



ALPINE CITY PLANNING COMMISSION MEETING

NOTICE is hereby given that the **PLANNING COMMISSION** of Alpine City, Utah, will hold a **Public Meeting** on **Tuesday, October 6th, 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: Alan MacDonald
- B. Prayer/Opening Comments: By Invitation
- C. Pledge of Allegiance: By Invitation

II. REPORTS AND PRESENTATIONS

None

III. ACTION/DISCUSSION ITEMS:

- A. **Action Item:** Alpine Cove Subdivision Plat Amendment – Robert Antrim
- B. **Action Item:** Proposed text amendments to Alpine Development Code §3.21.060 and small changes to §3.16 and §3.17 regarding Fences, Walls, and Hedges

IV. COMMUNICATIONS

V. APPROVAL OF PLANNING COMMISSION MINUTES: September 15th, 2026

ADJOURN

Chair Alan MacDonald
October 2nd, 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 Plat Amendment in Alpine Cove

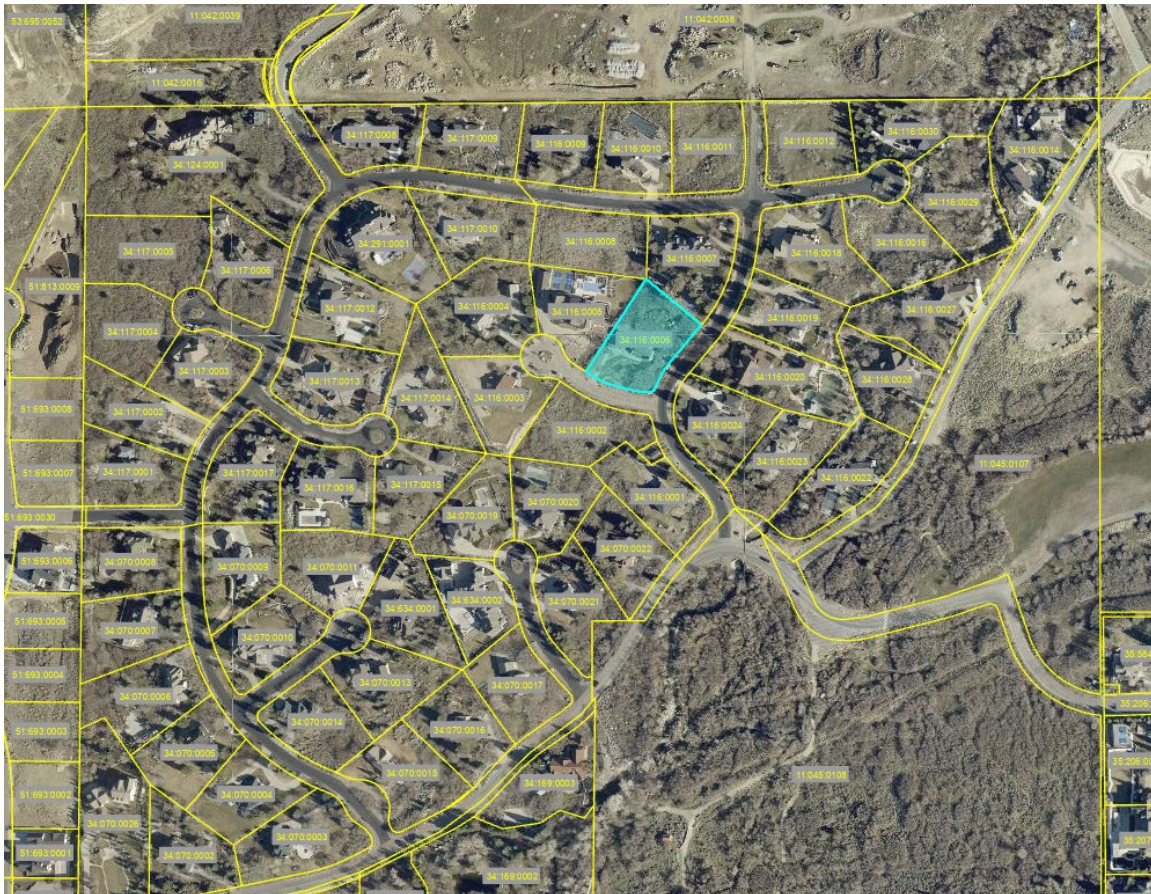
FOR CONSIDERATION ON: October 6, 2026

PETITIONER: Mr. Robert Antrim

ACTION REQUESTED BY PETITIONER: Review proposed plat amendment in Alpine Cove

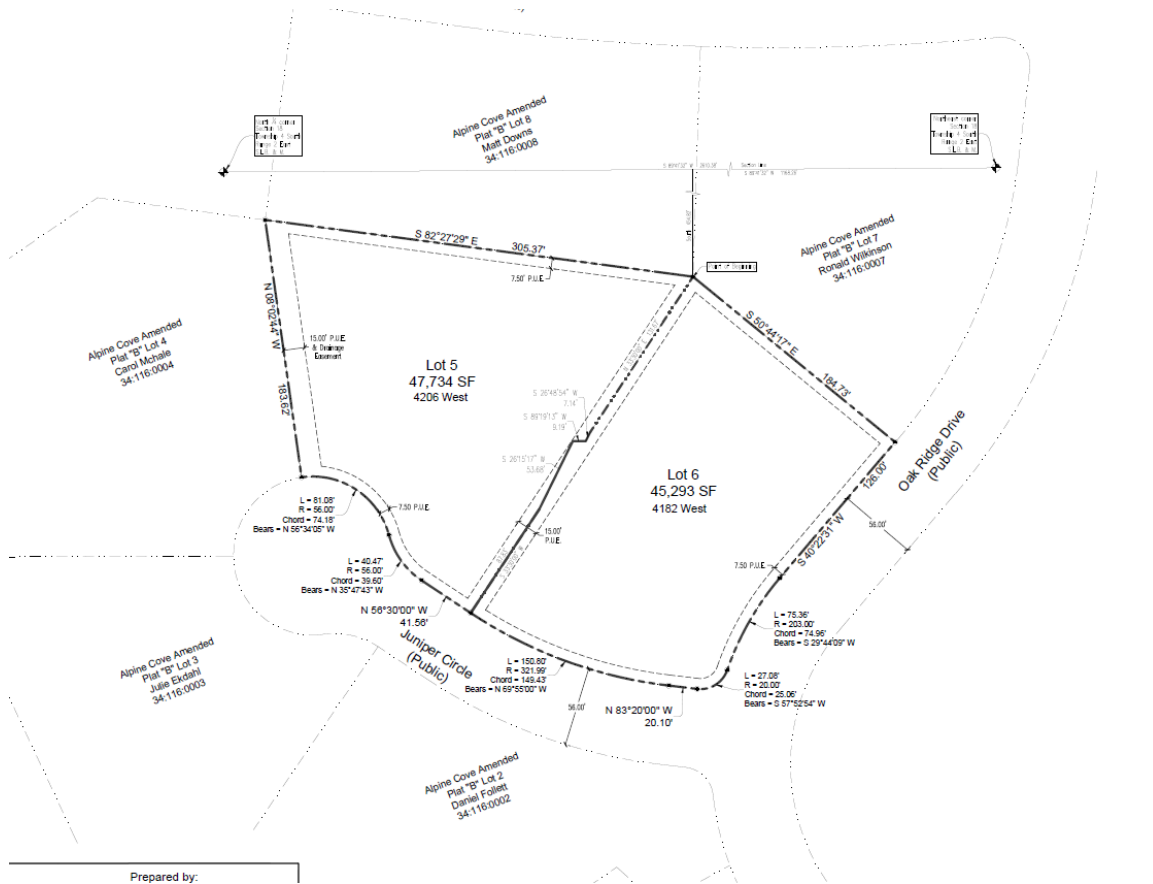
BACKGROUND INFORMATION:

