



ALPINE CITY PLANNING COMMISSION MEETING

NOTICE is hereby given that the **PLANNING COMMISSION** of Alpine City, Utah, will hold a **Public Meeting** on **Tuesday, September 15th, 2026 at 6:00 p.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.

I. GENERAL BUSINESS

- A. Welcome and Roll Call: Jeff Davis
- B. Prayer/Opening Comments: By Invitation
- C. Pledge of Allegiance: By Invitation

II. REPORTS AND PRESENTATIONS

None

III. ACTION/DISCUSSION ITEMS:

- A. **Action Item:** Public Hearing - Proposed Development Agreement for new subdivision on Healey Blvd
- B. **Action Item:** Public Hearing - Proposed text amendments to Alpine Development Code §3.12 Sensitive Land Ordinance and addition of Wildland-Urban Interface (WUI) map
- C. **Action Item:** Public Hearing - Proposed text amendments to Alpine Development Code §3.21.060 regarding Fences, Walls, and Hedges

IV. COMMUNICATIONS

V. APPROVAL OF PLANNING COMMISSION MINUTES: August 18th, 2026, September 1st, 2026

ADJOURN

Chair Alan MacDonald
September 11th, 2026

THE PUBLIC IS INVITED TO ATTEND ALL PLANNING COMMISSION 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.

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Proposed Development Agreement for new Healey Blvd subdivision

FOR CONSIDERATION ON: September 15, 2026

PETITIONER: Lovell Development Group

ACTION REQUESTED BY PETITIONER: Review proposed detached ADU code and amendments to §3.14

BACKGROUND INFORMATION:

Lovell Development Group has approached the city with a proposal to enter into a development agreement to develop the properties with serial nos. 11:054:0449 and 37:280:0001 on the south side of Healey Boulevard and west of the Healey Well. The properties are located in the CR-40,000 zone. The proposal includes developing five lots with the lots fronting on a private road. Private roads are not currently allowed according the Alpine City Development Code (DCA). In addition, all lots are required to meet the frontage requirements on a public street. The developer is seeking an exception to these provisions through a development agreement.

Utah State Code allows a city to grant exceptions to city code requirements through a development agreement, with the requirement that the development agreement goes through the same approval process required for adopting a new land use regulation (i.e., planning commission, public hearing and city council hearing). This is outlined in Utah Code Ann. §10-20-508 as follows:

- (2) (a) A development agreement may not:
 - (i) limit a municipality's authority in the future to:
 - (A) enact a land use regulation; or
 - (B) take any action allowed under Section 10-8-84;
 - (ii) require a municipality to change the zoning designation of an area of land within the municipality in the future; or
 - (iii) allow a use or development of land that applicable land use regulations governing the area subject to the development agreement would otherwise prohibit, unless the legislative body approves the development agreement in accordance with the same procedures for enacting a land use regulation under Section 10-20-502, including a review and recommendation from the planning commission and a public hearing.

Following is an excerpt from DCA 4.04.080 regarding limitations and prohibitions for development agreements:

4. Limitations and Prohibitions. A development agreement under this section shall not:

- a. Limit the City's authority in the future to enact a land use regulation or take any action allowed under §10-8-84 of Utah State Code (as amended);
- b. Require the City to change the zoning designation of an area of land within the City in the future; or
- c. Contain a term that conflicts with, or is different from, a standard set forth in an existing land use regulation that governs the area subject to the development agreement, unless the City Council approves the development agreement in accordance with the same procedures for enacting a land use regulation under §10-9a-502 of Utah State Code (as amended), including a review and recommendation from the Planning Commission and the conducting of a public hearing.
- d. The City shall not require a development agreement as the only option for developing land within the City.
- e. The City shall not require a development agreement as a condition for developing land within the City if the proposed development otherwise complies with City's applicable ordinances and provisions contained within Utah State Code (as amended), the proposed development is an allowed or permitted use, or the City's land use regulations otherwise establish all applicable standards for development on the land.
- f. The City may not restrict the type of crop that may be grown in an area that is zoned agricultural or assessed under §59-2-5 of Utah State Code (as amended).
- g. To the extent that a development agreement does not specifically address a matter of concern related to land use or development, the matter of concern shall be governed by §10-9a of Utah State Code (as amended) and the applicable land use regulations in this code.
- h.
- i. The City may submit to the County Recorder's Office for recording a fully executed agreement or a document related to code enforcement, a special assessment area, a local historic district boundary or the memorializing or enforcement of an agreed upon restriction, incentive, or covenant. The City shall not cause to be recorded against private real property a document that imposes development requirements, development regulations, or development controls on the property, restricts

Item 4.c. states that if anything conflicts with the city ordinance, it would be required to go through the process of a code amendment, which would involve the planning commission and city council.

As part of this proposal, the developer would provide the following:

- A 15-foot wide storm drain easement along the south and west boundaries of the development.
- A 15-foot wide waterline easement along the east boundary of the development.
- The developer is proposing to install a storm drain line and pressurized irrigation line within the easement, with the city reimbursing the developer for the cost of the improvements, less a \$100,000 contribution from the developer towards the cost of the improvements.

These improvements are desired by the city. The storm drain line would help cure a drainage issued that has been an issue in the past for the city property to the east. The pressurized irrigation line would complete a portion of the master planned 24" line in the irrigation system.

The developer has looked at a 4-lot plan where all lots would front on Healey Boulevard and would not require a development agreement since all provision of the city code could be met. The following list of perceived benefits for the 5-lot plan was provided by developer:

We continue to believe the private lane concept provides several meaningful benefits when compared to the traditional four-lot layout, including:

- *Reduced driveway cuts along Healey Boulevard, improving traffic flow and safety.*
- *Improved ingress and egress through a consolidated access point.*
- *A cleaner and more attractive streetscape.*
- *Enhanced frontage landscaping and improvements that would be privately maintained.*
- *Additional infrastructure benefits to the City through the proposed storm drain and water line easements.*
- *A planning outcome that we believe better fits the property while minimizing impacts to the surrounding neighborhood.*

Additionally, it is important to note that the proposed storm drain and water line easements would not be provided under the traditional four-lot code-compliant layout. We believe the Development Agreement approach creates an opportunity for the City to receive meaningful infrastructure benefits while also achieving what we feel is a superior planning outcome for the property and surrounding neighborhood.

Since the original proposal, the developer has made the following update to their proposal:

After reviewing the plans, particularly page PP-03, we think there may be a better long-term solution.

Proposal Summary:

- *Provide a 5-foot PUE along the east side of our property for the buried pump station power.*
- *Keep the new 24-inch water line on City property rather than in an easement that would eventually run through a future homeowner's backyard.*
- *With the reduction in the easement we would be giving the City, we could instead contribute an additional **\$50,000 toward the City's installation of the 24-inch water line**. This would also address the feedback we heard from the City Council during the work session about increasing our financial contribution.*
- *Coordinate the work this winter while the system is shut down and our property is still open for construction.*

STAFF RECOMMENDATION

Staff recommends that the Planning Commission consider the proposal to allow a private lane and five-lot plan for the Development Group mentioned, in exchange for help in completing important city improvements to the Public Works system. Not all considerations in the Development Agreement have been finalized and must still be worked out with the developer. If the Planning Commission finds the agreement satisfactory, then staff would suggest sending a positive recommendation to the City Council.

Motion to Approve:

I move to recommend approval of the Development Agreement for the new subdivision proposal on Healey Boulevard as proposed.

Motion to Approve with Conditions:

I move to recommend approval of the Development Agreement for the new subdivision proposal on Healey Boulevard as proposed, subject to the following conditions:

*Insert Proposed Conditions

Motion to Table:

I move to table consideration of the Development Agreement for the new subdivision proposal on Healey Boulevard to a future meeting in order to allow additional time for

revisions and/or additional information, including:

*Insert additional information needed.

Motion to Deny:

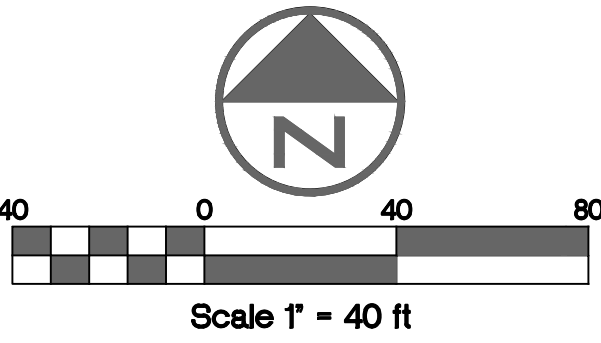
I move to recommend denial of the Development Agreement for the new subdivision proposal on Healey Boulevard as proposed based on the following findings:

*Insert findings



ALPINE PROPERTY

UG POWER RELOCATION

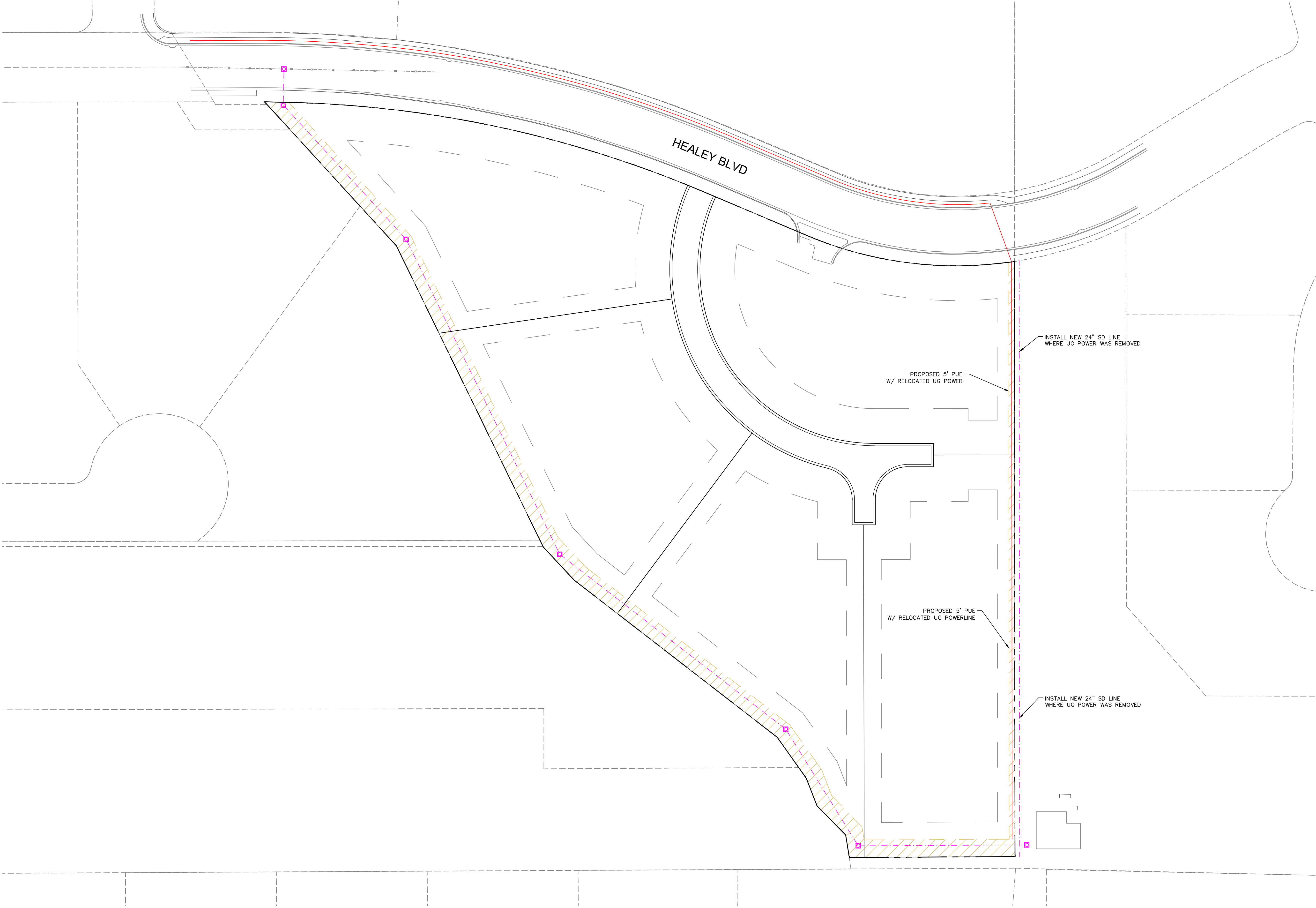




WILDING
ENGINEERING

14721 SOUTH HERITAGE CREST WAY
BLUFFDALE, UTAH 84065
801.553.8112
WWW.WILDINGENGINEERING.COM

DRAWING NOTES:
GENERAL NOTES:
FRONT SETBACK: 30 FT
SIDE SETBACK: 15 FT
REAR SETBACK: 30 FEET
MINIMUM WIDTH AT SETBACK: 110 FT



G:\DATA\26303 Alpine Church Property\dwg\Concept\26303 Alpine 5 Acres (PUE Concept).dwg
PLOT DATE: Sep 10, 2026

NO.	REVISION	DATE

PROJECT INFORMATION

ALPINE PROPERTY

UG POWER RELOCATION

ALPINE, UTAH

DRAWN KCW	CHECKED XXX	PROJECT # 26303
ENGINEER'S STAMP		DATE 9/10/26
		SCALE 1" = 40'
		SHEET CONCEPT

DEVELOPMENT AGREEMENT

(5-Lot Subdivision)

THIS DEVELOPMENT AGREEMENT (this “**Agreement**”) is made and entered into as of the ____ day of _____, 2026 (the “**Effective Date**”), by and between ALPINE CITY, a Utah municipal corporation, hereinafter referred to as “**City**,” and LOVELL DEVELOPMENT GROUP, LLC, a Utah limited liability company, hereinafter referred to as “**Developer**.” The City and Developer are hereinafter collectively referred to as “**Parties**.”

RECITALS

A. Developer ~~holds the contractual rights to purchase~~owns certain land containing an aggregate of 5.07 acres located within Alpine City, as more particularly described on Exhibit A, attached hereto and incorporated herein by reference (the “**Property**”).

B. The Property is zoned Country Residential (CR - 40,000), which requires a minimum lot size of 40,000 square feet for single family dwellings. Under this zoning district, private streets are not allowed.

C. Developer desires to subdivide the Property into five (5) lots for construction of single family dwellings (the “**Project**”) in accordance with the Concept Plan shown on Exhibit B hereto (the “**Concept Plan**”). As shown on the Concept Plan, although the proposed lots comply with the minimum lot size restrictions, a private street is proposed to provide a single point of access from Healey Boulevard to all five (5) lots.

D. The City is willing to approve an exception to the prohibition of private streets and allow the Property to be subdivided and developed in accordance with the attached Concept Plan in exchange for certain benefits to be provided by Developer to the City as provided herein.

E. The City Council, after complying with applicable notice and public hearing requirements, has approved this Agreement and has authorized the Mayor of the City to execute and deliver this Agreement on behalf of the City.

F. The City has the authority to enter into this Agreement pursuant to Utah Code Section 10-20-508 (2026) and relevant municipal ordinances, and desires to enter into this Agreement with the Developer for the purpose of guiding the development of the Property in accordance with the terms and conditions of this Agreement and applicable City ~~O~~ordinances.

G. The Parties desire to enter into this Agreement to specify the rights and responsibilities of the Developer to develop the Property as expressed in this Agreement and the rights and responsibilities of the City to allow and regulate such development pursuant to the requirements of this Agreement.

H. The Parties intend that this Agreement is a “development agreement” within the meaning of, and entered into pursuant to, the terms of Utah Code Ann. § 10-20-508.

I. The Parties intend to be bound by the terms of this Agreement as set forth herein.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which ~~is~~are hereby acknowledged, the City and the Developer hereby agree as follows:

1. Incorporation of Recitals. The foregoing Recitals are hereby incorporated into this Agreement, as a substantive part hereof.
2. Exceptions to City Code. As required by Utah Code Ann. § 10-20-508(2)(a)(iii), approval of any portion of this Agreement that grants exceptions to current City Code must follow the same procedures for enacting a land use regulation under Utah Code Ann. § 10-20-502. The terms of this Agreement are enforceable and the rights of Developer to develop the Property in accordance with this Agreement shall vest only if the Alpine City Council, in the independent exercise of its legislative authority, approves this Agreement.
3. Governing Standards. The Project must be developed by the Developer in accordance with the Concept Plan, this Agreement, and applicable City ordinances regarding subdivision and development of real property in the City.
4. Permitted Uses.
 - a. The Project shall be approved so long as each lot is at least 40,000 square feet in size and the applicable subdivision and land use ordinances of the City are satisfied.
 - b. Notwithstanding any language to the contrary in this Agreement, Developer shall have the right to develop and improve a private street to provide access to the proposed lots from Healey Boulevard consistent with the attached Concept Plan and this Agreement.
5. Specific Developer Obligations. As an integral part of the consideration for this Agreement, the Developer voluntarily agrees to fulfill the following obligations:
 - a. In connection with the City's grant of final plat approval for the Project, Developer shall grant to the City a storm drain easement along the western edge of proposed lots 1, 2 and 3, and along the southern edge of proposed lot 4, as shown in the attached Concept Plan.
 - b. In connection with the City's grant of final plat approval for the Project, Developer shall grant to the City a water line easement along the eastern edge of the Project, as shown in the attached Concept Plan.
 - c. The easements described in subsections 5(a) and 5(b) above shall be shown on the final subdivision plat of the Project to be recorded with Utah County.
 - d. When Developer constructs the horizontal subdivision improvements of the Project, Developer shall pay for and install the public storm drain line and public water line within the easements described in subsections (a) and (b)

above (collectively, the “City Improvements”), as well as all other required subdivision improvements. The City’s reimbursement obligations for the public storm drain line and public water line are described in Section 6, below.

d.e. Developer shall record covenants, conditions, and restrictions (“CCRs”) against the Property in substantially the form of the attached Exhibit C. Developer shall also organize a homeowners’ association (the “HOA”), which will carry out the ongoing obligation to maintain the private street and any other common areas in the subdivision. The City will be an intended third-party beneficiary of the CCRs, with the authority, but not the obligation, to enforce any violation of the CCRs, including the obligation to maintain the private street. The CCRs may not be amended or terminated, nor may the HOA be dissolved, without the City’s prior written approval.

6. City Obligations. As an integral part of the consideration of this Agreement, the City agrees as follows:

- a. After Developer has constructed and installed the City Improvements referenced in Section 5(d) above, and the City has approved and accepted the same (which approval and acceptance shall not be unreasonably withheld), the City shall reimburse Developer via cash payment for all actual costs incurred by Developer to construct and install the City Improvements minus the sum of ~~\$100,000.00~~ 250,000.00. To clarify, Developer agrees to contribute the sum of ~~\$100,000.00~~ 250,000.00 toward the cost of the City Improvements. Developer shall provide the City with supporting detail regarding the cost of the Public Improvements, including copies of all invoices and payments directly related to the City Improvements. Developer shall use a licensed engineer to design the City Improvements and a licensed contractor to construct and install the City Improvements, all at the best competitive market rates that Developer is able to negotiate.
- b. The City shall pay Developer the reimbursement amount within sixty (60) days following the City’s receipt of the supporting detail showing the costs paid by Developer to design, construct, and install the City Improvements.
- c. The City shall allow the storm water from the Project to connect and flow into the new public storm drain line installed by Developer in the Project without requiring Developer to pay any connection ~~or service~~ fees to the City.

