



ALPINE CITY COUNCIL MEETING AGENDA

NOTICE is hereby given that the **CITY COUNCIL** of Alpine City, Utah will hold a Public Meeting on **Tuesday, August 28, 2018** at **7:00 pm** at Alpine City Hall, 20 North Main, Alpine, Utah as follows:

- I. CALL MEETING TO ORDER** *Council Members may participate electronically by phone.
 - A. Roll Call:** Mayor Troy Stout
 - B. Prayer:** Troy Stout
 - C. Pledge of Allegiance:** By invitation
- II. CONSENT CALENDAR**
 - A. Minutes of the City Council Meeting of August 14, 2018**
 - B. Bond Release #2 – North Point View, Plat C – \$88, 479.35**
 - C. Award Bid – 2018 Overlay Project**
- III. PUBLIC COMMENT**
- IV. REPORTS and PRESENTATIONS**
 - A. Financial Report – Shane Sorensen**
 - B. Commit to the Limit Report – Julie Beck**
- V. ACTION/DISCUSSION ITEMS**
 - A. Willow Canyon Height Variances – 95 N. Preston Drive – Tim Clark:** The City Council will consider approving a height variance for the property located in the Willow Canyon annexation area.
 - B. Willow Canyon Height Variance – 25 S. Preston Drive – Rich Bloomfield:** The City Council will consider approving a height variance for lot 21 in Plat 2B of the Willow Canyon subdivision.
 - C. Alpine View Estates PRD – Final Plat – Griff Johnson:** The City Council will consider granting final approval to a 19-lot subdivision located at approximately 3931 N. 400 W. in the CR-40,000 zone on 19.30 acres with approximately 4.84 acres of open space.
 - D. Senior Housing Overlay – 242 S. Main Street:** The City Council will consider approving a senior housing overlay for the proposed Montdella Senior Housing development for 55 and older located on 3.87 acres at 242 S. Main Street.
 - E. Retaining Wall Exception - 1312 E. 466 S. – Bearss residence:** The Council will consider approving the request for an increased retaining wall height of 12 ft.
 - F. Resolution No. R2018-10, Appointing Dale Ihrke to the TSSD Board.** The City Council will consider reappointing Dale Ihrke to the TSSD Board.
 - G. Ordinance No. 2018-04, Small Wireless Facilities:** The City Council will consider approving an ordinance mandated by federal law approving the installation of small wireless facilities in public rights-of-way controlled by Alpine City.
 - H. Ordinance No. 2018-05, Amending Article 3.32 (Retaining Walls) of the Alpine City Development Code.** The City Council will consider approving amendments to the fencing and location requirements of retaining walls.
 - I. Ordinance No. 2018-06, Amending Article 4.8.4 (Commencement of Construction) of the Alpine City Development Code.** The Council will consider an amendment regarding commencement of construction.
 - J. Moyle Park Landscaping Plan:** The Council will review and consider approving the amended landscaping plan.
- VI. STAFF REPORTS**
- VII. COUNCIL COMMUNICATION**
- VIII. EXECUTIVE SESSION:** Discuss litigation, property acquisition or the professional character, conduct or competency of personnel.

ADJOURN

Mayor Troy Stout
August 24, 2018

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS. If you need a special accommodation to participate, please call the City Recorder's Office at (801) 756-6347 x 4.
CERTIFICATE OF POSTING. The undersigned duly appointed recorder does hereby certify that the above agenda notice was on the bulletin board located inside City Hall at 20 North Main and sent by e-mail to The Daily Herald located in Provo, UT, a local newspaper circulated in Alpine, UT. This agenda is also available on our web site at www.alpinecity.org and on the Utah Public Meeting Notices website at www.utah.gov/pmn/index.html

PUBLIC MEETING AND PUBLIC HEARING ETIQUETTE

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

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

Public Hearing vs. Public Meeting

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

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

ALPINE CITY COUNCIL MEETING
Alpine City Hall, 20 N. Main, Alpine, UT
August 14, 2018

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

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

Mayor Troy Stout

Council Members: Ramon Beck, Carla Merrill, Kimberly Bryant, Lon Lott. Jason Thelin excused.

Staff: Shane Sorensen, Charmayne Warnock, David Church, Austin Roy

Others: Rob Chatfield, Ken Spenser, Sylvia Christiansen, Valerie Meyers, Susan Cluff, Shahbaz Janjua, Debra Callister, Ted Callister, Karen Quick, Cheryl Anson, Whitey Anson, Breezy Anson, Griff Johnson, Julie Yarbrough, Chris Barnes, Shelley Barnes, Alan Gillman

B. Prayer: Troy Stout

C. Pledge of Allegiance: Ramon Beck

II. CONSENT CALENDAR

A. Minutes of the City Council meeting of July 10, 2018

B. Bond Release – North Point View, Plat C - \$8,456.25

C. Approve Resurfacing Bid – Holbrook Asphalt - \$47,678.67

D. Approve Resurfacing Bid – Morgan Pavement - \$29,655.34

MOTION: Lon Lott moved to approve the Consent Calendar. Kimberly Bryant seconded. Ayes: 4 Nays: 0. Motion passed.

Ayes:

Ramon Beck
 Carla Merrill
 Kimberly Bryant
 Lon Lott

Nays:

none

III. PUBLIC COMMENT

Alan Gilman – Westfield Road. He said he was increasingly concerned about water in Alpine. He had obtained a copy of the Agreement between Alpine City and the Alpine Irrigation Company. He handed a copy of the Agreement to each member of the Council and asked them to read it and see they were following what it said. Ramon Beck asked if there had been any amendments to the Agreement. Shane Sorensen said there had been no amendments

Breezy Anson – Wilderness Drive. He said he had talked to Charmayne Warnock about being on the agenda that evening to discuss the future development of his father's property on Westfield Road. Shane Sorensen said she had talked to him and he felt it could be discussed in conjunction with the Alpine View development, which was already on the agenda.

IV. REPORTS AND PRESENTATIONS

A. Financial Report. Shane Sorensen said the Financial Report was typically given the second meeting of the month.

B. Alpine Days. Mayor Troy Stout said it turned out great. Lon Lott and Shane Sorensen expressed appreciation for the staff and all their hard work. The volunteers who ran the individual events did a great job. There would be more detailed information at a later meeting.

V. ACTION/DISCUSSION ITEMS

A Alpine View Estates PRD – Final Plat – Griff Johnson: Austin Roy said the proposed development was located in the CR-40,000 zone at approximately 391 N. 400 W. It was originally proposed with 19 lots on 19.30 acres with lot sizes ranging between 0.46 acre to 0.88 acres and approximately 4.84 acres of public open space. The Planning Commission had reviewed it at their meeting of July 17th and recommended approval with a few conditions, which were:

1. The Developer provide an easement for the temporary turn-a-round prior to recording.
2. The Developer provide a utility easement for the offsite utilities prior to recording.
3. The Developer vacate the storm drain easement on lots 4 – 6 of the Alpine Ridge Phase 1 Amended Plat
4. The Developer either remove the existing buildings located at 391 N 400 W and 305 N 400 W prior to recording the plat or provide a bond to cover the costs of doing so.
5. Water source and/or water right requirements are met.
6. Trail be shown on final plat, with approved alignment of Trail Committee.
7. Developer work with the City Attorney on lot 20.

Austin Roy said the developer had amended the plat to show a trail as originally proposed, which was reflected by the dotted line showing the proposed alignment of the trail. He said the City had received a letter from the Trail Committee with three recommendations which were: 1) the trail be looped to provide access for the most lots; 2) the trail be master-planned with the Anson property to the south; 3) the trail have an all-weather surface to provide a route for kids going to school to keep them off 400 West.

Austin Roy said Fire Chief Reed Thompson had approved the plat with the condition that there be a temporary turnaround. Planning and Zoning recommended approval subject to the water rights requirement being met and the trail being recorded on the plat. One more issue was a strip of open space between lots 7 and 8 which was originally intended to provide access to the trail. It was no longer needed so it was proposed that it be eliminated so lots 7 and 8 were adjacent to each other. The eliminated width could be added to the open space between lots 6 and 7 to make it wider. Regarding the trail, the developer proposed a dirt or gravel trail although the recommendation from the trail committee was for an all-weather surface.

Mr. Roy said the last issue was lot 20. It didn't have the necessary frontage and the Planning Commission wasn't sure it was a legal lot. They recommended the developer work with the City Attorney to make it work.

David Church said that under Alpine City ordinance, there was no way it could work. The ordinance did not allow flag lots and it had only 39 feet of frontage on 400 West.

Griff Johnson said they had not intended to include the Chatfield lot in the subdivision. The inclusion of lot 20 came as a request from the City Engineer.

David Church said that if the Chatfield lot was outside the subdivision, it would need 110 feet of frontage. Frontage and lot size were two basic zoning requirements. He said he couldn't sign off on the development as designed because it didn't meet the ordinance, and they wouldn't qualify for a variance because the situation was self-imposed. In order to qualify as a PRD, they needed 25% open space. The detention basin would need to be located in open space.

Griff Johnson said they'd been working on the subdivision for the better part of a year. They'd always been consistent that it would be dirt trail. He was confused why the trail committee wanted a paved trail. He didn't think the letter was from the committee, but rather from one person. To cut an 8-ft asphalt trail into the hillside was not part of the vision. He wanted to be consistent with what was talked about earlier in the year. They planned to put a bench and gazebo on one of the lookouts along the trail where you could see the entire valley. Kimberly Bryant said she remembered it was to be dirt trail.

Breezy Anson – Wilderness Drive. He said he wanted to be on record that he had removed himself from the trail committee during the development of this subdivision because he felt it would be a conflict of interest since his father owned the adjacent property on Westfield Road. He said they had a very rough plat map of the Anson

property showing the future development and how the trail would connect with the trail in the Alpine View development. The map was projected onto the screen and he described the trail which would connect the trail in Alpine View to Westfield Road. The trail on their property was fairly flat with a lot of vegetation and would be a self-maintained trail if built properly. He didn't want it to be asphalt. Some people in the area had horses and it would be a nice looped dirt trail for horses. Asphalt did not work for horses.

Whitey Anson – Westfield Road. He said the trail was not meant to be a sidewalk. They moved the juncture where the trail met Westfield Road to a safer location so trail users could see oncoming cars. He said he wanted to present their future development plan to the City so they would have an idea of what their vision was for the future. They would be asking for a PRD and would deed the trail over to the City. The trail would be deeded sooner and the open space deeded later on because they were still using it as horse pasture. The trail on their property was a natural access with a nice wilderness feeling. If they put in an asphalt trail, it would ruin it. He said he would like to have the design of their property settled before anything was done.

Alan Gilman – Westfield road. He said the trail wasn't going to be a major thoroughfare. A simple dirt trail would be more attractive and not cause a lot of scarring.

Shahbaz Janjua – Lupine Drive. He said he had attended all the meetings on this development since they started and listened to all the recordings of the meetings. A comment made that the developer Griff Johnson had said it was always supposed to be a dirt trail and that was not true. No surface was ever discussed. He said the subdivision was sold to the Council because there was going to be a beautiful trail with grass and benches by the water where people could sit. All that was in the recording. He said that most of the people buying the homes would have young children and it would be extremely nice if the trail was paved. Police horses did just fine on pavement. However, he didn't think a trail could go in there because of all the ups and downs and the ravines. He said it did not meet the recreational needs of the citizens as stated in the requirements for a PRD.

Mr. Janjua said he had another question regarding public meeting and etiquette. He said he could not figure out why if he commented then sat down, he could not come back and speak again.

Mayor Stout said they tried to keep the meetings streamlined and stay on point. They were trying to run the meeting efficiently and still allow public comment.

Kimberly Bryant pointed out the last item under Public Meeting and Public Hearing Etiquette said, *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.* She said the mayor took public comment as a courtesy. There was no obligation to let the public speak.

Mr. Janjua said he wanted to make another point. He didn't know if there was just one person on the trail committee that sent the letter. He would like to know what the letter stated. The next thing was, if they approved a dirt trail, how would that even be done with the ups and downs. Would a bond be posted for the trail? How wide was the trail?

Mayor Stout said there were many dirt trails in Lambert Park in steep areas. The width of the trail varied.

Mr. Janjua asked what the appeal process was if someone chose to appeal.

David Church said that after a final decision was made, any person that qualified as an aggrieved party had a right to appeal the land use decision to the appeal authority. The appeal had to be made within ten days of the final decision. The appeal authority was an independent appeal authority who reviewed the action to see if there was an error. If the party did not like the decision of the appeal authority, the next appeal would be to district court. The Appeal Process was outlined in Section 2.02.040 of the Alpine City Development Code.

Kent Spencer- Elbert Circle. He said he lived by lot 5 of the proposed subdivision and was a prospective owner of the lot. He would favor the trail not being paved. He said he moved to Alpine for the beauty.

Sylvia Christiansen- High Bench Road She said that as a prior mother, she would tell her children to use the sidewalks, not the trail.

Breezy Anson said that as someone who had built miles and miles of trail, the proposed trail met the standards for trail building. He had ridden horses on asphalt and it was not a good mix. His mother had been on a horse that slipped and fell on asphalt and she was almost pinned underneath the horse. Horses on pavement needed special shoes. He said he would like to see the trail as part of a master-planned trail that could tie in and get to the Whitby property on the east and the open space by Hillside Circle. It would extend the trail another mile and a half and be a fantastic hiking trail. He said the letter from the trail committee was discussed with the committee but it wasn't discussed with him because he currently was not a member of the committee as he noted earlier.

Mayor Stout said he felt it was important to keep the tradition of livestock in Alpine. The area under discussion had a higher likelihood of horses than anywhere in town. He would hate to abandon that. As far as having paved trails, the trail in the central corridor was partly paved and the intent was to continue it.

Lon Lott said he had worked on the corridor trail and attended public hearings. The people who used the trail a lot were vehemently opposed to paving it because they felt there would be more people than just them using it if it was paved. However, it was a trail in public open space for everyone to use. He said the big question on this particular development was whether it would be a subdivision or a PRD. With a regular subdivision everything was consumed inside a lot and very likely fenced. A PRD with open space and trails offered connectivity and he felt that was very important. He appreciated the Ansons for being willing to cooperate and provide that connection to the trail. One of the reasons he liked connectivity was because he lived on 800 South which was boxed in completely. There had been no vision for access across the ravine from their neighborhood to the church and schools and park. They had to go all the way out to the Alpine Highway, up through the roundabout, then back to the other side to get there. He felt it was important to have that access. He said he had two more thoughts. First, if the space between lots 7 and 8 was eliminated, he would like to see that open space added to the space between lots 6 and 7. Second, he asked if the easement for the temporary turnaround recommended by the fire chief had been worked out. Griff Johnson said it had.

Shahbaz Janjua said it sounded like the council had already made a decision to approve a dirt trail. He said it should meet the guidelines for a three-foot trail. They needed to make sure the trail was usable.

MOTION: Carla Merrill moved to table Alpine View Estates PRD until the next meeting. Kimberly Bryant seconded. Ayes: 4 Nays: 0. Motion passed.

Ayes:

Ramon Beck
Carla Merrill
Kimberly Bryant
Lon Lott

Nays:

none

B. Resolution No. R2018-09, Amending the Consolidated Fee Schedule. Shane Sorensen said there were four items they were proposing to amend.

1. Increase the business license fee for door-to-door solicitors from \$15 to \$25. The applicants typically came in groups and wanted the license while they waited so it became necessary to drop everything and process the applications which took more time than was covered by the \$15 fee. In addition, the City planned to include a lanyard to display the business license and photo ID so residents would know the solicitor had obtained a license.
2. Some businesses required multiple fire inspections in order to come into compliance before their permit was issued. The fire department billed the City for their inspection time. The amendment would allow the City to collect a fee for repeat inspections. It was pointed out that it was usually businesses with multiple employees that needed repeat inspections, and their business license fee was already increased according to the number of employees. It was decided that should cover the cost of the repeat inspections.

3. Shane Sorensen said the cost of inspecting the infrastructure for new subdivisions was far more than was collected in fees. The current schedule charged \$140 per lot plus \$65 per visit. However, it was impossible to anticipate how many inspection visits would be needed before construction began, and the inspection fees were collected prior to recordation of the plat. It was decided it would be more accurate to eliminate the per visit charge and increase the per lot charge. City Engineer Jed Muhlestein and Landon Wallace, who inspected the infrastructure, calculated how much time was spent on inspections for a recently approved subdivisions, then an average was taken. Based on their calculations the per lot inspection fee would increase to \$418.27 per lot and the per visit fee would be eliminated. Shane Sorensen recommend they round it to \$418 per lot.
4. Exhibit A of the Consolidated Fee Schedule was a summary of building costs per square foot as published in the Uniform Building Code. The Building Department used it to calculate the cost of a building permit. The last time the cost was adjusted was in 2009 and it was \$101.95 per square foot. It was proposed the cost schedule of the 2015 Uniform Building Code be adopted as Exhibit A to reflect the increased cost of construction at \$116.16 per square foot.

MOTION: Lon Lott moved to adopt Resolution No. R2018-09 Amending the Consolidated Fee Schedule, but exclude item 2 amending fire inspections on businesses. Kimberly Bryant seconded. Ayes: 4 Nays: 0. Motion passed.

Ayes:

Ramon Beck
Carla Merrill
Kimberly Bryant
Lon Lott

Nays:

none

C. Site Plan – Approve cash in lieu of water rights for 95. N. Preston Drive – Tim Clark: This item was cancelled by the applicant because he had obtained water credits.

VI. STAFF REPORTS

Austin Roy said he had three items on which to report.

General Plan: Austin Roy said the Planning Commission had completed their update of the General Plan and had made a recommendation to the City Council for approval. He wanted to know how the Council wanted to approach it. Mayor Stout said they should look at on a night when they had a light agenda so they could focus on it. Kimberly Bryant suggested a retreat. Shane Sorensen said that originally the Council was going to look at an Element of the General Plan at one meeting a month, but they seemed to be spinning their wheels on it. David Fotheringham said that if they had a retreat, the Planning Commission would like to attend.

Senior Housing Overlay. A developer was interested in an overlay zone designation for the property on Main Street just north of the roundabout. They would hold a public hearing on the issue at the next Planning Commission, then it would be coming to the Council.

Summit Point Plat Amendment. The Planning Commission would be holding a public hearing on the proposed amendment to the Summit Point Plat at their meeting on August 21st. The amended plat included a road extending to Draper to connect with a development where the developer was proposing 415 units consisting of townhomes plus a variety of lots sizes for single family homes. The developer was seeking a rezoning for his project from Draper City which was scheduled to be considered at a public hearing in Draper on August 23rd.

Shane Sorensen reported on the following items.

Wells. Healey well was up and running great. There was an issue with the well on 300 North which was an old well and needed some maintenance.

Deer Control. DWR had originally said they would not start the deer removal program until it snowed, but he got word that they wanted to start sooner.

Zolman property/Ridge at Alpine. It had been suggested that the Council take a field trip to the property to look at lot 72. He wanted to know when they wanted to do that. After some discussion, Shane Sorensen would try to set something up for the following week at 7 am.

Patterson Lawsuit. There was a copy of a letter from Wayne Patterson on the desk in front of them regarding water credits and the lawsuit. In the letter, Mr. Patterson indicated he wanted a written response. Shane Sorensen said he had drafted a letter which David Church would review.

Building Department and Code Enforcement positions. Shane Sorensen said he was in the process of interviewing for those two positions. He was also putting together a job description for the Parks and Rec position.

Commit to the Limit. The committee would like to put up 4x6 signs at each entrance to the City encouraging people to observe the speed limit. He showed the Council a sample rendering. It was suggested the *Welcome to Alpine* be a little larger.

VII. COUNCIL COMMUNICATION

Lon Lott reported that he attended the MAG meeting where they talked about the sale tax issue, which would most likely be on the ballot. It would generate more revenue for roads and transportation. A portion would go to UTA but they would be paying back the third quarter sales tax.

Troy Stout report on the following:

- He'd had a nice, informal conversation with Wayne Patterson and was planning to have another meeting. David Church said the August 9th deadline had been extended. The issues that were still outstanding were the declaratory relief and the attorney fees.
- He proposed the Council take a field trip to the Oberee development to look at lot 72.
- He proposed a visit to Smooth Canyon Park to discuss eliminating one of the soccer fields in the park. Carla Merrill said there weren't that many soccer parks in Alpine. Shane Sorensen said that if they took away one of the fields, it would take away a soccer opportunity for Alpine kids.
- Cedar Hills had indicated formally that they would be leaving the Lone Peak Public Safety District and were seeking bids from American Fork and Pleasant Grove. They were looking for a contract that guaranteed their costs would not increase but they would get the same amount of service. If they left, Highland and Alpine would be making up the difference. Shane Sorensen said the Chief Reed Thompson and other fire fighters had been deployed to fight the fire in California. He noted that morale on the fire department had improved.

VIII. EXECUTIVE SESSION. None held

MOTION: Kimberly Bryant moved to adjourn. Ramon Beck seconded. Ayes: 4 Nays: 0. Motion passed.

Ayes:

Ramon Beck
Carla Merrill
Kimberly Bryant
Lon Lott

Nays:

none

The meeting adjourned at 9:30 pm.

