

**ALPINE CITY PLANNING COMMISSION MEETING at
Alpine City Hall, 20 North Main, Alpine, Utah
Oct 01, 2013**

I. GENERAL BUSINESS

A. Welcome and Roll Call: The meeting was called to order at 6:04pm by Chairman Jannicke Brewer. The following commission members were present and constituted a quorum.

Chairman: Jannicke Brewer

Commission Members: Bryce Higbee, Steve Cosper, Jason Thelin, Jannicke Brewer, Chuck Castleton, Steve Swanson, and Todd Barney

Commission Members Not Present:

Staff: Marla Fox, Jason Bond, Shane Sorensen, Rich Nelson

Others: Brad Freeman, Will Jones, Bradley Reneer, Taylor Smith, Hunt Willoughby, Mel Clements, Mark Wells, Matthew Burraston, Cynthia Burraston, Stephen Burraston

B. Prayer/Opening Comments: Steve Cosper

II. PUBLIC COMMENT

No Comment

III. AGENDA ITEMS

A. Eagle Pointe PRD Concept Plan – Mark Wells and Taylor Smith

The proposed Eagle Pointe Subdivision is located at approximately 800 West 600 North (just north of intersection of Hog Hollow Road and Matterhorn Drive). The proposed subdivision consists of 16 lots ranging from 20,316 s.f. to 53,401 s.f. on a site that is 31.88 acres. The site is located in the CR-40,000 zone. The City Council determined that the proposed subdivision will be developed as a PRD.

Jason Bond said in our Sensitive Land ordinance we require a 20 ft paved secondary access road for this subdivision, and that is what has been provided in this plan. Shane Sorensen spoke with Mr. Smith's engineer and he said the steepest grade on this road would be about 12%. Taylor Smith indicated in a previous meeting that he would retain the road with natural stone walls. Jason Bond said we need to still discuss the fill that will be used for the east side of the development.

Todd Barney asked if this was still going to be a cul-de-sac and if our ordinance says it can only be a cul-de-sac if you have a second access. Shane Sorensen said the cul-de-sac ordinance says the maximum length of a cul-de-sac is 450 feet from the point of intersection with the other street. He said it will be a cul-de-sac because this road would not be up to city standards: they are adding the secondary access to meet the fire codes and emergency concerns. Mr. Smith would still have to have an exception for a cul-de-sac.

Brad Freeman, the Fire Chief, said he helped Taylor Smith with the location of the second access. Mr. Smith then took the drawings to his engineer and they came up with this layout. Brad Freeman told him the road had to be a minimum of 20 feet because it is the city ordinance. He would rather see it be 26 feet to meet the fire code, but it does meet the city ordinance. He said the road does not cross any draws where fire tends to travel quickly. Jason Thelin asked if the 12% grade is up to code or is that an exception that would have to be given. Shane Sorensen said 12% is within our ordinance for a residential street and it is limited to distances of 600 feet.

The Planning Commission asked who will plow this road. Shane Sorensen said he does not want his guys to have to plow it especially if there is no curb. Brad Freeman said he doesn't care if this secondary road gets plowed in the winter or not because it will be used as an emergency road in the summer, wildfire season. He said we could have an earthquake and a gas line could break and cause a fire, but it would be contained to one house and not jump to another.

Jason Thelin asked what the ordinance says the maximum height was for a retaining wall is? Shane Sorensen said we don't have one but it has to be 50 feet away from a lot line. Jannicke Brewer said we don't have a height restriction in the city ordinance but City Council has to approve all retaining walls along a road.

Brad Freeman said Mr. Smith is planning on making a natural rock wall with big boulders. Jannicke said there still needs to be a design of the wall to show to the City Council so they can decide on it. Steve Swenson asked about flooding issues. Shane Sorensen said they would have to take a look at the storm drains with a culvert at the bottom to take the water. Jason Thelin asked if the second access is up to code, the grade, the slope, the width. Todd Barney said it is too narrow, and doesn't have curb and gutter and it doesn't meet any of our codes.. Brad Freeman said it meets the code because it will be used as second access. Shane Sorensen said it is not a city road; it is an emergency road to meet fire code. It is an exception that goes through our Fire Chief. Brad Freeman said he is okay with 20 feet only because there is another road close beneath it. If this road was farther up in the subdivision without another road close by, he would probably require it to be 26 feet.

