



ALPINE CITY APPEAL AUTHORITY MEETING

NOTICE is hereby given that the **Appeal Authority** of Alpine City, Utah will hold a **Public Meeting** on **Wednesday, September 24th, 2025 at 12:00 a.m. at City Hall, 20 North Main Street, Alpine, Utah.**

The public may attend the meeting in person or view it via the Alpine City YouTube Channel. A direct link to the channel can be found on the homepage of the Alpine City website, alpineut.gov.

- 1. Appeal of a Land Use Authority Decision Regarding an Accessory Structure located at 715 E Ridge Crest Court**

ADJOURN

Appeal Officer Angela Adams, September 17th, 2025

THE PUBLIC IS INVITED TO ATTEND ALL APPEAL AUTHORITY 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 conversations 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 with 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 a 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.

APPEAL REGARDING PARKER POOL AND WATER SLIDE BUILDING PROJECT

September 3, 2025

To: Alpine City Authority/Hearing Officer
200 North Main Alpine, UT 84004

From: Gary and Carla Laney
720 E. Ridge Dr., Alpine, UT 84004

Re: Appeal of Alpine City Land Use Decision Regarding Double Pool Slide Located at 715 Ridge Crest Circle, Alpine, UT 84004

INTRODUCTION:

Myself Gary Laney, along with my wife Carla and our neighbors, the Boggs, are appealing the City of Alpine's decision to approve a commercial-style water slide that is wholly inappropriate for our neighborhood. We object to this large, obtrusive structure—which rises several feet above the fence—and cite what we believe are violations in the expedited approval process, the setback allowance, including lack of proper evaluation, missing key signoffs, non-attempts to follow required Utah State code, and a disregard for concerns voiced by we, the adjacent neighbors since December 4, 2024—the day I first saw the slide being assembled before any permit had been issued. On that same day, when I called compliance officer Don Quigley, he reviewed the plan during our call and confirmed there was no water slide on the pool plan.

Our primary concerns regarding a water slide, setbacks and height, are privacy intrusion, significant nuisance, likely property devaluation, and city non-compliance with Utah State Code with no city pool ordinance in place.

APPEAL QUESTIONS TO ADDRESS

Regarding the project address of 715 E Ridge Crest Court, Alpine UT

Does the city of Alpine have a pool construction ordinance in place?

Yes, but not until last week, August 26, 2025. As the city council shared in that meeting, the new water slide ordinance was greatly impacted by the concerns raised by us and our neighbors the Boggs over the past nine months, and addresses several of issues at hand, yet we are told the new ordinance won't benefit us, and will not apply to the Parkers' slide still under construction. This decision will cause great harm in terms of privacy, likely devaluation of property, and a nuisance to us, and will "interfere with the comfortable enjoyment of life or property, as defined by [Utah Code Annotated Section 78B-6-1101](#)."

Why the Parker pool slide project should have been denied.

We assert, that the approval for a slide should never have been approved. Construction began on December 4 without a permit, in violation of city code and without city oversight or approval. The slide is 12 feet tall and within inches in certain places from the property line, which does not meet standard setback requirements intended to protect privacy, prevent nuisance, protect our property values, and preserve neighborhood peace. Given the lack of permit, clear code violations, a project that is ongoing, we respectfully request reversal of the project approval decision, a construction stop order, evaluation and new approval process and enforcement of the project based upon the new water pool slide ordinance.

What measures and steps were used by Alpine city compliance officer and the city planner to comply with state and federal requirements even with no pool slide ordinance in place?

To our knowledge, with no specific pool slide ordinance in place, there were no attempts to adhere to the state requirements for a water slide that I'll share in this document. I'll provide evidence that this approval process and apparently many other building projects were done on a fast track, "on the fly" basis as can be heard by listening to the city council meeting on August 26th, 2025 and discussed last week during the approval of the new water slide ordinance.

What criteria was evaluated to approve this hand drawn pool water slide plan? None, that we know of, as the hand drawn plan submitted was simplistic and quickly approved without any real process nor detail which is required for such a structure. We know from research for a complex water slide to be approved, it must be engineered, for function, safety, and compliance to state and international standards adopted and required by the State of Utah. A hand drawing with not details or specs, or engineering, is not an adequate plan and should not have been approved.

For the subject water slide, what measures and steps were used by Alpine city compliance officer and the city planner to comply with state and federal requirements?

None that we are aware of.

What was the quality of communication, advocacy and assistance was given by the city to help The Boggs and the Laney's with their concerns?

Low to none, as will be shared in the nine-month communication summary shared below.

OVERVIEW OF CITY COMMUNICATION, TIMELINE. LACK OF RESPONSE, FOLLOW-UP, AND LITTLE TO NO TRANSPARENCY GOING MONTHS WITHOUT CONTACT.

Timeline of Events, Commitments, and Failures (Photos displayed at the end of document)

Date	Event / Commitment	Description / Commitment	Outcome or Failure to Perform
Dec 4, 2024	Noticed water slide construction; contacted city	Gary Laney speaks by phone with Compliance Officer Don Quigley, shares that a pool slide is being constructed inches from his property line, he learns no permit or plan existed at that time for slide; Don immediately and suspiciously responds, "But we will approve it."	Don had not seen any pool plans, no permit application, and admitted as he reviewed the pool plan on our call, that no water slide was on the pool plan, yet responds, "But we will approve it."
Dec 4, 2024+	Request for clarification on ordinances/requirements	Don Quigley gives vague and inconsistent responses, references shed ordinance, says project will be stopped if too close (<2 ft).	No clear guidance, process or action shared; again no follow-up in terms of phone, email, or text.
Dec 2024– Jan 2025	Repeated attempts to follow up with compliance officer Don	No response to calls or messages left for Don Quigley.	No further contact or action from Don Quigley.
	ESCALATION ATTEMPTS		
Feb 10, 2025	Called and left voice message for Mayor Carla Merrill	Gary explains slide situation and compliance officer's lack of response.	Gary waits for response

Date	Event / Commitment	Description / Commitment	Outcome or Failure to Perform
Feb 14, 2025	Sent text for update to Mayor	No response from Mayor.	No action or response.
Feb 18, 2025	Sent another update plus progress photos to Mayor	Mayor finally replies she was out of town, says city claims neighbor will be adding higher fence sections to block view, asks for slide area measurement.	Gary responds same day. Fence not adequate, slide impacts remain.
Feb 18, 2025	Responded to Mayor about insufficient fence solution	Gary estimates with no access and only over the fence visibility, details the slide area around 30 feet long, and is much higher than 8 feet (before fill dirt brought in to reduce height) so fence increase of two feet won't resolve privacy/nuisance.	Mayor says she forwarded concerns and photo to city.
Feb 19, 2025	Gary asks Mayor for update; Mayor requests Gary to contact Ryan Robinson directly (City Planner)	Gary calls city for city planner Ryan Robinson, was informed he was in the office, leaves message as instructed by mayor.	Ryan never returns call; no proactive contact received.
Feb– May 2025	Three months pass, project continues, no contact from any city official or compliance officer except for a letter received dated February 20 th stating that our neighbor was in full compliance based upon a hand drawn plan that had lacked detail and only stated generalities about a setback and	All calls and messages ignored; no visit to our home or neighbors home, no updates while construction continues.	Commitments to visit us not honored.

Date	Event / Commitment	Description / Commitment	Outcome or Failure to Perform
	<p>no mention of the upcoming process of bringing infill dirt to raise the ground level at least 4 feet so that the height of the slide would be able to comply to the 12 foot requirement. Note, we assert that at the time of that letter, the height of the slide was much higher and a plan had been created to raise the grade so that it would be in full compliance. In the following months the height of the in process grade raising has been increased to be nearly at the top of the fence to again to comply with the 12 foot maximum height restriction. The new ordinance would change this not allowing homeowners to “cheat” as mentioned in last weeks council meeting that approved a new ordinance and requiring average natural grade, not finished grade completed with fill dirt.</p>		
<p>May 12, 2025</p>	<p>Texted mayor with new photo of a completed platform; shared with affected neighbors the Boggs.</p>	<p>Mayor asks for my address again, agrees to look into it and visit my property.</p>	<p>No tangible action from Mayor nor, city planner, or compliance officer.</p>
<p>May 13, 2025</p>	<p>Gary receives message from mayor that she is reluctant to enter Parker property, asks for slide location. Gary explains he didn't ask her to enter the Parker property as the slide is clearly visible from our backyard, and invited her to come to my property so no need to visit the Parkers.</p>	<p>Gary clarifies proximity of slide to fence (13 inches 17 inches from property line). Gary asks when the mayor will stop by so both my neighbors and us can meet with her to see the slide. Mayor now says too busy but pledges to send compliance officer the next day.</p>	<p>Compliance officer never visits, never follows up</p>

Date	Event / Commitment	Description / Commitment	Outcome or Failure to Perform
May 14, 2025	Mayor says schedule full, will have compliance officer visit project site, take measurements, and states she can come by next day.	Mayor provides conflicting info about slide plans, indicating that the staff thought slide was completed.	No follow-through, no visit conducted as promised.
May 20, 2025	Final follow-up with Mayor for visit/update	Mayor gives vague response, states that a previous text was not delivered to me.	Still no follow-up from city, compliance officer, or Mayor in following week.
May 20, 2025	With time running out and no visits by the compliance officer or the mayor, Gary contacts City Council Member Kelli Law who agrees to visit Laney residence and see the situation.	Gary details months of runaround and nonperformance by compliance officer Don Quigley. Kelli Law states, "I'm not surprised, I've heard similar complaints from others." Acknowledges pattern of similar citizen complaints.	External acknowledgment of systemic issue and failed process.

<p>Nearly 9 Months from initial complaint (Dec 4th, 2025)</p> <p>Aug 26 2025</p>	<p>City council meets to create a new water slide ordinance.</p>	<p>Mayor and council discuss on-record that water slide approvals and process have been allowed "on the fly," indicating that no real process was being used to review projects for approval, nor to get impacted neighbor input. There was also mention of how do we stop the homeowner from cheating on height, after which it was suggested that the new ordinance require a survey, and that the average natural grade should be used vs. a finished grade made from fill dirt.</p>	<p>Highlights broader pattern of unregulated approvals.</p>
---	--	---	---

SUMMARY OF KEY FAILURES IN COMMUNICATION, FOLLOW-UP AND ACTION TO ADDRESS ADJACENT NEIGHBOR CONCERNS.

1. No water slide permit on pool plan when pool slide construction began. The city learned for the first time on December 4th about the pool slide from Gary Laney as confirmed by the city compliance officer Don Quigley. Don Quigley promised to follow-up but never did.
2. No inspections for months by the compliance officer. The mayor messaged me in May that after discussing with the building department staff, that they were “surprised and thought the pool slide was already completed,” further revealing little to no management nor inspections of the pool slide.

Ryan Robinson the city planner, told me the home owner won't allow visits, that we can't visit until the fill dirt is installed which was taking longer than he thought. The fill dirt is now nearing the top of the fence, giving the appearance of a shorter slide measuring from the top of 4+ feet of fill dirt, to bring in compliance with the 12-foot height code. Gary asked about fill dirt, and Ryan confirmed that a home owner can add as much fill dirt as they like, even higher than the property fence if needed. The new ordinance requires a survey to get the average natural grade vs a finished grade.

3. Gary escalated issue to the mayor who initially seemed interested in learning the facts and our concerns. She said she would visit our property to see the slide but no visit to my property ever occurred after multiple assertions she would visit, even when we had dates specified. The mayor further promised that both the compliance officer and the city planner would visit me but that never happened, even when I was directed by the mayor to call the city planner directly, who never called me back. No attempts and no visit to my property by the compliance officer or city planner.
4. Gary finally reaches out to a city council member Kelli Law on May 20th who agreed to visit my property to see the slide which happened that evening. I learned from my meeting with him, that city compliance apparently has very little consistency in follow-up as he shared with me, “I'm not surprised, I've heard similar complaints from others.”
5. Water slides have complicated requirements for safety, design, clearance, etc., but the slide was seemingly approved with a very basic hand drawing with no specs, no engineering, and no attention to or adherence to the many requirements for a special purpose pool and slide.
6. Compliance officer failed to follow-up multiple times or conduct site visit after initial and repeated commitments.
7. City staff/planner offer no transparency into what was being done about our concerns including no attempt to communicate or clarify next steps despite direct requests and multiple contact attempts.

8. Though the Laney's and the Boggs requested a stop order on the project, construction was allowed to proceed (and still continues) with no documented compliance to Utah State Code, permitting, or formal neighbor consideration.
9. Neighbor concerns regarding privacy, nuisance, and process were dismissed or insufficiently addressed.
10. City council and mayor met on August 26th to create a new water slide ordinance, days before this hearing, which is interesting timing just days before our hearing, perhaps to avoid embarrassment regarding the unprofessional "on the fly" approval process and behavior by the city leadership and city planning staff.

One of the main discussion items by the council during this meeting was that, the city must not continue with the "On the fly," type of approvals which they said, "has gotten them in to this situation." This was proof and acknowledgment of complete mismanagement of "on the fly" project approvals, and a total disregard for impacted and concerned citizens like us. Interesting to note that Alpine city has removed the recording of the council meeting dedicated to create a water pool ordinance.

QUESTIONS AND REQUIREMENT FOR CITY COMPLIANCE TO STATE CODE

Per Utah State code, **R392-302**, Utah law requires all residential water slides and pools to comply with state building codes and federal safety standards, regardless of whether a city has a specific ordinance. Local review, barrier requirements, water rights, nuisance laws, and equipment/material standards are strictly enforced at the state level, and local variances primarily affect barrier heights and permitting.

UTAH R392-302 CODE REQUIRES CITIES TO ABIDE BY STATE CODE TO PROTECT ADJACENT NEIGHBORS FROM NUISANCE

A city in Utah that lacks a specific water slide ordinance must use existing state regulations and legal doctrines to protect adjacent neighbors from potential harm including addressing the issue as a public nuisance, requiring a conditional use permit, and enacting new zoning rules.

- Use existing nuisance ordinances
- Utah law defines a nuisance as anything that is "injurious to health, indecent, offensive to the senses, **or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property**". A water slide that causes excessive noise, privacy issues do to ridiculously short setback exceptions, could be addressed as a nuisance.

DID ALPINE CITY COMPLY WITH UTAH STATE CODE R392-302?

For residential water slides in Utah, even when a city has no specific ordinance exists, you must still comply with [Utah State Code R392-302](#), which details requirements for special purpose pools, **including waterslide splash pools**, focusing on safety standards for construction, equipment, and water quality, and you also need a water right from the [Utah Division of Water Rights](#) to use the water.

The local health officer must review and approve the water slide and splash pool plans before construction and opening. Therefore, developers cannot build a slide without adhering to these regulations.

PUBLIC VS RESIDENTIAL

While the rules primarily focus on public pools, they also apply to **any special purpose pool, which includes a water slide splash pool.**

UTAH ADOPTION OF ISPSC.

While the Utah Department of Health does not regulate private residential pools, all residential pool construction, including the installation of a water slide, must comply with the ISPSC>

Key requirements for water slides including for example:

- **Slide exit:** The exit of the slide must be located in an area with the appropriate water depth. Refer to the manufacturer's recommendations and ISPSC guidelines for these specifications.

- **Material quality:** The slide and its components must be made of materials that are non-toxic, non-combustible, durable, and resistant to corrosion. **ETC.**

- **Splash Pool Volume:**

The overflow reservoir must have enough volume to contain at least two minutes of flow from the overflow, maintaining constant water depth.

- **Water Quality and Clarity:**

Water must have sufficient clarity so that the drain grates are visible, or a 6-inch black disk on a white background placed in the deepest part of the pool is readily visible.

- **Equipment Certification:**

Pumps and motors must be sized according to the manufacturer and meet NSF/ANSI 50-2015 standards.

DID THE ALPINE CITY COMPLIANCE OFFICER AND BUILDING DEPARTMENT MEET FEDERAL SAFETY STANDARDS SET BY CPSC?

- In addition to local codes, all residential pool slides must meet the federal safety standard set by the Consumer Product Safety Commission (CPSC). Water slide manufacturers must confirm that their products are CPSC compliant. Compliant manufacturers are required to provide a Certificate of Conformity for their slides.

DID YOU KNOW THAT UTAH HAS ADMIN RULES (R392-302) FOR RESIDENTIAL WATER SLIDES

Did you know that In Utah, the design and material requirements for a water slide are primarily governed by state-level administrative rules, particularly the Utah Administrative Code R392-302, which covers special-purpose pools and water slides?

The state's regulations and building codes supersede any lack of city ordinances. The slide must also meet the safety standards published by the U.S. Consumer Product Safety Commission (CPSC) and the American Society for Testing and Materials (ASTM).

DID YOU KNOW THAT UTAH HAS STATE DESIGN REQUIREMENTS?

- **General safety:** All water slides must be designed to prevent injury, with features such as curved and banked turns to keep the slider safely inside the flume. Designs must consider lateral forces to contain the rider.
- **Access:** A slip-resistant walkway, ramp, or stairs with handrails must provide access from the splash pool deck to the top of the slide.
- **Flume hazards:** The entire slide flume must be free of hazards such as joints, mechanical attachments, cracks, or abrasive characteristics.
- **Exit design:** The slide's exit must provide a safe entry into the splash pool.
 - It must feature a water backup and adequate deceleration distance to reduce the slider's velocity.
 - Exit clearance must be at least four feet from a side wall and at least six feet from an adjacent slide exit.
 - The exit flume must be horizontal at the point of entry into the splash pool.
- **Landing pool depth:** Splash pools for horizontal slides must be at least three feet deep and maintain that depth for a minimum of 20 feet from the slide's exit.
- **Water circulation:** The system must meet NSF/ANSI standards for equipment sizing and have a reservoir with sufficient volume.
- **Corrosion resistance:** All components must be designed to withstand corrosion from water and pool chemicals.