7. Vested Rights and Reserved Legislative Powers.

- a. Vested Rights. As of the Effective Date, subject to the terms and provisions of this Agreement, Developer has the vested right to develop and construct the Project in accordance with the Concept Plan, this Agreement, and applicable City ordinances in existence on the Effective Date. The Parties intend that the rights granted to Developer under this Agreement are contractual and also those rights that exist under statute, common law and at equity. The Parties specifically intend that this Agreement grants to Developer “vested rights” as

that term is construed in Utah's common law and pursuant to Utah Code Ann., §10-20-101 et seq. Moreover, in the event of any conflict between the terms of this Agreement and the general provisions of the City Code, the terms of this Agreement control as provided in Utah Code Ann. § 10-20-508(2)(a)(iii).

- b. Reserved Legislative Powers. Developer acknowledges that the City is restricted in its authority to limit its police power by contract and that the limitations, reservations, and exceptions set forth herein are intended to reserve to the City all of its police powers that cannot be so limited. Notwithstanding the retained police powers of the City, any such legislation shall not modify Developer's vested rights as set forth herein unless facts and circumstances are present that meet the exceptions to the vested rights doctrine as set forth in Utah Code Ann. § 10-20-101 et seq., as adopted on the Effective Date, *Western Land Equities, Inc. v. City of Logan*, 617 P.2d 388 (Utah 1980), its progeny, or any other exception to the vested rights doctrine under Utah law.

8. Default. An "Event of Default" occurs under this Agreement if any pParty fails to perform a material obligation expressly required hereunder when due and the defaulting pParty has not performed or cured the delinquent obligations within sixty (60) days following delivery to the delinquent-defaulting pParty of written notice of such delinquency describing the alleged default in reasonable detail. Notwithstanding the foregoing, if the default cannot reasonably be cured within that 60-day period, a pParty is not in default so long as that pParty commences to cure the default within that 60-day period and diligently continues such cure in good faith until complete.

9. Remedies. In the event of an uncured Event of Default, the non-defaulting pParty has the right to exercise any and all remedies available under Utah law. In any court action, the prevailing pParty shall be awarded its reasonable attorney fees and costs.

10. Notices. Any notices or demands required or desired to be given hereunder must be in writing and served personally upon the pParty for whom intended, or if mailed, by certified mail, return receipt requested, postage prepaid, to such pParty at its address shown below, or emailed to such party using the email address shown below:

To the Developer: Lovell Development Group, LLC
Attn: Brett Lovell
13697 S. 3825 W.
Riverton, Utah 84065
Email: lovelldevelopmentgroup@gmail.com

To the City: Alpine City
Attn: Shane Sorensen
City Administrator
10 North Main Street
Alpine, Utah 84004
Email: ssorensen@alpineut.gov

11. General Terms and Conditions.

- a. Property Acquisition Contingency. Notwithstanding any other provision to the contrary herein, this Agreement shall not take effect unless and until Developer (or an entity owned or controlled by Developer) acquires title to the Property no later than three (3) months after the date of approval of this Agreement by the Alpine City Council. This Agreement will not be recorded against the Property with the Utah County Recorder's Office unless and until this acquisition contingency has been satisfied.
- b. Binding Effect. Subject to the other provisions hereof, this Agreement inures to the benefit of, and shall be binding upon, the parties hereto and their respective heirs, representatives, officers, agents, employees, members, successors and assigns. Without limiting the generality of the foregoing, a "successor" includes a party that succeeds to the rights and interests of the Developer as evidenced by, among other things, such party's submission of land use applications to the City relating to the Property or the Project.
- a. Non Liability of City Officials and Employees. No officer, representative, consultant, attorney, agent or employee of the City is personally liable to the Developer, or any successor in interest or assignee of the Developer, for any default or breach by the City, or for any amount that may become due to the Developer, or its successors or assignees, or for any obligation arising under the terms of this Agreement. Nothing herein will release any person from personal liability for their own individual acts or omissions.
- b. Third Party Rights. Except for the Developer, the City and other parties that may succeed the Developer on title to any portion of the Property, all of whom are express intended beneficiaries of this Agreement, this Agreement does not create any rights in and/or obligations to any other persons or parties. The Parties acknowledge that this Agreement refers to a private development and that the City has no interest in, responsibility for, or duty to any third parties concerning any improvements to the Property unless the City has accepted the dedication of such improvements
- c. Relationship of Parties. This Agreement does not create any joint venture, partnership, undertaking, business arrangement or fiduciary relationship between the City and the Developer.
- d. Agreement to Run With the Land. This Agreement must be recorded in the Office of the Utah County Recorder against the Property and is intended to and is deemed to run with the land, and is binding on and benefits all successors in the ownership of any portion of the Property.
- e. ~~Performance. Each party, person and/or entity governed by this Agreement must perform its respective obligations under this Agreement in a manner that will not unreasonably or materially delay, disrupt or inconvenience any other party, person and/or entity governed by this Agreement, the development of any portion of the Property or the issuance of building permits, certificates of occupancy, or other approvals associated therewith.~~

f.e. Applicable Law. This Agreement is entered into under to, and is to be construed and enforceable in accordance with, the laws of the State of Utah.

g.f. Construction. This Agreement has been reviewed and revised by legal counsel for both the City and Developer, and no presumption or rule that ambiguities is construed against the drafting party applies to the interpretation or enforcement of this Agreement.

h.g. Approval and Authority to Execute. Each of the Parties represents and warrants as of the Effective Date this Agreement, it/he/she has all requisite power and authority to execute and deliver this Agreement, being fully authorized so to do and that this Agreement constitutes a valid and binding agreement.

12. No Waiver. Any pParty's failure to enforce any provision of this Agreement does not constitute a waiver of the right to enforce such provision. The provisions may be waived only in writing by the pParty intended to be benefited by the provisions, and a waiver by a pParty of a breach hereunder by the other pParty may not be construed as a waiver of any succeeding breach of the same or other provisions.

13. Severability. If any portion of this Agreement is held to be unenforceable for any reason, the remaining provisions continue in full force and effect.

14. Force Majeure. Any prevention, delay or stoppage of the performance of any obligation under this Agreement which is due to strikes, labor disputes, inability to obtain labor, materials, equipment or reasonable substitutes therefore; acts of nature; governmental restrictions, regulations or controls; judicial orders; enemy or hostile government actions; wars, civil commotions; fires or other casualties or other causes beyond the reasonable control of the pParty obligated to perform hereunder excuses performance of the obligation by that party for a period equal to the duration of that prevention, delay or stoppage.

15. Amendment. This Agreement may be amended only by written instrument signed by the Parties hereto.

(signature page follows)

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their respective, duly authorized representatives as of the day and year first hereinabove written.

CITY:

CITY OF ALPINE

ATTEST:

By: _____
City Recorder

By: _____
Mayor Carla Merrill

DEVELOPER:

LOVELL DEVELOPMENT GROUP, LLC,
a Utah limited liability company

Brett Lovell, Manager

STATE OF UTAH)
 :SS
COUNTY OF UTAH)

On the ____ day of _____, 2026, personally appeared before me Brett Lovell, who being by me duly sworn, did say that he is the Manager of Lovell Development Group, LLC, a Utah limited liability company, and that the within and foregoing instrument was signed on behalf of said limited liability company with proper authority and duly acknowledged to me that he executed the same.

SEAL:

Notary Public
Residing at:

Exhibit A
Legal Description of the Property

The Property is comprised of two (2) parcels identified as Utah County Tax Parcels 37-280-0001 and 11-054-0449.

Parcel 37:280:0001 is described as Lot 1, Plat D, Davids Court Subdivision (3.236 acres)

Parcel 11-054-0449 is described as follows: COM S 663.77 FT & E 641.12 FT FROM THE W 1/4 COR. SEC. 30, T4S, R2E, SLB&M; N 89 DEG 53' 31" E 39.92 FT; ALONG A CURVE TO THE R (CHORD BEARS: S 78 DEG 35' 45" E 387.18 FT, RADIUS = 970 FT); S 67 DEG 5' 2" E 12.83 FT; S 10 DEG 40' 18" W 376.59 FT; N 52 DEG 16' 11" W 64.83 FT; N 42 DEG 57' 46" W 38.86 FT; N 26 DEG 0' 0" W 288.5 FT; N 42 DEG 28' 0" W 165.01 FT; W 44.41 FT; N 31 DEG 32' 0" W 2.83 FT TO THE POB. AREA (1.838 acres)

Exhibit B
Concept Plan

ALPINE PROPERTY
CONCEPT PLAN

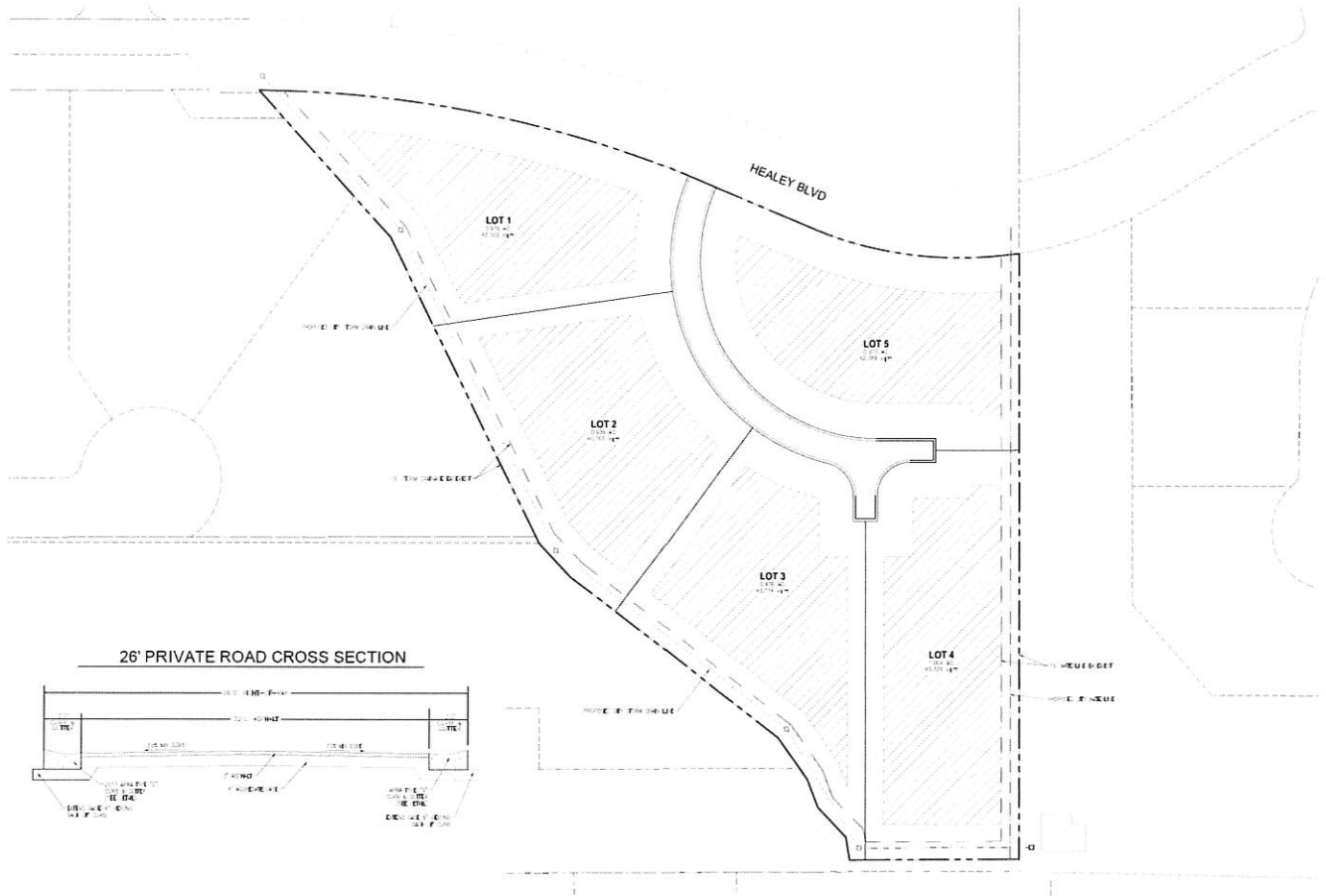
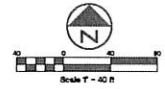


Exhibit C

CCRs

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Amendment of DCA 3.12 to reference 2024 International Wildland-Urban Interface Code (IWUIC) and Adopt Wildland Urban Interface (WUI) Map

FOR CONSIDERATION ON: September 15, 2026

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Review proposed WUI map and consider it for adoption into DCA

BACKGROUND INFORMATION:

During the 2025 General Session, the Utah Legislature adopted HB 48 concerning wildfire and the Wildland-Urban Interface. Among other provisions, the legislation established requirements for state and local governments to identify and address wildfire-risk areas within their jurisdictions and tied certain State assistance and funding for wildfire preparation, mitigation, and firefighting efforts to compliance with State WUI requirements.

In January 2026, the City previously adopted required WUI regulations in order to remain in compliance with State law and maintain eligibility for applicable State assistance and funding.

Since that time, the Utah Legislature adopted HB 41 during the 2026 General Session. HB 41 updates the State's adopted WUI standards from the 2006 Utah Wildland Urban Interface Code to the **2024 International Wildland-Urban Interface Code**. The legislation also establishes requirements concerning the designation of WUI areas on local WUI maps.

Under the updated State requirements, areas designated on a local WUI map generally must meet the applicable wildfire-risk threshold established by the State's **Smoothed Structure Exposure Score** mapping (meeting or exceeding a score of 5). Areas below the applicable threshold may not be designated as WUI areas unless the State's approval requirements are satisfied.

The State's wildfire-risk mapping identifies varying levels of wildfire exposure throughout Alpine City. While much of the City falls below the State's applicable threshold, portions of Alpine have exposure scores that meet or exceed the Level 5 threshold established under the updated State requirements.

These higher-risk areas are generally concentrated in portions of Alpine located adjacent in northern Alpine and near to the City's foothill and wildland areas, including portions of [Grove Drive / northern Alpine / other applicable areas]. These areas are more directly

exposed to wildfire hazards because of their proximity to undeveloped vegetation, steep terrain, and other conditions associated with the wildland-urban interface.

City staff have reviewed the State's **Smoothed Structure Exposure Score** map and prepared a proposed WUI map for Alpine City. The proposed map generally limits the City's WUI designation to those areas that meet the State's Level 5 and higher exposure threshold.

Staff does not recommend, at this time, designating additional areas below the State's Level 5 threshold. Limiting the initial designation to areas meeting the State's established threshold provides a clear and defensible basis for the City's WUI map while avoiding the need to seek additional State approval for lower-risk areas.

The State's updated WUI requirements are scheduled to take effect **January 1, 2027**. Updating the City's code and adopting the WUI map in advance of that date will allow the City to provide notice and education to affected property owners and prepare for implementation of the new requirements.

Accordingly, the proposed ordinance would accomplish the following:

- **Update the City's WUI provisions** in 3.12 of DCA to reference and implement the 2024 International Wildland-Urban Interface Code, effective January 1, 2027, consistent with the effective date established by State law; and
- **Adopt the Alpine City WUI map**, identifying those areas that meet the State's applicable Level 5 or higher wildfire exposure threshold.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Recommend approval of the amended Wildland-Urban Interface provisions in DCA to reference and implement the 2024 International Wildland-Urban Interface Code, consistent with applicable State law effective January 1, 2027; and
2. Recommend adoption of the proposed Wildland-Urban Interface (WUI) map identifying those portions of Alpine City that meet the State's applicable wildfire exposure threshold.

Motion to Approve:

I move to recommend approval of the amended Wildland-Urban Interface provisions in Alpine Development Code and recommend adoption of the proposed Wildland-Urban Interface (WUI) map, as proposed.

Motion to Approve with Conditions:

I move to recommend approval of the amended Wildland-Urban Interface provisions in Alpine Development Code and recommend adoption of the proposed Wildland-Urban Interface (WUI) map, subject to the following conditions:

*Insert Proposed Conditions

Motion to Table:

I move to table consideration of the amended Wildland-Urban Interface provisions in Alpine Development Code and recommend adoption of the proposed Wildland-Urban Interface (WUI) map to a future meeting in order to allow additional time for revisions and/or additional information, including:

*Insert additional information needed.

Motion to Deny:

I move to recommend denial of the amended Wildland-Urban Interface provisions in Alpine Development Code and recommend adoption of the proposed Wildland-Urban Interface (WUI) map based on the following findings:

*Insert findings

Exhibit A

3.12 Sensitive Land Ordinance

Redline Version

3.12.040 Sensitive Land Classifications

The following factors shall be used to determine the classification of various lands and their constraints to building and development on them:

1. **Geologic Hazard Lands.** Lands identified on the Official Alpine City Hazards map as having landslide, debris flow, rock fall, soil liquefaction or surface-fault-rupture hazards.
2. **Hillside Lands.** Lands identified on the Official Alpine City Hazard map as having an elevation above 5350 feet Mean Sea level.
3. **Wildland Urban Interface Lands.** Lands identified on the Official Alpine City ~~Hazard~~ Wildland-Urban Interface (WUI) map as ~~having potential wild fire hazard~~ being within the Wildland-Urban Interface Overlay, which refers to those areas which meet or exceed an exposure score of 5 on the adopted WUI map.
4. **Flood Plain Lands.** Lands with potential stream flow and flood hazard. Flood plain lands consist of all lands contained within the 1% annual chance flood as defined by Federal Emergency Management Agency, in the most current Flood Insurance Rate Map (FIRM) shown for Alpine City. The FIRM map is also adopted as the Official Alpine City Hazard map for flood damage prevention overlay zone.

