

May 17, 2005

Minutes of the Alpine City Planning Commission meeting held May 17, 2005 at Alpine City Hall. The meeting was called to order at 7:00 pm by Chairman Jannicke Brewer. The following commission members were present:

Chairman Jannicke Brewer

Commission Members: Jim Tracy, Thomas Whitchurch, Dale Porter, Mike Mickelson, Phil Andrus, Steve McArthur.

Staff: Charmayne Warnock, Rachel McTeer, Ted Stillman, Jay Healey, Shane Sorensen

Others: Ray Paskett, Steve Frandsen, Susan Frandsen, Craig Skidmore, Ann Paskett, Julie Yarbrough, Brook Rice – AYC, Kathy Tenney, Scott Tenney, Garrett Tenney, John Paskett, Paul Fjelstead, Eric Fjelstead, Aaron Fjelstead, Michael Porter, Ariel Brown, Dennis Smith, Valoy Smith, Mike Christensen, Tyler Kirkham, Taylor Smith, Stephen Sowby, Matt Rasband

The prayer was offered by Dale Porter.

Jannicke Brewer welcomed Boy Scout Troop #808.

**1. PUBLIC COMMENT:** Eric Fjelstead of Scout Troop #1104 said he lived in the Twin River Subdivision by Dry Creek. He said he would like to do an Eagle Scout project which consisted of clearing fallen trees out of the open space and making them into benches to put on the trail. He also planned to clear up the trash along the trail. Craig Skidmore said the Trail Committee was supportive of the project. Thomas Whitchurch asked Eric Fjelstead to take the project to the City Council for the next meeting.

Aaron Fjelstead asked what progress was being made on the skate park. Ted Stillman said the City was in the process of acquiring some land for another park. There was a possibility it could be located there.

## **2. CONDITIONAL USE PERMITS FOR HOME OCCUPATIONS:**

**Alpine Excavation – 402 W. 800 S. – Steve Frandsen:** Mr. Frandsen requested a permit for a home business in which he took orders for Badger backhoes, which were very small, towable pieces of equipment. He would keep one at his home for customers to look at before placing an order. The backhoes were manufactured in Idaho. Mr. Frandsen would pick them up and deliver them to the customer.

**Gift Baskets by Elizabeth – 105 Himalaya Court – Elizabeth Thompson:** Ms. Thompson requested a permit for her business of delivering gift baskets which were ordered via the internet. No customers would visit the home.

**MOTION:** Jim Tracy moved to approve conditional use permits for home occupations to Steve Frandsen dba Alpine Excavation at 402 W. 800 S. and Elizabeth Thompson dba Gift Baskets by Elizabeth at 105 Himalaya Court. Dale Porter seconded. Ayes: 5 Nays: 0. Motion passed. Steve McArthur was not present at the time of the motion.

**3. GENERAL PLAN:** Rachel said the visioning process on the General Plan with the City Council was very productive. The next step was to decide on what questions would be included in the survey. She said it was decided that a longer, more detailed survey would be appropriate. The Planning Commission reviewed the first 30 questions on the survey.

**4. PASKETT SUBDIVISION – PRELIMINARY APPROVAL – RAY PASKETT:** Rachel McTeer said that according to the new LUDMA ruling by the Utah State Legislature, cities would be required to hold a public hearing before granting final approval on new subdivisions. Therefore,

a public hearing on the Paskett Subdivision was needed before granting final approval. Notification could be a sign posted on the property at least three days prior to the public hearing.

The Paskett Subdivision was a six-lot, in-fill subdivision located in the TR-10,000 zone at approximately 500 N. Main Street. The City Engineer had reviewed the preliminary plat and recommended approval subject to a number of conditions which the Planning Commission reviewed and included in the motion.

There was a discussion about restricting access from lots 3 and 4 to the adjacent cemetery. The developer said he didn't plan to put up a fence. They would just put a note on the plat that restricted access.

Steve McArthur said that if they were serious about restricting access, a note on the plat would probably not be effective. If a fence was constructed, it should be the responsibility of the developer. He questioned why they needed to restrict access.

Shane Sorensen said the City did not want vehicular access into the cemetery. They wanted to avoid having construction equipment encroach on the cemetery, and also other possible encroachments from property owners.

Ray Paskett said the name of the cul-de-sac would be changed from Paskett Court to Sledhill Road.

