



ALPINE CITY PLANNING COMMISSION MEETING

NOTICE is hereby given that the **PLANNING COMMISSION** of Alpine City, Utah will hold a **Public Meeting** on **Tuesday, March 15, 2022 at 7:00 pm** at **City Hall, 20 North Main Street, Alpine, Utah.**

The public may attend the meeting in person or view the meeting via the **Alpine City YouTube Channel**. A direct link to the channel can be found on the home page of the Alpine City website: alpinecity.org

I. GENERAL BUSINESS

- A. Welcome and Roll Call: Jane Griener
- B. Prayer/Opening Comments: Jeff Davis
- C. Pledge of Allegiance: John Mackay

II. PUBLIC COMMENT

Any person wishing to comment on any item not on the agenda may address the Planning Commission. Comments may be given in person at the meeting.

III. REPORTS AND PRESENTATIONS

- A. None

IV. ACTION ITEMS

- A. Public Hearing – Ordinance 2022-08 – Exposed Face of Retaining Walls
- B. Public Hearing – Concept Plan – Three Falls Upper Parking Lot
- C. Public Hearing – Pickleball Considerations & Concept Plan – Burgess, Creekside & Healey Parks

V. COMMUNICATIONS

VI. APPROVAL OF PLANNING COMMISSION MINUTES: March 1, 2022

ADJOURN

Chair Jane Griener
March 11, 2022

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

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

PUBLIC MEETING AND PUBLIC HEARING ETIQUETTE

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

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

Public Hearing 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 PLANNING COMMISSION AGENDA

SUBJECT: Public Hearing – Ordinance 2022-08 Exposed Face of Retaining Walls

FOR CONSIDERATION ON: 15 March 2022

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Approve amendments regarding the visible exposed face of retaining walls.

BACKGROUND INFORMATION:

The current retaining wall ordinance is not clear on when an exposed face of a retaining wall is considered viewable from the nearest public right of way. The proposed amendments seek to clarify the parameters for regulating retaining walls.

Staff is recommending changes to the Development Code to make it more clear how the exposed face of retaining walls shall be regulated. Please see attached proposed ordinance for recommended changes.

STAFF RECOMMENDATION:

Hold a public hearing and make a recommendation to the City Council.

SAMPLE MOTION TO APPROVE:

I move to recommend that Ordinance 2022-08 be adopted as proposed.

SAMPLE MOTION TO APPROVE WITH CONDITIONS:

I move to recommend that Ordinance 2022-08 be adopted with the following conditions:

- ***Insert Finding***

SAMPLE MOTION TO TABLE/DENY:

I move to recommend that Ordinance 2022-08 be tabled (or denied) based on the following:

- ***Insert Finding***

**ALPINE CITY
ORDINANCE 2022-08**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.01.110 AND 3.32.030
OF THE ALPINE CITY DEVELOPMENT CODE PERTAINING TO EXPOSED
FACE OF RETAINING WALLS.**

WHEREAS, The Planning Commission held a public hearing on March 15, 2022, regarding proposed amendments to Article 3.01.110 and 3.32.030 of the Development Code; and

WHEREAS, on March 22, 2022, the Alpine City Council has deemed it in the best interest of Alpine City to amend the Development Code; 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 Council of the Alpine City, in the State of Utah, as follows: The amendments to Article 3.01.110 and 3.32.030 will supersede Article 3.01.110 and 3.32.030 as previously adopted. This ordinance shall take effect upon posting.

SECTION 1: **AMENDMENT** “3.32.030 Purpose And Intent” of the Alpine City Development Code is hereby *amended* as follows:

A M E N D M E N T

3.32.030 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 Part 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:
 - a. 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;

- b. 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;
 - c. 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;
 - d. 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 ADC 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 (ADC 3.12.060 Part 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. **Location, Height, Separation and Plantings**
- a. Location. The retaining wall will not be placed on land designated as a recorded easement, such as a utility or trail easement, unless the owner(s) of said easement agree(s) to allow the encroachment. Documentation of the agreement shall be provided to the City.
 - b. For the purposes of this Part, the height of a retaining wall is measured as exposed height (H) of wall of an individual tier.
 - c. A single retaining wall shall not exceed nine feet in exposed height if ~~it~~ the Exposed Face of the Retaining Wall can be seen from the nearest public right-of-way or adjacent properties to which it is exposed.
 - d. 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~~ if the Exposed Face of the Retaining Wall 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.
 - e. 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.
 - f. 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.
 - g. For terraced walls, where the Exposed Face of the Retaining Wall is 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 drip irrigated to minimize erosion, and when

possible, the use of drought resistant vegetation shall be used to minimize future watering needs. The responsibility of drip irrigation resides with the property owner on which the majority of the structure is built. If the majority of the structure is built on private or public open space, a pressurized irrigation service and drip irrigation system shall be installed by the Developer and the future owner(s) of the open space shall be responsible for the drip irrigation maintenance and cost of operation after the warranty period expires

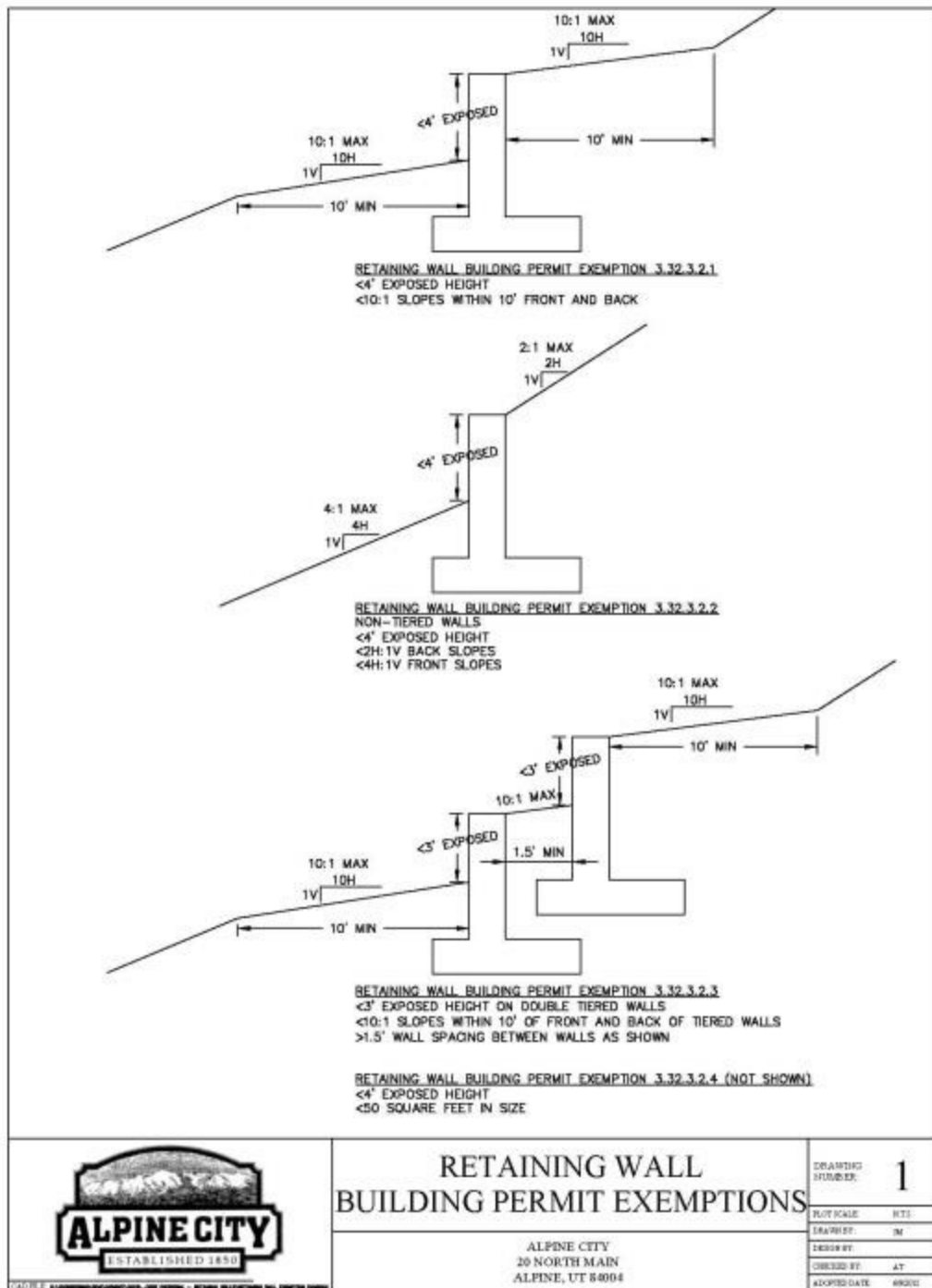
- h. Walls greater than four (4) feet in height (H) placed within H/2 of an adjacent property line, which would create a drop-off for the adjacent property, shall install a fence along the top of the wall in accordance with ADC 3.21.060.
- i. No retaining wall component shall extend beyond the property 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:

- a. 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;
- b. 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;
- c. 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;
- d. a copy of the geotechnical report used by the design engineer. The geotechnical report shall include requirement of Part 6,e otherwise additional laboratory testing is required in Part 6,e;
- e. material strength parameters used in the design of the retaining wall, substantiated with laboratory testing of the materials as follows:
 - i. for soils, this may include, but is not limited to, unit weights, direct shear tests, triaxial shear tests and unconfined compression tests;
 - ii. 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;
 - iii. minimum laboratory submittal requirements are the unit weight of retained soils, gradation for cohesionless soils, Atterberg limits for cohesive soils, and shear test data;
 - iv. soil classification testing shall be submitted for all direct shear or triaxial shear tests;
 - v. if a Proctor is completed, classification testing shall be submitted with the Proctor result; and,
 - vi. laboratory testing should be completed in accordance with applicable

- American Society for Testing and Materials (ASTM) standards;
- vii. for segmented block walls, the manufacturer's test data for the wall facing, soil reinforcement, and connection parameters shall be submitted in an appendix.
- f. 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:
- i. design calculations ensuring stability against overturning, base sliding, excessive foundation settlement, bearing capacity, internal shear and global stability;
 - ii. 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;
 - iii. 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;
 - iv. 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;
 - v. 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.
- g. 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:
- i. factors of safety results shall be presented to the nearest hundredth;
 - ii. 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;
 - iii. the cross-sectional view of each analysis shall be included, and the printout of the input and output files placed in an appendix; and,
 - iv. 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.
- h. 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:
- i. a synthetic drainage composite may be used behind MSE walls if a materials specific shear testing is completed to determine friction

- properties between the backfill and synthetic drainage composite;
 - ii. a synthetic drainage composite is not allowed behind rock walls;
 - iii. a synthetic drainage composite may be used behind the stem of the concrete cantilever walls;
 - iv. if the engineering can substantiate proper filtering between the retained soils and the drain rock, then the filter fabric may be omitted, and;
 - v. 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.
 - i. the design engineer's acknowledgement that the site is suitable for the retaining wall;
 - j. 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 design engineer shall state that the retaining wall was built according to the submitted design. The design engineer shall submit the final report to the Building Official to close out the permit. 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.