Mr. Robert Antrim is requesting a subdivision plat amendment to his lot as 4182 W Juniper Circle, pictured below. As part of this adjustment his west neighbor's property would also be affected at 4206 W Juniper Circle, which is the Decker family. Both of the homeowners have agreed to this plat amendment and will be required to sign the final plat before it is able to be recorded.



The amendment requested is to shift slightly the boundary line between the two properties in order to allow Mr. Antrim to retain the entirety of his existing driveway on his own property. At some point the driveway was built and was done crossing a property line in the northwestern corner. The neighbors have agreed that a property boundary shift is the best solution. Lot 5, which is the Decker Family, would change from 1.1 acres to 1.096, and Lot 6, Mr. Antrim's property, would change from 1.035 to 1.04.

The reason this is coming before the Planning Commission is because with this change, both Lot 5 and Lot 6 would have more than five sides. DCA definition of "Lot" states that "*Lots shall be generally rectangular in nature, and shall have no more than five sides without an exception being recommended by the Planning Commission and approved by the City Council; the front of a property, located at the front right of way, does not count against this requirement.*" Without this provision, this would have been an administrative plat amendment approval.



Because this change is minor and seeing no issues with the amendment, Staff would recommend that the Planning Commission consider recommending approval.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission consider the proposed plat amendment and, if found satisfactory, recommend approval of the amendment.

Motion to Approve:

I move to recommend approval of the Plat Amendment to Lots 5 and 6 of Alpine Cove as proposed.

Motion to Approve with Conditions:

I move to recommend approval of the Plat Amendment to Lots 5 and 6 of Alpine Cove as proposed, subject to the following conditions:

*Insert Proposed Conditions

Motion to Table:

I move to table consideration of the Plat Amendment to Lots 5 and 6 of Alpine Cove 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 Plat Amendment to Lots 5 and 6 of Alpine Cove as proposed based on the following findings:

*Insert findings

Antrim / Decker Property Line Adjustment

I have always believed that the property line between our properties ran along the outside of the rocks near my driveway. Below are images downloaded from the Utah County Parcel map. On the left hand side is the Decker property, on the right hand side is the Antrim property. The property line is depicted in green, starts from the road, and as it continues north the property line runs up along the drive way eclipsing it on the northwest corner. The two images below shows the property line in varying degrees of magnification. The closer view more clearly shows how the line clips the northwestern part of the drive way. The survey stake in the third image provides another view of how the property line intersects the driveway.

Note: The subsequent images where obtained from the online Utah Parcel Map.



Utah County Parcel Map

Parcel Map

1 inch equals 94 feet

Date: 9/19/2026

This cadastral map is generated from Utah County Recorder data. It is for reference only and no liability is assumed for any inaccuracies, incorrect data or variations with an actual survey.



ROBERT ANTRIM
PROPERTY DESCRIPTIONS
ALPINE, UTAH
JULY 22, 2026

LOT 5 PLAT 'B' – BEFORE BOUNDARY LINE ADJUSTMENT

All of Lot 5, Plat "B", Alpine Cove Amended Subdivision, Alpine, Utah, according to the official plat thereof on file in the Office of the Recorder, Utah County, Utah.

LOT 6 PLAT 'B' – BEFORE BOUNDARY LINE ADJUSTMENT

All of Lot 6, Plat "B", Alpine Cove Amended Subdivision, Alpine, Utah, according to the official plat thereof on file in the Office of the Recorder, Utah County, Utah.

LOT 5 PLAT 'B' – AFTER BOUNDARY LINE ADJUSTMENT

Commencing at the Northeast corner of Lot 5, Plat "B", Alpine Cove Amended Subdivision, Alpine, Utah said point being located South 89°41'32" West along the Section line 1168.26 feet and South 454.82 feet from the Northeast corner of Section 18, Township 4 South, Range 2 East, Salt Lake Base and Meridian; thence South 33°30'00" West 131.67 feet; thence South 26°48'54" West 7.14; thence South 89°19'13" West 9.19 feet; thence South 26°15'17" West 53.68 feet; thence South 33°30'00" West 87.83 feet to the Southeast corner of said Lot 5; thence North 56°30'00" West 41.56 feet; thence along the arc of a 56.00 foot radius curve to the right 40.48 feet (chord bears North 35°47'43" West 39.60 feet); thence along the arc of a 56.00 foot radius curve to the left 81.08 feet (chord bears North 56°34'05" West 74.18 feet); thence North 08°02'44" West 183.62 feet to the Northwest corner of said Lot 5; thence South 82°27'29" East 305.37 feet to the point of beginning.