ALPINE CITY
ESCROW BOND RELEASE FORM
Release No. 2

Thru Period Ending: July 31, 2018

North Point View Plat C
Location: East View Lane

BOND HOLDER

Description	Quantity	Units	Unit Price	Total Cost	% Completed This Period**	% Completed To Date**	Total This Period
SWPPP							
Stabilized Construction Entrance	1	LS	@ \$ 3,200.00	\$ 3,200.00	95.0%	95.0%	\$ 3,040.00
Silt Fence	750	LF	@ \$ 2.50	\$ 1,875.00	0.0%	95.0%	\$ -
Curb Inlet Protection	8	EACH	@ \$ 250.00	\$ 2,000.00	0.0%	25.0%	\$ -
Toilet Rental	4	EACH	@ \$ 100.00	\$ 400.00	0.0%	0.0%	\$ -
Toilet Pad Install	1	EACH	@ \$ 250.00	\$ 250.00	0.0%	0.0%	\$ -
Concrete Washout	1	EACH	@ \$ 500.00	\$ 500.00	0.0%	0.0%	\$ -
MOBILIZATION & EARTH WORK							
Mobilization	1	LS	@ \$ 10,000.00	\$ 10,000.00	50.0%	50.0%	\$ 5,000.00
Clear & Grub ROW	18500	SF	@ \$ 0.15	\$ 2,775.00	95.0%	95.0%	\$ 2,636.25
Site Cut/Fill	1200	CY	@ \$ 3.50	\$ 4,200.00	95.0%	95.0%	\$ 3,990.00
Remove existing fence	265	LF	@ \$ 5.00	\$ 1,325.00	95.0%	95.0%	\$ 1,258.75
Remove asphalt in cul-de-sac	5930	SF	@ \$ 1.10	\$ 6,523.00	95.0%	95.0%	\$ 6,196.85
Tree Removal	1	LS	@ \$ 6,500.00	\$ 6,500.00	0.0%	95.0%	\$ -
SANITARY SEWER							
Extend 8" PVC Sewer	1	LS	@ \$ 1,500.00	\$ 1,500.00	95.0%	95.0%	\$ 1,425.00
4" Nose-on PVC Sewer Lateral	1	EACH	@ \$ 1,300.00	\$ 1,300.00	95.0%	95.0%	\$ 1,235.00
Import Trench Backfill	100	TON	@ \$ 14.00	\$ 1,400.00	95.0%	95.0%	\$ 1,330.00
STORM DRAIN							
Connect to existing manhole	1	EACH	@ \$ 2,500.00	\$ 2,500.00	95.0%	95.0%	\$ 2,375.00
15" RCP Storm Drain	104	LF	@ \$ 45.00	\$ 4,680.00	95.0%	95.0%	\$ 4,446.00
30" RCP Storm Drain	339	LF	@ \$ 80.00	\$ 27,120.00	95.0%	95.0%	\$ 25,764.00
Combo Box	2	EACH	@ \$ 4,650.00	\$ 9,300.00	95.0%	95.0%	\$ 8,835.00
Curb Inlet Box	2	EACH	@ \$ 2,750.00	\$ 5,500.00	95.0%	95.0%	\$ 5,225.00
Clean Out Box	3	EACH	@ \$ 3,500.00	\$ 10,500.00	95.0%	95.0%	\$ 9,975.00
30" Flared End Section	1	EACH	@ \$ 1,850.00	\$ 1,850.00	95.0%	95.0%	\$ 1,757.50
Storm Drain Pond	1	LS	@ \$ 3,450.00	\$ 3,450.00	0.0%	0.0%	\$ -
Import Trench Backfill	300	TON	@ \$ 14.00	\$ 4,200.00	95.0%	95.0%	\$ 3,990.00
CULINARY WATER							
Connect to Existing 8" CW Waterline	2	EACH	@ \$ 1,800.00	\$ 3,600.00	0.0%	0.0%	\$ -
8" PVC C900 SD518 Culinary Water Main	285	LF	@ \$ 28.00	\$ 7,980.00	0.0%	0.0%	\$ -
8" CW Gate Valve	2	EACH	@ \$ 1,850.00	\$ 3,700.00	0.0%	0.0%	\$ -
8" CW Tee	1	EACH	@ \$ 950.00	\$ 950.00	0.0%	0.0%	\$ -
8" CW Bend or Fitting	2	EACH	@ \$ 850.00	\$ 1,700.00	0.0%	0.0%	\$ -
10" PVC C900 SDR18 Culinary Water Main	55	LF	@ \$ 33.00	\$ 1,815.00	0.0%	0.0%	\$ -
10" CW Gate Valve	1	EACH	@ \$ 2,685.00	\$ 2,685.00	0.0%	0.0%	\$ -
10" CW Bend or Fitting	1	EACH	@ \$ 1,150.00	\$ 1,150.00	0.0%	0.0%	\$ -
Fire Hydrant Assebly w/ Valve	1	EACH	@ \$ 5,850.00	\$ 5,850.00	0.0%	0.0%	\$ -
1" Poly Culinary Water Services	2	EACH	@ \$ 1,350.00	\$ 2,700.00	0.0%	0.0%	\$ -
CW Temp Blowoff	1	EACH	@ \$ 1,250.00	\$ 1,250.00	0.0%	0.0%	\$ -
Import Trench Backfill	325	TON	@ \$ 14.00	\$ 4,550.00	0.0%	0.0%	\$ -
PRESSURIZED IRRIGATION SYSTEM							
Connect to existing 4" PI Waterline	2	EACH	@ \$ 1,500.00	\$ 3,000.00	0.0%	0.0%	\$ -
4" PVC C900 SDR18 Pressurized Irrigation	315	LF	@ \$ 26.00	\$ 8,190.00	0.0%	0.0%	\$ -
4" PI Gate Valve	3	EACH	@ \$ 1,650.00	\$ 4,950.00	0.0%	0.0%	\$ -
4" PI Tee	1	EACH	@ \$ 750.00	\$ 750.00	0.0%	0.0%	\$ -
4" PI Bend or Fitting	2	EACH	@ \$ 650.00	\$ 1,300.00	0.0%	0.0%	\$ -
1" Poly PI Water Services	2	EACH	@ \$ 1,550.00	\$ 3,100.00	0.0%	0.0%	\$ -
PI Temp Blowoff	1	EACH	@ \$ 1,250.00	\$ 1,250.00	0.0%	0.0%	\$ -
Import Trench Backfill	260	TON	@ \$ 14.00	\$ 3,640.00	0.0%	0.0%	\$ -
ROADWAY IMPROVEMENTS							
Remove and Replace Asphalt - Utilities	300	SF	@ \$ 8.50	\$ 2,550.00	0.0%	0.0%	\$ -
Rough Grade Native Sub-Grade	18500	SF	@ \$ 0.15	\$ 2,775.00	0.0%	0.0%	\$ -
24" Curb and Gutter Prep (6" Road Base)	566	LF	@ \$ 3.50	\$ 1,981.00	0.0%	0.0%	\$ -
24" Curb and Gutter	566	LF	@ \$ 16.00	\$ 9,056.00	0.0%	0.0%	\$ -
8" Road Base	9500	SF	@ \$ 0.95	\$ 9,025.00	0.0%	0.0%	\$ -
3" HMA Paving	9500	SF	@ \$ 1.60	\$ 15,200.00	0.0%	0.0%	\$ -
Sidewalk Prep (6" Road Base)	2170	SF	@ \$ 0.85	\$ 1,844.50	0.0%	0.0%	\$ -
Concrete Sidewalk (4' Wide x 4" Thick)	2170	SF	@ \$ 3.75	\$ 8,137.50	0.0%	0.0%	\$ -
ADA Ramp	2	EACH	@ \$ 1,250.00	\$ 2,500.00	0.0%	0.0%	\$ -
Concrete Valve Collars	7	EACH	@ \$ 400.00	\$ 2,800.00	0.0%	0.0%	\$ -
Concrete Manhole Collars	5	EACH	@ \$ 500.00	\$ 2,500.00	0.0%	0.0%	\$ -
Adjust Existing Manhole to Grade and Concrete Collar	3	EACH	@ \$ 850.00	\$ 2,550.00	0.0%	0.0%	\$ -
BASE BID TOTAL				\$ 237,877.00	Previously Released: \$ 8,456.25		
10% Warranty Amount				\$ 23,787.70			
TOTAL BOND AMOUNT				\$ 261,664.70	This Release: \$ 88,479.35		
Total Released to Date				\$ 96,935.60			
TOTAL BOND REMAINING				\$ 164,729.10			

At the discretion of the city, up to 95% of the Base Bid Total may be released as partial payments and 100% of the Base Bid Total will be released at final inspection. The 10% Warranty Amount will be held for the one year warranty period.

Marcus Watkins
Developer

Date

Troy Stout
Mayor

Date



Jed Muhlestein, P.E.
City Engineer

8-20-18

Date

City Council
(by Charmayne Warnock - City Recorder)

Date

ALPINE CITY COUNCIL AGENDA

SUBJECT: Request for a variance on the height restriction

FOR CONSIDERATION ON: 28 August 2018

PETITIONER: Tim Clark

ACTION REQUESTED BY PETITIONER: Approve a variance to the height restriction.

BACKGROUND INFORMATION:

The Willow Canyon Annexation Agreement states that *“No home may be built on lots above the High Bench Ditch that exceeds a height of 25 feet above the natural grade to the highest point of the roof or parapet.”* A copy of the Annexation Agreement is attached. The restriction is on page 3.

The purpose of this restriction is to preserve the natural scenic view of the foothills. There was some resistance from the community when Willow Canyon was petitioning for annexation and this was included in the Agreement as a concession.

Since that time, the City Council has approved several variances to the height restriction when the Willow Canyon HOA has reviewed the request and recommended approval of a variance.

Mr. Clark’s lot is one of several large lots that were not included in the Willow Canyon subdivision and is not subject to the HOA, but was part of the Willow Canyon Annexation.

STAFF RECOMMENDATION:

Consider the request for a height variance.

ANNEXATION AGREEMENT

of the
Freeze/Chrysalis/Sundial/Willow Canyon Annexation Application

As a condition of annexation into Alpine City and pursuant to the annexation policy adopted by the Alpine City Council, the petitioners of the annexation (hereinafter owners) agree as follows.

RECITAL OF FACT

WHEREAS, Alpine City has adopted a policy of annexation for the properties generally known as the Freeze, Chrysalis, Sundial, Willow Canyon, annexations which is attached as Exhibit A to this agreement; and

WHEREAS, the individuals who sign this agreement are the owners or authorized agents of the owners of property within the annexed area who desire annexation and who petitioned the City to annex the property; and

WHEREAS, the City will only annex the property if there is a development plan and agreement which is agreed to concurrently with the annexation as a condition of annexation; and

WHEREAS, portions of the annexation area are subject to inundation from floods arising in the Willow and Preston canyon areas and a flood mitigation plan, which includes the construction of two flood control basins and certain conveyance works has been previously prepared by the City; and

WHEREAS, a portion of the area proposed for annexation lies above the 5220 elevation contour, and a computer analysis of the city's water system in this area shows that there will be insufficient flow to meet the fire flow requirements for those lots situated in the vicinity of the 5220 contour.

WHEREAS, new access roads must be dedicated and bonded for before a development can take place; and

WHEREAS, the undersigned owners of property agree as a condition of being allowed to annex into Alpine City to be bound by the covenants and agreements contained herein;

NOW THEREFORE BASED ON THE ABOVE RECITALS OF FACT AND IN CONSIDERATION OF THE ANNEXATION OF THE PROPERTY REFERRED TO BELOW THE UNDERSIGNED OWNERS AGREE AS FOLLOWS:

1. Project Development Plan. The owners consent to and agree to be bound by the

general provisions of the development plan which is Attachment B to the annexation policy declaration.

The owners further agree that all preliminary and final development plans shall substantially conform to the design set forth in the Plan. However, the City may approve minor adjustments of lot lines, street locations and similar details in the preliminary and final plat approval process where considered necessary to more adequately conform to zoning or subdivision regulations or improve the overall design of the project.

ENT 61911 BK 4030 PG 116

The owners agree that all further preliminary and final plans subsequently submitted in support of an application for development approval of the property shall be in substantial compliance with the development plan requirements and conditions of annexation set forth in the annexation policy declaration and this agreement.

2. Zone Classification. The Owners agree and consent that those portions of the annexation area located above the 5220 contour are to be placed in the CE-5 Critical Environment zone. Those portions below that level are to be placed into the CR-1 Country Residential zone.

3. Location of Building Lots and Density. The owners further agree that regardless of the densities allowed by the above zones that the maximum number of residential lots shall be as follows:

A. The Freeze project shall be limited to not to exceed 37 lots, all of which shall be located below the 5220 ft. contour.

B. The maximum number of residential lots within the Sundial project shall be not to exceed 13, all of which shall be located below the 5220 ft. contour.

C. The maximum number of residential lots within the Chrysalis project shall be not to exceed 8, all of which shall be located below the 5220 ft. contour.

D. The maximum number of residential lots within the Willow Canyon project shall not exceed 5, to be distributed within the area as shown on Attachment B to the annexation declaration.

E. The maximum number of residential lots within the Howard parcel shall be 4 and the maximum number of lots within the Dunn parcel shall be 7. A portion of all lots shall be located below the 5220 ft. contour. Two of the Dunn 7 lots may, at the owners discretion, be located on the South end of the East side of Preston Drive.

4. General Construction limitation and timetable. The owners agree that no development construction may begin until 300 North street has been extended to the property and until Alpine Blvd. has connected 300 North with High Bench Road or until Lone Peak Drive or

Preston Drive has been extended from High Mountain Oaks to the subject property. the owners further acknowledge and agree that no more than 20 homes may be constructed until a third road access has been completed. The City reserves the right to restrict construction traffic on 300 North street to certain times of the day. The Owners agree that the rights of ways for all new roads required for the development of the annexed properties shall be dedicated to the City and a bond sufficient to cover the estimated costs of construction of the roads shall be given to the City concurrently with the filing of the annexation plat with the County recorder.

5. Specific limitations on building and lot use. The owners agree that in addition to the usual Alpine building, zoning and subdivision ordinances that they shall be bound to the following limitations:

ENT 61911 BK 4030 PG 117

A. On lots above High Bench Ditch that are smaller than 30,000 square feet no more than 60% of the natural landscape will be disturbed and no more than 60% of the lot area will be fenced.

B. The owners further agree that on lots larger than 30,000 square feet above the High Bench Ditch no more than 50% of the natural landscape will be disturbed and no more than 50% of the lot area will be fenced.

C. No home may be built on lots above the High Bench Ditch that exceeds a height of 25 feet above the natural grade to the highest point of the roof or parapet.

D. The exterior walls all structures within the annexed area shall be constructed of masonry or wood of earth toned color the roofs must be constructed of non-reflective materials.

E. Any wire, chain link, or other form of deer fencing shall not encompass more than one-third of a lot, and shall not be constructed on any lot perimeter and shall have at least a fifteen foot setback from lot boundaries.

6. Open Space. The owners agree that a substantial portion of the annexed property is to be kept undeveloped. The owners agree that those portions of the annexation area not included within proposed lots shall be preserved as natural open space area.

The owners agree that the development rights for the major portion of the designated open space areas shall be conveyed to the public and shall be secured in perpetuity for open space purposes.

The open space shall be preserved in one of three manners:

A. Public open space which shall be deeded in fee to either the City or the U. S. Forest Service, in the City's sole discretion. The property which is to be protected in this manner is the following:

1. The open space shown on the attachment B of the annexation policy resolution on the Freeze, Sundial, and Chrysalis properties.

B. The remaining public open space shall be preserved by a Conservation Easement or other approved transfer of development rights which, as a minimum, shall ensure that the owners of the open space may not subdivide the open space; that the owners of the open space may not build additional structures on the open space except required public infrastructure; that the owners of the open space may not use the open space for grazing and that the open space shall have restrictions acceptable to the City on the use of motorized vehicles including off road vehicles of all types.

ENT 61911 BK 4030 PG 118

The open space to be preserved in this manner shall be:

1. The open space shown on the attachment B. of the annexation policy resolution on the Kester, Strang, Redpoint, and Bushman properties.

The Conservation Easement shall also insure the public access to the trails listed below. The Conservation Easement may preserve the owners' right to develop springs and water rights on the property and the owners rights to dedicate the open space in fee to the City or the U.S. Forest Service in a manner that would give the Owner a tax deduction for the donation. it is hereby acknowledged that the dedication of the development rights is a voluntary act of the Owner and the City gives no compensation for this gift.

The form and general content of the conservation easement shall be determined by the City and the decision as to who shall be granted the easement (City or Forest Service) shall be the sole prerogative of the City.

C. The title to the private open space area shall be conveyed to a home owners association established at the time of first approval of a development plan. Preservation of the private open space area shall be further secured through the recording of an open space preservation easement in favor of the City.

7. Trails. The owners hereby specifically agree that they will dedicate to the public the following trails:

A. The existing trail along the East side of the High Bench Ditch. The trail easement for the High Bench Ditch Trail shall be a minimum of 50 feet in width.

B. A trail in the proximate area of the existing main west-to-east dirt road from the High Bench Ditch up to Willow Canyon.

C. A trail in the proximate area of the existing north-west fork of the above

mentioned dirt road as a secondary access to the main west-to-east trail or an alternative acceptable to the City should be provided.

D. A trail that connects the High Bench Ditch with Preston Way, somewhere in the vicinity of the South border of the Howard parcel.

E. That above same trail shall continue to the north-east along Preston Way and beyond, to connect with the west-to-east trail described in B.

ENT 61911 BK 4030 PG 119

F. A trail easement shall be provided for the deer trail (and any access to it from the south) the runs generally along the far eastern border of the Freeze property, and continuing in a generally north-westerly direction through the Sundial parcel.

G. A trail along the existing road which runs almost due south to the High Bench Ditch trail from the west side of the Lambert water tank.

H. An intermediate North-South trail running along the secondary north south street shown the attachment B to the annexation policy resolution.

Concurrently with the approval of the first phase of any development, a graveled trail head parking area must be provided for a minimum of three vehicles at a location designed by the Alpine City Council to service the trail head access into Willow and Preston Canyon. If the location of the trail head is not on the site of the phase being currently built, the Owner may install a temporary trail head on-site to be used until the final trail head is developed.

8. Water Rights. Pursuant to the provisions of Alpine City Ordinances the owners agree to convey sufficient water rights to satisfy the water use requirement of each lot as shown on the development plan. The Owners shall transfer concurrently with the annexation 55.2 shares of Alpine Irrigation Company Stock to the City, or other water right sufficient to satisfy the requirements of the water policy adopted by the City for annexations.

9. Culinary Water. The Owners agree that all dwellings and other occupied structures are to be served by the City's culinary system. The Owners agree an additional tank located at an elevation above 5400 will be required. The tank shall have adequate capacity for domestic, irrigation and fire flow purposes. The Owners agree that the tank and attendant facilities shall be designed and constructed concurrently with the preliminary and final plans and plats and shall be in place prior to the issuance of any building permits for dwellings required to be served by the tank. The required sizing, location and other particulars will be at the sole discretion of the City. All costs of construction of the tank, and the water lines and other appurtenant facilities, both on-site and off-site, shall be borne by the Owners and conveyed, without cost to the City.

Because of the higher elevation of the annexation area, the new system will function as

a separate pressure zone of the Alpine City system. The Owners agree that to facilitate the added cost for delivery of water to this area the City may establish a cost differential for water service to users of the system.

10. Sewerage Facilities. All lots within the annexation area shall be served by the City's sewage collection and disposal system. The sewage facilities shall be designed concurrently with the preliminary and final plats for the development.

All costs of construction of the sewer line and facilities, both on-site and off-site, shall be borne by the developer and conveyed without the cost to the City.

ENT 61911 BK 4030 PG 120

11. Public Improvements to be Constructed Prior to the Issuance of Building permits. Pursuant to the requirements of Ordinance 93-10 of Alpine City adequate public facilities must be in place prior to the issuance of any building permits upon the property within the annexation area.

12. Concurrent Annexation and Development of Adjacent Annexation Areas Required. The proper development of this annexation area will require that all seven areas (Bennett, Sundial, Freeze, Chrysalis, Dunn, and Howard, and Willow Canyon) be annexed concurrently. However, adequate access to the Sundial Annexation Area requires the developments of the intervening Freeze area road system. Accordingly the Owners agree that a development within the Sundial area will require the prior development of the Freeze road system.

13. Flood Retention Basins and Works. As a condition of annexation the Owners agree to contribute the amount of \$1,700.00 per lot for all portions of the area subject to flooding, as set forth on the Flood Mitigation Plan for the area.

Concurrently with the recording of the annexation plat the Owners agree to dedicate to the City of Alpine on a document prepared by the Alpine City Attorney, sufficient property and access to the property upon which two debris basins, each of approximately eight acre feet capacity or the minimum size required to protect for a 100 year flood from Willow Canyon and Preston Canyon can be built.

Alpine City may place the basins at any location on the parcels described below provided it is not on an approved building pad. The debris basin servicing Preston Canyon will be located on property owned by Van Dunn described as the E 1/4 of the No. 1/2 of the SW 1/4 of the SW 1/4 quarter of Section 20. The basin servicing Willow Canyon will be located on property owned by Sibley, Kester, Strang, or Redpoint L.C. described as the NE 1/4 of the SW 1/4 and the SE 1/4 of the NW 1/4 quarter of the SW 1/4 quarter of Section 20.

The City of Alpine agrees in the consultation with the Owners, to locate the basins in an area that will cause the least amount of visual damage to the annexed property so long as it does

not impair the safety of the debris basins.

14. Covenants will run with the land. The undersigned owners agree that the covenants and representations agreed to herein shall be covenants that run with the land and shall be binding on all successors and assigns to the property and that this agreement may be recorded against the property at the Utah County Records office.

