

July 6, 2004

Minutes of the Planning Commission meeting held July 6, 2004 at Alpine City Hall. The meeting was called to order at 7:05 pm by Commission Member Dale Porter in the absence of Jannicke Brewer. The following commission members were present and constituted a quorum:

Commission Members: Dale Porter, Mike Mickelson, Phil Andrus, Steve McArthur, Loretta Stevens, Thomas Whitchurch. Jannicke Brewer was excused.

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

Others: Janice Ann Brown, Jim Tracy, John Tadge, Kathy Tadge, Clair Bigler, Rob Clausen, Will Jones, Wayne Viehweg, Roger Whitby, Linda Wellman, Downing Akin, Quinn Edward, Marilyn Kofford, Lew Kofford, Jim Bishop, Jennifer Bishop, Brian Workman, Juanita Nield, Kay Van Buren, Scott Stone, Tracy Wallace, David Fotheringham, Eric Somer

The prayer was offered by Phil Andrus.

1. PUBLIC COMMENT: Phil Andrus said he wanted to go on record that the horseshoe pits in the park were an eyesore and hazard. They were not maintained or used and they should be removed.

2. CONDITIONAL USE PERMITS FOR A HOME OCCUPATION: None

3. TADJE MINOR SUBDIVISION – JOHN TADJE: Rachel McTeer reported on the two-lot subdivision located on 100 South and 600 East. One lot had an existing home on it. The other lot had frontage on 600 East. However, 600 East was a closed street. The Planning Commission needed to make a recommendation on whether the street should be opened. Staff recommended that 600 East be a northbound one-way street with Jersey barriers along the west side.

Shane Sorensen explained that 600 East had been shown as part of the Applewood Acres Subdivision but part of the right-of-way for the road was on the Whitby property. The Whitby's were unwilling to grant a right-of way so the road was finished as a half-road. Because of the steep drop-off on the west side of the road, it was closed for safety reasons.

Dale Porter asked if Jersey barriers would make it safe. The road would be used by people going to Alpine Elementary. He also asked about extending the sewer.

Shane Sorensen said staff recommended that the property owners post a bond for extending the sewer to the property line since it was uncertain if they would need to extend the sewer, depending on what happened with the Whitby property. The City was hoping to acquire the property for a park. If the Whitby property was developed, the sewer extension for the Tadge's would not be needed.

Eastfield Ditch would need to be piped as part of the subdivision since the lots were under an acre.

MOTION: Mike Mickelson moved to recommend that 600 East be left open and they follow the recommendation of staff that it be a northbound one-way street with Jersey barriers to be placed along the west side of the road for a distance to be determined by staff. Steve McArthur seconded. Ayes: 5 Nays: 0. Motion passed.

MOTION: Mike Mickelson moved to grant preliminary and final approval to the Tadge Subdivision subject to the following conditions:

1. Meet the City's water policy.
2. Post a bond for the required improvements
3. Execute a Development Agreement
4. Grant a public utility easement around lot

5. Provide a Title Report
6. Pay applicable subdivision fees
7. Provide plans for piping Eastfield Ditch
8. Bond for sewer extension to be held for one year with possible renewal

Phil Andrus seconded. Ayes: 5. Nays: 0. Motion passed.

Steve McArthur asked how big the typical public easement utility easement was. Shane Sorensen said it was 10 feet in the front, 10 feet in the rear and 5 feet on the sides.

4. 1331 PRESTON DRIVE SITE PLAN – WAYNE VIEHWEG: Rachel McTeer reported that Shane Sorensen had done some research and found that the water policy on the parcel had not been met. The water policy would need to be met and other applicable fees paid. Mr. Viewheg was requesting permission to pay cash in lieu of water right in order to meet the water policy as provided for in Section 4.7.23.3 of the Subdivision Ordinance.

The public utility easements would be 10 feet on the west side to accommodate the existing storm drain, 5 feet on the east side, 10 feet in the front or south side, and no PUE in the rear or north side. The lot was adjacent to public open space in the rear and it was felt a PUE would not be needed across the back.

Ted Stillman said Wayne Viewheg would also like permission to extend some landscaping into the open space. Mr. Viewheg said there was nothing there at present, and since he was ordering truckloads of trees, he would be willing to plant some trees along the south edge of the open space.