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

SECTION 2: **AMENDMENT** “3.01.110 Definitions” of the Alpine City Development Code is hereby *amended* as follows:

AMENDMENT

3.01.110 Definitions

ACCESSORY APARTMENT. A subordinate dwelling unit within and part of a principle dwelling and which has its own cooking, sleeping and sanitation facilities.

ACCESSORY BUILDING. A detached subordinate building, the use of which is appropriate, subordinate, and customarily incidental to that of the main building or to the main use of the land and which is located on the same lot or parcel of land with the main building or use.

AGRICULTURE. The tilling of soil, the raising of crops, horticulture, the gardening, but not including the keeping or raising of domestic animals or fowl, except household pets, and not including any agricultural industry or business such as fruit packing plants, commercial egg production, or similar uses.

APIARY. Any place where one (1) or more colonies of bees are located.

AVERAGE SLOPE OF LOT. The average slope of a lot, expressed as the percent of slope, to be determined via computer modeling. AutoCAD or ESRI products are acceptable programs to be used for determining the average slope of lot; any other program must be pre-approved by the City Engineer.

BEEKEEPING EQUIPMENT. Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, and extractors.

BUILDABLE AREA. (Ord. 94-02, 2/8/94) A lot or portion thereof possessing all of the following physical characteristics:

1. The area contains no territory having a natural slope of twenty (20) percent or greater;
2. The area contains no territory which is located in any identified flood plain or within any recognized inundation zone, mud flow zone or zone of deformation, or lands subject to earth slippage, landslide or rockfall;
3. The engineering properties of the soil provide adequate structural support for the intended use;
4. The area does not possess any other recognized natural condition, which renders it unsafe for building purposes;
5. The area is within the building setback envelope as determined in accordance with the setback provisions of the zone; and
6. The area is readily capable of vehicular access from the adjacent public street over a

driveway having a slope of not more than twelve (12) percent with no cut or fill greater than five feet as measured at the finished grade of the centerline alignment.

BUILDING. Any structure having a roof supported by columns or walls, built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

CIVIC BUILDING. A structure owned by the City and used for governmental purposes, including administrative buildings (City Hall) fire stations, police stations, libraries, but not including shop and repair facilities.

COLONY. Bees in a hive including queens, workers, or drones.

CONDITIONAL USE. A use of land that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

CUSTOMARY RESIDENTIAL ACCESSORY STRUCTURE. A structure constructed on the same zoning lot as a dwelling and which is intended for the incidental and exclusive use of the residents of said dwelling, including but not limited to detached garages, carports, swimming pools, tennis courts, green houses, storage buildings, and satellite dishes.

DEVELOPMENT. Any change to a parcel of ground, which alters it from its natural state in any way. This includes clearing, excavation, grading, installation of any infrastructure or erection of any types of buildings.

DWELLING CLUSTER. A Group of three (3) or more single-unit detached Dwellings whose respective Buildable Areas are located no more than 400 feet from one Buildable Area to the next closest Buildable Area as measured from the midpoint of each Buildable Area.

DWELLING UNIT. One or more rooms in a building or portion thereof designed, occupied, or intended as a residence for a family with complete and independent facilities for living, sleeping, eating, cooking, and sanitation provided within the dwelling unit. See also Dwelling, Single Family.

DWELLING, MULTIPLE-UNIT. A building arranged to be occupied by two (2) or more families, the structure having two (2) or more attached dwelling units.

DWELLING, SINGLE FAMILY. A building arranged or designed to include only one (1) dwelling unit occupied by one (1) family, including extended living areas or an accessory apartment which may be approved as provided elsewhere in this Code.

ELECTRIC BICYCLE (CLASS 1). bicycle equipped with an electric motor that: has a power output of not more than 750 watts; has fully operational pedals on permanently affixed cranks; is fully operational as a bicycle without the use of the electric motor; provides assistance only when the rider is pedaling; and ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour. For the purpose of City ordinances, shall not be considered a motorized vehicle.

EXPOSED FACE OF RETAINING WALL. The part of a retaining wall that is above ground and visible. An exposed face of a retaining wall shall be considered visible from the nearest public right of way when the alignment of the wall is within 60 degrees of parallel to the nearest public right of way.

FAMILY. An individual or two (2) or more persons related by blood, marriage, adoption, or guardianship; or a group of not more than four (4) persons, (excluding domestic help) who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities. "Family" does not exclude the care of foster children.

FENCES. A fence shall include any tangible barrier, an obstruction of any material, a line of obstacles, lattice work, screen, wall, hedge, or continuous growth of shrubs with the purpose of preventing passage or view across a boundary or lot line. (Ord. 2004-13, 9/28/04)

1. Privacy fences are structures where the field of vision through the fence is less than 50%.
2. Open-style fences are structures where the field of vision through the fence is 50% or greater.

FRONTAGE. The width of the lot or parcel of land measured at the required front setback-line.

GARAGE/CARPORT (PRIVATE). A structure for the parking or temporary storage of automobiles, but which does not involve commercial repairing or storage.

GEOLOGIC HAZARD. A hazard inherent in the surface or subsurface of the earth or artificially created, which is dangerous or potentially dangerous to life, property, or improvements, due to movement, failure, or shifting of earth.

GROUP LIVING ARRANGEMENT. A group living or congregate living arrangement where groups of more than four unrelated persons live together in a single dwelling unit, including, but not limited to, a batching apartment, Congregate Living Unit, Assisted Living Facility, Nursing Care Facility, Residential Facility for Persons With a Disability, dormitory, student housing, fraternity, club, institutional group, half-way house, or similar group living or congregate living arrangement.

GUEST HOUSE. An accessory building constructed on the same zoning lot as the principle Single-Unit dwelling to be used for temporary occupancy.

HANDICRAFT PRODUCTION. Production of an individual's one-of-a-kind objects for sale on the site.

HELICOPTER. A manned aircraft in which lift, flight and landing is achieved by means of one or more power-driven horizontal propellers.

HELIPORT. An area on land or upon a building or structure set aside and used for the landing or takeoff of helicopters or other manned rotary wing aircrafts capable of vertical takeoff or landing.

HIVE. A frame hive, box hive, box, barrel, log, gum skep, or other artificial or natural receptacle which may be used to house bees.

HOME OCCUPATION. Any gainful occupation, service, profession or similar activity conducted in a consistent and ongoing manner within a dwelling. Business activity consisting primarily of the sale of goods produced elsewhere on the premises (i.e. retail sales establishment) shall not qualify as a home occupation.

HOBBY BEEKEEPER. A person who owns or has charge of eight (8) or fewer hives of bees.

HONEYBEE. The common honeybee, *Apis mellifera* species, at any stage of development, but not including the African honeybee, *Apis mellifera scutellata* species, or any hybrid thereof.

HOUSEHOLD PETS. Animals or fowl ordinarily permitted to a residence and kept for company or pleasure, such as dogs, cats, fish and canaries. Household pets do not include inherently or potentially dangerous animals or fowl, or those normally considered agricultural livestock.

IMPERVIOUS MATERIAL. Matter that is impenetrable as by moisture.

LOT. A parcel or unit of land describable either by metes and bounds, or by other legal plat designation held or intended to be held in separate ownership or leasehold or a parcel or unit of land shown as a lot or parcel on a recorded subdivision map, or shown on a plat used in the lease or sale of land resulting from the division of a larger tract into smaller units. Lots shall be generally rectangular in nature, and shall have no more than five sides without an exception being recommended by the Planning Commission and approved by the City Council; the front of a property, located at the front right of way, does not count against this requirement.

LOT, CORNER. Shall mean a lot located at the junction of and fronting on two (2) or more intersecting streets.

MOBILE HOME. A detached dwelling designed for long-term occupancy and to be transported on its own wheels, or on a flatbed or other trailer or detachable wheels, and arriving at the site where it is to be occupied as a complete dwelling unit ready for occupancy except for connections to utilities and other minor work. Removal of such wheels or placing such dwelling unit on a foundation shall not remove such unit from classification as a mobile home. Excluded from this definition shall be those permanent dwelling structures that are constructed of component parts that are transported to the building site and which meet structural requirements of the Uniform Building Code and which are finished with exterior building material that is typical of permanent residential buildings.

NON-CONFORMING USE. A building or structure, or portion thereof, or use of a building or land which does not conform to use regulations for the district in which it is situated, but which is in conformity with said regulations, if any, at the time of its establishment.

OFF STREET PARKING. An area adjoining a building providing for the parking of automobiles which does not include a public street but has convenient access to it.

OFFICE, PROFESSIONAL. A building or space used by persons such as accountants, architects, artists, dentists, designers, engineers, lawyers, physicians, realtors, teachers, and others who, by virtue of training and for license, are qualified to perform services of a professional nature, and where storage of goods and sale of merchandise is minimal and secondary to performance of the service.