ENT 61911 BK 4030 PG 121

Utah County Parcel Map

Tools

Print

Help

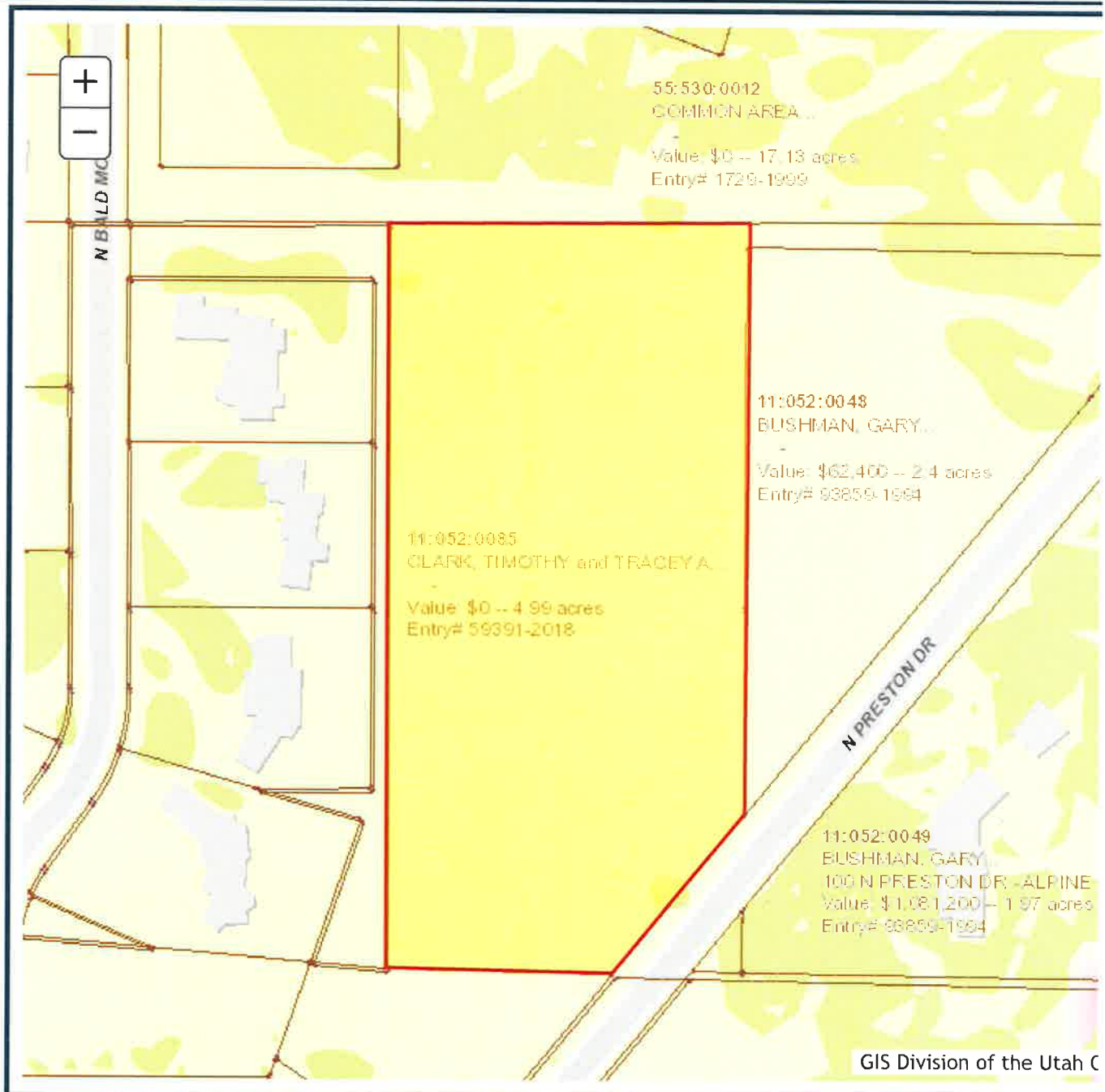
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Please disable your pop-up blocker before clicking.

Click the 'Help' tab above for further instructions on how to print the map.



Alpine City Council
Request for Height Variance
75 North Preston Drive

City Council Meeting, August 28, 2018

Dear City Council,

We are requesting a height variance for a proposed home at 75 North Preston Drive. We have worked closely and transparently with the Alpine City manager, engineer, planner, recorder, and attorney from the beginning of this planning process. We were informed at the beginning that the 25-foot height restriction reflected in the Willow Canyon subdivision annexation agreement is universally considered too restrictive, and that Alpine City has consistently set precedent in granting height variances to this restriction. After completing the architectural plans for the home, we submitted the plans to Alpine City for preliminary review three months ago. We then worked with members of the design committee to answer any questions. Ultimately, Alpine City issued us a building permit two weeks ago for the home. After issuing the building permit, Alpine City informed us that they had made a procedural error and that our height variance request must be reviewed and approved by the City Council.

We are therefore requesting a height variance for the proposed home for the following reasons:

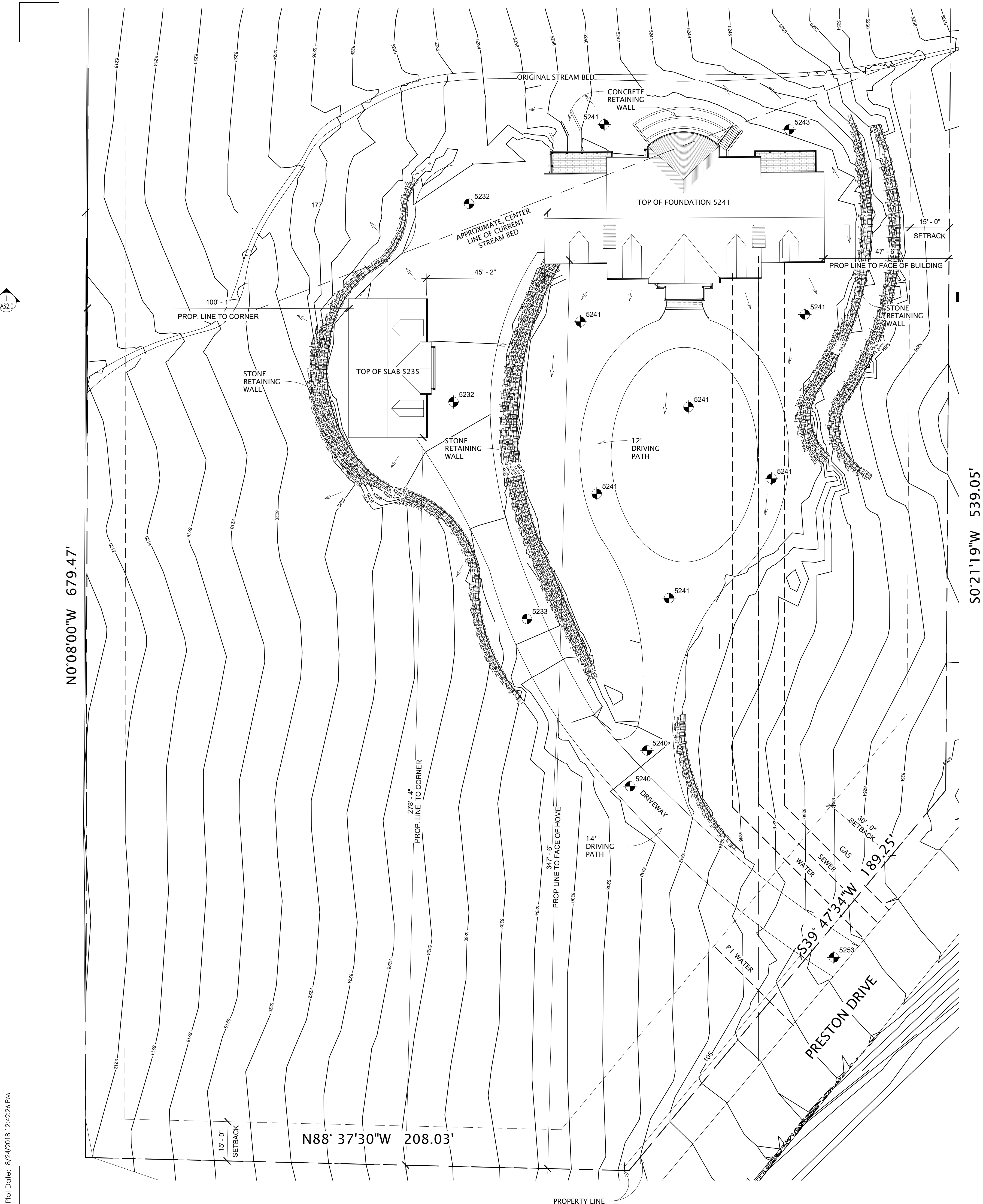
1. Alpine City has already issued the building permit and approved the plans. Thus, the height variance was thought to be reasonable based on the precedent for granting variances and the difficult topography of the lot.
2. The lot has significantly slopped topography and the Willow Canyon annexation agreement provides no guidelines to address challenging topography. The natural grade of the lot drops 50 feet from Preston Drive to the west boundary of the lot.
3. This is a 5-acre lot. The closest neighbors are more than 500 feet to the north, 347 feet to the south, and 177 feet to the west. The home will not shadow or significantly obstruct any neighbor.
4. The slopped topography already requires that we do significant excavation to build the home. To carve out more earth to the east will disrupt the natural topography more than is necessary.
5. The home is a considerable distance from Preston Drive and located at an elevation that makes it fitting and proportional with the other homes in the neighborhood.

Please also consider the following excerpt from Section 3.21.8 Rules for Determining Height of Dwellings and Other Main Buildings:

“Notwithstanding the provisions above, buildings which exceed the maximum height of thirty-four (34) feet may be approved by the issuance of a conditional use permit upon findings of no significant loss of light, air, and views of surrounding properties, or where by reason of topography one side of the dwelling may exceed thirty-four (34) feet.” (Ord 96-15 12/18/96).

Thank you for your consideration.

Timothy R. Clark
Tracey A. Clark



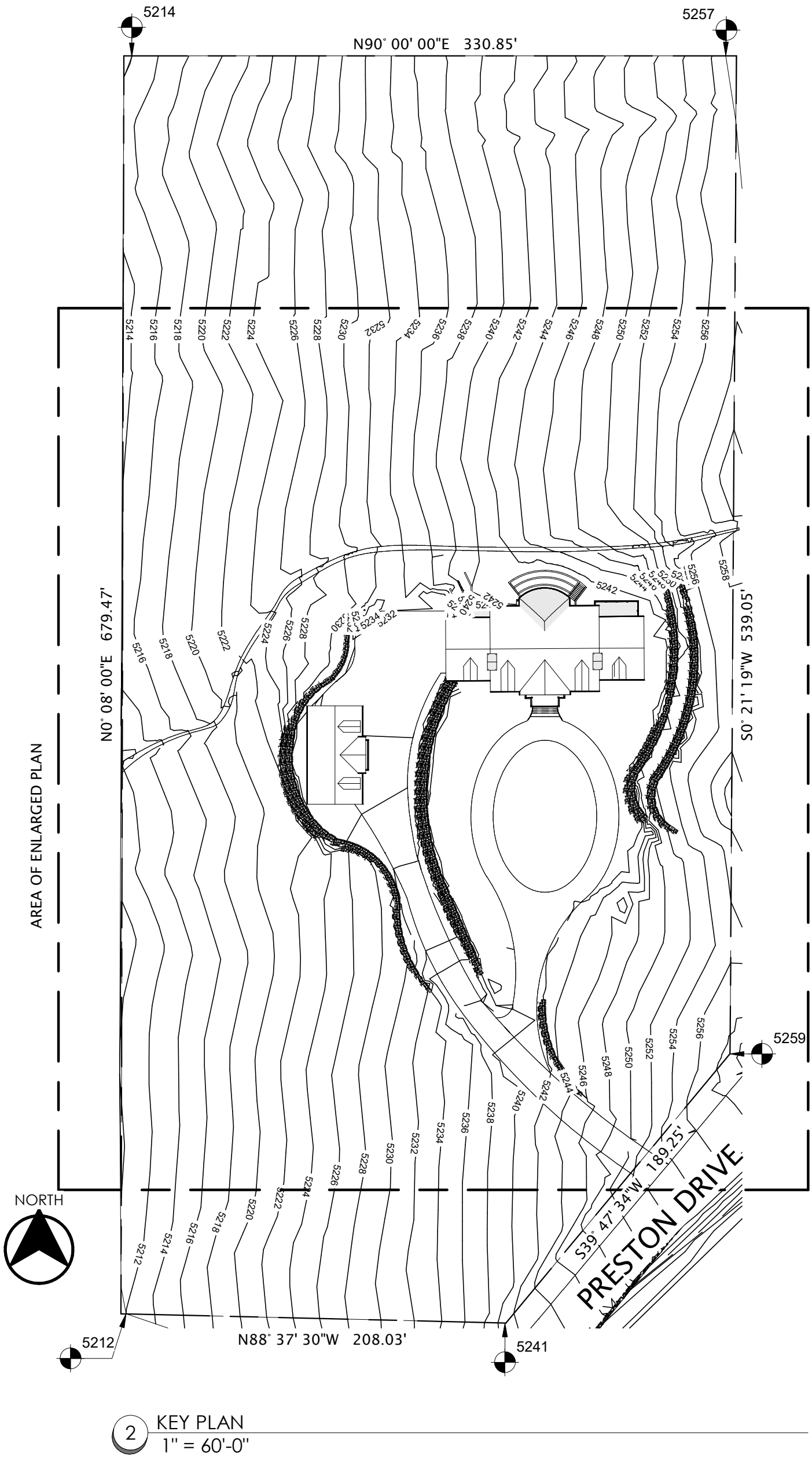
ADDRESS: 75 N PRESTON DRIVE, ALPINE UTAH

5.0 ACRES

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 20,
TOWNSHIP 4 SOUTH, RANGE 2 EAST SALT LAKE BASE AND
MERIDIAN

SITE NOTES:

1. ALL RETAINING WALL ON SITE OVER 4' IN HEIGHT FROM TOP OF FOOTING TO TOP OF WALL SHALL BE DESIGNED BY A PROFESSIONAL ENGINEER AND ARE TO BE PERMITTED UNDER A SEPARATE BUILDING PERMIT.
2. ALL FENCING IS REQUIRED TO GET SEPARATE BUILDING PERMIT.
3. THE DRIVEWAY SHALL BE OF AN ALL-WEATHER SURFACE AND MAY NOT SLOPE MORE THAN 12%.
4. CONTRACTOR TO SLOPE FINISH GRADES AROUND ALL BUILDINGS TO PROVIDE A POSITIVE DRAINING A AWAY FROM THE BUILDINGS.



SEAL:

project:
CLARK RESIDENCE
75 N PRESTON DRIVE, ALPINE UTAH

data:
project no: 1823

date: 08.22.2018

revisions:

SITE REVIEW
sheet:
**ARCHITECTURAL
SITE PLAN**

3.21.8 RULES FOR DETERMINING HEIGHT OF DWELLINGS AND OTHER MAIN BUILDINGS.
(Amended by Ordinance No. 2001-06)

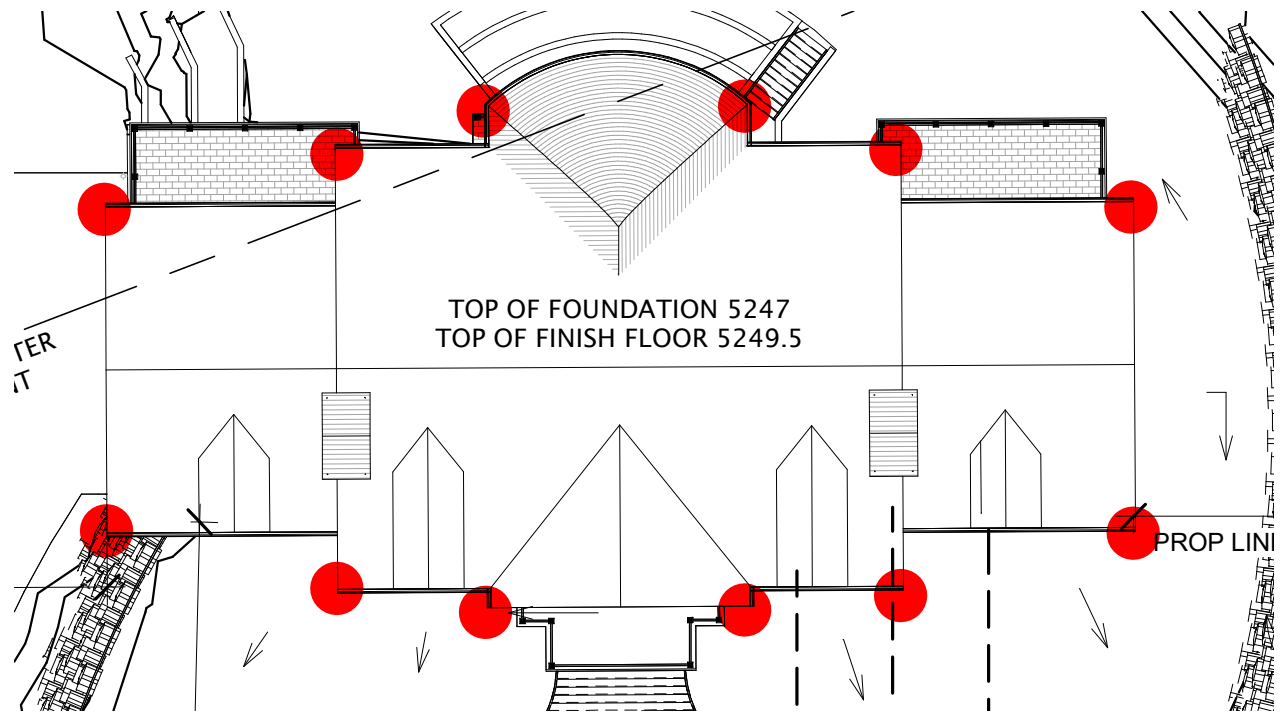
- 3.21.8.1 Wherever the terms of this Ordinance require a building height, said height shall be the vertical distance from the "average elevation of the finished grade" of the structure to the "roof line of the structure" except in the CE-50 zone. For purposes of compliance with this Ordinance:
1. Average elevation of the finished grade shall be the proposed finished grade of each major corner of the structure, divided by the number of corners.
 2. Roof line of the structure shall be as follows, as applicable:
 - (1) Flat roof - the highest of a flat roof or top of any adjacent parapet wall, whichever is higher.
 - (2) Mansard type roof - the deck line.
 - (3) Gable, hip or gambrel roof - the elevation measured at the midway point between the highest part of the roof ridge line and the lowest elevation of the eaves or cornice of the main roof structure (not including independent, incidental roof structures over porches, garages and similar add-on portions of the structure).

Notwithstanding the provisions above, buildings which exceed the maximum height of thirty-four (34) feet may be approved by the issuance of a conditional use permit upon findings of no significant loss of light, air, and views of surrounding properties, or where by reason of topography one side of the dwelling may exceed thirty-four (34) feet. (Ord 96-15, 12/18/96)

AVERAGE HEIGHT BASED OFF OF 12 POINTS OF MEASURE

29'-4"
32'-4"
30'-4"
30'-4"
32'-4"
29'-4"
29'-4"
32'-4"
29'-2"
29'-2"
32'-4"
37'-11"
Total 374'-3"

$374'-3" / 12 \text{ points of measure} = \text{average of } 31'-2"$



3 South Copy 1
1/8" = 1'-0"



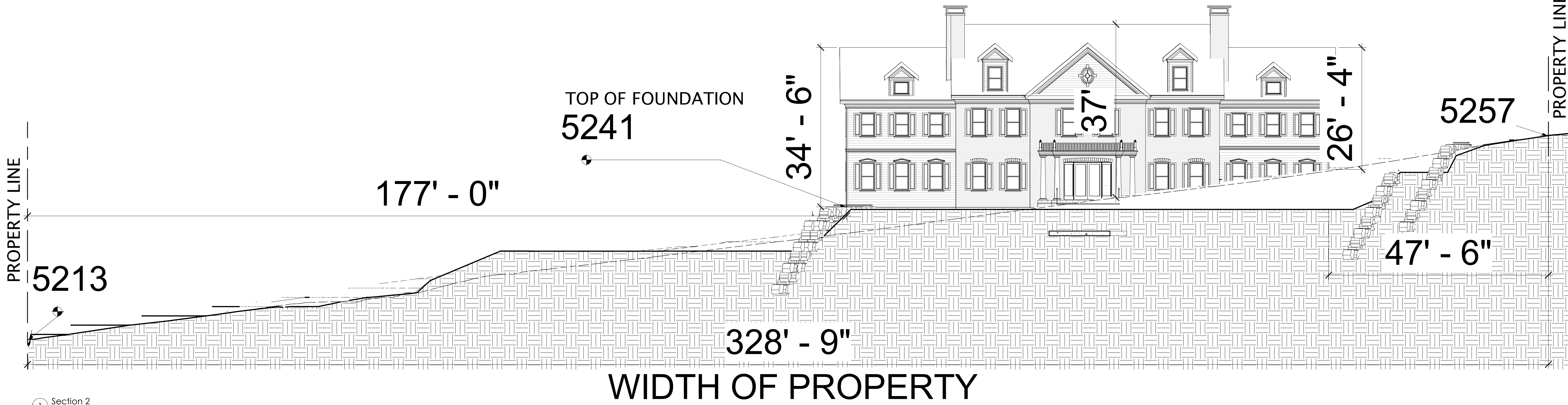
2 North Copy 1
1/8" = 1'-0"



1 East Copy 1
1/8" = 1'-0"



4 West Copy 1
1/8" = 1'-0"



1 Section 2
3/32" = 1'-0"

The designs shown and described within these documents, including all technical drawings, graphics representation & models, are proprietary & can not be copied, duplicated in whole or in part without the express written permission from LMnt Architecture.

