

**ALPINE CITY
ORDINANCE 2019-18**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.12.040; 3.12.070; AND
3.12.090 OF THE ALPINE CITY DEVELOPMENT CODE PERTAINING TO WILDLAND
URBAN INTERFACE AND FIRE CODE.**

WHEREAS, The Alpine City Council has deemed it in the best interest of Alpine City to amend the Wildland Urban Interface Ordinance to update references to the Uniform Fire Code and replace them with the International Fire Code; and

WHEREAS, the Alpine City Planning Commission has reviewed the proposed Amendments to the Development Code, held a public hearing, and has forwarded a recommendation to the City Council; and

WHEREAS, the Alpine City Council has reviewed the proposed Amendments to the Development Code:

NOW THEREFORE, be it ordained by the Alpine City Council, in the State of Utah, as follows: The amendments to Article 3.12.040; 3.12.070; and 3.12.090 contained in the attached document will supersede Article 3.12.040; 3.12.070; and 3.12.090 as previously adopted. This ordinance shall take effect upon posting.

SECTION 1: **AMENDMENT** “3.12.070 Urban/Wildland Interface Overlay” of the Alpine City Municipal Code is hereby *amended* as follows:

B E F O R E A M E N D M E N T

3.12.070 Urban/Wildland Interface Overlay

1. **PUPROSE.** To establish standards for development and fire prevention in areas bordering on wildlands. In addition to this section of the Development Code, areas bordering on wildlands shall be subject to the Wildland-Urban Interface Site Plan/Development Review Guide (supplemental document).
2. **ADDRESSES**
 - a. Specifications. Notwithstanding Section 9.01-4-4 of the Uniform Fire Code, each premise must have approved numbers or addresses, a minimum of 5 inches in size, placed in such a position as to be plainly visible and legible from the road fronting the property. Numbers shall contrast with their background and their positions shall be suited for visibility in all seasons.
3. **STRUCTURAL DESIGN AND CONSTRUCTION**

Protection. For structures receiving a HIGH HAZARD or EXTREME

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

i. Decks and Walks. Decks and walkways greater than 4 feet wide shall have quick response sprinkler heads placed ten feet on center if an exposure hazard is present. Eaves of the structure will also be provided with sprinkler heads 10 feet on center and attic vents shall be similarly protected if an exposure hazard is present. For the purposes of this Part, an exposure hazard is defined as the presence of any of the following at the time of construction or evidence of such in the construction plans provided:

- (1) Flows. The system calculations shall be based on a minimum of four flowing quick-response sprinklers hydraulically calculated to provide flows in accordance with manufacturer's specifications for sprinklers. Calculations shall be based on 90% of the available flow at the base of the riser.
- (2) Loop Systems. The use of anti-freeze loop systems is allowed when an acceptable back-flow prevention assembly is provided. Anti-freeze loops shall be relieved by using either an approved expansion tank or relief valve. Drilled clapper valves are not permitted.
- (3) Inspection. An inspector's test valve is required upstream of the anti-freeze loop check valve.
- (4) Control Valves. Automatic sprinkler systems shall be provided with an indicating control valve accessible to the fire department.
- (5) Certification. Approval of any system shall be based on final inspection and receipt of hydrostatic and flushing certificates provided by the installer.
- (6) Notwithstanding Article 10 Section 1.001.5.2 of the Uniform Fire Code, automatic sprinkler protection, where installed, shall be inspected annually at the owner's expense by a licensed sprinkler contractor. A copy of the inspection shall be submitted to the Fire Chief by December 31st of each year.

4. ENFORCEMENT

a. Responsibility. The conditions outlined in the urban/wildland overlay shall be maintained by the property owner and/or the applicable homeowners' association as a condition of maintaining "adequate fire protection" in accordance with Section 11-7-1 of the Utah Code Annotated and protective agreements, if any, made with Alpine City at the time of annexation.