SUMMARY AND APPEAL REQUESTS

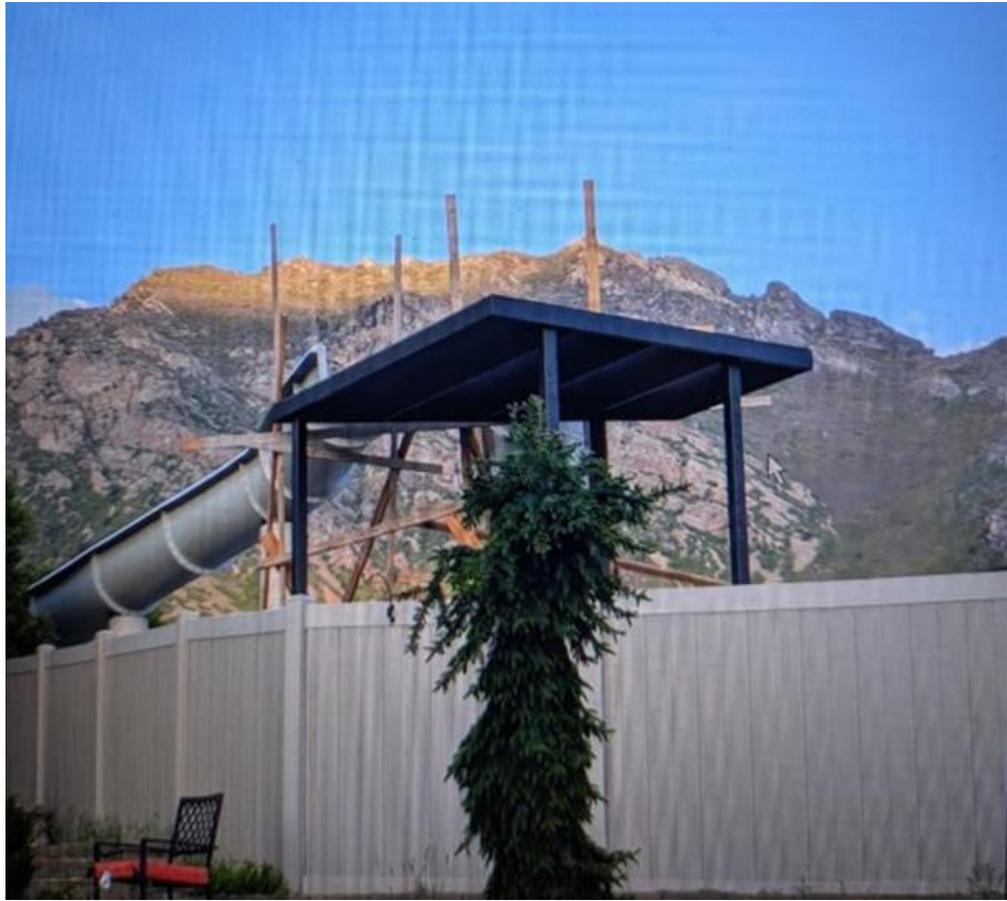
1. AS THE CITY OF ALPINE APPARENTLY DID NOT FOLLOW STATE AND INTERNATIONAL BUILDING CODE FOR A WATER SPLASH SLIDE, THE APPROVAL OF SUCH A PLAN IS NOT LEGITIMATE, IS INVALID, AND MUST BE REJECTED.
2. THE CITY USED A NON-EXISTENT ORDINANCE REPLACED BY AN INCORRECT SHED ORDINANCE THAT DOES NOT FIT THE PURPOSE OF STRUCTURE IN QUESTION, AND VIOLATES UTAH AND INTERNATIONAL BUILDING CODE LAWS ADOPTED AND REQUIRED BY THE STATE OF UTAH.
3. TIMELINE AND INACTION OF ALPINE CITY OFFICIALS UNDERSCORES PERSISTENT FAILURES IN CITY ADMINISTRATIVE RESPONSIVENESS, REGULATORY OVERSIGHT, AND TRANSPARENCY THROUGH THE 9 MONTHS OF DISPUTE.

4. ALPINE CITY BUILDING DEPARTMENT ADMITTED ON AUGUST 26TH, 2025 DURING CITY COUNCIL MEETING THAT AN “ON THE FLY” METHOD TO APPROVE PERMITS AND MAKE EXCEPTIONS, HAS BEEN USED, AND GOT THEM INTO THIS SITUATION WE ARE MEETING ABOUT TODAY, CALLING US THE NOW “INFAMOUS CASE.”
5. ADJACENT NEIGHBORS SHOULD NOT HAVE TO BEAR THE NEGATIVE PRIVACY, NUISANCE AND ECONOMIC IMPACT BECAUSE OF THE MAL DOINGS OF ALPINE CITY BUILDING DEPARTMENT. SUCH CITY ADMIN FAILURE PROVEN OVER A NINE MONTH PERIOD HAS IMPACTED THE RIGHTS OF THE ADJACENT NEIGHBORS, LANEYS AND BOGGS, TO HAVE PROTECTION UNDER UTAH STATE CODE **R392-302, AND THE ISPSC (THE INTERNATIONAL SWIMMING POOL AND SPA CODE)**, AS ADOPTED BY THE STATE OF UTAH TO AVOID IMPACT OF THE VIOLATIONS OF PRIVACY, NUSIANCE AND ECONCOMIC HARDSHIP.
6. UTAH STRICTLY ENFORCES STATE CODES, MATERIAL AND SAFETY STANDARDS, AND FEDERAL SAFETY RULES FOR ALL WATER SLIDES AND SPLASH POOLS, REGARDLESS OF SPECIFIC CITY ORDINANCES. DEVELOPERS AND HOMEOWNERS MUST SECURE WATER RIGHTS, FOLLOW ISPSC, ADDRESS POTENTIAL NUISANCES, AND ENSURE CPSC/ASTM COMPLIANCE.
7. AS OUTLINE BY UTAH STATE CODE, ALPINE IS REQUIRED TO ADHERE TO STATE, FEDERAL RULES, AND INTERNATIONAL ADOPTED CODE AND ORDINANCES.
8. AS WATER POOL SLIDE IS STILL UNDERCONSTRUCTION, WE DEMAND THAT THE POOL SLIDE PERMIT BE REVOKED, THE POOL SLIDE TO BE REMOVED AND/OR MINIMALLY BE SUBJECT TO THE NEW ORDINANCES APPROVED.

Photos shared with compliance officer and mayor







September 3, 2025

To: Alpine City Authority/Hearing Officer
200 North Main Alpine, UT 84004

From: Codruta Boggs
680 E. Ridge Dr., Alpine, UT 84004

Re: Appeal of Alpine City Land Use Decision Regarding Double Pool Slide Located at
715 Ridge Crest Circle, Alpine, UT 84004

Background

This appeal is regarding the accessory structures consisting of a commercial looking double pool slide which loops around into a long curved shape and is supported by pillars, with a large and tall platform located at 715 Ridge Crest Circle, Alpine, UT, 84004 (see Exhibit A) owned by the Parkers (the "Subject Property"), which the Alpine City staff is allowing in clear violation of the applicable provisions of the Alpine Development Code (the "Code").

The accessory structures on the Subject Property consist of the following and are collectively referred to herein as the "Slide Accessory Structures"):

- 1) Large platform with fifteen (15) feet width which has a height of at least 13.5 feet as indicated by the Parkers in the hand-drawn depiction and email attached hereto as Exhibit B (the "Large Platform"). The Large Platform is supposed to have rails which have not been installed at this time. See also Exhibit A for actual pictures of the Large Platform. All such actual pictures were taken from inside my property.
- 2) Smaller platform which does not appear in the hand-drawn depiction in Exhibit B, but is reflected in the pictures in Exhibit A.
- 3) Long double slide which wraps around and is supported by five pillars (the "Slide"). The hand-drawn depiction in Exhibit B does not provide much detail about the Slide, nor does it indicate the materials of which it is made of. See Exhibit A for actual pictures of the Slide. The walls of the Slide are at some portions extremely close to the fence – appearing to be less than two feet or so of the fence line of the Boggs' property and within inches of the Laneys' property line. The five pillars supporting the Slide which were cemented into the ground and act as support for the Slide and which are not shown at all in the hand-drawn depiction of the accessory structure in Exhibit B submitted by the Parkers to the

City (the “Pillars”). See Exhibit A for actual pictures of the Pillars. Most pillars are less than fifteen (15) feet of the neighboring fences, and three of the Pillars appear to be less than two (2) feet to five (5) feet from such neighboring property lines.

The property at 715 Ridge Crest Circle, Alpine is located in Zone CR-20000 – see Alpine 2023 Zoning Map attached as Exhibit C. Such property is behind the property owned by Codruta Boggs at 680 E. Ridge Dr., Alpine and also behind that of the adjacent neighbors, the Laney's at 720 E. Ridge Dr., Alpine. The Memo and the prior correspondence with the City refer to the applicable provisions for properties located in Zone CR-40000 since the City Staff indicated the Subject Property was in Zone CR-40000, but the Subject Property appears to be located in Zone CR-20000, and the provisions applicable to such zone are appropriate. Given that the applicable provisions of the Code in dispute are the same for the two zones, any references to the CR-20000 applicable provisions of the Code herein are interchangeable to the equivalent ones for Zone CR-40000 (and reverse, as needed).

The building of the Slide Accessory Structures was commenced by the Parkers on or about December 2024 without a building permit. Before starting construction of the Slide Accessory Structures, the Parkers filled in a few extra five (5) feet of dirt on the location of the Slide Accessory Structures to bring up the level of the land, adding to the height of the land where the Slide Accessory Structures were constructed, but not having to count that as part of the height of the Slide Accessory Structures, otherwise the height of the Platform would have really been about 18 feet to 20 feet. On December 4, 2024, when construction of the Slide Accessory Structures commenced and it was noticed that a slide would be installed on the Subject Property, the Laney's discussed the matter with the Boggs, and the Laney's notified Mr. Don Quigley, Alpine City Compliance Officer, of the Slide and expressed concerns about its location and also inquired into whether the City approved it. Per the conversation between Messrs. Laney and Quigley, Mr. Quigley did not know anything about such Slide Accessory Structures and confirmed that the Slide was not included in the construction plans for the Subject Property, and further, that at such time no building permit application was submitted for the Slide Accessory Structures. (See Mr. Laney's statements at the Alpine City Council meeting held on June 24, 2025 and the minutes for such meeting). The Parkers started construction and installation of the Slide Accessory Structures before even making the City aware of the plans for such Slide Accessory Structures. When observing that the City was not doing anything about the Slide Accessory Structures, Codruta Boggs notified Mr. Ryan Robinson, Alpine City Planner, of the violations of the Slide on March 21, 2025. The Boggs and Laney's also addressed the Alpine City Council about the Slide Accessory Structures violations on June 24, 2025 and July 8, 2025, and sent a letter regarding such

violations on June 27, 2025 to Messrs. Robinson and Quigley, and all members of the Alpine City Council.

It appears that after the construction of the Slide Accessory Structures was brought to the City's attention, the Parkers submitted a hand-drawn drawing of some elements of the Slide Accessory Structures – see Exhibit B attached, that is not to scale and does not clearly indicate the measurements of the Slide, is missing the Pillars, and is not even an accurate depiction of the actual Slide Accessory Structures. Such hand-drawing attempt of a depiction of some of the elements of the Slide Accessory Structures was made on previously old plans for other structures on the Subject Property that were stamped as approved by the City on June 25, 2024 (and stamped received June 3, 2023). The Slide Accessory Structures have not been currently finalized and are still under construction.

The Alpine City Staff sent a response letter dated July 22, 2025, and postmarked July 23, 2025 (Alpine City Accessory Structures Memorandum) to the Boggs and the Laneys (the "Memo") confirming that the "slide and platform are considered accessory structures" within the definition of a "customary residential accessory structure" set forth in Section 3.01.110 of the Code, also referred to as an "accessory structure" in Section 3.04.050.2 of the Code. The City also indicated in the Memo that the slide and platform must comply with the setback and height requirements for accessory structures in the zone DCA 3.04.050.2.a.iv(2) and 3.04.080.2.

The City incorrectly concluded in the Memo that the two (2) foot setback exception may apply to these accessory structures even without a roof and that "based upon the city's review the slide and platform meet the conditions required to qualify for the two-foot setback exception." Additionally, the City is incorrectly using methodology it described in the Memo to measure the setbacks and height of each of the Slide Accessory Structures.

On August 26, 2025, in response to these outrageous Slide Accessory Structures, the Alpine City Council approved a new ordinance regarding pool facilities such as pool slides, including a ten (10) foot maximum height requirement with the height measured from the average natural grade, adjacent to the single separate facility, to the highest point of the structure, ten (10) foot rear and side setbacks, and that the setbacks are measured from the edge or perimeter of the structure to the property line. See Sections 3.03.050(2)(b) and 3.04.050(2) of the Code and see also the Alpine City Council discussion at its meeting on August 26, 2025, starting at the 26-minute mark. The new ordinance also does not allow for filling in dirt to raise the level of the land where a slide is located. The discussion of the Alpine City Council also stressed the importance of the quality of life/privacy of the owners of properties neighboring those with slides.

- I. **The two (2) foot exception to the fifteen (15) foot rear setback for accessory structures does not apply to the Slide and/or Platform as they do not meet all the requirements for the exception, and as such the Slide and Platform are both in violation of the applicable fifteen (15) foot rear setbacks.**

In the Memo the City agrees that the Slide and Platform are considered “customary residential accessory structures” per DCA 3.04.050.2 and that they must comply with the setback and height requirements for accessory structures in the applicable zone. It is not disputed that such Slide and Platform are considered “**customary residential accessory structures**” which are defined in Section 3.01.110 of the Code as “*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, green houses, storage buildings and satellite dishes.*” The City concedes that each the Slide and the Platform are an ancillary structure rather than being considered together as just one ancillary structure. As stated in the Memo “Under this definition, the slide and platform are accessory structures.” The dispute is with respect to the applicable rear setbacks to the Slide and Platform. The City is trying to inappropriately fit each of the Slide and Platform within the two (2) foot exception to the fifteen (15) foot rear setbacks applicable to accessory structures such as the Slide and Platform, but neither of those (either separate or together) meets **all** the requirements required for the two (2) foot rear setback exception.

Per Section 3.03.05(2)(iv) of the Code (Side and Rear Setback) (referenced in the Memo to Section 3.04.05(2)(iv) of the Code, although as mentioned-above the language of such sections is the same):

“Accessory Structures shall be set back **not less than fifteen (15) feet from the rear lot line** and ten (10) feet from the side lot line, **except that a two (2) foot minimum rear or side setback shall be required when all the following conditions are met:**

.... [omitted]

No drainage **from the roof** will be discharged onto an adjacent lot;

The Accessory Structure shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;...

The Accessory Structure **will not be taller than twelve (12) feet six (6) inches to the top of the roof line;**...

No minimum rear or side setback shall be required if the building will not be taller than ten (10) feet **to the top of the roof line.**

The above Section of the Code must be read and interpreted according to the “plain meaning” of the language used. It specifically includes the word “**roof**” as part of certain requirements which must all be met for the exception to apply for Accessory Structures such as: no drainage **from the roof** will be discharged onto the adjacent lot and the accessory structure will not be taller than twelve (12) feet six inches to **the top of the roof line**. The no minimum rear or side setback for a building that is not taller than ten (10) feet also refers to the top of the roof line, although it does not appear the City is saying that there should be no rear setback for the Slide Accessory Structures (that position would be utterly ridiculous and in violation of the Code). The plain meaning of the word “roof” is a cover of a structure. For example, a “roof” is commonly defined as “the covering that forms the top of a building” (Cambridge Dictionary), or “the cover of a building” (Merriam-Webster Dictionary). A reasonable person would also interpret “roof” to mean the cover of a structure. If the exception was intended to apply to Accessory Structures without a roof, then the language of the regulation would have instead included references to the “top” of such structures or “the highest point of the structure” as illustrated by the language used in the new ordinance for pool facilities on August 26, 2025 by the Alpine City Council (See Sections 3.03.050(2)(b) and 3.03.050(4)(b)). As such, based on the plain meaning of the language set forth for the setback exception, since the Slide and Platform do not have a roof, they do not meet all the requirements for such two (2) foot rear setback exception (no do they meet the exception for no rear setbacks).

The plain meaning of the exception is also consistent with the public policy addressed by the exception. The exception is contemplated for structures with a roof and not for structures that people stand on. Unlike a shed, or other structures which has a roof, the solely purposes for the Platform and Slide is for people to stand and slide on them, respectively. The exception to the fifteen (15) foot rear setback is meant to apply to structures with a roof that are below certain heights in order to avoid being a nuisance, including invasion of privacy, to the neighboring lots. A 6 foot person standing on a slide platform with a 12 feet and 6 inches height would put the person at 18 feet and 6 inches. That is not a concern with accessory structures that have a roof because the contemplated usage and purpose of such a structure does not entail standing on the roof in order to use the structure. As discussed in the Alpine City Council meeting on August 26, 2025 (see discussion regarding slide structures starting at 26-minute mark at <https://youtu.be/ybOE4P6FUok>) the City Council members recognized that the two (2) foot setback is meant to apply to sheds and were concerned about the impact of pool slides being too close to the neighboring properties, including noise and invasion of privacy.

Furthermore, even under the City's position that the Slide and Platform can fit the exception to the fifteen (15) foot rear setback despite the fact that they do not have a roof, there are other requirements of the exception that are not met by the Slide and Platform. The Platform and part of the Slide are each higher than the 12 feet and 6 inches height restriction set forth in the exception (although the City appears to have come up with an artificial and ridiculous way of measuring the Slide such that it does not reflect the actual height of the Slide Accessory Structures and make up that the height is conveniently 12 feet). Even in Exhibit B, Mr. Parker depicted the height of the Platform with railing at 13 feet and in the attached email (also part of that Exhibit B) Mr. Parker indicated that with the added railing the Platform will be 13.5 feet tall. In reality the Slide and Platform appear even taller than that, and with the dirt that was filled in, additional height was hidden. Additionally, the Slide (and possibly the railings which have not been installed yet) is not made of non-combustive materials which is another requirement for the exception. As such, the City did not only incorrectly conclude that the exception applies to the Slide and Platform without a roof, but also wrongly concluded that the height and materials requirements of the exception are met by the Slide and Platform.

II. The City Staff is using an incorrect measurement method for the rear setbacks and the heights for the Slide Accessory Structures.

Citing to the definition of Section 3.01.110 of the Code (Yard, Front, Yard, Side, and Yard, Rear), the City stated in the Memo that it measures the setback of these types of structures at the foundation level rather than from the top of the slide or platform itself. That definition does not appear to have anything to do with how to measure the rear setback for an accessory structure such as the Slide Accessory Structures. For example, the definition of Yard, Rear just references that "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."

The rear setbacks of the Slide Accessory Structures should be measured from each point of the Slide Accessory Structures - in fact in the new ordinance applicable to pool facilities, including pool slides, it is specified that "setbacks for related facilities shall be measured from the edge or perimeter of the structure to the property line." That is the methodology that is appropriate for such measurements rather than the "made-up" measurement method that the City is using, which results in artificially manipulated setback measures that result in a ridiculous outcome and were never intended to apply to structures such as pool slides and platforms. Measuring the setbacks from such edge or perimeter of the structure to the property line result in the actual rear setbacks for the Slide Accessory Structures being even less than two (2) feet, and definitely less than fifteen (15) feet. Even using the foundation level of some of the Pillars as methodology,

that would result in some places in rear setbacks of less than fifteen (15) feet and in some cases, possibly even less than two (2) feet. The Slide Accessory Structures have foundations at each four supports of the Platform, as well as each of the five Pillars. Per Exhibit B, the Platform is located at ten (10) feet from the fence, indicating a ten (10) foot rear setback. Three of the five Pillars are also located very close to the property line, resulting in a rear setback in some places less than ten (10) feet, and even less than two (2) feet. Such rear setbacks are in violation of the applicable fifteen (15) foot rear setbacks applicable to the Slide Accessory Structures, and even the two (2) foot rear setbacks of the exception which is not applicable as discussed above.