(Original Ordinance No. 2002-01. Amended by Ordinance 2005-03, 1/25/05)

HISTORY

Amended by Ord. 2019-18 on 8/13/2019

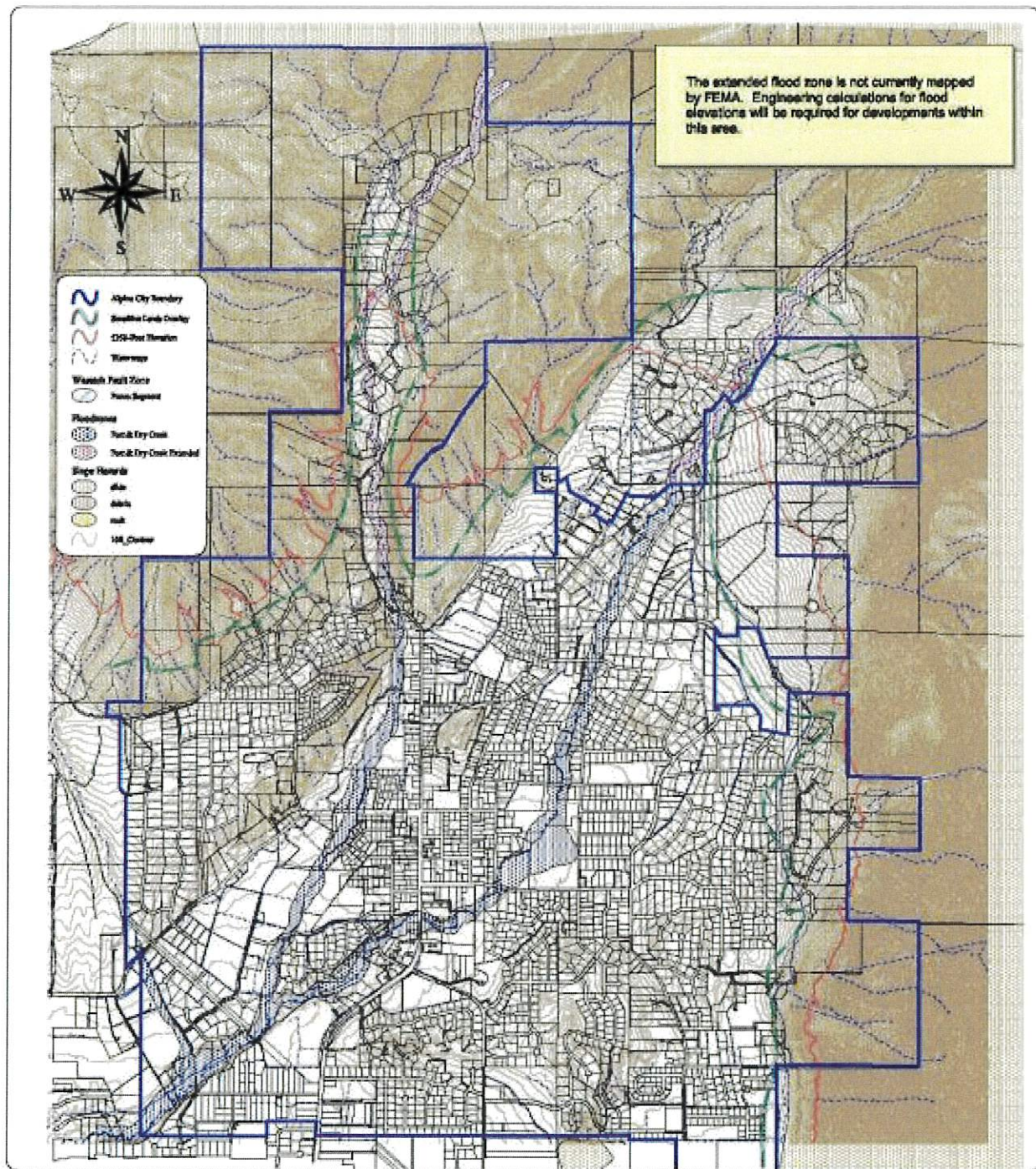
Amended by Ord. 2020-03 on 2/11/2020

3.12.050 Official Maps

1. The Alpine City Council shall adopt official overlay zoning maps denoting the above identified areas. Substantial amendments of these maps shall require City Council approval. The official Alpine City Sensitive, Flood, and Hazard Land maps may be amended by the City Council after a receiving a recommendation from the Planning Commission.
2. Map as Reference to Text
 - a. The text provisions of this ordinance shall be used to determine which sensitive land category the applicant is in and what requirements they are subject to under this ordinance.
 - b. Applicants are required to provide the Planning Department with a delineation of the Sensitive Land Area on the subject property as part of the application. An application shall not be considered complete until this delineation is submitted.
 - c. An applicant may identify and delineate Sensitive Areas by gathering and reviewing information other than the Alpine City Sensitive and Hazard Land Maps, such as aerial photographs or coring of soils.
 - d. The attached maps are hereby adopted as the Official Alpine City Sensitive and Hazard Land Maps until such time as they may be amended or supplemented. The Alpine City Wildland-Urban Interface (WUI) Map is hereby adopted as the official map for helping determine the geographic boundaries of the WUI Overlay.

(Original Ordinance No. 2002-01. Amended by Ordinance 2005-03, 1/25/05)

Slide Hazard Map

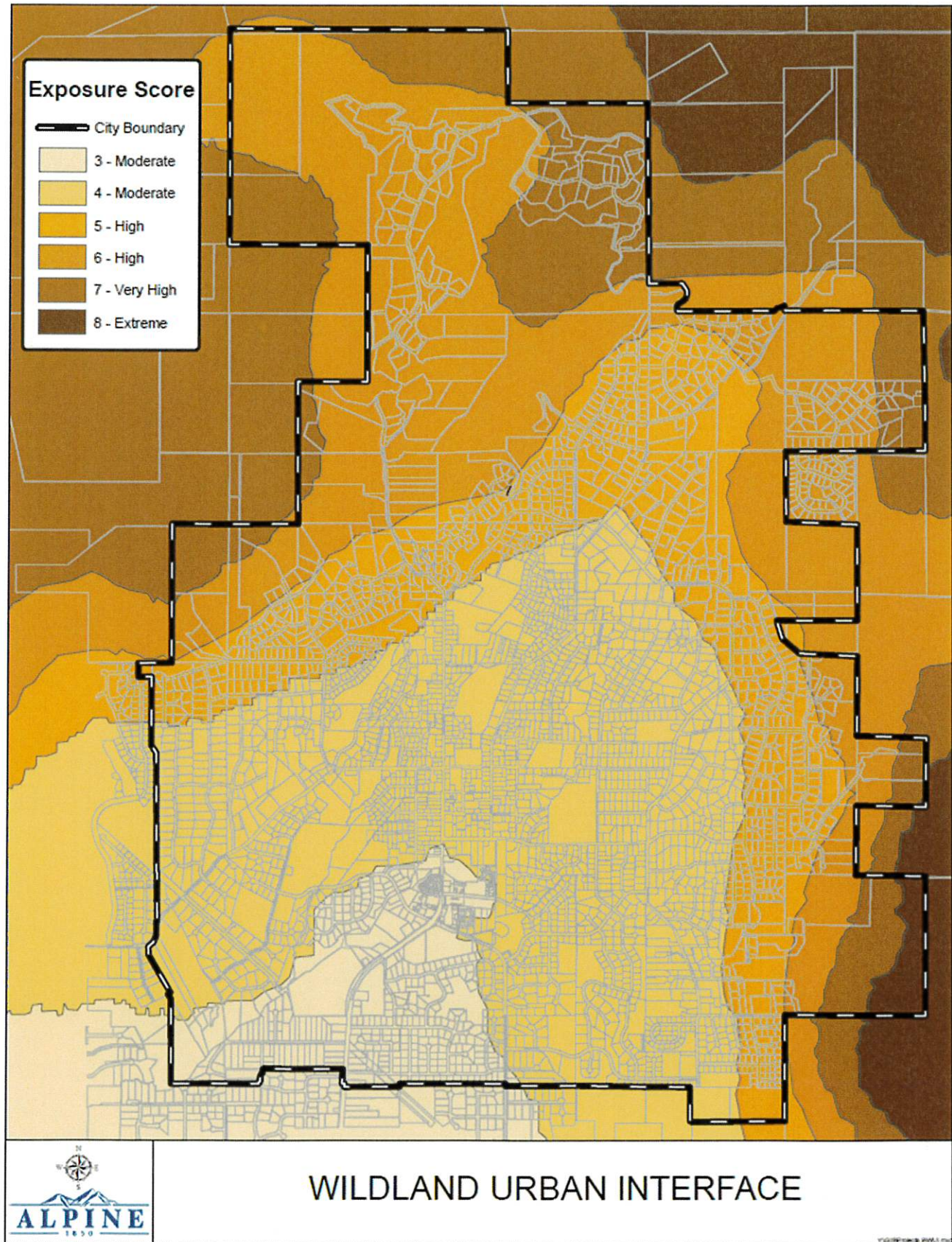


ALPINE CITY HAZARDS MAP

SLIDE HAZARD

MARCH 21, 2002

Wildland-Urban Interface Map



3.12.070 Wildland Urban Interface Overlay

~~1. PURPOSE~~PURPOSE. To establish standards for development and fire prevention in areas bordering on wildlands. In addition to this section of the Development Code, areas bordering on wildlands shall be subject to the Wildland-Urban Interface Site Plan/Development Review Guide (supplemental document), the geographic and administrative framework for applying the Wildland-Urban Interface (WUI) Code within Alpine City and to establish supplemental local standards where authorized by State law. The Wildland-Urban Interface Overlay shall apply to the areas identified on the Official Alpine City Wildland-Urban Interface Map.

~~1.2. APPLICABLE WILDLAND-URBAN INTERFACE CODE.~~ The 2024 International Wildland-Urban Interface Code, as adopted and amended by the State of Utah and Alpine City, shall govern construction, development, vegetation management, defensible space, and other matters regulated by the Wildland-Urban Interface Code within the Wildland-Urban Interface Overlay, except where this Code expressly establishes a lawful local amendment or supplemental requirement. The Wildland-Urban Interface Site Plan/Development Review Guide previously referenced by this section is repealed as a controlling regulatory document upon the effective date of this amendment, except to the extent a specific provision is separately adopted or incorporated by reference by the City Council.

~~2.3. ADDRESSES~~

a. Specifications. Each premises within the Wildland-Urban Interface Overlay must have approved numbers or addresses, a minimum of 5 inches in size, placed in such a position as to be plainly visible and legible from the road fronting the property. Numbers shall contrast with their background and their positions shall be suited for visibility in all seasons.

~~3.4. STRUCTURAL DESIGN AND CONSTRUCTION.~~ Structures and construction within the WUI Overlay shall comply with the 2024 International Wildland-Urban Interface Code and all other applicable State and City fire and building codes. Any additional sprinkler, ignition-resistant construction, or other local requirement shall apply only where expressly authorized by applicable law and expressly adopted by the City.

Protection. For structures receiving a HIGH HAZARD or EXTREME HAZARD rating on the Fire Hazard Severity Form, found in the Wildland-Urban Interface Site Plan/Development Review Guide, shall be provided with automatic sprinkler protection in accordance with the National Fire Protection Association (NFPA) Standard 13 R, modified as follows:

- i. ~~Decks and Walks.~~ Decks and walkways greater than 4 feet wide shall have quick response sprinkler heads placed ten feet on center if an exposure hazard is present. Eaves of the structure will also be provided with sprinkler heads 10 feet on center and attic vents shall be similarly protected if an exposure hazard is present. For the purposes of this Part, an exposure hazard is defined as the presence of any of the following at the time of construction or evidence of such in the construction plans provided:
 1. ~~Flows.~~ The system calculations shall be based on a minimum of four flowing quick response sprinklers hydraulically calculated to provide flows in accordance with manufacturer's specifications for sprinklers. Calculations shall be based on 90% of the available flow at the base of the riser.
 2. ~~Loop Systems.~~ The use of anti-freeze loop systems is allowed when an acceptable back-flow prevention assembly is provided. Anti-freeze loops shall be relieved by using either an approved expansion tank or relief valve. Drilled clapper valves are not permitted.
 3. ~~Inspection.~~ An inspector's test valve is required upstream of the anti-freeze loop check valve.
 4. ~~Control Valves.~~ Automatic sprinkler systems shall be provided with an indicating control valve accessible to the fire department.
 5. ~~Certification.~~ Approval of any system shall be based on final inspection and receipt of hydrostatic and flushing certificates provided by the installer.
 6. ~~Automatic sprinkler protection, where installed, shall be inspected annually at the owner's expense by a licensed sprinkler contractor. A copy of the inspection shall be submitted to the Fire Chief by December 31st of each year.~~

5. VEGETATION MANAGEMENT AND DEFENSIBLE SPACE. Vegetation management, defensible space, combustible materials, and related fuel-reduction requirements within the WUI Overlay shall comply with the 2024 International Wildland-Urban Interface Code and applicable State law, except where the City has expressly adopted additional local requirements authorized by applicable law.
6. EXISTING STRUCTURES. Existing structures and properties within the WUI Overlay shall be regulated in accordance with the provisions of the 2024 International Wildland-Urban Interface Code and applicable State law governing existing buildings, additions, alterations, repairs, and other improvements.
7. LOCAL SUPPLEMENTAL REQUIREMENTS. Any local requirement intended to supplement the 2024 International Wildland-Urban Interface Code shall be expressly identified in this Code or another ordinance adopted by the City and shall be applied only to the extent authorized by applicable State law.

4.8. ENFORCEMENT

1. Responsibility. The conditions outlined in the Wildland Urban Interface Overlay shall be maintained by the property owner and/or the applicable homeowners' association as a condition of maintaining "adequate fire protection" in accordance with Section 11-7-1 of the Utah Code Annotated and protective agreements, if any, made with Alpine City at the time of annexation.
2. Non-Exclusive Nature. The provisions of the Wildland Urban Interface Overlay represent minimum standards. Each owner of property in the Wildland Urban Interface area is expected to use reasonable care in mitigating potential fire hazards, whether or not the potential hazard is enumerated in this section.
3. Pre-Existing Conditions. Property not in compliance with the vegetative clearance section of the Wildland Urban Interface Overlay at the time of passage shall have one year in which to conform to its provisions, except that retrofitting of sprinklers will not be required.
4. Enforcement Official. Provisions of the Wildland Urban Interface Overlay shall be enforced by the Alpine City Fire Chief or his appointed designees. The Fire Chief is authorized to recommend alternatives to any of the provisions of this code upon application in writing by the owner, lessee or a duly authorized representative where there are practical difficulties that prevent carrying out the such provisions, provided that the spirit and intent of the code shall be maintained, public safety furthered and substantial justice done. The particulars of such modifications and decision of the Fire chief shall be submitted to the City Council.
 - i. Inspections. The Fire Chief or his designee shall conduct inspections to determine compliance with the Wildland Urban Interface requirements at the time of building permit inspections and at least once a year or at any other reasonable time. The Fire Chief or designee shall also conduct inspections based on the request of any other property owner, lessee, City official or employee who has reasonable cause to believe that a potential fire hazard exists in violation of the provisions of this ordinance.
 - ii. Notice. The Fire Chief or his designee will annually publish and as needed periodic notices to remind residents of the provisions of the Wildland Urban Interface and will make available information on the provisions of the ordinance, as well as guidance on fire-resistant vegetation and suitable landscaping.
5. Recourse. Any person adversely affected by any decision made in the exercise of the provision of this section may pursue administrative and legal remedies in accordance with the following provisions:
 - i. Procedure. No person may challenge Alpine City's land use decisions under this section in district court until all administrative remedies have been exhausted.
 - ii. Judicial Review. Any person having exhausted all possible administrative remedies may file a petition for review of the decision with the district court within 30 days after the local decision is rendered.
 - iii. Validity of Ordinance. The courts shall presume that land use decisions and regulations are valid and determine only whether or not the decision is arbitrary, capricious or illegal.
6. Remedies. Alpine City, its officers and employees, the city attorney or any owner of real estate within Alpine City may, in addition to other remedies provided by law, institute proceedings to secure injunction, mandamus, abatement or any other remedies provided by law, including prevention, enjoinder or removal.

7. Injunction. Alpine City need only establish the violation in order to secure injunction.
8. Building Permits. Alpine City, its officers and employees, may enforce this ordinance by withholding building permits and it shall be unlawful to erect, construct, alter or change the use of any building or other structure within Alpine City without approval of such building permit.
 - i. Failure to Obtain Permit. Any architect, lending agency, builder, contractor or other person doing or performing such work as described in DCA 3.13.100 Part 6,b shall be deemed guilty of violating this ordinance at least to the same extent or manner as the owner of the premises, or the person for whom the use is established or for whom such buildings are erected or altered, and shall be subject to the penalties herein prescribed for a violation.
 - ii. Compliance. The City may not issue a building permit unless the plans of and for the proposed erection, construction, reconstruction, alteration or use fully conform to all ordinances then in effect.
9. Violation. Any violation of the provisions of the Wildland Urban Interface Overlay is punishable as a Class C misdemeanor upon conviction. Each person, firm or corporation found guilty of such violation shall be deemed guilty of a separate offense for every day during which any violation is committed, continued or permitted by such person, persons, firm or corporation, and shall be punished as provided in this ordinance.
10. Nothing in this ordinance may be construed to prevent enforcement under the provisions of the current fire code as adopted by the State of Utah and the City of Alpine.

~~5.9. Warning and Disclaimer.~~ **WARNING AND DISCLAIMER.** The degree of wildfire protection required by Wildland-Urban Interface Overlay is considered reasonable for regulatory purposes and is based on fire safety considerations. This section does not imply that land outside the ~~areas of~~ Wildland-Urban Interface Overlay, ~~zone~~ or uses permitted within ~~such areas the~~ **Overlay**, will be free from damages from wildfires. This ordinance shall not create liability on the part of Alpine City, Utah, any officer or employee thereof, or the city's fire agency for any wildfire damages that result from reliance ~~on~~ this ordinance or any administrative decision lawfully made thereunder.

(Original Ordinance No. 94-11. Amended by Ord. 2001-05. Incorporated into Sensitive Lands Ordinance by Ord. No. 2005-03, 1/25/05)

HISTORY

Amended by Ord. 2019-10 on 5/14/2019

Amended by Ord. 2019-18 on 8/13/2019

4.07.040 Streets And Street Requirements

15. Wildland Urban Interface.

- a. Access. All developments in the Wildland-Urban Interface **Overlay area** shall comply with the emergency-access and access-road requirements of the currently adopted International Fire Code and the 2024 International Wildland-Urban Interface (WUI) Code, as applicable. Developments shall have more than one access route which provides simultaneous access for emergency equipment and civilian evacuation. The design of access routes shall take into consideration traffic circulation and provide for looping of roads as required to ensure at least two access points. Looped roads with a single access are not allowed.
- b. Exceptions. Where terrain features or other physical obstacles make provision of a second access impractical, a single access may be approved by the Land Use Authority after obtaining the recommendation of the Fire Chief and the Recommending Body .
- c. Specifications. All secondary access roads shall have a minimum all weather surface width of not less than twenty (20) feet and an unobstructed vertical clearance of not less than thirteen feet six inches (13' 6") to permit two-way traffic, ~~unless a different standard is required by the applicable State-adopted fire or WUI code. These provisions will apply in lieu of those provided in Section 503 of the International Fire Code.~~
- d. Relationship to State-Adopted Codes. The requirements of this section are intended to supplement, and not replace, the applicable requirements of the International Fire Code or 2024 International WUI Code. Where a provision of this section conflicts with a mandatory requirement of State-adopted code, the State-adopted code shall control unless the local requirement is expressly authorized as a local amendment or supplemental standard.

Exhibit B

3.12 Sensitive Land Ordinance

Clean Version

3.12.040 Sensitive Land Classifications

The following factors shall be used to determine the classification of various lands and their constraints to building and development on them:

1. **Geologic Hazard Lands.** Lands identified on the Official Alpine City Hazards map as having landslide, debris flow, rock fall, soil liquefaction or surface-fault-rupture hazards.
2. **Hillside Lands.** Lands identified on the Official Alpine City Hazard map as having an elevation above 5350 feet Mean Sea level.
3. **Wildland Urban Interface Lands.** Lands identified on the Official Alpine City Wildland-Urban Interface (WUI) map as being within the Wildland-Urban Interface Overlay, which refers to those areas which meet or exceed an exposure score of 5 on the adopted WUI map.
4. **Flood Plain Lands.** Lands with potential stream flow and flood hazard. Flood plain lands consist of all lands contained within the 1% annual chance flood as defined by Federal Emergency Management Agency, in the most current Flood Insurance Rate Map (FIRM) shown for Alpine City. The FIRM map is also adopted as the Official Alpine City Hazard map for flood damage prevention overlay zone.