Steve Cosper said he feels like Taylor Smith is trying to do the right thing and get along with everybody. Jannicke Brewer said we are willing to look at this proposal, but we need more information on the retaining walls before we send a recommendation to City Council. Jason Thelin said we have an ordinance about how long a cul-de-sac can be and this subdivision is longer than it should be. He asked if we are making an exception for a longer cul-de-sac because they added a second access. Jason Bond said exceptions can be granted for the cul-de-sac rule.

The four exceptions are: lengths of the cul-de-sac, number of lots, fill for the subdivision and the lack of the secondary access. Steve Swanson asked if the fill acts as a better fire break. Shane Sorensen said there would probably be grass there up to the retaining walls. Jason Bond said the public is not happy with the retaining walls, but the city feels that they are needed to meet the safety needs. Steve Cosper said Mr. Smith doesn't have any other choice than to put up retaining walls. Jannicke Brewer said we do not have enough information on this subdivision. What will the road, fill and retaining wall look like, that is what we need to see.

Jason Thelin said this subdivision does not meet the ordinance so he would not vote in favor of this subdivision even with the second fire access. Jannicke Brewer said the only way Mr. Smith can have a retaining wall is if it is recommended by the City Engineer and passed through the Planning Commission and the City Council. Brad Freeman said if Mr. Smith came back with his original plan he wouldn't have any exceptions. He said he would rather see this plan go through instead of going back to the original plan.

Jason bond said we can't just say no to this subdivision or we are opening ourselves up to litigation. Steve Swanson asked if he was saying we had to give him all four exceptions. Jason Bond said Mr. Smith could meet the ordinance with a regular road and would have a case.

The options would be a regular road versus having a second fire road. Jannicke Brewer said with either plan you have to have retaining walls. Brad Reneer said our Attorney said we have to have a specific reason that is defensible, such as safety, in order to say no. Aesthetics of a retaining wall is not defensible in court. Steve Cosper asked Mr. Reneer which plan he preferred. Mr. Reneer said he would like to see the smaller road or look at moving the second access in another place. He asked if the road could be stubbed and connected to Draper City at a later date. Brad Freeman said we wouldn't allow just a stub street.

Taylor Smith entered the meeting at 7:00 pm.

Taylor Smith said he didn't know how willing Draper City would be to connect the road. He said he had his engineer draw up plans for the retaining walls. They would stack rocks up for the wall and be about 5 feet tall. Steve Swanson asked what the safety issues would be for this type of wall. Mr. Smith said he would bring in renderings of the plans for the wall so the Planning Commission could look at them.

B. PUBLIC HEARING – Proposed Lambert Park land sale/trade for a storm drain easement:

Alpine City is under a 60 day time period to use NRCS funds to mitigate and deal with our flooding problems. Shane Sorensen, Ron Devey and our consultants, Bowen Collins Engineering, have come up with two projects that we all feel could have a significant chance to deal with the flooding issues from the burn scar.

The first is to run a pipe from above the North Stake Center along the west side of the Stake Center to the road and out to Dry Creek.

The second is to run a pipe to a box culvert or something similar on private property from the debris basin just off of Moyle Drive in Lambert Park and run it to Dry Creek. City staff has met with the private property owner's attorney and engineer to discuss this. The private property owners have made a proposal to buy a designated piece of land in Lambert Park and provide the necessary easement on their private property for the flood mitigation project. Details of the proposal will be disclosed when the offer is in writing.

Because the second project involves Lambert Park, the City ordinance calls for a public hearing, the Planning Commission to make a recommendation to the City Council, and the City Council; to vote on the proposed plan (super majority is required for approval).

Shane Sorensen said the pipe that is currently in place is not big enough; it is only a 30 inch pipe and is not adequate to drain all of Box Elder Canyon. What's happening is this was built so we could push water down the pipe first and then once the capacity of that is exceeded then the water comes through an overflow ditch, the High Bench Ditch, and flows clear down to Preston Drive to the storm drain. We feel like what the best thing to do to prevent flooding is to get the water to Dry Creek. He said we have done a good job keeping the mud up in the debris basins but we need to get the water to Dry Creek.