The City also stated in its Memo that it measures the height of these types of structures from the average finished grade of the ground surface adjacent to the foundation of the structure to the top of the ridgeline (DCA 3.04.080.2). Section 3.03.080.2 applicable to properties in CR-20000 Zone has the same language. It is unclear and very dubious how the City is measuring the height of each of the Slide Accessory Structures as they have multiple foundations; each the Platform and the Pillars have their own foundation. The height of each Slide Accessory Structure should be measured separately, and it does not appear that the City is doing that. The term "ridgeline" is not defined in the Code, and as such it must be given its plan meaning. "Structure ridgeline" is defined by Law Insider Dictionary as follows: "Structure ridgeline means the line along the top of a roof or top of a structure, if it has no roof." Given the type and nature of each of the Slide Accessory Structure, the height of the Platform must be measured to the top of the Platform with the rails (which is also consistent with the drawing provided by the Parkers and email correspondence in Exhibit B). Additionally, the heights of the Slide must be measured to the top of the respective Slide portion from the base of each Pillar. As such, the Platform has its own height and foundation, and its height is higher than 12 feet and 6 inches. The Slide also has a Pillar which has a foundation and which would also put the Slide at the location where it lays on the Platform at a height of more than 12 feet and 6 inches. Therefore, the City is incorrectly measuring the heights of the Slide Accessory Structures and trying to illegally make the Slide Accessory Structures fit within the 12 feet and 6 inches height to try to squeeze them into the inapplicable two (2) foot exception to the fifteen (15) foot rear setback applicable to the Slide Accessory Structures. The new ordinance applicable to pool facilities, such as pool slides require that *"the height of any pool-related facility shall be measured from the average natural grade, adjacent to the single separate facility, to the highest point of the structure."* That is exactly how the height of the Slide Accessory Structures should be measured, otherwise they could be artificially and illegally manipulated as the City Staff is attempting to do in this case.

III. The City could not legally approve the Slide Accessory Structures as the proper process for the approval of such Slide Accessory Structures was not followed pursuant to the Code.

The building of the Slide Accessory Structures were commenced without a building permit or any prior approval by the City. Further, once the construction of the Slide Accessory Structures was brought to the City's attention in December 2024, it appears that a permit was subsequently requested by the Parkers, but the plans submitted to the City for the Slide Accessory Structures (see Exhibit B) do not comply with the requirements for a permit and as such could not have been properly and legally approved by the City. The documents in Exhibit B were the only documents provided by the City in response to a request for the building permit for the Slide Accessory Structures. Section 3.01.060 of the Code provides that **"Construction, alteration, repair, or removal of any building or structure or any part thereof, as provided or as restricted in this ordinance shall not be commenced except upon issuance of a building permit by the Building Inspector."**

On December 4, 2024, when construction of the Accessory Slide Structures commenced and it was noticed that a slide would be installed on the Subject Property, the Laney's immediately notified Mr. Don Quigley and expressed concerns about its location. Mr. Don Quigley confirmed that the Slide was not included in the construction plans for the Subject Property, and at that time no building permit application was submitted for the slide. (See Mr. Laney's statement to this effect at the Alpine City Council meeting held on June 26, 2025 and reflected in the minutes thereof). The Parkers started construction and installation of the Slide Accessory Structures before even making the City aware of the plans for such Slide Accessory Structures. As such, no permit was granted by the City prior to commencing the construction/installation of the Slide Accessory Structures.

In response to a request to the City for a copy of the building permit for the Accessory Slide Structures submitted by the Parkers, the hand-drawn drawing attached as Exhibit B was provided which is not to scale and it does not portray the Slide Accessory Structures as it is missing elements of such structures and it does not reflect the actual size (see comparison of this drawing against the pictures of the Slide Accessory Structures in Exhibit A). This appears to have been manually drawn up on a copy of the prior plans approved by the City for the residence building or other accessory structures on the Subject Property in June 2024. Even in February 2025, as indicated by the email correspondence from Mr. Parker to Mr. Robinson attached as Exhibit B hereto, Mr. Parker did not know how to measure the setbacks or height of the structures – this was at the time that the construction of the Slide Accessory Structures was already advanced, and it

is very clear that such construction was commenced without any understanding of the required height or setback requirements. The plan for the Slide Accessory Structures does not comply with the requirements set forth in Section 3.01.060 of the Code, which among others requires a detailed site plan drawn to scale which shall be filled with the Building Inspector as part of any application for a building permit, and which must include: Scale and north arrow; Lot Lines and their dimensions including existing boundary monuments; Location of all existing structures on subject property and adjoining properties (completely dimensioned); An indication of the average slope of the lot based upon application of the formula provided in DCA 3.01.100 Part 4; Location, proposed construction and improvements, including location of all landscape elements and signs; Necessary explanatory notes; Show Setbacks and building height.

As such, the City could not have properly approved the Slide Accessory Structures based on the requirements for the permit/approval from the City required by Code.

Furthermore, Section 3.01.110 of the Code defines “customary residential accessory structure” as follows: “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, green houses, storage buildings, and satellite dishes.” Mr. Parker in his email to Mr. Robinson (see Exhibit B attached hereto) stated that he is “just trying to have a couple fun slides for our kids and neighbor friends to use.” Mr. Parker is thus admitting that the Slide Accessory Structures are not intended for the incidental and exclusive use of the residents of his dwelling, rather it is intended to also be made available to neighbor friends, which would increase the nuisance, including invasion of privacy, resulting from the use of the Slide Accessory Structures.

IV. Approving the Slide in its current location is contrary to the legislative intent of the Code, as it is an egregious violation of our privacy rights and general welfare.

When the legislature implemented the Code, it specified the purpose of such regulations as among others, to promote the health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of Alpine. (See Section 1.02 of the Code). Further, as set forth in Section 1.03 of the Code “interpreting and applying this Code, the provisions thereof ***shall be held to be the minimum requirements*** needed to promote the public health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of the City.” *(Empasis Added).*

Allowing the Slide Accessory Structures in their current location so close to our property is an egregious violation of our privacy rights and our right to enjoy our property, and creates a significant nuisance. People on the Slide Accessory Structures which are right by our property line/backyard would be viewing our entire backyard and also having direct view into our house, including some of our bedrooms and bathroom. When the Slide Accessory Structures would be in use we would not be able to go outside and use the backyard, resulting in complete loss of the value of our backyard, and my children would be denied the right to play in their own backyard. This has already affected our use of our property, and many times my children could not be in the backyard playing because of workers working on the Slide who were on the Platform and/or installing the Slide staring into our backyard and at my family. In addition, the Slide Accessory Structures being so close to our property line/backyard creates a significant noise issue, and again we have already experienced this with workers building the Slide Accessory Structures. These are all concerns which the City Staff should have taken into consideration when determining whether the location of the Slide Accessory Structures were appropriate in their current location, but grossly failed to do so (instead City Staff appear to have tried to do everything possible to approve the Slide Accessory Structures, although the construction was commenced without any consultation with the City or approval by the City). The City Council at its meeting on August 26, 2025 (at the 26-minute mark) discussed these types of concerns when adopting the new ordinance applicable to pool facilities, including slides. The City Staff failed to follow the purpose of the applicable legislation and to protect our welfare as residents of the City.

V. The new ordinance applicable to pool slides and facilities adopted by the Alpine City Council on August 26, 2025 shall apply to the Slide Accessory Structures.

On August 26, 2025, the Alpine City Council passed a new ordinance codified in Section 3.03.050(2)(b) and Section 3.04.050(2)(b), respectively for the different zones, specifically referencing swimming pools and related facilities (which include, but are not limited to, enhancements such as slides) which requires that **“swimming pools and related facilities shall be set back not less than ten (10) feet from any interior side or rear lot line.”** Additionally, such section also requires that **“The height of any pool-related facility shall be measured from the average natural grade, adjacent to the single separate facility, to the highest point of the structure and shall not exceed ten (10) feet.”**

The Slide Accessory Structures, which are still under construction, were not legally constructed to comply with the applicable rear setback requirements in Section 3.03.050(2)(a)(iv) or 3.04.050(2)(a)(iv) of the Code for the respective zone, which were in effect prior to the adoption of this new ordinance, and also did not comply with the

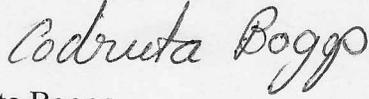
applicable building permit requirements. As such, given that the Slide Accessory Structures were illegally installed prior to the new ordinance applicable now to such structures, it would only be fair and reasonable to require that the Slide Accessory Structures be required to be rebuilt to comply with the current Section 3.03.050(2) or Section 3.04.050(2)(b) of the Code as applicable to the zone.

Conclusion

The Slide Accessory Structures, which were constructed from the beginning without a City approval, are still undergoing construction. Unfortunately, the City Staff did not know how to properly handle the Slide Accessory Structures as they have not previously dealt with anything like this. The Slide Accessory Structures are being illegally built in violation of the applicable fifteen (15) foot rear setback requirements to the Slide Accessory Structures in effect prior to the new pool facilities ordinance discussed above. The Parkers intentionally did not build the Slide and Platform next to their own dwelling in order to avoid being inconvenienced by their own monster Slide and Platform. Instead, they opted to build it right next to their neighbors' property to have the neighbors deal with the inconvenience and nuisance it creates. Such Slide Accessory Structures are a significant intrusion on our privacy and devalue our property as it limits our ability to use our backyard. It is clear from the plain language of the applicable setback requirements and the intent of that regulation that the two (2) foot exception to the rear setbacks does not apply to the Slide Accessory Structures that do not have a roof and is meant for accessory structures with limited height that have a roof (and are not meant for people to stand on and intrude into neighbors' rights to privacy and enjoyment of their property). Furthermore, other requirements for the exception such as the height restriction of 12 feet and 6 inches and the materials requirements, are also not met by the Slide Accessory Structures. As above mentioned, the City is also incorrectly measuring the heights and setbacks of the Slide Accessory Structures using methodologies they use for accessory structures such as sheds or other similar type structures, which are completely inappropriate and not applicable to structures of the nature of the Slide Accessory Structures and result in an outrageous outcome when applied to pool slides and platforms. This was recognized by the Alpine City Council when they stepped in to adopt a new ordinance for pool facilities clarifying how those measurements for height and setbacks should be made – and which should be applied in this situation. The points raised and discussed by the Alpine City Council at its August 26, 2025 meeting, starting at the 26- minute mark, are the kind of considerations that the Alpine City Staff should have considered when evaluating whether or not the Slide Accessory Structures were appropriate, but grossly failed to do so. The City has grossly erred in allowing the Slide Accessory Structures to continue to exist and be built in their current location and must

take immediate appropriate action to correct the ongoing violations and require that the Slide Accessory Structures be removed from the current location to a different location that complies with the applicable Code requirements.

Respectfully submitted by,

A handwritten signature in cursive script that reads "Codruta Boggs". The signature is written in dark ink and is positioned above the printed name.

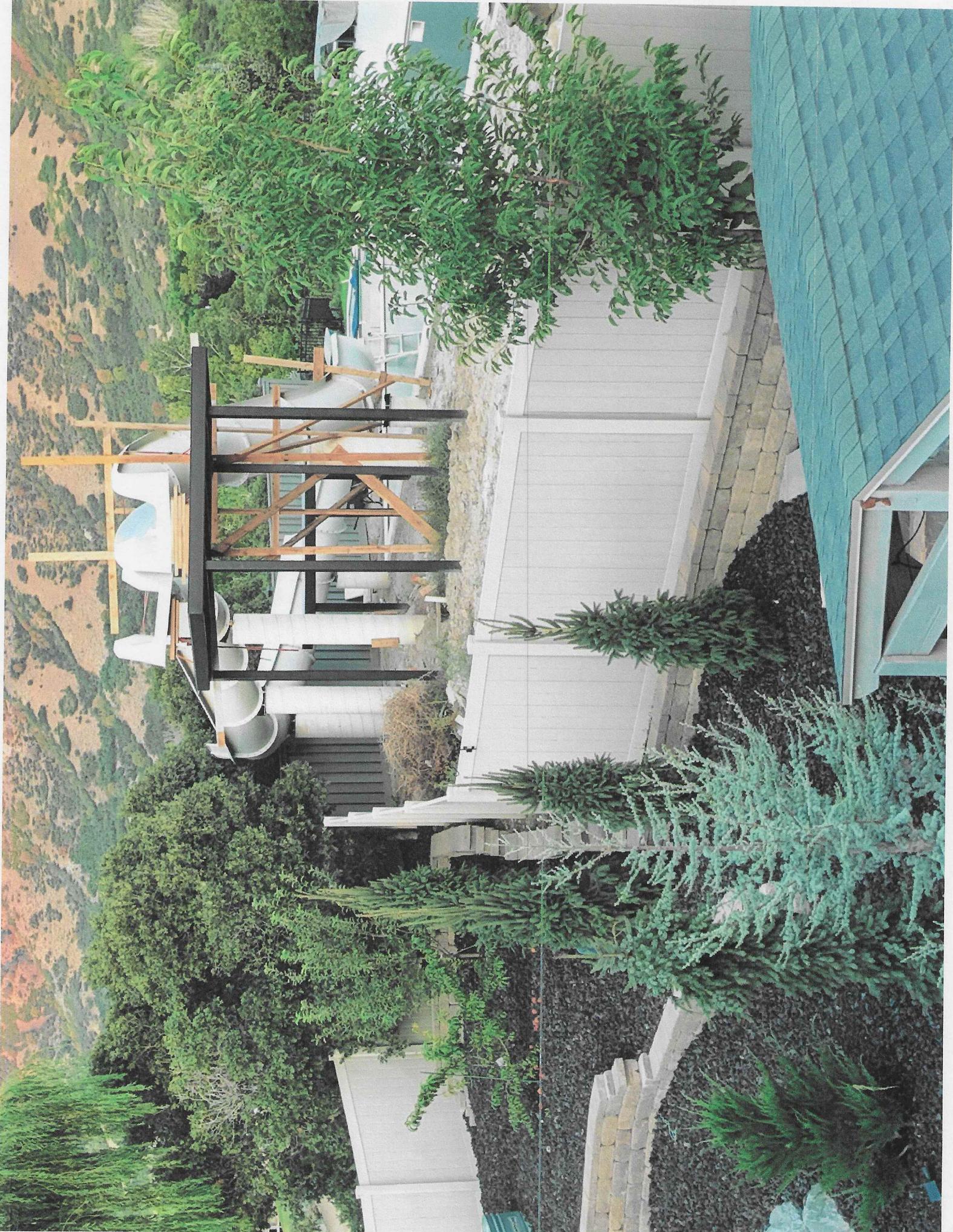
Codruta Boggs

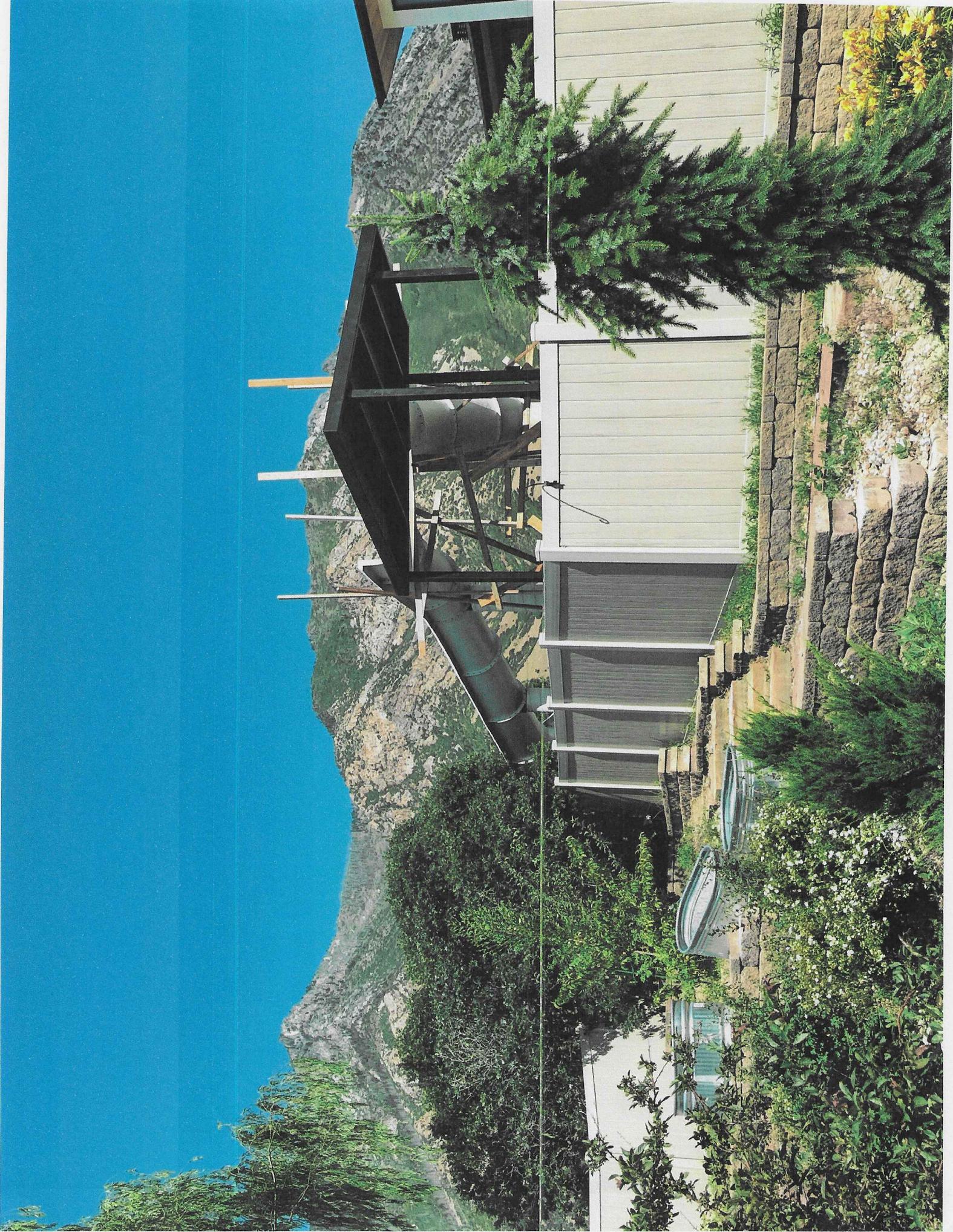
Exhibit A

Pictures of the Slide Accessory Structures

(Taken from Boggs Residence)

(Attached)