- b. Non-Exclusive Nature. The provisions of the urban/wildland overlay represent minimum standards. each owner of property in the Urban/Wildland Interface area is expected to use reasonable care in mitigating potential fire hazards, whether or not the potential hazard is enumerated in this section.
- c. Pre-Existing Conditions. Property not in compliance with the vegetative clearance section of the urban/wildland overlay at the time of passage shall have one year in which to conform to its provisions, except that retrofitting of sprinklers will not be required.
- d. Enforcement Official. Provisions of the urban/wildland overlay shall be enforced by the Alpine City Fire Chief or his appointed designees. The Fire Chief is authorized to recommend alternatives to any of the provisions of this code upon application in writing by the owner, lessee or a duly authorized representative where there are practical difficulties that prevent carrying out the such provisions, provided that the spirit and intent of the code shall be maintained, public safety furthered and substantial justice done. The particulars of such modifications and decision of the Fire chief shall be submitted to the City Council.
 - i. Inspections. The Fire Chief or his designee shall conduct inspections to determine compliance with the urban/wildland requirements at the time of building permit inspections and at least once a year or at any other reasonable time. The Fire Chief or designee shall also conduct inspections based on the request of any other property owner, lessee, City official or employee who has reasonable cause to believe that a potential fire hazard exists in violation of the provisions of this ordinance.
 - ii. Notice. The Fire Chief or his designee will annually publish and as needed periodic notices to remind residents of the provisions of the urban/wildland and will make available information on the provisions of the ordinance, as well as guidance on fire-resistant vegetation and suitable landscaping.
- e. Recourse. Any person adversely affected by any decision made in the exercise of the provision of this section may pursue administrative and legal remedies in accordance with the following provisions:
 - i. Procedure. No person may challenge Alpine City's land use decisions under this section in district court until all administrative remedies have been exhausted.
 - ii. Judicial Review. Any person having exhausted all possible administrative remedies may file a petition for review of the decision with the district court within 30 days after the local decision is rendered.
 - iii. Validity of Ordinance. The courts shall presume that land use decisions and regulations are valid and determine only whether or not the decision is arbitrary, capricious or illegal.

- f. Remedies. Alpine City, its officers and employees, the city attorney or any owner of real estate within Alpine City may, in addition to other remedies provided by law, institute proceedings to secure injunction, mandamus, abatement or any other remedies provided by law, including prevention, injunction or removal.
 - g. Injunction. Alpine City need only establish the violation in order to secure injunction.
 - h. Building Permits. Alpine City, its officers and employees, may enforce this ordinance by withholding building permits and it shall be unlawful to erect, construct, alter or change the use of any building or other structure within Alpine City without approval of such building permit.
 - i. Failure to Obtain Permit. Any architect, lending agency, builder, contractor or other person doing or performing such work as described in DCA 3.13.100 Part 6,b shall be deemed guilty of violating this ordinance at least to the same extent or manner as the owner of the premises, or the person for whom the use is established or for whom such buildings are erected or altered, and shall be subject to the penalties herein prescribed for a violation.
 - ii. Compliance. The City may not issue a building permit unless the plans of and for the proposed erection, construction, reconstruction, alteration or use fully conform to all ordinances then in effect.
 - i. Violation. Any violation of the provisions of the urban/wildland overlay is punishable as a Class C misdemeanor upon conviction. Each person, firm or corporation found guilty of such violation shall be deemed guilty of a separate offense for every day during which any violation is committed, continued or permitted by such person, persons, firm or corporation, and shall be punished as provided in this ordinance.
 - j. Nothing in this ordinance may be construed to prevent enforcement under the provisions of the current edition of the Uniform Fire Code as adopted by the State of Utah and the City of Alpine.
5. **Warning and Disclaimer.** The degree of wildfire protection required by urban/wildland interface overlay is considered reasonable regulatory purposes and is based on fire safety considerations. This section does not imply that land outside the areas of urban/wildland overlay zone or uses permitted within such areas will be free from damages from wildfires. This ordinance shall not create liability on the part of Alpine City, Utah, any officer or employee thereof, or the city's fire agency for any wildfire damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

(Original
Ordinance No.
94-11. Amended
by Ord. 2001-05.