OWNER OCCUPANT. means, except as set forth in Subsection (3) of this definition:

1. an individual who:
 - a. possesses, as shown by a recorded deed, fifty (50) percent or more ownership in a dwelling unit; and
 - b. occupies the dwelling unit with a bonafide intent to make it his or her primary residence; or
2. an individual who:
 - a. is a trustor of a family trust which:
 - i. possesses fee title ownership to a dwelling unit;
 - ii. was created for estate planning purposes by one (1) or more trustors of the trust; and
 - b. occupies the dwelling unit owned by the family trust with a bonafide intent to make it his or her primary residence. Each living trustor of the trust shall so occupy the dwelling unit except for a trustor who temporarily resides elsewhere due to a disability or infirmity. In such event, the dwelling unit shall nevertheless be the domicile of the trustor during the trustor's temporary absence.
3. A person who meets the requirements of Subsections (1) and (2) of this definition shall not be deemed an owner occupant if the property on which the dwelling unit is located has more than one (1) owner and all owners of the property do not occupy the dwelling unit with a bona fide intent to make the dwelling unit their primary residence.
 - a. A claim that a person is not an owner occupant may be rebutted only by

documentation, submitted to the Planning and Zoning Department, showing that the person who occupies the dwelling unit has a bona fide intent to make the dwelling unit his or her primary residence as indicated by the following documents which show such person:

- i. is listed as a primary borrower on documents for any loan presently applicable to the property where the dwelling unit is located;
 - ii. has claimed all income, deductions, and depreciation from the property on his or her tax returns for the previous year;
 - iii. is the owner listed on all rental documents and agreements with tenants who occupy the dwelling unit, including any accessory apartment;
 - iv. is the owner listed on all insurance, utility, appraisal, or other contractual documents related to the property; and
 - v. is a full-time resident of Utah for Utah State income tax purposes.
- b. Any person who claims to be an owner of the dwelling unit, but who does not occupy it, shall provide documentation to the Planning and Zoning Department which shows such person:
- i. has not claimed any income, tax deduction, or depreciation for the property on the person's tax returns for the previous year;
 - ii. is not listed as an owner on any rental document or agreement with any tenant who occupies the dwelling unit, including any accessory apartment; and
 - iii. is not listed as an owner on any insurance, utility, appraisal, or a agreement related to the property.
- c. Any person, or group of persons, who fails, upon request of the Planning and Zoning Department, to provide any of the documents set forth in Subsections (3)(a) or (3)(b) of this definition or who provides a document showing that ownership of a dwelling unit is shared among persons who do not all occupy the dwelling unit shall mean for the purpose of this Title that such person or persons shall not be deemed an "owner occupant" of the dwelling unit in question.

OPEN SPACE. The use of land which leaves soil generally undisturbed and upon which natural vegetation, whether or not native to the area, occupies the major visible aspect of the land.

PERMITTED USE. A use of land for which no conditional use permit is required.

PRIMARY USE. The main use to which the premises is devoted and the primary purpose for which the premises exists. An ancillary use's square footage shall not exceed the primary use's square footage.

PUBLIC USE. A use operated or supervised exclusively by a public body, such use having the purpose of serving the public health, safety, or general welfare, and including uses such as public schools, parks, playgrounds, and other recreational facilities, administrative and service facilities, and public utilities.

QUASI PUBLIC USE. A use operated by a private non-profit educational, religious, recreational, charitable or philanthropic institution, having the primary purpose of serving the general public, such as churches, private schools, hospitals and similar uses.

REASONABLE ACCOMMODATION. A reasonable change in any rule, policy, practice, or service necessary to afford persons with a disability equal opportunity to use and enjoy a dwelling when compared to similarly-situated persons or groups.

RECREATION, PUBLIC. Recreation facilities operated by a public agency and open to the public with or without a fee.

RESIDENCE. A dwelling unit where an individual or family is actually domiciled at a given point in time and not a place of temporary sojourn or transient visit. Temporary sojourn or transient visit shall be thirty (30) days or less.

RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY. A residence in which no more than eight (8) unrelated persons with a disability resides and which is:

1. Licensed or certified by the Department of Human Services under Title 62A, Chapter 2, of the Utah Code, Licensure of Programs and Facilities; or
2. Licensed or certified by the Department of Human Health under Title 26, Chapter 21, Health Care Facilities Licensing and Inspection Act.

RETAINING WALL. Any structure designed to resist the lateral displacement of soil or other materials. Examples include block walls, rock walls, concrete walls and segmented walls. A retaining wall is not considered a fence.

SHORT TERM RENTAL. Temporary lodging or place of stay that is rented (including but not limited to: hotels, motels, bed and breakfast, boarding houses, etc.) for a period of thirty (30) consecutive days or less.

SIGN. Any device for visual communication to the public displayed out-of-doors, including signs painted on exterior walls, and interior illuminated signs, to be viewed from out-of-doors, but not including a flag, badge, or ensign of any government or government agency.

STREET, PUBLIC. A thoroughfare which has been dedicated and accepted by proper public authority (or abandoned to the public) or a thoroughfare not less than twenty-four (24) feet wide which has been made public by right of use and which affords the principal means of access to abutting property.

STRUCTURE. Anything constructed, the use of which requires fixed location upon the ground, or attached to something having a fixed location upon the ground, and which creates an impervious material on or above the ground; definition includes "building."

YARD. A required space on a lot other than a court, unoccupied and unobstructed from the ground upward, by buildings, except as otherwise provided herein.

YARD, FRONT. A space between the front of the main building on a lot and the front lot line or line of an abutting street or right-of-way and extending across the full width of a lot. The depth (or setback) of the front yard is the minimum distance between the front lot line, and the front-most part of the primary structure of the nearest main building at the foundation level. (Primary structure includes overhangs, porches, and decks).

YARD, REAR. A space between the back wall of the nearest main building extending the full width of the lot and the lot line that is most distant from, and is most nearly parallel with, the front lot line. If the rear lot line is less than ten feet (10') in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a ten foot (10') line parallel to the front line, lying wholly within the lot for the purpose of establishing the minimum rear yard. The depth (or setback) of the rear yard is the minimum distance between the rear lot line and the rearmost part of the primary structure of the nearest main building at the foundation level.

(Primary structure includes overhangs, porches and decks. See drawing in Appendix A). (Ord. 2004-13, 9/28/04)

YARD, SIDE. A yard that is neither a front yard nor a rear yard. The depth (or setback) of the side yard is the minimum distance between the side lot line and the nearest part of the primary structure of the nearest main building at the foundation level. (Primary structure includes overhangs, porches and decks).

ZONING LOT (Ord. 94-02, 2/8/94). A lot or parcel of land which:

1. Meets all area (lot size), frontage (width), setback (yard), and other zoning requirements applicable within the zone in which it is located;
2. Abuts upon and has direct access to a street which has been dedicated to the City or otherwise accepted by the City as a City Street;
3. Is served by the minimum level of improvements required for issuance of a building permit or for which the construction of the minimum level of improvements is secured through the posting of a performance guarantee; and
4. Is shown as a separate lot on the final plat of a subdivision or similar development, which has been approved in accordance with the applicable ordinance, or is legally exempted from compliance with said ordinance. A parcel which is part of an unapproved or illegal subdivision shall not qualify as a zoning lot.

(Amended by Ord. 2004-14 on 9/28/04; Ord. 2009-16, 10/13/09; Ord. 20011-06, 03/08/11; Ord. 2011-12, 10/25/11; Ord. 2014-11, 6/24/14; Ord. 2015-02, 02/10/15; Ord. 2015-07, 05/26/15)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Lon Lott	_____	_____	_____	_____
Gregory Gordon	_____	_____	_____	_____
Jason Thelin	_____	_____	_____	_____
Jessica Smuin	_____	_____	_____	_____
Kelli Law	_____	_____	_____	_____

Presiding Officer

Attest

Carla Merrill, Mayor, Alpine City

Bonnie Cooper, City Recorder Alpine
City

**ALPINE CITY
ORDINANCE 2022-08**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.01.110 AND 3.32.030
OF THE ALPINE CITY DEVELOPMENT CODE PERTAINING TO EXPOSED
FACE OF RETAINING WALLS.**

WHEREAS, The Planning Commission held a public hearing on March 15, 2022, regarding proposed amendments to Article 3.01.110 and 3.32.030 of the Development Code; and

WHEREAS, on March 22, 2022, the Alpine City Council has deemed it in the best interest of Alpine City to amend the Development Code; 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 Council of the Alpine City, in the State of Utah, as follows: The amendments to Article 3.01.110 and 3.32.030 will supersede Article 3.01.110 and 3.32.030 as previously adopted. This ordinance shall take effect upon posting.

SECTION 1: **AMENDMENT** “3.32.030 Purpose And Intent” of the Alpine City Development Code is hereby *amended* as follows:

A M E N D M E N T

3.32.030 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 Part 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:
 - a. 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;

- b. 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;
 - c. 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;
 - d. 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 ADC 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 (ADC 3.12.060 Part 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. **Location, Height, Separation and Plantings**
- a. Location. The retaining wall will not be placed on land designated as a recorded easement, such as a utility or trail easement, unless the owner(s) of said easement agree(s) to allow the encroachment. Documentation of the agreement shall be provided to the City.
 - b. For the purposes of this Part, the height of a retaining wall is measured as exposed height (H) of wall of an individual tier.
 - c. A single retaining wall shall not exceed nine feet in exposed height if the Exposed Face of the Retaining Wall can be seen from the nearest public right-of-way or adjacent properties to which it is exposed.
 - d. 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 the Exposed Face of the Retaining Wall 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.
 - e. 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.
 - f. 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.
 - g. For terraced walls, where the Exposed Face of the Retaining Wall is 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 drip irrigated to minimize erosion, and when possible, the use of drought resistant vegetation shall be used to minimize future watering needs. The responsibility of drip irrigation resides with the property owner on which the majority of the structure is built. If the majority of the structure is built on private or public open space, a pressurized irrigation service and drip irrigation system shall be installed by the Developer and the future owner(s) of the open space shall be responsible for the drip irrigation maintenance and cost of operation after the warranty period expires

- h. 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 ADC 3.21.060.
- i. No retaining wall component shall extend beyond the property lines unless written permission is obtained from the affected property owner.