After some discussion, the Planning Commission determined that the landscaping would not interfere with the trail in the open space. They recommended Mr. Viewheg obtain a list of approved trees from staff. Dale Porter said he would like to see a sketch that showed the trail and the location of the trees that would be planted in the open space before recommending approval of the landscaping.

MOTION: Steve McArthur moved to recommend that Wayne Viehweg be allowed to pay cash for his site plan in lieu of submitting water rights as provided for by ordinance. Loretta Stevens seconded. Ayes: 5. Nays: 0. Motion passed.

MOTION: Steve McArthur moved to approve the site plan at 1331 Preston Drive for Wayne Viehweg with the condition that Mr. Viehweg pay the applicable fees for the lot and the City would accept the public utility easements as indicated. Loretta Stevens seconded. Ayes: 5 Nays: 0. Motion passed.

5. GROVE COURT SUBDIVISION – PRELIMINARY AND FINAL – LYLE SMITH: Grove Court was a 5-lot subdivision in the TR-10,000 zone off Grove Drive with existing homes on two of the lots. At the previous meeting there was a question about whether the lots met the 5000 sq. ft. buildable area as set forth in the ordinance.

Shane Sorensen said the ordinance was in conflict with itself regarding buildable area in the TR-10,000 zone. Lots in the TR-10,000 zone were conforming if they had a minimum lot size of 10,000 square feet with 90-ft. frontages. By the time the setback requirements for the TR zone were met, there was not enough room for a buildable area of 5000 square feet. The same situation existed in the adjacent Quincy Court, but staff hadn't recognized the conflict until the previous meeting. He said the Planning Commission would need to recommend an exception until the ordinance was amended.

Dale Porter said there were some errors on the plat. He also suggested they take out Note #12 on the plat referring to the diameter of the cul-de-sac.

Steve McArthur questioned whether there would be room on lot 5 for a garage. Lyle Smith said they were doing some extensive remodeling and the existing garage would come down. He planned to put a driveway up the lot line and build a garage in the back.

Steve McArthur said he'd like to see how that was going to be done. He didn't want to approve a final plat that would require a variance in the future. Lyle Smith said he was planning to build everything within the setbacks.

MOTION: Mike Mickelson moved to table Quincy Court for two weeks until discrepancies on the plat were resolved. Steve McArthur seconded. Ayes: 5 Nays: 0. Motion passed.

6. ALPINE COMMONS – FINAL – ROB CLAUSEN: Rachel McTeer said the developer had submitted the 25-year land use agreement with the Bureau of Reclamation. The boundary line adjustment had been approved by Highland City and was on the agenda for the next Alpine City Council meeting. The landscaping plan was included in the submittal.

Shane Sorensen said the trail in the park would take the place of the sidewalk along Allegheny Way. He recommended it be an 8-ft. asphalt trail because they were easier and less costly to maintain.

The berm between the road and the park would be 2 feet high and about 16 feet wide. It would discourage people from parking on the grass. Shane Sorensen said he would like to review the irrigation plans for the park. He suggested that the developer include a culinary water service to the park so there could be a drinking fountain.

Steve McArthur said that if there was going to be a sidewalk along the detention basin, perhaps they should put a concrete sidewalk along the west side of the parking lot to make the distinction between the parking lot and the trail/sidewalk.

Rob Clausen said he would be purchasing playground equipment for the park and showed pictures of equipment.

Steve McArthur asked if the City was okay with the agreement on the aqueduct. Ted Stillman said it was similar to the agreement on Ranch Drive. Steve McArthur said that was his concern because the agreement on the Ranch subdivision was ambiguous. It stated no fences could be built on the easement. Ted Stillman said fencing was a general restriction. Property owner could get special permission from the Bureau to put in fences.

Shane Sorensen said it was his understanding that the owner of lot 4 would be required to care of the parcel, but the note on the plat gave them the option. Rob Clausen said they would make it more clear.