Incorporated
into Sensitive
Lands Ordinance
by Ord. No.
2005-03,
1/25/05)

AFTER AMENDMENT

3.12.070 Urban/Wildland Interface Overlay

1. **PUPROSE.** To establish standards for development and fire prevention in areas bordering on wildlands. In addition to this section of the Development Code, areas bordering on wildlands shall be subject to the Wildland-Urban Interface Site Plan/Development Review Guide (supplemental document).

2. **ADDRESSES**

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

3. **STRUCTURAL DESIGN AND CONSTRUCTION**

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

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- (1) Flows. The system calculations shall be based on a minimum of four flowing quick-response sprinklers hydraulically calculated to provide flows in accordance with manufacturer's specifications for sprinklers. Calculations shall be based on 90% of the available flow at the base of the riser.
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- (5) Certification. Approval of any system shall be based on final inspection and receipt of hydrostatic and flushing certificates provided by the installer.
- (6) Automatic sprinkler protection, where installed, shall be inspected annually at the owner's expense by a licensed sprinkler contractor. A copy of the inspection shall be submitted to the Fire Chief by December 31st of each year.

4. ENFORCEMENT

- a. Responsibility. The conditions outlined in the Wildland Urban Interface Overlay shall be maintained by the property owner and/or the applicable homeowners' association as a condition of maintaining "adequate fire protection" in accordance with Section 11-7-1 of the Utah Code Annotated and protective agreements, if any, made with Alpine City at the time of annexation.
- b. Non-Exclusive Nature. The provisions of the Wildland Urban Interface Overlay represent minimum standards. Each owner of property in the Wildland Urban Interface area is expected to use reasonable care in mitigating potential fire hazards, whether or not the potential hazard is enumerated in this section.
- c. Pre-Existing Conditions. Property not in compliance with the vegetative clearance section of the Wildland Urban Interface Overlay at the time of passage shall have one year in which to conform to its provisions, except that retrofitting of sprinklers will not be required.
- d. Enforcement Official. Provisions of the Wildland Urban Interface Overlay shall be enforced by the Alpine City Fire Chief or his appointed designees. The Fire Chief is authorized to recommend alternatives to any of the provisions of this code upon application in writing by the owner, lessee or a duly authorized representative where there are practical difficulties that prevent carrying out the such provisions, provided that the spirit and intent of the code shall be maintained, public safety furthered and substantial justice done. The particulars of such modifications and decision of the Fire chief shall be submitted to the City Council.

- i. Inspections. The Fire Chief or his designee shall conduct inspections to determine compliance with the Wildland Urban Interface requirements at the time of building permit inspections and at least once a year or at any other reasonable time. The Fire Chief or designee shall also conduct inspections based on the request of any other property owner, lessee, City official or employee who has reasonable cause to believe that a potential fire hazard exists in violation of the provisions of this ordinance.
 - ii. Notice. The Fire Chief or his designee will annually publish and as needed periodic notices to remind residents of the provisions of the Wildland Urban Interface and will make available information on the provisions of the ordinance, as well as guidance on fire-resistant vegetation and suitable landscaping.
- e. Recourse. Any person adversely affected by any decision made in the exercise of the provision of this section may pursue administrative and legal remedies in accordance with the following provisions:
 - i. Procedure. No person may challenge Alpine City's land use decisions under this section in district court until all administrative remedies have been exhausted.
 - ii. Judicial Review. Any person having exhausted all possible administrative remedies may file a petition for review of the decision with the district court within 30 days after the local decision is rendered.
 - iii. Validity of Ordinance. The courts shall presume that land use decisions and regulations are valid and determine only whether or not the decision is arbitrary, capricious or illegal.
- f. Remedies. Alpine City, its officers and employees, the city attorney or any owner of real estate within Alpine City may, in addition to other remedies provided by law, institute proceedings to secure injunction, mandamus, abatement or any other remedies provided by law, including prevention, enjoinderment or removal.
- g. Injunction. Alpine City need only establish the violation in order to secure injunction.
- h. Building Permits. Alpine City, its officers and employees, may enforce this ordinance by withholding building permits and it shall be unlawful to erect, construct, alter or change the use of any building or other structure within Alpine City without approval of such building permit.