**MOTION:** Dale Porter moved to grant preliminary approval to the Paskett Court Subdivision with the following conditions:

1. A minor boundary change was made on the east boundary of the development to straighten out the boundary line. A boundary line agreement would need to be provided to the City by the developer and presented to the City Council.
2. The note concerning public utility easements needed to state "Public Utility and Drainage Easements."
3. A note be added to the plat restricting vehicular access from the east for lots 3 and 4, and that a fence be provided.
4. A dimension needed to be shown for the storm drain easement on lot 6 to identify how far north of the property line the storm drain easement began.
5. The street name, Sledhill Road, be added to the plat.
6. Lots 4 and 5 have the required frontage at the property line (60'). They needed to meet the 90-ft. frontage requirement at the 30-ft. setback.
7. The radius on C10 was listed in the curve table as 60 feet. The actual radius appeared to be 15 feet.
8. The City's water policy be met with Alpine Irrigation Company shares.
9. The redlines on the plat and construction drawings be corrected.

Steve McArthur seconded. Ayes: 6 Nays: 0. Motion passed.

**MOTION:** Jim Tracy moved to set a public hearing on Paskett Court for the next Planning Commission meeting. Dale Porter seconded. Ayes: 6 Nays: 0. Motion passed.

##### **5. WHISPERING PINES SENIOR HOUSING SUBDIVISION – PRELIMINARY**

**APPROVAL - MICHAEL PORTER:** Rachel McTeer said Michael Porter had received concept approval for Whispering Pines on November 4, 2003 but it had expired because concept approval was only good for 6 months. A motion would need to be made to extend concept approval. In

addition, the City Council still needed to approve the overlay zone for the senior housing development. The City Council had already given permission for Michael Porter to move forward with his senior housing project.

One of the main issues was approval of the CC&Rs, which had been adapted from Paradise Cove Senior Housing CC&Rs. The Planning Commission also needed to determine if the side setbacks for lots 1 and 5 were acceptable.

There was a lengthy discussion about the trees located in the sight triangles. Shane Sorensen said that even though it was a private lane, the sight triangles needed to be kept clear as a safety consideration, especially since there would probably be more pedestrians in the area with five times the traffic.

Michael Porter said he would eliminate two of the trees and move the other two outside the sight triangle.

Shane Sorensen said FEMA was updating the flood plain map and it would supersede previous letters of map amendment. He said Michael Porter had received a letter of map amendment at the concept stage. The new map may affect whether there could be basements in the units because of the flood plain elevations. He said they would have a definite answer by the next meeting.

Dale Porter noted that the basements looked like accessory apartments. That was a problem because the overlay zone specifically forbade accessory apartments. Michael Porter said the basements had stoves and refrigerators in case older children were visiting their parents and needed a place to stay. He said he didn't intend the basements to be rented as accessory apartments, and he understood that accessory apartments were not allowed. But owners could rent the main dwelling if they wanted. The CC&Rs stated that 80% of the units were to be occupied by people 55 years and older. Children under 18 may not live there.

The trash cans were private and would be wheeled out to the street rather than having a common dumpster.

**MOTION:** Dale Porter moved to extend concept approval for Whispering Pines to May 17, 2005 and grant preliminary approval to Whispering Pines subject to the following conditions.

1. An erosion control plan needed to be submitted. In addition, a UPDES permit would be required for construction on the site.
2. A letter of map amendment was obtained from FEMA which removed the property from the floodplain. However, due to the base flood elevations, basements might not be allowed in the development pending additional information from FEMA.
3. The plans proposed a residential type driveway approach to the private street. The existing concrete sidewalk would need to be removed and replaced with 6-inch thick concrete to withstand the additional traffic.
4. The Public Works Department agreed to allow the option of placing meters in the grass in front of each lot next to the private streets.
5. The trees and shrubs proposed in the landscape plan should conform to the sight triangle requirements of the City.
6. The 10-ft. side yard setbacks for units 1 and 5 would be adequate.
7. The project be limited to a 1-inch irrigation lateral.
8. The proposed source of water rights be stated.

Jim Tracy seconded. Ayes: 6 Nays: 0. Motion passed.

**MOTION:** Dale Porter moved to set a public hearing for Whispering Pines for the next Planning Commission meeting. Jim Tracy seconded. Ayes: 6 Nays: 0. Motion passed.

**6. PIERCE SUBDIVISION – PRELIMINARY APPROVAL - MATT RASBAND:** The Pierce Subdivision consisted of 3 lots on 4 acres with existing homes on lots 2 and 3. It was located off Watkins Lane (600 South) at approximately 1095 East in the CR-20,000 zone. Concept approval was granted on February 15, 2005. A portion of the development was previously approved as the Pierce Subdivision which consisted of one lot on 2.503 acres. The plat had a restriction allowing water to be used on 10,000 square feet. The proposed development would amend the original Pierce Subdivision.

