is also available on the City's web site at www.alpinecity.org and on the Utah Public Meeting Notices website at www.utah.gov/pmn/index.html.

**ALPINE CITY PLANNING COMMISSION MEETING at
Alpine City Hall, 20 North Main, Alpine, Utah
October 20, 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

Staff: Jason Bond, Marla Fox

Others: Roger Bennett, Larry Hilton, Carla Merrill, Marianna Richardson, Dakota Hawks, Brent Bateman, Will Jones, Lon Lott, Loraine Lott, Ramon Beck

B. Prayer/Opening Comments: David Fotheringham

C. Pledge of Allegiance: Carla Merrill

II. PUBLIC COMMENT

No comment

III. ACTION ITEMS

A. Verizon Wireless Telecommunication Tower Collocation – Lambert Park

Verizon Wireless is proposing to collocate antennas and equipment at the existing Lambert Park tower site. As part of the proposal, Verizon Wireless is proposing to lease 467 square feet east of the existing tower from Alpine City. The vegetation in the proposed lease area is very minimal. In addition, the Public Utility Easement from Country Manor Lane to the site has been modified. The applicant has worked closely with the Engineering Department on the alignment of that proposed P.U.E. The applicant proposes to have two rows of antennas and potentially microwave dishes below the antennas. Detailed plans and photo simulations are attached. All antenna mounts and antennas will be painted to match the existing tower.

Jason Bond said there is only one row of antennas on the tower and Verizon is requesting to put in a second row which would be the middle row on the tower. They also want to adjust the easement up to the location and lease some property for their equipment at the base of the tower. Because this is an easement on city property, the ordinance states this would require a Public Hearing. Jason Bond said he drove up to Lambert Park today to take pictures of the area so everyone could see what Verizon is proposing to do and the location of where they want to do it.

Steve Cospser said this seems to be a permanent structure with the need of an easement on property owned by the city. He asked if they would have a long term lease with the city. Jason Bond said yes, that is how it would work, they could have the easement but the property would still be owned by the city. Jane Griener asked if the easement would be changed. Dakota Hawks from Verizon said the easement is the same and he has worked with Shane Sorensen to correct the alignment which has been recorded.

Judi Pickell asked if the equipment will be the same as the existing equipment. Mr. Hawks said it will be very similar. Jason Bond said the antennas will be painted to match the existing antennas so they won't stand out. He also said the antennas may actually be a little bit smaller. David Fotheringham asked about landscaping around the tower and said because we will have future development in the area, it would be nice to start some planting of landscaping now. Jason Bond said this area in Lambert Park would be very difficult to landscape because of the lack of water. He said the area is all natural landscaping. Judi Pickell asked about fencing the area with colored slats to help hide the equipment. Lon Lot said you could plant wildflowers that would naturally grow from the water from Heaven and be drought tolerant.

1 **MOTION:** David Fotheringham moved to recommend approval of the Verizon Wireless Collocation of the
2 antennas and lease of 467 square feet for base equipment in Lambert Park with the following conditions:

- 3
- 4 1. Paint cabinets the same color as the tower
- 5 2. Public Hearing at City Council
- 6

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

9

10 **B. Condominium Conversion – 341 South Main Street – Larry Hilton**

11 Larry Hilton has received approval of a building to be built at 341 South Main Street, Lot B of the Alpine Olde
12 Towne Centre Planned Commercial Development. Before construction, Mr. Hilton is requesting that the building be
13 converted into two separate condominiums. Chapter 6 of the Alpine City Development Code lays out the
14 requirements for the conversion of a building to condominiums. The ordinance requires several documents and that
15 it go through the same process “as set forth in City ordinances dealing with major subdivisions.” (Section 6.6)

16
17 Jason Bond said this situation is unique because ground hasn’t been broken on this building and said he didn’t think
18 we have any other condominium buildings in the city.

19
20 Larry Hilton said he will have an association for his building and the two owners would belong to the association.
21 Bryce Higbee asked if this is allowed by the current Towne Centre association. Larry Hilton said he would look into
22 it. He said the building would have two different accesses for the two different portions of the building. He also
23 said that the Red Pine businesses have been condominiumized because they all have different owners.