MOTION: Mike Mickelson moved to grant final approval to Alpine Commons Subdivision subject to the following conditions:

1. Provide a document allowing the temporary turnaround easement to be recorded separate from the plat.
2. The City Engineer approve the final landscape irrigation plans
3. Meet the City's water policy
4. Post a bond for any required improvements
5. Execute a Development Agreement
6. Make the needed plat corrections
7. Provide a title report
8. Pay all applicable subdivision fees
9. Provide a 20-foot irrigation easement

10. Complete the boundary line agreement between Alpine and Highland City
11. Build a concrete sidewalk connecting to the 8-foot asphalt trail in the park
12. Change the street name of Cumberland Lane
13. Include a culinary connection for a drinking fountain in the park

Steve McArthur seconded. Ayes: 5 Nays: 0. Motion passed.

7. HERITAGE HILLS – ELK RIDGE LANE AND TRAIL ALIGNMENT: Rachel McTeer said they were discussing two issues relative to Heritage Hills Subdivision - - the trail alignment and the future of Elkridge Lane. She reported that the trail committee had walked the open space area in Heritage Hills and recommended trail alignments shown on a map in the packets. It showed a connection through North Pointe Subdivision with a five-foot combination sidewalk. There were some sections of the trails that were steep, but over-all it was a nice trail in a beautiful setting.

Steve McArthur suggested there be timbers in the steep parts to control erosion and provide footholds. Downing Akin said he understood that it was supposed to be a wild trail, basically a deer path.

Dave Fotheringham said that he would like to see something on the west that tied into a trail coming from Three Falls. Kay Van Buren said that since the open space would be city property, the trail could be put in at any time. They had nothing in their plan that showed a connection.

Thomas Whitchurch suggested there be a note on the plat so people buying the lots knew there was a trail through there. Shane Sorensen said it might be good to build a fence in locations near homes.

MOTION: Mike Mickelson moved to accept the trail plan for Heritage Hills as recommended by the trail committee and as shown on the overhead with the trail between lots 14 and 15 being deleted. Steve McArthur seconded. Ayes: 5 Nays: 0. Motion passed.

The Planning Commission next discussed Elkridge Lane. Rachel McTeer said staff was asking for a recommendation from the Planning Commission on whether or not Elkridge Lane should be a cul-de-sac or a through street. Staff was recommending a through street to improve circulation.

Shane Sorensen had calculated the cost of a cul-de-sac at approximately \$26,600 provided the lane remained as a substandard street. He had not calculated the cost of a through street, which would be an improved street, but estimated it would be at least four times more.

Dale Porter said he was inclined to follow the recommendation of staff. It had been his experience that staff often had a better understanding of the ramifications.

Phil Andrus asked about the reference to litigation if a through street was approved. Ted Stillman said they had received a letter from the resident's attorney stating that a through street would devalue their property.

Thomas Whitchurch said that parents in that area would be driving their kids to school since there was no bus service and kids did not walk. People would most likely be driving down Elkridge Lane to get to the school, and he felt a cul-de-sac was a better option.

Steve McArthur asked how the neighbors felt about giving up their property to build a cul-de-sac. Lew Kofford said the City would have to sit down with them and work the issue of compensation. Both neighbors had signed the petition.

MOTION: Mike Mickelson moved to recommend that Elkridge Lane be a cul-de-sac. Steve McArthur seconded. Ayes: 4 Nays: 1. Motion passed. Dale Porter voted nay.

There was a question about who would pay to build the cul-de-sac. Downing Akin said that in a previous meeting, a motion was made stating that the homeowners would come up with the cost for a cul-de-sac. Now it sounded like the developers would be paying for it. Ted Stillman said the City would decide how to use the annexation fees. The road would not be an additional expense that was passed onto the developer.

8. WHITBY WOODLANDS – CONCEPT – ROGER WHITBY: The 59-lot concept plan had been revised showing Matisse Lane connected to Deerfield Drive.

Shane Sorensen said that according to his density calculations, the open space met the requirements for 58 lots. One lot would need to be taken out or more open space donated. Staff recommended that lot 46 be eliminated so the open space in Alpine Cottages connected to the open space in Whitby Woodlands. Staff recommended that the open space be public.

Will Jones said he didn't want to have fewer than 59 lots. They would shave off the backs of some of the lots and come up with more open space. He said it was not likely the Clinton Marsh property would be included in the plat. They had talked to him and he indicated he was not interested in developing. Will Jones said the two non-contiguous plats should be able to stand on their own.