AREA=47,734 sq. ft. or 1.096 acres

LOT 6 PLAT 'B' – AFTER BOUNDARY LINE ADJUSTMENT

Commencing at the Northwest corner of Lot 6, Plat "B", Alpine Cove Amended Subdivision, Alpine, Utah said point being located South 89°41'32" West along the Section line 1168.26 feet and South 454.82 feet from the Northeast corner of Section 18, Township 4 South, Range 2 East, Salt Lake Base and Meridian; thence South 50°44'17" East 184.73 feet to the Northeast corner of said Lot 6; thence South 40°22'31" West 126.00 feet; thence along the arc of a 203.00 foot radius curve to the left 75.36 feet (chord bears South 29°44'09" West 74.93 feet); thence along the arc of a 20.00 foot radius curve to the right 27.08 feet (chord bears South 57°52'54" West 25.06 feet); thence North 83°20'00" West 20.10 feet; thence along the arc of a 321.99 foot radius curve to the right 150.80 feet (chord bears North 69°55'00" West 149.43 feet); thence North 33°30'00" East 87.83 feet; thence North 26°15'17" East 53.68 feet; thence North 89°19'13" East 9.19 feet; North 26°48'54" East 7.14 feet; thence North 33°30'00" East 131.67 feet to the point of beginning.

AREA=45,293 sq. ft. or 1.04 acres

TOTAL PARCEL

Commencing at the Northwest corner of Lot 6, Plat "B", Alpine Cove Amended Subdivision, Alpine, Utah said point being located South 89°41'32" West along the Section line 1168.26 feet and South 454.82 feet from the Northeast corner of Section 18, Township 4 South, Range 2 East, Salt Lake Base and Meridian; thence South 50°44'17" East 184.73 feet to the Northeast corner of said Lot 6; thence South 40°22'31" West 126.00 feet; thence along the arc of a 203.00 foot radius curve to the left 75.36 feet (chord bears South 29°44'09" West 74.96 feet); thence along the arc of a 20.00 foot radius curve to the right 27.08 feet (chord bears South 57°52'54" West 25.06 feet); thence North 83°20'00" West 20.10 feet; thence along the arc of a 321.99 foot radius curve to the right 150.80 feet (chord bears North 69°55'00" West 149.43 feet); thence North 56°30'00" West 41.56 feet; thence along the arc of a 56.00 foot radius curve to the right 40.47 feet (chord bears North 35°47'43" West 39.60 feet); thence along the arc of a 56.00 foot radius curve to the left 81.08 feet (chord bears North 56°34'05" West 74.18 feet) to the Southwest corner of Lot 5, Plat "B", said Alpine Cove Amended Subdivision; thence North 08°02'44" West 183.62 feet to the Northwest corner of said Lot 5; thence South 82°27'29" East 305.37 feet to the point of beginning.

AREA=93,027 sq. ft. or 2.136 acres

"PARCEL A" - TO BE DEEDED FROM DECKER TO ANTRIM

Commencing at a point located North 33°30'00" East along the lot line 87.83 feet from the Southwest corner of Lot 6, Plat "B", Amended Alpine Cove Subdivision, Alpine, Utah; thence North 26°15'17" East 53.68 feet; thence North 89°19'13" East 8.18 feet; thence South 33°30'00" West 57.85 feet to the point of beginning.

AREA=196 sq. ft.

PARCEL "B" - TO BE DEEDED FROM ANTRIM TO DECKER

Commencing at a point located North 33°30'00" East along the lot line 145.67 feet from the Southwest corner of Lot 6, Plat "B", Amended Alpine Cove Subdivision, Alpine, Utah; thence North 33°30'00" East along the lot line 7.66 feet; thence South 26°48'54" West 7.14 feet; thence South 89°19'13" West 1.01 feet to the point of beginning.

AREA=3 sq. ft.

ALPINE PLANNING COMMISSION AGENDA

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

FOR CONSIDERATION ON: October 6, 2026

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Review proposed update to §3.21.060 and small portions of §3.16 and §3.17

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.

In our last meeting the Planning Commission tabled the code discussion around §3.21.060 with the following motion:

MOTION: Planning Commissioner John MacKay moved to recommend Tabling the changes to 3.21.060 of the Alpine Development Code to allow Planning Commission and staff to come up with more solutions in this area. He said he doesn't like the vegetation fences or the time it takes staff to police this. He said we have spent way more time on this issue then we did on a development in the city and our priorities are upside down.

Troy Slade seconded the motion. There were 6 Ayes and 0 Nays. The motion passed unanimously.

Ayes

Nays

John MacKay

Jeff Davis

Michelle Schirmer

Susan Whittenburg

Troy Slade

Greg Butterfield

Vegetation fences or hedges don't come before us very often and since they occupy the same space as a fence or wall, staff thinks that it is fine to leave them in 3.21.060. Staff would also like Planning Commission's input on materials, heights, and any other aspect of the fence ordinance.

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, §3.16 and §3.17 of the Alpine Development Code as proposed.

Motion to Approve with Conditions:

I move to recommend approval of the changes to §3.21.060, §3.16 and §3.17 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, §3.16 and §3.17 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, §3.16 and §3.17 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 vertically from the lowest adjacent grade to the highest point of the fence and shall comply with the applicable height limit when measured from either side of the fence. Fill placed against or immediately adjacent to a fence shall not be used to increase the permitted fence height.

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

~~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.

4. Restrictions On Materials. Galvanized steel chain-link fences are prohibited ~~in all zones~~ on all residential properties; however, 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 such 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.~~