Drainage issues had been one of the main concerns about the proposed development. Jannicke Brewer said she visited the site after the last heavy rainstorm and said she didn't see unusual problems. Shane Sorensen said the developer had plans to bring in fill to alleviate concerns about the unstable hillside.

Steve McArthur asked if there were cross-sections on the fill or any information on what would be used for fill material.

Shane Sorensen said soil testing and fill requirements were usually handled at the building permit stage. Footings needed to be placed on virgin soil. He said Matt Rasband had asked if he could have the option of putting in a retaining wall instead of using fill. The DRC (Development Review Committee) felt that would be acceptable.

**MOTION:** Jim Tracy moved to grant preliminary approval to the Pierce Subdivision subject to the following conditions:

1. The street be constructed to City standards.
2. A separate, recordable easement be provided for the temporary turnaround.
3. The redline changes be made to the storm drain detention basin.
4. The water policy be met for lots 1 and 2 less the portion of water policy that was met for the original Pierce subdivision. The developer needed to state the source of the water rights for the development.
5. The redlined comments on the plat be addressed.
6. The small area that has been excavated be filled to alleviate concerns of an unstable hillside, or there be an engineered retaining wall.
7. The party who submitted for a building permit for lot 1 would be required to submit a plan detailing any soil testing and fill requirements for the grading of the lot.
8. Sidewalk, curb and gutter be constructed along the north side of the street and funds be put in escrow for the temporary turnaround.

Mike Mickelson seconded. Ayes: 6 Nays: 0. Motion passed.

**MOTION:** Jim Tracy moved to hold a public hearing on the Pierce subdivision at the next Planning Commission meeting. Mike Mickelson seconded. Ayes: 6 Nays: 0. Motion passed.

**7. VISTA MEADOW (SUMMIT HILLS) SUBDIVISION RETAINING WALLS – TAYLOR SMITH:** Rachel McTeer said the developer and engineer had submitted drawings of the retaining walls in the proposed development as requested at the previous meeting. Shane Sorensen said there were no cross-sections of roadway cuts and fill at the critical areas.

Steve Sowby said he had submitted a 3D view of the development which was better than a cross-section. He said the retaining walls would be made of the same material as the retaining wall in Falcon Ridge. The developer had looked at the cement blocks discussed in the previous meeting and felt they were too expensive. He would be using angular rock which would be keyed together. The rocks would not be cemented together.

Jannicke Brewer asked how they knew the retaining walls would be adequate.

Steve Sowby said they were doing a special geotech report with an emphasis on the retaining walls. He said the key to the success with retaining walls was the drainage. They needed to keep the water off the wall.

Shane Sorensen said another essential part was the actual construction of the wall. There were problems with the cuts on the Traverse Ridge Road because the geotech standards were not adequate, and a number of cut slopes had fallen into the road. He stated that the walls needed to be built to last. The developer only had to deal with them for a short time. The City would have to be responsible for them forever.

Dale Porter said that the type of material used in retaining walls was also crucial, and recalled the walls in Silverleaf where the rock had crumbled. Steve McArthur said it would be prudent to know what type of rock would be used from what quarry it was obtained.

Steve Sowby said they planned to spend a half million dollars on the retaining walls and expected to do it right.

Mike Mickelson asked if there was a way to drain water from behind the walls. Steve Sowby said they would drain water from behind the walls and also at the top of the slope. The area would be revegetated with native wildflowers and wheat grass so it didn't need to be watered.

Shane Sorensen said that if walls were built, the developer would need to be careful not to over-dig on the first tier or the second tier of retaining wall would be situated on fill. They also needed to consider using guardrails.

Jim Tracy commented the developer and potential buyers needed to be aware that the school bus would not serve the development because the buses did not go on roads that exceed 8% grade.

Kent Fitzgerald said the subdivision plan had changed from the one that was submitted earlier. He said he thought subdivisions weren't supposed to have cul-de-sacs, and asked why the road could not extend over to Matterhorn Drive instead. He said a 50-ft cut would not beautify the community or hillside.

Jannicke Brewer said cul-de-sacs were allowed. According to the ordinance, hillside developments required two accesses. She said other developers had looked at extending a road to Matterhorn but it was too steep.

Julie Yarbrough said he'd just built a home in the area and was told by the realtor that the hills were too steep and no one would be building homes above them. She asked if there was a limit on how high the construction would go. She said that after the 4-inch rain she'd had water flooding into her yard. She didn't want to see increased flooding with further development.