(Original Ordinance No. 2002-01. Amended by Ordinance 2005-03, 1/25/05)

HISTORY

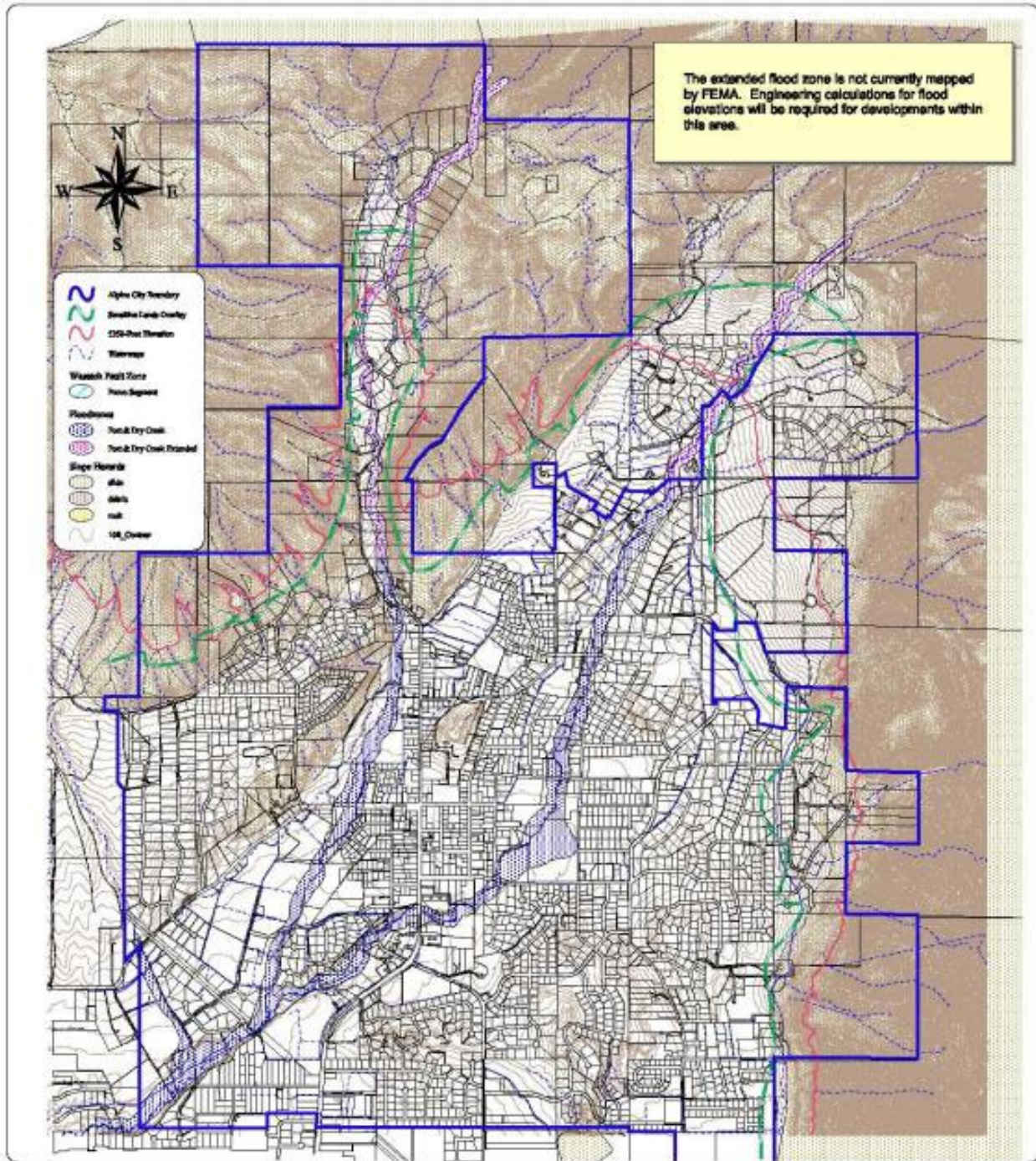
Amended by Ord. 2019-18 on 8/13/2019

Amended by Ord. 2020-03 on 2/11/2020

3.12.050 Official Maps

1. The Alpine City Council shall adopt official overlay zoning maps denoting the above identified areas. Substantial amendments of these maps shall require City Council approval. The official Alpine City Sensitive, Flood, and Hazard Land maps may be amended by the City Council after a receiving a recommendation from the Planning Commission.
2. Map as Reference to Text
 - a. The text provisions of this ordinance shall be used to determine which sensitive land category the applicant is in and what requirements they are subject to under this ordinance.
 - b. Applicants are required to provide the Planning Department with a delineation of the Sensitive Land Area on the subject property as part of the application. An application shall not be considered complete until this delineation is submitted.
 - c. An applicant may identify and delineate Sensitive Areas by gathering and reviewing information other than the Alpine City Sensitive and Hazard Land Maps, such as aerial photographs or coring of soils.
 - d. The attached maps are hereby adopted as the Official Alpine City Sensitive and Hazard Land Maps until such time as they may be amended or supplemented. The Alpine City Wildland-Urban Interface (WUI) Map is hereby adopted as the official map for helping determine the geographic boundaries of the WUI Overlay.

(Original Ordinance No. 2002-01. Amended by Ordinance 2005-03, 1/25/05)

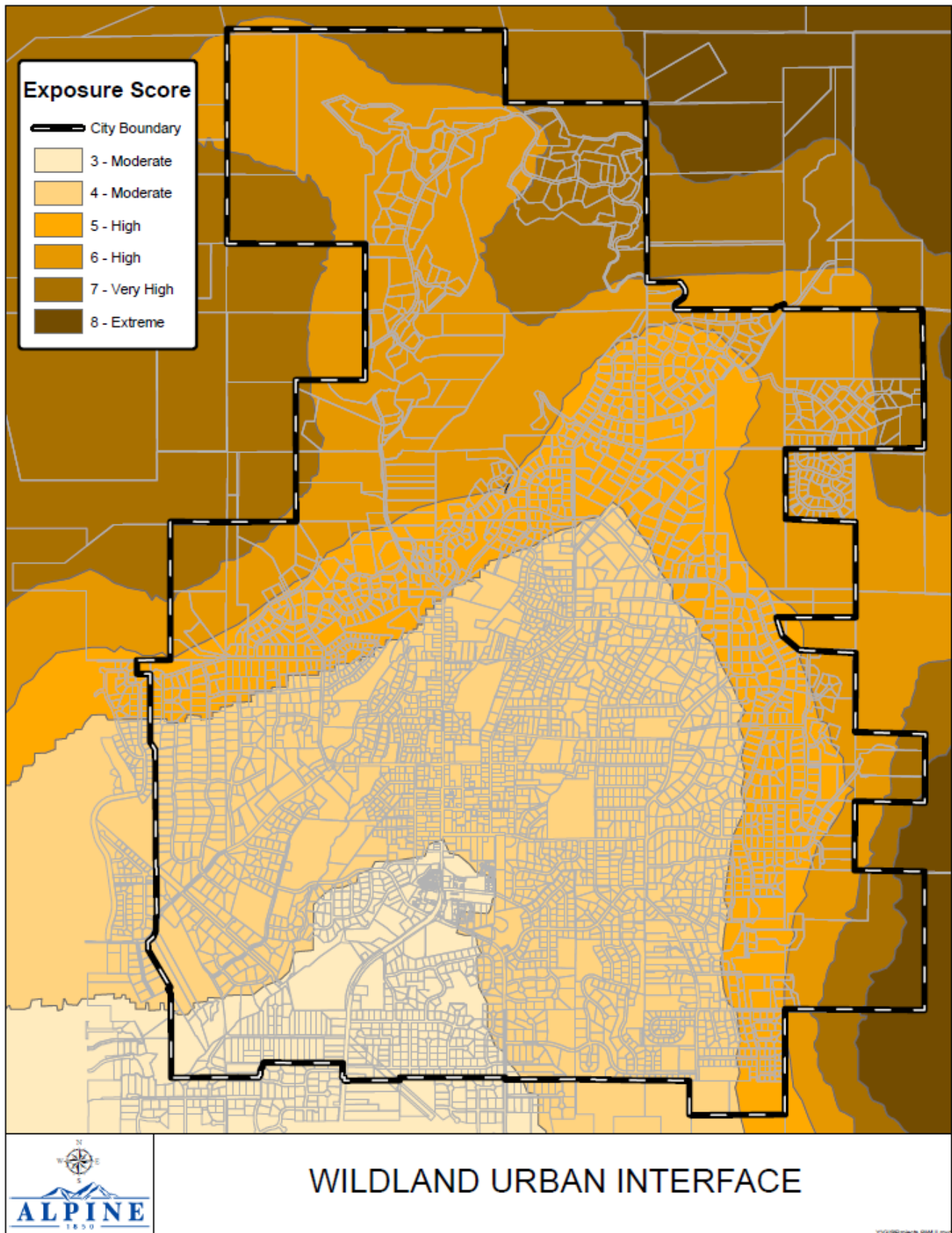


ALPINE CITY HAZARDS MAP

SLIDE HAZARD

MARCH 21, 2002

Wildland-Urban Interface Map



3.12.070 Wildland Urban Interface Overlay

1. **PURPOSE.** To establish the geographic and administrative framework for applying the Wildland-Urban Interface (WUI) Code within Alpine City and to establish supplemental local standards where authorized by State law. The Wildland-Urban Interface Overlay shall apply to the areas identified on the Official Alpine City Wildland-Urban Interface Map.
2. **APPLICABLE WILDLAND-URBAN INTERFACE CODE.** The 2024 International Wildland-Urban Interface Code, as adopted and amended by the State of Utah and Alpine City, shall govern construction, development, vegetation management, defensible space, and other matters regulated by the Wildland-Urban Interface Code within the Wildland-Urban Interface Overlay, except where this Code expressly establishes a lawful local amendment or supplemental requirement. The Wildland-Urban Interface Site Plan/Development Review Guide previously referenced by this section is repealed as a controlling regulatory document upon the effective date of this amendment, except to the extent a specific provision is separately adopted or incorporated by reference by the City Council.
3. **ADDRESSES**
 - a. **Specifications.** Each premises within the Wildland-Urban Interface Overlay must have approved numbers or addresses, a minimum of 5 inches in size, placed in such a position as to be plainly visible and legible from the road fronting the property. Numbers shall contrast with their background and their positions shall be suited for visibility in all seasons.
4. **STRUCTURAL DESIGN AND CONSTRUCTION.** Structures and construction within the WUI Overlay shall comply with the 2024 International Wildland-Urban Interface Code and all other applicable State and City fire and building codes. Any additional sprinkler, ignition-resistant construction, or other local requirement shall apply only where expressly authorized by applicable law and expressly adopted by the City.
5. **VEGETATION MANAGEMENT AND DEFENSIBLE SPACE.** Vegetation management, defensible space, combustible materials, and related fuel-reduction requirements within the WUI Overlay shall comply with the 2024 International Wildland-Urban Interface Code and applicable State law, except where the City has expressly adopted additional local requirements authorized by applicable law.
6. **EXISTING STRUCTURES.** Existing structures and properties within the WUI Overlay shall be regulated in accordance with the provisions of the 2024 International Wildland-Urban Interface Code and applicable State law governing existing buildings, additions, alterations, repairs, and other improvements.
7. **LOCAL SUPPLEMENTAL REQUIREMENTS.** Any local requirement intended to supplement the 2024 International Wildland-Urban Interface Code shall be expressly identified in this Code or another ordinance adopted by the City and shall be applied only to the extent authorized by applicable State law.
8. **ENFORCEMENT**
 1. **Responsibility.** The conditions outlined in the Wildland Urban Interface Overlay shall be maintained by the property owner and/or the applicable homeowners' association as a condition of maintaining "adequate fire protection" in accordance with Section 11-7-1 of the Utah Code Annotated and protective agreements, if any, made with Alpine City at the time of annexation.
 2. **Non-Exclusive Nature.** The provisions of the Wildland Urban Interface Overlay represent minimum standards. each owner of property in the Wildland Urban Interface area is expected to use reasonable care in mitigating potential fire hazards, whether or not the potential hazard is enumerated in this section.
 3. **Pre-Existing Conditions.** Property not in compliance with the vegetative clearance section of the Wildland Urban Interface Overlay at the time of passage shall have one year in which to conform to its provisions, except that retrofitting of sprinklers will not be required.
 4. **Enforcement Official.** Provisions of the Wildland Urban Interface Overlay shall be enforced by the Alpine City Fire Chief or his appointed designees. The Fire Chief is authorized to recommend alternatives to any of the provisions of

this code upon application in writing by the owner, lessee or a duly authorized representative where there are practical difficulties that prevent carrying out the such provisions, provided that the spirit and intent of the code shall be maintained, public safety furthered and substantial justice done. The particulars of such modifications and decision of the Fire chief shall be submitted to the City Council.

- i. Inspections. The Fire Chief or his designee shall conduct inspections to determine compliance with the Wildland Urban Interface requirements at the time of building permit inspections and at least once a year or at any other reasonable time. The Fire Chief or designee shall also conduct inspections based on the request of any other property owner, lessee, City official or employee who has reasonable cause to believe that a potential fire hazard exists in violation of the provisions of this ordinance.
 - ii. Notice. The Fire Chief or his designee will annually publish and as needed periodic notices to remind residents of the provisions of the Wildland Urban Interface and will make available information on the provisions of the ordinance, as well as guidance on fire-resistant vegetation and suitable landscaping.
5. Recourse. Any person adversely affected by any decision made in the exercise of the provision of this section may pursue administrative and legal remedies in accordance with the following provisions:
 - i. Procedure. No person may challenge Alpine City's land use decisions under this section in district court until all administrative remedies have been exhausted.
 - ii. Judicial Review. Any person having exhausted all possible administrative remedies may file a petition for review of the decision with the district court within 30 days after the local decision is rendered.
 - iii. Validity of Ordinance. The courts shall presume that land use decisions and regulations are valid and determine only whether or not the decision is arbitrary, capricious or illegal.
6. Remedies. Alpine City, its officers and employees, the city attorney or any owner of real estate within Alpine City may, in addition to other remedies provided by law, institute proceedings to secure injunction, mandamus, abatement or any other remedies provided by law, including prevention, enjoinder or removal.
7. Injunction. Alpine City need only establish the violation in order to secure injunction.
8. Building Permits. Alpine City, its officers and employees, may enforce this ordinance by withholding building permits and it shall be unlawful to erect, construct, alter or change the use of any building or other structure within Alpine City without approval of such building permit.
 - i. Failure to Obtain Permit. Any architect, lending agency, builder, contractor or other person doing or performing such work as described in DCA 3.13.100 Part 6,b shall be deemed guilty of violating this ordinance at least to the same extent or manner as the owner of the premises, or the person for whom the use is established or for whom such buildings are erected or altered, and shall be subject to the penalties herein prescribed for a violation.
 - ii. Compliance. The City may not issue a building permit unless the plans of and for the proposed erection, construction, reconstruction, alteration or use fully conform to all ordinances then in effect.
9. Violation. Any violation of the provisions of the Wildland Urban Interface Overlay is punishable as a Class C misdemeanor upon conviction. Each person, firm or corporation found guilty of such violation shall be deemed guilty of a separate offense for every day during which any violation is committed, continued or permitted by such person, persons, firm or corporation, and shall be punished as provided in this ordinance.
10. Nothing in this ordinance may be construed to prevent enforcement under the provisions of the current fire code as adopted by the State of Utah and the City of Alpine.
9. WARNING AND DISCLAIMER. The degree of wildfire protection required by Wildland-Urban Interface Overlay is considered reasonable for regulatory purposes and is based on fire safety considerations. This section does not imply that land outside the Wildland-Urban Interface Overlay, or uses permitted within the Overlay, will be free from damages from wildfires. This ordinance shall not create liability on the part of Alpine City, Utah, any officer or employee thereof, or the city's fire agency for any wildfire damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

(Original Ordinance No. 94-11. Amended by Ord. 2001-05. Incorporated into Sensitive Lands Ordinance by Ord. No. 2005-03, 1/25/05)

HISTORY

Amended by Ord. [2019-10](#) on 5/14/2019

Amended by Ord. [2019-18](#) on 8/13/2019

4.07.040 Streets And Street Requirements

15. Wildland Urban Interface.

- a. Access. All developments in the Wildland-Urban Interface Overlay shall comply with the emergency-access and access-road requirements of the currently adopted International Fire Code and the 2024 International Wildland-Urban Interface (WUI) Code, as applicable. Developments shall have more than one access route which provides simultaneous access for emergency equipment and civilian evacuation. The design of access routes shall take into consideration traffic circulation and provide for looping of roads as required to ensure at least two access points. Looped roads with a single access are not allowed.
- b. Exceptions. Where terrain features or other physical obstacles make provision of a second access impractical, a single access may be approved by the Land Use Authority after obtaining the recommendation of the Fire Chief and the Recommending Body .
- c. Specifications. All secondary access roads shall have a minimum all weather surface width of not less than twenty (20) feet and an unobstructed vertical clearance of not less than thirteen feet six inches (13' 6") to permit two-way traffic, unless a different standard is required by the applicable State-adopted fire or WUI code.
- d. Relationship to State-Adopted Codes. The requirements of this section are intended to supplement, and not replace, the applicable requirements of the International Fire Code or 2024 International WUI Code. Where a provision of this section conflicts with a mandatory requirement of State-adopted code, the State-adopted code shall control unless the local requirement is expressly authorized as a local amendment or supplemental standard.

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Amendment of DCA 3.21.060 Fences, Walls, and Hedges

FOR CONSIDERATION ON: September 15, 2026

PETITIONER: Staff

**ACTION REQUESTED BY PETITIONER: Review proposed update to
3.21.060**

BACKGROUND INFORMATION:

Over the past few months there has been a discussion around the requirements governing fences in §3.21.060 of the Alpine Development Code. There has been some concern expressed that the current code does not sufficiently regulate issues that arise with the placement and height requirements of fences, among other details. Therefore, both City Council and Staff have undertaken the process to evaluate §3.21.060 and determine what, if any, changes should be made to more effectively administer fencing in Alpine.

A few members of the City Council have put together a draft update to the fencing code, which has been brought before the Planning Commission today for evaluation. To aid in the review of this update and have a more robust conversation, Staff has provided a document looking at updating the fencing code as well that the Planning Commission can also consider as it contemplates potential changes to §3.21.060.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission evaluate and consider the potential changes proposed to chapter §3.21.060 of DCA regarding fences, walls, and hedges, and make recommendations for improvement. If found satisfactory, it is suggested that the Planning Commission make a positive recommendation to the City Council regarding the fencing code update.

Exhibits

Exhibit A – Fencing Code Update provided by City Council Members

Exhibit B – Fencing code update redline version provided by Staff

Exhibit C – Fencing code update clean version provided by Staff

Motion to Approve:

I move to recommend approval of the changes to §3.21.060 of the Alpine Development Code as proposed.

Motion to Approve with Conditions:

I move to recommend approval of the changes to §3.21.060 of the Alpine Development Code as proposed, subject to the following conditions:

*Insert Proposed Conditions

Motion to Table:

I move to table consideration of the changes to §3.21.060 of the Alpine Development Code as proposed to a future meeting in order to allow additional time for revisions and/or additional information, including:

*Insert additional information needed.