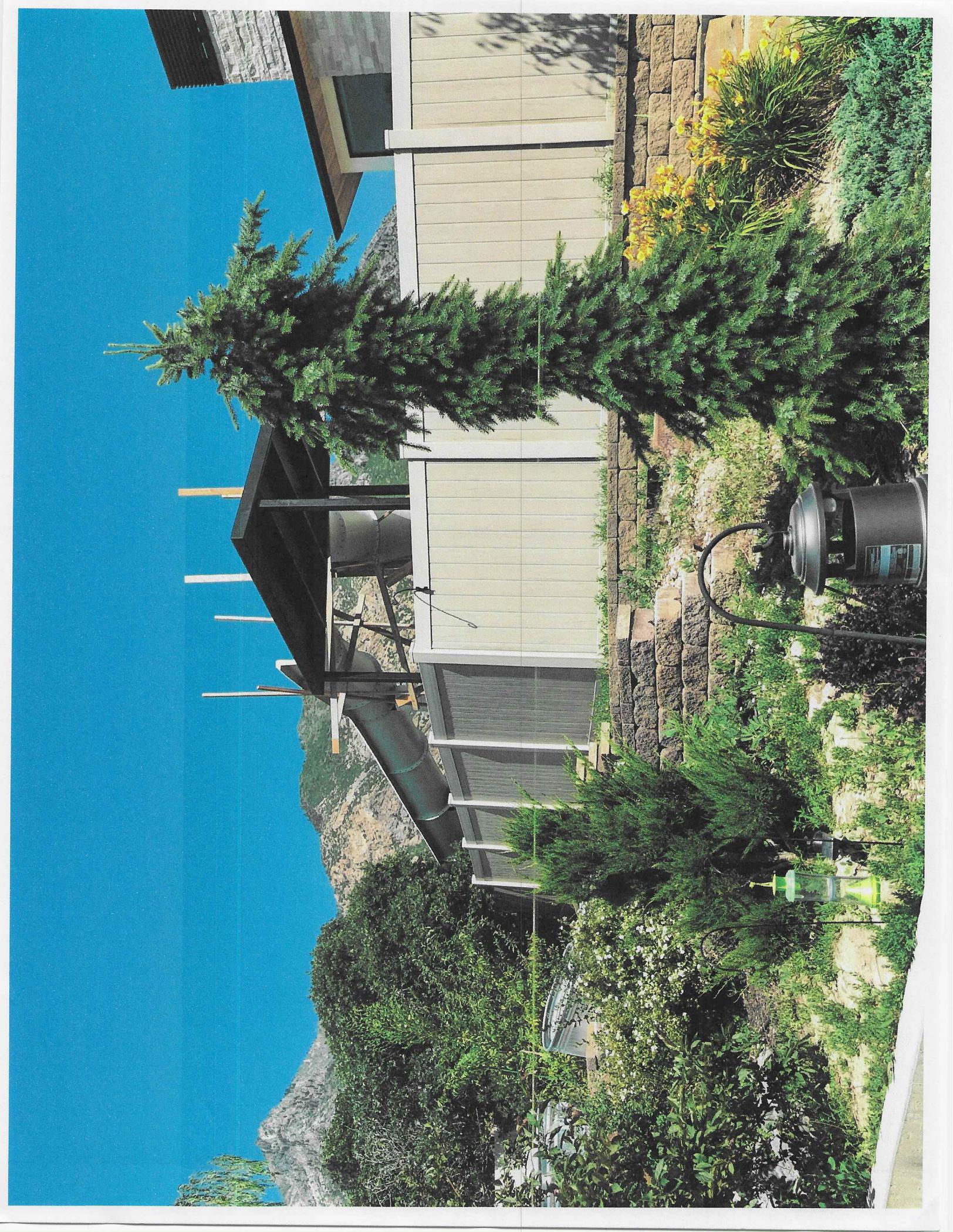




Exhibit B

Plans Submitted by Mr. Parker & Email Correspondence

Obtained from Alpine City

(Attached)

Ryan as we discussed, the platform for the slides is 9.5' tall after pavers are installed and with the added railing it'll be 13.5' tall. I made sure this structure had a 10' setback from rear fence. The portion of the slide next to Gary's lot is 7' foot tall and this is why I did not think the set back applied. As I told you I'm willing to replace a portion of my fence and add more fencing on north side of other neighbor which will cost me another 6-8k. This would be an 8' tall fence so it would hide more than half the slide from view and alleviate any splashing of water over fence. Obviously I'd prefer not to do this but I'm trying to be open to options. I'm meeting with my pool guy and construction crew Monday to look at options of moving the slide as well. Hopefully we can all come up with an amicable solution. We are just trying to have a couple fun slides for our kids and neighbor friends to use.

Thank you

Bret Parker

Re: Fence permit

From Bret 
Date Tue 2/4/2025 10:36 AM
To Ryan Robinson <ryan@alpineut.gov>

Ryan I met with my landscaping architect to draw up plans for under slide and he wanted to me to verify with you about how the measurements were done. He thought when it came to a connected structure/accessory that it was the average height of entire structure that setback was based on not just the peak height. Can you verify that? Because if that's the case then the average height of slide structure would be under 10'. I'm still planning to do flower bed but if that's the case it would determine how I do it.

Thank you,

Bret Parker

On Jan 17, 2025, at 12:44 PM, Bret <bret315@gmail.com> wrote:

Great let me know when I can call.

Thank you,

Bret Parker

On Jan 17, 2025, at 10:19 AM, Ryan Robinson
<ryan@alpineut.gov> wrote:

Yes, I have meetings this morning but will be available this afternoon.

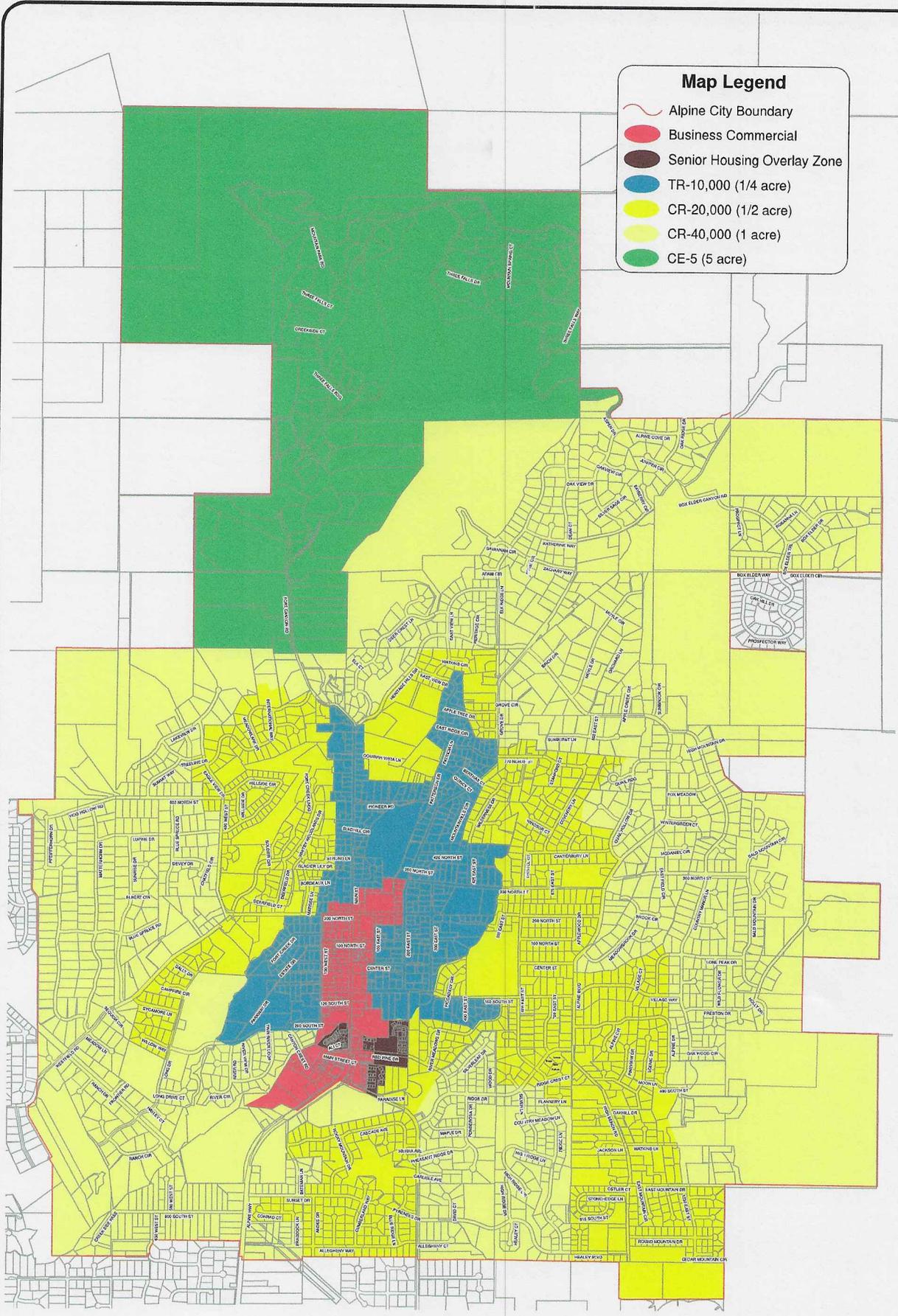
Exhibit C

Alpine City 2023 Zoning Map

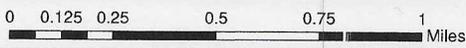
(Attached)

Map Legend

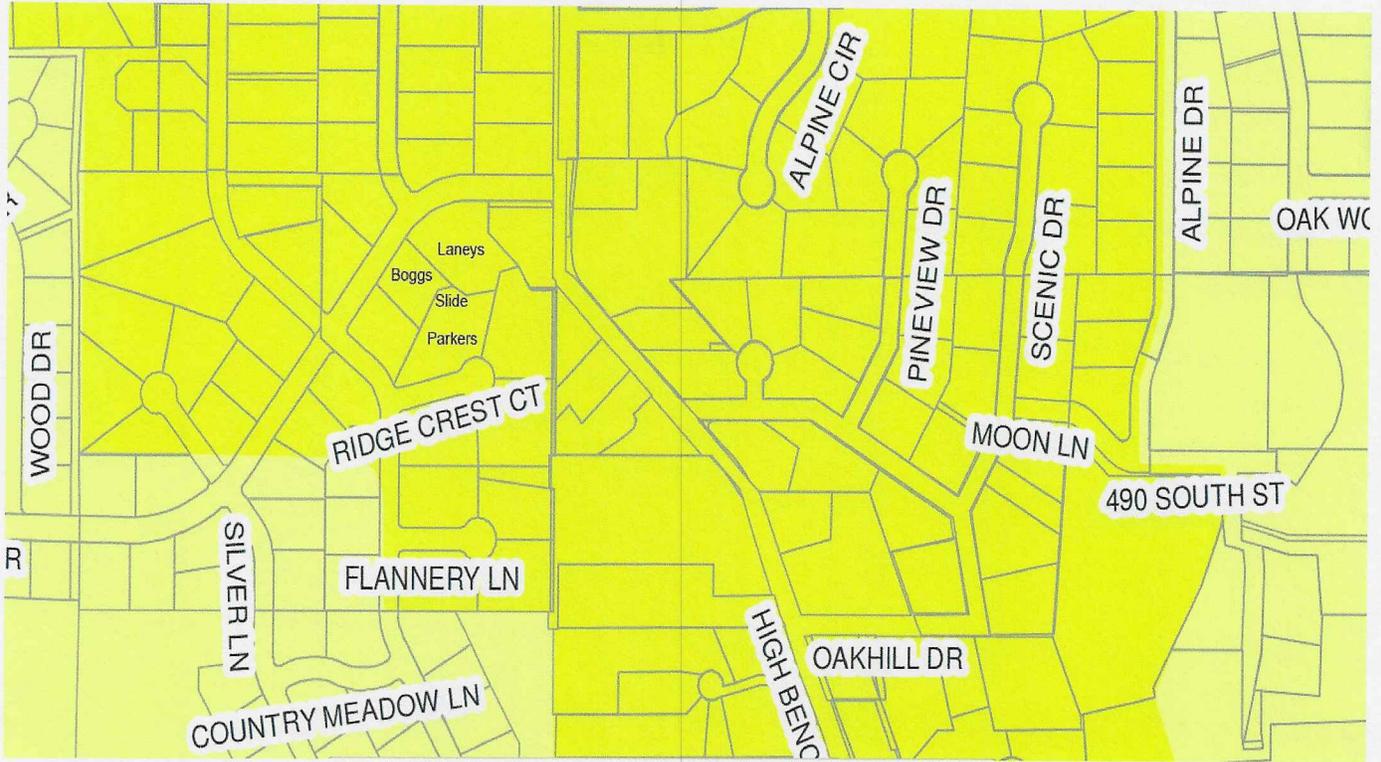
-  Alpine City Boundary
-  Business Commercial
-  Senior Housing Overlay Zone
-  TR-10,000 (1/4 acre)
-  CR-20,000 (1/2 acre)
-  CR-40,000 (1 acre)
-  CE-5 (5 acre)



Alpine City Zoning Map



Ordinance No. 2023-23
September 12, 2023







Galaxy S20 FE 5G

**BEFORE THE APPEAL AUTHORITY OF ALPINE CITY
STATE OF UTAH**

<i>In re: Appeal of Codruta Boggs and Gary and Carla Laney</i>	: : : : :	City’s Brief in Response to Appellants’ Supplemental Submissions in Appeal of Alpine City Staff’s Decision Re: Parker Pool Structures
--	-----------------------	--

Codruta Boggs and Gary and Carla Laney have appealed the memorandum decision of Alpine City Staff (“**Staff**”) dated July 22, 2025, interpreting the Development Code of Alpine (DCA) to allow height and setback exceptions for a pool slide and platform structures (the “**Pool Structures**”) located on the Bret Parker property at 715 Ridge Crest Circle, Alpine, Utah (the “**Parker Property**”). The City submits this brief in response to the appellants’ supplemental submissions dated September 3, 2025 (the “**Supplemental Submissions**”), and urges the land use appeal authority to disregard matters outside the scope of appeal and to uphold Staff’s decision.

Jurisdiction

This appeal is properly before the hearing officer in her capacity as the appeal authority designated to hear appeals from decisions of Staff, acting as land use authority, applying or interpreting the City’s land use ordinances under DCA § 2.03.020.3.b.

Background

Staff issued a memorandum decision dated July 22, 2025, interpreting the Development Code of Alpine (DCA) in effect at the time to allow height and setback exceptions for the Pool Structures located on the Parker Property (“the **Decision**”). The Decision was not the first time the City had responded to complaints from Ms. Boggs and the Laney’s about the Pool Structures. As recounted in the appellants’ Supplemental Submissions, various Staff members had already interpreted the land use ordinance to allow the Pool Structures as constructed. *See, e.g.*, Letter

from Don Quigley, City Code Compliance Officer, to Gary Laney dated February 20, 2025, a copy of which is attached as **Exhibit A**. Neither appellant appealed Mr. Quigley’s determination or otherwise responded to his letter.

Instead of appealing prior determinations in a timely fashion under DCA § 2.03.040.1.b, appellants repeatedly complained to staff and elected officials privately and in city council meetings. In order to avoid confusion and allow appellants another opportunity to appeal through appropriate channels, Staff issued the Decision summarizing its previous decisions.

Appellants timely filed appeals of the Decision, which were set for hearing before the Hearing Officer on September 3, 2025. That same day, appellants submitted lengthy supplemental materials to which the City had no time to respond. The Hearing Officer continued the hearing until September 24, 2025, to allow the City an opportunity to respond to the Supplemental Submissions.

Because the City had dealt with the issue of swimming pool-related facilities on several occasions, Staff recommended an amendment to the land use ordinance to clarify the issue. On August 26, 2025, the City Council approved an amendment governing “Swimming Pools & Related Facilities.” *See, e.g.*, DCA § 3.03.050.2.b, a copy of which is attached as **Exhibit B** (the “*New Ordinance*”). The New Ordinance was not in effect at the time the Decision was rendered.

Issue on Appeal

The sole issue on appeal is whether Staff, as land use authority, erred in interpreting the land use ordinance in effect on the date of the Decision in the manner stated in the Decision. Issues such as whether construction of the Pool Structures was commenced without a building permit, whether the submissions for a building permit were adequate, whether Staff responded

appropriately to appellants' informal complaints, and whether the standards found in the New Ordinance should apply, are untimely or beyond the scope of this appeal.

Standard of Review

The following standards of review apply to this appeal from the Decision interpreting the land use ordinance's height and setback requirements in this case:

All appeals on decisions applying a land use regulation to a specific application or parcel of land ***shall be on the record only*** and not de novo. . . .

* * *

The Land Use Hearing Officer shall review the decision of the Land Use Authority that involves a determination of factual matters on the record, and not de novo, and ***determine whether the decision was arbitrary, capricious, or illegal***. A decision is considered arbitrary or capricious ***only if the Hearing Officer determines that there was not substantial evidence***, as that term has been defined by Utah courts, found in the record to support each essential finding of fact of the Land Use Authority.

The Land Use Hearing Officer shall interpret and apply the plain meaning of the land use regulation; ***and interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application***.

* * *

The appellant has the burden of proving that the Land Use Authority erred.

DCA § 2.03.040.1.e(iii), (v), (vi), and 1.f (emphasis added).

Under these standards, the hearing officer should review the evidence and arguments in the record on appeal and determine whether the Decision interpreting the then current land use ordinance was arbitrary, capricious, or illegal.

Argument

I. THE HEARING OFFICER SHOULD CONFINE HER CONSIDERATION OF THIS MATTER TO THE DECISION ONLY.

The Supplemental Submissions contain a host of allegations against Staff in connection with the approval and ongoing construction of the Pool Structures. None of those allegations are material to the appeal, and the Hearing Officer should decline to consider them.

For example, appellants repeatedly castigate staff for allowing construction of the Pool Structures to begin without a building permit, or to continue without building permit submissions appellants consider to be adequate. Appellants also complain that Staff and elected officials inadequately responded to their repeated complaints and inquiries about the Pool Structures over a period of some nine months. *See* Laney Supplemental Submission, pp. 3-6. (Appellants conveniently omit the February 20, 2025, written response (**Exhibit A**) and numerous phone calls and other communications from their chart of the City’s alleged failures.)¹

Appellants also protest that Staff has allowed the Pool Structures to be constructed of the wrong materials. They contend that Staff should have used methodologies in the New Ordinance for measuring the location and height of the Pool Structures. Finally, appellants claim that the Pool Structures constitute a nuisance the City must enforce against the Parker Property.

Importantly, the Decision appealed from here is confined solely to Staff’s interpretation of the height and setback requirements applicable to the Pool Structures. It does not extend to these and other matters raised in appellants’ original submissions and the Supplemental

¹ The City disputes much of the Laney’s “Timeline of Events, Commitments, and Failures.” But the timeline is not material. The only issue on appeal is not the City’s alleged lack of responsiveness, but whether the Decision itself interpreting the land use ordinance is arbitrary, capricious, or illegal.

Submissions. The time for appealing the land use decisions, if any, associated with those other matters was within ten days after the decisions were made. DCA § 2.03.040.1.b.

Appellants did not appeal those decisions, and instead sought to convince Staff and elected officials that appellants' position was correct and the City had an obligation to protect neighbors from detrimental effects of the Pool Structures. The Hearing Officer must ignore these extraneous allegations and confine her consideration to the Decision interpreting the height and setback exceptions for the Pool Structures. The Decision was rendered to allow appellants another opportunity to appeal decisions previously rendered, but did not resurrect issues from which appellants failed to appeal or open the door to matters beyond the scope of the Decision itself.

II. THE DECISION CORRECTLY INTERPRETED AND APPLIED THE APPLICABLE LAND USE ORDINANCE PROVISIONS REGARDING SETBACK EXCEPTIONS.

The City addresses appellants' arguments pertinent to the Decision, as follows:

A. The Decision Correctly Concluded that the Pool Structures Met the Conditions for a Reduced Setback.

Appellants argue that the Pool Structures do not meet all of the conditions for a reduced side and rear yard setback under DCA § 3.03.050(2)(a)(iv). The original submissions and Supplemental Submissions cite only four of nine conditions as contested, implicitly acknowledging that the remaining five conditions are satisfied:

- (3) No drainage from the roof will be discharged onto an adjacent lot;
- (4) The Accessory Structure shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;
* * *
- (6) The Accessory Structure will not be taller than twelve (12) feet six (6) to the top of the roof line;
* * *
- (9) No minimum rear or side setback shall be required if the building will not be taller than ten (10) feet to the top of the roof line.

Importantly, the Decision made no explicit finding about drainage onto adjacent lots or whether the materials used in constructing the Pool Structures are non-combustive or fire resistive. The applicability of the two-foot setback exception was “[b]ased upon the city’s review” at the time of the Decision. *See* Decision, p. 3. The Pool Structures have not been completed, and are subject to further City inspection. If the drainage or materials conditions are not met at the time of inspection, the City will take appropriate action that could include a different setback determination.

