



## **TOWN OF ALPINE**

### **Public Hearing Minutes Minor Subdivision Lot # 2 Zyland Subdivision**

**DATE: November 16, 2021**

**TIME: 6:40 p.m.**

**PLACE: Town Council Chambers**

**TYPE: Public Hearing**

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**Call to Order:** Mayor Kennis Lutz called the Public Hearing to Order at 6:40 p.m.

**Council Present:** Councilmen Burchard, Dickerson, Fritz, Larsen and Mayor Lutz.

**Public Present:** Shannon Bowers, Darrin Bowers, John Lotshaw, David Kennington, Alyshia Trujillo, Maria Toutjian, Marlowe Scherbel and Christine Wagner

Mayor Lutz welcomed those in attendance and stated that this Public Hearing is to give the public an opportunity to discuss the proposed Minor Subdivision for Property Located on Lot # 2 of the Zyland Subdivision proposed by Mr. John Lotshaw.

Mr. Marlowe Scherbel presented a larger plat map for public perusal. Mr. Scherbel stated that this is a piece of land that we just got annexed about a month ago, maybe 60 days ago. The project is a minor subdivision dividing Lot # 2 into four pieces. There have been back and forth discussions throughout the application process. Basically, it is four lots, not six and it is part of the town. Mr. Scherbel referenced the map. This is an east/west road, Sagebrush Lane. It will be asphalted and built to town standards. The other road is a private road with a turnout to the four lots. Councilman Larsen asked Mr. Scherbel if the turnaround in there is good for fire equipment. Mr. Scherbel affirmed that indeed it is.

Mr. Scherbel stated that the front two lots will be zoned Commercial and the back two are Mixed Residential/Commercial. We have submitted a Master Plan report but there are a couple of outstanding items that we need to discuss. A couple of items came up in some late correspondence, first is utilities and whether they need to be part of the bonding. You recognize that the town allows that improvements can be bonded for 125% of the estimated cost. Mr. Scherbel stated that dry utilities are not listed as bond-required utilities. Water, sewer and roads are required to be bonded, similar to the Town of Afton. Most developers put in dry utilities in marketing situations. Mr. Scherbel stated that the town engineer thinks the dry utility installation should be included in the bond. The town can make that a condition of approval but the reason it has not been included is because your regulation does not actually require that those dry utilities be part of the cost of improvements. As a result of this, the bonding right now is just for roads, sewer and water. If you can point me to something today in your regulations, we would be glad to change. We are bonding on roads, water and sewer.

Mayor Lutz asked Ms. Christine Wagner, Planning and Zoning Administrator about this. Ms. Wagner stated that "improvements" is the way it is phrased in the minor subdivision permit applications. Ms. Christine Wagner, referred Mr. Scherbel to Section 2-207.2 of the Town of Alpine Land Use and Development Code (LUDC) which reads, "The performance surety shall be in an amount that reflects one hundred twenty-five (125) percent of the anticipated cost of improvements in the approved subdivision plan and shall be sufficient to cover all promises and conditions contained in the subdivision improvement agreement."

Mr. Scherbel stated that in Article 4 of the LUCD, (Subdivision Standards) only roads, water and sewer are addressed as required utilities. We are putting in "dry utilities" and have bids from Lower Valley Energy and Silver Star Communications. The electrical is right in the highway right-of-way, right next to this property and we would be foolish not to put them in, and you definitely need fiber. This is the reason dry utilities are not included in the bond estimate. This is a discussion we probably ought to have with Council, either at this time or later. The county requires dry utilities as part of their improvements, but all the towns that used Pedersen for planning and zoning do not have that requirement. Mr. Scherbel stated that the town could always change their ordinance.

Mr. Scherbel stated that as a condition of approval the town has latitude to change this, but you need to know all the facts too. Lower Valley Energy and Silver Star Communications are eight to nine months behind. Before any money is laid out, this needs to be settled. Mayor Lutz stated that the town cannot change its regulations now.

Mr. Scherbel stated that the second item was landscaping. In the Master Plan submitted on page 26 under 12.0 Landscaping Plan, it reads, "Each lot owner will be responsible for their own landscaping in relation to the type of commercial use that will utilize the lot." Planning and Zoning had asked for a landscaping plan. There are no minimum requirements, and nothing states what that landscaping needs to be. We do not know what types of businesses are going to come in our residences. Putting a bunch of landscaping in that does not fit what future lot owners want to have does not appear to us to make a lot of sense. Mr. Scherbel stated that zero scape is no landscaping, but xeriscape is the style of minimalizing that you see at the Bank of Star Valley, it is the stuff with rocks and shrubs like that. The sign areas will be landscaped that there is some texture to this area, more than just a bush. Landscaping is also addressed in Section 5 of the Declaration of Covenants, Conditions and Restrictions (DCCRs). Mr. Scherbel stated that if the town wants minimums defined, it needs to be in an ordinance. Mr. Sanderson, Town Counsel stated that the DCCR Section 5 needs to be tightened up a bit.