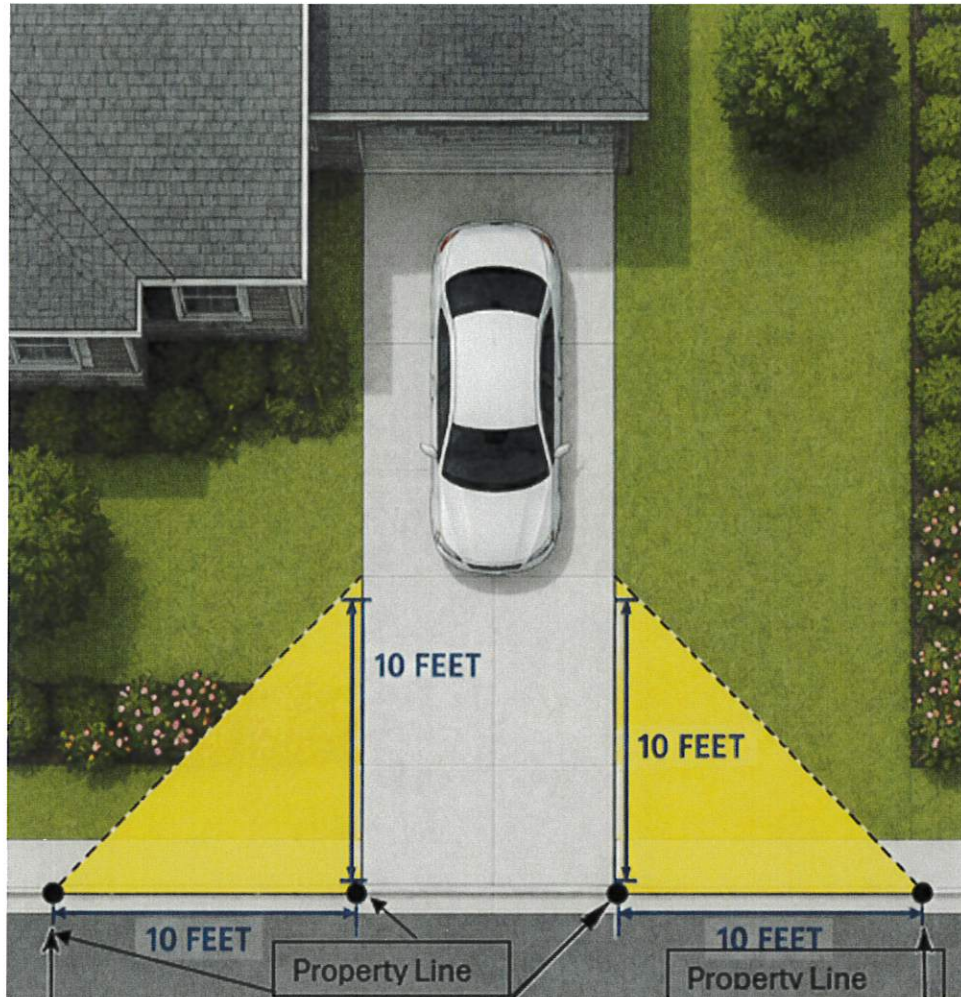
356. Interior Side Yard Fences. Fences alongside yards shall not exceed 3 feet in height for privacy fences and 4 feet in height for open style fences when they are within 10 feet of the front property line. Side yard fences may be ~~eight(8)~~six(6) feet in height if a privacy fence ~~and eight(8) feet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



71011. 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 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:~~

~~○~~

- ~~● 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, 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 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. 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 vertically from the lowest adjacent grade to the highest point of the fence and shall comply with the applicable height limit when measured from either side of the fence. Fill placed against or immediately adjacent to a fence shall not be used to increase the permitted fence height.

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; however, 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 such 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.

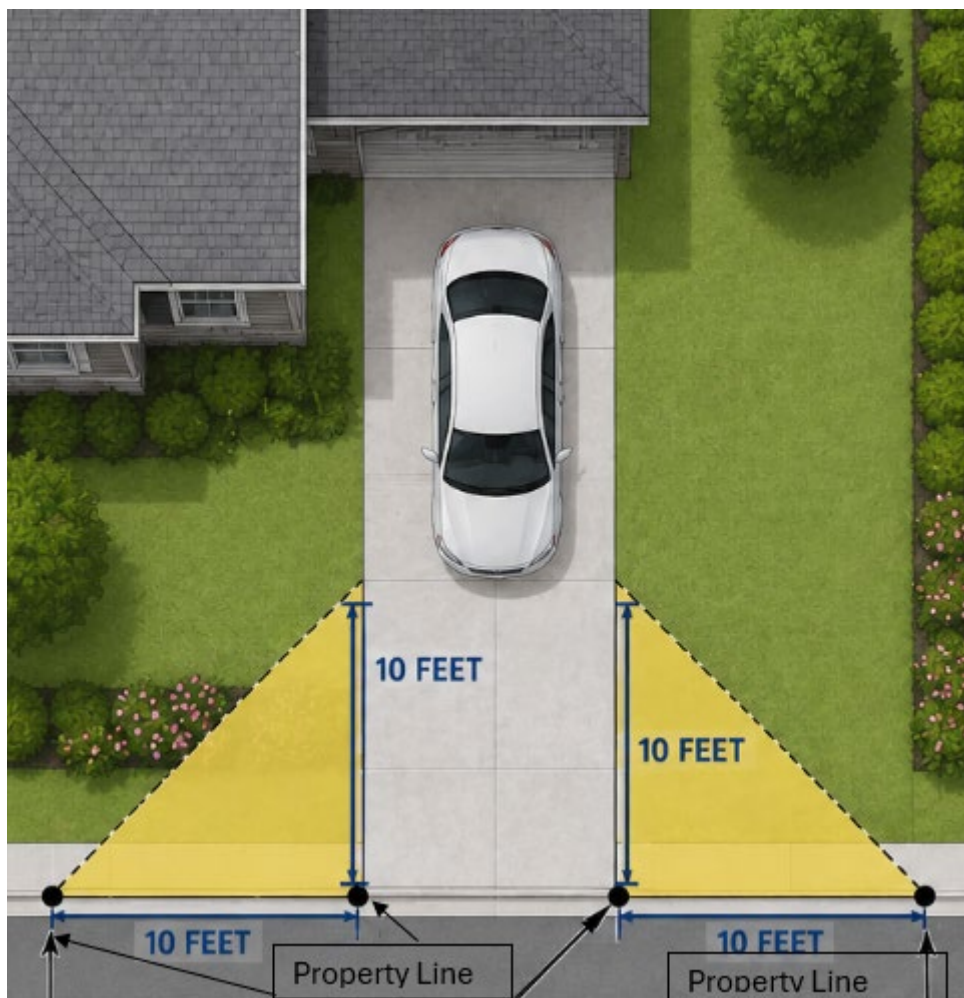
7 Rear Yard Fences. A rear yard fence may be six(6) feet in height if a privacy fence and eight(8) feet in height if an open style fence.

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)

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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

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- 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 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, wrought iron or chain link 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





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ALPINE CITY PLANNING COMMISSION MEETING
Alpine City Hall, 20 North Main, Alpine, UT
September 15, 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: Jeffrey Lewis, Kathleen Lewis, Larry Vanvactor, Al Schulten, Connor O’Leary. Greg Smith,
Kelly Workman, Brett Lovell, Garrett Schmidt, Andrew Young, Nicole Holgreen, Linda Black

B. Prayer/Opening Comments: Greg Butterfield

C. Pledge of Allegiance: Michelle Schirmer

II. REPORTS AND PRESENTATIONS

None

III. ACTION ITEMS

A. Action Item: Public Hearing – Proposed Development Agreement for new subdivision on Healey Blvd

Caden Lyon explained that 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 to 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:

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.

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:

1 • A 15-foot wide storm drain easement along the south and west boundaries of the
2 development.

3 • A 15-foot wide waterline easement along the east boundary of the development.