Motion to Deny:

I move to recommend denial of the changes to §3.21.060 of the Alpine Development Code as proposed based on the following findings:

*Insert findings

Exhibit A

Fence Code Update

FENCE ORDINANCE AMENDMENT
A standard for measuring a fence and addressing the dirt grading issue fix: Measurement of fence shall be taken from both sides of the fence from the natural grade. If natural grade is unknowable use survey data or an average of both sides.
Fence height fix: Closed fences to be 6 feet maximum height. Open fences to be 8 feet maximum height. Posts to be a maximum additional height of 9 inches.
Fences being destroyed when residents felt it was mutually owned or not allowed to destroy fix: When applying for a fence permit a checkbox is included stating that if a previous fence is being removed that the fence is not mutually owned and the applicant has full ownership of the fence being removed.
Fence style fix: No chainlink fences in Alpine unless for temporary construction or recreation such as baseball fields.
A path for those needing larger fences: By providing traffic or noise data a larger fence against busy roads can be applied for with a public hearing and approved by the city council of up to 8 feet closed style and 12 feet open style.

Fences being broken by city or recreation activity such as soccer:

Resident fences broken by city approved recreation or work are to be replaced by the city upon city council approval.

Fences on retaining walls:

Retaining Walls & Fences: A fence on top of a retaining wall must not exceed a combined height of 6 feet closed and 8 feet open style. Any additional height must be setback from the retaining wall 1 foot back for every 1 foot of additional height with the maximum fence heights of 6 feet for closed and 8 feet for open style fences.

A notice to adjacent homeowners to avoid disputes or give time for awareness and preparation and any disagreements. (This was not something staff thought possible but left in for council to consider)

A 10-day notice to adjacent property owners before approval

3.21.060 Fences, Walls And Hedges

1. **Requirement.** All fences must be approved by the Planning and Zoning Department and a building permit obtained, including a ten (10) day notice to adjacent property owners prior to approval. Fences, including base foundation structure and decorative posts shall be located within the owner's property boundaries. Fences may be located on a shared property line if adjacent property owners agree in writing and are encouraged to collaborate on fence designs that are mutually beneficial. If an existing fence is to be removed or replaced, the applicant shall certify that the fence is not jointly owned and that the applicant has the legal authority to remove it.

2. **Fence Height and Grade Measurement Requirements.** Height for privacy fences, walls, hedges and open style fences shall be measured from the natural undisturbed grade on both sides of the fence to the highest point of the fence or wall upon which it is constructed. Where natural grade cannot be readily determined, it shall be established using recorded survey data or, if unavailable, the average elevation of undisturbed ground on both sides of the fence, measured at eight (8) foot intervals. Fences on sloped lots shall be stepped or terraced as necessary to meet height requirements. Fence posts and decorative post caps may extend no more than nine (9) inches above the maximum permitted fence height.

3. **Restrictions On Materials.** Chain link Fences are prohibited in all zones with the following exceptions, which must be approved by the City Council.

- a. For recreational facilities such as baseball fields or tennis courts, and must be well maintained.
- b. As temporary limits of disturbance, fencing during construction as approved by the City Council.
- c. Chain link Fences within the required setback areas may be permitted in other circumstances by the City Council when it is found that the fence is necessary in the interest of security or public safety, and when the fencing needs cannot be reasonably met with any other type of fencing.

24. Front Yard Fences. Privacy fences, walls and hedges along the street frontage of a lot shall not exceed 3 feet in height when placed within 10 feet of the front property line. Open style fences shall not exceed 4 feet in height when placed within 10 feet of the front property line. Front yard fences may be ~~eight (8)~~ six(6) feet in height if they are placed at least 10 feet back from the front property line- and up to eight(8) feet in height if open style and placed at least 10 feet back from the front property line.

35. Interior Side Yard Fences. Fences alongside yards shall not exceed 3 feet in height for privacy fences and 4 feet in height for open style fences when they are within 10 feet of the front property line. Side yard fences may be ~~eight (8)~~ six(6) feet in height when they are located at least 10 feet back from the ~~front~~ side property line- and up to eight(8) feet in height if open style and placed at least 10 feet back from the side property line.

46. Rear Yard Fences. A rear yard fence may be ~~eight (8)~~ six(6) feet in height- and up to eight(8) feet in height if open style.

57. Corner Lot Fences within the Sight Triangle. The sight triangle on corner lots shall not be obstructed. Privacy fences, walls, trees and plants, hedges, and all objects in general excluding city street signs and city light posts shall not exceed three (3) feet in height, and open-style fences shall not exceed four (4) feet in height, when located within the sight triangle on a corner lot. The sight triangle is defined as the area formed by connecting the corner of the property to points 35 feet back along each property line abutting the street.

68. Corner Lot Fences outside the Sight Triangle. Side yard fences abutting the street may be ~~eight (8)~~ six(6) feet in height, or up to eight(8) feet in height if open style, when they are located at least 35 feet back from the front property line, outside the sight triangle. For interior side fence see DCA 3.21.060 Part 2.

710. Fences on Retaining Walls. Under no condition shall a fence and wall exceed ~~nine (9)~~ eight (8) feet on the same plane. If a privacy fence that is on top of a retaining wall would exceed ~~nine (9)~~ eight (8) feet, the fence shall be set back at least ~~four (4)~~ 1 foot for every 1 foot of elevations exceeding 8 feet when combined with the retaining wall. feet from the frontside of the retaining

wall. Open style fences including but not limited to rail fences, field fences, or ~~chain-link~~ rod iron fences are permitted to be on the same plane as a retaining wall.

10. Fences on Retaining Walls. A retaining wall and fence located on the same plane shall not exceed a combined height of six (6) feet for a closed-style fence and eight (8) feet for an open-style fence. If these combined height limits are exceeded, the fence shall be set back from the front face of the retaining wall a distance of 1 foot for each additional foot of fence height. For example, a six (6) foot fence closed style fence on a 4 foot retaining wall shall be set back at least four (4) feet and an eight (8) foot open style fence on a five foot retaining wall shall be set back at least five (5) feet. The fence portion shall not exceed six (6) feet in height for a closed-style fence or eight (8) feet for an open-style fence.

910. Fences on Retaining Walls. A retaining wall and fence located on the same plane shall not exceed a combined height of six (6) feet for a closed-style fence or eight (8) feet for an open-style fence. If the combined height exceeds these limits, the fence shall be set back from the front face of the retaining wall one (1) foot for each one (1) foot the combined height exceeds the applicable limit. For example, a six (6) foot closed-style fence above a four (4) foot retaining wall shall be set back at least four (4) feet, and an eight (8) foot open-style fence above a five (5) foot retaining wall shall be set back at least five (5) feet. In no case shall the fence portion exceed six (6) feet for a closed-style fence or eight (8) feet for an open-style fence. All fences and retaining walls shall also comply with the applicable minimum front, side, and rear yard setbacks, including any setback specifically required for a retaining wall.

811.. Agricultural Fences. Fences on property where an identifiable commercial agricultural product is produced shall not exceed eight (8) feet in height, and shall be an open style fence.

912. Fences Along Public Open Space and Trails. See DCA 3.16, DCA 3.16.100 Part 1 and DCA 3.17 and DCA 3.17.100 Part 3,a.

Fences or borders along property lines adjacent to a trail or open space must meet with the City Planner and meet specific standards.

a. When the width of the open space or trail easement is less than 50 feet, bordering fences may not exceed ~~eight (8)~~ six(6) feet in height, and shall not obstruct visibility. (Open style fences such as rail fences, field fence, or ~~chain-link~~ rod iron fences are preferable.)

b. When the width of the open space or trail easement is 50 feet or more, fence standards as specified elsewhere in this ordinance apply.

c. Fences and hedges must be completely within the boundaries of the private property.

d. Hedges or shrubs must be maintained to the same height requirements as fences.

e. The owner of the fence or hedge must maintain the side facing the open space.

~~1013.~~ **Conditional Uses for Interior Fences.** A conditional use permit may be approved by the City ~~Planner~~ Council for an interior fence over eight (8) feet in height for such things as sports courts, gardens and swimming pools. A conditionally approved interior fence shall not exceed twelve (12) feet in height and shall be an open style fence. (Ord. No. 2015-06, 05/26/15)

14. Rare Circumstance Conditional Use Permit. A rare conditional use permit can be granted by the City Council for privacy fences, walls, or hedges with lesser setback requirements and up to eight(8) feet tall, and open style fences with lesser setbacks up to twelve (12) feet tall otherwise restricted if:

- a. A noise or safety impact can be clearly demonstrated through noise, traffic, or other data,
- b. It does not obstruct scenic views or trail access,
- c. Approval from adjacent impacted neighbors is acquired in writing,
- d. And a public hearing and City Council approval occurs.

15. City-Caused Fence Damage. When a private fence is damaged as a result of City-authorized recreational activities, sporting events, or other City or public uses, the City shall repair or replace the damaged fence and, where recurring damage is reasonably anticipated, may install or contribute toward a more durable fence or protective barrier designed to withstand such use.

(amended by Ord. No. 2005-02, 2/8/05; Ord. No. 2013-10, 7/9/13; Ord. No. 2015-06, 05/26/15; Ord. No. 2017-01, 01/10/17; Ord. No. 2017-13, 06/27/17)

HISTORY

Amended by Ord. [2022-02](#) on 1/11/2022

Amended by Ord. [2022-22](#) on 6/28/2022

Amended by Ord. [2023-16](#) on 6/13/2023

3.16.100 Improvements To Private Property Bordering Public Open Space

1 Fences or borders along property lines adjacent to open space must meet specific standards.

a. When the width of the open space is less than 50 feet, bordering fences may not exceed eight ~~eight (8)~~ six(6) feet in height: or up to eight(8) feet in height if open style.

b. When the width of the open space is 50 feet or more, fence standards as specified elsewhere in this ordinance apply.

c. Fences and hedges must be completely within the boundaries of the private property.

d. Hedges or shrubs must be maintained to the same height requirement as fences.

e. The owner of the fence or hedge must maintain the side facing the open space.

2. Dogs shall be restrained such that they cannot enter open space.

3. All trees are to be planted entirely on private property.

(Ord. 1998-20, 11/24/98; amended Ord. 2007-12, 08/14/07; Ord. 2016-07, 07/26/16; Ord. 2016-24, 11/09/16)

3.17.100 Trail Improvements And Maintenance

1. Maintenance and Improvements to Public Trails by Private Individuals/Groups. The City recognizes the benefit of private participation in caring for these lands. Therefore, individual citizens and citizen groups shall be allowed and encouraged to improve and maintain trails. However, these improvements shall be governed by guidelines incorporated in this ordinance, which includes specific rules for each designation.

a. All requests for improvements and long-term maintenance of City-owned property by citizens shall be presented in writing to the Planning Commission. These requests shall include a written or drawn landscape design. which confirms to the requirements set forth in DCA 3.13 Approval of such requests will be granted based on adherence to general and designation guidelines, compliance with City ordinances and a visit to the site. If approved, the request will be kept on file for further reference.

b. Any landscaping, maintenance or other improvements to trails which do not receive prior approval as specified within this ordinance shall be deemed an encroachment. All such encroachments shall incur a penalty (fine) as established by the City Council. Upon direction of the City Council and after 30 days notice from the City Administrator, such encroachments are subject to removal and the area involved shall be restored to its original condition at the citizen's expense.

2. General Improvement Guidelines. The following guidelines apply to all improvements to publicly-owned lands, regardless of the designation.

a. Homeowners have no right to encroach on publicly-owned lands. These open spaces are not to be considered or treated as an extension of private property. Without express permission from the City, all of the following apply:

- i. Grass, trees or shrubbery may not be planted.
- ii. Fences or other obstructions may not be erected across trails.
- iii. Grading may not be done.
- iv. Sprinkler systems may not be installed.
- v. Vegetation may not be cut or destroyed.
- vi. Rain-gutter or other drainage may not be directed onto trails.
- vii. Waterways within trail easements shall not be piped unless approved by the City Council.
- viii. All other encroachments are expressly forbidden.

b. When permission is granted to individuals or groups to improve trails, all such improvements become the property of the City.

- i. The City is ultimately responsible for care and maintenance of such improvements.
- ii. The City may remove any elements as it deems necessary.
- iii. Written City approval must be obtained for any private parties to remove any such elements.

c. When permission is given to private parties to improve trails, these same parties will be required to maintain these improvements, unless otherwise specified.

d. When written permission is given to improve public open spaces and trail easements, the following general guidelines apply to all designations except natural (conservation) areas:

- i. Shrubs may be planted within the trail easement, but must be no more than 2 feet high and be kept pruned back from the trail edge.
- ii. Non-invasive groundcovers may be planted in the trail easement but shall be kept off from the trail. Low and slow-growing junipers, cotoneaster, vines and grasses are examples of acceptable plants.
- iii. All trees are to be planted outside the trail corridor.
- iv. All sprinkling piping and heads are to be located entirely on private property. Drip irrigation pipes may go into the easement and would be the preferred watering method.

3. Improvements to Private Property Bordering Trails

a. Fences or borders along property lines adjacent to a trail must meet specific standards.

i. When the width of the trail easement is less than 50 feet, bordering fences may not exceed 6 feet in height, and shall not obstruct visibility (open designs such as rail fence, field fence, or ~~chain-link~~ rod iron fences are preferable.)

ii. When the width of the open space is 50 feet or more, fence standards as specified elsewhere in this ordinance apply.

iii. Fences and hedges must be completely within the boundaries of the private property.

iv. Hedges or shrubs must be maintained to the same height requirement as fences.

v. The owner of the fence or hedge must maintain the side facing the open space.

b. Domestic animals on property adjacent to the trail shall be restrained such that they cannot enter the trail easement.

c. All trees are to be planted entirely on private property. Any trees with branches that overhang the trail must have those branches pruned to a height of at least 10 feet above the trail to provide headroom for cyclists, equestrians and general safety.

(Ord. 99-08, 8-10-99; Amended by Ord. 2004-11, 7/13/04; Ord. 2008-05, 7/22/08; Ord. 2009-06, 4/28/09)

HISTORY

Amended by Ord. [2023-06](#) on 3/14/2023

Exhibit B

Fence Code Update

Redline Version

3.21.060 Fences, Walls And Hedges

For purposes of §3.21.060, the term “fence” shall be used to represent the requirements for fences, walls, and hedges when the latter two of these three are not explicitly stated.

1. **Requirement.** All fences must be approved by the Planning and Zoning Department and a building permit obtained., ~~including a ten (10) day notice to adjacent property owners prior to approval. Fences, including base foundation structure and decorative posts shall be located within the owner's property boundaries. Fences may be located on a shared property line if adjacent property owners agree in writing and are encouraged to collaborate on fence designs that are mutually beneficial.~~ Fences shall be located on owner's property lines or within owner's property boundaries. ~~and that the applicant has the legal authority to remove it.~~

2. **Existing Fence Removal or Replacement.** If an existing fence is to be removed or replaced, an applicant for a new fence shall certify on the fence permit application that they have the legal right and authority to remove or replace the existing fence and that, to the best of their knowledge, the fence is not jointly owned with a neighboring property owner. The City shall not be responsible for determining ownership of, or resolving disputes concerning, an existing fence.

3. **Fence Height ~~and Grade~~ Measurement Requirements.** Fence height shall be measured from the grade immediately adjacent to the fence, or the grade immediately adjacent to the lowest side of a wall upon which a fence is constructed, to the highest point of the fence. The grade immediately adjacent to the fence on either side of the fence shall be considered.

Grading undertaken primarily for the purpose of increasing the allowable fence height shall not be used to establish fence height. Where the grades of two adjoining properties differ due to existing or approved site conditions, the property with the lower grade may construct its fence to the same maximum elevation as a fence permitted on

the adjoining property with the higher grade, provided the fence otherwise complies with the requirements of this chapter.

Height for privacy fences, walls, hedges and open-style fences shall be measured from the natural undisturbed grade on both sides of the fence to the highest point of the fence or wall upon which it is constructed. Where natural grade cannot be readily determined, it shall be established using recorded survey data or, if unavailable, the average elevation of undisturbed ground on both sides of the fence, measured at eight (8) foot intervals. Fences on sloped lots shall be stepped or terraced as necessary to meet height requirements. Fence posts and decorative post caps may extend no more than nine (9) inches above the maximum permitted fence height.

4. Restrictions On Materials. Galvanized steel chain-link fences are prohibited ~~in all zones on all residential properties; vinyl-coated chain link fences shall be permitted on residential properties. with the following exceptions, which must be approved by the City Council.~~ Existing galvanized steel chain-link fences prior to the establishment of this section are permitted to remain but must be removed if the fence is replaced.

⊖ ~~a. For recreational facilities such as baseball fields or tennis courts, and must be well maintained.~~

○ ~~b. As temporary limits of disturbance, fencing during construction as approved by the City Council.~~ Unnecessarily cumbersome for construction process.

○ ~~c. Chain link Fences within the required setback areas may be permitted in other circumstances by the City Council when it is found that the fence is necessary in the interest of security or public safety, and when the fencing needs cannot be reasonably met with any other type of fencing.~~

245. Front Yard Fences. Privacy fences, walls and hedges along the street frontage of a lot shall not exceed 3 feet in height when placed within 10 feet of the front property line. Open style fences shall not exceed 4 feet in height when placed within 10 feet of the front property line. Front yard fences may be ~~eight (8)~~six(6) feet in height if a privacy fence and eight(8) feet in height if an open style fence when they are placed at least 10 feet back from the front property line. ~~and up to eight(8) feet in height if open style and placed at least 10 feet back from the front property line.~~

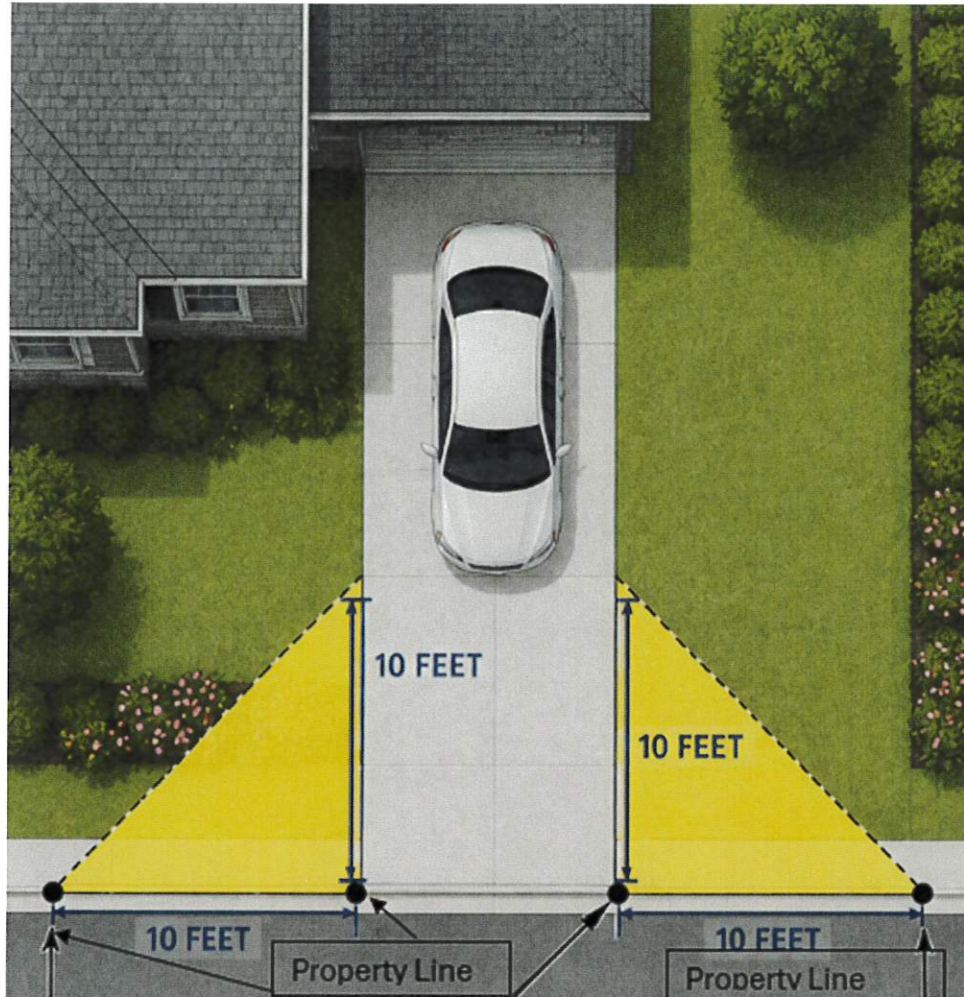
356. Interior Side Yard Fences. Fences alongside yards shall not exceed 3 feet in height for privacy fences and 4 feet in height for open style fences when they are within 10 feet of the front property line. Side yard fences may be ~~eight (8)~~six(6) feet in height if a privacy fence and eight(8) feet in height if an open style fence when ~~they are~~ located at least 10 feet back from the front ~~side~~ property line. ~~and up to eight(8) feet in height if open style and placed at least 10 feet back from the side property line.~~

467. Rear Yard Fences. A rear yard fence may be ~~eight (8)~~six(6) feet in height if a privacy fence and ~~up to~~ eight(8) feet in height if an open style fence.