24
25 Steve Swanson asked if there would be adequate parking for the two businesses. Mr. Hilton said the parking would
26 be the same. He said he would own one portion of the building and he would have two business partners and they
27 would own the other business. Mr. Hilton said he would like to have two different street addresses for separation of
28 mail. The addresses would be located on the outside of the building.

29
30 **MOTION:** Bryce Higbee moved to recommend approval of the Larry Hilton Condominium Request located at 341
31 South Main Street, Lot B of the Alpine Olde Towne Centre Planned Commercial Development with the following
32 condition.

- 33
- 34 1. David Church review the Declaration of Condominium Covenants, Conditions, Restrictions and
35 Management as proposed.
- 36

37 Steve Swanson seconded the motion. The motion was unanimous with 6 Ayes and 0 Nays. Bryce Higbee, David
38 Fotheringham, Steve Cosper, Jane Griener, Steve Swanson and Judi Pickell all voted Aye.

39
40

41 **C. Planning Commission Training**

42 Brent Bateman from the State Ombudsman office spoke with the Planning Commission about what some of their
43 duties were.

44
45 Protect the property rights of the citizens.
46 Prevent problems before they become problems.

47
48 Mr. Bateman Spoke about Legislative vs. Administrative Decisions in the city. The City Council is the Legislative
49 body in the city because they make the laws. The Administrative process is decided by the City Council. That
50 means they ask a committee, or staff, Planning Commission or the City Administrator to carry out the laws and
51 ordinances they put in place. Some decisions can only be decided by the City Council such as zoning because
52 zoning is a law.

53
54 Some City Councils are too busy doing Administrative stuff and can’t get to the Legislative stuff. When this
55 happens, codes get out of date because they don’t have the time to work on them because they are too busy sweating

1 the small stuff. Mr. Bateman said to give the simple stuff to the staff and let them handle it. He said to send the
2 more controversial stuff to the Planning Commission and let them handle it.

3
4 Mr. Bateman said there are good reasons why City Councils should not be making Administrative decisions. There
5 has to be substantial evidence when making Administrative decisions. You have to have facts and ask yourself if this
6 decision complies with the ordinance. You cannot base a decision on what you feel is right for the city. City
7 Council members are voted in and want to do what they think is best for the residents or what they personally want
8 for their city. Planning Commission is not voted in, but are appointed and can make unpopular decisions.

9
10 The Planning Commission asked if the agenda items could be labeled Administrative vs. Legislative so they know
11 how to respond to them.

12
13 Mr. Bateman said you are not required to have a Public Hearing if the agenda item is Administrative. You can still
14 hold a hearing to help you gain evidence but you have to be careful with public clamor. He said you don't have to
15 take public opinion into consideration if it is against the ordinance. Opinion is not evidence. He also said you
16 should not hold two Public Hearings on the same agenda item; one in Planning Commission and one in City
17 Council.

18
19 Judi Pickell asked how the Planning Commission can make more administrative decisions. Mr. Bateman said the
20 City Council has to appoint the Land Use Authority to make Administrative decisions. If the Planning Commission
21 wants to be that Land Use Authority they would have to make a recommendation for that. However, the Planning
22 Commission's job is to plan and to use their time to plan, not to be the Administrator. He said the Administrator
23 should be the staff.

24
25 Mr. Bateman said if the Planning Commission spent their time planning and the City Council spent their time with
26 legislative issues, the ordinances would be clear and make it easier to follow the ordinances. Mr. Bateman followed
27 up by touching on developer's rights, annexation and following the law when applicants come in to be approved.

28
29 **COMMUNICATION:**

30 No comments

31
32 **VI. APPROVAL OF PLANNING COMMISSION MINUTES OF:** October 6, 2015

33
34 **MOTION:** David Fotheringham moved to approve the Planning Commission Minutes for October 6, 2015 subject
35 to changes.

36
37 Judi Pickell seconded the motion. The motion passed unanimously with 6 Ayes and 0 Nays. Bryce Higbee, David
38 Fotheringham, Steve Cospers, Jane Griener, Steve Swanson and Judi Pickell all voted Aye.

39
40 Steve Cospers stated that the Planning Commission had covered all of the items on the agenda and adjourned the
41 meeting at 8:45 pm.