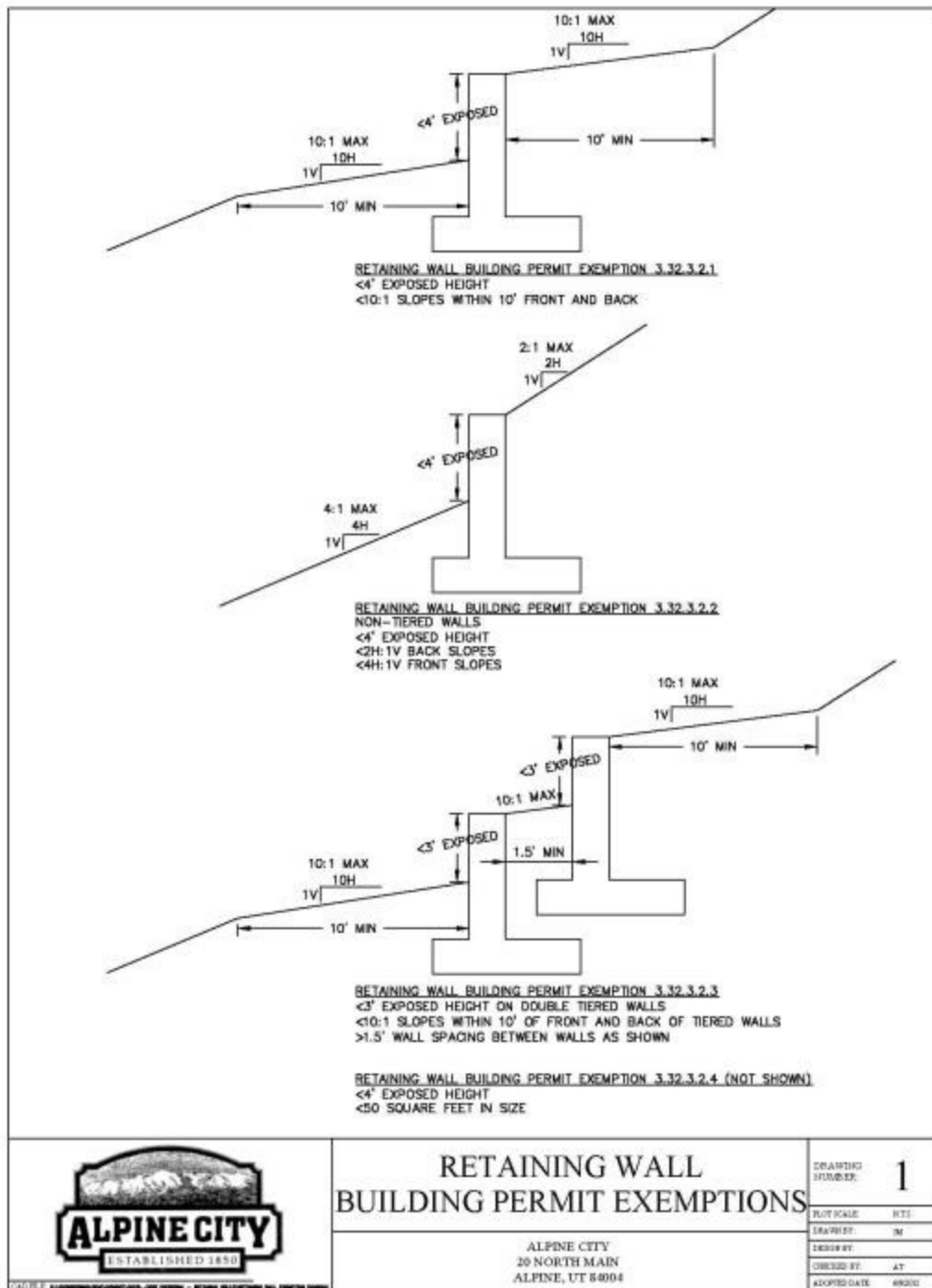
6. **Submittals.** The following documents and calculations prepared by a licensed engineer of the State of Utah shall be submitted with each retaining wall building permit application:

- a. 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 lineal feet or change in grade;
- b. 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;
- c. 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;
- d. a copy of the geotechnical report used by the design engineer. The geotechnical report shall include requirement of Part 6,e otherwise additional laboratory testing is required in Part 6,e;
- e. material strength parameters used in the design of the retaining wall, substantiated with laboratory testing of the materials as follows:
 - i. for soils, this may include, but is not limited to, unit weights, direct shear tests, triaxial shear tests and unconfined compression tests;
 - ii. 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;
 - iii. minimum laboratory submittal requirements are the unit weight of retained soils, gradation for cohesionless soils, Atterberg limits for cohesive soils, and shear test data;

- iv. soil classification testing shall be submitted for all direct shear or triaxial shear tests;
 - v. if a Proctor is completed, classification testing shall be submitted with the Proctor result; and,
 - vi. laboratory testing should be completed in accordance with applicable American Society for Testing and Materials (ASTM) standards;
 - vii. for segmented block walls, the manufacturer's test data for the wall facing, soil reinforcement, and connection parameters shall be submitted in an appendix.
- f. 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:
- i. design calculations ensuring stability against overturning, base sliding, excessive foundation settlement, bearing capacity, internal shear and global stability;
 - ii. 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;
 - iii. 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;
 - iv. 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;
 - v. 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.
- g. 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:
- i. factors of safety results shall be presented to the nearest hundredth;
 - ii. 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;
 - iii. the cross-sectional view of each analysis shall be included, and the printout of the input and output files placed in an appendix; and,
 - iv. 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.

- h. 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:
 - i. 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;
 - ii. a synthetic drainage composite is not allowed behind rock walls;
 - iii. a synthetic drainage composite may be used behind the stem of the concrete cantilever walls;
 - iv. if the engineering can substantiate proper filtering between the retained soils and the drain rock, then the filter fabric may be omitted, and;
 - v. 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.
 - i. the design engineer's acknowledgement that the site is suitable for the retaining wall;
 - j. 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 design engineer shall state that the retaining wall was built according to the submitted design. The design engineer shall submit the final report to the Building Official to close out the permit. 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.



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

SECTION 2: **AMENDMENT** “3.01.110 Definitions” of the Alpine City Development Code is hereby *amended* as follows:

AMENDMENT

3.01.110 Definitions

ACCESSORY APARTMENT. A subordinate dwelling unit within and part of a principle dwelling and which has its own cooking, sleeping and sanitation facilities.

ACCESSORY BUILDING. A detached subordinate building, the use of which is appropriate, subordinate, and customarily incidental to that of the main building or to the main use of the land and which is located on the same lot or parcel of land with the main building or use.

AGRICULTURE. The tilling of soil, the raising of crops, horticulture, the gardening, but not including the keeping or raising of domestic animals or fowl, except household pets, and not including any agricultural industry or business such as fruit packing plants, commercial egg production, or similar uses.

APIARY. Any place where one (1) or more colonies of bees are located.

AVERAGE SLOPE OF LOT. The average slope of a lot, expressed as the percent of slope, to be determined via computer modeling. AutoCAD or ESRI products are acceptable programs to be used for determining the average slope of lot; any other program must be pre-approved by the City Engineer.

BEEKEEPING EQUIPMENT. Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, and extractors.

BUILDABLE AREA. (Ord. 94-02, 2/8/94) A lot or portion thereof possessing all of the following physical characteristics:

1. The area contains no territory having a natural slope of twenty (20) percent or greater;
2. The area contains no territory which is located in any identified flood plain or within any recognized inundation zone, mud flow zone or zone of deformation, or lands subject to earth slippage, landslide or rockfall;
3. The engineering properties of the soil provide adequate structural support for the intended use;
4. The area does not possess any other recognized natural condition, which renders it unsafe for building purposes;
5. The area is within the building setback envelope as determined in accordance with the setback provisions of the zone; and
6. The area is readily capable of vehicular access from the adjacent public street over a

driveway having a slope of not more than twelve (12) percent with no cut or fill greater than five feet as measured at the finished grade of the centerline alignment.

BUILDING. Any structure having a roof supported by columns or walls, built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

CIVIC BUILDING. A structure owned by the City and used for governmental purposes, including administrative buildings (City Hall) fire stations, police stations, libraries, but not including shop and repair facilities.

COLONY. Bees in a hive including queens, workers, or drones.

CONDITIONAL USE. A use of land that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

CUSTOMARY RESIDENTIAL ACCESSORY STRUCTURE. A structure constructed on the same zoning lot as a dwelling and which is intended for the incidental and exclusive use of the residents of said dwelling, including but not limited to detached garages, carports, swimming pools, tennis courts, green houses, storage buildings, and satellite dishes.

DEVELOPMENT. Any change to a parcel of ground, which alters it from its natural state in any way. This includes clearing, excavation, grading, installation of any infrastructure or erection of any types of buildings.

DWELLING CLUSTER. A Group of three (3) or more single-unit detached Dwellings whose respective Buildable Areas are located no more than 400 feet from one Buildable Area to the next closest Buildable Area as measured from the midpoint of each Buildable Area.

DWELLING UNIT. One or more rooms in a building or portion thereof designed, occupied, or intended as a residence for a family with complete and independent facilities for living, sleeping, eating, cooking, and sanitation provided within the dwelling unit. See also Dwelling, Single Family.

DWELLING, MULTIPLE-UNIT. A building arranged to be occupied by two (2) or more families, the structure having two (2) or more attached dwelling units.

DWELLING, SINGLE FAMILY. A building arranged or designed to include only one (1) dwelling unit occupied by one (1) family, including extended living areas or an accessory apartment which may be approved as provided elsewhere in this Code.

ELECTRIC BICYCLE (CLASS 1). bicycle equipped with an electric motor that: has a power output of not more than 750 watts; has fully operational pedals on permanently affixed cranks; is fully operational as a bicycle without the use of the electric motor; provides assistance only when the rider is pedaling; and ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour. For the purpose of City ordinances, shall not be considered a motorized vehicle.

EXPOSED FACE OF RETAINING WALL. The part of a retaining wall that is above ground and visible. An exposed face of a retaining wall shall be considered visible from the nearest public right of way when the alignment of the wall is within 60 degrees of parallel to the nearest public right of way.

FAMILY. An individual or two (2) or more persons related by blood, marriage, adoption, or guardianship; or a group of not more than four (4) persons, (excluding domestic help) who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities. "Family" does not exclude the care of foster children.

FENCES. A fence shall include any tangible barrier, an obstruction of any material, a line of obstacles, lattice work, screen, wall, hedge, or continuous growth of shrubs with the purpose of preventing passage or view across a boundary or lot line. (Ord. 2004-13, 9/28/04)

1. Privacy fences are structures where the field of vision through the fence is less than 50%.
2. Open-style fences are structures where the field of vision through the fence is 50% or greater.

FRONTAGE. The width of the lot or parcel of land measured at the required front setback-line.

GARAGE/CARPORT (PRIVATE). A structure for the parking or temporary storage of automobiles, but which does not involve commercial repairing or storage.

GEOLOGIC HAZARD. A hazard inherent in the surface or subsurface of the earth or artificially created, which is dangerous or potentially dangerous to life, property, or improvements, due to movement, failure, or shifting of earth.

GROUP LIVING ARRANGEMENT. A group living or congregate living arrangement where groups of more than four unrelated persons live together in a single dwelling unit, including, but not limited to, a batching apartment, Congregate Living Unit, Assisted Living Facility, Nursing Care Facility, Residential Facility for Persons With a Disability, dormitory, student housing, fraternity, club, institutional group, half-way house, or similar group living or congregate living arrangement.