- i. Failure to Obtain Permit. Any architect, lending agency, builder, contractor or other person doing or performing such work as described in DCA 3.13.100 Part 6,b shall be deemed guilty of violating this ordinance at least to the same extent or manner as the owner of the premises, or the person for whom the use is established or for whom such buildings are erected or altered, and shall be subject to the penalties herein prescribed for a violation.
 - ii. Compliance. The City may not issue a building permit unless the plans of and for the proposed erection, construction, reconstruction, alteration or use fully conform to all ordinances then in effect.
 - i. Violation. Any violation of the provisions of the Wildland Urban Interface Overlay is punishable as a Class C misdemeanor upon conviction. Each person, firm or corporation found guilty of such violation shall be deemed guilty of a separate offense for every day during which any violation is committed, continued or permitted by such person, persons, firm or corporation, and shall be punished as provided in this ordinance.
 - j. Nothing in this ordinance may be construed to prevent enforcement under the provisions of the current fire code as adopted by the State of Utah and the City of Alpine.
5. **Warning and Disclaimer.** The degree of wildfire protection required by Wildland Urban Interface Overlay is considered reasonable regulatory purposes and is based on fire safety considerations. This section does not imply that land outside the areas of Wildland Urban Interface Overlay zone or uses permitted within such areas will be free from damages from wildfires. This ordinance shall not create liability on the part of Alpine City, Utah, any officer or employee thereof, or the city's fire agency for any wildfire damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

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

SECTION 2: AMENDMENT “3.12.040 Sensitive Land Classifications” of the Alpine City Municipal Code is hereby *amended* as follows:

B E F O R E A M E N D M E N T

3.12.040 Sensitive Land Classifications

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

1. **Geologic Hazard Lands.** Lands identified on the Official Alpine City Hazards map as having landslide, debris flow, rock fall, soil liquefaction or surface-fault-rupture hazards.
2. **Hillside Lands.** Lands identified on the Official Alpine City Hazard map as having an elevation above 5350 feet Mean Sea level.
3. **Urban/Wildland Lands.** Lands identified on the Official Alpine City Hazard map as having potential wild fire hazard.
4. **Flood Plain Lands.** Lands with potential stream flow and flood hazard. Flood plain lands consist of all lands contained within the 100-year flood plain as defined by Federal Emergency Management Agency, in Flood Insurance Rate Map (FIRM) #490228005A, dated April 4, 1983. The April 4, 1983 FIRM map is also adopted as the Official Alpine City Hazard map for flood damage prevention overlay zone.

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

A F T E R A M E N D M E N T

3.12.040 Sensitive Land Classifications

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

1. **Geologic Hazard Lands.** Lands identified on the Official Alpine City Hazards map as having landslide, debris flow, rock fall, soil liquefaction or surface-fault-rupture hazards.
2. **Hillside Lands.** Lands identified on the Official Alpine City Hazard map as having an elevation above 5350 feet Mean Sea level.
3. **Wildland Urban Interface Lands.** Lands identified on the Official Alpine City Hazard map as having potential wild fire hazard.
4. **Flood Plain Lands.** Lands with potential stream flow and flood hazard. Flood plain lands consist of all lands contained within the 100-year flood plain as defined by Federal Emergency Management Agency, in Flood Insurance Rate Map (FIRM) #490228005A, dated April 4, 1983. The April 4, 1983 FIRM map is also adopted as the Official Alpine City Hazard map for flood damage prevention overlay zone.