The Planning Commission pointed out that Draper City controlled the land above the proposed development and it was likely that they would approve additional development on the hillsides.

Shane Sorensen said that if the development was done right, it could improve drainage in that area.

Steve McArthur said the storm drains were adequate for handling street water. One of the problems they had on Matterhorn was rain coming off rooftops and draining onto the neighboring property.

Ted Stillman said staff was looking at individual site plans and trying to solve old drainage problems.

Jannicke Brewer told Mrs. Yarbrough that if she was having trouble with flooding from neighboring properties, she should contact the city so they could go look at it.

Scott Tenney said that after the landslide in Cedar Hills, he was nervous about having this development built above his home. He asked what kind of safeguards there were so the City wouldn't approve a development that resulted in the same type of landslide situation.

Shane Sorensen said studies had to be done and the proposal had to be approved by a geotech engineer.

It was pointed out that the development in Cedar Hills had been approved by a second engineering firm after the first firm had recommended against it. Mr. Tenney asked who selected the engineer.

Ted Stillman said the developer selected the engineering firm from a list approved by the City. It would also be reviewed by the Utah Geological Survey. If there was a question, the City could request a study from a different firm.

Steve Sowby asked if the Planning Commission would send a recommendation on the retaining walls to the City Council.

Ted Stillman said there was not enough information to make a recommendation on retaining walls. The next step would be the geotech study.

Steve Sowby asked if they would make a decision on the retaining walls after the geotech study was submitted.

Steve McArthur said they wouldn't know until after seeing the report. It may require more studies.

Ted Stillman agreed saying the City had needed additional studies on the proposed Three Falls development.

Steve Sowby asked if the developer could go directly to the City Council and get a motion on retaining walls. Thomas Whitchurch said that the ordinance required a recommendation from the Planning Commission, so it would probably be sent back to the Planning Commission for a recommendation.

Steve Sowby asked if the city would do a water model. Shane Sorensen said they would.

**MOTION:** Jim Tracy moved to extend the meeting until done. Steve McArthur seconded. Ayes: 3 Nays 2. Motion failed. Phil Andrus was not present.

**MOTION:** Dale Porter moved to extend the meeting to 10:45 pm. Jim Tracy seconded. Ayes: 5 Nays: 0. Motion passed.

**8. WILL JONES SITE PLAN:** Rachel McTeer said the lot on 631 N. Pioneer Drive was a pre-existing, non-conforming lot of record. It did not meet the frontage or size requirements for the TR-10,000 zone in which it was located. Will Jones was requesting site plan approval for the lot so he could obtain a building permit. According to Section 3.22.11 of the Alpine City Zoning Ordinance, the lot could be considered a buildable lot if it met the following three requirements:

1. The lot or parcel qualified as a non-conforming lot of record (it existed as a separately described parcel on the records of the Utah County recorder prior to the effective date of the Ordinance), and the parcel did not constitute an illegal subdivision lot.
2. Single-family dwellings were listed as a permitted use in the present zone.
3. Show that all setbacks, height restrictions, access, building size, utility and special provisions of the existing zone and all applicable supplementary regulations can be met.

Ted Stillman said the lot dated back to 1956 so it complied with the first requirement. Single-family dwellings were a permitted use in the TR-10,000 zone so it met the second requirement. Since a plot plan showing how the home would be situated on the lot had not been submitted, it was uncertain what the setbacks, etc. would be.

Ted Stillman suggested the Planning Commission approve the site plan subject to receiving a plot plan from the developer that showed it met the requirements of #3.

**MOTION:** Steve McArthur moved to approve the Will Jones Site Plan located at 631 N. Patterson Drive subject to the following conditions:

1. Staff approved a plot plan showing that the proposed home would meet all of the requirements outlined in Section 3.22.11 #3 of the Zoning Ordinance.
2. Curb and gutter would be constructed from the north side of the proposed site plan to 600 North
3. The water policy be met for the lot.
4. A bond be provided for the required improvements.

Mike Mickelson seconded. Ayes: 5. Nays: 0. Motion passed.

**9. DEVELOPMENT CODE REVIEW:** This item was tabled until the next meeting.

**MOTION:** Mike Mickelson moved to table the discussion on the Development Code. Steve McArthur seconded. Ayes: 5 Nays: 0. Motion passed.

#### **10. APPROVE MINUTES OF MAY 3, 2005**

**MOTION:** Steve McArthur moved to approve minutes of May 3, 2005 as corrected and adjourn. Jim Tracy seconded. Ayes: 5 Nays 0. Motion passed.

The meeting was adjourned at 10:30 pm.