The only remaining contested conditions for a reduced setback, conditions (6) and (9), deal with the height of the Pool Structures. DCA § 3.03.050(2)(a)(iv)(6), (9). The Decision makes no express finding of final height, but rather applies the ordinance to conclude:

- The Pool Structures are considered accessory structures, not accessory buildings.
- The Pool Structures must comply with setback and height requirements for accessory structures in the applicable zoning district.
- The City measures the setback and height of the Pool Structures at the foundation level from the average finished grade.
- The two-foot setback exception may apply to the Pool Structures, even without a roof.

See Decision, p. 2.

Appellants contest only the last two of these conclusions, claiming that the City should measure setback and height as provided in the New Ordinance and that the ordinance in effect at the time of the Decision did not apply because the Pool Structures have no roof.

1. The Decision Correctly Applied the Ordinance in Effect at the Time the Decision Was Rendered.

Clearly, the City could apply only the ordinance in effect at the time of the Decision in reaching its conclusions about applicable setbacks. The New Ordinance may clarify or improve measurement methodologies, but Staff should not be held to a standard of clairvoyance as to

what the appropriate methodologies *should* be. That, indeed would be an arbitrary, capricious, or illegal decision. Rather, Staff was bound to apply the existing ordinance, which required measurement of setbacks at the foundation level of the Pool Structures and height from the average finished grade adjacent to the foundation to the top of the ridgeline. *See* DCA §§ 3.01.110; 3.03.080.2.

2. *The Decision Correctly Applied the Setback Exception to the Pool Structures without a Roof.*

The Decision correctly outlines that an accessory structure does not need to have a roof. It just has to have a fixed location upon the ground or be attached to something with a fixed location upon the ground, and “create[] an impervious material on or above the ground.” DCA § 3.01.110 (Definitions, Structure). A building, by contrast, has a roof supported by columns or walls. *Id.* (Definitions, Building).

The setback exception provision for accessory structures, DCA § 3.03.050.2.a.iv, allows a two-foot minimum rear or side yard setback when all of nine conditions are met. As demonstrated above, appellants are really contesting only conditions (6) and (9) related to the height of the accessory structure. The setback exception provision was clearly intended to apply to both structures and buildings. *See, e.g.*, conditions (2) and (7) (“If the Accessory Structure is an Accessory Building . . .”).

The enumerated conditions are, perhaps, not as clear as they could be in distinguishing between structures and buildings when it comes to measuring height since a structure may or may not have a roof. But the existing ordinance is all Staff had to work with. Rather than invalidating the setback exception ordinance altogether (as appellants would have the Hearing Officer do), Staff reasonably and correctly determined that the Pool Structures are accessory structures, as used in the land use ordinance, even though they do not have a “roof.” The

absence of a roof does not disqualify the Pool Structures from benefiting from the setback exception. *See* Decision, p. 2.

Under the existing ordinance, the height of an accessory structure without a roof could and should be measured from the average finished grade adjacent to the foundation to the top of the ridgeline. DCA § 3.03.080.2. Because the pool platform does not have a ridge but is flat-topped, staff correctly concluded that the top of the structure is the correct point of reference for measurement. If Staff had applied the ordinance as it existed at the time of the Decision to conclude that the Pool Structures are illegal because they do not have a roof, the Decision would have been arbitrary, capricious, and illegal.

B. The Hearing Officer Should Disregard Provisions of the Utah Administrative Code Applicable to Public Pool Facilities.

The Laney's assert that the Pool Structures are illegal because they do not comply with state code. Citing Rule R392-302 of the Utah Administrative Code, they claim the Pool Structures do not meet the standards of that rule which, the Laney's assert, must be imposed in the absence of a more specific pool ordinance under the Alpine Development Code. Laney Supplemental Submission, pp. 8-10.

The main problem with that assertion is that it's beyond the scope of the Decision and therefore beyond the scope of this appeal.

Secondly, Rule R392-302, by its own terms, applies only to public pools, including special purpose pools, but excluding private residential pools. *See* R392-302-2(2)(c) (“this rule does not apply to . . . a private residential pool”); R392-302-3(44) (“‘Private residential pool’ means a pool that . . . is not used by the general public [and] is designated or intended for private residential use by an individual, family, or a living unit member or guest”); R392-302-3(45)

(“Public pool’ means a pool used by the general public A private residential pool is not a public pool”).

Accordingly, the Hearing Officer should disregard all allegations in the Supplemental Submissions or otherwise about the applicability of the state administrative code to this appeal.

C. The Hearing Officer Should Decline to Consider Allegations of Private Nuisance.

Appellants, and in particular the Laneys, raise allegations about the negative impact the Pool Structures will cause them. Citing Utah Code § 78B-6-1101, they seem to be claiming the City’s Decision will result in a public nuisance. But Utah Code, Title 78B, Chapter 6, is all about private nuisances. It provides a private right of action for nuisance against “nuisance property.” *See* Utah Code § 78B-6-1102(1), (2)(b)(i). That means if the requirements for private nuisance are met, appellants would have claims against the Parker Property, but not against the City for simply enforcing its ordinance in effect on the date of the Decision.

Conclusion

For the foregoing reasons, the City respectfully requests the Hearing Officer to uphold Staff’s Decision interpreting the land use ordinance under the circumstances presented.

DATED September 17, 2025.

BENNETT TUELLER JOHNSON & DEERE



Stephen B. Doxey
City Attorney

EXHIBIT A

Letter from Code Compliance Officer Dated February 20, 2025



CODE COMPLIANCE
Don Quigley – Compliance Officer
dquigley@alpineut.gov

February 20, 2025

Mr. Gary Laney
720 E Ridge Drive
Alpine, UT 84004

**RE: Follow-up on Inquiry Regarding Pool Slide
Located at 705 E Ridge Crest Ct**

Dear Mr. Laney,

I am following up with you regarding your concerns about the height and placement of the pool slide constructed by the neighboring owner of the home located at the above-referenced address. Upon your initial inquiry, our City Planner and I conducted a site inspection of the property and the pool project. We met with the contractor installing the structure and the property owner, Brett Parker. We thoroughly discussed the concerns you expressed about the height of the slide, its proximity to the property line, and the potential for water slashing over the fence onto your property.

Upon request, Mr. Parker submitted modified plans to our building department, making some changes to his original plans, to address each of your concerns. After a thorough review by our staff of the submitted drawing, an accessory structure permit was issued to the property owner. The approval took into consideration the height, property line proximity, and the added modifications to address potential water splashing over the fence. It has been determined that the pool slide, as constructed, is in full compliance with our building codes.

We thank you for bringing to our attention your concerns. We hope that not only will the pool slide be enjoyed by Mr. Parker's family but that it will have no negative impact on the enjoyment you are entitled to for your property.

Best Regards.

Don Quigley

Don Quigley
Alpine City Code Compliance Officer

Cc: Shane Sorenson, Ryan Robinson, Mayor Merrill

EXHIBIT B

Swimming Pools & Related Facilities Ordinance Adopted August 26, 2025

Swimming Pools & Related Facilities

Notwithstanding any provision of this code to the contrary, the following regulations apply to all swimming pools and related facilities. All such facilities require a building permit and shall be located in accordance with the setbacks outlined below. Swimming pools and related facilities are not permitted within a recorded easement. Related facilities include, but are not limited to, pool equipment, storage structures, and enhancements such as slides, jump structures, water features, and diving boards.

- i. Setbacks for swimming pools shall be measured from the pool wall to the property line. Setbacks for related facilities shall be measured from the edge or perimeter of the structure to the property line.
- ii. Side Setback – Corner Lot (Street Abutting): Swimming pools and related pools facilities shall be set back not less than ten (10) feet from the side lot line that abuts a street.
- iii. Side and Rear Setback – Interior Lot Line: Swimming pools and related facilities shall be set back not less than ten (10) feet from any interior side or rear lot line.
- iv. Front Setback: Swimming pools and related facilities shall be set back not less than forty (40) feet from the front property line.
- v. The height of any pool-related facility shall be measured from the average natural grade, adjacent to the single separate facility, to the highest point of the structure and shall not exceed ten (10) feet. Exceptions to the height requirement may be granted by the City Council if the pool facility is attached to a main dwelling and the provided setbacks for the dwelling are met.

ALPINE CITY COUNCIL AGENDA

June 24, 2025

I. CALL MEETING TO ORDER

- A. **Roll Call** Mayor Carla Merrill
 The following were present at the anchor location, which constituted a quorum: Brent Rummmler, Jessica Smuin, Kelli Law, Chrissy Hannemann, and Jason Thelin.
 Staff: Shane Sorensen, Ryan Robinson, James Dunkelberger, Chief Brian Patten, and DeAnn Parry
 Others: Gary Laney, Carla Laney, Codruta Boggs, Wes Funk, Will Jones, Colby Carrera
- B. **Prayer** Jessica Smuin
- C. **Pledge** Kelli Law

II. CONSENT CALENDAR

- A. **Approval of Minutes for the June 10th City Council Meeting**
- B. **Award Burgess Park Pavilion Project, Smith Steelworks: \$60,210**
- C. **Award HA5 Seal Coat Project, Holbrook Asphalt: \$101,644.68**
- D. **Ordinance 2025-12: Approval for the Vacation of Public Utility Easements – Bennett Farms Plat B Lots 2 and 3 and Willow Canyon Phase 1B Lot 21**
- E. **Ordinance 2025-13: Approval for the Vacation of Public Utility Easements – Cherrypoint Estates Plat A Lots 9 and 10 and a Portion of Alpine Estates Plat A Lot 28**

Motion: Chrissy Hannemann moved to approve the Consent Calendar as proposed. Brent Rummmler seconded the motion. There were 5 yes votes and 0 no votes, as recorded below. The motion passed unanimously.

<u>Yes</u>	<u>No</u>	<u>Excused</u>
Jason Thelin		
Chrissy Hannemann		
Kelli Law		
Jessica Smuin		
Brent Rummmler		

III. PUBLIC COMMENT

Gary Laney (Ridge Drive, Alpine)
Gary said he is concerned about non-compliance for setbacks at 715 E. Ridge Crest Court, which is behind his home. On December 4, 2024, he noticed the neighbors were constructing a pool, with a slide being built adjacent to his fence with a 13-inch setback. He talked with to Don Quigley, Code Compliance Officer, who said there was no slide included on the pool plan. Don said that the city would reference the ordinance for shed setbacks and would make the neighbors comply. Gary said that he never heard back from Don, and the city did not hold the neighbors to those standards. Six months later they still have not received any support from the city, but council member Kelli Law has visited the property and seen the construction. Gary said that if there is a problem with construction, the city should issue a stop order. He asked the council to slow this project down.

Carla Laney (Ridge Drive, Alpine)
Carla said she was told that she had to determine which codes were being violated. The only code she could identify was that accessory buildings require a 15-foot setback from the rear property line and 12 feet from a side property line.

Codruta Boggs (Ridge Drive, Alpine)
Codruta said she came to discuss compliance violations by her neighbors at 715 E. Ridge Crest Court. The Development Code is designed to protect properties, and she emailed Ryan Robinson about her concerns several months ago. Codruta said the neighbors have an accessory building with a 7-8 foot setback to her property line, which creates safety and privacy concerns. There is also an accessory pool building that is in

violation of the rear setback. The pool slide also creates issues, as users will be above her fence, and the family will have the impact of the noise that comes with parties and a lack of privacy. She would like the city to take action to bring the pool structures into compliance.

Mayor Carla Merrill said that if council members have questions about this situation they should speak with Planner Ryan Robinson or Code Compliance Officer, Don Quigley.

Motion: Jessica Smuin moved to go into a closed meeting regarding the professional character, conduct, or competence of personnel in the Conference Room at City Hall, and that at the end of that meeting the public City Council meeting would continue. Jason Thelin seconded the motion. There were 5 yes votes and 0 no votes, as recorded below. The motion passed unanimously.

<u>Yes</u>	<u>No</u>	<u>Excused</u>
Jason Thelin		
Chrissy Hannemann		
Kelli Law		
Jessica Smuin		
Brent Rummeler		

The public meeting was paused at 6:16 pm.

Following the closed meeting, the public City Council meeting continued at 7:18 pm.

IV. ACTION/ DISCUSSION ITEMS

A. Public Hearing – Ordinance 2025-14: Compensation Increases for Executive Municipal Officers

Shane Sorensen explained that in 2024 the Legislature passed SB 91, which amended Utah Code Section 10-3-818 regarding compensation increases for executive municipal officers. The amendment included a provision that before a final budget is adopted, the city is required to hold a public hearing outlining any compensation increase and publish a notice at least seven days before the date of the public hearing which includes the time, place, and purpose of the public hearing. The amendment went into effect May 1, 2024.

Ordinance 2025-14 outlines compensation increases for the City Administrator/Public Works Director and the Assistant City Administrator/City Planner. The budgeted increases include merit and market components, as well as a one-time 0.81 percent bonus (paid through quarterly installments) for URS Tier II employees to offset the additional cost of URS retirement contributions for this fiscal year. The total percentage increase for executive municipal officers can be found in the exhibit attached to the ordinance. The URS contribution for both Tier I and II employees decreased by 1 percent for this fiscal year.

STAFF RECOMMENDATION:

Hold a public hearing and accept Ordinance 2025-14 approving compensation increases for executive municipal officers.

Public Hearing

Mayor Carla Merrill opened the public hearing at 7:18 pm.

With no members of the public in attendance, the mayor closed the public hearing at 7:19 pm.

Motion: Jason Thelin moved to approve Ordinance 2025-14 Compensation Increases for Executive Municipal Officers. Chrissy Hannemann seconded the motion. There were 5 yes votes and 0 no votes, as recorded below. The motion passed unanimously.

<u>Yes</u>	<u>No</u>	<u>Excused</u>
Jason Thelin		
Chrissy Hannemann		
Kelli Law		
Jessica Smuin		
Brent Rummeler		

B. Public Hearing – Ordinance 2025-15: Approval of FY2026 Final Budget

Shane Sorensen said that the packet sent out last week contained the proposed Final Budget for FY2026. He also emailed council members a spreadsheet today that summarized the changes made from the Tentative Budget to the Final Budget. Upcoming projects and purchases have been discussed over the past several months in council meetings. Some highlights include the following:

- Staff anticipate that homes will continue to be built at a slow pace. In the current fiscal year there were 27 new homes started.
- The City Council recently approved the certified tax rate that will provide an additional \$45,259 in property tax revenue for new growth. Our anticipated revenue is \$2.7M, and the new budget has been adjusted for this amount.
- Sales tax has flattened, and we anticipate about \$2.1M in revenue for FY2026. PARC Tax funds are available for several projects, and there is money in this fiscal year for new lighting on the tennis and pickleball courts.
- The city received grant funds for several projects and anticipates obtaining additional grant money in the near future.
- The new budget includes funds for a 4 percent merit increase for employees, and market adjustments for some positions. Total wages and benefits are calculated at \$2,368,361.
- Medical and dental insurance rates will increase 7.4 and 5 percent, respectively.
- Retirement costs for Tier 1 and Tier 2 will decrease by 1 percent.
- Capital improvement projects proposed for the new budget are detailed in a spreadsheet with their related funds.
- Equipment expenses include the purchase of a new pickup and a 10-wheel dump truck, along with two annual equipment lease payments.
- The fire station addition and remodel will cost around \$5M and will continue into FY2027. The new budget includes \$3M for the station with a recommendation to bond for the remaining \$2M. The City Council will make the final decision about funding for this project and the bond amount.
- We are currently fully staffed with great new employees who are learning their positions. We are happy with them and the progress that is being made. Heidi Smith has moved to a full-time position now.
- A new solid waste contract with Ace Disposal was completed in FY2025. It involves a 2.4 percent increase for FY2026, and can rates will need to be adjusted to cover that amount. This rate increase will be brought to the council for approval soon. The revenue and expenses for solid waste disposal have been adjusted in the Final Budget.
- The Lone Peak Public Service District approved a final budget that was different from their tentative budget. Alpine and Highland City's allocations went up, and we are in ongoing discussions about the funding formulas and the interlocal agreement. The public safety budget increased by \$211,067 over the previous year for fire and police.
- The new budget includes significant funding for the continued maintenance of city streets and sidewalks.
- The purchase of the Carlton property is included in this budget, and closing is planned for early July. This shop will provide additional garage space for the Public Works and Parks departments.
- Improvements are planned for Lambert and Moyle Parks.

Kelli Law asked about the cleanup of city open spaces and if it were still in the budget.

Shane Sorensen said that there was some work done during the fall and winter along Heritage Hills and 300 North, but because of staffing shortages we were not able to complete more work. Money for this is still in the budget.

Brent Rummler asked about the next steps for the fire station.

Shane Sorensen said that we need to get an RFP advertised and get a Construction Manager/General Contractor (CM/GC) on board so they can work with the architect. The next step is to present the concept plan to the council. Once the desired modifications are made and the plan is approved by the council, we can go full speed ahead. Shane anticipates the RFP will be sent out in the next couple of weeks. Engineer Jason Judd will be working closely with this project as well

Chrissy Hannemann asked about the accounting for the fire station project, as it will cross budget years.

Shane Sorensen said that money is currently in the Capital Improvement Fund, and we will earmark it for the fire station. It will be its own line item in the new budget for ease of tracking.

Brent Rummler asked for a summary of anticipated safety improvements to the intersection of Canyon Crest Road and Ridge Drive in connection with the MAG grant.

Shane said that he and Jason Judd met six weeks ago with Chris Trusty, City Engineer at Highland, to discuss finding a consultant designer for the project. The recommendation is that we issue an RFP, including a separate section for Alpine's proposed safety improvements.

The consultants will likely have suggestions, including multiple concepts for the intersection and the associated costs. The city will pay 6.7 percent in grant matching for the large MAG project, with any safety upgrades being funded by the city.

Because these funds come from the County, we need to create a memo of understanding (MOU) with them. The project will not actually be funded until 2026, but if the MOU is in place we can get started on the design process. We anticipate working on the design through the fall and winter to be ready for construction next spring (2026). The city will need to pay for the project up front and then submit documentation to MAG for reimbursement.

Public Hearing

Mayor Carla Merrill opened the public hearing at 7:35 pm.

With no members of the public in attendance, the mayor closed the public hearing at 7:36 pm.

Jason Thelin asked for an update on the PARC Tax, and Chrissy Hannemann asked about the Burgess Park pavilion.

Shane Sorensen said that there is money in the PARC Tax fund which will pay for most of the pavilion. Previously the council considered moving the Burgess Park volleyball court and pavilion but decided against it, which will save the city money.

The city receives about \$100,00 from PARC Taxes per year. The funds are transferred monthly, but it is on the same cycle as sales tax, which has a two-month delay. Our current available balance is \$128,507. PARC Tax revenue will help pay for the new pavilion, concrete work, and sprinkler upgrades. Shane is working with Heidi Simth to have permanent PARC Tax signs with the city logo installed at completed projects. This will help residents know how they benefit from PARC Tax dollars.

Chrissy Hannemann asked about park benches, drinking fountains, and the Lambert parking lot expansion that was discussed previously.