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

SECTION 3: AMENDMENT “3.12.090 Hillside Protection Overlay” of the Alpine City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

3.12.090 Hillside Protection Overlay

1. **INTENT AND PURPOSE.** The purpose of the Hillside Protection Overlay Zone is to promote health, safety and the general public welfare of the residents of the City, by establishing standards for development of certain hillsides located in the City to minimize soil and slope instability, erosion, and to preserve the character of the hillsides.

The Hillside Protection Overlay shall comply with DCA 4.05.040 Parts 4-9, limits to development of the Land Use Element of the Alpine City General Plan as adopted by the Alpine City Council on July 28, 1997 as follows:

Development will not be permitted where any part of the zoning lot is above an elevation of 5350 feet Mean Sea Level except it is demonstrated that such development or structure complies with the following conditions in addition to all other conditions defined in the underlying zone, and additions or conditions as recommended by the Planning Commission and approved by the City Council.

2. **PROVISIONS.** The provisions herein are designed to accomplish the following:
 - a. Encourage the location, design and development of building sites to provide maximum safety, and human enjoyment while adapting the development to the natural terrain;
 - b. Provide for safe circulation of vehicular and pedestrian traffic to public and private areas minimizing the scarring and erosion effects of cutting, filling and grading related to hillside construction;
 - c. Prohibit activities and uses, which would result in degradation of fragile soils and steep slopes.
 - d. Encourage preservation of open space to preserve the natural terrain.
 - e. Minimize flooding by protecting streams, drainage channels, absorption areas and flood plains from substantial alteration of the natural functions.

3. **OVERLAY ZONE - SCOPE - CONFLICT RESOLUTION.** The Hillside Protection Zone shall be an overlay zone of the zone classifications set out in the Alpine Zoning Ordinance. Any permitted use in a district overlaid by the Hillside Protection Zone is a conditional use. Conditional uses authorized in districts overlaid by the Hillside Protection Zone remain conditional uses. In case of conflict between the provisions of the existing zoning classification, building code, subdivision ordinance and/or other City ordinance and the Hillside Protection Overlay Zone, the most restrictive provision shall apply. Nothing contained herein shall be construed to expand a use, make less restrictive a use, or allow a use which is not otherwise permitted in the zoning district overlaid by the Hillside Protection Zone.

4. **SPECIFIC REQUIREMENTS**

- a. **Viewscape Protection.** Structure will not exceed 25' in height from lowest elevation of finished or natural grade, whichever is most restrictive, to the top of the structure nor will it be placed on any ridge line or protrude against the skyline when viewed from any major roadway in Alpine classified as collector or greater in intensity. Hillside developments will be designed to minimize visual impact and will make maximum use of hollows and draws. (See attachment A to this section for acceptable examples.) A landscaping plan designed to minimize the visual impact of any hillside structure or development shall be provided. All buildings constructed will make maximum use of neutral colors and non-reflective glass for structures. An exterior materials plan will be provided designating types of exterior materials and colors. (See attachment A for examples.)
- b. **Outdoor Lighting Regulations.** Outdoor lighting must be so organized and constructed so as to minimize the view of such lights more than 300' away.

All street and all outdoor lighting plans must be reviewed and a recommendation given by the Planning Commission and approved by the City Council.

- c. **City Services**
 - i. **Culinary water** - Development above 5350 ft. will provide all additional infrastructure required to provide adequate water and pressure. This includes piping, valves, pumps and storage tanks of appropriate size as determined by the City Engineer. The development shall provide both on-site and off-site improvements. The development shall also pay the cost of pumping water to the development.
 - ii. **Waste disposal** - Development will provide infrastructure to connect to the Alpine City sewer regardless of the distance of the structure from the existing line. (The 300 ft. limitation for use of septic tanks will not apply.) Such lines will be sized in accordance with the requirements of the City Engineer.
 - iii. **Storm drainage** - Development will provide infrastructure to connect to the Alpine City drainage complex or provide other drainage satisfactory to the City Engineer and the Planning Commission.