Ted Stillman said the city attorney said that two parcels could be one PRD as long as the developer and City agreed it should be that way. Shane Sorensen said it would work because they were able to coordinate the roads. Will Jones said they were planning to phase the development in any case.

There was a discussion about open space and trails. Dale Porter asked if the trail committee had a trail plan. Will Jones said he thought they had decided the sidewalks would be adequate. Dale Porter said they had a petition from 140 people requesting a trail along the creek.

Loretta Stevens said she felt it was unfair to request the open space be public when the two adjacent subdivisions had private open space.

Dale Porter said he had researched Alpine Cottages and found that there was an agreement that the open space would become public if the trail was extended to the north. The homeowners association in Mountainville Heights had approached the City about changing their private open space to public, but it was rejected by the City. He expected the Mountainville Heights Association would still be interested in changing their private open space to public open space.

MOTION: Mike Mickelson moved to extend the meeting to 9:45 pm. Phil Andrus seconded. Ayes: 5 Nays: 0. Motion passed.

MOTION: Mike Mickelson moved to grant concept approval to Whitby Woodlands Subdivision subject to the following conditions:

1. Verification of the acreage in the open space
2. Recommendation on a trail plan by the trail committee
3. Remedy the derelict parcel east of lot 38

Steve McArthur seconded. Ayes: 4 Nays 1. Motion passed. Loretta Stevens stated that she had a conflict of interest and voted aye. Dale Porter voted nay saying that the concept plan was not clear enough.

MOTION: Steve McArthur moved to recommend the open space be public. Mike Mickelson seconded. Ayes: 4 Nays: 1. Motion passed. Loretta Stevens voted nay stating she had a conflict of interest.

MOTION: Phil Andrus moved to extend the meeting to 10:00 pm. Mike Mickelson seconded. Ayes: 4 Nays 0. Motion passed. Loretta Stevens was not present at the time of the vote.

9. GEOLOGIC HAZARD ORDINANCE: Rachel McTeer said staff was looking for guidance from the Planning Commission on whether or not to adopt a geologic hazard ordinance. Experts in the field had addressed the Planning Commission at their previous meeting, and outlined what it would entail. They recommended that the Sensitive Lands Ordinance and the Hillside Protection Ordinance be combined and expanded to include geologic hazards.

Dale Porter said that the ordinances the City had were working and most of the land that would be affected by a geologic hazard ordinance was already developed. He questioned if it was worth 5 to 10 thousand dollars to have someone write another ordinance.

Max Pitcher said he'd like to see the ordinance adopted. He said the ordinance would close the door on the City's liability if someone developed in a hazardous area. Mr. Pitcher recommended that he work with Rachel McTeer to draft an ordinance based on existing ordinances in Draper and Salt Lake City. Then Alpine could have the experts review it for a couple of thousand dollars and make sure it was adequate and correct.

Will Jones asked why the City was addressing it when studies were already part of the discussion. He said they had already done all the testing on Three Falls. He said the only other ground that would be affected by such an ordinance was in the county.

Mike Mickelson said they had just replaced the old flow line in Provo Canyon. They had done a lot of studies to determine where the earthquake would happen so they could design around it and make it strong enough. They concluded that there was no way they could design it to survive a catastrophe. They could plan for minor shaking.

Phil Andrus said he felt there needed to be some ordinance in place that the City could enforce. Not all developers would voluntarily do studies the way Will Jones did for Three Falls.

Ted Stillman said that if staff drafted an ordinance, the state geologist would review it for free.

MOTION: Phil Andrus moved to recommend staff consolidate existing Alpine City ordinances into a geologic hazard ordinance and see what they had. Steve McArthur seconded. Ayes: 5 Nays: 0. Motion passed.

10. SUBDIVISION ORDINANCE

MOTION: Phil Andrus moved to defer discussion on the Subdivision Ordinance to the next meeting. Mike Mickelson seconded. Ayes: 5 Nays: 0. Motion passed.

MOTION: Steve McArthur moved to extend the meeting to 10:15 pm, approve the minutes of June 15, 2004 as written, and adjourn. Phil Andrus seconded. Ayes: 5 Nays: 0. Motion passed.

The meeting was adjourned at 10:15 pm.