GUEST HOUSE. An accessory building constructed on the same zoning lot as the principle Single-Unit dwelling to be used for temporary occupancy.

HANDICRAFT PRODUCTION. Production of an individual's one-of-a-kind objects for sale on the site.

HELICOPTER. A manned aircraft in which lift, flight and landing is achieved by means of one or more power-driven horizontal propellers.

HELIPORT. An area on land or upon a building or structure set aside and used for the landing or takeoff of helicopters or other manned rotary wing aircrafts capable of vertical takeoff or landing.

HIVE. A frame hive, box hive, box, barrel, log, gum skep, or other artificial or natural receptacle which may be used to house bees.

HOME OCCUPATION. Any gainful occupation, service, profession or similar activity conducted in a consistent and ongoing manner within a dwelling. Business activity consisting primarily of the sale of goods produced elsewhere on the premises (i.e. retail sales establishment) shall not qualify as a home occupation.

HOBBY BEEKEEPER. A person who owns or has charge of eight (8) or fewer hives of bees.

HONEYBEE. The common honeybee, *Apis mellifera* species, at any stage of development, but not including the African honeybee, *Apis mellifera scutellata* species, or any hybrid thereof.

HOUSEHOLD PETS. Animals or fowl ordinarily permitted to a residence and kept for company or pleasure, such as dogs, cats, fish and canaries. Household pets do not include inherently or potentially dangerous animals or fowl, or those normally considered agricultural livestock.

IMPERVIOUS MATERIAL. Matter that is impenetrable as by moisture.

LOT. A parcel or unit of land describable either by metes and bounds, or by other legal plat designation held or intended to be held in separate ownership or leasehold or a parcel or unit of land shown as a lot or parcel on a recorded subdivision map, or shown on a plat used in the lease or sale of land resulting from the division of a larger tract into smaller units. Lots shall be generally rectangular in nature, and shall have no more than five sides without an exception being recommended by the Planning Commission and approved by the City Council; the front of a property, located at the front right of way, does not count against this requirement.

LOT, CORNER. Shall mean a lot located at the junction of and fronting on two (2) or more intersecting streets.

MOBILE HOME. A detached dwelling designed for long-term occupancy and to be transported on its own wheels, or on a flatbed or other trailer or detachable wheels, and arriving at the site where it is to be occupied as a complete dwelling unit ready for occupancy except for connections to utilities and other minor work. Removal of such wheels or placing such dwelling unit on a foundation shall not remove such unit from classification as a mobile home. Excluded from this definition shall be those permanent dwelling structures that are constructed of component parts that are transported to the building site and which meet structural requirements of the Uniform Building Code and which are finished with exterior building material that is typical of permanent residential buildings.

NON-CONFORMING USE. A building or structure, or portion thereof, or use of a building or land which does not conform to use regulations for the district in which it is situated, but which is in conformity with said regulations, if any, at the time of its establishment.

OFF STREET PARKING. An area adjoining a building providing for the parking of automobiles which does not include a public street but has convenient access to it.

OFFICE, PROFESSIONAL. A building or space used by persons such as accountants, architects, artists, dentists, designers, engineers, lawyers, physicians, realtors, teachers, and others who, by virtue of training and for license, are qualified to perform services of a professional nature, and where storage of goods and sale of merchandise is minimal and secondary to performance of the service.

OWNER OCCUPANT. means, except as set forth in Subsection (3) of this definition:

1. an individual who:
 - a. possesses, as shown by a recorded deed, fifty (50) percent or more ownership in a dwelling unit; and
 - b. occupies the dwelling unit with a bonafide intent to make it his or her primary residence; or
2. an individual who:
 - a. is a trustor of a family trust which:
 - i. possesses fee title ownership to a dwelling unit;
 - ii. was created for estate planning purposes by one (1) or more trustors of the trust; and
 - b. occupies the dwelling unit owned by the family trust with a bonafide intent to make it his or her primary residence. Each living trustor of the trust shall so occupy the dwelling unit except for a trustor who temporarily resides elsewhere due to a disability or infirmity. In such event, the dwelling unit shall nevertheless be the domicile of the trustor during the trustor's temporary absence.
3. A person who meets the requirements of Subsections (1) and (2) of this definition shall not be deemed an owner occupant if the property on which the dwelling unit is located has more than one (1) owner and all owners of the property do not occupy the dwelling unit with a bona fide intent to make the dwelling unit their primary residence.

- a. A claim that a person is not an owner occupant may be rebutted only by documentation, submitted to the Planning and Zoning Department, showing that the person who occupies the dwelling unit has a bona fide intent to make the dwelling unit his or her primary residence as indicated by the following documents which show such person:
 - i. is listed as a primary borrower on documents for any loan presently applicable to the property where the dwelling unit is located;
 - ii. has claimed all income, deductions, and depreciation from the property on his or her tax returns for the previous year;
 - iii. is the owner listed on all rental documents and agreements with tenants who occupy the dwelling unit, including any accessory apartment;
 - iv. is the owner listed on all insurance, utility, appraisal, or other contractual documents related to the property; and
 - v. is a full-time resident of Utah for Utah State income tax purposes.
- b. Any person who claims to be an owner of the dwelling unit, but who does not occupy it, shall provide documentation to the Planning and Zoning Department which shows such person:
 - i. has not claimed any income, tax deduction, or depreciation for the property on the person's tax returns for the previous year;
 - ii. is not listed as an owner on any rental document or agreement with any tenant who occupies the dwelling unit, including any accessory apartment; and
 - iii. is not listed as an owner on any insurance, utility, appraisal, or a agreement related to the property.
- c. Any person, or group of persons, who fails, upon request of the Planning and Zoning Department, to provide any of the documents set forth in Subsections (3)(a) or (3)(b) of this definition or who provides a document showing that ownership of a dwelling unit is shared among persons who do not all occupy the dwelling unit shall mean for the purpose of this Title that such person or persons shall not be deemed an "owner occupant" of the dwelling unit in question.

OPEN SPACE. The use of land which leaves soil generally undisturbed and upon which natural vegetation, whether or not native to the area, occupies the major visible aspect of the land.

PERMITTED USE. A use of land for which no conditional use permit is required.

PRIMARY USE. The main use to which the premises is devoted and the primary purpose for which the premises exists. An ancillary use's square footage shall not exceed the primary use's square footage.

PUBLIC USE. A use operated or supervised exclusively by a public body, such use having the purpose of serving the public health, safety, or general welfare, and including uses such as public schools, parks, playgrounds, and other recreational facilities, administrative and service facilities, and public utilities.

QUASI PUBLIC USE. A use operated by a private non-profit educational, religious, recreational, charitable or philanthropic institution, having the primary purpose of serving the general public, such as churches, private schools, hospitals and similar uses.

REASONABLE ACCOMMODATION. A reasonable change in any rule, policy, practice, or service necessary to afford persons with a disability equal opportunity to use and enjoy a dwelling when compared to similarly-situated persons or groups.

RECREATION, PUBLIC. Recreation facilities operated by a public agency and open to the public with or without a fee.

RESIDENCE. A dwelling unit where an individual or family is actually domiciled at a given point in time and not a place of temporary sojourn or transient visit. Temporary sojourn or transient visit shall be thirty (30) days or less.

RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY. A residence in which no more than eight (8) unrelated persons with a disability resides and which is:

1. Licensed or certified by the Department of Human Services under Title 62A, Chapter 2, of the Utah Code, Licensure of Programs and Facilities; or
2. Licensed or certified by the Department of Human Health under Title 26, Chapter 21, Health Care Facilities Licensing and Inspection Act.

RETAINING WALL. Any structure designed to resist the lateral displacement of soil or other materials. Examples include block walls, rock walls, concrete walls and segmented walls. A retaining wall is not considered a fence.

SHORT TERM RENTAL. Temporary lodging or place of stay that is rented (including but not limited to: hotels, motels, bed and breakfast, boarding houses, etc.) for a period of thirty (30) consecutive days or less.

SIGN. Any device for visual communication to the public displayed out-of-doors, including signs painted on exterior walls, and interior illuminated signs, to be viewed from out-of-doors, but not including a flag, badge, or ensign of any government or government agency.

STREET, PUBLIC. A thoroughfare which has been dedicated and accepted by proper public authority (or abandoned to the public) or a thoroughfare not less than twenty-four (24) feet wide which has been made public by right of use and which affords the principal means of access to abutting property.

STRUCTURE. Anything constructed, the use of which requires fixed location upon the ground, or attached to something having a fixed location upon the ground, and which creates an impervious material on or above the ground; definition includes "building."

YARD. A required space on a lot other than a court, unoccupied and unobstructed from the ground upward, by buildings, except as otherwise provided herein.

YARD, FRONT. A space between the front of the main building on a lot and the front lot line or line of an abutting street or right-of-way and extending across the full width of a lot. The depth (or setback) of the front yard is the minimum distance between the front lot line, and the front-most part of the primary structure of the nearest main building at the foundation level. (Primary structure includes overhangs, porches, and decks).

YARD, REAR. A space between the back wall of the nearest main building extending the full width of the lot and the lot line that is most distant from, and is most nearly parallel with, the front lot line. If the rear lot line is less than ten feet (10') in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a ten foot (10') line parallel to the front line, lying wholly within the lot for the purpose of establishing the minimum rear yard. The depth (or setback) of the rear yard is the minimum distance between the rear lot line and the rearmost part of the primary structure of the nearest main building at the foundation level.

(Primary structure includes overhangs, porches and decks. See drawing in Appendix A). (Ord. 2004-13, 9/28/04)

YARD, SIDE. A yard that is neither a front yard nor a rear yard. The depth (or setback) of the side yard is the minimum distance between the side lot line and the nearest part of the primary structure of the nearest main building at the foundation level. (Primary structure includes overhangs, porches and decks).

ZONING LOT (Ord. 94-02, 2/8/94). A lot or parcel of land which:

1. Meets all area (lot size), frontage (width), setback (yard), and other zoning requirements applicable within the zone in which it is located;
2. Abuts upon and has direct access to a street which has been dedicated to the City or otherwise accepted by the City as a City Street;
3. Is served by the minimum level of improvements required for issuance of a building permit or for which the construction of the minimum level of improvements is secured through the posting of a performance guarantee; and
4. Is shown as a separate lot on the final plat of a subdivision or similar development, which has been approved in accordance with the applicable ordinance, or is legally exempted from compliance with said ordinance. A parcel which is part of an unapproved or illegal subdivision shall not qualify as a zoning lot.