- d. Safety. All habitable structures above 5350 feet shall meet the requirements of the Urban/Wildland, Flooding, and Geologic Hazard overlays contained in this, Hazard Ordinance chapter. In addition the following requirements for Recharge and Groundwater Areas and Erosion shall be met.
 - i. Recharge Areas and Groundwater: The developer shall demonstrate that the proposed development will not have an adverse effect on groundwater recharge areas and local groundwater conditions.
 - ii. Erosion: No structure shall be located so as to cause an increase in erosion.
- e. Design Standards
 - i. Development shall not be allowed within fifty (50) feet of slopes in excess of forty (40) percent, areas subject to landsliding, or other high-hazard geologic areas as determined by a soils report and/or geology report produced pursuant to the requirements of item H-5 documentation.
 - ii. Grading of the lot or parcel which is related to creation of the primary building site or construction of the structure shall not extend closer than twenty (20) feet from the lot or parcel boundary lines, nor more than (30) feet horizontally, in front, to the rear or to the side of the proposed structure unless a lesser distance is approved by the City Council upon recommendation of Planning Commission upon a showing by the developer that a lesser distance will not be contrary to the purposes of this section.
 - iii. Building sites for accessory buildings or structures such as tennis courts, swimming pools, outbuildings etc. shall be approved by the City Council upon recommendation of the Planning Commission and follow the requirement of this Section H.
- f. Documentation
 - i. Plans and reports required. The following reports and plans are to be provided by the applicant. The Planning Commission may waive any reports and plans it determines are not necessary to determine whether the development meets the requirements of this section.
 - ii. Soils report. The soils report shall be prepared by a qualified soils engineer, and must contain at least the following information:
 - (1) Slope analysis;
 - (2) An estimate of the normal highest elevation to the seasonal high-water table;
 - (3) The location and size of swamps, springs and seeps, which shall be shown on the site plan, and the reasons for the occurrences of these underground water sources. An analysis of the vegetative cover or other surface information may be used by show the presence of underground water;
 - (4) A unified soil classification for the major horizons or layers of soil profile, or of the zone of the footing foundation;

- (5) Appropriate accepted soils engineering tests to determine bearing capacity, settlement potential, and shrink/swell potential of the site soils;
 - (6) Potential frost action, based on the depth to the water and the Unified Soil Classification;
 - (7) An analysis of the soil suitabilities, constraints and proposed methods of mitigating such constraints in implementing the proposed development;
 - (8) An analysis of the propensity of the area to have hazards that may or may not be included in the geologic hazard maps such as landslides, rock fall, surface fault rupture, or debris flow;
 - (9) A written statement by the person or firm preparing the soils report, identifying the means proposed to minimize hazard to life, property, adverse effects on the safety, use or stability of a public right-of-way or drainage channel, and adverse impact on the natural environment. This statement shall be reviewed by the Planning Commission and approved by the City Engineer.
- g. Geologic Report. A geologic report shall be prepared by a licensed and qualified engineering geologist and contain:
- i. Conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and recommendations covering the adequacy of sites to be developed;
 - ii. A written statement by the person or firm preparing the geologic report identifying the means proposed to minimize hazard to life or property, adverse effects on safety, use or stability of a public right-of-way or drainage channel, and adverse impact on the natural environment.

This statement shall be reviewed by the Planning Commission and approved by the City Engineer.