578. Corner Lot Fences within the Sight Triangle. The sight triangle on corner lots shall not be obstructed. Privacy fences, walls, trees and plants, hedges, and all objects in general excluding city street signs and city light posts shall not exceed three (3) feet in height, and open-style fences shall not exceed four (4) feet in height, when located within the sight triangle on a corner lot. The sight triangle is defined as the area formed by connecting the corner of the property to points 35 feet back along each property line abutting the street.

689. Corner Lot Fences outside the Sight Triangle. Side yard fences abutting the street may be ~~eight (8)~~six(6) feet in height if a privacy fence, or ~~up to~~ eight(8) feet in height if an open style fence, when ~~they are~~ located at least 35 feet back from the front property line, outside the sight triangle. For interior side fence see DCA 3.21.060 Part 2.

10. Fences within a Driveway Sight Triangle. Privacy fences, walls, trees and plants, hedges, and all objects in general shall not exceed three (3) feet in height, and open-style fences shall not exceed four (4) feet in height, when located within the sight triangle along a driveway. The sight triangle is defined as the area formed by connecting the corner of the driveway to a point 10 feet back along the abutting property line and a point 10 feet along the edge of the driveway (see below).



74011. Fences on Retaining Walls. Under no condition shall a fence and wall exceed nine (9) eight ~~(8) feet~~ on the same plane. If a privacy fence that is on top of a retaining wall would exceed nine (9) eight ~~(8) feet~~, the fence shall be set back at least four (4) ~~1 foot for every 1 foot of elevations exceeding 8 feet when combined with the retaining wall.~~ feet from the frontside of the retaining wall. Open style fences including but not limited to rail fences, field fences, or ~~chain-link red wrought-~~iron fences are permitted to be on the same plane as a retaining wall. Where the grades of two adjoining properties differ due to existing or approved site conditions, the property with the lower grade may construct a fence on a retaining wall to the same maximum elevation as a fence permitted on the adjoining property with the higher grade, provided the fence on the retaining wall otherwise complies with the requirements of this chapter.

10. Fences on Retaining Walls. A retaining wall and fence located on the same plane shall not exceed a combined height of six (6) feet for a closed-style fence and eight (8) feet for an open-style fence. If these combined height limits are exceeded, the fence shall be set back from the front face of the retaining wall a distance of 1 foot for each additional foot of fence

height. For example, a six (6) foot fence closed-style fence on a 4 foot retaining wall shall be set back at least four (4) feet and an eight (8) foot open style fence on a five foot retaining wall shall be set back at least five (5) feet. The fence portion shall not exceed six (6) feet in height for a closed-style fence or eight (8) feet for an open-style fence.

910. Fences on Retaining Walls. A retaining wall and fence located on the same plane shall not exceed a combined height of six (6) feet for a closed-style fence or eight (8) feet for an open-style fence. If the combined height exceeds these limits, the fence shall be set back from the front face of the retaining wall one (1) foot for each one (1) foot the combined height exceeds the applicable limit. For example, a six (6) foot closed-style fence above a four (4) foot retaining wall shall be set back at least four (4) feet, and an eight (8) foot open-style fence above a five (5) foot retaining wall shall be set back at least five (5) feet. In no case shall the fence portion exceed six (6) feet for a closed-style fence or eight (8) feet for an open-style fence. All fences and retaining walls shall also comply with the applicable minimum front, side, and rear yard setbacks, including any setback specifically required for a retaining wall.

81112.. Agricultural Fences. Fences on property where an identifiable commercial agricultural product is produced shall not exceed eight (8) feet in height, and shall be an open style fence.

91213. Fences Along Public Open Space and Trails. See DCA 3.16, DCA 3.16.100 Part 1 and DCA 3.17 and DCA 3.17.100 Part 3,a.

Fences or borders along property lines adjacent to a trail or open space must meet with the City Planner and meet specific standards.

- a. When the width of the open space or trail easement is less than 50 feet, bordering fences may not exceed eight (8) six(6) feet in height, and shall not obstruct visibility. (Open style fences such as rail fences, field fence, wrought iron or chain link ~~rod iron fences~~ are preferable.)
- b. When the width of the open space or trail easement is 50 feet or more, fence standards as specified elsewhere in this ordinance apply.
- c. Fences and hedges must be completely within the boundaries of the private property.
- d. Hedges or shrubs must be maintained to the same height requirements as fences.

- e. The owner of the fence or hedge must maintain the side facing the open space.

~~1013~~14.. **Conditional Uses for Interior Fences.** A conditional use permit may be approved by the City Planner ~~Council~~ for an interior fence over eight (8) feet in height for such things as sports courts, gardens and swimming pools. A conditionally approved interior fence shall not exceed twelve (12) feet in height and shall be an open style fence. (Ord. No. 2015-06, 05/26/15)

- ~~14. Rare Circumstance Conditional Use Permit. A rare conditional use permit can be granted by the City Council for privacy fences, walls, or hedges with lesser setback requirements and up to eight(8) feet tall, and open style fences with lesser setbacks up to twelve (12) feet tall otherwise restricted if:~~

- ~~—~~

- ~~a. A noise or safety impact can be clearly demonstrated through noise, traffic, or other data;~~

- ~~—~~

- ~~b. It does not obstruct scenic views or trail access;~~

- ~~—~~

- ~~c. Approval from adjacent impacted neighbors is acquired in writing;~~

- ~~d. And a public hearing and City Council approval occurs.~~

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- ~~15. City-Caused Fence Damage. When a private fence is damaged as a result of City-authorized recreational activities, sporting events, or other City or public uses, the City shall repair or replace the damaged fence and, where recurring damage is reasonably anticipated, may install or contribute toward a more durable fence or protective barrier designed to withstand such use.~~

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(amended by Ord. No. 2005-02, 2/8/05; Ord. No. 2013-10, 7/9/13; Ord. No. 2015-06, 05/26/15; Ord. No. 2017-01, 01/10/17; Ord. No. 2017-13, 06/27/17)

HISTORY

Amended by Ord. [2022-02](#) on 1/11/2022

Amended by Ord. [2022-22](#) on 6/28/2022

Amended by Ord. [2023-16](#) on 6/13/2023

3.16.100 Improvements To Private Property Bordering Public Open Space

- 1 Fences or borders along property lines adjacent to open space must meet specific standards.
 - a. When the width of the open space is less than 50 feet, bordering fences may not exceed ~~eight~~ eight (8) ~~six(6)~~ feet in height. ~~or up to eight(8) feet in height if open style.~~
 - b. When the width of the open space is 50 feet or more, fence standards as specified elsewhere in this ordinance apply.
 - c. Fences and hedges must be completely within the boundaries of the private property.
 - d. Hedges or shrubs must be maintained to the same height requirement as fences.
 - e. The owner of the fence or hedge must maintain the side facing the open space.
- 2. Dogs shall be restrained such that they cannot enter open space.
- 3. All trees are to be planted entirely on private property.

(Ord. 1998-20, 11/24/98; amended Ord. 2007-12, 08/14/07; Ord. 2016-07, 07/26/16; Ord. 2016-24, 11/09/16)

3.17.100 Trail Improvements And Maintenance

- **1. Maintenance and Improvements to Public Trails by Private**

Individuals/Groups. The City recognizes the benefit of private participation in caring for these lands. Therefore, individual citizens and citizen groups shall be allowed and encouraged to improve and maintain trails. However, these improvements shall be governed by guidelines incorporated in this ordinance, which includes specific rules for each designation.

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a. All requests for improvements and long-term maintenance of City-owned property by citizens shall be presented in writing to the Planning Commission. These requests shall include a written or drawn landscape design. which confirms to the requirements set forth in DCA 3.13 Approval of such requests will be granted based on adherence to general and designation guidelines, compliance with City ordinances and a visit to the site. If approved, the request will be kept on file for further reference.

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b. Any landscaping, maintenance or other improvements to trails which do not receive prior approval as specified within this ordinance shall be deemed an encroachment. All such encroachments shall incur a penalty (fine) as established by the City Council. Upon direction of the City Council and after 30 days notice from the City Administrator, such encroachments are subject to removal and the area involved shall be restored to its original condition at the citizen's expense.

- **2. General Improvement Guidelines.** The following guidelines apply to all improvements to publicly-owned lands, regardless of the designation.

- a. Homeowners have no right to encroach on publicly-owned lands. These open spaces are not to be considered or treated as an extension of private property. Without express permission from the City, all of the following apply:

- i. Grass, trees or shrubbery may not be planted.
- ii. Fences or other obstructions may not be erected across trails.
- iii. Grading may not be done.
- iv. Sprinkler systems may not be installed.

- v. Vegetation may not be cut or destroyed.
- vi. Rain-gutter or other drainage may not be directed onto trails.
- vii. Waterways within trail easements shall not be piped unless approved by the City Council.
- viii. All other encroachments are expressly forbidden.
- b. When permission is granted to individuals or groups to improve trails, all such improvements become the property of the City.
 - i. The City is ultimately responsible for care and maintenance of such improvements.
 - ii. The City may remove any elements as it deems necessary.
 - iii. Written City approval must be obtained for any private parties to remove any such elements.
- c. When permission is given to private parties to improve trails, these same parties will be required to maintain these improvements, unless otherwise specified.
- d. When written permission is given to improve public open spaces and trail easements, the following general guidelines apply to all designations except natural (conservation) areas:
 - i. Shrubs may be planted within the trail easement, but must be no more than 2 feet high and be kept pruned back from the trail edge.
 - ii. Non-invasive groundcovers may be planted in the trail easement but shall be kept off from the trail. Low and slow-growing junipers, cotoneaster, vines and grasses are examples of acceptable plants.
 - iii. All trees are to be planted outside the trail corridor.
 - iv. All sprinkling piping and heads are to be located entirely on private property. Drip irrigation pipes may go into the easement and would be the preferred watering method.

- **3. Improvements to Private Property Bordering Trails**

- a. Fences or borders along property lines adjacent to a trail must meet specific standards.
 - - i. When the width of the trail easement is less than 50 feet, bordering fences may not exceed 6 feet in height, and shall not obstruct visibility (open designs such as rail fence, field fence, wrought iron or chain link ~~rod iron fences~~ are preferable.)
 - ii. When the width of the open space is 50 feet or more, fence standards as specified elsewhere in this ordinance apply.
 - iii. Fences and hedges must be completely within the boundaries of the private property.
 - iv. Hedges or shrubs must be maintained to the same height requirement as fences.
 - v. The owner of the fence or hedge must maintain the side facing the open space.
- b. Domestic animals on property adjacent to the trail shall be restrained such that they cannot enter the trail easement.
- c. All trees are to be planted entirely on private property. Any trees with branches that overhang the trail must have those branches pruned to a height of at least 10 feet above the trail to provide headroom for cyclists, equestrians and general safety.

(Ord. 99-08, 8-10-99; Amended by Ord. 2004-11, 7/13/04; Ord. 2008-05, 7/22/08; Ord. 2009-06, 4/28/09)

HISTORY

Amended by Ord. 2023-06 on 3/14/2023

Exhibit C

Fence Code Update

Clean Version

3.21.060 Fences, Walls And Hedges

For purposes of §3.21.060, the term “fence” shall be used to represent the requirements for fences, walls, and hedges when the latter two of these three are not explicitly stated.

1. **Requirement.** All fences must be approved by the Planning and Zoning Department and a building permit obtained. Fences shall be located on owner's property lines or within owner's property boundaries.
2. **Existing Fence Removal or Replacement.** If an existing fence is to be removed or replaced, an applicant for a new fence shall certify on the fence permit application that they have the legal right and authority to remove or replace the existing fence and that, to the best of their knowledge, the fence is not jointly owned with a neighboring property owner. The City shall not be responsible for determining ownership of, or resolving disputes concerning, an existing fence.

3. Fence Height Measurement. Fence height shall be measured from the grade immediately adjacent to the fence, or the grade immediately adjacent to the lowest side of a wall upon which a fence is constructed, to the highest point of the fence. The grade immediately adjacent to the fence on either side of the fence shall be considered.

Grading undertaken primarily for the purpose of increasing the allowable fence height shall not be used to establish fence height. Where the grades of two adjoining properties differ due to existing or approved site conditions, the property with the lower grade may construct its fence to the same maximum elevation as a fence permitted on the adjoining property with the higher grade, provided the fence otherwise complies with the requirements of this chapter.

Fence posts and decorative post caps may extend no more than nine (9) inches above the maximum permitted fence height.

4. Restrictions On Materials. Galvanized steel chain-link fences are prohibited on all residential properties; vinyl-coated chain link fences shall be permitted on residential properties. Existing galvanized steel chain-link fences prior to the establishment of this section are permitted to remain but must be removed if the fence is replaced.

5. Front Yard Fences. Privacy fences, walls and hedges along the street frontage of a lot shall not exceed 3 feet in height when placed within 10 feet of the front property line. Open style fences shall not exceed 4 feet in height when placed within 10 feet of the front property line. Front yard fences may be six(6) feet in height if a privacy fence and eight(8) feet in height if an open style fence when placed at least 10 feet back from the front property line.

6. Interior Side Yard Fences. Fences alongside yards shall not exceed 3 feet in height for privacy fences and 4 feet in height for open style fences when they are within 10 feet of the front property line. Side yard fences may be six(6) feet in height if a privacy fence and eight(8) feet in height if an open style fence when located at least 10 feet back from the front property line.

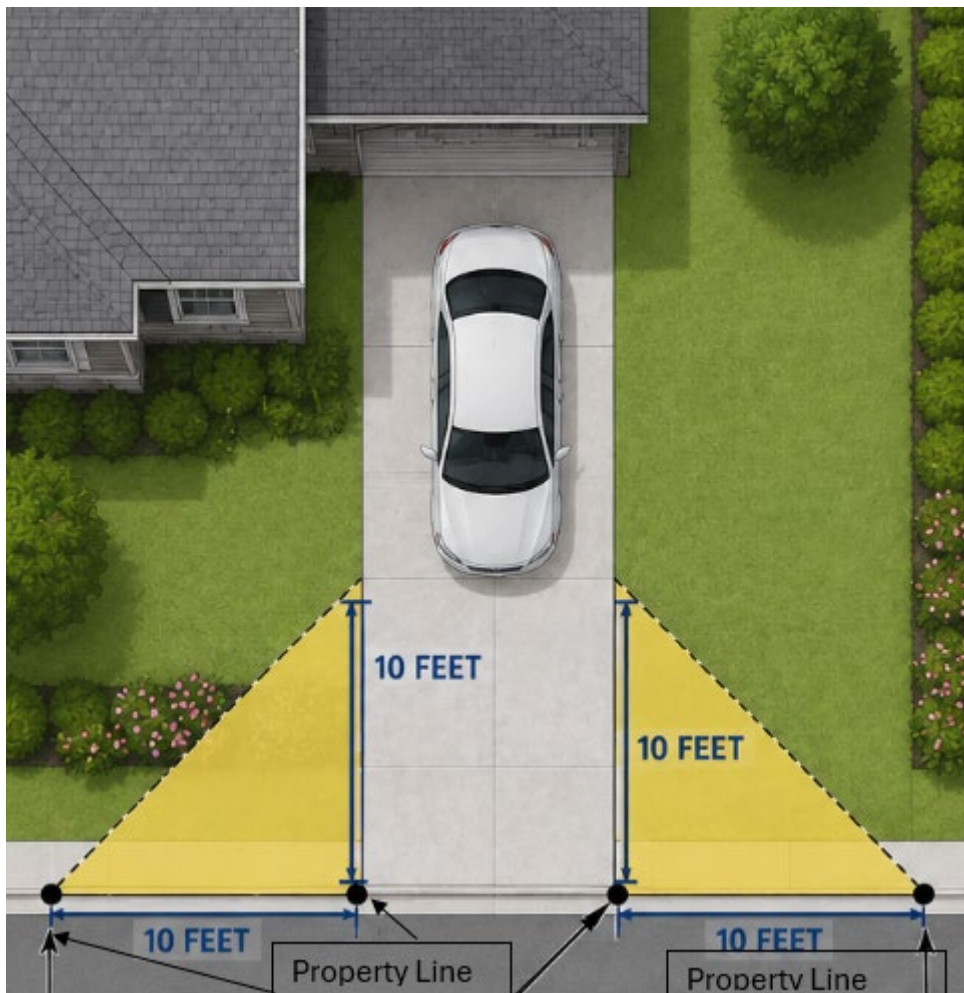
7 Rear Yard Fences. A rear yard fence may be six(6) feet in height if a privacy fence and eight(8) feet in height if an open style fence.

8. Corner Lot Fences within the Sight Triangle. The sight triangle on corner lots shall not be obstructed. Privacy fences, walls, trees and plants, hedges, and all objects in general excluding city street signs and city light posts shall not exceed three (3) feet in height, and open-style fences shall not exceed four (4) feet in height, when located within the sight triangle on a corner lot. The sight triangle is defined as the area formed by connecting the corner of the property to points 35 feet back along each property line abutting the street.

9. Corner Lot Fences outside the Sight Triangle. Side yard fences abutting the street may be six(6) feet in height if a privacy fence, or eight(8) feet in height if an open style fence,

when located at least 35 feet back from the front property line, outside the sight triangle. For interior side fence see DCA 3.21.060 Part 2.

10. **Fences within a Driveway Sight Triangle.** Privacy fences, walls, trees and plants, hedges, and all objects in general shall not exceed three (3) feet in height, and open-style fences shall not exceed four (4) feet in height, when located within the sight triangle along a driveway. The sight triangle is defined as the area formed by connecting the corner of the driveway to a point 10 feet back along the abutting property line and a point 10 feet along the edge of the driveway (see below).



11. **Fences on Retaining Walls.** Under no condition shall a fence and wall exceed nine (9) feet on the same plane. If a privacy fence that is on top of a retaining wall would

exceed nine (9) feet, the fence shall be set back at least four (4) feet from the frontside of the retaining wall. Open style fences including but not limited to rail fences, field fences, or wroughtiron fences are permitted to be on the same plane as a retaining wall. Where the grades of two adjoining properties differ due to existing or approved site conditions, the property with the lower grade may construct a fence on a retaining wall to the same maximum elevation as a fence permitted on the adjoining property with the higher grade, provided the fence on the retaining wall otherwise complies with the requirements of this chapter.