(Amended by Ord. 2004-14 on 9/28/04; Ord. 2009-16, 10/13/09; Ord. 20011-06, 03/08/11; Ord. 2011-12, 10/25/11; Ord. 2014-11, 6/24/14; Ord. 2015-02, 02/10/15; Ord. 2015-07, 05/26/15)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Lon Lott	_____	_____	_____	_____
Gregory Gordon	_____	_____	_____	_____
Jason Thelin	_____	_____	_____	_____
Jessica Smuin	_____	_____	_____	_____
Kelli Law	_____	_____	_____	_____

Presiding Officer

Attest

Carla Merrill, Mayor, Alpine City

Bonnie Cooper, City Recorder Alpine
City

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Public Hearing – Concept Plan – Three Falls Upper Parking Lot

FOR CONSIDERATION ON: 15 March 2022

PETITIONER: Mayor Merrill

ACTION REQUESTED BY PETITIONER: Recommend approval of the proposed parking plan.

BACKGROUND INFORMATION:

It is proposed that additional upper parking be approved for the Three Falls Subdivision. The proposed parking lot would provide an upper access point and trailhead to the Three Falls trail system.

The proposed parking lot includes 20 parking stalls and is accessed via an 18-foot-wide driveway off Three Falls Drive. The parking would be just south of the pond.

All improvements to public open space require a recommendation from the Planning Commission and a supermajority vote of approval from the City Council (3.16.040).

STAFF RECOMMENDATION:

Hold a public hearing and make a recommendation to the City Council.

SAMPLE MOTION TO APPROVE:

I move to recommend that the proposed parking plan be approved as proposed.

SAMPLE MOTION TO APPROVE WITH CONDITIONS:

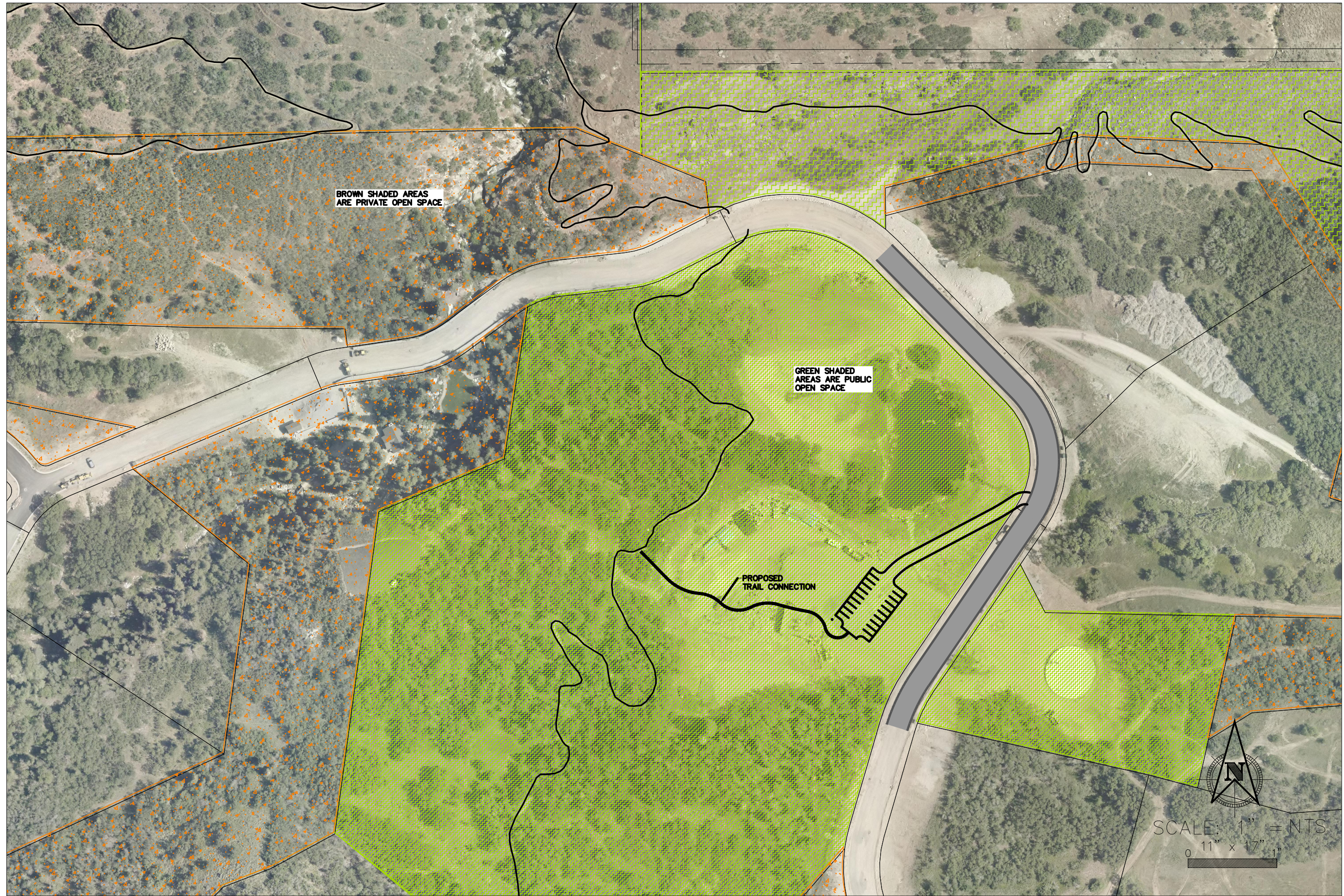
I move to recommend that the proposed parking plan be approved with the following conditions:

- ***Insert Finding***

SAMPLE MOTION TO TABLE/DENY:

I move to recommend that the proposed parking plan be tabled (or denied) based on the following:

- ***Insert Finding***



REMARKS

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

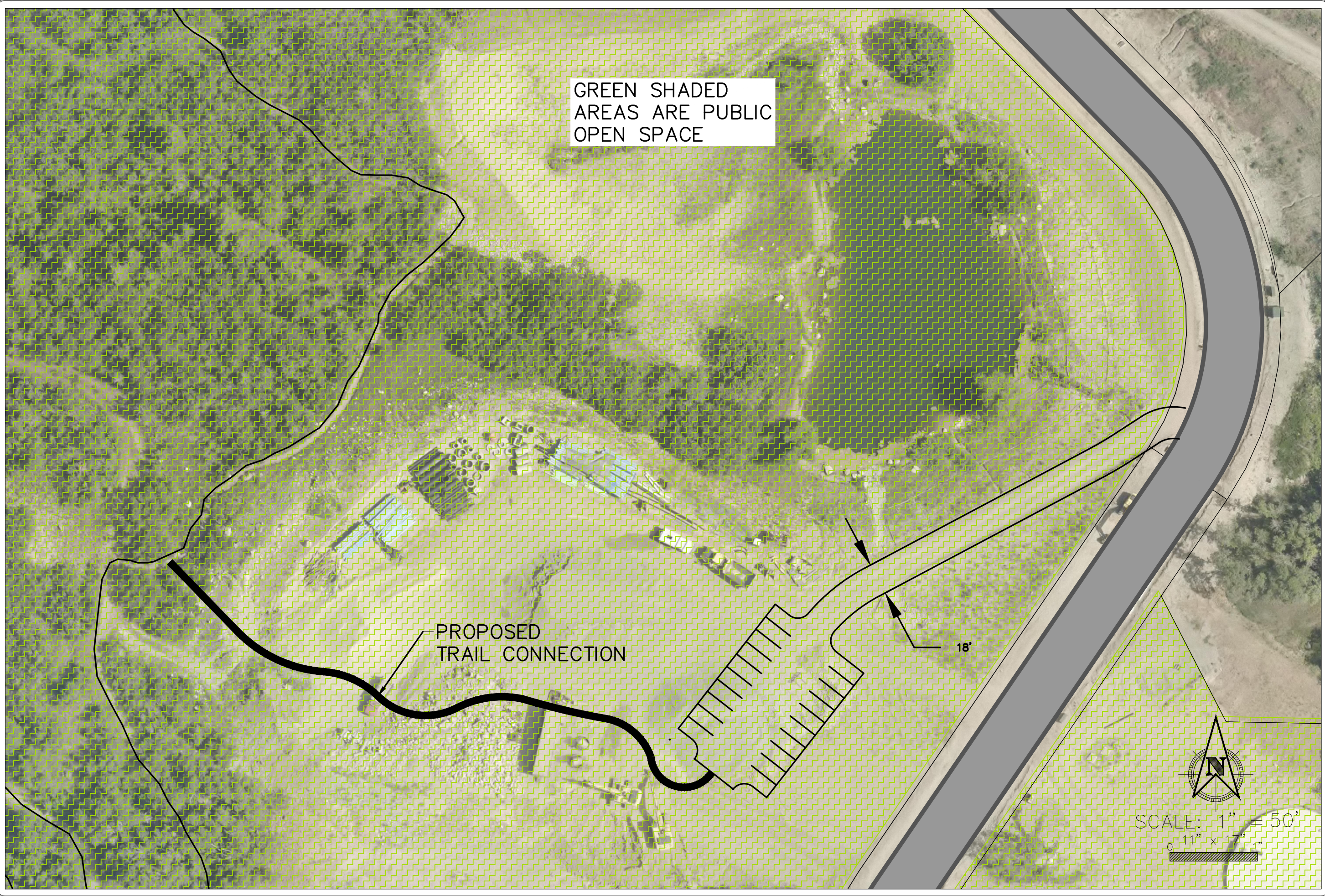
CONCEPT UPPER PARKING
THREE FALLS

Overall View

Engineering File
Number: —

Drawing: —

Sheet: 1 of 1



REMARKS

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

CONCEPT UPPER PARKING
THREE FALLS

Plan View

Engineering File
Number: —

Drawing: —

Sheet: 1 of 1

3.16.040 Special Provisions

1. All public parks in the City of Alpine as noted on the attached map, hereby made a portion of this Ordinance, are included in this Zone and are subject to all of the provisions of this Zone.
2. Land included in these parks shall not be materially changed, improved, altered, disposed of in any manner or used for any other purpose except after a recommendation of the Planning Commission following a public hearing and by a super majority vote of the City Council (4 positive votes out of 5 City Council members are required). A material change shall include, but is not limited to, a change to the park's present and essential defining characteristics, creation of or improvement of roadways or parking lots within the park.