4 • The developer is proposing to install a storm drain line and pressurized irrigation line
5 within the easement, with the city reimbursing the developer for the cost of the
6 improvements, less a \$100,000 contribution from the developer towards the cost of the
7 improvements.

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

11 The developer has looked at a 4-lot plan where all lots would front on Healey Boulevard and
12 would not require a development agreement since all provision of the city code could be met.

13 The following list of perceived benefits for the 5-lot plan was provided by developer:

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

16 • *Reduced driveway cuts along Healey Boulevard, improving traffic flow and safety.*

17 • *Improved ingress and egress through a consolidated access point.*

18 • *A cleaner and more attractive streetscape.*

19 • *Enhanced frontage landscaping and improvements that would be privately maintained.*

20 • *Additional infrastructure benefits to the City through the proposed storm drain and*
21 *water line easements.*

22 • *A planning outcome that we believe better fits the property while minimizing impacts to*
23 *the surrounding neighborhood.*

24 *Additionally, it is important to note that the proposed storm drain and water line*
25 *easements would not be provided under the traditional four-lot code-compliant layout.*

26 *We believe the Development Agreement approach creates an opportunity for the City to*
27 *receive meaningful infrastructure benefits while also achieving what we feel is a superior*
28 *planning outcome for the property and surrounding neighborhood.*

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

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

32 ***Proposal Summary:***

33 • *Provide a 5-foot PUE along the east side of our property for the buried pump station*
34 *power.*

35 • *Keep the new 24-inch water line on City property rather than in an easement that would*
36 *eventually run through a future homeowner's backyard.*

37 • *With the reduction in the easement we would be giving the City, we could instead*
38 *contribute an additional \$50,000 toward the City's installation of the 24-inch water*
39 *line. This would also address the feedback we heard from the City Council during the*
40 *work session about increasing our financial contribution.*

41 • *Coordinate the work this winter while the system is shut down and our property is still*
42 *open for construction.*

44 Caden Lyon showed on a map where the property is located and how the five lots would be laid out with
45 a private road. He said the benefit of the private lane would be the city would not have to maintain it.,
46 and the city would get the extra tax benefit from the fifth lot.

48 John MacKay asked if the private lane would be smaller than a public road. Caden Lyon said yes, that
49 would be the case because a private lane does not require the same right-of-way as a public road.

1 Greg Butterfield said he had safety concerns because he used to live down a private land and the fire
2 trucks could not get down the lane. Caden Lyon said this is why our city has public roads as a
3 requirement overall with the width and right-of-way so safety vehicles can get through. The developer
4 said they would make sure the city was happy with the private lane and that it would allow any
5 emergency vehicle to get in for safety.

6
7 Susan Whittenburg asked about the width of a public road which is 54 feet wide. This width is to
8 accommodate parking on the side of the road. Mr. Lovell said a private road is not as wide because they
9 don't need side parking because the lots and driveways will be large enough to handle parking.

10
11 Brett Lovell, applicant, said they used Wild Engineering and they have designed the lane for emergency
12 vehicle access. He said all the lots are all over the minimum size and they are not looking for an
13 exception for lot size, they are all 40,000 square feet. He said the frontages of the parcels are the required
14 width of 110 feet. He said they would put in about \$1500,000 worth of infrastructure that would benefit
15 the city. He said it would be cheaper for them to run laterals off into the side of the road and do a
16 sidewalk instead of doing a private lane, a water main, additional fire hydrants. He said the private lane
17 will have an eight-inch water line, a sewer main, a fire hydrant, and things we wouldn't have to do
18 normally on this road.

19
20 Jeff Davis said we're trying to make a recommendation on a concept, and that concept has a give and take
21 and the details are not set yet. It would be helpful if we had a number. Brett Lovell said it will be close to
22 \$200,000.

23
24 Michelle Schirmer asked if the private road would have no parking along the sides. Mr. Lovell said that
25 is correct because these are large lots and some will have U-driveways. Michelle Schirmer asked if they
26 would have a gate on Healey. Mr. Lovell said the Fire Marshall will not allow a gate even though they
27 would love one.

28
29 Susan Whittenburg asked what the advantage was of a private road, why not just put in a cul-de-sac. Mr.
30 Lovell said because it would cost too much and they wouldn't be able to get a fifth lot in with a public
31 road and a cul-de-sac.

32
33 Troy Slade asked what the long-term plan was for maintaining the road. Mr. Lovell said the HOA will
34 maintain the road, frontage, and park strip. He said they would put in a six-foot pre-cast fence along
35 Healey Blvd which would benefit the city.

36
37 John MacKay asked if the HOA would maintain the park strip all the way down to Canyon Crest. Brett
38 Lovell said yes that is correct. He said they won't put trees in the park strip but would maintain the
39 weeds, the other improvements and the fence would be maintained by the HOA.

40
41 Jeff Davis opened the Public Hearing.

42
43 Larry VanVactor, resident, asked if we could have a road with a cul-de-sac instead. He said we are only
44 getting one side from the developer because it saves them money. He said the neighbors that live there
45 would prefer to have less homes in that area because it would be less traffic, less light, and less noise, a
46 better quality of life.

47
48 Al Schulten, resident, had questions about the irrigation modifications from the well on the east side of
49 Healey Blvd. He wanted to know if the catch basin would be affected as the new plumbing is put in.

50 Jason Judd said the detention basis is to catch run-off from the pump station so it will stay there.

1 Kathleen Lewis, resident, said she lives next to an example of Alpine not keeping its own rules. This is a
2 large arena that has become a commercial property and not a private one. She said it would be really nice
3 if the city would obey some pretty darn good rules that you already have.

4
5 Jeffrey Lewis, resident, said the code is good and Alpine doesn't allow private roads. He said we need to
6 follow our rules. We don't want to rely on an HOA to keep the property up. He said he likes the idea of
7 a proper cul-de-sac. Maybe there's a concession to squeeze a fifth lot into a cul-de-sac.

8
9 Caden Lyon showed a layout with a cul-de-sac with four lots.

10
11 Jeff Davis closed the Public Hearing.

12
13 Jason Judd said this isn't about the city making \$100,000. This design is so we can access the property to
14 the well to install our lines. This would be through an easement or deeded property. This would be a
15 cheaper way for the residents to get the pipe installed. The water line would go to the north, and the
16 storm drain would go to the south. We are still in discussions about the storm drain, but the Pressurized
17 water line needs to go in.

18
19 Greg Butterfield asked if there was any way to get five lots and still get the benefit. Jason Judd said no.