SEAL:

project:
CLARK RESIDENCE
75 N PRESTON DRIVE, ALPINE UTAH

data:
project no: 1823
date: 08.22.2018
revisions:

SITE REVIEW
sheet:
HEIGHT STUDY

AS2.0

ALPINE CITY COUNCIL AGENDA

SUBJECT: Request for a variance on the height restriction

FOR CONSIDERATION ON: 28 August 2018

PETITIONER: Rich Bloomfield

ACTION REQUESTED BY PETITIONER: Approve a variance to the height restriction.

BACKGROUND INFORMATION:

The Willow Canyon Annexation Agreement states that *“No home may be built on lots above the High Bench Ditch that exceeds a height of 25 feet above the natural grade to the highest point of the roof or parapet.”* A copy of the Annexation Agreement is attached. The restriction is on page 3.

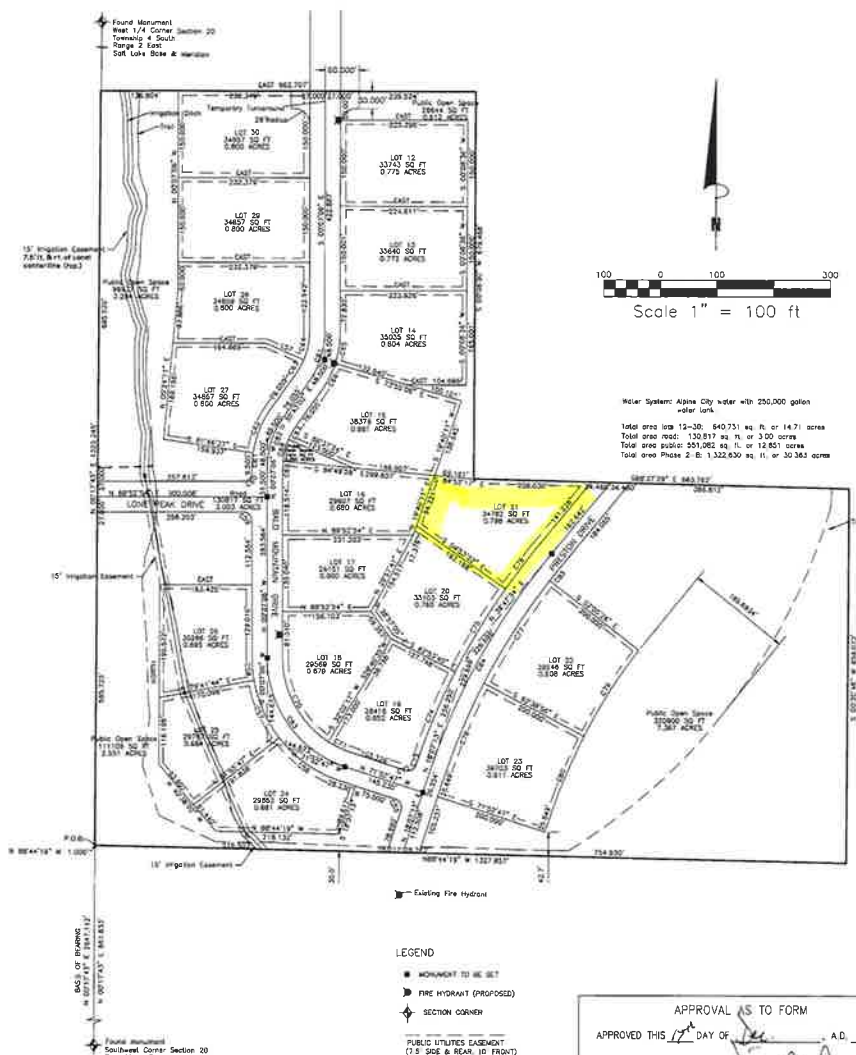
The purpose of this restriction is to preserve the natural scenic view of the foothills. There was some resistance from the community when Willow Canyon was petitioning for annexation and this was included in the Agreement as a concession.

Since that time, the City Council has approved several variances to the height restriction when the Willow Canyon HOA has reviewed the request and recommended approval of a variance.

Mr. Bloomfield is requesting a variance for lot 21 of the Willow Canyon subdivision 2B.

STAFF RECOMMENDATION:

Consider the request for a height variance.



10

Alpine City Council
Submission for Height Variance
Lot 21, Willow Canyon PUD 2B
August 28, 2018; 7:00 PM

The lot in question has a unique topography which makes building a home very difficult under the provisions of the annexation agreement and the HOA Architectural guidelines. As you can see from the attached documents, the lot drops 41 feet from the top to bottom of the lot along Preston Drive. From the Southeast corner of the home to the southwest corner of the home the natural grade drops 14 feet. A natural wash runs through lot making the topography even more difficult. Consequently, we have a lot that with significant grade changes along the north and south line and along the east to west line from Preston Drive. Under the guidelines mentioned above this makes a home impossible to build unless one end of the house is completely below natural grade. Thus, the request for a variance.

In order to address these topography challenges we have discussed with the HOA and city planner the need to ignore the additional issues caused by the depth of the wash in looking at the calculations for a variance and they have agreed. We have also dropped the north end of the house (garage end) down into the ground 10 feet from the street, in order to keep the south end of the house as low as possible with the 41 feet of drop across the lot from north to south.

Please also consider that we not only have Lot 21 under contract but we also have Lot 16 under contract which is the lot directly to the west along Bald Mountain Drive. Thus, the views from that lot are not an issue since we have it under contract as well. Also note that the views from the lot directly to the south are not impacted as they have no view windows to the north. (pictures available).

Since the Annexation agreement and the HOA guidelines provide no help in dealing with significant topography issues I have looked at the Alpine City code for guidance and the following is an excerpt from Section 3.21.8 Rules For Determining Height Of Dwellings And Other Main Buildings:

- (3) Gable, hip or gambrel roof - the elevation measured at the midway point between the highest part of the roof ridge line and the lowest elevation of the eaves or cornice of the main roof structure (not including independent, incidental roof structures over porches, garages and similar add-on portions of the structure).

Notwithstanding the provisions above, buildings which exceed the maximum height of thirty-four (34) feet may be approved by the issuance of a conditional use permit upon findings of no significant loss of light, air, and views of surrounding properties, or where by reason of topography one side of the dwelling may exceed thirty-four (34) feet. (Ord 96-15, 12/18/96)

There is a significant topography issue here and the highlighted code may be helpful in granting a variance since the home neither blocks views or impacts surrounding properties even though the topography causes height to be in excess of guidelines even after significant efforts.

The following are attached for review:

- A site plan for the proposed home (Exhibit I)
- A height study elevation taking into account the natural grade as adjusted for the issues of the wash through the property. (Exhibit II)
- A height study as if the home were being built under normal Alpine City guidelines. We have included this for the council to note that at 25 ft 6" under the city guidelines we are significantly under the 34 ft allowed by Alpine City. (Exhibit III)
- A letter from Van F. and Janis B. Dunn who were the original developers of the lot and the current owners who have the lot under contract to us. (Exhibit IV)

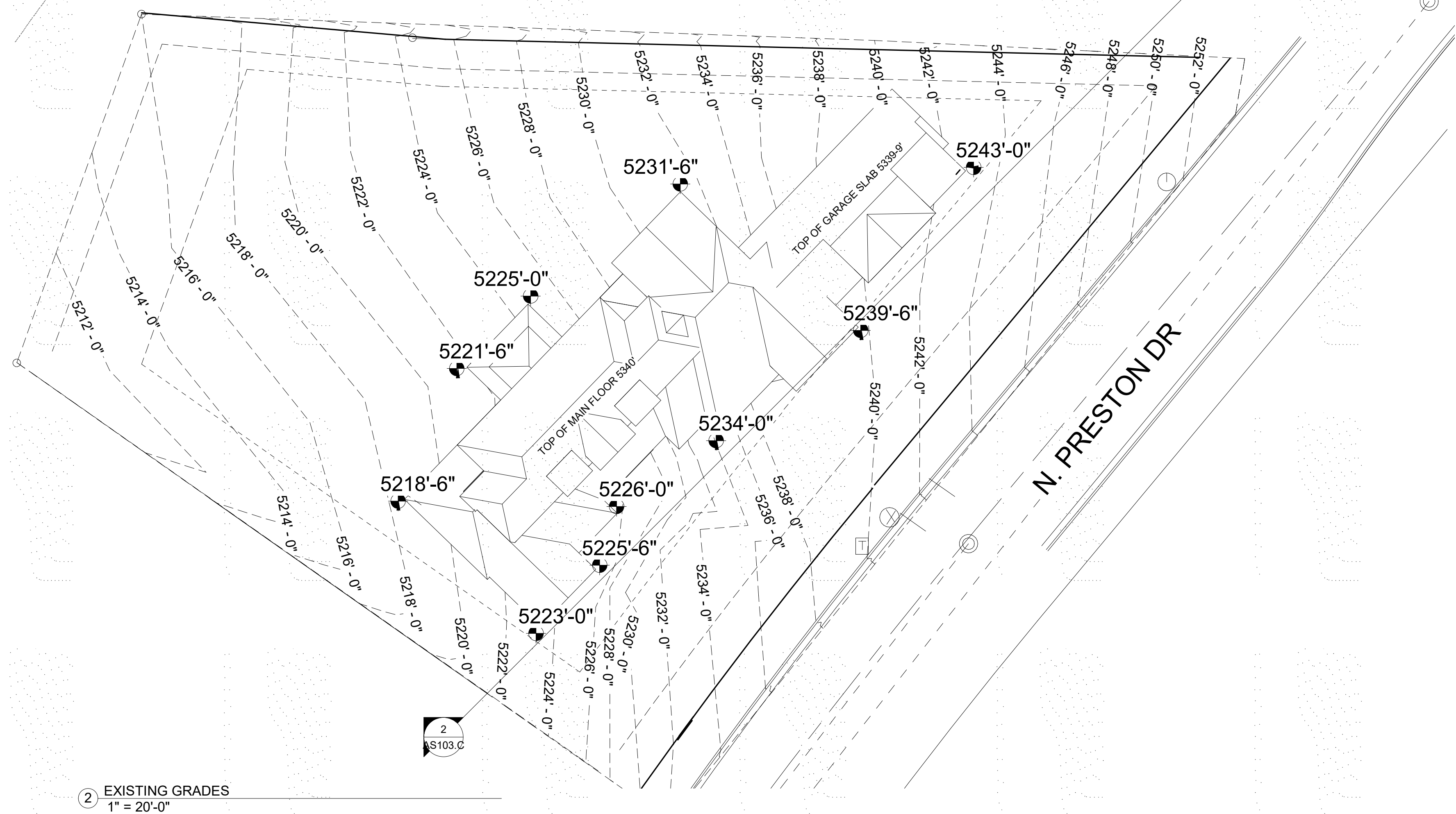
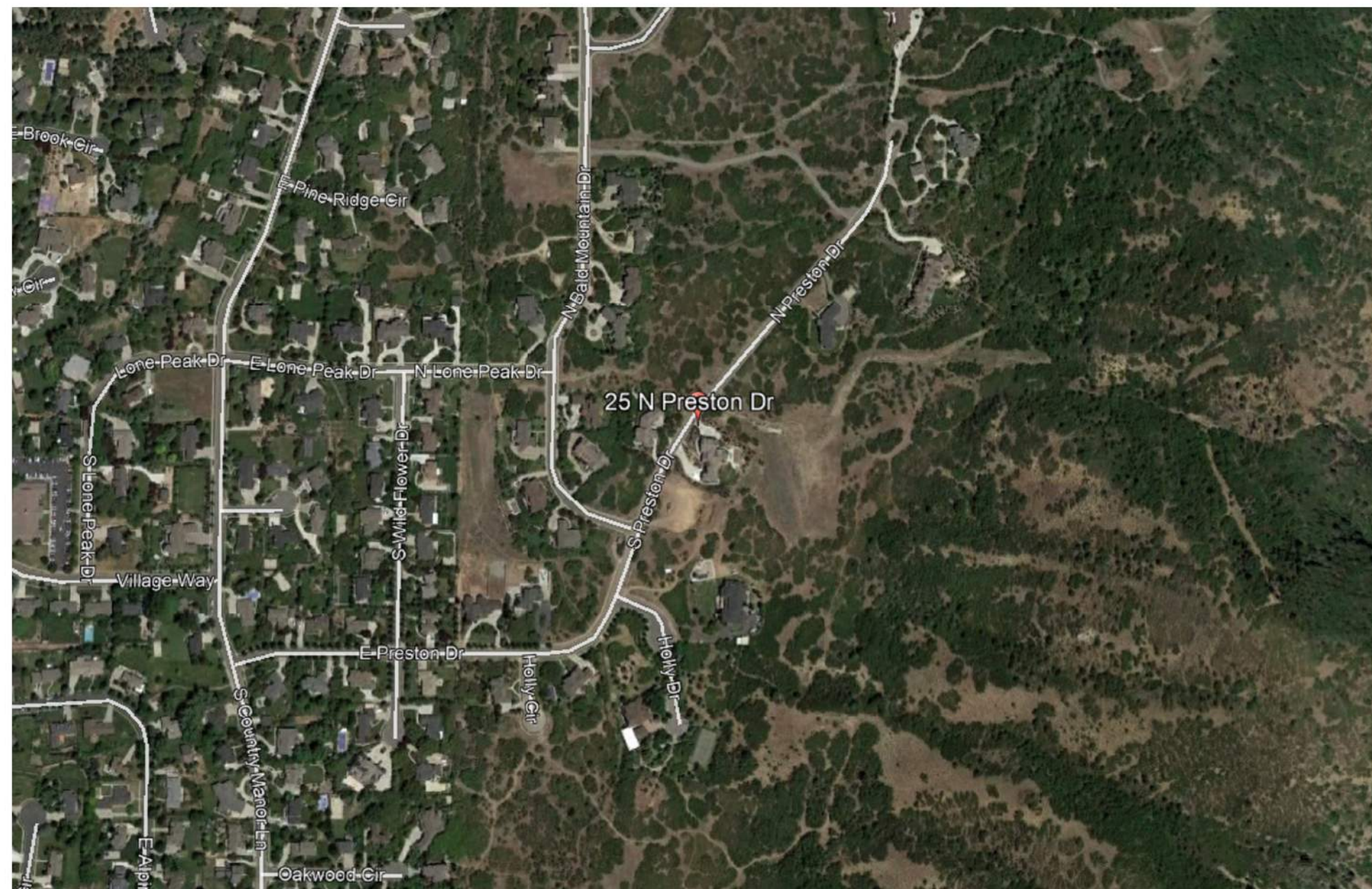
Thank you for your consideration of a variance for this home.

Rich & Robin Bloomfield
705 High Ridge Circle
Alpine, UT 84004
602-625-2350

ADDRESS: 25 N PRESTON DRIVE, ALPINE UTAH
LOT 21, WILLOW CANYON SUBDIVISION PHASE 2B
0.798 ACRES

SITE NOTES:

1. ALL RETAINING WALL ON SITE OVER 4' IN HEIGHT FROM TOP OF FOOTING TO TOP OF WALL SHALL BE DESIGNED BY A PROFESSIONAL ENGINEER AND ARE TO BE PERMITTED UNDER A SEPARATE BUILDING PERMIT.
2. ALL FENCING IS REQUIRED TO GET SEPARATE BUILDING PERMIT.
3. THE DRIVEWAY SHALL BE OF AN ALL-WEATHER SURFACE AND MAY NOT SLOPE MORE THAN 12%.
4. CONTRACTOR TO SLOPE FINISH GRADES AROUND ALL BUILDINGS TO PROVIDE A POSITIVE DRAINING AWAY FROM THE BUILDINGS.



Plot Date: 8/24/2018 11:47:18 AM

project:
BLOOMF
25 N PRE

data:
project no: 1838

date: 08/24/2018

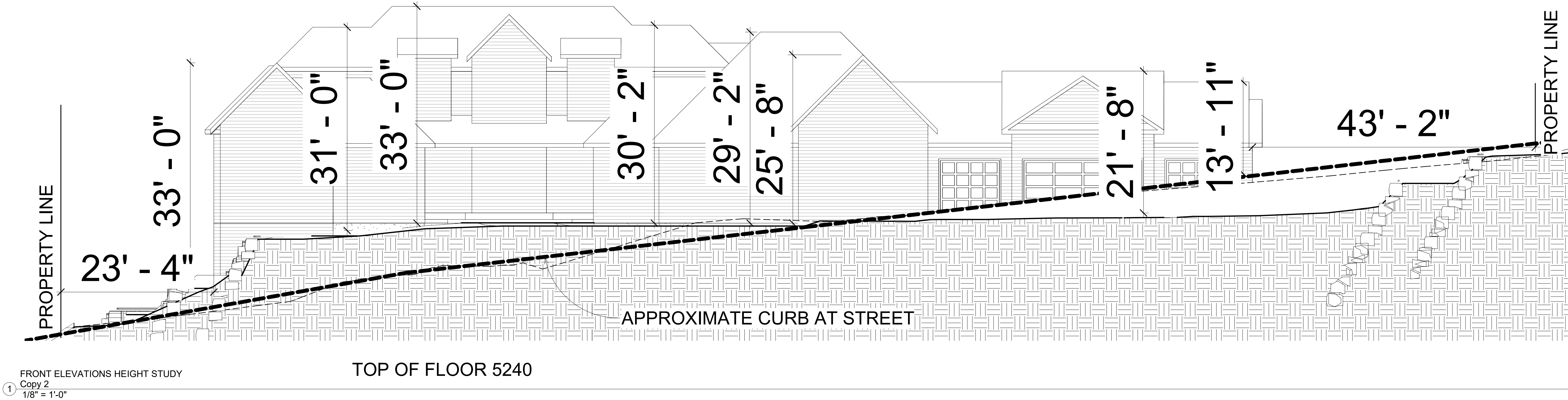
Revisions:

SITE REVIEW

drawn by: checked by:

Sheet:
Arch Site Plan

AS1.0



project:
BLOOMFIELD RESIDENCE
25 N PRESTON DR, ALPINE UTAH

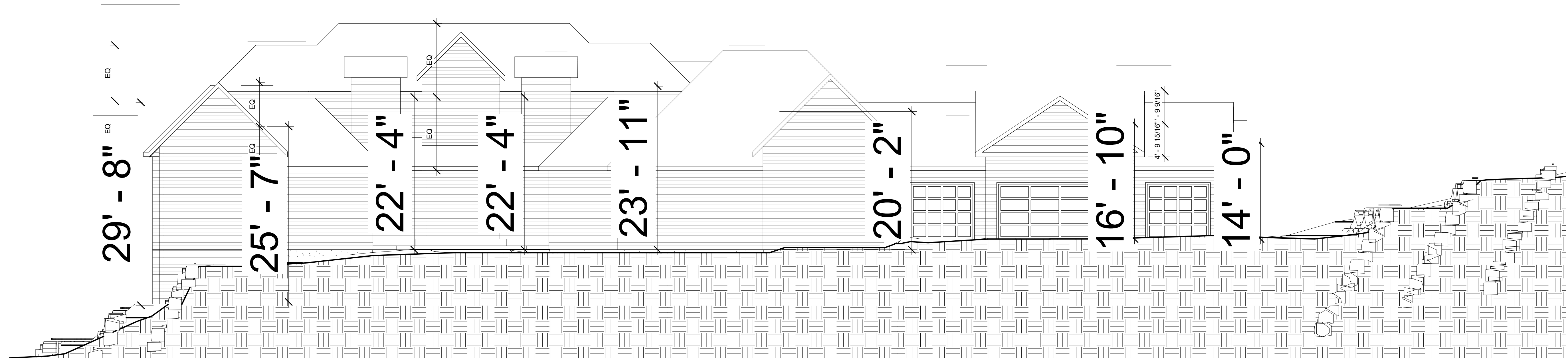
data:
project no: 1838
date: 08/24/2018
revisions:

SITE REVIEW
drawn by: checked by:
Author Checker
sheet:
HEIGHT STUDY

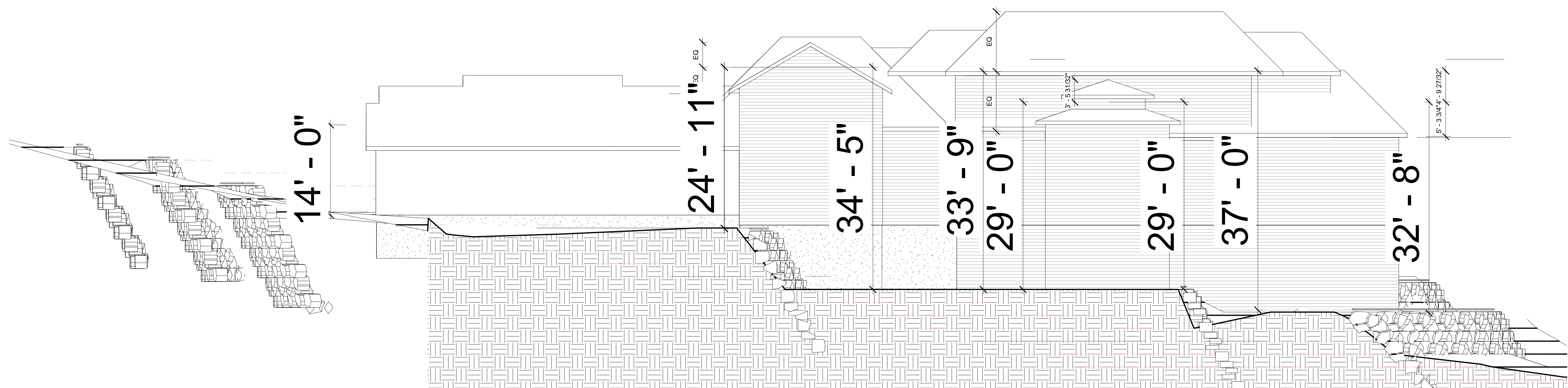
PER ALPINE CITY CODE,
MEASUREMENTS ARE TAKEN - AT THE MIDWAY
POINT BETWEEN THE HIGHEST POINT OF THE
ROOF RIDGE LINE AND THE LOWEST
ELEVATIONS OF THE EAVES, DOWN TO FINISH
GRADE

16 POINTS OF MEASURE
TOTAL OF 409'-6"

FOR AN AVERAGE OF 25'-6"



① FRONT ELEVATIONS HEIGHT STUDY
1/8" = 1'-0"



② REAR ELEVATION HEIGHT STUDY
1/8" = 1'-0"

project:
BLOOMFIELD RESIDENCE
25 N PRESTON DR, ALPINE UTAH

data:
project no: 1838

date: 08/24/2018

revisions:

SITE REVIEW

drawn by: checked by:
Author Checker

sheet:
Height Study -
City
Calculations

AS3.0

VAN F. DUNN JR. & JANIS B. DUNN
1478 VALAIS CIRCLE
MIDWAY, UT 84049

ALPINE CITY
Alpine, Utah 84004

August 21, 2018

Dear Alpine City,

My wife and I are the original owners/developers of the Willow Canyon Subdivision. We are the current owners of both Lots 16 & 21 in this subdivision. These lots were retained by us so that one day myself or one of my children could build their home in Alpine City. We are now in our 80's and our children have married and moved away. We have decided to sell these two final lots in our subdivision.