- h. Grading and Drainage Plan. A grading and drainage plan shall be prepared by a professional engineer registered in the state. The plan must be sufficient to determine erosion control measures necessary to prevent soil loss during construction and after project completion. The plan shall contain at least the following information:
- i. A map of the entire site, showing existing details and contours of the property and proposed contour modifications, using a minimum of ten-foot contour intervals at a scale of one inch equals one hundred (1" = 100') feet.
 - ii. Map(s) of area(s) to be graded, showing existing details and contours at five-foot intervals where terrain will not be modified, and proposed details and contours of two-foot intervals where terrain modification is proposed, using a scale of one inch equals twenty (1" = 20') feet.

- iii. An investigation of the effects of the 100 year storm evaluating how the proposed drainage system will handle the predicted flows, including effects of drainage areas outside the development which drain through the subject area and the anticipated flow of the drainage leaving the development.
- iv. The history, including frequency and duration of prior flooding.
- v. The location of any existing buildings or structures on the development, and any existing buildings or structures on land of adjacent owners which are within one hundred (100) feet of the property, or which are on the land of adjacent owners and may be affected by the proposed development.
- vi. The direction of proposed drainage flow and the approximate grade of all streets (not to be construed as a requirement for the final street design).
- vii. Proposed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs, and other protective devices to be constructed with or as a part of the proposed work, together with a map showing drainage areas and the proposed drainage network, including outfall lines and natural drainage ways which may be affected by the proposed project. Include the estimated runoff of the areas served by the drainage plan.
- viii. A written statement by the person or firm preparing the grading and drainage plan identifying any grading and drainage problems in the development and further stating an opinion as to the ability of the proposed plan to mitigate or eliminate such problems so as to prevent hazard to life or property; adverse effects on the safety, use or stability of a public way or drainage channel; and adverse impact on the natural environment.

This statement must be accepted and approved by the Planning Commission and the City Engineer.

- ix. A plan for the prevention and control of erosion during the course of construction approved by the City Engineer.
- i. Fire Protection Report. A fire protection report including but not limited to identification of potential fire hazards, mitigation measures approved by the Alpine/Highland Public Safety District Fire Chief, access for fire protection equipment, and existing and proposed fire flow capacity. The fire protection report shall address, as appropriate, the State Forester's Wildlife Hazards and Residential Development Identification Classification and Regulation Report. This report must be accepted and approved by the Alpine/Highland Public Safety District Fire Chief and the City Engineer.
- j. Vegetation Plan. The vegetation plan and report shall be prepared by a person or firm qualified by training and experience to have expert knowledge of the subject and shall include at least the following:

- i. A survey of existing trees, large shrubs, and ground covers
- ii. A plan of the proposed revegetation of the site, detailing existing vegetation to be preserved, new vegetation to be planted, and any modifications to existing vegetation
- iii. A plan for the preservation of existing vegetation during construction activity
- iv. A vegetation maintenance program, including initial and continuing maintenance necessary
- v. A written statement by the person or firm preparing the vegetation plan and report, identifying any vegetation problems, and further stating an opinion as to the ability of the proposed plan to mitigate or eliminate such problems as to prevent hazard to life or property; adverse effects on the safety, use and stability of a public way or drainage channel; and adverse impact on the natural environment.

This statement must be accepted and approved by the City engineer.

- k. Other Report and Plans. Other reports and plans as deemed necessary by the Planning Commission. The Planning Commission may require second source verification.

(Original Ordinance No. 98-10. Incorporated into the Sensitive Land Ordinance by Ordinance No. 2005-03, 1/25/05)

AFTER AMENDMENT

3.12.090 Hillside Protection Overlay

- 1. **INTENT AND PURPOSE.** The purpose of the Hillside Protection Overlay Zone is to promote health, safety and the general public welfare of the residents of the City, by establishing standards for development of certain hillsides located in the City to minimize soil and slope instability, erosion, and to preserve the character of the hillsides.

The Hillside Protection Overlay shall comply with DCA 4.05.040 Parts 4-9, limits to development of the Land Use Element of the Alpine City General Plan as adopted by the Alpine City Council on July 28, 1997 as follows:

Development will not be permitted where any part of the zoning lot is above an elevation of 5350 feet Mean Sea Level except it is demonstrated that such development or structure complies with the following conditions in addition to all other conditions defined in the underlying zone, and additions or conditions as recommended by the Planning Commission and approved by the City Council.