20
21 John MacKay asked if the developer would be willing to put no parking on the lane in their CC&R's.
22 Brett Lovell said they would have in the CC& R's that there would be no parking on the private lane, and
23 they would handle their own snow removal.

24
25 Jeff Davis asked what the drawbacks would be for a private road. Caden Lyon said a fifty-four foot wide
26 street is a standard for a reason because it does have benefit of providing that full length and width of
27 what we hope for with our city streets. He said the biggest drawback to a private road is not having that.

28
29 Jeff Davis asked what the length of the road would be. Brett Lovell said the private road would be
30 approximately 300 feet.

31
32 Troy Slade said he would like to slow down traffic, and he agrees with Mr. Lewis. He said Healey Blvd
33 is a place where people go a little faster. He said he likes the look and feel of houses facing the main road
34 and he said he thinks it will help with speed.

35
36 Michelle Schirmer said the lots will be unique to the property with one lot having a long driveway. She
37 said we can't force them to put in a cul-de-sac. She likes the smaller lots because they are not as much of
38 a strain on our irrigation system. She said she would prefer four lots but sees the benefit to this plan
39 because of the city getting access from the easement.

40
41 John MacKay said he doesn't like the visual of four striped lots on Healey. He said he likes the way this
42 plan portions the lots. He said he is not a fan of a lane and if it could be done with a standard road, that
43 would be preferable.

44
45 Greg Butterfield said he didn't think the water made that much of a difference for four lots vs five lots.
46 He said he leans more to safety and said we have an ordinance for a reason and would like to stick with it.
47 He said driveways help keep the speed down.

48
49 Susan Whittenburg said she is not in favor of this because this property is in a neighborhood where
50 residents want everyone to follow the rules. She said she is concerned about parking and doesn't think
51 CC&Rs are going to control the parking.

Jeff Davis asked if this development doesn't go in, what is the option for the water line. He said the reason we have development agreements is to benefit the city and the citizens, with the exception of these citizens here tonight.

Susan Whittenburg said she is worried about deep pockets coming in and asking for concessions, she said she doesn't like that.

STAFF RECOMMENDATION

Staff recommend 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: Planning Commission member John MacKay moved to recommend approval of the Development Agreement for the new subdivision proposal on Healey Boulevard as proposed finding that:

1. It benefits the city in making water connection that would otherwise be very difficult.
2. It is a well thought out plat.
3. It would add value to the city in the way of additional tax revenues.

The motion died because of a lack of a second.

MOTION: Greg Butterfield moved to recommend Denial of the development Agreement for the new subdivision proposal on Healey Boulevard as proposed based on the following:

1. Safety concerns.
2. We want to stay with our ordinances.
3. We want few exceptions.

Susan Whittenburg seconded the motion. There were 4 Ayes and 2 Nay. The motion passed.

Ayes

Jeff Davis
Troy Slade
Greg Butterfield
Susan Whittenburg

Nays

Michelle Schirmer
John MacKay

B. Action Item: Alpine Fitness Commercial Site Plan Update

Caden Lyon said Paul Anderson, owner of Alpine Fitness on 235 S Main St, is requesting an update to his commercial site plan. Originally a pergola was approved as part of the landscape plan with the site plan for the new gym building.

Mr. Anderson is now requesting that the pergola be replaced by an enclosed 8'6"x 30'4" building to complement the activities of the gym. He is hoping to place a warm area for hot yoga or other activities plus a small storage area. The Planning Commission (PC) and City Council are

required to review any commercial site plan and any new commercial building (*DCA 3.07.080(2)*).

The update to the commercial site plan for Alpine Fitness has been reviewed against 3.07 of DCA and other parts of Alpine Development Code to verify code compliance.

Following is an analysis of such:

- The applicant is proposing a wood-looking metal material to cover the building, which meets the requirements of the Gateway/Historic Design Guidelines based on the line that *“Innovative use of other materials that mimic the primary exterior materials listed may be considered”* (pg. 5).

The new accessory building is about 250 sq ft which, with the original 9380 sq ft of the gym, puts the site at about 9630 sq ft. The parking lot has 41 stalls with two ADA and therefore still meets the requirements with the new building.

The new building also meets the setback exception laid out in *3.07.080(12) Special Provisions* and therefore meets setback requirements.

DCA 3.07.080(8) requires that *“The landscaped area shall be not less than twenty (20) percent of the total area of the site.”* The applicant has proposed landscaping on the roof of the building to continue to meet the 20% landscaping requirement for commercial properties. Roof landscaping isn’t specifically discussed in *3.13 Landscaping Standards and Requirements* but the definition of Total Landscaped Area is the following:

Total Landscaped Area: Improved areas of the property that incorporates all the completed features of the landscape. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, and other non-irrigated areas intentionally left undeveloped.

Because the definition says that “footprints of buildings or structures” does not count towards total landscaped area, Staff would opine that green roofs would not be included in the 20% landscape requirement but would like input from the Planning Commission on the matter. PC should determine if they feel that roof landscaping satisfies the code requirement of 20% site coverage in the BC zone, or if there would have to be a text amendment to landscaping requirements in order to allow such a position.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission evaluate the update to the Alpine Fitness Commercial Site Plan and determine if it meets all code requirements. If found favorable, a positive recommendation to the City Council to allow the new structure is suggested.

Caden Lyon showed an image of what the building would look like with grass on the roof. He said the applicant is doing this because if the building is built, he will no longer meet the landscaping requirement. He is trying to meet it by putting plants on the roof of the new building. Caden Lyon showed on a site plan the location of the building. He said the building

1 would replace the pergola that was considered part of the twenty percent landscape area. He said
2 he did a calculation of the new square footage added to the existing building, and the applicant
3 would still have required parking spaces.

4
5 Susan Whittenburg asked how we went from a pergola to an enclosed building and asked if that
6 was still in code. She said she understands that the building is taking up the same footprint, but
7 said it's going from a pergola to a building.

8
9 Caden Lyon said commercial lots can have accessory buildings but require approval from the
10 Planning Commission and City Council. Susan Whittenburg said the pergola added to the
11 landscape percentage.

12
13 Jeff Davis asked if the structure was already built. Caden Lyon said the structure has already
14 started being built. He said the applicant started building without realizing he needed to get
15 approval.

16
17 Greg Butterfield asked if the new building would increase traffic, would people be going into the
18 building. He said we already have a huge issue with traffic and parking with exceptions made
19 for this building and the charter school. He said we already have a problem with people turning
20 left. He asked if this use will bring more traffic and parking to the lot.