(Ord. 1998-20, 11/24/98; amended Ord. 2007-12, 08/14/07; Ord. 2016-07, 07/26/16; Ord. 2016-24, 11/09/16)

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Public Hearing – Pickleball Considerations and Concept Plan –
Burgess, Creekside, and Healey Parks

FOR CONSIDERATION ON: 15 March 2022

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Make a recommendation
regarding pickleball courts and
the location of a new pavilion.

BACKGROUND INFORMATION:

In November of 2020 the City Council approved pickleball courts, a pavilion and playground at Healey Park. Since that time, the City Council has considered changing the overall plans for Healey Park and for the City's pickleball courts in general.

All improvements to public open space require a recommendation from the Planning Commission and a supermajority vote of approval from the City Council (3.16.040).

Staff is now seeking approval for improvements to Healey Park. Specifically, the location of the approved pavilion. Also, staff is seeking a decision on additional pickleball courts, whether that be to install new courts at Healey Park, or to modify existing tennis courts at either Burgess Park and/or Creekside Park.

STAFF RECOMMENDATION:

Staff recommends approving the proposed pavilion location at Healey Park and that a recommendation be made regarding additional pickleball courts.

SAMPLE MOTION TO APPROVE:

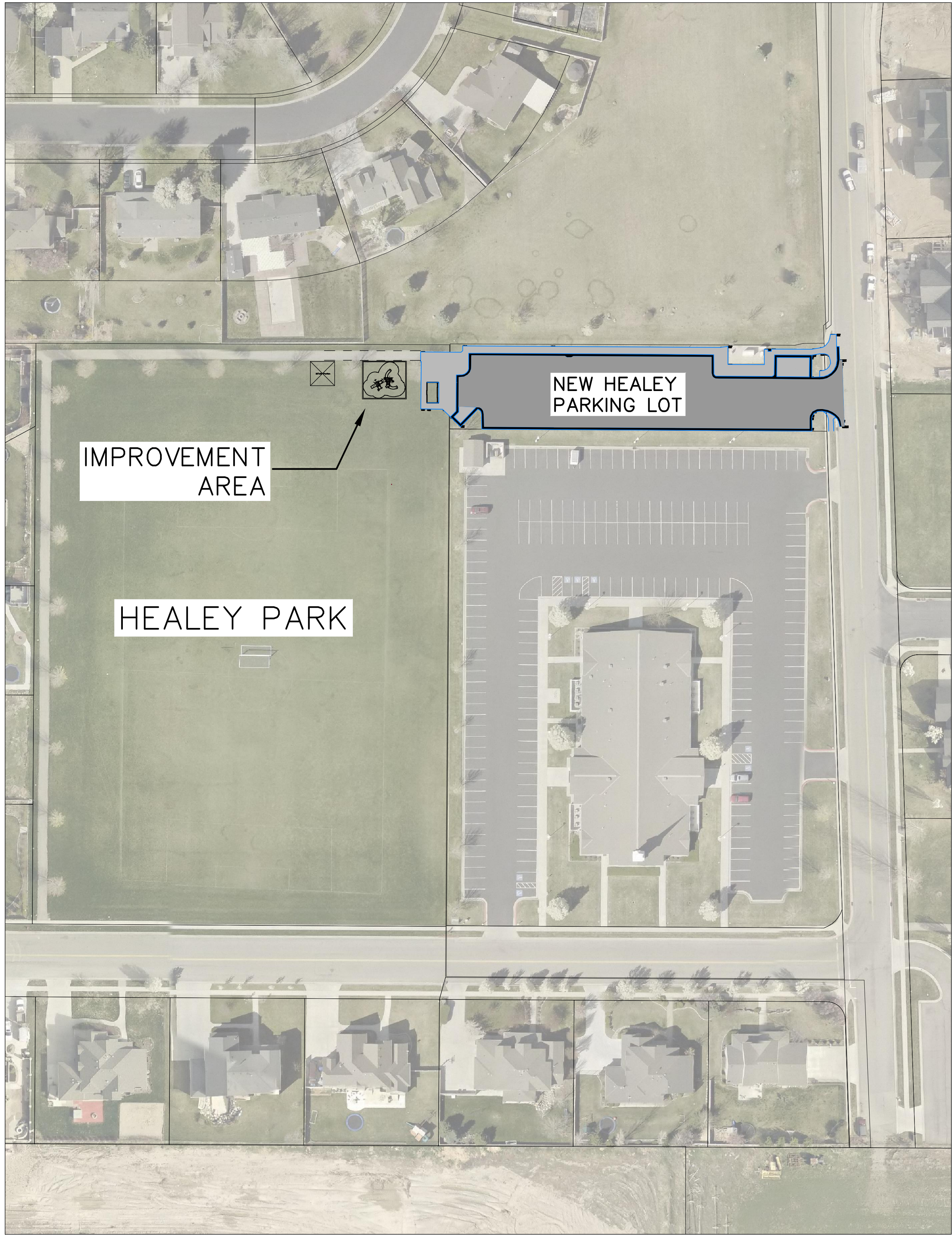
I move to recommend that the improvements to Healey Park be approved as proposed and recommend that pickleball courts be:

- ***Insert Finding***

SAMPLE MOTION TO TABLE/DENY:

I move to table/deny the proposed improvements and pickleball considerations based on the following:

- ***Insert Finding***



OVERALL VIEW
(not to scale)



DETAILED VIEW
(not to scale)

REMARKS

1.

HEALEY PARK
IMPROVEMENTS
2022

Engineering File
Number:

Drawing: ##

Sheet: # of ##



Creekside Park



3.16.040 Special Provisions

1. All public parks in the City of Alpine as noted on the attached map, hereby made a portion of this Ordinance, are included in this Zone and are subject to all of the provisions of this Zone.
2. Land included in these parks shall not be materially changed, improved, altered, disposed of in any manner or used for any other purpose except after a recommendation of the Planning Commission following a public hearing and by a super majority vote of the City Council (4 positive votes out of 5 City Council members are required). A material change shall include, but is not limited to, a change to the park's present and essential defining characteristics, creation of or improvement of roadways or parking lots within the park.

(Ord. 1998-20, 11/24/98; amended Ord. 2007-12, 08/14/07; Ord. 2016-07, 07/26/16; Ord. 2016-24, 11/09/16)

be doable for the trail. Paul Anderson said he had met with Will Jones previously and he gave him an estimate of \$12,000.00 - \$15,000.00 to build the trail. He said he has already put in \$47,000.00 into the trail. He said he feels like he has already participated by flattening the area out and cleaning it out and creating an access point.

Greg Gordon said he think some good points have been made regarding the Historic Gateway. He said he attended a Utah state seminar on research landscapes, and it was on creating a sense of place, one of their practices is that they consult with cities. He said he thought Nick Greer, local designer in Alpine, would be a good person to contact for design ideas. He said he believe the building is not far off what would be a good design for the area and consistent with what has been coming along. He said these are some of his thoughts on how to better set the city's design standard in the future.

Jessica Smuin said she would like to see the building align more with the Gateway Historic elements. She said the city needs to make sure it has the flexibility and has access to the property to put in the trail later. She said she would like the building to move away from the modern elements. She feels it would be the most modern building on Main Street, which is very different than other structures. Mayor Troy Stout said he hoped the trail and the Historic Gateway will be mentioned in the council's motion. Lon Lott said he would like the city attorney's opinion on these things that have been proposed such as easements etc. Steve Doxey said he said he thinks it is well within the city's prerogative, but he did not know what the city ordinance said exactly. He would feel more comfortable if the council were to table the motion, he could review the city ordinance and he could discuss it at the next meeting.

Motion: Carla Merrill moved to table The Alpine Fitness Center and send the proposal back to the Planning Commission and request that they compare it to the gateway historical document and make sure the elements of the buildings fit within those specifications. Jessica Smuin seconded the motion. There were 4 Ayes and 1 Nays, as recorded below. The motion passed.

<u>Ayes</u>	<u>Nays</u>
Carla Merrill	Lon Lott
Jessica Smuin	
Greg Gordon	
Jason Thelin	

Jason Thelin said he thinks Paul Anderson has put together a beautiful building but disagrees with Austin Roy when it comes to the northside of the building's metal side not being viewed from the street. He said he believes it should have other material to break the metal up. He said he thinks the building looks too much like a warehouse.

Carla Merrill said should the motion include an easement for the trail and funds set aside for the trail with the building approval. Mayor Troy Stout said the design of where the trails go will be up to the Planning Commission and the funding will be up to the City Council. Lon Lott said throughout the years "historical" has fluctuated depending on personal preferences and personal bias. He said some people prefer Park City vs. a Nephi look and vice versa. He said he listened to the Planning Commission and they are seven people with seven preferences. He said he disagreed in pushing this item back to the Planning Commission. Mayor Troy Stout said the city has already established a Historic Gateway document for the Planning Commission and City Council.

Shane Sorensen suggested to Mayor Troy Stout that before the next meeting when it comes to the trails that the city have the attorney look into a solution. Steve Doxey, City Attorney team member, said he has some solutions that he might propose but he does not want to do so uninformed. He said he would like to discuss it with staff.

E. Approval of Healey Park Improvements – Pickle Ball, Pavilion and Playground

a. Playground Purchase for Healey Park

Shane Sorensen said this item was taken to the Planning Commission for a public hearing because of the city ordinance regarding public open space. He said the City Council has been discussing the need for additional pickleball courts based on recent public feedback and comments. In addition to four pickleball courts, other improvements are recommended for Healey Park, including: a new 20 X 20 pavilion and playground. He said David Jossey, Northern Utah County Soccer, told him that the soccer field will fit in the area proposed.

Shane Sorensen said included in the packet is a quote for the proposed playground \$36,000.00. He said if the city were to purchase the playground before the end of 2020 the city would get a better price. He said staff recommends the playground be purchased this fall and installed next spring. He said the entire cost is estimated for all aspects of the park will be about \$190,000.00 including the playground.

The Planning Commission has held a public hearing and recommends approval:

MOTION: Ethan Allen moved to recommend that the Healey Park updates be approved as proposed. Ed Bush seconded the motion. There were 6 Ayes and 1 Nays (recorded below). The motion passed.