We met with Joel Kester on the current Restrictive Covenants and Conditions over 20 years ago. I have never been a professional developer or engineer, nor was I aware at the time, that these CCR's were so restrictive as to make some of the lots I owned virtually unbuildable under their guidelines. I trusted Mr. Kester and his professional expertise to construct CCR's that would, at the very least, mean every lot would be buildable but with reasonable limits and sensitivity to others. Had I known the building guidelines were so restrictive, I would never have recorded them.

Now 20 years later, we have employed my son-in-law Greg Watts, a broker for Watts Group Real Estate. He and his family have developed and sold over 800 lots across the Wasatch front and back. He has been working with Rich Bloomfield for the past 10 months. He has both lot 16 & 21 under contract. He has employed a surveyor, and an architect to layout his residence on lot 21. He has also been working with you at Alpine City to get approval for his home. I know he has spent many hours and hired professionals to make sure this home complies with the Alpine City's building codes.

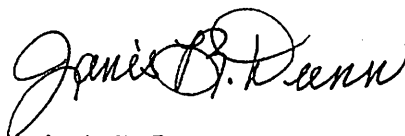
I know he has been trying to work with the architectural committee, but as of today they have been unresponsive to his calls. Should a negative decision by the committee were to be made, we can show there is no reasonable cause what so ever to withhold approval.

As the current owner, and original developer of this property, I would urge Alpine City to approve Mr. Bloomfield's home plans, I think 10 months is long enough, and it shows he has done his due diligence in order to start construction on his home.

Sincerely,



Van F. Dunn, Jr.



Janis B. Dunn

ALPINE CITY COUNCIL AGENDA

SUBJECT: Major Subdivision Final Review – Alpine View Estates PRD

FOR CONSIDERATION ON: 28 August 2018

PETITIONER: Griff Johnson

ACTION REQUESTED BY PETITIONER: Approval of final plat

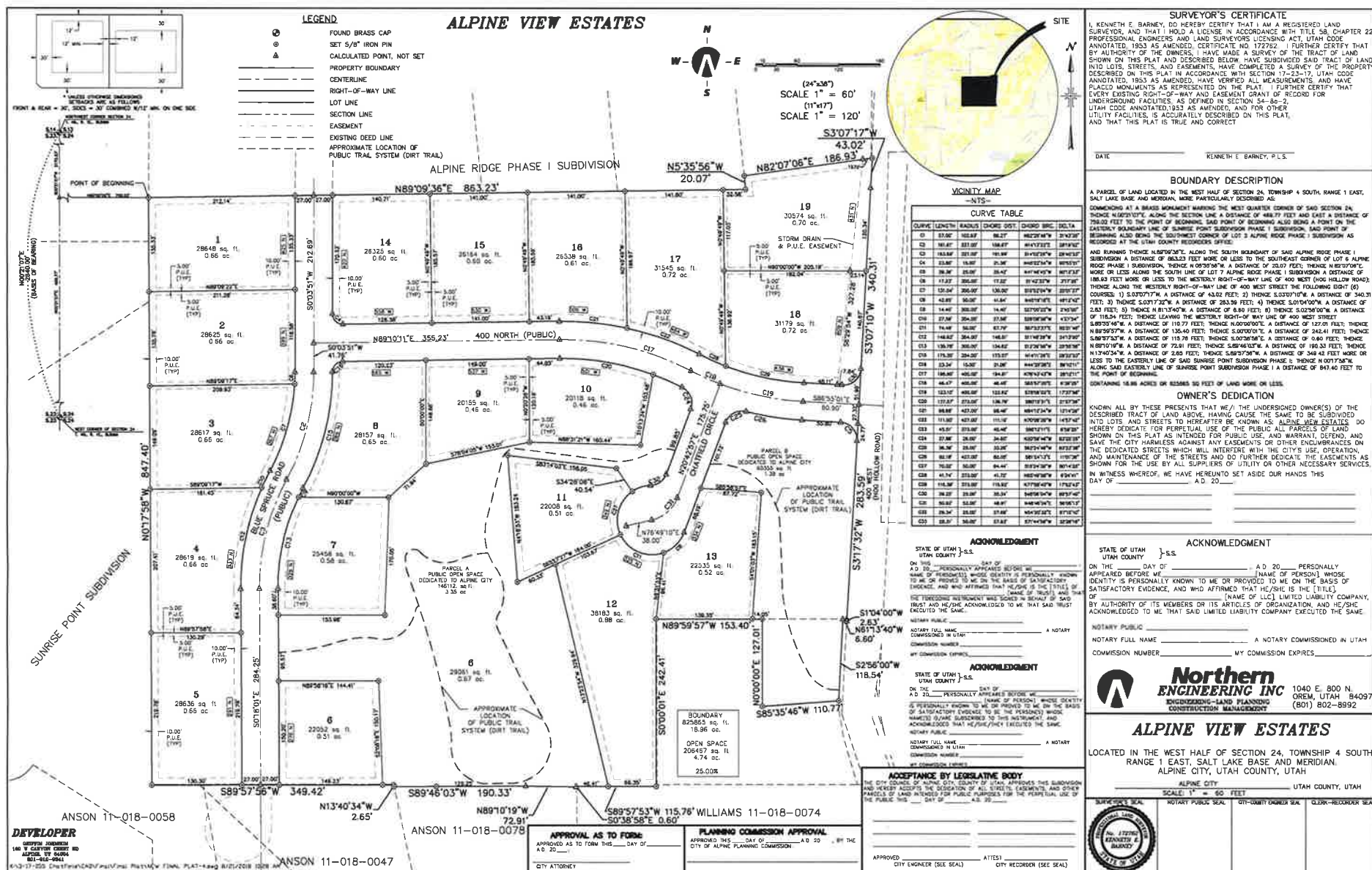
BACKGROUND INFORMATION:

The City Council reviewed the final plat for Alpine View Estates PRD at their previous meeting of August 14th and tabled it because lot 20 was an illegal lot. The plat would need to be redesigned.

The proposed PRD was located at approximately 391 North 400 West in the CR-40,000 zone and consisted of 19.30 acres, with lot sizes ranging from 0.46 acres to 0.88 acres. Approximately 4.84 acres would be dedicated as public open space.

STAFF RECOMMENDATION:

Review and consider approving a revised design for the Alpine View Estates PRD.



ALPINE CITY COUNCIL AGENDA

SUBJECT: Montdella Senior Housing Overlay

FOR CONSIDERATION ON: 28 August 2018

PETITIONER: Alan Cottle

ACTION REQUESTED BY PETITIONER: Approve Senior Housing Overlay

APPLICABLE STATUTE OR ORDINANCE: Article 3.18 (Senior Housing)

BACKGROUND INFORMATION:

Developer Alan Cottle is proposing a 55+ Senior Housing community located at 242 S. Main Street. It would consist of 27 units on 3.87 acres in the Business Commercial zone. The Senior Housing Overlay zone may be located within the Business Commercial zone but needs to be approved by the Council. The overlay zoning does not take effect until the Council has approved the final plat.

The Planning Commission held a public hearing on the proposed overlay zone at their meeting of August 21, 2018, received public comment, and made a motion to recommend approval.

MOTION: Sylvia Christiansen moved to recommend that the City Council approve a Senior Housing Overlay for the proposed Montdella development at 242 S. Main Street. Alan MacDonald seconded. Ayes: 5 Nays: 2. Alan MacDonald, John MacKay, Dave Fotheringham, Jane Griener, Sylvia Christiansen voted aye. Bryce Highbee and John Gubler voted nay. Motion passed

STAFF RECOMMENDATION:

Staff does not see any conflicts with the requirements of the Senior Housing Overlay Ordinance and the proposed Montdella 55+ community, and recommends the Council consider approving it.



MONTDELLA

CONCEPTUAL DESIGN

1 & 2 STORY UNITS - TIMELESS DESIGN



100 yr FLOOD HAZARD
500 yr FLOOD HAZARD

SSMH 138
RIM = 4928.234
INV OUT = 4914.084
DEPTH = 14.15'

MANHOLE BENEATH ASPHALT

215 S

Arnold, Brig G and Mackenzie

Collins, Jeffrey M & Kristi

225 S

SSMH 95
RIM = 4912.266
INV IN NW = 4899.266
INV OUT = 4893.266
DEPTH = 12.50'

SSMH 94
RIM = 4921.681
INV IN NE = 4893.681
INV OUT = 4893.681
DEPTH = 28'

160 W Canyon Crest Rd LLC

60 W

40 W

20 W

Linus Properties LLC

Alpine Main Street LLC

75 W

MAIN STREET CT

City does not keep records of phone, gas, power, or other utilities not owned/maintained by the city.

Montdella
COTTLE HOMES

1 inch = 60 feet

0 20 40 80 120 160 Feet



Montdella - 55+ Community
242 S Main Street, Alpine UT 84004
3.86 Acres - Zoned Commercial

Legend

- Water Meter
- Culinary Valve
- Fire Hydrant
- Culinary Line
- Irr Box
- Irr Valve
- Irr Line
- SDP_JB
- SDP_CB
- SDP_SUMP
- SDP_LINE
- Storm junction box
- Curb Inlet
- Storm Manhole
- Storm Line
- Sewer Manholes
- Sewer Lateral
- Sewer Main Line

Retention
Power

- 22x68
- 24x69
- 24x72
- 24x76
- Common

27 Total units
17 Visitor cars

Property Corners

Type

- Rebar & Cap
- Stream Centerline

FEMA 2016

- FLOODWAY
- 1 PCT ANNUAL CHANCE FLOOD HAZARD (100 yr)
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD (500 yr)
- Property Line

EXCERPT OF DRAFT MINUTES FROM PLANNING COMMISSION MEETING

A. PUBLIC HEARING – Senior Housing Overlay, 242 S. Main Street – Montdella

Introduction: City Planner Austin Roy introduced the developer's request for a Senior Housing Overlay zone at 242 S. Main Street. The proposed 55 and older senior housing development consisted of 27 units on 3.87 acres. There were three access points, two off Main Street and one through the adjacent commercial development where the fitness center was located. The plan showed a minimum of 20 feet between the units and the property line, and a minimum setback of 25 feet from the flood plain to the nearest unit. The structures ranged in height from 26 feet to 30 feet with some single story and some two-story units. Since it was located in the Gateway Historic District, there were certain requirements including a historical appearance. The development would contain a trail along Dry Creek that would potentially tie into the Dry Creek corridor trail. Each unit would have two parking spaces. Because the development was on Main Street, staff recommended a traffic study be done. Staff felt the traffic impact of the proposed development would be equal to or less than businesses that same space.

City Engineer Jed Muhlestein said the City was working with a traffic engineer to look at the additional traffic impact on Main Street. The City's Master Street Plan recommended minimizing ingress and egress points along an arterial road. The proposed development showed two accesses onto Main Street which were fairly close to each other. Staff would prefer to see just one access to comply with the Master Plan. He said studies showed that senior housing developments typically generated only 30% of the traffic generated by the usual residential area.

The Hearing was opened to public comment.

Walter Noot – River Meadow Drive. He said that when he came out of Red Pine Drive in the morning, the cars for the charter school were lined up in double rows and it was difficult to get onto Main Street. He'd been involved in an accident because of it. The cars blocked the intersection and the police couldn't do anything about it. He had talked to them and they said it had to be addressed by the City.

Christy Collins – 225 S. 100 W. She said her home was adjacent to the proposed development and pointed out on the map where her home was located. She said the trail alignment encroached on their property. She appreciated that a traffic study was being done but the biggest issue for them was the encroachment on their property.

Linda Childs – Red Pine. She said she lived in one of the 55+ developments in Alpine and her biggest concern was the traffic. There were times when she couldn't get off Red Pine Drive onto Main Street because of the cars. There were times when they couldn't even get out of her development because cars from the charter school were backing into there. She said people talked as if 55+ developments didn't generate traffic, but the people weren't that old. They drove cars. They had family that visited. She said she understood that they were not allowed access through the parking lot of the business district.

William Veach - 97 S. 100 W. He asked how long construction would take. He had kids that walked to school at Mountainville and it was already hazardous. Construction traffic was different from community traffic. He said a lot of trash and garbage came with new construction. He asked if the development would affect property values. Jed Muhlestein said that in terms of trash, every construction had EPA regulations that required a lot of inspections. This one would be by a river and inspections were required twice a month.

Shirley Barnes - 411 E. 100 S. She said traffic was a big concern. Getting onto Main Street, especially during school opening and closing was quite difficult. She was also concerned about property values in the area. She said she would prefer no access onto Main Street at all.

Erin Darlington – Wildflower Circle. She said she had traffic concerns. In 55+ developments, only one person had to be 55 or older. They could have a spouse that was younger and have kids living there. Plus people who were 55 could still be driving to work every morning. That would be more car trips. She said she would support senior housing somewhere off Main Street. She felt Main Street needed to be reserved for commercial businesses. Senior housing could survive without fronting on Main Street but businesses could not. She said she'd heard the development would underground parking and there would be stairs. Would there be elevators?

Will Jones – Grove Drive. He said the proposed trail running from Main Street to the creek would be a Class A trail. It would be 8-feet wide and paved and would be a public access trail. It would not be on the Collins' property.

Valia Dayton – Preston Drive. She said she understood a similar project on the same ground had been denied. Why was it denied? Dave Fotheringham said it wasn't denied. The applicant did not continue their petition and the property was sold. Jed Muhlestein said the big stumbling block was that it did not conform to the regulations of the Gateway Historic Committee. The plan had the backs of the homes facing Main Street.

Christy Collins – 100 West. She said she had seen erosion on the creek bed. Would that be fortified. The developer said there would be a retaining wall.

Rachel Layton - Piccadilly Circle. She said cars coming from 100 South had a difficult time getting onto Main Street because of the traffic. She said they'd moved from American Fork three years ago because the city had promised their home wouldn't back up to commercial, but they altered the city plan and they had to move because it was so awful. She said people made plans based on zoning maps and city plans. She said she was sure people like the Collins didn't foresee townhomes in their backyard.

Brig Arnold - 215 S. 100 W. He said his property backed up to the majority of the proposed development. The senior housing did not upset them at all as opposed to commercial businesses. He said he was a little concerned about the density. 27 units seemed like a lot of units for that space.

Erin Darlington – Wildflower Circle. She said the main problem was the school and they hadn't been able to solve the traffic problem. There was no easy solution.

There were no more comments and the Hearing was closed.

B. Senior Housing Overlay Zone Recommendation – Montdella (242 S. Main Street) – Alan Cottle. Chairman Dave Fotheringham invited the developer, Alan Cottle to discuss the proposed development.

Alan Cottle said he would like to address the concerns that were raised under public comment.

- First, the Collins encroachment. He said they had been trying to accommodate the Alpine City trail and would gladly move it off the Collins' property.
- He said he used to be the VP of Hyatt and had built a lot of senior housing for the high-end market. Most of the developments they built were much larger than this one would be. There were federal laws that dealt with housing for citizens 55 and older. Cities could not deny them. The 55+ housing was a gateway into assisted living, nursing homes, hospitals. There was no development that would bring a lower impact to the area than the one they proposed. He said the highest zoning designation Alpine had was commercial, and they were essentially downsizing from commercial. There would be 300 percent more traffic on the road with commercial businesses. Their proposal may not be ideal but from a traffic standpoint, they were the best option.
- He said he liked the idea of having one main entrance off Main Street rather than two.
- According to Alpine's rules on the overlay zone, only two units could be connected so they would be building twin homes with one common wall.
- He said not everyone moving into their homes would be 55. The anticipated ages ranged from 55 to 75. Studies showed that 80 percent of the people who purchased senior housing had lived within a two-mile range of their new housing. It would be their neighbors buying the homes because they no longer wanted an 8,000 square foot home, yet they wanted to be around their neighbors and families. This development provided an opportunity for them to do that.
- The average construction time on such a project was 18 months to two years. They would try to minimize the traffic impact and have major deliveries made during slack times.
- As far as property values, the homes would be 3,000 to 4,000 square feet with an option for elevators which would cost an additional \$30,000. Most of the homes would be rambler types with a basement. Some would have a loft or reading room. The cost of the homes would be between \$400,000 to \$700,000

depending on what people wanted. They would have the feel of one-story units with a steeper roof. They would have two car garages and in some an extra hobby garage.

- There would be street parking and guest parking in addition to parking in the driveways.
- For street view, people looking into the community from Main Street would see a lot of trees rather than garage fronts. By design, they would stagger them. There would be a small community center in front.
- He said the density was comparable or less to other such developments. The ordinance allowed up to 24 units on about half the acreage.
- He expected it would take six months to plat the development and then begin work on infrastructure.
- Useful facts. Twenty percent of the people in Alpine were 50 or older. Across the county, ten or fifteen percent of the people were 50 or older.
- At last one person had to be 55 in order to purchase a unit. The HOA could create rules about having teenage kids but it was nearly impossible to police. There may be some teens. Federal law said that 20 percent of the housing in a 55+ development could be sold to people who were not 55 or older. That meant they could have four or five units owned by younger people. A variety of ages made for a better community.
- Street width within the development would be 24 feet. There were no interior sidewalks.
- There would be some retaining issue along the creek. There would be a detention basin on the west side of the development.

Dave Fotheringham asked what measures would be taken along Dry Creek in the event of a 100-year flood. Mr. Cottle said they would be looking at that with the Corp of Army Engineers and Alpine City. Jed Muhlestein said the ordinance did not allow construction in the flood plain but they could have minimal landscaping and trails.

Mr. Cottle wanted to know who would maintain the trail and hold the liability. If they built it, they expected to transfer it to Alpine City unless the HOA was supposed to be responsible.

There were questions from Planning Commission members about how the development would actually look since there were no elevations or renderings. Mr. Cottle showed some slides of other projects they'd built. He said they didn't want to invest a lot of money into design until they had some assurances from the City for approval.

Bryce Higbee said the problem they ran into with the last development was that they wanted to know what people were going to see. It was in the Gateway Historic Zone. They couldn't just put the side of a home on Main Street. The front strip was the biggest issue. Mr. Cottle said the part facing Main Street would be a courtyard and the community center. They were planning to make it open and inviting.

Austin Roy said staff didn't see any conflict with the ordinance and the intent of the Senior Housing overlay.

Jed Muhlestein said the Overlay zone approval wouldn't take effect until the development received final approval.

MOTION: Sylvia Christiansen moved to recommend that the City Council approve a Senior Housing Overlay for the proposed Montdella development at 242 S. Main Street. Alan MacDonald seconded. Ayes: 5 Nays: 2. Motion passed

ALPINE CITY COUNCIL AGENDA

SUBJECT: Retaining Wall Exception

FOR CONSIDERATION ON: 28 August 2018

PETITIONER: Jackson and LeRoy Construction

ACTION REQUESTED BY PETITIONER: Approve exception for retaining wall.

BACKGROUND INFORMATION:

The petitioner, Jackson and LeRoy Construction, submitted a request for an exception to the retaining wall height ordinance (9 feet maximum) for the Bearss property located at 1312 East 466 South. Plans for the proposed retaining wall show a height of 12 feet.

STAFF RECOMMENDATION:

Staff recommended approval based on the City Engineer's finding that:

1. Calculations were submitted which showed it could be safely constructed to that height. The calculations would be independently reviewed prior to issuing a building permit.
2. The wall would not be seen from the nearest public ROW which was 980 feet from the residence.

Planning Commission reviewed the request and recommended approval

MOTION: John Gubler moved to recommend approval of the retaining wall exception for the Bearss residence at 1312 East 466 South as recommended by staff. Alan McDonald seconded. Ayes: 6 Nays: 1 Motion passed.

Memo



To: Alpine City Planning Commission
From: Jed Muhlestein, P.E.
City Engineer
Date: August 7, 2018
Subject: Retaining Wall Exception Request – Bearss Residence
1312 E 466 S

Alpine City has received a request for an exception to the maximum height of a single retaining wall, which is nine (9) feet. The building permit is for a concrete retaining wall which shows a height of twelve (12) feet. The following are two excerpts from Article 3.32 of the development code:

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 City Engineer shall submit a written recommendation to the Planning Commission. The recommended exception shall be based on generally accepted 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.*

3.32.3 PURPOSE AND INTENT.

5. Height, Separation and Plantings.

1. *For the purposes of this subsection, the height of a retaining wall is measured as exposed height (H) of wall of an individual tier.*
2. *A single retaining wall shall not exceed nine feet in height if exposed or can be seen from the nearest public right-of-way to which it is exposed.*

Engineering has reviewed the permit, visited the site, and recommends approval of the section of 12' foot tall concrete retaining wall based on two items. First, calculations have been submitted for a concrete retaining wall design which show it can be safely constructed to that height. These calculations will be independently reviewed prior to issuing a building permit. Second, the wall will not be seen from the nearest public right of way which is 980' (line-of-sight) from the residence.