Shane Sorensen said we have started a storm drain from Dry Creek going up Alpine Blvd and diagonally over to High Bench Ditch. The Wadsworth water comes from various places and ends up in High Bench ditch. It has to go through the same place as the Box Elder water so it overwhelms that system. We don't have any storm drains in this area so this will help us convey that water to Dry Creek. Shane Sorensen said at the top end of Moyle Drive there is a 30 foot deed gap from the city property to a private lot. The transaction would include deeding the gap as well as the property which goes from the center line of the ditch for 30 feet. There would be a 30 foot buffer of vegetation from the center line of Dry Creek to the West. The total property including the gap is about a third of an acre that we are looking at trading or selling.

Bryce Higbee entered the meeting at 7:15 pm.

Shane Sorensen said the terms of the deal are as follows:

The property owner would purchase the property for \$200,000. The City would get a 30 foot permanent easement for our storm drain line and a 20 foot temporary construction easement that would go away upon completion.

Conditions of Easement:

1. Reseed debris basin and disturbed area on City property.
2. Release the property owner of any responsibility associated with water of debris flow hazard and from how the basin functions whether engineered properly or not.
3. Install grate on the upstream end of the pipe.
4. Keep the culvert free of debris and flowing properly.
5. Remove stored materials at the alternative ingress/regress gate on the properties NE corner.

Shane Sorensen said after the fire, jersey barriers were put up in 3 different places in Box Elder Subdivision. Those barriers have been stock piled for emergency situations and in two different locations, we have used them. We need to find another place to store these barriers going forward.

Jason Thelin asked if we don't sell the property, couldn't we just run the pipe through our own property? Shane Sorensen said to get the water to Dry Creek; we have to go through private property and this is the shortest route and the best route. Steve Cosper asked if the sell doesn't go through, where does imminent domain come in. Shane Sorensen said we are on a really short time frame and with our grant, we have to have this completed by November 17, 2013, that's design, constructed, everything.

Todd Barney said you all know how much I am always fighting for Lambert Park, and it is unfortunate to give any of it up. This is a pretty small piece to give up to solve a bigger problem. Shane Sorensen said a buffer of trees would be left and the ditch would stay in the city along with 30 to the west from the center of the ditch. Jason Thelin said this is a great piece of property and we already decided that we didn't want to sell it to Josh James. He said it is frustrating because circumstances are now putting us in a situation where we have to do something we didn't want to do. Shane Sorensen if this deal goes through some of the wooded vegetation would be lost.

MOTION: Jason Thelin moved to recommend to the City Council to sell the designated piece of land to Josh James in Lambert Park for the easement on private property and cost, and to deed the property gap to the property owner.

Jannicke Brewer said when she walked up to this piece of property in Lambert Park, she was against selling it. But now she said she feels like it is in the best interest of the City to sell it for the protection of the City. The Planning Commission asked Shane Sorensen if there is any other option. Shane Sorensen said they looked very hard at this and this is the best solution.

Steve Swanson seconded the motion. The motion passed unanimously with 7 Ayes and 0 Nays. Bryce Higbee, Steve Cosper, Jason Thelin, Jannicke Brewer, Chuck Castleton, Steve Swanson and Todd Barney all voted Aye.

IV. COMMUNICATIONS

The Planning Commission discussed coming to Planning Commission on November 5 at 6:00 in order to have training before the meeting.

Jannicke Brewer said she spoke with our Attorney, David Church and he said cars cannot be parked outside of Auto Body Shops. They must be enclosed in the garage and cannot be stored or parked outside, whether in the front or the back yard. Steve Swanson said we may need to look at having these shops in the Commercial Zone.

V. APPROVAL OF PLANNING COMMISSION MINUTES OF: Sept 17, 2013

MOTION: Jason Thelin moved to approve the Planning Commission Meeting Minutes with revisions for Sept 17, 2013.

Todd Barney seconded the motion. The motion passed unanimously with 7 Ayes and 0 Nays. Bryce Higbee, Steve Cosper, Jason Thelin, Jannicke Brewer, Chuck Castleton, Steve Swanson and Todd Barney all voted Aye.

Jannicke Brewer stated that the Planning Commission had covered all of the items on the agenda and adjourned the meeting at 7:30pm.