Shane Sorensen said we should be able to complete all of these projects. Benches and trash cans are already ordered, and we are considering locations for the drinking fountains. Fountains at Three Falls and the Lambert Park lower lot will be relatively easy to install. Because concrete fountains are very expensive, we are looking at stainless steel models.

Jessica Smuin said she likes the idea of installing PARC Tax signs, so the projects are visible to the community.

Brent Rummler asked for clarification that all the items in the budget spreadsheet would be included, particularly the Lambert Park turnaround and the pickleball courts.

Jason Thelin said the motion would include the cul-de-sac funding and all other items listed in the spreadsheet.

Motion: Jason Thelin moved to approve Ordinance 2025-15 adopting the FY2026 Final Budget that includes all the items on the spreadsheet. Jessica Smuin seconded the motion. There were 5 yes votes and 0 no votes, as recorded below. The motion passed unanimously.

<u>Yes</u>	<u>No</u>	<u>Excused</u>
Jason Thelin		
Chrissy Hannemann		
Kelli Law		
Jessica Smuin		
Brent Rummler		

C. Public Hearing – Ordinance 2025-16: Approval for FY2025 Budget Amendment

Shane Sorensen explained that the following items are included in the proposed budget adjustment for FY2024-25:

- General Fund: Adjustments are being made due to increased costs. In the courts, victim reparation assessments have gone up over \$10,000, and solid waste removal needed an additional \$50,000. Staff will bring the adjusted trash and recycle rates back to the council soon. Rate increases will help us make up the balance.
- General Fund to Capital Improvement Fund Transfer: Funds are being transferred to the Capital Improvement Fund to have a balance below the 35 percent State limit. Most of these funds were not spent due to project delays.
- Class C Road Funds: Increases of about \$16,000 were needed due to project costs.
- Capital Improvement Fund: Increase due to the purchase of Carlton property, where the closing was delayed for 1031 issues. Finance Director Dave Sanderson says that if we cannot close in this fiscal year, it will still be okay.
- Water Fund: Increase needed due to the purchase of the Carlton property. The purchase of this property will be split among various funds.
- Sewer Fund: An additional \$10,200 is needed for insurance
 - Increase due to the purchase of the Carlton property
 - Increase due to the new TSSD contract requiring \$219,500. New revenue will offset this.
 - Increase for lobby services of \$25,000.
- PI Fund: Increase due to the purchase of the Carlton property.
- Storm Drain Fund: Increase due to the purchase of the Carlton property.

Details for each of the above items were included in the supporting info in the packet.

Public Hearing

Mayor Carla Merrill opened the public hearing at 7:51 pm.

With no members of the public in attendance, the mayor closed the public hearing at 7:51 pm.

Chrissy Hannemann asked Brent Rummler to explain the reason for the large increase in TSSD fees.

Brent Rummler, Alpine’s board member with the TSSD, said that the majority of the increases are to meet EPA mandates for phosphorus mitigation. The costs are significant and are being passed on to all TSSD members.

Motion: Brent Rummler moved to accept Ordinance 2025-16 Approval for the FY2025-26 Budget Amendment as proposed. Jason Thelin seconded the motion. There were 5 yes votes and 0 no votes, as recorded below. The motion passed unanimously.

<u>Yes</u>	<u>No</u>	<u>Excused</u>
Jason Thelin		
Chrissy Hannemann		
Kelli Law		
Jessica Smuin		
Brent Rummler		

VI. STAFF REPORTS

Chief Brian Patten said that he received an email from the State via the Utah County Fire Marshall’s Office, and Utah is already a month ahead on the threat level for wildfire. Present conditions are like we usually see around the first of August. Moisture levels are low, and fuel sources are very dry. It is important to be super careful. The best thing we can do is self-police to make sure our neighborhoods stay safe.

Chief Patten also reported that our wildland fire crews will be home from California in a few days. We will keep them here in Utah through the 4th of July, and then let them return until just before the 24th holiday.

The council discussed ways to inform the residents about the extreme fire danger, including social media posts and text messages. They also commented on the excellent fire prevention open house that was held at City Hall. There are informative pamphlets available for anyone who is interested.

Ryan Robinson mentioned that the Sculpture Garden Committee felt that they had to pause their efforts until the fire station was more completely planned. He asked the council for guidance to pass on to the committee.

Brent Rummler said the last plans the council reviewed looked like the garden would not encroach on the fire station. He is okay with the committee moving ahead with that understanding.

Jessica Smuin said she would like to see a plan sooner than later. A public hearing with the Planning Commission is required, followed by a recommendation so that the plan is ready to come to the City Council.

Ryan Robinson commented that the Planning Commission has recommended approval of the sculpture garden if it does not interfere with the fire station plan.

Chrissy Hannemann said that if the committee could look at the footprint of the fire station within 30-60 days, it would help them with planning. The committee would like to design landscape screening based on where the fire station addition will be located

Ryan said slides were presented at Planning Commission that showed the division of the areas on Main Street Square. He will meet with Bob Hanson tomorrow to discuss the next steps.

Kelli Law said he would like to see an appraisal on the property that the city would donate for the sculpture garden. Ryan said he can get those numbers.

Ryan Robinson also said that if council members have any questions about the pool structure issue that was discussed during Public Comment, please reach out to him. There are additional details and history that are relevant.

The council agreed on the need for a specific ordinance regarding pool structures to be created.

Shane Sorensen reported that Greg Kmetzsch, Water Department Lead, told him today that because of the extra-hot summer our Pressurized Irrigation (PI) system is already strained. We need to enforce the 3-day a week watering limit and likely need to ask residents to cut back further. The city may also reduce watering at our parks.

Brent Rummmler commented on the low PI pressure in many neighborhoods and the difficulty of watering an entire yard during the time limits.

Shane said that all the pumps are running now.

Chrissy Hannemann suggested sending notification to residents about water issues and fire safety.

Mayor Carola Merrill recommended that we send an announcement about water now, followed by fire safety before the Fourth, then a second water conservation reminder, followed by an additional fire safety notice before July 24th.

Shane Sorensen reported that we had a weed cleanup effort in Lambert Park and cut down a lot of thistle and myrtle spurge.

The west side of Moyle Park has historically been watered with culinary but will be converted to PI as part of the improvements underway there. The city has installed a WeatherTrak system at Healey Park. Troy Hackett, Parks Lead, is also fixing the system that waters the floral planters on Main Street.

A couple of franchise agreements will be on the table soon. The Enbridge Gas agreement is expiring, and AT&T is purchasing Lumen, which is the former CenturyLink.

VII. COUNCIL COMMUNICATION

Brent Rummmler said that the public safety budget gets discussed a lot at this time of year, and thanked Chief Patten for all the work his department does and encouraged them to stay safe. Brent also thanked the city staff for their work.

Jessica Smuin showed some photos of natural looking wood benches. She said concrete can be made to look like stone and lasts well. Jessica does not like the look of metal benches. She also suggested that if benches are purchased in memory of an individual, the dedication information should be engraved on the back of the bench to preserve the aesthetic.

Chrissy Hannemann said she attended the Utah Transit Authority (UTA) and Utah Department of Transportation (UDOT) meetings as requested by the mayor. Successful public transit routes require frequency to be efficient. Senator John Curtis is trying to get federal funding for the Olympics here. The cooperation between the UTA and UDOT in Utah Valley is an example of a strong partnership and highly functional government. They are working on designs for a 2100 North interchange and flex lanes at Pioneer Crossing.

Chrissy also attended State training about sales tax so she could understand the trends that impact our city. She learned about how sales tax is processed when online purchases are made out of state. She may write a *Newline* article in the future to share this information. The Finance Committee's next goal is to produce a citizen's report based on the budget the council approved tonight.

Mayor Carla Merrill thanked Chief Patten and Chief Beck for holding the fire mitigation meeting at City Hall. There were many in attendance from Three Falls, the Cove, and the Hillside Circle area. Mike Swinsick from the Department of Natural Resources works with Wildland Urban Interface issues. He

helped us get grant money for the mitigation in Corner Canyon to Three Falls. If residents are concerned about the safety of their homes, they should first follow the suggestions in the mitigation pamphlets and then schedule the fire department to come and do an on-site assessment.

Mayor Merrill also said she is working with Police Chief Brian Gwilliam to have a surveillance trailer set up at the poppy gardens.

The mayor suggested that council members take turns giving a 10-minute training presentation on topics from the handbook and the roles of city council members so the group can better self-govern. This might be done during the first meeting of each month.

Mayor Merrill asked if the city requires solicitor’s licenses.

DeAnn Parry said that solicitors are required to have a license to go door-to-door in Alpine. They can find the application on our website and obtain their BCI background check. Then they bring everything to City Hall where we copy their driver license, accept their \$25 fee, and issue the license within 24 hours.

The mayor said that because there has been some confusion in the past about State licensing and the need for additional city licensing, she would like staff to communicate with the police department about our requirements.

The council discussed details about the purchase of a portable speed trailer, the time limit on effectiveness in one location, sharing the trailer with Highland City, the logistics for relocating the trailer, and some budget constraints.

Motion: Jason Thelin moved to adjourn the meeting. Kelli Law seconded the motion. There were 5 yes votes and 0 no votes, as recorded below. The motion passed unanimously.

<u>Yes</u>	<u>No</u>	<u>Excused</u>
Jason Thelin		
Chrissy Hannemann		
Kelli Law		
Jessica Smuin		
Brent Rummeler		

The meeting was adjourned at 8:29 pm.

ALPINE CITY COUNCIL AGENDA

July 8, 2025

Mayor Pro Tem Jason Thelin called the meeting to order at 6:02 pm.

I. CALL MEETING TO ORDER

- A. **Roll Call** Mayor Pro Tem Jason Thelin
 The following were present at the anchor location, which constituted a quorum: Jason Thelin, Chrissy Hannemann, Kelli Law, Jessica Smuin, and Brent Rummmler. Mayor Merrill was excused.
 Staff: Shane Sorensen, Ryan Robinson, Steve Doxey, Chief Brian Gwilliam, Chief Brian Patten, DeAnn Parry
 Others: Robert Hanson, Sullivan Love, Codruta Boggs, Cadie Burton, Alex Hume, Winston Hume, Velay Smith, Daniel Smith, Nadia Smith, Dennis Smith, Rachel LaComb, Heidi Smith, Jen Wadsworth, Gary & Carla Laney, Dale Smith, Bethany Sorensen, Sarah Blackwell, Emily Wayment, Bryan Mark Taylor
- B. **Prayer** Kelli Law
- C. **Pledge** Chrissy Hannemann

II. CONSENT CALENDAR

- A. **Approval of Minutes for the June 24th City Council Meeting**
- B. **Final Payment – Mountain Water and Irrigation, WeatherTrak System for Healey Park: \$28,689.20**
- C. **Final Payment – Holbrook Asphalt, HA5 Sealcoat Project: \$101,644.68**
- D. **Resolution R2025-14: Approval of Interlocal Agreement between Utah County and Alpine City for Road Projects within Alpine City**
- E. **Resolution R2025-16: Approval of Interlocal Agreement between Utah County and Alpine City for the 2025 Municipal Recreation Grant**
- F. **Approval for the Purchase of Western Star 47X Cab and Chassis, Premier Truck Group: \$160,787**
- G. **Approval for the Purchase of a Dump Bed for 10-Wheeler, Young Commercial & Fleet Center: \$51,790.71**

Chrissy Hannemann asked if the road project and recreation ILAs were renewals or new agreements.

Shane Sorensen said the recreation grant is a new agreement. This grant is similar to the PARC Tax that is allocated to cities each year. We have saved ours for about five years and plan to use it to upgrade the court lighting at Burgess Park. In the future we will need to use it or lose it. The County does not select specific projects for the city, but they like to be informed.

The second agreement is a grant for street road projects for \$1M, and we have three years to spend the funds. We pay the money up front and then request reimbursement from the County.

Attorney Steve Doxey commented that a block for his signature was missing from the ILA for road projects. He asked that the addition of the signature block be part of the motion.

Jason Thelin and Chrissy Hannemann submitted edits for the minutes from June 24, 2025.

Motion: Brent Rummmler moved to approve the Consent Calendar with changes to the minutes as proposed by Chrissy Hannemann and Jason Thelin, and that a signature block be added to Resolution R2025-14 the ILA for the road projects grant. Jessica Smuin seconded the motion. There were 5 yes votes and 0 no votes, as recorded below. The motion passed unanimously.

<u>Yes</u>	<u>No</u>	<u>Excused</u>
Jason Thelin		
Chrissy Hannemann		
Kelli Law		
Jessica Smuin		
Brent Rummmler		

III. PUBLIC COMMENT

Codruta Boggs – Ridge Drive, Alpine

Codruta came to further address the double pool slide being installed at 715 Ridge Crest Court and distributed prepared folders to the council. She said that this is a huge commercial slide which is being installed illegally within a few feet of the rear yard setback, in violation of required setbacks in the city code which is written for buildings. The slide will be a nuisance and an invasion of privacy. The exceptions allowed in the code are clearly for short buildings, not pool slides. If the pool platform is at 12'6," a 6-foot man standing on the slide would reach almost 19 feet. Codruta is requesting that the city require that the slide be moved to at least a 15-foot setback, which would include every point on the slide. She feels that if the city passes a new pool structure ordinance it should apply to this slide as well, because it is being installed illegally. She would like the council to oversee the remediation of this violation.

Gary Laney – Ridge Drive, Alpine

Gary said that in December, 2024, they noticed a pool slide being assembled. Gary contacted Don Quigley, Code Compliance, who said that there was no slide on plans, and if it were in violation, he would require it to be moved. Gary said Don did not get back to him. He then contacted Mayor Merrill, but she did not visit the site. He contacted council member Kelli Law. Gary reported that Kelli gave a less-than flattering report about staff responses.

Council member Kelli Law immediately responded that he absolutely did not say that.

Gary outlined the process that he followed several years ago to receive a permit from the city to install his fence. Gary does not think Mr. Parker followed this process to obtain a permit and is not considering his rear yard neighbors. Gary would like the city to stop the installation, review the situation, and consider the neighbor privacy issues.

Ryan Robinson said that he will send an email to the council with the history and information about the pool slide that is being disputed.

Soccer Field Report

Heidi Smith, Recreation Coordinator, reported on a challenge with the soccer fields in Alpine. Many league teams are allowing their own fields to rest so that the grass will grow back before the fall season. This means that they are coming to use our fields, which creates conflicts with teams who have paid to use our fields. Because of overuse and restricted watering, the Smooth Canyon and Healey fields are struggling. Heidi would like to close the fields to practices, scrimmages, and sports camps for at least a month to allow the grass to recover. She has spoken with Parks Lead, Troy Hackett, and he is in support of this proposal.

Heidi and the council discussed the following issues:

- North Utah County Soccer and Surf have contracts with the city and have paid for soccer field use. These coaches understand the need for the fields to recover and have volunteered to reduce their use to help with this effort. We need to honor the contracts we have made with these teams
- It is a new situation to have other club teams coming to Alpine to allow their own fields to rest.
- Club teams (without a contract with the city) who are using our fields to train players who pay fees for that training is similar to instructors who want to charge students for tennis lessons on our courts. It is against our policy to use city facilities for free and charge participants for a personal business.
- School soccer fields are regulated by the District, not the city.

Heidi did not want to enact restrictions without council approval. She asked that council members send feedback to her.

IV. REPORTS & PRESENTATIONS

A. Eagle Scout Presentation – Winston Hume

Winston Hume from Troop 10B presented his proposed eagle project. He wants to replace a failing bridge on Redford Run and believes the city will benefit because this area is currently dangerous for bikers and hikers. Also, if the bridge collapsed completely, it would block the canal. Winston plans to remove the old bridge, build a new one in his barn, make trail improvements, and install the new bridge with concrete foundation blocks.

Winston requested that the city donate the materials for the bridge. He will recruit volunteers and friends, have them bring tools, give them tasks, and provide food for them. He will ensure safety by requiring that everyone wears gloves and any other necessary equipment. Winston would like to build the bridge this month and install it before fall. This will help the community by preventing potential flooding and will encourage people to be active and use the trails.

Shane Sorensen said that the last few bridges were built on the city Day of Service in September. Citizens created a materials list, and the city ordered and paid for those supplies. Council members commented that other youth have done eagle projects in town and the city has provided the materials.

Scout Leader, Alex Hume, said they have already spoken with the Trails Committee, who suggested that they follow the National Forest Service guidelines for trail bridge design.

Shane Sorensen said that there is trail improvement money in our budget, and this project might cost \$3,000-4,500 for materials. We would want the bridge installed high enough that spring flood waters could pass underneath. Shane suggested that they schedule a time to meet on site. Landon Wallace has a great deal of experience and could help evaluate the plan.

The council was in favor of the project.

Mayor Pro Tem Jason Thelin thanked Winston Hume and Troop 10B for helping to improve our city.

B. Financial Report through the fourth quarter FY2025

Shane Sorensen reported that we are still paying for some expenses from the last fiscal year and are waiting to receive tax revenues. It will likely be mid-August before we have all the FY2025 expenses paid. This financial statement does not reflect the transfer of money from the General Fund to the Capital Improvement Fund, but that will be done before the fiscal year is closed out. Shane explained the various graphs and said that the complete financial statement was included in the packet. The city is on track to meet our budgeted revenue. The annual audit will begin the day after Labor Day and be presented to the council in September or early October.

C. Pressurized Irrigation Update

Shane Sorensen gave an update on the pressurized irrigation (PI) situation in the city. Because April had very warm weather and the snow melted quickly, most of the water ran directly into Utah Lake. This created a situation where we could not keep up with the PI demand in the two upper zones. We recently sent out a message asking residents and agricultural users to reduce their watering by 50 percent. The city also did this on our properties. These reductions helped get us back on track.

Typically, Alpine is able to get 100 percent of the Dry Creek and Fort Creek water on July 10. This year we were able to get the water early from Lehi City. We are also hoping for rain in the forecast. We have sent out a follow-up message telling residents that they can now water at 85 percent of normal.

Shane discussed some tables from our Master Plan showing the improvements we need to make to correct existing deficiencies, and what infrastructure will be needed when we reach build-out. We can increase our PI line size when we install the Canyon Crest Road improvements next year, which would allow us to use Healey well water and Central Utah Project (CUP) water at the same time. This would

benefit the middle and upper zones. The new proposed line is 24 inches, while a typical PI pipe is only 8 inches. This will let us get the water to places where we can install other improvements, like booster pumps. This is especially important in dry years.

John Schiess at Horrocks Engineering is currently working to update the costs from the 2021 plan so that we can prioritize which projects will be most beneficial. John will present this information and a proposed timeline to the council. We could also discuss the details in a work session, if desired.

Mayor Pro Tem Jason Thelin said that it appears that the 24-inch pipe is a critical factor and a high priority.

Shane agreed but said that the larger pipes alone will not solve the problem. We will also need pumps to push the water. The culinary system works in the opposite way, as it is gravity fed. Pressurized irrigation sources are challenging because they vary every year, depending on temperatures and snowpack.

Jessica Smuin said her interpretation of Table 5 in the report is that our sources are adequate, but that storage and pressure are the big problems.

Shane Sorensen said it is a combination of all the factors. If we have a wet year, the well could sit idle. In a year like this one, we could really use that water.

Brent Rummmler asked about alternative funding.