12.. Agricultural Fences. Fences on property where an identifiable commercial agricultural product is produced shall not exceed eight (8) feet in height, and shall be an open style fence.

13. Fences Along Public Open Space and Trails. See DCA 3.16, DCA 3.16.100 Part 1 and DCA 3.17 and DCA 3.17.100 Part 3,a.

Fences or borders along property lines adjacent to a trail or open space must meet with the City Planner and meet specific standards.

- a. When the width of the open space or trail easement is less than 50 feet, bordering fences may not exceed eight (8) six(6) feet in height, and shall not obstruct visibility. (Open style fences such as rail fences, field fence, wrought iron or chain link are preferable.)
 - b. When the width of the open space or trail easement is 50 feet or more, fence standards as specified elsewhere in this ordinance apply.
 - c. Fences and hedges must be completely within the boundaries of the private property.
 - d. Hedges or shrubs must be maintained to the same height requirements as fences.
 - e. The owner of the fence or hedge must maintain the side facing the open space.
- **14.. Conditional Uses for Interior Fences.** A conditional use permit may be approved by the City Planner for an interior fence over eight (8) feet in height for such

things as sports courts, gardens and swimming pools. A conditionally approved interior fence shall not exceed twelve (12) feet in height and shall be an open style fence. (Ord. No. 2015-06, 05/26/15)

(amended by Ord. No. 2005-02, 2/8/05; Ord. No. 2013-10, 7/9/13; Ord. No. 2015-06, 05/26/15; Ord. No. 2017-01, 01/10/17; Ord. No. 2017-13, 06/27/17)

HISTORY

Amended by Ord. [2022-02](#) on 1/11/2022

Amended by Ord. [2022-22](#) on 6/28/2022

Amended by Ord. [2023-16](#) on 6/13/2023

3.16.100 Improvements To Private Property Bordering Public Open Space

- 1 Fences or borders along property lines adjacent to open space must meet specific standards.
 - a. When the width of the open space is less than 50 feet, bordering fences may not exceed eight (8) feet in height.
 - b. When the width of the open space is 50 feet or more, fence standards as specified elsewhere in this ordinance apply.
 - c. Fences and hedges must be completely within the boundaries of the private property.
 - d. Hedges or shrubs must be maintained to the same height requirement as fences.
 - e. The owner of the fence or hedge must maintain the side facing the open space.

- 2. Dogs shall be restrained such that they cannot enter open space.
- 3. All trees are to be planted entirely on private property.

(Ord. 1998-20, 11/24/98; amended Ord. 2007-12, 08/14/07; Ord. 2016-07, 07/26/16; Ord. 2016-24, 11/09/16)

3.17.100 ail Improvements And Maintenance

- **1. Maintenance and Improvements to Public Trails by Private Individuals/Groups.** The City recognizes the benefit of private participation in caring for these lands. Therefore, individual citizens and citizen groups shall be allowed and encouraged to improve and maintain trails. However, these improvements shall be governed by guidelines incorporated in this ordinance, which includes specific rules for each designation.
 - a. All requests for improvements and long-term maintenance of City-owned property by citizens shall be presented in writing to the Planning Commission. These requests shall include a written or drawn landscape design. which confirms to the requirements set forth in DCA 3.13 Approval of such requests will be granted based on adherence to general and designation guidelines, compliance with City ordinances and a visit to the site. If approved, the request will be kept on file for further reference.
 - b. Any landscaping, maintenance or other improvements to trails which do not receive prior approval as specified within this ordinance shall be deemed an encroachment. All such encroachments shall incur a penalty (fine) as established by the City Council. Upon direction of the City Council and after 30 days notice from the City Administrator, such encroachments are subject to removal and the area involved shall be restored to its original condition at the citizen's expense.

- **2. General Improvement Guidelines.** The following guidelines apply to all improvements to publicly-owned lands, regardless of the designation.
 - a. Homeowners have no right to encroach on publicly-owned lands. These open spaces are not to be considered or treated as an extension of private property. Without express permission from the City, all of the following apply:
 - i. Grass, trees or shrubbery may not be planted.
 - ii. Fences or other obstructions may not be erected across trails.
 - iii. Grading may not be done.
 - iv. Sprinkler systems may not be installed.
 - v. Vegetation may not be cut or destroyed.
 - vi. Rain-gutter or other drainage may not be directed onto trails.
 - vii. Waterways within trail easements shall not be piped unless approved by the City Council.
 - viii. All other encroachments are expressly forbidden.
 - b. When permission is granted to individuals or groups to improve trails, all such improvements become the property of the City.
 - i. The City is ultimately responsible for care and maintenance of such improvements.
 - ii. The City may remove any elements as it deems necessary.
 - iii. Written City approval must be obtained for any private parties to remove any such elements.
 - c. When permission is given to private parties to improve trails, these same parties will be required to maintain these improvements, unless otherwise specified.
 - d. When written permission is given to improve public open spaces and trail easements, the following general guidelines apply to all designations except natural (conservation) areas:

- i. Shrubs may be planted within the trail easement, but must be no more than 2 feet high and be kept pruned back from the trail edge.
- ii. Non-invasive groundcovers may be planted in the trail easement but shall be kept off from the trail. Low and slow-growing junipers, cotoneaster, vines and grasses are examples of acceptable plants.
- iii. All trees are to be planted outside the trail corridor.
- iv. All sprinkling piping and heads are to be located entirely on private property. Drip irrigation pipes may go into the easement and would be the preferred watering method.

- **3. Improvements to Private Property Bordering Trails**

- a. Fences or borders along property lines adjacent to a trail must meet specific standards.
 - i. When the width of the trail easement is less than 50 feet, bordering fences may not exceed 6 feet in height, and shall not obstruct visibility (open designs such as rail fence, field fence, wrought iron or chain link are preferred.)
 - ii. When the width of the open space is 50 feet or more, fence standards as specified elsewhere in this ordinance apply.
 - iii. Fences and hedges must be completely within the boundaries of the private property.
 - iv. Hedges or shrubs must be maintained to the same height requirement as fences.
 - v. The owner of the fence or hedge must maintain the side facing the open space.
- b. Domestic animals on property adjacent to the trail shall be restrained such that they cannot enter the trail easement.

- c. All trees are to be planted entirely on private property. Any trees with branches that overhang the trail must have those branches pruned to a height of at least 10 feet above the trail to provide headroom for cyclists, equestrians and general safety.

(Ord. 99-08, 8-10-99; Amended by Ord. 2004-11, 7/13/04; Ord. 2008-05, 7/22/08; Ord. 2009-06, 4/28/09)

HISTORY

Amended by Ord. [2023-06](#) on 3/14/2023







ALPINE CITY PLANNING COMMISSION MEETING
Alpine City Hall, 20 North Main, Alpine, UT
August 18, 2026

I. GENERAL BUSINESS

A. Welcome and Roll Call: The meeting was called to order at 6:00 p.m. by Chair Alan Macdonald. The following were present and constituted a quorum:

Chair: Alan Macdonald

Commission Members: Michelle Schirmer, John MacKay, Troy Slade, Susan Whittenburg, Jeff Davis, Greg Butterfield

Excused:

Staff: Caden Lyon, Marla Fox, Jason Judd

Others: Andy spencer, Isaac Platter

B. Prayer/Opening Comments: Greg Butterfield

C. Pledge of Allegiance: Susan Whittenburg

II. REPORTS AND PRESENTATIONS

None

III. ACTION ITEMS

A. Action Item: Public Hearing - Review of proposed Detached ADU Code Language

Caden Lyon explained that because of the approval of Senate Bill 284, by October 1, 2026, Alpine City is required to have a detached accessory dwelling unit (ADU) code adopted to meet new State requirements. With the recommendations from the discussion about detached ADU's on August 4th, 2026, Staff has brought together a detached ADU ordinance for the Planning Commission to review and consider recommending for approval by the City Council.

Caden Lyon said we meet the State requirements and said we are allowed to add other requirements that we feel would be beneficial for our city. The definition of a detached accessory dwelling unit is: An accessory dwelling unit that is not attached to or within a primary detached single-family dwelling and located on the same lot or parcel as the primary detached single-family dwelling.

3.14.010 Accessory Dwelling Units

An accessory dwelling unit shall be considered a subordinate dwelling unit within and part of a principal dwelling or detached from a principal dwelling and located on the same parcel as the principal dwelling.

3.14.030 Detached Accessory Dwelling Units

Accessory dwelling units may be a permitted use subject to the following:

1. Accessory dwelling units are listed as permitted use within the zone.
2. Detached accessory dwelling units are only allowed on any lot or parcel that is 11,000 square feet or larger.
3. Detached accessory dwelling units shall be owner-occupied or be located on a property that has an owner-occupied single-family dwelling.
 - a. Owner occupancy shall not be required when the owner has submitted a temporary absence application prior to beginning the temporary absence and meets the following criteria:

- i. The owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, military service, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or
 - ii. The owner is placed in a hospital, nursing home, assisted living facility or other similar facility,
 - iii. Owner occupancy shall have the meaning set forth in Article 3.01.110, alpine City Development Code,
 - iv. The owner has resided in the residence for at least one (1) year prior to beginning the temporary absence.
4. A maximum of one (1) accessory dwelling unit shall be permitted on each owner-occupied lot or parcel. If a lot or parcel already has an internal accessory dwelling unit, no detached accessory dwelling unit will be allowed.
 5. The detached accessory dwelling unit shall provide at least two (2) on-site parking spaces in addition to the parking spaces required for a single-family dwelling.
 6. The detached accessory dwelling unit shall have a living space of no more than 1200 square feet in size.
 7. The detached accessory dwelling unit shall meet the same setbacks as those required for accessory buildings in the zone in which it is located.
 8. The detached accessory dwelling unit shall meet the same height requirement as that required for accessory buildings in the zone in which it is located.
 9. The detached accessory dwelling unit shall be built with materials and design that match those of the main dwelling.
 10. The detached accessory dwelling unit shall comply with all size and access specifications of the International Residential and Building Codes.
 11. The detached accessory dwelling unit shall connect to the same meter as the main dwelling for each water, gas, and electric utility service, and the meter shall be in the name of the owner. If there is not sufficient capacity for the accessory dwelling unit on the meter, it is prohibited.
 12. All construction and remodeling to accommodate the detached accessory dwelling unit shall be in accordance with the International Residential and Building Codes in effect at the time of construction or remodeling.
 13. Any person constructing or causing the construction of a detached accessory dwelling unit or any person remodeling or causing the remodeling of a detached accessory dwelling unit shall obtain an Accessory Dwelling Unit Permit from the Building Department. Such permits shall be in addition to any building permits that may be necessary.

Alan Macdonald opened the Public Hearing. There were no comments and Alan Macdonald closed the Public Hearing.

Alan Macdonald said there is a State Law requiring municipalities to adopt ordinances for detached accessory dwelling units. He said there are very good reasons that we need to amend out ADU ordinance because it has been restrictive in the past. He said for a variety of reasons including affordability, ability for lower income families or young couples, aging in place, and flexibly housing options, this is a good option. He said the ordinance looks great and incorporated all the State requirements but said there are other elements that should go in it and he would like to consider other issues tonight.

Alan Macdonald said he is including language from the Holiday City Ordinance. He said their city is similar to ours.

1. **Purpose:** Accessory Dwelling Units are meant to assist in the creation of new housing units; support a more efficient use of existing housing stock and infrastructure, and provide housing that

responds to changing family needs, smaller households, and increasing housing costs within the city and not a response to supplemental income or vacation rental opportunities.

2. **Rental Restriction:** If rented, a Detached Accessory Dwelling Unit must be rented for a minimum of ninety (90) consecutive days. A rented ADU is subject to annual approval of a license.
3. **Dwelling Unit Occupancy:** The occupants of an accessory dwelling unit shall be limited to a single family, defined as (in accordance with Utah Code). If not related, State code allows up to four unrelated people.
4. **Footprint:** A Detached ADU shall provide a footprint size of a minimum of three hundred (300) square feet and a minimum footprint as per chart below.

<u>Square Foot Lot</u>	<u>Total Footprint</u>
Less than 10,000	800
10,001 to 20,000	900
20,001 – 40,000	1,000
40,001 – 80,000	1,200

Alan Macdonald said we don't have to follow these exact numbers but would like to see something similar. He said he would like to see everybody in Alpine be able to build an ADU, even in the TR10,000 zone. Caden Lyon said we liked the 1200 square feet because we know what the limit is. With a footprint, you can double the size and end up with a 2800 square foot home. He said our City Administrator is concerned about infrastructure. Alan Macdonald said if the lot can't accommodate the utilities, they won't be able to build the ADU.

Andy Spencer, resident, said he doesn't think it's fair to exclude the TR10,000 zone if the rest of the city is allowed to have a detached dwelling unit. He said other cities have small ADU's with a 500 square foot footprint. He likes the idea of allowing ADU's proportionate to the lot size. Greg Butterfield asked what the ADU's will do to property values. Andy Spencer said we need to look at setbacks and height to preserve our neighbor's value.

John MacKay asked if we should consider the building envelope versus lot size. Alan Macdonald said we will talk about that in the next section. John MacKay said he could see very easily that we get a large footprint between the primary and the ADU that we no longer have space in the buildable area. Alan Macdonald said we have hillside lots that may not be able to build an ADU. John MacKay said we should add a line that says ADU's are allowed subject to having room in the buildable area. Caden Lyon said if the lot has a building envelope, we'll see it on the plat. We'll make sure any building is in the building envelope just like a main use. An Accessory building must be five feet away from the main use as per the current code requirement. If it can meet all those requirements, then it can be built.

Lot Coverage: The total allowable coverage for all structures, including the primary single-family dwelling and the detached accessory dwelling unit, but excluding outdoor swimming pools, ponds with artificial liners and other water features is set forth on the following chart, expressed as a percentage of lot size. For bulk and massing, the Planning Commission want to include all permanent structures such as a pool house, barn, detached garage, indoor sport court, etc.

<u>Square Foot Lot</u>	<u>Percent Lot Coverage of Permanent Structures</u>
Less than 10,000	35
10,001 – 20,000	30
20,001 – 40,000	25
40,001 and above	22

Greg Butterfield asked how you determine infrastructure. If you make it available to this number of lots, sewer, water, safety, and snow cleaning, at what point do you hit a threshold. We may get started and a certain amount of people may get to do it and then you have to cut it off. What happens if we open this up and now you have double the density.

Alan Macdonald said first of all, we have to open this up to any lot greater than 11,000 square feet. So that means almost everybody in Alpine can build an ADU if they want. He said just because you can build an ADU, doesn't mean that everyone will. He said he's not going to build one and he doesn't know how many people will, but the city has been told they shall do this.

Jason Judd asked if the lot coverage included landscaping, do you want to include the pool, sport courts, etc. Alan Macdonald said it will be a hard sell to tell people what hardscape they can do. He said these things are behind a fence, and you don't see them and they don't add to the massing problem. We want to keep neighbors from encroaching on each other, and we don't want to get in the business of legislating how much hardscape somebody can have in their backyard.

Jason Judd said people have pool houses, garages, and large indoor sport court buildings that are tall, he asked if we wanted to include those. Alan Macdonald said maybe we include all permanent structures and if someone already has them, we say you're already over the percent coverage and you can't build an ADU.

Greg Butterfield asked about tall lighting structures or a big tube pool slide. These things are vertical and permanently fixed to the ground.

Setbacks: A Detached Accessory Dwelling Unit shall comply with the setback provisions of an accessory building in the same zone in which it is located.

Height: A Detached Accessory Dwelling Unit shall be no taller than twenty-five (25) feet tall.

Converting Existing Buildings: Conversion of existing accessory buildings, including non-conforming structures, to ADU's is allowed with standards.

1. Structure shall meet all design standards when the International Residential Building Codes in effect at the time of the conversion or remodeling.
2. Structures that do not conform to the building footprint sizes shown in 13.14.101 must apply for a conditional use permit for a footprint that exceeds the allowed size.
3. Structures that do not conform to setback provisions herein must apply for a conditional use permit.

MOTION: Planning Commissioner John MacKay moved to Table the proposed amendments to the Development Code for Detached Accessory Dwelling Units for staff to rework language to include:

1. Language from the Holiday City ordinance specifically to include:
 - a. Purpose Statement.
 - b. Minimum rental term of 90 days.
 - c. Require a rental license as required with current interior dwelling units.
 - d. Incorporate dwelling occupancy language.
 - e. Include a footprint for lots:

i.	Minimum is 300 square feet building footprint	
ii.	0 – 10,000 sq ft lot	800 sq ft building footprint
iii.	10,001 – 20,000 sq ft lot	900 sq ft building footprint
iv.	20,001 – 40,000 sq ft lot	1,000 sq ft building footprint
v.	40,001 – and above	1,200 sq ft building footprint

- f. Percent of Lot Coverage: We want to modify the language that the total allowable lot coverage is for all permanent structures. Delete everything after the dwelling unit. We're not going to specify excluding outdoor swimming pools, ponds, artificial liners or other water features. We do want to include: Is set forth on the following chart expressed as a percentage of lot size. The percentages will be broken down into four bands:
- | | | |
|------|------------------------|---------------------------------|
| i. | Less than 10,000 sq ft | 35% Coverage of all Structures |
| ii. | 10,001 – 20,000 sq ft | 30% Coverage of all Structures |
| iii. | 20,001 – 40,000 sq ft | 25% Coverage of all Structures |
| iv | 40,001 and above | 22 % Coverage of all Structures |
- g. Delete from Holiday City language that falls under Design Standards,
 h. Incorporate the conversion of accessory buildings to include a process and criteria for granting exceptions and/or conditional uses that Alpine Staff will come up with.
 i. Setbacks will be the same as an accessory building in the same zone.
 j. The height of an ADU will be modified to a maximum of 25 feet and follow the same criteria as an accessory building in the same zone.
 k. These additional items are to be added to the existing proposed language.

Jeff Davis seconded the motion. There were 7 Ayes and 0 Nays. The motion passed unanimously.

Ayes

Nays

John MacKay
 Jeff Davis
 Michelle Schirmer
 Susan Whittenburg
 Troy Slade
 Greg Butterfield
 Alan Macdonald

Action Item: Proposed text amendments to Alpine Development Code

Caden Lyon said there were a number of clerical and numbering changes. He reviewed proposed changes to the language.

3.07-A.050 Site Design

5. Access Requirement: Each lot shall abut and have direct access to a City-maintained or City-accepted street. The minimum frontage shall be the required lot width of the zone; except the cul-de-sac or curve lots may reduce frontage to sixty (60) feet if the width at the front setback meets the zone's minimum.

3.23.060 Review Conditions and Criteria for Certain Conditional Uses – Home Occupation

Only a limited number of customers or clients may visit the property in connection with the home occupation, provided such visits take place during regular business hours, remain incidental to the residential character of the dwelling, and do not create impacts beyond those normally associated with residential use.

4.6.030 Final Plat

vii. A revised narrative or summary statement describing any changes made from the previous narratives or summary statements submitted during the preliminary plan.

3.01.110 Definitions

Minor Subdivision: A subdivision development of three (3) or fewer lots which meet the requirements of DCA 4.05.

Accessory Structure: 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, not including fences; and which is appropriate, subordinate, and customarily incidental to that of the main building or to the main use of the land and which is located on the same lot or parcel of land with the main building or use.