Attached:

- Building Permit site plan
- Site Location Map
- Article 3.32 – Retaining Walls

Alpine City Engineering
20 North Main • Alpine, Utah 84004
Phone/Fax: (801) 763-9862
E-mail: jed@alpinecity.org

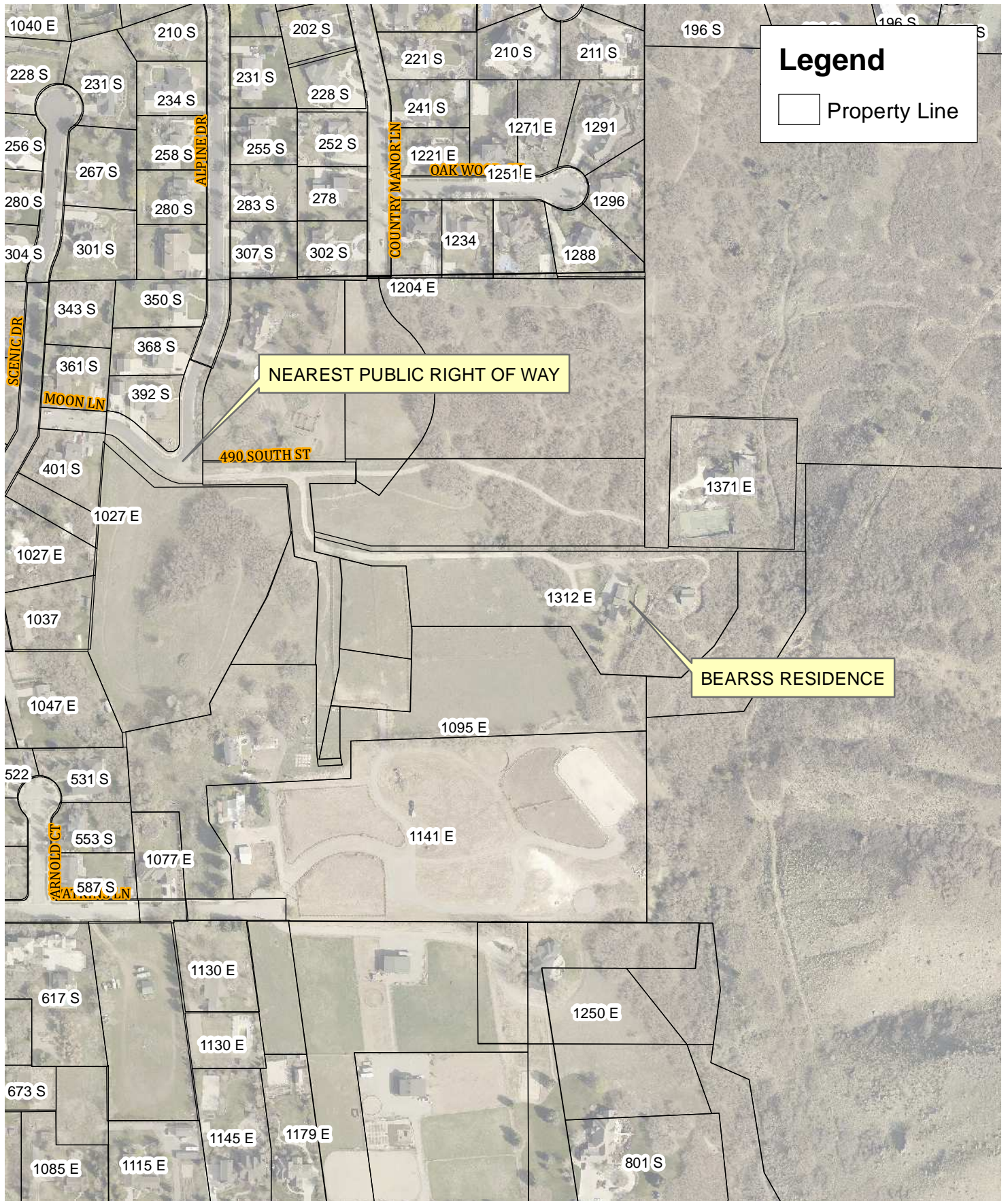


PROJECT NO.	2016-355
DATE	7-20-16
SCALE	N.T.S.
DRAWN BY	MJC
CHECKED BY	DSK

DATE	REVISION
01/10	CITY CHECKLIST

RETAINING WALL PLAN





Legend

Property Line

NEAREST PUBLIC RIGHT OF WAY

BEARSS RESIDENCE

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



BEARSS RESIDENCE SITE LOCATION MAP

1 inch = 300 feet

0 90 180 360 540 720 Feet



ARTICLE 3.32

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

3.32.1 APPLICABILITY. This section applies to all retaining walls as defined in Article 3.1.11.45

3.32.2 EXCEPTIONS FROM ARTICLE 3.32. The City Council may grant an exception from these standards. Prior to the City Council considering the exception, the City Engineer shall submit a written recommendation to the Planning Commission. The recommended exception shall be based on generally accepted 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.

3.32.3 PURPOSE AND INTENT. The purpose of this ordinance and the intent of the City Council in its adoption is to promote the health and safety and general welfare of the present and future inhabitants of Alpine City. The ordinance will accomplish this purpose by:

1. Building Permit Required. Except as otherwise provided in Subsection (2), all retaining walls require a building permit prior to construction or alteration. Permit applications shall be processed and issued in accordance with building permit procedures and applicable provisions of this section. Building permit review fees will be assessed and collected at the time the permit is issued.
2. Building Permit Exemptions. The following do not require a building permit:
 1. Retaining walls less than four feet in exposed height with less than 10H:1V (Horizontal: Vertical) front and back slopes within ten feet of the wall;
 2. Non-tiered retaining walls less than four feet in exposed height with back slopes flatter than or equal to 2H:1V and having front slopes no steeper than or equal to 4H:1V;
 3. Double tiered retaining walls less than three feet in exposed height per wall and which have front slopes and back slopes of each wall no steeper than or equal to 10H:1V within ten feet of the walls, 1.5 foot spacing between front face of the upper wall and back edge of the lower wall;
 4. Retaining walls less than 50 square feet in size, less than 4 feet tall.
3. Geologic Hazards. If construction of any retaining wall, which requires a building permit, occurs within sensitive land areas as outlined by Article 3.12, then all analyses required for the design of retaining walls or rock protected slopes shall follow the Sensitive Lands Ordinance, specifically in regards to limits of disturbance and the required geologic hazard and engineering geology reports (3.12.6.4)
4. Engineer Design Required. All retaining walls required to obtain a building permit shall be designed by an engineer licensed by the State of Utah.
5. Height, Separation and Plantings.
 1. For the purposes of this subsection, the height of a retaining wall is measured as exposed height (H) of wall of an individual tier.

Alpine City Engineering
20 North Main • Alpine, Utah 84004
Phone/Fax: (801) 763-9862
E-mail: jed@alpinecity.org

ALPINE CITY COUNCIL AGENDA

SUBJECT: Resolution No. R2018-10 appointing Dale Ihrke to the TSSD Board

FOR CONSIDERATION ON: 28 August 2018

PETITIONER: Mayor Stout

ACTION REQUESTED BY PETITIONER: Approve resolution

BACKGROUND INFORMATION:

Dale Ihrke has been serving as Alpine's representative to the TSSD Board since 2014 and has done an excellent job. It is proposed that he be reappointed.

STAFF RECOMMENDATION:

Adopt Resolution No. R2018-10 appointing Dale Ihrke to the TSSD Board.

RESOLUTION NO. R2018-10

A RESOLUTION OF THE CITY COUNCIL OF ALPINE CITY GIVING ITS ADVICE AND CONSENT TO THE APPOINTMENT OF A REPRESENTATIVE ON THE TIMPANOGOS SPECIAL SERVICE DISTRICT (TSSD) BOARD.

WHEREAS, Alpine City is a member of the Timpanogos Special Service District; and

WHEREAS, the agreement which governs the Timpanogos Special Service District provides for each participating member city to appoint representatives on the Board; and

WHEREAS, the Mayor has recommended the appointment of Dale Ihrke to fill this position.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF ALPINE CITY AS FOLLOWS:

1. That the Mayor has the consent of the Alpine City Council to appoint Dale Ihrke to represent Alpine City on the Timpanogos Special Service District Board to serve until the term of office expires or until their successor is appointed or qualified, whichever is latest.

2. This resolution shall take effect upon passing.

Passed and dated this 28th day of August 2018.

Troy Stout
Alpine City Mayor

Attest:

Charmayne G. Warnock
Alpine City Recorder

ALPINE CITY COUNCIL AGENDA

SUBJECT: Ordinance No. 2018-04, Small Wireless Facility

FOR CONSIDERATION ON: 28 August 2018

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Review and adopt the attached ordinance.

BACKGROUND INFORMATION:

David Church has recommended that Alpine City adopt the attached ordinance regarding the location of small wireless facilities in the public right-of-way controlled by Alpine City as required by state and federal law.

STAFF RECOMMENDATION:

Review and adopt Ordinance No. 2018-04 approving the installation of small wireless facilities.

ORDINANCE NO. 2018-04

AN ORDINANCE ENACTING PROVISIONS REGARDING THE INSTALLATION OF SMALL WIRELESS FACILITIES WITHIN THE PUBLIC RIGHT-OF-WAYS CONTROLLED BY ALPINE CITY

Whereas, the City finds that the rights-of-way within the city:
Are critical to the travel and transport of persons and property in the business and social life of the city;

Are intended for public uses and must be managed and controlled consistent with that intent;

Can be partially occupied by the facilities of utilities and other public service entities delivering utility and public services rendered for profit to the enhancement of the health, welfare, and general economic well-being of the city and its citizens; and

Are a unique and physically limited resource requiring proper management to maximize the efficiency and to minimize the costs to the taxpayers of the foregoing uses and to minimize the inconvenience to and negative effects upon the public from such facilities construction, placement, relocation, and maintenance in the rights-of-way; and

Whereas, the city finds the right to occupy portions of the rights-of-way for limited times for the business of providing personal wireless services is a valuable use of a unique public resource that has been acquired and is maintained at great expense to the city and its taxpayers, and, therefore, the taxpayers of the city should receive fair and reasonable compensation for use of the rights-of-way; and

Whereas, the city finds that while wireless communication facilities are in part an extension of interstate commerce, their operations also involve rights-of-way, municipal franchising, and vital business and community service, which are of local concern; and.

Whereas, the city finds that it is in the best interests of its taxpayers and citizens to promote the rapid development of wireless communication services, on a nondiscriminatory basis, responsive to community and public interest, and to assure availability for municipal, educational and community services; and.

Whereas, the city finds that it is in the interests of the public to franchise and to establish standards for franchising providers in a manner that:

Fairly and reasonably compensates the city on a competitively neutral and nondiscriminatory basis as provided herein;

Encourages competition by establishing terms and conditions under which providers may use the rights-of-way to serve the public;

Fully protects the public interests and the city from any harm that may flow from such commercial use of rights-of-way;

Protects the police powers and rights-of-way management authority of the city, in a manner consistent with federal and state law;

Otherwise protects the public interests in the development and use of the city's infrastructure;

Protects the public's investment in improvements in the rights-of-way; and

Ensures that no barriers to entry of providers are created and that such franchising is accomplished in a manner that does not prohibit or have the effect of prohibiting personal wireless

services, within the meaning of the Telecommunications Act of 1996 ("Act") (P.L. No. 96-104); and

Whereas, the Utah State Legislature has mandated that the City all the use of the City rights of way for small cell facilities and infrastructure and the legislature has limited and restricted how the City can regulate these facilities and the fees that can be charged for such use. .

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

I. Pursuant to its power to manage the rights-of-way, pursuant to common law, the Utah Constitution and statutory authority, and receive fair and reasonable, compensation for the use of rights-of-way by providers as expressly set forth in the law and in accordance with Utah Code 54-21-101 et. seq. Alpine city does hereby adopt the following to be numbered and inserted within the Alpine City Code.

SMALL WIRELESS FACILITIES DEPLOYMENT PROVISIONS

Application.

This Ordinance applies to the collocation of a Small Wireless Facility, as defined herein, in a the City's right-of-way; the collocation of a Small Wireless Facility on a wireless support structure in a right-of-way; and the installation, modification, or replacement of a utility pole associated with a Small Wireless Facility in a right-of-way.

Except as provided in this ordinance, The City does not prohibit, regulate, or charge for the collocation of a Small Wireless Facility.

Scope.

Nothing in this ordinance shall be interpreted to permit an entity to provide a service regulated under 47 U.S.C. Secs. 521 through 573, in a right-of-way without compliance with all applicable legal obligations; impose a new requirement on the activity of a cable provider in a right-of-way for a cable service provided in the City; govern: a pole that an electrical corporation owns or a wireless support structure that an electrical corporation owns; or the attachment of a Small Wireless Facility to a pole that an electrical corporation owns or to a wireless support structure that an electrical corporation owns; or confer on The City any new jurisdiction over an electrical corporation or apply to the operation, regulation, or collocation of wireless facilities that are do not meet the definition of Small Wireless Facility as defined below.

Definitions.

As used in this ordinance:

“Antenna” means communications equipment that transmits or receives an electromagnetic radio frequency signal used in the provision of a wireless service.

“Applicant” means a wireless provider who submits an application.

“Application” means a request submitted by a wireless provider to The City for a permit to collocate a Small Wireless Facility in a right-of-way; or install, modify, or replace a utility pole or a wireless support structure.

“Authority” means Alpine City

“Authority pole” means a utility pole owned, managed, or operated by, or on behalf of Alpine City.

“Collocate” means to install, mount, maintain, modify, operate, or replace a Small Wireless Facility: on a wireless support structure or utility pole; or for ground-mounted equipment, adjacent to a wireless support structure or utility pole.

“Communications service” means: a cable service, as defined in 47 U.S.C. Sec. 522(6);

a telecommunications service, as defined in 47 U.S.C. Sec. 153(53); an information service, as defined in 47 U.S.C. Sec. 153(24); or a wireless service.

“Decorative pole” means The City pole: that is specially designed and placed for an aesthetic purpose; and on which a nondiscriminatory rule or code prohibits an appurtenance or attachment, other than: a Small Wireless Facility; a specialty designed informational or directional sign; or a temporary holiday or special event attachment; or on which no appurtenance or attachment has been placed, other than a Small Wireless Facility; a specialty designed informational or directional sign; or a temporary holiday or special event attachment.

“FCC” means the Federal Communications Commission of the United States.

“Fee” means a one-time, nonrecurring charge.

“Gross revenue” means the same as gross receipts from telecommunications service is defined in Section 10-1-402 of the Utah Code.

“Nondiscriminatory” means treating similarly situated entities the same absent a reasonable, and competitively neutral basis, for different treatment.

“Micro wireless facility” means a type of Small Wireless Facility: that, not including any antenna, is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height; on which any exterior antenna is no longer than 11 inches; and that only provides Wi-Fi service.

“Permit” means a written authorization The City requires for a wireless provider to perform an action or initiate, continue, or complete a project.

“Rate” means a recurring charge.

“Right-of-way” means the area on, below, or above a public: roadway; highway; street; sidewalk; alley; or property similar to the property listed.

“Right-of-way” does not include: the area on, below, or above a federal interstate highway; or a fixed guideway, as defined in Utah Code Section 59-12-102.

“Small Wireless Facility” means a type of wireless facility: on which each wireless provider’s antenna could fit within an enclosure of no more than six cubic feet in volume; and for which all

wireless equipment associated with the wireless facility, whether ground-mounted or pole-mounted, is cumulatively no more than 28 cubic feet in volume, not including any: electric meter; concealment element; telecommunications demarcation box; grounding equipment; power transfer switch; cut-off switch; vertical cable run for the connection of power or other service; wireless provider antenna; or coaxial or fiber-optic cable that is immediately adjacent to or directly associated with a particular collocation, unless the cable is a wireline backhaul facility.

“Technically feasible” means that by virtue of engineering or spectrum usage, the proposed placement for a Small Wireless Facility, or the Small Wireless Facility’s design or site location, can be implemented without a significant reduction or impairment to the functionality of the Small Wireless Facility.

“Utility pole” means a pole or similar structure that: is in a right-of-way; and is or may be used, in whole or in part, for: wireline communications; electric distribution; lighting; traffic control; signage; a similar function to a function described; or the collocation of a Small Wireless Facility.

“Utility pole” does not include: a wireless support structure; a structure that supports electric transmission lines.

Wireless facility” means equipment at a fixed location that enables wireless communication between user equipment and a communications network, including: equipment associated with wireless communications; and regardless of the technological configuration, a radio transceiver, an antenna, a coaxial or fiber-optic cable, a regular or backup power supply, or comparable equipment.

“Wireless facility” does not include: the structure or an improvement on, under, or within which the equipment is collocated; or a coaxial or fiber-optic cable that is: between wireless structures or utility poles; not immediately adjacent to or directly associated with a particular antenna; or a wireline backhaul facility.

“Wireless infrastructure provider” means a person that builds or installs wireless communication transmission equipment, a wireless facility, or a wireless support structure.

“Wireless infrastructure provider” includes a person authorized to provide a telecommunications service in the state.

“Wireless infrastructure provider” does not include a wireless service provider.

“Wireless provider” means a wireless infrastructure provider or a wireless service provider.

“Wireless service” means any service using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided to the public using a wireless facility.

“Wireless service” includes the use of Wi-Fi.

“Wireless service provider” means a person who provides a wireless service.

“Wireless support structure” means an existing or proposed structure that is: in a right-of-way; and designed to support or capable of supporting a wireless facility, including a: monopole; tower, either guyed or self-supporting; billboard; or building.

“Wireless support structure” does not include a structure designed solely for the collocation of a Small Wireless Facility; or a utility pole;

“Wireline backhaul facility” means a facility used to transport communications by wire from a wireless facility to a communications network.

“Written” or “in writing” means a tangible or electronic record of a communication or representation.

“Written” or “in writing” includes a communication or representation that is handwritten, typewritten, printed, photostated, photographed, or electronic.

Wireless provider right of access and limitations.

Except as limited and regulated below it is a permitted use under the City’s zoning regulations and subject only to administrative review, and approval of the City, for a wireless provider to along, across, upon, or under a right-of-way:

- collocate a Small Wireless Facility;

- or install, operate, modify, maintain, or replace a utility pole associated with the wireless provider’s collocation of a Small Wireless Facility; or equipment as described in this ordinance and in Utah Code Subsections 54-21-101(25)(b)(i) through (ix) required for a wireless provider’s collocation of a Small Wireless Facility.

A Small Wireless Facility or utility pole may not:

- obstruct or hinder the usual travel or public safety on a right-of-way; or

- obstruct, damage, or interfere with:

 - another utility facility in a right-of-way; or

 - a utility’s use of the utility’s facility in a right-of-way.

A wireless provider’s construction and maintenance must comply with:

- all applicable legal obligations for the protection of underground and overhead utility facilities.

Subject only to this Ordinance, the provisions of chapter 21 of Title 54 of the Utah Code, and applicable federal law, all applications for Small Cell Wireless Facilities must comply with all Alpine City zoning, land use, planning, and permitting codes and regulations applicable in the City at the time of the application for the Small Cell Wireless Facilities permit, including such regulations with respect to wireless support structures and utility poles.

All Small Cell Wireless Facilities shall comply with the Development and Construction Standards and Specifications as adopted by the Alpine City Council for construction, maintenance, repair of the public rights of way applicable to other users of the public rights of way and also shall comply with:

industry standard pole load analysis be completed and submitted to the City as part of the permit application, indicating that the utility pole, to which the Small Wireless Facility is to be attached, will safely support the load; or

Small Wireless Facility equipment, on new and existing utility poles, be placed higher than eight feet above ground level.

No wireless provider shall install a new utility pole in a public right-of-way, if the public right-of-way is adjacent to a street or thoroughfare that is:

not more than 60 feet wide, as depicted in the official plat records; and

adjacent to single-family residential lots, other multifamily residences, or undeveloped land that is designated for residential use by zoning or deed restrictions.

A new or modified utility pole that has a collocated Small Wireless Facility, and that is installed in a right-of-way, may not exceed 50 feet above ground level.

An antenna of a Small Wireless Facility may not extend more than 10 feet above the top of a utility pole existing on or before September 1, 2018.

If necessary to collocate a Small Wireless Facility on a decorative pole, a wireless provider may replace a decorative pole, if the replacement pole reasonably conforms to the design aesthetic of the displaced decorative pole.

Pursuant to Alpine City Code a wireless provider shall install all equipment underground whenever possible. This requirement does not prohibit the replacement of a City pole in the designated area; and the wireless provider may seek a waiver, that will be administered in a nondiscriminatory manner, of the undergrounding requirement for the placement of a new utility pole to support a Small Wireless Facility.

When Small Cell Facilities are to be constructed in the right-of-way, the City's order of preference for a provider is as follows:

To use existing poles;

To construct replacement poles in the same or nearly the same location and with such height limitations as provided in this ordinance or in the franchise;

To construct new poles.

Cabinets and other equipment shall not impair pedestrian use of sidewalks or other pedestrian paths or bikeways on public or private land.