Shane said that the state has some new programs available and we have submitted applications for those, the Division of Water Resources offers low interest loans, and the WaterSmart program has partial funding for drought relief with new wells. We are investigating all the options for funding, and we may need to bond for some of the infrastructure cost. John Schiess is also trying to identify additional funding opportunities.

Chrissy Hannemann said that she has received calls from residents asking about the study that was done in 2021, and they want to know why we are not moving forward on this project. Chrissy also mentioned how fortunate we are to have local water sources, although we are dependent on Mother Nature.

Shane Sorensen said that we have \$2.2M in the PI fund, and \$900,000 from a recent grant. Our Finance Director says that water projects should be paid from water funds. If we do not have the money, we should bond. If our user rates are not high enough to cover the bond payment, we should raise the rates.

Brent Rummmler commented that our water rates have been steady for a long time.

Shane said that according to the plan, we have raised the PI rates three percent for each of the last three years. We have a five-year plan in place for PI, and then we will reassess. A study on our culinary rates is underway.

Brent Rummmler noted that our water source is Mother Nature, and we need infrastructure to access that water. In deficient years like this, we especially need these improvements to provide for our residents.

Kelli Law commented that there has been an ongoing debate on the proposed Heritage Hills well. If storage and pressure are where the council wants to focus, this may be why the project has not moved forward. Kelli encouraged council members to do the water tour with Greg. Of all the water pumped in the city, culinary household water accounts for a very small percentage. We use a tremendous amount of water on our lawns. Perhaps we could look at solutions in addition to wells and larger pipes to reduce our need for water. Kelli mentioned the estimated cost for the Heritage Hills well at \$4M. In a drought year like this one, would it be worth it?

Shane said that the low zone is not much of an issue, as most of our PI sources are in the low zone and it is easier to provide water there. Getting PI water up to the middle and high zones is the problem. It is a complicated system, and Shane would be happy to schedule a work session to explain the details. It

would be good to have the updated numbers from Horrocks before we meet. Shane wanted the council to consider the PI issues so we can prepare to make decisions.

Shane invited the council to send him their questions and agreed with Kelli Law that a ride along with Water Supervisor, Greg Kmetzsch, would be very enlightening.

Mayor Pro Tem Jason Thelin thanked two candidates for City Council, Jen Wadsworth and Sarah Blackwell, for attending tonight's meeting.

V. ACTION/ DISCUSSION ITEMS

A. Resolution R2025-17: Sculpture Garden Proposal – City Hall Block

Ryan Robinson said that the Heritage Arts Foundation wishes to create a sculpture garden on the City Hall block. Because this is a material change to a city park, the Planning Commission held a public hearing, a committee was formed to work on the design, and the plan is now before the council. Some considerations are the long-term commitment of staff to maintain the grounds, preserving green open space in the park, and coordinating with the fire station expansion. Because the fire station is the top priority, the Planning Commission recommended approval of the sculpture garden site plan for the designated area, subject to the design needs of the station. The committee and the Foundation would like a Resolution from the council so they can move forward with fundraising efforts.

The council members, Bob Hanson (Heritage Arts Foundation), Emily Wayment (landscape architect) and Bryan Mark Taylor (Sculpture Garden Committee) discussed the project:

- The council previously asked that the fire station driveway exit to the east. The exact layout could be finalized after the fire station floor plan is ready. The driveway would take precedence over the walking path. We do not want the Committee to go to the expense of installing garden areas and then require them to be removed.
- Shane Sorensen, Ryan Robinson, and the mayor met with a resident who works at Navigate. This company has helped other cities issue their RFPs, begin their building projects, and manage other upfront tasks. We are expecting a proposal from them and will bring it to the council. We are close to having the RFP ready to send out.
- The fundraising for the sculpture garden could take about two years, and the committee will need a more detailed site plan to present to potential donors. The committee has already identified the type of sculptures they would like to include, but other specifics would be decided by the council. The fundraising period will give the city and the Committee time to make adjustments to the garden layout.
- The Committee hopes to have a path that connects in a loop around the area. This design will also allow visitors with mobility needs to enjoy the garden.
- The garden would make good use of a space that is currently under-utilized and would be paid for with donor funds and grants. The city would take care of maintenance for the grounds.
- The motion needs to mention that the sculpture garden design is contingent on the final fire station design.
- The proposed water area in the plan ties into the history of Alpine. It could have a sculpture of a child playing in water and a pump that would be hand-operated. It is not a splash pad, but a small water play area using recirculated water.
- The committee has a complete vision of what they would like to accomplish, with interactive experiences, water features, walking paths, gardens, and sculptures. The space will be enjoyable and beautiful, useful and nostalgic. It is hard to do it justice on paper.

- More detailed planting and lighting plans would help the council make informed decisions, and lighting standards are already included in our code.

Steve Doxey said that some items could be included in the motion, such as requiring final approval of a site plan, a planting plan, a lighting plan, and the walking path location.

Brian Mark Taylor and Emily Wayment said that they want to work with the council to make this garden world class – it will not be a ‘backwater project.’ If the fire station needs are solidified and additional planting areas become available, the Committee will make them beautiful.

Bob Hanson commented that after approval, future modifications of the plan would be fine, but a vote by the council to cancel the project would be devastating.

Steve Doxey said that if the council approves a concept plan and the final plan is consistent with the concept plan, it would be hard for a future council to refuse a plan that is basically identical.

Motion: Chrissy Hannemann moved to approve R2025-17 the proposed amendments to the City Hall block to allow for the creation of a sculpture garden according to the concept plan, and subject to the following conditions: 1) final approval is contingent upon the completed fire station design, 2) a review of the east portion of the walking path will be conducted prior to construction, 3) final plans for the lighting, planting, and water feature will be approved prior to construction, and that 4) city staff will amend the resolution to include these conditions. Jessica Smuin seconded the motion. There were 5 yes votes and 0 no votes, as recorded below. The motion passed unanimously.

<u>Yes</u>	<u>No</u>	<u>Excused</u>
Jason Thelin		
Chrissy Hannemann		
Kelli Law		
Jessica Smuin		
Brent Rummler		

B. Resolution R2025-15: Consolidated Fee Schedule – Garbage Rates

Shane Sorensen explained that because Ace Disposal has raised their rates, the city conducted an analysis for the garbage and recycling can rates to determine necessary adjustments. Any rate adjustments must be reasonably proportionate to the costs. We also try to keep the first unit price lower to help residents who are on fixed incomes. Our city currently has about 2,900 first cans, and about 50 percent of the residents are using recycling. We usually see a small cost increase each year, but our fees are still very low compared to other cities. The table shows the current and recommended rates:

Monthly Residential Waste	Current Rates	Proposed Rates
Collection Fee – 1 st Unit	\$11.50	\$11.85
Collection– Each Additional Unit	\$6.40	\$7.60
Recycling – 1 st Unit	\$6.25	\$7.50
Recycling – Each Additional Unit	\$6.25	\$7.50

Chrissy Hannemann commented on the high fees charged to Alpine residents at the dump and wondered if we could provide additional city cleanup days with roll-off dumpsters.

Shane Sorensen explained that we provide fall and spring events yearly, which cost the city about \$7,000 each time. The drop off area gets very messy, and the dumpsters are often full before the event even begins. It is a challenging situation every time.

Motion: Kelli Law moved to approve Resolution R2025-15 adopting the Consolidated Fee Schedule with amendments as outlined. Brent Rummmler seconded the motion. There were 5 yes votes and 0 no votes, as recorded below. The motion passed unanimously.

<u>Yes</u>	<u>No</u>	<u>Excused</u>
Jason Thelin		
Chrissy Hannemann		
Kelli Law		
Jessica Smuin		
Brent Rummmler		

C. Ordinance 2025-10: Pool Structure Amendments

Ryan Robinson explained that the current city code regarding accessory structures was primarily written with sheds or similar buildings in mind. As a result, all other structures—including those associated with pools—are subject to these same standards. In the past, pool permits were typically simple, but we are seeing an increase in large structures related to pools. This has created challenges when reviewing pool-related structures that do not align well with the existing code.

The proposed amendment introduces a new standard specifically tailored to the variety of structures commonly submitted in relation to swimming pools. The Planning Commission reviewed this item during their July 1, 2025, meeting and held a public hearing. After reviewing the type of facilities that are typically associated with swimming pools, the commission recommended removing pool equipment storage structures from the new standards. These structures are generally similar to sheds and can continue to be regulated under existing accessory structure requirements for setbacks and height.

The city measures setbacks from the foundation level. Thus, cantilevered decks can encroach into the setback because measurements are taken from the foundation. Pool slides are constructed with support pillars, and the slide portion curves around, so measurements would be taken from the foundation for the pillars. This code change requires that a pool or jump structure have an automatic 10-foot setback so it would be out of the utility easement, and this setback should help provide some privacy for neighbors.

In the packet, the red outlines are the removals in the code, and the green sections are the proposed changes. These changes would help staff apply the code effectively.

ALPINE CITY CODE:

- 3.02.050
- 3.03.050
- 3.04.050
- 3.05.050
- 3.06.040

GENERAL PLAN:

- N/A

PUBLIC NOTICE:

This item has been noticed for a public hearing as required by city and State requirements, and a public hearing was held as part of the review by the Planning Commission.

STAFF RECOMMENDATION:

Because this is a legislative decision the standards for approval or denial are that the proposed application should be compatible with the standards found in the General Plan as well as the current city code and policies. A decision for approval or denial should be based on those criteria.

The council and staff discussed the following points:

- Current code says that if sheds and other accessory structures meet certain conditions, they can be closer to the property line. These code changes require that all pool structures, except storage sheds, are at least 10 feet from the property line.
- This decision will not apply to the slide in question on Ridge Crest Court. That pool slide was approved under the current code, so it would be considered a legal non-conforming structure.
- Standards on how to calculate maximum square footage of a slide or jump structure are needed.
- The current code for sheds prohibits openings on the lot line side.
- Requiring a permit for pools and related structures is not specifically mentioned in the new code. This could be included in the motion.
- Pool equipment sheds can generate continuous mechanical noise, which is different than a typical storage shed and could be a nuisance to neighbors. This could be addressed in the required setbacks.
- Pool slides attached to a home deck would likely meet the setback requirement because rear setbacks are a minimum of 30 feet. However, the slide may be taller than 10 feet if attached to a home, so this could be addressed also.
- Homes on a smaller lot, especially on a slope, may already have privacy issues with their decks.
- Standards on what exceptions can be requested for pool structures would be helpful.
- Because some residents have a long list of wants but not a lot of land, staff are also looking at massing standards that would limit additional structures on a lot to a percentage of the total square footage.

Motion: Chrissy Hannemann moved to approve Ordinance 2025-10 amending relevant sections of the Alpine City code to establish specific setback requirements for pool-related structures with the following additions: 1) under the heading Swimming Pools and Related Facilities, “All swimming pools and related facilities require a building permit” wording will be added, 2) staff will write an amendment to allow for very limited exceptions to the height requirement of related facilities when they will be attached to an existing home. Exceptions will require approval by the City Council. Kelli Law seconded the motion.

The council and staff then discussed:

- The existing setback requirements on side and rear yards
- Privacy and the difficulty of enforcing it when homes are built on a slope
- The right of residents to enjoy their property
- Exceptions to height restrictions could include required landscape screening or other conditions

Steve Doxey suggested that because there are a number of factors the council might consider regarding setbacks and height limitations, they may want to table the discussion and instruct staff to create the revised ordinance and present it at a future meeting.

According to that suggestion, the council voted. There were 0 yes votes and 5 no votes, as recorded below. The motion failed.

Yes

No

Excused

- Jason Thelin
- Chrissy Hannemann
- Kelli Law
- Jessica Smuin
- Brent Rummler

Motion: Chrissy Hannemann moved to table the discussion to give staff time to complete the reworked ordinance. Kelli Law seconded the motion. There were 5 yes votes and 0 no votes, as recorded below. The motion passed unanimously.

<u>Yes</u>	<u>No</u>	<u>Excused</u>
Jason Thelin		
Chrissy Hannemann		
Kelli Law		
Jessica Smuin		
Brent Rummeler		

Ryan Robinson clarified that the council wanted to include the standards Chrissy Hannemann addressed in her first motion, and the ability for the council to impose conditions on any exceptions that may be granted.

The council agreed with that statement.

C. Ordinance 2025-11: Helicopter Regulations

Ryan Robinson said that Alpine City currently prohibits heliports—defined as areas on land or atop a building or structure designated for the landing or takeoff of helicopters or other manned rotary-wing aircraft capable of vertical takeoff or landing—within city limits.

The proposed code amendment further clarifies that the landing or takeoff of helicopters is prohibited, except when conducted by first responders. This clarification is intended to eliminate any ambiguity regarding helicopter activity within the city.

A public hearing was held by the Planning Commission during its meeting on July 1, 2025. The discussion included consideration of the limited circumstances under which helicopter activity might be allowed. Ultimately, the commission recommended approval of the proposed amendment to continue prohibiting helicopter landings and takeoffs within city limits, with an exception for first responder operations.

ALPINE CITY CODE:

- 3.02.090
- 3.03.090
- 3.04.090
- 3.05.100
- and 3.07.080

GENERAL PLAN:

- N/A

PUBLIC NOTICE:

This item has been noticed for a public hearing as required by city and State requirements. A public hearing was held as part of the review by the Planning Commission.

STAFF RECOMMENDATION:

Because this is a legislative decision the standards for approval or denial are that the proposed application should be compatible with the standards found in the General Plan as well as the current city code and policies. A decision for approval or denial should be based on those criteria.

Motion: Brent Rummler moved to approve Ordinance 2025-11, the proposed code amendment regulating helicopter takeoff or landing within city limits. Kelli Law seconded the motion. There were 5 yes votes and 0 no votes, as recorded below. The motion passed unanimously.

<u>Yes</u>	<u>No</u>	<u>Excused</u>
Jason Thelin		
Chrissy Hannemann		
Kelli Law		
Jessica Smuin		
Brent Rummler		

D. Ordinance 2025-17: Water Management Program

Shane Sorensen explained that for several years, the city has implemented a water management program. With the extreme drought conditions and because Governor Cox has called for water conservation measures, we are recommending that the water management program once again be adopted by ordinance. Enforcement of the program will be much easier with an ordinance in place.

This ordinance clarifies that the water management program includes the following:

- Days and times for allowed water use.
- Clarification that restrictions are for those who irrigate from both the pressurized irrigation and culinary water systems.
- An outline of penalties for water usage outside of that allowed.
- A statement that reduced water use may be required at times due to system limitations.

The council discussed the following points:

- Some residents need to water outside of the prescribed times because of low pressure, new landscaping, or other issues. Don Quigley, Code Compliance Officer, maintains a list of these exceptions so those residents are not fined. The city works with residents who call in.
- Adding “drought conditions” to the fourth bullet would allow for additional restrictions during years with unfortunate weather patterns, in addition to system limitations.
- The council felt more comfortable with this ordinance ending when the PI water will be turned off in October. This would allow staff to propose a more permanent ordinance.
- It would also be helpful to educate the residents about more effective watering techniques, conservation measures, and park strip conversion ideas to save water.
- Fewer residents are watering on Sundays after the recent notices from the city. This is a win.

Ryan Robinson said that he can work with Heidi Smith to provide information on social media and on the city website.

Motion: Jessica Smuin moved to approve Ordinance No. 2025-17 adopting the 2025 Water Management Program with the following changes: 1) that the language of the fourth bullet be updated to say, “Identifies that reduced water use may be required at times due to system limitations or weather conditions,” and 2) that the resolution shall expire on October 15, 2025. Kelli Law seconded the motion. There were 5 yes votes and 0 no votes, as recorded below. The motion passed unanimously.

<u>Yes</u>	<u>No</u>	<u>Excused</u>
Jason Thelin		
Chrissy Hannemann		
Kelli Law		
Jessica Smuin		
Brent Rummler		

VI. STAFF REPORTS

Ryan Robinson said staff are working to create a policy that would establish standards for the naming of fields and other city properties. A historical or financial contribution would be required, and a time limit could be imposed. Ryan asked the council to send him their suggestions

The recent meeting for the Main Street Plan was postponed so the consultants could finalize their draft. Ryan will share the information in a live document for council feedback.

Shane Sorensen said he has been working with Heidi Smith on “This project made possible with PARC Tax funds” signs. He presented examples from other cities as well as the proposed logos for Alpine.

The council had varying opinions on the mixed fonts on the proposed design.

Motion: Due to the late hour, Kelli Law moved to extend the meeting by 7.5 minutes. Jessica Smuin seconded the motion. There were 5 yes votes and 0 no votes, as recorded below. The motion passed unanimously.

<u>Yes</u>	<u>No</u>	<u>Excused</u>
Jason Thelin		
Chrissy Hannemann		
Kelli Law		
Jessica Smuin		
Brent Rummler		

Shane Sorensen continued by showing a proposal for signage in the roundabout. It would be a rusted steel sign, approximately three feet tall, with mesh panels on the sides for banner display.

The council liked the proposal but suggested we may want to increase the size slightly.

Shane said that we will wait on installing similar signs at the Westfield Road and Canyon Crest locations until after the 2026 Canyon Crest Road improvement project is completed.

Shane has been working with Parks Lead Troy Hackett, who has assigned seasonal crew members to help with our open space cleanup. They will mow the weeds back 10 feet from the sidewalk, remove junk trees, and spray the curb area for weeds.

Staff are working on the improvements at Moyle Park, which has sections that have historically been watered with culinary. They will reconfigure the system to use PI water there. Other improvements are in progress as well.

Shane met with Ryan Robinson and Jason Judd, and they created a spreadsheet that includes our current projects, dates, consultants, budget details, and the name of the person in charge. The street overlay will need to commence immediately, but Shane would like council feedback on which other projects should have top priority. This document will be live and updated frequently.

Mayor Pro Tem Jason Thelin asked Shane to send the spreadsheet link to the council again.

Shane said that as we begin our fire station remodel/addition, we would benefit from the expertise of those who do these projects regularly. The firm Navigate provides advisory services and works with the CM/GC model. Their fee is usually between 2 and 5 percent, and they will provide us with a quote for the council to consider.

Ryan Robinson said that we have received an application for the Chipman Canyon (Pine Grove) annexation, and we will follow the required process for noticing and working with the County. This application will be presented to the council in the future.

Shane continued with Chief Brian Patten's recommendation that we consider permanent fireworks restriction signs (yellow with red letters), like those at Traverse Mountain. He will provide a map with suggestions for appropriate locations. We could have these signs in place for next year's fireworks season.

Shane said that the flower planters on Main Street have had some challenges and keeping the grass alive where the planters block the sprinklers is also difficult. Parks Lead Troy Hackett is in favor of increasing the width of the sidewalk by four feet in this area using pavers, which would provide more usable space for our Trucks and Tunes event and improve the watering situation. He asked the council to consider this proposal.

The LPPSD board meeting will be held tomorrow morning at 7:30 and Mayor Merrill will attend.

Shane presented a proposed change to the meeting schedule. The Planning Commission moved their July 15 meeting to July 29 to provide adequate notice time for the public hearing on the Lambert Park turnaround. The council will not be receiving any action items from them next week, so on July 22 we will just need to vote on some specific projects that need to move forward. We could hold a brief Zoom council meeting at noon to approve the projects and then cancel the evening session.

The council liked the proposal for the noon meeting on July 22, but this meeting was ultimately cancelled because of the Pioneer Day holiday.