Pool House: An Accessory building associated with a swimming pool that provides enclosed space intended for the use or convenience of those using the swimming pool, and may include changing spaces, restrooms, showers, storage, pool equipment, etc. A pool house with pool equipment must meet the setbacks required for related facilities as described in the applicable zone.

3.02.050 Setback Requirements – Customary Residential Accessory Structures

1. Accessory Buildings which are located more than twelve (12) feet away from the main building, whether attached or not, are not considered detached structures.

3.03.050 Setback Requirements - Customary Residential Accessory Structures

i. Accessory Buildings which are located more than twelve (12) feet away from the main building, whether attached or not, are not considered part of the main building and are considered detached structures.

b. Swimming Pools & Related Facilities: In terms of this section, storage structures and pool houses that do not contain pool equipment are not considered related facilities and are evaluated based on the accessory structure requirements of the underlying zone.

MOTION: Planning Commissioner Jeff Davis moved to Table the proposed text amendments to Alpine Development Code as presented to a future meeting in order to allow additional time for the revisions and discussion by the Planning Commission on the Customary Accessory Structures for each zone.

Susan Whittenburg seconded the motion. There were 7 Ayes and 0 Nays. The motion passed unanimously.

Ayes

John MacKay
Jeff Davis
Michelle Schirmer
Susan Whittenburg
Troy Slade
Greg Butterfield
Alan Macdonald

Nays

IV. COMMUNICATIONS

None

V. APPROVAL OF PLANNING COMMISSION MINUTES: August 4, 2026

MOTION: Planning Commissioner John MacKay moved to approve the minutes for August 4, 2026, as written.

1 Jeff Davis seconded the motion. There were 7 Ayes and 0 Nays. The motion passed unanimously.

2	<u>Ayes</u>	<u>Nays</u>
3	John MacKay	
4	Jeff Davis	
5	Michelle Schirmer	
6	Susan Whittenburg	
7	Troy Slade	
8	Greg Butterfield	
9	Alan Macdonald	

10 **MOTION:** Planning Commission member Greg Butterfield moved to adjourn the meeting.

11 John MacKay seconded the motion. There were 7 Ayes and 0 Nays. The motion passed unanimously.

12	<u>Ayes</u>	<u>Nays</u>
13	John MacKay	
14	Jeff Davis	
15	Michelle Schirmer	
16	Susan Whittenburg	
17	Troy Slade	
18	Greg Butterfield	
19	Alan Macdonald	

20 The meeting was adjourned at 8:11 p.m.

ALPINE CITY PLANNING COMMISSION MEETING
Alpine City Hall, 20 North Main, Alpine, UT
September 1, 2026

I. GENERAL BUSINESS

- A. Welcome and Roll Call:** The meeting was called to order at 6:00 p.m. by Co-Chair Jeff Davis.
The following were present and constituted a quorum:

Chair:

Commission Members: Michelle Schirmer, John MacKay, Troy Slade, Susan Whittenburg, Jeff Davis,
Greg Butterfield

Excused: Alan Macdonald

Staff: Caden Lyon, Marla Fox, Jason Judd

Others:

- B. Prayer/Opening Comments:** Susan Whittenburg

- C. Pledge of Allegiance:** Jeff Davis

II. REPORTS AND PRESENTATIONS

Caden Lyon prepared and showed some slides depicting different road designs. He said people react to how something feels and not necessarily what the law is. He said design matters and different road designs are safer than others. Roads at higher speeds are safer because everyone is going in the same direction and at the same speed. City roads can be dangerous because pedestrians dart out across the street, cars are going in different directions, and traffic can be high. There are multiple situations where problems can arise in a car and as a pedestrian.

Caden Lyon said there has been a lot of conversation about the speed limits here in Alpine. He said the speed limit isn't the only thing that deters speed, but good road design can help as well. He showed some images of streets without bike lanes and what it would look like with a bike lane. Greg Butterfield asked what something like this would cost. Susan Whittenburg said she would love to see something like this on Main Street but said we don't have room for it.

Caden Lyon showed an image of Main Street with a median down the center with trees, bushes and flowers which makes it aesthetically pleasing. The Planning Commission said creating something beautiful like this could lead to more foot traffic and entice other businesses to the area. Caden Lyon said we could add a more designated bike lane.

The next slide showed a crosswalk with a brighter painted area and a landing spot in the center. This slide showed trees in the center to show other ideas of what could be done.

III. ACTION ITEMS

- A. Action Item: Public Hearing - Review of proposed Detached ADU Code Language**

Caden Lyon explained that because of the approval of Senate Bill 284, by October 1, 2026, Alpine City is required to have a detached accessory dwelling unit (ADU) code adopted to meet new State requirements. With the recommendations from the discussion about detached ADU's on August 4th, 2026, Staff has brought together a detached ADU ordinance for the Planning Commission to review and consider recommending for approval by the City Council.

Staff brought an initial proposed Detached ADU code and then received feedback from Planning Commission to make certain changes to that proposed code. Staff also had a discussion with City Council last week about the ADU code. Therefore, the code presented today is based on feedback received from both the Planning Commission and City Council as well as staff analysis when coming to decisions of code language.

Below is Planning commission's notion from the previous Planning Commission meeting:

MOTION: Planning Commissioner John MacKay moved to Table the proposed amendments to the Development Code for Detached Accessory Dwelling Units for staff to rework language to include:

1. Language from the Holiday City ordinance specifically to include:
 - a. Purpose Statement.
 - b. Minimum rental term of 90 days.
 - c. Require a rental license as required with current interior dwelling units.
 - d. Incorporate dwelling occupancy language.
 - e. Include a footprint for lots:
 - i. Minimum is 300 square feet building footprint
 - ii. 0 – 10,000 sq ft lot 800 sq ft building footprint
 - iii. 10,001 – 20,000 sq ft lot 900 sq ft building footprint
 - iv. 20,001 – 40,000 sq ft lot 1,000 sq ft building footprint
 - v. 40,001 – and above 1,200 sq ft building footprint
 - f. Percent of Lot Coverage: We want to modify the language that the total allowable lot coverage is for all permanent structures. Delete everything after the dwelling unit. We're not going to specify excluding outdoor swimming pools, ponds, artificial liners or other water features. We do want to include: Is set forth on the following chart expressed as a percentage of lot size. The percentages will be broken down into four bands:
 - i. Less than 10,000 sq ft 35% Coverage of all Structures
 - ii. 10,001 – 20,000 sq ft 30% Coverage of all Structures
 - iii. 20,001 – 40,000 sq ft 25% Coverage of all Structures
 - iv 40,001 and above 22 % Coverage of all Structures
 - g. Delete from Holiday City language that falls under Design Standards,
 - h. Incorporate the conversion of accessory buildings to include a process and criteria for granting exceptions and/or conditional uses that Alpine Staff will come up with.
 - i. Setbacks will be the same as an accessory building in the same zone.
 - j. The height of an ADU will be modified to a maximum of 25 feet and follow the same criteria as an accessory building in the same zone.
 - k. These additional items are to be added to the existing proposed language.

Jeff Davis seconded the motion. There were 7 Ayes and 0 Nays. The motion passed unanimously.

Ayes

John MacKay
 Jeff Davis
 Michelle Schirmer
 Susan Whittenburg
 Troy Slade
 Greg Butterfield
 Alan Macdonald

Nays

Proposed ADU Code Language

3.1.110 Definitions

DETACHED ACCESSORY DWELLING UNIT - an accessory dwelling unit that is not attached to or within a primary detached single-family dwelling and located on the same lot or parcel as the primary detached single-family dwelling.

LIVING AREA – the total enclosed floor area devoted to or contained within a residential unit, including all rooms, hallways, closets, storage areas, and similar enclosed spaces, not including garages.

3.14 Accessory Dwelling Units

3.14.010 Accessory Dwelling Units

3.14.020 Internal Accessory Dwelling Units

3.14.030 Detached Accessory Dwelling Units

3.14.040 Non-Residential Accessory Structures

HISTORY

Amended by Ord. [2023-24](#) on 10/10/2023

Purpose

Accessory Dwelling Units are meant to assist in the creation of new housing units; support a more efficient use of existing housing stock and infrastructure; and provide housing that responds to changing family needs, smaller households, and increasing housing costs while maintaining the residential character of existing neighborhoods and minimizing impacts on adjacent properties.

3.14.010 Accessory Dwelling Units

Accessory Dwelling Units (Amended by Ord. 95-04, 02/28/95; 2004-13, 09/28/04; 2009-12, 07/14/09).
An accessory dwelling unit shall be considered a subordinate dwelling unit within and part of a principal dwelling or detached from a principal dwelling and located on the same lot or parcel as the principal dwelling and which has its own cooking, sleeping, and sanitation facilities.

3.14.020 Internal Accessory Dwelling Units

Internal accessory dwelling units may be a permitted use subject to the following:

1. Accessory dwelling units are listed as a permitted use within the zone.
2. Internal Accessory dwelling units shall be permitted only in owner-occupied single-unit detached dwellings.
 - a. Owner occupancy shall not be required when the owner has submitted a temporary absence application prior to beginning the temporary absence and meets the following criteria:

- i. The owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, military service, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or
- ii. The owner is placed in a hospital, nursing home, assisted living facility or other similar facility.
- iii. Owner occupancy shall have the meaning set forth in Article 3.01.110, Alpine City Development Code.
- iv. The owner has resided in the residence for at least one (1) year prior to beginning the temporary absence.

3. A maximum of one (1) accessory dwelling unit shall be permitted on each owner-occupied lot or parcel. If a lot or parcel already has a detached accessory dwelling unit, no internal accessory dwelling unit will be allowed.

4. A single-unit detached dwelling with an accessory dwelling unit shall provide not less than four (4) off-street parking spaces. Parking spaces may include garage and driveway space. At least one (1) space shall be designated for the accessory dwelling unit.

5. An internal accessory dwelling unit may not be rented or offered for rent for a period of less than ninety (90) consecutive days.

6. The accessory dwelling unit shall comply with all size and access specifications of the International Residential and Building Codes.

7. Accessory dwelling unit shall have at least one (1) separate entrance from the main dwelling accessible from outside. The entrance shall be located on the side or rear of the main dwelling.

8. A single-unit detached dwelling containing an accessory dwelling unit shall have not more than one (1) meter for each water, gas and electric utility service, and the meter shall be in the name of the owner.

9. All construction and remodeling to accommodate the accessory dwelling unit shall be in accordance with the International Residential and Building Codes in effect at the time of construction or remodeling.

10. Any person constructing or causing the construction of a residence that has an accessory dwelling unit or any person remodeling or causing the remodeling of a residence for an accessory dwelling unit, or any person desiring to provide an accessory dwelling unit within a single-unit detached dwelling, shall obtain an accessory dwelling unit Permit from the Building Department. Such permit shall be in addition to any building permits that may be necessary.

11. Each year the property owner of a lot or parcel with an Accessory Dwelling Unit (ADU) must fill out an ADU registration / rental license renewal form provided by Alpine City to certify that the ADU remains in compliance with the requirements of this Chapter. If the detached accessory dwelling unit is rented or offered for rent, the property owner shall pay the applicable rental license fee established by the City. No rental license fee shall be required if the detached accessory dwelling unit is not rented or offered for rent.

HISTORY

Adopted by Ord. [2023-24](#) on 10/10/2023

3.14.030 Detached Accessory Dwelling Units

Detached accessory dwelling units may be a permitted use subject to the following:

1. Single-family dwellings are listed as a permitted use within the zone.

2. Detached accessory dwelling units shall be a minimum of 300 square feet in living area and may be a maximum square footage according to the table below:

Lot/Parcel Size	Maximum Detached ADU Living Area
Less than 10,000 sq. ft.	800 sq. ft.
10,001–20,000 sq. ft.	900 sq. ft.
20,001–40,000 sq. ft.	1,000 sq. ft.
40,001+ sq. ft.	1,200 sq. ft.

3. Detached accessory dwelling units shall be owner-occupied or be located on a property that has an owner-occupied single-family dwelling.

a. Owner occupancy shall not be required when the owner has submitted a temporary absence application prior to beginning the temporary absence and meets the following criteria:

i. The owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, military service, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or

ii. The owner is placed in a hospital, nursing home, assisted living facility or other similar facility.

iii. Owner occupancy shall have the meaning set forth in Article 3.01.110, Alpine City Development Code.

iv. The owner has resided in the residence for at least one (1) year prior to beginning the temporary absence.

4. The addition or establishment of a detached accessory dwelling unit shall not cause the aggregate building coverage of all permanent structures on the lot or parcel to exceed the following:

Lot/Parcel Size	Maximum Lot Coverage
Less than 10,000 sq. ft.	35%
10,001–20,000 sq. ft.	30%
20,001–40,000 sq. ft.	25%
40,001+ sq. ft.	22%

5. A maximum of one (1) accessory dwelling unit shall be permitted on each owner-occupied lot or parcel. If a lot or parcel already has an internal accessory dwelling unit, no detached accessory dwelling unit will be allowed.
6. Occupancy of a detached accessory dwelling shall either be one individual or shall comply with the definition of Family as defined in §3.010.110 of this Code.
7. A detached accessory dwelling unit may not be rented or offered for rent for a period of less than ninety (90) consecutive days.
8. The detached accessory dwelling unit shall provide on-site parking spaces in addition to the parking spaces required for a single-family dwelling according to the table below:

ADU size	On-Site Parking Spaces Required
Less than or equal to 650 sq. ft	1
More than 650 sq. ft.	2

9. The detached accessory dwelling unit shall meet the same setbacks as those required for accessory buildings in the zone in which it is located.
10. The detached accessory dwelling unit shall meet the same height requirement as that required for accessory buildings in the zone in which it is located; however, in no case shall the maximum height exceed 25 feet to the top of the roof ridge line.
11. The detached accessory dwelling unit shall be built with a design that is consistent with the design of the main dwelling.
12. The accessory dwelling unit shall comply with all size and access specifications of the International Residential and Building Codes.
13. The detached accessory dwelling unit shall connect to the same meter as the main dwelling for each water, gas and electric utility service, and the meter shall be in the name of the owner. If there is not sufficient capacity for the accessory dwelling unit on the meter, it is prohibited.
14. All construction and remodeling to accommodate the detached accessory dwelling unit shall be in accordance with the International Residential and Building Codes in effect at the time of construction or remodeling.
15. A legally constructed accessory structure may be converted to a detached accessory dwelling unit in accordance with the process established by the City. The conversion shall comply with applicable accessory structure setback requirements and applicable building, health, and fire codes.

16. Any person constructing or causing the construction of a detached accessory dwelling unit or any person remodeling or causing the remodeling of a detached accessory dwelling unit shall obtain an Accessory Dwelling Unit (ADU) Permit from the Building Department. Such permit shall be in addition to any building from the Building Department. Such permit shall be in addition to any building permits that may be necessary.

17. Each year the property owner of a lot or parcel containing an Accessory Dwelling Unit (ADU) must fill out an ADU registration / rental license renewal form provided by Alpine City to certify that the ADU remains in compliance with the requirements of this Chapter. If the detached accessory dwelling unit is rented or offered for rent, the property owner shall pay the applicable rental license fee established by the City. No rental license fee shall be required if the detached accessory dwelling unit is not rented or offered for rent.

3.14.040 Non-Residential Accessory Structures

Non-Residential Accessory Structures The following applies to non-residential accessory structures:

1. Definition. As used in this section, "non-residential accessory structure" means any detached accessory structure that is not designed or used as a dwelling, dwelling unit, or otherwise for overnight accommodations. Examples of non-residential accessory structures include detached garages, shops, barns, and pool houses.
- b. Non-residential accessory Structure Agreement. As a condition of receiving a building permit for an accessory structure, the applicant will be required to enter into a non-residential accessory structure agreement in a form provided by the city. Such agreement will be recordable and will contain acknowledgments and agreements not to use the accessory structure as a dwelling, dwelling unit, or Accessory apartment, or otherwise for overnight accommodations.

The Planning Commission had a discussion about lot coverage and John MacKay said it isn't necessary if we are only allowing a maximum 1200 square foot ADU. Michelle Schirmer said she thought it was necessary for the smaller lots. Jeff Davis said lot coverage takes into consideration all structures and not just the ADU. Caden Lyon said we need to decide what we consider a structure. Are we including swimming pools and sport courts? Jeff Davis said he would recommend removing the lot coverage.

MOTION: Planning Commission member John MacKay moved to recommend approval of the Detached ADU Code Amendment and amendments to 3.14 of the Alpine Development Code as proposed with the following change:

1. We recommend removing item four addressing maximum lot coverage because it is not a meaningful measure in any circumstance after the maximum size of the ADU has been changed to be 1200 maximum living square feet. Previously when we were considering this item, we thought that there may be instances where larger lots could build meaningfully larger ADU's. We were trying to make sure that those could not get out of hand.

Item four as written further introduces challenges for city staff to manage in identifying what constitutes a permanent structure that would be included in that calculation. Because the

ADU size is now limited to 1200 square feet of limited living space, that issue is no longer relevant.

Troy Slade seconded the motion. There were 4 Ayes and 2 Nay. The motion passed.

Ayes

John MacKay

Jeff Davis

Troy Slade

Greg Butterfield

Nays

Susan Whittenburg

Michelle Schirmer

Action Item: Amendments to Alpine Development Code

Caden Lyon said staff have reviewed the Development Code and have recommended changes for different parts of the ordinance. He said we need to review and discuss how we want additions to be attached to the home. Our current ordinance doesn't specify how far you can push out a connection. He showed different examples from other cities where a connection was a long hallway pushed out more than twelve feet.

Caden Lyon said we also need to define how much of the addition we want to attach to the home to be considered part of the home. In Highland City, they require fifty percent connection to be attached. He said Councilwoman Hennamann likes the Highland ordinance and would like to see a larger connection. He said a breezeway would not count as a connection; it must be connected with the same roof as the main home.

Greg Butterfield said some designs look better with the semi-detached design. He said some people want flexibility and would rather have the semi-detached roof to have a little separation from kids or parents.

Michelle Schirmer said she is concerned if the semi-detached is allowed, then someone could rent that out and then build an additional ADU in the backyard. Caden Lyon said each property is only allowed to have one ADU.

MOTION: Planning Commissioner Greg Butterfield moved to recommend approval of the Amendments to Alpine Development Code as proposed with the following comment:

1. With the Customary Accessory Buildings, we go with option A as proposed in the packet.

Susan Whittenburg seconded the motion. There were 6 Ayes and 0 Nays. The motion passed unanimously.

Ayes

John MacKay

Jeff Davis

Michelle Schirmer

Susan Whittenburg

Troy Slade

Greg Butterfield

Nays

IV. COMMUNICATIONS

1 Next Planning Commission will be on September 15, 2026. Caden Lyon said we will review a development
2 agreement. The developer is proposing to have a private road instead of a public street and is willing to
3 give concessions for that.
4

5 **V. APPROVAL OF PLANNING COMMISSION MINUTES:** August 18, 2026

6 The minutes were left out of the packet and will be reviewed at the next meeting.
7

8 **MOTION:** Planning Commission member Susan Whittenburg moved to adjourn the meeting.

9 Michelle Schirmer seconded the motion. There were 6 Ayes and 0 Nays. The motion passed
10 unanimously.

11 Ayes

Nays

12 John MacKay

13 Jeff Davis

14 Michelle Schirmer

15 Susan Whittenburg

16 Troy Slade

17 Greg Butterfield

18 The meeting was adjourned at 7:49 p.m.