21
22 Paul Anderson, applicant, said he lives next to the building. He said originally, the building was
23 just going to be used as a shed for outdoor stuff and then it just kind of morphed. He said he
24 thought if the building was under 200 square feet, he didn't need a permit. He said he got
25 permission from his neighbors and that he was going to make it pretty.

26
27 Mr. Anderson explained that the space would be used for hot yoga and storage. He said he is a
28 physical therapist, and instead of heating a large room, he can have this area to work with the
29 elderly patients on mobility in a heated room.

30
31 Susan Whittenburg asked Mr. Anderson why there were unknowns because it would have taken
32 one phone call to find out. Mr. Anderson said he had to jump through all kinds of hoops to get
33 his building approved and he made it beautiful. Susan Whittenburg said the city was very good
34 to him during the process. He said he didn't know if he turned his pergola into a shed, it would
35 be a big difference.

36
37 Michelle Schirmer asked if this has power. Mr. Anderson said it currently does; he said he
38 added electricity so he could put lights on it to match the main building. He said he went ahead
39 and started building it and has spent a lot of money on it. He didn't think it was a problem.

40
41 Troy Slade asked how the pergola got approved as part of the landscaping. Marla Fox said the
42 pergola was approved by the City Council as part of the landscaping because you can see
43 through it back to the creek and the trees. Mr. Anderson said he was going to make it beautiful,
44 and they liked the idea and gave approval for it. She said the pergola was not approved for
45 power, so if this new structure is approved, the power would need to be inspected as part of the
46 permit.

Susan Whittenburg asked why Mr. Anderson couldn't put the sauna in his main building. He said there's no room inside for a sauna because he has all the space allocated for other things. He said he's had this new structure engineered four times and has spent a lot of money on it. He said he's at fault for moving forward with it but said he took something in Alpine that was garbage and turned it into something really beautiful.

Mr. Anderson said he can do as much or as little as the city wants. He said he can put a fountain on it or no fountain, he can turn it into a sauna, or whatever the city wants. Susan Whittenburg said it's not what the city wants, it's what the code allows, and you went ahead and put in electrical without a permit. Mr. Anderson said he showed it to the inspector when he came out and it has had electricity for two years now. He said he wanted to light it up and make it look nice and match the other building.

Troy Slade said what's on the table is if this counts as landscaping. Caden Lyon said correct, we need to make sure it meets all the code including landscaping. He said the definition in the code says that landscape area does not include footprints of buildings or structures.

Michelle Schirmer said she thinks twenty percent landscaping is key. She said we held the Five 12 building to twenty percent. She said she would like to see the open feel on Main Street. She said grass on the roof does not meet code and we'd have to amend it. She doesn't think it is a good idea.

Paul Anderson said the landscaping on the roof would not just be grass. He said it would be beautiful plants and flowers and vines. He said it's going to create a barrier from the school to block the noise from the kids and the music and other things they have going on.

John MacKay said if we open up the roof landscaping it goes against the ordinance and building guidelines. He said he didn't think we should make an exception or modify or ordinances for that purpose.

MOTION: Planning Commissioner Troy Slade moved to recommend Denial of the changes to the Alpine Fitness commercial site plan as proposed. based on the following:

1. Does not fit the current city code for landscaping.

John MacKay 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

C. Action Item: Public Hearing – Proposed text amendments to Alpine Development Code 3.12 Sensitive Land Ordinance and addition of Wildland-Urban Interface (WUI) Map

Caden Lyon explained that 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.

Caden Lyon showed on Exhibit A the verbiage changes to the ordinance. He showed a map of the Wildland Urban Interface with a color-coded key. He showed all the updates to the document. He added applicable code and any needed updates.

Jeff Davis asked about the disclaimer. Caden Lyon said the disclaimer already existed before any updates. Greg Butterfield asked if this is just for new homes and not existing homes. Caden Lyon said that is correct unless someone does a remodel or an addition then it would apply.

Caden Lyon said the main reason for the update is so the city can receive State help in case there is fire in our city.

Jeff Davis opened the Public Hearing. There were no comments and Jeff Davis closed the Public Hearing.

MOTION: Planning Commissioner Susan Whittenburg moved 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.

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

Ayes

Nays

John MacKay

Jeff Davis

Michelle Schirmer

Susan Whittenburg

Troy Slade

Greg Butterfield

D. Action Item: Public Hearing – Proposed text amendments to Alpine development Code 3.21.060 regarding Fences, Walls, and Hedges

Caden Lyon said that 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.

Caden Lyon said there have been a few different issues with fences in the past that people have had concerns about. This is an attempt to remedy or mitigate those issues that might exist because of fences.

Caden Lyon said some of the issues mentioned by Council Member Young is how we actually measure the fence addressing the dirt grading. The proposal from council is to think about the measurement of the fence and that it should be taken from both sides of the fence and not just one. They suggested measuring from natural grade, and if natural grade is unknown, try to use survey data or use the average of both sides. It is proposed that fences should be a maximum of six feet when solid and eight feet if open style. Currently, our code allows eight feet solid if you meet the setback requirements. Caden Lyon said it was before his time, but Marla Fox said the reason the fence height was changed to eight feet was because residents wanted to protect their property from the deer.

Caden Lyon said there is a concern about fences taken away or destroyed when it felt like it was mutually owned or not allowed. He said maybe we could provide a checkbox on the fence application confirming the fence is not mutually owned and they have the right to remove the fence.

Caden Lyon said there's a recommendation that there should be no chain link fences at all on residential properties. The exception would be for temporary fencing or recreational fences such

1 as baseball fields. He said another city council proposal is to provide a path for larger fences if
 2 approved by city council. He said there's a concern about fences being broken by recreational
 3 activity and should there be a code that the city is committing to replacing a broken fence when
 4 that happens.

5
 6 Caden Lyon said fences on retaining walls are currently allowed to go up to nine feet if they are
 7 on the same plane. The proposed update would allow a retaining wall to go up to eight feet max.
 8 If there is a desire to go higher than eight feet, then there should be a setback from the retaining
 9 wall for the fence. One foot back for every one foot of additional height for a max height of six
 10 feet for closed and eight for open style.

11
 12 Caden Lyon said to avoid disputes and give time for awareness and preparation, it is proposed to
 13 give a ten-day notice to adjacent property owners before approval of the fence. Caden Lyon
 14 showed in the code where these new ordinances would go. Here is a list of things added to the
 15 code.