Due to the limited size of the city's rights-of-way, applicants shall be required to install any Small Wireless Facility equipment according the following requirements to the extent operationally and technically feasible and to the extent permitted by law. Small Wireless Facility equipment shall be installed either:

On or within the pole. If the equipment is installed on the pole, the equipment enclosure must be flush with the pole, painted to reasonably match the color of the pole, may not exceed in

width the diameter of the pole by more than three inches on either side, the furthest point may not exceed eighteen inches from the pole, and the base must be flush with the grade or, alternatively, the lowest point may not be lower than eight and one-half feet from the grade directly below the equipment enclosure. If the equipment is installed within the pole, no equipment may protrude from the pole except to the extent reasonably necessary to connect to power or a wireline.

Underground. All underground equipment shall be installed and maintained level with the surrounding grade. To the extent possible, any equipment installed underground shall be located in a park strip within the city's rights-of-way. If a park strip is unavailable, the provider may install equipment within a city-owned sidewalk within the right-of-way. However, underground equipment installed in a sidewalk may not be located within any driveway, pedestrian ramp, or immediately in front of a walkway or entrance to a building. To the extent possible, underground equipment being located in a sidewalk may not be installed in the center of the sidewalk, but should be installed as close to the edge of the sidewalk as is structurally viable.

On private property in an existing building or in an enclosure. If equipment is placed on private property, the applicant shall provide written permission from the property owner allowing the applicant to locate facilities on the property. If equipment is placed in an enclosure, the enclosure shall be designed to blend in with existing surroundings, using architecturally compatible construction and colors, and landscaping and shall be located as unobtrusively as possible consistent with the proper functioning of the Small Wireless Facility.

As required for the operation of a Small Wireless Facility or its equipment, an electric meter may be installed in accordance with requirements from the electric provider; provided, that the electric meter must be installed in the location that (1) minimizes its interference with other users of the city's rights-of-way including, but not limited to, pedestrians, motorists, and other entities with equipment in the right-of-way, and (2) minimizes its aesthetic impact.

The city shall not provide an exemption to these requirements when there is insufficient room in the right-of-way to place facilities at ground-level and comply with ADA requirements, public safety concerns for pedestrians, cyclists, and motorists, or other specifically identified public safety concerns.

All Small Wireless Facilities shall be sited and designed to minimize adverse visual impacts on surrounding properties and the traveling public to the greatest extent reasonably possible within one hundred feet of a site and consistent with the proper functioning of the Small Wireless Facility. Such Small Wireless Facilities and equipment enclosures shall be integrated through location and design to blend in with the existing characteristics of the site. Such small wireless facilities shall also be designed to either resemble the surrounding landscape and other natural features where located in proximity to natural surroundings, or be compatible with the built environment, through matching and complimentary existing structures and specific design considerations such as architectural designs, height, scale, color and texture or be consistent with other uses and improvements permitted in the relevant vicinity.

Stealth design is required and concealment techniques must be appropriate given the proposed location, design, visual environment, and nearby uses, structures, and natural features. Stealth design shall be designed and constructed to substantially conform to surrounding utility poles, light poles, or other similar support structures in the right-of-way so the Small Wireless Facility is

visually unobtrusive. Stealth design requires screening Small Wireless Facilities in order to reduce visual impact. The provider must screen all substantial portions of the facility from view. Such screening should match the color and be of similar finish of the attached support structure.

Antennas, antenna arrays, and equipment must be installed flush with any pole or support structure (including antennas or antenna arrays mounted directly above the top of an existing pole or support structure) and the furthest point of an antenna, antenna array, or equipment may not extend beyond eighteen inches from the pole or support structure except if the pole owner requires use of a standoff to comply with federal, state, or local rules, regulations, or laws. Any required standoff may not defeat stealth design and concealment techniques. Stealth and concealment techniques do not include incorporating faux-tree designs of a kind that are not native to the state.

No facilities may bear any signage or advertisement except as permitted herein.

Damage and repair.

If a wireless provider's activity causes damage to a right-of-way, the wireless provider shall repair the right-of-way to substantially the same condition as before the damage.

If a wireless provider fails to make a repair required by The City under within 15 days after written notice, the City may make the required repair; and charge the wireless provider the reasonable, documented, actual cost for the repair. If the damage causes an urgent safety hazard, The City may: immediately make the necessary repair without notice to the provider; and charge the wireless provider the reasonable, documented, actual cost for the repair.

City Right of Way Franchise Agreement Required.

No one may collocate a Small Wireless Facility in a right-of-way; or install a new, modified, or replacement utility pole associated with a Small Wireless Facility in a right-of-way, as provided in Section 54-21-204 of Utah Code without first obtaining from the City a right of way use franchise from the City as well as a site permit for each site intended for a Small Wireless Facility.

Right of Way Use franchise application.

To obtain a franchise to use the City's rights-of-way, or to obtain the City approval of a transfer of an existing franchise, an Applicant shall be provided to the City with at a minimum the following information:

A copy of the order from the PSC granting a certificate of convenience and necessity, if any is necessary for provider's offering of wireless communication services within the state of Utah;

An annually renewed performance bond or letter of credit from a Utah-licensed financial institution in the amount of twenty-five thousand dollars to compensate the city for any damage caused by the provider to the city's rights-of-way or property during the term of the franchise agreement or the provider's abandonment of equipment or facilities within a year after the expiration or termination of the franchise agreement;

A written statement signed by a person with the legal authority to bind the applicant and the project owner, which indicates the applicant's agreement to comply with the requirements of this ordinance;

A copy of the provider's FCC license or registration, if applicable;

An insurance certificate for the provider that lists the city as an additional insured and complies with the requirements of the City's franchise agreement form;

A written statement signed by a person with the legal authority to bind the applicant and the project owner, which indicates that the applicant is willing to allow other equipment owned by others to collocate with the proposed wireless communication facility whenever technically and economically feasible and aesthetically desirable.

A clear and complete description of the applicant's general approach to minimizing the visual impact of its small cell wireless facilities within the city. The approach should account for the standards established under this ordinance including finished colors, stealth, camouflage, and design standards.

Incomplete application.

The city may deny an applicant's wireless franchise application for incompleteness if:

The application is incomplete; and

The city provided notice to the applicant that application was incomplete and provided with reasonable specificity the necessary information needed to complete the application; and

The provider did not provide the requested information within thirty days of the notice.

Applications for Site Permits

Prior to approving a site permit, the applicant must have a valid franchise agreement granted by applicable law. All wireless communication facilities shall be required to obtain a site permit and shall be subject to the site development limitations and standards prescribed in this ordinance. Every site permit application, regardless of type, shall contain the following information:

The location of the proposed Small Wireless Facility.

The specifications for each style of Small Wireless Facility and equipment. A Small Wireless Facility or piece of equipment will be considered of the same style so long as the technical specifications, dimensions, and appearance are the same.

Construction drawings showing the proposed method of installation.

The manufacturer's recommended installations, if any.

Identification of the entities providing the backhaul network for the Small Wireless Facilities described in the application and other cellular sites owned or operated by the applicant in the municipality.

For each style of Small Wireless Facility, a written affirmation from the provider that demonstrates the Small Wireless Facility's compliance with the RF emissions limits established by the FCC. A Small Wireless Facility will be considered of the same style so long as the technical specifications, dimensions, and appearance are the same.

For each style of Small Wireless Facility, the application shall provide manufacturer's specifications for all noise generating equipment, such as air conditioning units and back-up generators, and a depiction of the equipment location in relation to adjoining properties. Except for in-strand antennas, the application shall also include a noise study for each style of Small Wireless Facility and all associated equipment. The applicant shall provide a noise study prepared and sealed by a qualified Utah-licensed professional engineer that demonstrates that the Small Wireless Facility will comply with intent and goals of this ordinance. A Small Wireless Facility will be considered of the same style so long as the technical specifications, dimensions, and appearance are the same.

If the applicant is not using the proposed Small Wireless Facility to provide personal wireless services itself, a binding written commitment or executed lease from a service provider to utilize or lease space on the Small Wireless Facility. Any speculative Small Wireless Facility shall be denied by the city.

The applicant for any permit shall attest that the Small Wireless Facility will be operational for use by a wireless service provider within 270 days after the day on which the City issues the permit, except in the case that The City and the applicant agree to extend the 270-day period; or lack of commercial power or communications transport infrastructure to the site delays completion.

Approval process.

Within 30 days after the day on which the City receives an application for the collocation of a Small Wireless Facility or for a new, modified, or replacement utility pole, the City shall:

determine whether the application is complete; and

notify the applicant in writing of the City's determination of whether the application is complete.

If the City determines, within 30 days that an application is incomplete:

the City shall specifically identify the missing information in the written notification sent to the applicant; and

the processing deadline set out below is tolled from the day on which the City sends the applicant the written notice to the day on which the City receives the applicant's missing information; or

as the City and The City agree.

An application for a Small Wireless Facility expires if:

the City notifies the wireless provider that the wireless provider's application is incomplete; and

the wireless provider fails to respond within 90 days after the day on which the City notifies the wireless provider.

The City shall:

- process an application on a nondiscriminatory basis; and

- approve or deny an application:

 - for the collocation of a Small Wireless Facility, within 60 days after the day on which The City receives the complete application; and

 - for a new, modified, or replacement utility pole, within 105 days after the day on which The City receives the complete application.

If The City fails to approve or deny an application within the applicable time period described above, the application is deemed approved.

The City may extend the applicable period described above for a single additional period of 10 business days, if The City notifies the applicant before the day on which approval or denial is originally due.

The City may deny an application to collocate a Small Wireless Facility or to install, modify, or replace a utility pole that meets the height limitations under Utah Code Section 54-21-205 and this Ordinance, only if the action requested in the application:

- materially interferes with the safe operation of traffic control equipment;

- materially interferes with a sight line or a clear zone for transportation or pedestrians;

- materially interferes with compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. Sec. 12101 et seq., or a similar federal or state standard regarding pedestrian access or movement;

- fails to comply with applicable laws or legal obligations;

- creates a public health or safety hazard; or

- obstructs or hinders the usual travel or public safety of the right-of-way.

If The City denies an application the City shall:

- document the basis for the denial, including any specific law on which the denial is based; and

- send the documentation to the applicant on or before the day on which The City denies the application.

Within 30 days after the day on which The City denies an application, the applicant may, without paying an additional application fee:

- cure any deficiency The City identifies in the applicant's application; and

- resubmit the application.

The City shall approve or deny an application revised within 30 days after the day on which The City receives the revised application.

A review of an application revised in accordance with is limited to the deficiencies documented as the basis for denial unless the applicant has changed another portion of the application.

If an applicant seeks to:

collocate multiple small wireless facilities within the City, the City shall allow the applicant, at the applicant's discretion, to file a consolidated application for the collocation of up to 25 small wireless facilities, if all of the small wireless facilities in the consolidated application are:

substantially the same type; and

proposed for collocation on substantially the same types of structures; or

install, modify, or replace multiple utility poles within a single authority, The City shall allow the applicant, at the applicant's discretion, to file a consolidated application for the installation, modification, or replacement of up to 25 utility poles.

An applicant may not file within a 30-day period more than one consolidated application; or multiple applications that collectively seek permits for a combined total of more than 25 small wireless facilities and utility poles.

A consolidated application may not combine applications solely for collocation of small wireless facilities on existing utility poles with applications for the installation, modification, or replacement of a utility pole.

If The City denies the application for one or more utility poles, or one or more small wireless facilities, in a consolidated application, The City may not use the denial as a basis to delay the application process of any other utility pole or Small Wireless Facility in the same consolidated application.

A wireless provider shall complete the installation or collocation for which a permit is granted under this part within 270 days after the day on which The City issues the permit, unless:

The City and the applicant agree to extend the one-year period; or

lack of commercial power or communications facilities at the site delays completion.

Approval of an application authorizes the applicant to:

collocate or install a Small Wireless Facility or utility pole, as requested in the application; and

subject to applicable relocation requirements and the applicant's right to terminate at any time, operate and maintain for a period no more than 10 years:

any Small Wireless Facility covered by the permit; and

any utility pole covered by the permit.

If there is no basis for denial, The City shall grant the renewal of an application under this section for an equivalent duration.

The approval of the installation, placement, maintenance, or operation of a Small Wireless Facility, in accordance with this ordinance, does not authorize:

the provision of a communications service in the right-of-way; or

the installation, placement, or operation of a facility, other than the approved Small Wireless Facility, in the right-of-way.

Exceptions to permitting.

The City may not require a wireless provider to submit an application, obtain a permit, or pay a rate for:

routine maintenance;

the replacement of a Small Wireless Facility with a Small Wireless Facility that is substantially similar or smaller in size; or

the installation, placement, maintenance, operation, or replacement of a micro wireless facility that is strung on a cable between existing utility poles, in compliance with the National Electrical Safety Code.

The City may require advance notice of an activity described above.

A wireless provider may replace or upgrade a utility pole only with the approval of the utility pole's owner.

This section does not exempt the provider from being required to obtain a road cut permit in accordance with Utah Code Section 72-7-102 of the Utah Code and City ordinances for work that requires excavation or closing of sidewalks or vehicular lanes in a public right-of-way.

The City shall process and approve the road cut permit within the same time period The City processes and approves a permit for all other types of entities.

Application fees.

The City hereby charges an application fees as follows:

The application fee for the collocation of a small wireless facility on an existing or replacement utility pole shall be \$100 for each small wireless facility on the same application.

The application fee for a permitted activity described in Utah Code Section 54-21-204 shall be \$250 per application to install, modify, or replace a utility pole associated with a small wireless facility.

The application fee for any proposed activity that is not a permitted use described in Utah Code Section 54-21-204 shall be \$1,000 per application to: install, modify, or replace a utility pole; or install, modify, or replace a new utility pole associated with a small wireless facility

Right-of-way rates.

A wireless provider shall pay for the right to use or occupy a right-of-way for the collocation of a small wireless facility on a utility pole in the right-of-way; or for the installation, operation, modification, maintenance, or replacement of a utility pole in the right-of-way a fee in the amount of the greater of:

3.5% of all gross revenue related to the wireless provider's use of the right-of-way for small wireless facilities; or

\$250 annually for each small wireless facility.

A wireless provider subject to a rate under this Subsection shall remit payments to the City on a monthly basis.

This fee shall not be applicable to any provider that is subject to the municipal telecommunications license tax under Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act.

City pole collocation rate.

All providers shall pay to the City for collocation on any City pole \$50 per year, per City pole. All payments shall be made on a monthly basis

Relocation.

When necessary for work on or redevelopment of any public right of way and notwithstanding any provision to the contrary, The City may require a wireless provider to relocate or adjust a Small Wireless Facility in a public right-of-way in a timely manner; and without cost to The City. The reimbursement obligations under Utah Code Section 72-6-116(3)(b) do not apply to the relocation of a Small Wireless Facility.

II. The City Recorder may appropriately renumber, and title and place this adopted Part in the City Code as appropriate.

III. This ordinance shall take effect upon posting in accordance with state law.

PASSED this _____ day of _____, 2018.

Alpine City Mayor

ATTEST:

Alpine City Recorder

ALPINE CITY COUNCIL AGENDA

SUBJECT: Amendment to the Ordinance – Section 3.32 Retaining Walls

FOR CONSIDERATION ON: 28 August 2018

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Recommend approval of amendment to retaining wall ordinance.

BACKGROUND INFORMATION:

Staff have reviewed the retaining wall ordinance and made recommendations to change the ordinance so that it more closely reflects the original intent of the ordinance.

The Planning Commission held a public hearing on the proposed amendments and made a motion to recommend approval.

STAFF RECOMMENDATION:

Review and approve Ordinance No. 2018-05 amending Article 3.32 of the Development Code pertaining to retaining walls.

ARTICLE 3.32

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

3.32.1 APPLICABILITY. This section applies to all retaining walls as defined in Article 3.1.11.45

3.32.2 EXCEPTIONS FROM ARTICLE 3.32. The City Council may grant an exception from these standards. Prior to the City Council considering the exception, the City Engineer shall submit a written recommendation to the Planning Commission. The recommended exception shall be based on generally accepted 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.

3.32.3 PURPOSE AND INTENT. The purpose of this ordinance and the intent of the City Council in its adoption is to promote the health and safety and general welfare of the present and future inhabitants of Alpine City. The ordinance will accomplish this purpose by:

1. Building Permit Required. Except as otherwise provided in Subsection (2), all retaining walls require a building permit prior to construction or alteration. Permit applications shall be processed and issued in accordance with building permit procedures and applicable provisions of this section. Building permit review fees will be assessed and collected at the time the permit is issued.
2. Building Permit Exemptions. The following do not require a building permit:
 1. Retaining walls less than four feet in exposed height with less than 10H:1V (Horizontal: Vertical) front and back slopes within ten feet of the wall;
 2. Non-tiered retaining walls less than four feet in exposed height with back slopes flatter than or equal to 2H:1V and having front slopes no steeper than or equal to 4H:1V;
 3. Double tiered retaining walls less than ~~three~~four feet in exposed height per wall and which have front slopes and back slopes of each wall no steeper than or equal to 10H:1V within ten feet of the walls, ~~4.5~~2 foot spacing between front face of the upper wall and back edge of the lower wall;
 4. Retaining walls less than 50 square feet in size, less than 4 feet tall.
3. Geologic Hazards. If construction of any retaining wall, which requires a building permit, occurs within sensitive land areas as outlined by Article 3.12, then all analyses required for the design of retaining walls or rock protected slopes shall follow the Sensitive Lands Ordinance, specifically in regards to limits of disturbance and the required geologic hazard and engineering geology reports (3.12.6.4)
4. Engineer Design Required. All retaining walls required to obtain a building permit shall be designed by an engineer licensed by the State of Utah.
5. Height, Separation and Plantings.
 1. For the purposes of this subsection, the height of a retaining wall is measured as exposed height (H) of wall of an individual tier.
 2. A single retaining wall shall not exceed nine feet in exposed height if ~~exposed~~ or it can be seen from the nearest public right-of-way or adjacent ~~to properties~~ to which it is exposed.
 3. Terracing of retaining walls is permitted where justified by topographic

conditions, but the combined height of all walls shall not exceed a height of 18 feet if exposed or can be seen from the nearest public right-of-way or adjacent properties. Walls with a separation of at least $2H$ (H of largest of 2 walls) from face of wall to face of wall shall be considered as separate walls for analysis purposes and applicability to this ordinance. If walls are within $2H$ (H of largest of 2 walls), then the combined height of the terrace shall be used for limitation of height.

4. In a terrace of retaining walls, a minimum horizontal separation of $H/2$ (H of largest of 2 walls) is required as measured from back of lower wall to face of higher wall. If the walls are not viewable from the nearest public right-of-way or adjacent properties, then there is no limitation of height.

5. The view of the nearest public right-of-way or adjacent property shall be verified by the City Official during the review process and prior to permit for construction.

6. For ~~terraces~~-terraced walls viewable from the nearest public right-of-way, the horizontal

separation between walls shall be planted with a minimum of five shrubs for every 20 linear feet of planting area. The size of the shrubs shall be less than one-half the width of the terrace. Shrubs shall be watered by drip irrigation to minimize erosion by property owner, not by Alpine City.

7. Walls greater than four (4) feet in height (H) placed within $H/2$ of an adjacent property line, which would create a drop-off for the adjacent property, shall install a fence along the top of the wall in accordance with section 3.21.6.

8. No retaining wall component shall extend beyond property lines unless written permission is obtained from the affected property owner.