Mr. Scherbel stated that the main discussion we need to cover tonight with the council is sewer and water. Mr. Scherbel introduced Mr. Dave Kennington, Engineer for the project. Mr. Scherbel asked to address water first, it is easier. Water is coming from the Wintergreen side north in the highway which is already stubbed out to the intersection in a four-valve cluster. Mayor Lutz stated that if they have to go into the asphalt, they will need to repair the asphalt. Mr. Scherbel explained that the water will go up the middle of the land and to the four lots. Mr. Ablondi, Town Engineer suggested that we extend this beyond the street to the north, so it is ready for future use. We do not need to do that, it is helping the next guy out, not us, but we could put a sleeve in the road. This can be discussed as a condition of approval. This is an eight-inch line, which may well become a main line, so we understand that you do not want to dig up the road again in the future to tie into this line. An appropriately sized sleeve or conduit would suffice, but why spend the money. A sleeve under the

road, might be a win-win, but not installation of a full line. Mayor Lutz stated that the town is trying to loop all those systems. Mr. Scherbel stated that we want to make sure that we are looking into the future for the town.

Mr. Scherbel referred to the map and stated that as regards sewer, we have tried every approach there is and described the routes that are not possible due to depth, easements not granted but the easiest solution is going directly west to the manhole 700 feet away at KJs on the east side of the street where we could place a lift station and then gravity flow into the existing lift station force main over and drop into the sewer. This is our proposal. It meets minimum town standards and Department of Environmental Quality (DEQ), but Mr. Ablondi has a different opinion of how to do that.

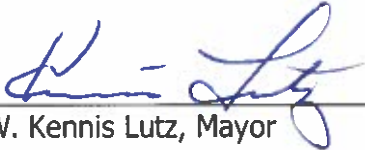
Mr. Kennington explained that in the northwest corner of Boardwalk across the street is an existing lift station to which we could install this new line as a gravity line which comes across the road all the way to the lift station with the understanding that as some time in the future it would be reversed to the force main so rather than being a six-inch line, it will be an eight-inch line so there would be a little bit greater slope. The difficulty with this is that it is deep, in the range of fourteen feet deep for this hole and the bore would need to be in that range as well, a much larger bore. Mr. Kennington stated that because it is a little bit steeper (0.6%), when we get over here to the subdivision the gravity portion of this is a couple of feet shallower than it would be if there was a lift station but would still have three feet of cover and could be insulated but three feet should be adequate for a sewer line. The concept as stated is a lift station that at some point gets abandoned and the line reversed and used for the long term. Either way, there will be a sleeve under the highway that that will be able to be used in the future. Under the scenario where we run all the way to the lift station with gravity, that sleeve will be in that ten to twelve-foot-deep range. The sleeve is installed in a different method. Instead of drilling through and pulling back, you dig a deep hole and then bore it under the road. Mr. Kennington stated that this is a more expensive process, roughly \$40,000 more to do what the town engineer suggested. What we have designed will be a force main over to the sewer line.

Mayor Lutz asked, "Who is taking care of the lift station"? Mr. Scherbel stated that the town would be expected to take care of the lift station because it is going to become the town's pipeline and the town will make the fees off the line. Mayor Lutz stated, "right, and that is why all this discussion was that the town does not want any more lift stations". "We are trying to avoid this, so that has been the consistent discussion that we have had, and I have been in all of those discussions". Gravity is best for us as a town. Mr. Scherbel stated that it is his understanding that in the end when they reverse flow, it is going to be a force so someday you are going to have a lift station. Mayor Lutz stated that the town already has a lift station on the other end in anticipation of the growth of the Clinger property and other growth in the north side where everything on the east will go to that lift station and someday, we will have an easement through the Hafeez property.

Mr. Scherbel stated that their point is just what Mayor Lutz said, that as it is going to benefit other land, but not this development, so for an extra \$40,000 we are getting no benefit out of this, why is it our responsibility? Mayor Lutz stated that the town just gets more responsibility taking care of this and this would help people by bring water to more people in the future. Everybody is helping along this growth process. Mr. Scherbel asked if the town had a recapture agreement that they could invoke, a recapture of improvements across other vacant property. Mr. Sanderson stated that yes, the

town has such an agreement. Mr. Scherbel stated that this is not a different discussion that you had with many other developers. The equitable idea is to share costs or the town paying for the additional work. Mayor Lutz stated that that is not out of line it could be bid both ways. The depth and costs were discussed.

There being no additional questions or discussions, Mayor Lutz closed the public meeting at 7:11 pm.

  
W. Kennis Lutz, Mayor

12/21/21  
Date

Minutes taken and transcribed by:

  
Sharon L. Backus, Town Clerk/Treasurer

12-21-21  
Date

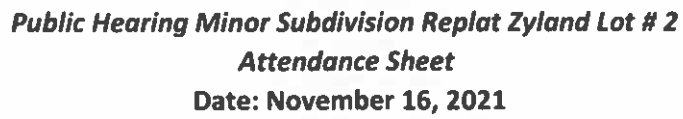
Attest:



  
Sharon Backus, Town Clerk/Treasurer

12-21-21  
Date

\*\* Minutes are a brief summary of the taped recording of the meeting. \*\*

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