- 16 1. Ten-day notice for adjacent property owners prior to approval. Neighbors collaborate
 17 on fence design and placement location and check a box on the application.
- 18 2. Fence height and grade measurement requirements. Heights for privacy fences, walls
 19 and hedges and open style fences shall be measured from the natural grade on both
 20 sides of the fence, to the highest point of the fence or wall in which it's constructed. If
 21 natural grade can't be determined, then it shall be established using survey data or if
 22 unavailable, the average elevation of undisturbed ground on both sides of the fence
 23 measured at eight-foot intervals.
- 24 3. Fences on slope lots shall be stepped or terraced as necessary to meet height
 25 requirements. Fence posts and decorative post caps may not extend more than nine
 26 inches above the maximum permitted fence height.

27
 28 Troy Slade asked if this is coming from Staff. Caden Lyon said it is coming from City Council.

- 29
 30 4. Restriction on materials. Chain link fences are prohibited except when approved by
 31 the city council for recreational facilities, during temporary construction, or when city
 32 council finds it appropriate.
- 33 5. Front yard fences. Take away eight-foot-high fences and make sure it is six feet
 34 height. If the fence is solid, it can be six feet in height and eight feet if it is open
 35 style, and still ten feet back from the property line.
- 36 6. Side and rear yards. Six feet high fences on side and rear yards unless the fence is
 37 open style.
- 38 7. Corner lot fences outside the sight triangle will be changed from eight feet to six feet
 39 unless the fence is open style.
- 40 8. Fences on a retaining wall cannot exceed eight feet if on the same plane and can go
 41 higher if fences are set back on the wall.
- 42 9. Chain link is taken out and replaced with rot iron to be permitted.
- 43 10. Fences on retaining walls. A fence on a retaining wall shall not exceed six feet for a
 44 closed style fence and eight feet for an open style. Shall be set back if they want to be
 45 higher than that.
- 46 11. Fence height to six feet.

1 12. No chain link fences. Recommend rot iron fences.

2
3 Caden Lyon said our current code has separate requirements for fences along public open spaces
4 and trails so we know what can be built. Susan Whittenburg asked if you need to come in and
5 get approval from the city to put up a fence along open space or a trail. Caden Lyon said we
6 would like the property owner to come in and get a permit so we can make sure they meet the
7 requirements.

8
9 13. Conditional use currently in the code is approved by the City Planner. The city
10 council is proposing to take away the City Planner and take it to city council for
11 approval of a conditional use fence.

12 14. Rare circumstance conditional use permit. This can be granted by the city council for
13 privacy fences, walls, or hedges with lesser setback requirements up to eight feet tall.
14 Open style fences with lesser setbacks up to twelve feet tall. Otherwise restricted if
15 they meet one of these four criteria. A noise or safety impact can be demonstrated,
16 does not obstruct scenic views or trail access, approval from adjacent impacted
17 neighbors is required in writing, and a public hearing and city council approval
18 occurs.

19 15. City caused fence damage. When a private fence is damaged as a result of city
20 authorized recreational activities or other public uses, the city shall repair or replace
21 the damaged fence. And where recurring damage is reasonably anticipated, may
22 install or contribute to a more durable fence or protective barrier designed to
23 withstand such use.

24
25 Caden Lyon showed the proposed redlines and new language in the ordinance. The Council
26 added a section about fence height to be measured from the natural grade to the highest point of
27 the fence. He said this is a complicated issue when you are a hillside community. He said we
28 are trying to come up with the best ways to handle it.

29
30 The City Council wants to restrict chain link fences. The staff is asking about vinyl coated chain
31 link and if that would be okay for residential. He said the Council wants to have a certain look
32 for the city. They want to restrict all chain link fences. We would need clarification for sport
33 court fencing, or baseball fields.

34
35 Caden Lyon said he doesn't like taking a right away from the residents. He said he would still
36 like to see the eight-foot fence that was previously approved.

37
38 In the sight triangle a fence shall not exceed three feet in height for a solid fence and four feet for
39 an open style fence when on a corner.

40
41 Fences on retaining walls will be no taller than nine feet. However, you may match your
42 neighbor's fence if you are on the lower side of the fence.

43
44 The Planning Commission thought residents should be able to put up interior fences for gardens
45 etc. They thought staff could handle the fence permits without going to city council. They did
46 not think the city should pay for damaged fences at parks.

Jeff Davis opened the Public Hearing.

Greg Smith, resident, said he wants to build a solid wall to mitigate noise from all the traffic. He said he needs the wall to be eight or nine feet tall in order to block any road noise. He said he also doesn't want to take his chain link fence down around his garden.

Linda Black, resident, said Mr. Smith would have an exception for noise and safety reasons. She said she likes the change that if you have an eight-foot fence, it must be a see-through fence.

Kelli Workman, resident, said her fence was taken down by a neighbor and now she said it is her responsibility to sue the neighbor. She said she likes the ten-day notice from the neighbor so both neighbors know what is going on. She would also like a fine for the neighbor for taking down her fence.

Nicole Holgreen, resident, said she has concerns with neighbors making a significant grade drop.

Jeff Davis closed the Public Hearing.

John Mackay said he would like to remove natural hedges from fences. He said he agrees that this feels like we are being an HOA. He would recommend denying this.

Caden said we don't get a lot of fence issues overall. We look at it to make sure it meets the code and then we don't really hear back from anyone.

Greg Butterfield said he agrees with getting rid of galvanized steel chain link fences and looking at retaining walls. He said he's not sure about changing some of the other things. He would like the opportunity to look at this more closely. Michelle Schirmer said she agreed.

MOTION: Planning Commissioner John MacKay moved to recommend Tabling the changes to 3.21.060 of the Alpine Development Code to allow Planning Commission and staff to come up with more solutions in this area. He said he doesn't like the vegetation fences or the time it takes staff to police this. He said we have spent way more time on this issue then we did on a development in the city and our priorities are upside down.

Troy Slade 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

Next Planning Commission meeting is scheduled on October 6, 2026. Caden Lyon said we may not have action items for a meeting.

Michelle Schirmer said November 3, 2026, is election day. The Planning Commission said we should cancel that meeting.

Caden Lyon said he will move things to the October 20th meeting.

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

MOTION: Planning Commissioner Michelle Schirmer moved to approve the August 18, 2026, Planning Commission meeting minutes as written.

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

Ayes

Nays

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

MOTION: Planning Commission member Susan Whittenburg moved to approve the September 1, 2026, Planning Commission meeting minutes as written.

Greg Butterfield seconded the motion. There were 6 Ayes and 0 Nays. The motion passed unanimously.

Ayes

Nays

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

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

Ayes

Nays

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

The meeting was adjourned at 9:05 p.m.