6. Submittals. The following documents and calculations prepared by a licensed engineer of the State of Utah shall be submitted with each retaining wall building permit application:

1. profile drawings if the retaining wall is longer than 50 lineal feet, with the base elevation, exposed base elevation and top of wall labeled at the ends of the wall and every 50 linear feet or change in grade;
2. cross-sectional drawings including surface grades and structures located in front and behind the retaining wall a distance equivalent to three times the height of the retaining wall, and if the retaining wall is supporting a slope, then the cross section shall include the entire slope plus surface grades and structures within a horizontal distance equivalent to one times the height of slope;
3. a site plan showing the location of the retaining walls with the base elevation, exposed base elevation and top of wall labeled at the ends of wall and every 50 lineal feet or change in grade;
4. a copy of the geotechnical report used by the design engineer. The geotechnical report shall include requirement of Item 5 below otherwise additional laboratory testing is required in Item 5;

5. material strength parameters used in the design of the retaining wall, substantiated with laboratory testing of the materials as follows:
 - a. for soils, this may include, but is not limited to, unit weights, direct shear tests, triaxial shear tests and unconfined compression tests;
 - b. if laboratory testing was conducted from off-site but similar soils within a 2000 foot radius of the proposed wall location, the results of the testing with similar soil classification testing needs to be submitted;
 - c. minimum laboratory submittal requirements are the unit weight of retained soils, gradation for cohesionless soils, Atterberg limits for cohesive soils, and shear test data;
 - d. soil classification testing shall be submitted for all direct shear or triaxial shear tests;
 - e. if a Proctor is completed, classification testing shall be submitted with the Proctor result; and,
 - f. laboratory testing should be completed in accordance with applicable American Society for Testing and Materials (ASTM) standards;
 - g. for segmented block walls, the manufacturer's test data for the wall facing, soil reinforcement, and connection parameters shall be submitted in an appendix.
6. the design engineer shall indicate the design standard used and supply a printout of the input and output of the files in an appendix with factors of safety within the design standard used as follows:
 - a. design calculations ensuring stability against overturning, base sliding, excessive foundation settlement, bearing capacity, internal shear and global stability;
 - b. calculations shall include analysis under static and seismic loads, which shall be based on the PGA as determined from probabilistic analysis for the maximum credible earthquake (MCE), with spectral acceleration factored for site conditions in accordance with the current IBC;
 - c. Mechanically Stabilized Earth (MSE) walls shall be designed in general accordance with current FHWA or AASHTO standards for design of Mechanically Stabilized Earth Walls and Reinforced Soil Slopes or the current National Concrete Masonry Association (NCMA) Design Manual for Segmental Retaining Walls;
 - d. rock walls shall be designed in general accordance with 2006 FHWA-CFL/TD-06-006 "Rockery Design and Construction Guidelines," or current FHWA standard of care and;
 - e. concrete cantilever walls shall be designed in general accordance with specifications provided in current American Concrete Institute or American Society of Civil Engineers standards and specifications.
7. a global stability analysis with minimum factors of safety of at least 1.50 under static conditions and at least 1.10 under seismic loading conditions as follows:

- a. factors of safety results shall be presented to the nearest hundredth;
 - b. seismic loads shall be based on the PGA as determined from probabilistic analysis for the maximum credible earthquake (MCE), with spectral acceleration factored for site conditions in accordance with the current IBC;
 - c. the cross-sectional view of each analysis shall be included, and the printout of the input and output files placed in an appendix; and,
 - d. the global stability analysis may be omitted for concrete cantilever retaining walls that extend to frost depth, that are less than nine feet in exposed height, absent of supporting structures within 30 feet of the top of the wall, and which have less than 10H:1V front and back slopes within 30 feet of the retaining structure.
 - 8. a drainage design, including a free draining gravel layer wrapped in filter fabric located behind the retaining wall with drain pipe day-lighting to a proper outlet or weep holes placed through the base of the wall, however:
 - a. a synthetic drainage composite may be used behind MSE walls if a materials specific shear testing is completed to determined friction properties between the backfill and synthetic drainage composite;
 - b. a synthetic drainage composite is not allowed behind rock walls;
 - c. a synthetic drainage composite may be used behind the stem of the concrete cantilever walls;
 - d. if the engineering can substantiate proper filtering between the retained soils and the drain rock, then the filter fabric may be omitted, and;
 - e. if the retaining wall is designed to withstand hydrostatic pressures or the retained soils or backfill is free-draining as substantiated through appropriate testing, then drainage material may be omitted from the design.
 - 9. the design engineer's acknowledgement that the site is suitable for the retaining wall;
 - 10. an inspection frequency schedule.
7. Preconstruction Meeting. At least 48 hours prior to the construction of any approved retaining wall, a preconstruction meeting shall be held as directed by the Building Official. The meeting shall include the Building Official, the design engineer, the contractor and the project or property owner. The preconstruction meeting can be waived at the discretion of the Building Official.
 8. Inspections and Final Report. The design engineer shall make all inspections needed during construction. A final report from the engineer shall state that the retaining wall was built according to the submitted design. The report shall include detail of the inspections of the wall in accordance with the inspection frequency schedule. All pertinent compaction testing shall also be included with the final report.
 9. Maintenance. All retaining walls shall be maintained in a structurally safe and sound condition and in good repair.

ORDINANCE NO. 2018-05

AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.32 OF THE ALPINE CITY DEVELOPMENT CODE RELATING TO RETAINING WALLS.

WHEREAS, The City Council of Alpine, Utah has deemed it in the best interest of Alpine City to amend the ordinance to allow minor subdivisions to be approved administratively; 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 3.32 contained in the attached document will supersede Article 3.32 as previously adopted.

This Ordinance shall take effect upon posting.

Passed and dated this 28th day of August 2018.

Troy Stout, Mayor

ATTEST:

Charmayne G. Warnock, Recorder

ARTICLE 3.32

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

3.32.1 APPLICABILITY. This section applies to all retaining walls as defined in Article 3.1.11.45

3.32.2 EXCEPTIONS FROM ARTICLE 3.32. The City Council may grant an exception from these standards. Prior to the City Council considering the exception, the City Engineer shall submit a written recommendation to the Planning Commission. The recommended exception shall be based on generally accepted 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.

3.32.3 PURPOSE AND INTENT. The purpose of this ordinance and the intent of the City Council in its adoption is to promote the health and safety and general welfare of the present and future inhabitants of Alpine City. The ordinance will accomplish this purpose by:

1. Building Permit Required. Except as otherwise provided in Subsection (2), all retaining walls require a building permit prior to construction or alteration. Permit applications shall be processed and issued in accordance with building permit procedures and applicable provisions of this section. Building permit review fees will be assessed and collected at the time the permit is issued.
2. Building Permit Exemptions. The following do not require a building permit:
 1. Retaining walls less than four feet in exposed height with less than 10H:1V (Horizontal: Vertical) front and back slopes within ten feet of the wall;
 2. Non-tiered retaining walls less than four feet in exposed height with back slopes flatter than or equal to 2H:1V and having front slopes no steeper than or equal to 4H:1V;
 3. Double tiered retaining walls less than four feet in exposed height per wall and which have front slopes and back slopes of each wall no steeper than or equal to 10H:1V within ten feet of the walls, 2 foot spacing between front face of the upper wall and back edge of the lower wall;
 4. Retaining walls less than 50 square feet in size, less than 4 feet tall.
3. Geologic Hazards. If construction of any retaining wall, which requires a building permit, occurs within sensitive land areas as outlined by Article 3.12, then all analyses required for the design of retaining walls or rock protected slopes shall follow the Sensitive Lands Ordinance, specifically in regards to limits of disturbance and the required geologic hazard and engineering geology reports (3.12.6.4)
4. Engineer Design Required. All retaining walls required to obtain a building permit shall be designed by an engineer licensed by the State of Utah.
5. Height, Separation and Plantings.
 1. For the purposes of this subsection, the height of a retaining wall is measured as exposed height (H) of wall of an individual tier.
 2. A single retaining wall shall not exceed nine feet in exposed height if it can be seen from the nearest public right-of-way or adjacent properties to which it is exposed.
 3. Terracing of retaining walls is permitted where justified by topographic

conditions, but the combined height of all walls shall not exceed a height of 18 feet if exposed or can be seen from the nearest public right-of-way or adjacent properties. Walls with a separation of at least $2H$ (H of largest of 2 walls) from face of wall to face of wall shall be considered as separate walls for analysis purposes and applicability to this ordinance. If walls are within $2H$ (H of largest of 2 walls), then the combined height of the terrace shall be used for limitation of height.

4. In a terrace of retaining walls, a minimum horizontal separation of $H/2$ (H of largest of 2 walls) is required as measured from back of lower wall to face of higher wall. If the walls are not viewable from the nearest public right-of-way or adjacent properties, then there is no limitation of height.
 5. The view of the nearest public right-of-way or adjacent property shall be verified by the City Official during the review process and prior to permit for construction.
 6. For terraced walls viewable from the nearest public right-of-way, the horizontal separation between walls shall be planted with a minimum of five shrubs for every 20 linear feet of planting area. The size of the shrubs shall be less than one-half the width of the terrace. Shrubs shall be watered by drip irrigation to minimize erosion by property owner, not by Alpine City.
 7. Walls greater than four (4) feet in height (H) placed within $H/2$ of a neighboring property line, which would create a drop-off for the neighboring property, shall install a fence along the top of the wall in accordance with section 3.21.6.
 8. No retaining wall component shall extend beyond property lines unless written permission is obtained from the adjacent property owner.
6. Submittals. The following documents and calculations prepared by a licensed engineer of the State of Utah shall be submitted with each retaining wall building permit application:
1. profile drawings if the retaining wall is longer than 50 lineal feet, with the base elevation, exposed base elevation and top of wall labeled at the ends of the wall and every 50 linear feet or change in grade;
 2. cross-sectional drawings including surface grades and structures located in front and behind the retaining wall a distance equivalent to three times the height of the retaining wall, and if the retaining wall is supporting a slope, then the cross section shall include the entire slope plus surface grades and structures within a horizontal distance equivalent to one times the height of slope;
 3. a site plan showing the location of the retaining walls with the base elevation, exposed base elevation and top of wall labeled at the ends of wall and every 50 lineal feet or change in grade;
 4. a copy of the geotechnical report used by the design engineer. The geotechnical report shall include requirement of Item 5 below otherwise additional laboratory testing is required in Item 5;
 5. material strength parameters used in the design of the retaining wall, substantiated with laboratory testing of the materials as follows:

- a. for soils, this may include, but is not limited to, unit weights, direct shear tests, triaxial shear tests and unconfined compression tests;
 - b. if laboratory testing was conducted from off-site but similar soils within a 2000 foot radius of the proposed wall location, the results of the testing with similar soil classification testing needs to be submitted;
 - c. minimum laboratory submittal requirements are the unit weight of retained soils, gradation for cohesionless soils, Atterberg limits for cohesive soils, and shear test data;
 - d. soil classification testing shall be submitted for all direct shear or triaxial shear tests;
 - e. if a Proctor is completed, classification testing shall be submitted with the Proctor result; and,
 - f. laboratory testing should be completed in accordance with applicable American Society for Testing and Materials (ASTM) standards;
 - g. for segmented block walls, the manufacturer's test data for the wall facing, soil reinforcement, and connection parameters shall be submitted in an appendix.
6. the design engineer shall indicate the design standard used and supply a printout of the input and output of the files in an appendix with factors of safety within the design standard used as follows:
- a. design calculations ensuring stability against overturning, base sliding, excessive foundation settlement, bearing capacity, internal shear and global stability;
 - b. calculations shall include analysis under static and seismic loads, which shall be based on the PGA as determined from probabilistic analysis for the maximum credible earthquake (MCE), with spectral acceleration factored for site conditions in accordance with the current IBC;
 - c. Mechanically Stabilized Earth (MSE) walls shall be designed in general accordance with current FHWA or AASHTO standards for design of Mechanically Stabilized Earth Walls and Reinforced Soil Slopes or the current National Concrete Masonry Association (NCMA) Design Manual for Segmental Retaining Walls;
 - d. rock walls shall be designed in general accordance with 2006 FHWA-CFL/TD-06-006 "Rockery Design and Construction Guidelines," or current FHWA standard of care and;
 - e. concrete cantilever walls shall be designed in general accordance with specifications provided in current American Concrete Institute or American Society of Civil Engineers standards and specifications.
7. a global stability analysis with minimum factors of safety of at least 1.50 under static conditions and at least 1.10 under seismic loading conditions as follows:
- a. factors of safety results shall be presented to the nearest hundredth;

- b. seismic loads shall be based on the PGA as determined from probabilistic analysis for the maximum credible earthquake (MCE), with spectral acceleration factored for site conditions in accordance with the current IBC;
 - c. the cross-sectional view of each analysis shall be included, and the printout of the input and output files placed in an appendix; and,
 - d. the global stability analysis may be omitted for concrete cantilever retaining walls that extend to frost depth, that are less than nine feet in exposed height, absent of supporting structures within 30 feet of the top of the wall, and which have less than 10H:1V front and back slopes within 30 feet of the retaining structure.
 - 8. a drainage design, including a free draining gravel layer wrapped in filter fabric located behind the retaining wall with drain pipe day-lighting to a proper outlet or weep holes placed through the base of the wall, however:
 - a. a synthetic drainage composite may be used behind MSE walls if a materials specific shear testing is completed to determined friction properties between the backfill and synthetic drainage composite;
 - b. a synthetic drainage composite is not allowed behind rock walls;
 - c. a synthetic drainage composite may be used behind the stem of the concrete cantilever walls;
 - d. if the engineering can substantiate proper filtering between the retained soils and the drain rock, then the filter fabric may be omitted, and;
 - e. if the retaining wall is designed to withstand hydrostatic pressures or the retained soils or backfill is free-draining as substantiated through appropriate testing, then drainage material may be omitted from the design.
 - 9. the design engineer's acknowledgement that the site is suitable for the retaining wall;
 - 10. an inspection frequency schedule.
7. Preconstruction Meeting. At least 48 hours prior to the construction of any approved retaining wall, a preconstruction meeting shall be held as directed by the Building Official. The meeting shall include the Building Official, the design engineer, the contractor and the project or property owner. The preconstruction meeting can be waived at the discretion of the Building Official.
 8. Inspections and Final Report. The design engineer shall make all inspections needed during construction. A final report from the engineer shall state that the retaining wall was built according to the submitted design. The report shall include detail of the inspections of the wall in accordance with the inspection frequency schedule. All pertinent compaction testing shall also be included with the final report.
 9. Maintenance. All retaining walls shall be maintained in a structurally safe and sound condition and in good repair.

ALPINE CITY COUNCIL AGENDA

SUBJECT: Amendment to the Ordinance – Section 4.8.4 Construction Improvements

FOR CONSIDERATION ON: 28 August 2018

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Recommend approval of amendment to construction improvements ordinance.

BACKGROUND INFORMATION:

Staff have reviewed the construction improvements ordinance and recommend a change so that the text more closely reflects the original intent of the ordinance.

The Planning Commission held a public hearing on the proposed amendment and made a motion to recommend approval.

STAFF RECOMMENDATION:

Review and Ordinance No. 2018-06 amending Article 4.8.4 of the Development Code requiring approval by the City Council prior to site improvement and grading.

ARTICLE 4.8

CONSTRUCTION AND IMPROVEMENT REQUIREMENTS

4.8.1 CONSTRUCTION STANDARDS

Construction standards, including drawings, tables, charts, references and other regulations adopted by the City Council by resolution, shall constitute subdivision regulations supplementing this Ordinance.

4.8.2 CONFLICTING PROVISIONS

Where specific requirements are made or exemptions allowed under other sections of this Ordinance, those requirements or exemptions shall prevail over the subdivision regulations supplementing this Ordinance.

4.8.3 IMPROVEMENT CONSTRUCTION TO BE OBLIGATION OF SUBDIVIDER (Amended by Ord. 2004-13, 9/28/04)

The following improvements, where required, shall be constructed at the expense of the subdivider, in accordance with the subdivision regulations of this Ordinance, or as elsewhere provided by ordinance: (See also Zoning Ordinance for requirements)

1. Road grading and surfacing
2. Facilities for water supplies, waste water management, and storm water control, irrigation facilities.
3. Water, sewer, gas and pressurized irrigation mains and laterals to each property line.
4. Fire hydrants as specified by City Standards
5. Curb, gutter, planter strips, double-frontage planter strips, and sidewalks
6. Central Mail Box Units
7. Brass pins and other property corners
8. Underground electrical, telephone and cable television lines
9. Monuments
10. Installation or construction of required on-site or off-site improvements
11. Revegetation, erosion control
12. Street signs, street lighting, street planting, planter strips
13. Segments of proposed arterial or collector streets.
14. Trails and trail signs
15. Open space and parks in PRDs.
16. Any other improvements required or specified in the Development Agreement
17. All development is to be in compliance with City Standards and specifications.

4.8.4 COMMENCEMENT OF CONSTRUCTION

Site improvement or grading of a proposed subdivision site prior to Final Plat approval by the ~~Planning Commission~~ City Council is prohibited.

ORDINANCE NO. 2018-06

AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 4.8.4 OF THE ALPINE CITY DEVELOPMENT CODE RELATING TO COMMENCEMENT OF CONSTRUCTION.

WHEREAS, The City Council of Alpine, Utah has deemed it in the best interest of Alpine City to amend the ordinance to allow minor subdivisions to be approved administratively; 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 4.8.4 contained in the attached document will supersede Article 4.8.4 as previously adopted.

This Ordinance shall take effect upon posting.

Passed and dated this 28th day of August 2018.

Troy Stout, Mayor

ATTEST:

Charmayne G. Warnock, Recorder

ARTICLE 4.8

CONSTRUCTION AND IMPROVEMENT REQUIREMENTS

4.8.1 CONSTRUCTION STANDARDS

Construction standards, including drawings, tables, charts, references and other regulations adopted by the City Council by resolution, shall constitute subdivision regulations supplementing this Ordinance.

4.8.2 CONFLICTING PROVISIONS

Where specific requirements are made or exemptions allowed under other sections of this Ordinance, those requirements or exemptions shall prevail over the subdivision regulations supplementing this Ordinance.

4.8.3 IMPROVEMENT CONSTRUCTION TO BE OBLIGATION OF SUBDIVIDER (Amended by Ord. 2004-13, 9/28/04)

The following improvements, where required, shall be constructed at the expense of the subdivider, in accordance with the subdivision regulations of this Ordinance, or as elsewhere provided by ordinance: (See also Zoning Ordinance for requirements)

1. Road grading and surfacing
2. Facilities for water supplies, waste water management, and storm water control, irrigation facilities.
3. Water, sewer, gas and pressurized irrigation mains and laterals to each property line.
4. Fire hydrants as specified by City Standards
5. Curb, gutter, planter strips, double-frontage planter strips, and sidewalks
6. Central Mail Box Units
7. Brass pins and other property corners
8. Underground electrical, telephone and cable television lines
9. Monuments
10. Installation or construction of required on-site or off-site improvements
11. Revegetation, erosion control
12. Street signs, street lighting, street planting, planter strips
13. Segments of proposed arterial or collector streets.
14. Trails and trail signs
15. Open space and parks in PRDs.
16. Any other improvements required or specified in the Development Agreement
17. All development is to be in compliance with City Standards and specifications.

4.8.4 COMMENCEMENT OF CONSTRUCTION

Site improvement or grading of a proposed subdivision site prior to Final Plat approval by the City Council is prohibited.

ALPINE CITY COUNCIL AGENDA

SUBJECT: Plan Review – Moyle Park

FOR CONSIDERATION ON: 28 August 2018

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Review and approve plans.

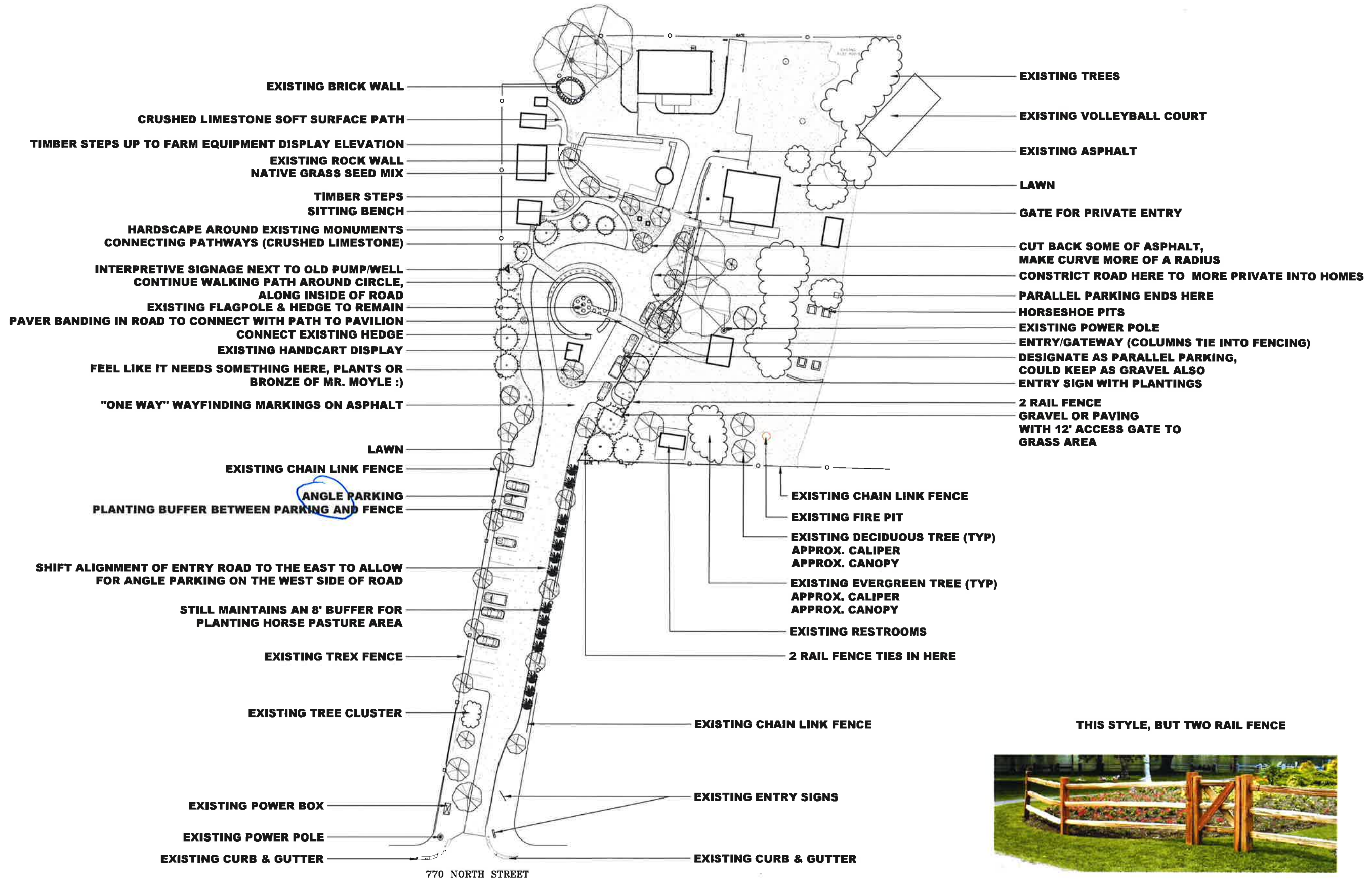
BACKGROUND INFORMATION:

A revised landscaping plan for Moyle Park proposes changes to the parking, driveway entry and other features. Changes would allow for more parking spots in Moyle Park and make more efficient use of the south end of the property.

STAFF RECOMMENDATION:

Approve proposed landscaping plan for Moyle Park.

MOYLE PARK
LANDSCAPE CONCEPT
ALPINE, UT



THIS STYLE, BUT TWO RAIL FENCE



Date: 6-25-2018
 Drawn by: GB/AH
 Phone: 801.471.3900
 Scale: 1:30 on 24x36 sheet