VII. COUNCIL COMMUNICATION

Jessica Smuin thanked staff for straightening the sign before the roundabout and asked for an update on the Mountainville plan/Main Street design.

Shane Sorensen said that Ryan Robinson and Jason Judd are currently studying the plan. They are conducting a full review of everything, considering the Main Street study and the traffic element, but there are some deficiencies that should be brought forward first.

Ryan Robinson said he will send out a memo that addresses some of the larger issues, hopefully by the end of the week.

Kelli Law thanked Shane and the public works staff for cleaning up the open spaces. He asked Steve Doxey for an opinion on the pool structure square footage issue.

Steve said he will provide that information.

Chrissy Hannemann said that the Finance Committee will meet to work on the citizens' budget.

Chrissy asked Ryan to review our Accessory Dwelling Unit (ADU) ordinance for possible updates. Alan McDonald, Planning Commission Chair, and Andy Spencer on the Main Street Committee are working on that. Other council members are invited.

Shane Sorensen added some additional information on ADUs. Cam Diehl with the League reported that it appears that a bill for detached ADUs will be going through the State Legislature. They report that 70-75 percent of cities already allow detached ADUs. We anticipated that this push from the legislature would come at some time.

Steve Doxey said that the council may want to consider adopting a new ordinance so ADUs are included as one of our options for moderate income housing, rather than waiting for the State to impose a requirement.

Ryan Robinson added that Mr. Diehl said the State does not plan to limit ADUs to one per lot. This is an issue we would want to address.

Kelli Law said he spoke with someone on the Planning Commission in South Jordan who said their city allows whole-home short-term rentals. They receive good tax revenues from these rentals. Many of the

people who rent them are family members of residents. We might want to look at a short-term license for this purpose.

Chrissy Hannemann said that we should consider short-term rentals for the Olympics as well.

Ryan Robinson said that if a second council member wants to sponsor this, we can put it on the agenda.

Motion: Chrissy Hannemann moved to adjourn the meeting. Kelli Law seconded the motion. There were 5 yes votes and 0 no votes, as recorded below. The motion passed unanimously.

<u>Yes</u>	<u>No</u>	<u>Excused</u>
Jason Thelin		
Chrissy Hannemann		
Kelli Law		
Jessica Smuin		
Brent Rummler		

The meeting was adjourned at 9:23 pm.



Application to Request Appeal Authority

20 North Main Alpine, UT 84004 • 801-756-6347 (Phone) • 801-756-1189 (Fax) • www.alpineut.gov

A request shall be filed with the Zoning Administrator of Alpine City and must contain the following information as a minimum and all other additional information that will help the Hearing Officer make a decision.

Variance Appeal of a Land Use Decision

Name CODRUTA BOGGS Date 7/31/2025

Address 680 E. RIDGE DR, ALPINE Phone 916-477-0280 Email codruta.boggs@yahoo.com
UT 84004

Describe the reasons for the request for variance (appeal) a variance must explain how they meet the five findings as explained in the attached document for variances:

Alpine City Staff incorrectly determined that the pool slide and platform on neighbor's property meet the exception to the 15 foot rear setback applicable to accessory structures. Please see attached description / letter.

Variance

Address of the Property Involved _____

Chapter, Section, and Paragraph of the Alpine City Zoning Ordinance that you are seeking a variance from _____

Appeal of a Land Use Decision

Action of a Land Use Authority that is being appealed Determination re ^{Pool} Slide & Platform at 115 Ridge Crest Court, Alpine, VT 84004

Date of action by Land Use Authority 7/22/2025 (postmarked 7/23/2025)

Applicant Signature Codruta Boggs Date 7/31/2025

Alpine City values your privacy. We collect only the information necessary to provide requested services. Refusal to provide this information may prevent us from fulfilling your request. Your data may be shared with authorized third parties. For more details, including where your data may be stored, visit <https://www.alpineut.gov/170/Recorder>.

FOR CITY USE ONLY

Appeal Authority Fee (Actual Cost of Service)

Payment Amount _____ Payment Type _____ Receipt # _____

July 31, 2025

To: Alpine ^{✓ Appeal} Authority/ Hearing Officer
20 North Main Alpine, UT 84004

From: Codruta Boggs
680 E. Ridge Dr.
Alpine, UT, 84004

Re: Appeal of Alpine City Staff's Determination Regarding Parker Property Pool Slide and Platform – Setback, Height, and Code Interpretation

To Whom It May Concern:

I am in receipt of the Alpine City Accessory Structures Memorandum regarding the pool slide and platform at the Parkers' property at 715 Ridge Crest Court, dated July 22, 2025, postmarked July 23, 2025 (the "Memo"). This letter serves as a formal request pursuant to DCA 2.03.040 for an appeal of the City Staff's determination in the Memo that the pool slide and platform qualify for the two-foot setback exceptions applicable to certain ancillary structures. Such determination is completely contrary to the setback and height requirements applicable to such structures in the Alpine City Development Code (the "Code" or "DCA") which requires a 15 feet setback for such structures and which are not eligible for the exception that the City is applying to such structures. I am an adversely affected party by such City Staff's determination since my property at 680 E. Ridge Dr., Alpine 84004, is located in the rear side of the Parkers' property with the slide and platform which are too close (a few feet) to my backyard fence in violation of the Code.

In the Memo the City agrees that the pool and platform are considered "customary residential accessory structures" per DCA 3.04.050.2 and that they must comply with the setback and height requirements for accessory structures in the applicable zone. It is not disputed that such pool and platform are considered "customary residential accessory structures." The City concedes that each the slide and the platform are an ancillary structure rather than being considered together as just one ancillary structure. As stated in the Memo "Under this definition, the slide and platform are accessory structures."

Per DCA 3.04.05(2)(iv) (Side and Rear Setback - Interior Lot Line): Accessory Structures shall be set back *not less than fifteen (15) feet from the rear lot line* and ten (10) feet from the side lot line, except that a two (2) foot minimum rear or

side setback shall be required when *all the conditions* set forth in such subsection are applicable (see below).

1. The Accessory Structure is located more than twelve (12) feet from an existing dwelling on the same or adjacent lot;
2. If the Accessory Structure is an Accessory Building, it shall contain no openings on the side contiguous to the lot line;
3. **No drainage from the roof will be discharged onto an adjacent lot;**
4. **The Accessory Structure shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;**
5. The Accessory Structure 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;...
6. **The Accessory Structure will not be taller than twelve (12) feet six (6) inches to the top of the roof line;**
7. If the Accessory Structure is an Accessory Building, it will not exceed 200 square feet in size;
8. The City Council may grant additional exceptions to the above conditions if the Accessory Structure will be located adjacent to a non-residential property; and
9. **No minimum rear or side setback shall be required if the building will not be taller than ten (10) feet to the top of the roof line.**

The pool and platform structures do not meet all the requirements for such exception, which is contemplated for structures with a roof and not for structures that people stand on. The slide and platform do not have a roof and therefore they cannot meet the requirements set forth in the exception which specifically reference a roof for height purposes. The exception is meant to apply to structures with a roof that are below certain heights in order to avoid being a nuisance to the neighboring lot. Furthermore, the platform and part of the slide are each higher than 12 feet and 6 inches tall – and contrary to the Staff’s position, they cannot meet the height requirements for the exemption even under the City Staff’s position that the exception may apply to a slide and platform without a roof, since both are significantly above the maximum height of 12 feet six inches set forth in the exception.

The City Staff mentions that the measurement of the height of these types of structures is done from the average finished grade of the ground surface adjacent to the foundation of the structure to the top of the ridgeline. The City Staff appears to consider the columns holding the slide as the “foundation”, while in fact the slide and the platform both have their own “foundation”. The platform has its own metal supports that were cemented into the ground and it has its own foundation,

therefore triggering its own measurement, in addition to the separate measurement for the slide itself.

Additionally, the slide is not made of non-combustive materials and the railings which are not yet installed may also not be made of these non-combustive materials.

It is clear from the plain language of DCA 3.04.05(2)(iv) that the exception is not applicable to a pool slide or a standing platform. And that is consistent with the intent for the exception – it is meant to apply to short Ancillary Structures that are not intrusive. It is not meant to apply to a slide and a platform on which people stand. The platform is at least 13 feet; and with a 6.4 foot man on top of it, that would put the man at over 19 feet above ground which is not what the Code intended when the exception was created for short structures with a roof.

I look forward to a hearing on this matter. I am asking that the slide and platform be moved from the current position to comply with the 15 foot rear setback required by the Development Code. This is a clear violation of the Development Code which presents a nuisance to our enjoyment of our own property and potentially a fire risk as well. We have been significantly inconvenienced by this slide and platform and are incurring significant costs/damages resulting from these structures which the City Staff have allowed to continue.

Sincerely,



Codruta Boggs



Galaxy S20 FE 5G



Galaxy S20 FE 5G

ALPINE CITY ACCESSORY STRUCTURES MEMORANDUM

To: The Boggs Family and The Laney Family.

From: Alpine City Staff

Date: July 22nd, 2025

Subject: Review of Parker Property Pool Slide and Platform – Setback, Height, and Code Interpretation

Background

This memo summarizes Alpine City's review of the pool slide and platform being constructed by the Parkers on their property, focusing on:

- Classification as a structure vs. a building.
- Applicable setback and height requirements.
- How the City measures height for these structures.

This letter also is a follow up letter sent from the Alpine Code Compliance Officer: Don Qulgey dated February 20th, 2025.

1. Structure vs. Building

Under Alpine City Code (DCA 3.01.110):

- A **structure** is defined as:
"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."
- A **building** is defined as:
"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."

Based on these definitions, staff finds:

- The slide and platform qualify as structures, as they are fixed to the ground and create impervious surfaces.
- They do not qualify as buildings, as they lack a roof supported by walls or columns and do not shelter or enclose persons or property.
- The Alpine City Code also refers to a "customary residential accessory structure," which is also called an accessory structure (DCA 3.04.050.2). Under this definition, the slide and platform are accessory structures.

2. Setback and Height Considerations

Because the slide and platform are accessory structures rather than accessory buildings:

- The specific area limitation for accessory buildings under DCA 3.04.050.2.a.iv(7) does not apply.
- The slide and platform must comply with the setback and height requirements for accessory structures in the applicable zone. *See* DCA 3.04.050.a; 3.04.080.2.
- The Code allows a setback exception up to a minimum two-foot setback for certain accessory structures under specified conditions, which apply even if the structure is not an accessory building. *See* DCA 3.04.050.a.iv(1) through (9).

Based on provisions of the Alpine City Code:

- The city measures the setback of these types of structures at the foundation level, rather than from the top of the slide or platform itself. *See* DCA 3.01.110 Definitions (Yard, Front; Yard, Side; and Yard, Rear).
- The city measures the height of these types of structures from the average finished grade of the ground surface adjacent to the foundation of the structure to the top of the ridgeline. *See* DCA 3.04.080.2.

3. Neighbor Concerns and Code Interpretation

Neighbors argue that because the slide and platform lack a roof, they do not meet the definition of an accessory building and thus cannot use the two-foot setback exception.

Staff has found:

- DCA 3.04.050.2.A.iv(2) and (7) begin, "If the Accessory Structure is an Accessory Building..." suggesting that the setback exception applies to accessory structures meeting the conditions required for the exception, including accessory structures that are not accessory buildings.
- Therefore, the absence of a roof does not disqualify the slide and platform from benefiting from the setback exception.

Summary – Alpine City Position

- The slide and platform are considered accessory structures, not accessory buildings. DCA 3.01.110.
- They must comply with setback and height requirements for accessory structures in the zone DCA 3.04.050.2.a.iv(2); 3.04.080.2.
- Alpine City measures the setback and height of these structures at the foundation level from the average finished grade. DCA 3.01.110); 3.04.080.2.
- The two-foot setback exception may apply to these accessory structures, even without a roof DCA 3.04.050.2.A.iv(2).

- Based upon the city's review, the pool slide and platform meet the conditions required to qualify for the two-foot setback exception.

If further clarification is needed, staff is available to review and advise.

This memorandum constitutes the decision of the city's land use authority interpreting the land use ordinance on these issues. Any person adversely affected by this decision may appeal the decision to the city's land use appeal authority within ten (10) days as provided in DCA 2.03.040.



Application to Request Appeal Authority

20 North Main Alpine, UT 84004 • 801-756-6347 (Phone) • 801-756-1189 (Fax) • www.alpineut.gov

A request shall be filed with the Zoning Administrator of Alpine City and must contain the following information as a minimum and all other additional information that will help the Hearing Officer make a decision.

Variance Appeal of a Land Use Decision

Name GARY + CARLA LANEY Date 31 JULY 2025

Address 720 E. RIDGE DR, ALPINE UT 84004 Phone 925-683-5126 Email carla.laney@gmail.com

Describe the reasons for the request for variance/appeal (a variance must explain how they meet the five findings as explained in the attached document for variances): _____

ALPINE CITY STAFF INCORRECTLY DETERMINED THAT THE POOL SLIDE AND PLATFORM CURRENTLY BEING INSTALLED AT 715 RIDGE CREST CT MEET THE EXCEPTION TO THE 15-FOOT REAR SETBACK APPLICABLE TO ACCESSORY STRUCTURES. PLEASE SEE ATTACHED INFORMATION / DESCRIPTION LETTER.

Variance

Address of the Property Involved _____

Chapter, Section, and Paragraph of the Alpine City Zoning Ordinance that you are seeking a variance from _____

Appeal of a Land Use Decision

DETERMINATION RE: POOL SLIDE AND PLATFORM AT 715 RIDGE CREST CT, ALPINE, UTAH

Action of a Land Use Authority that is being appealed _____

Date of action by Land Use Authority 7/22/2025 (postmarked 7/23/25)

Applicant Signature [Signature] Date 31 JULY 2025

Alpine City values your privacy. We collect only the information necessary to provide requested services. Refusal to provide this information may prevent us from fulfilling your request. Your data may be shared with authorized third parties. For more details, including where your data may be stored, visit <https://www.alpineut.gov/170/Recorder>.

FOR CITY USE ONLY

Appeal Authority Fee (Actual Cost of Service)

Payment Amount _____ Payment Type _____ Receipt # _____

July 31, 2025

To: Alpine Appeal Authority/ Hearing Officer
20 North Main Alpine, UT 84004

From: Gary and Carla Laney
720 E. Ridge Dr.
Alpine, UT, 84004

**Re: Appeal of Alpine City Staff's Determination Regarding Parker Property
Pool Slide and Platform – Setback, Height, and Code Interpretation**

To Whom It May Concern:

We are in receipt of the Alpine City Accessory Structures Memorandum regarding the pool slide and platform at the Parkers' property at 715 Ridge Crest Court, dated July 22, 2025, postmarked July 23, 2025 (the "Memo"). This letter serves as a formal request pursuant to DCA 2.03.040 for an appeal of the City Staff's determination in the Memo that the pool slide and platform qualify for the two-foot setback exceptions applicable to certain ancillary structures. Such determination is completely contrary to the setback and height requirements applicable to such structures in the Alpine City Development Code (the "Code" or "DCA") which requires a 15 feet setback for such structures and which are not eligible for the exception that the City is applying to such structures. We are adversely affected party by such City Staff's determination since my property at 720 E. Ridge Dr., Alpine 84004, is located in the rear side of the Parkers' property with the slide and platform which are too close (a few feet) to our backyard fence in violation of the Code.

In the Memo the City agrees that the pool and platform are considered "customary residential accessory structures" per DCA 3.04.050.2 and that they must comply with the setback and height requirements for accessory structures in the applicable zone. It is not disputed that such pool and platform are considered "customary residential accessory structures." The City concedes that each the slide and the platform are an ancillary structure rather than being considered together as just one ancillary structure. As stated in the Memo "Under this definition, the slide and platform are accessory structures."

Per DCA 3.04.05(2)(iv) (Side and Rear Setback - Interior Lot Line): Accessory Structures shall be set back *not less than fifteen (15) feet from the rear lot line* and ten (10) feet from the side lot line, except that a two (2) foot minimum rear or

side setback shall be required when *all the conditions* set forth in such subsection are applicable (see below).

1. The Accessory Structure is located more than twelve (12) feet from an existing dwelling on the same or adjacent lot;
2. If the Accessory Structure is an Accessory Building, it shall contain no openings on the side contiguous to the lot line;
3. **No drainage from the roof will be discharged onto an adjacent lot;**
4. **The Accessory Structure shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;**
5. The Accessory Structure 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;...
6. **The Accessory Structure will not be taller than twelve (12) feet six (6) inches to the top of the roof line;**
7. If the Accessory Structure is an Accessory Building, it will not exceed 200 square feet in size;
8. The City Council may grant additional exceptions to the above conditions if the Accessory Structure will be located adjacent to a non-residential property; and
9. **No minimum rear or side setback shall be required if the building will not be taller than ten (10) feet to the top of the roof line.**

The pool and platform structures do not meet all the requirements for such exception, which is contemplated for structures with a roof and not for structures that people stand on. The slide and platform do not have a roof and therefore they cannot meet the requirements set forth in the exception which specifically reference a roof for height purposes. The exception is meant to apply to structures with a roof that are below certain heights in order to avoid being a nuisance to the neighboring lot. Furthermore, the platform and part of the slide are each higher than 12 feet and 6 inches tall – and contrary to the Staff’s position, they cannot meet the height requirements for the exemption even under the City Staff’s position that the exception may apply to a slide and platform without a roof, since both are significantly above the maximum height of 12 feet six inches set forth in the exception.

The City Staff mentions that the measurement of the height of these types of structures is done from the average finished grade of the ground surface adjacent to the foundation of the structure to the top of the ridgeline. The City Staff appears to consider the columns holding the slide as the “foundation”, while in fact the slide and the platform both have their own “foundation”. The platform has its own metal supports that were cemented into the ground and it has its own foundation,

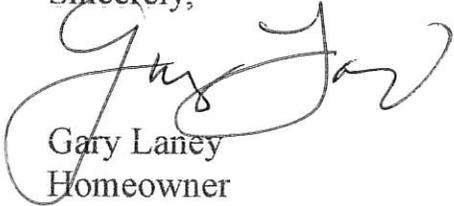
therefore triggering its own measurement, in addition to the separate measurement for the slide itself.

Additionally, the slide is not made of non-combustible materials and the railings, which are not yet installed, may also not be made of these non-combustible materials.

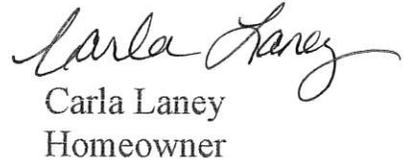
It is clear from the plain language of DCA 3.04.05(2)(iv) that the exception is not applicable to a pool slide or a standing platform. And that is consistent with the intent for the exception – it is meant to apply to short Ancillary Structures that are not intrusive. It is not meant to apply to a slide and a platform on which people stand. The platform is at least 13 feet; and with a 6.4 foot man on top of it, that would put the man at over 19 feet above ground, which is not what the Code intended when the exception was created for short structures with a roof.

We look forward to a hearing on this matter. We are asking that the slide and platform be moved from the current position to comply with the 15-foot rear setback required by the Development Code. This is a clear violation of the Development Code, which presents a nuisance to our enjoyment of our own property and potentially a fire risk as well. This slide and platform have significantly inconvenienced us, and we are incurring significant costs/damages resulting from these structures, which the City Staff have allowed to continue.

Sincerely,



Gary Laney
Homeowner



Carla Laney
Homeowner