Ayes:

Alan MacDonald
Jane Griener
Ed Bush
Ethan Allen
Troy Slade
John MacKay

Nays:

Sylvia Christiansen

Mayor Troy Stout asked what type of fence will be installed around the pickleball courts. Shane Sorensen said he has spoken with Miles Menson from the tennis company and he recommended a eight foot fence in that location because of the wind. He said the fence would all be chain-link, along with wind screens that attach to the chain-link fence. Mayor Troy Stout said the fencing will not only help with the pickleball users but also the soccer players. Greg Gordon asked if there would be a gate on the southside. Shane Sorensen said it would be good idea to put a gate on both sides. Greg Gordon said putting lights on the courts make them about twice as useful depending on the time of year. He said at Burgess Park the pickleball courts are very busy in the evenings and it is a good idea to put in lights now versus later. Shane Sorensen said lights are included in the plan and cost estimate for this park. Mayor Troy Stout said the city needs to be cautious about the light in respect to the neighboring homes. Shane Sorensen said the city has a two-week-old ordinance regarding lighting that the city will have to abide by. Lon Lott suggested having the lights shut off at 10:00 pm. Greg Gordon agreed with Lon Lott and said he believe 10:00 pm was the shut off time for the lights at Burgess Park. Shane Sorensen said it will be a 10:00 pm shut off time. Lon Lott asked if city staff would be addressing the irrigation issue will it be taken care of because of this modification or is that going to be part of the bid. Shane Sorensen said city staff would be taking care of the irrigation issue.

Motion: Carla Merrill moved to approve the pickleball courts at Healey Park Improvements as outlined. Jason Thelin seconded the motion. There were 5 Ayes and 0 Nays, as recorded below. The motion passed unanimously.

Ayes

Carla Merrill
Jessica Smuin
Greg Gordon
Lon Lott
Jason Thelin

Nays

Shane Sorensen asked Mayor Troy Stout if the council could make a motion to approve the purchase of the playground equipment.

Motion: Greg Gordon to approve the purchase of the new playground at Healey Park as proposed. Lon Lott seconded the motion. There were 5 Ayes and 0 Nays, as recorded below. The motion passed unanimously.

Ayes

Carla Merrill
Jessica Smuin
Greg Gordon
Lon Lott
Jason Thelin

Nays

F. Lambert Park Kiosk/Building

Shane Sorensen said the City Council has been discussing the need for a new structure in Lambert Park. He said the staff is still working with the legal counsel on building types in relation to forest service rules and regulations. He said the structure would help deter shooting in the area and provide a new park amenity for residents to enjoy. He said the Planning Commission held a public hearing and recommends approval of the new building site:

MOTION: Ed Bush moved to recommend that the proposed site for a new building in Lambert Park be approved as proposed.

Troy Slade seconded the motion. There were 7 Ayes and 0 Nays (recorded below). The motion passed unanimously.

Ayes:

Alan MacDonald
Jane Griener

Nays:

None

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Planning Commission Minutes March 1, 2022

FOR CONSIDERATION ON: 15 March 2022

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Approve Minutes

BACKGROUND INFORMATION:

Minutes from the March 1, 2022 Planning Commission Meeting.

STAFF RECOMMENDATION:

Review and approve the Planning Commission Minutes.

ALPINE CITY PLANNING COMMISSION MEETING
Alpine City Hall, 20 North Main, Alpine, UT
March 1, 2021

I. GENERAL BUSINESS

A. Welcome and Roll Call: The meeting was called to order at 7:00 p.m. by Chair Jane Griener.
The following were present and constituted a quorum:

Chair: Jane Griener

Commission Members: Alan MacDonald, John MacKay, Ethan Allen, Susan Whittenburg

Excused: Troy Slade, Jeff Davis

Staff: Jed Muhlestein, Austin Roy, Marla Fox

B. Prayer/Opening Comments: Alan MacDonald

C. Pledge of Allegiance: Jane Griener

II. PUBLIC COMMENT

Tatianna Lindsley at 340 Carlisle Road, would like the Planning Commission to hold another Public Hearing on the Canyon Crest Road Widening Project. She said many residents did not know about the Public Hearing and would like a chance to comment on it.

Landon Bye at 341 Allegheny Court, said he was upset last week when he learned about the Canyon Crest Road Project. He is upset that his neighborhood didn't know about the meeting and found out about it from Highland City neighbors. He said it was poor form that citizens were not given notice about the Public Hearing. He said the citizens get plenty of notices about watering their lawn, but nothing about this major road project. He said high school students are going to have to cross three lanes just to get to the school.

III. REPORTS AND PRESENTATIONS

None

IV. ACTION ITEMS

A. Site Plane – Ezra Lee Design Studio – 95 W Canyon Crest Road

Austin Roy explained that the applicant is seeking to modify the old car wash on Canyon Crest Road and build a new design studio for Ezra Lee Design + Build. The site is located within the Business Commercial Zone and the Gateway Historic District. Total square footage of the proposed building is approximately 12,631 square feet. The overall size of the property is 0.6 acres. The developer is seeking approval of the proposed site plan.

Austin Roy said there will be twenty-four parking stalls. The code requires three and a half parking stalls for every 1000 feet. That would be over forty parking stalls which is overkill and not needed. Austin Roy said they will need an exception for the parking. He said they will also need an exception to park in the front setback area.

Austin Roy said there are no residents next to them, so no screening is required. They will be required to have twenty percent landscaped. Thirty two percent is already landscaped so that meets the requirement already. They will be required to provide a trash dumpster. The height meets the height requirement.

1 Jed Muhlestein because this is an existing site, it already has utilities in place, they already have lighting,
2 and just need one ADA parking stall and get it painted.

3 Ezra Lee, 363 S Main Street, said his office is growing and he has a need for an operations expansion for
4 furnishings. He will house retail furniture until it is ready to ship. He will display tiles and supplies in
5 this space.

6 Jane Griener asked how the furniture delivery would work. Ezra Lee showed on his rendering how trucks
7 will pull up to a garage bay and unload furniture on the ground level. He thought deliveries would start
8 off at once a week and then as it grows, it could be up to three times a week.

9 Jane Griener asked how many employees would work there and if people would shop there. Ezra Lee
10 said he would have about four people work there and there would be some retail shopping with certain
11 clients by appointment only.

12 Ezra Lee said he will pull the roof off the cement block and build the building on top of the block stalls to
13 maintain the history and to create furniture vignettes.

14 Susan Whittenburg said she has an office close by this area. She said she is concerned about the parking
15 because you always need more, snow piles up, busses come by and cause congestion. She said it is
16 narrow on Canyon Crest and is concerned about street parking as well.

17 Ezra Lee said the vacuums will be gone to create more room. He said his business will be needed more
18 for storage for furniture and not so much retail. He said his business is more of a warehouse. The code
19 states one parking space for every two employees. He said in his case, he doesn't think the three and a
20 half stalls per 1000 feet applies to him.

21 Alan MacDonald said Mr. Lee doesn't need an exception if we use a different code for this building.
22 Austin Roy said if the building doesn't fit the description of the ordinance, the Planning Commission will
23 decide on what the use is and what the parking needs to be.

24 Ethan Allen said commercial buildings are usually not classified as two different things. It's either a
25 warehouse, or retail.

26 Ezra Lee said this project is mixed use. There are combinations of different buildings such as a business
27 on the bottom and residential on the top.

28 John MacKay said he is concerned if the building gets sold down the road and the parking might not be
29 enough for a different use. Austin Roy said we would look at the new business and parking at that time to
30 see if their business had enough parking.

31 Ethan Allen said he thinks twenty-four parking stalls is enough for this use. He would just want to make
32 sure if a different business came in, we looked at the parking again to see if the new business had enough
33 stalls.

34 Ezra Lee showed his design materials. He would use wood, corrugated steel, glass and stucco.

Alan MacDonald asked how a truck would be backed up into the parking lot. Ezra Lee said the truck will pull forward and then back into the parking lot. Jane Griener said it would be best to schedule deliveries when busses were not present. Ezra Lee said the trucks are not large freight trucks. Most of the trucks will be box trucks.

Ezra Lee said he could take out some landscaping if he needed to add more parking spaces.

The Planning Commission had a discussion about what use to apply to this building. They also said the building is a huge upgrade. Jane Griener said there are some safety issues because of the school traffic, kids, and busses. She said she wasn't sure if in the future the parking will be enough and if this business grows, maybe he could repurpose his other building to take some of this new business.

Austin Roy said he thought the parking was sufficient. Jed Muhlestein said if there are only a couple of employees, going off the square footage doesn't seem fair. He said the ordinance states a business has to provide an off-street space to unload the truck, it doesn't say you need a circular drive or anything like that.

Susan Whittenburg asked if Mr. Lee had any control of when the trucks made deliveries. Mr. Lee said he did have control.

MOTION: Commission Member Alan MacDonald moved to recommend that the site plan for the Ezra Lee Design Studio be approved with the following conditions/changes:

- An exception be granted to require no more than 24 off street parking stalls.
- An exception be granted to allow parking in the front setback area as proposed.
- Parking striping be required, including one ADA designated stall.
- Retail space restricted to 3000 square feet, office space to 3000 sq ft, 6630 sq ft of industrial space

John MacKay seconded the motion. There were 5 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Alan MacDonald
Jane Griener
Ethan Allen
John MacKay
Susan Whittenburg

Nays:

IV. COMMUNICATIONS

Alan MacDonald said citizens should be notified for Public Hearings. Austin Roy said we weren't required to send out notices for this road change. He said it was on the website, posted at city hall, on the state site, and said staff has been in talks with the mayor about this issue. Ethan Allen said most of this first phase is on the Highland side and that's why their residents were notified. Austin Roy said we can do better.

Alan MacDonald said he and Jeff Davis are on the Lambert Park Conservation Easement Committee. He said they are looking at different ways to preserve Lambert Park. Option A is a Conservation Easement, Option B is no Conservation Easement and look at how we preserve Lambert Park without the easement.

Austin Roy said the city will be working on a new website because it needs to be updated. He said he will be over seeing it.

V. APPROVAL OF PLANNING COMMISSION MINUTES: February 15, 2022

MOTION: Commission Member Ethan Allen moved to approve the minutes for February 15, 2022, as written

Susan Whittenburg seconded the motion. There were 5 Ayes and 0 Nays (recorded below). The motion passed unanimously.

Ayes:

Alan MacDonald
Jane Griener
Ethan Allen
John MacKay
Susan Whittenburg

Nays:

MOTION: Commission Member Alan MacDonald moved to adjourn the meeting.

John MacKay seconded the motion. There were 5 Ayes and 0 Nays (recorded below). The motion passed unanimously.

Ayes:

Alan MacDonald
Jane Griener
Ethan Allen
John MacKay
Susan Whittenburg

Nays:

The meeting was adjourned at 8:24 p.m.