- 2. **PROVISIONS.** The provisions herein are designed to accomplish the following:

- a. Encourage the location, design and development of building sites to provide maximum safety, and human enjoyment while adapting the development to the natural terrain;
 - b. Provide for safe circulation of vehicular and pedestrian traffic to public and private areas minimizing the scarring and erosion effects of cutting, filling and grading related to hillside construction;
 - c. Prohibit activities and uses, which would result in degradation of fragile soils and steep slopes.
 - d. Encourage preservation of open space to preserve the natural terrain.
 - e. Minimize flooding by protecting streams, drainage channels, absorption areas and flood plains from substantial alteration of the natural functions.
3. **OVERLAY ZONE - SCOPE - CONFLICT RESOLUTION.** The Hillside Protection Zone shall be an overlay zone of the zone classifications set out in the Alpine Zoning Ordinance. Any permitted use in a district overlaid by the Hillside Protection Zone is a conditional use. Conditional uses authorized in districts overlaid by the Hillside Protection Zone remain conditional uses. In case of conflict between the provisions of the existing zoning classification, building code, subdivision ordinance and/or other City ordinance and the Hillside Protection Overlay Zone, the most restrictive provision shall apply. Nothing contained herein shall be construed to expand a use, make less restrictive a use, or allow a use which is not otherwise permitted in the zoning district overlaid by the Hillside Protection Zone.

4. **SPECIFIC REQUIREMENTS**

- a. **Viewscape Protection.** Structure will not exceed 25' in height from lowest elevation of finished or natural grade, whichever is most restrictive, to the top of the structure nor will it be placed on any ridge line or protrude against the skyline when viewed from any major roadway in Alpine classified as collector or greater in intensity. Hillside developments will be designed to minimize visual impact and will make maximum use of hollows and draws. (See attachment A to this section for acceptable examples.) A landscaping plan designed to minimize the visual impact of any hillside structure or development shall be provided. All buildings constructed will make maximum use of neutral colors and non-reflective glass for structures. An exterior materials plan will be provided designating types of exterior materials and colors. (See attachment A for examples.)
- b. **Outdoor Lighting Regulations.** Outdoor lighting must be so organized and constructed so as to minimize the view of such lights more than 300' away.

All street and all outdoor lighting plans must be reviewed and a recommendation given by the Planning Commission and approved by the City Council.

- c. **City Services**

- i. Culinary water - Development above 5350 ft. will provide all additional infrastructure required to provide adequate water and pressure. This includes piping, valves, pumps and storage tanks of appropriate size as determined by the City Engineer. The development shall provide both on-site and off-site improvements. The development shall also pay the cost of pumping water to the development.
 - ii. Waste disposal - Development will provide infrastructure to connect to the Alpine City sewer regardless of the distance of the structure from the existing line. (The 300 ft. limitation for use of septic tanks will not apply.) Such lines will be sized in accordance with the requirements of the City Engineer.
 - iii. Storm drainage - Development will provide infrastructure to connect to the Alpine City drainage complex or provide other drainage satisfactory to the City Engineer and the Planning Commission.
 - d. Safety. All habitable structures above 5350 feet shall meet the requirements of the Wildland Urban Interface, Flooding, and Geologic Hazard overlays contained in this, Hazard Ordinance chapter. In addition the following requirements for Recharge and Groundwater Areas and Erosion shall be met.
 - i. Recharge Areas and Groundwater: The developer shall demonstrate that the proposed development will not have an adverse effect on groundwater recharge areas and local groundwater conditions.
 - ii. Erosion: No structure shall be located so as to cause an increase in erosion.
 - e. Design Standards
 - i. Development shall not be allowed within fifty (50) feet of slopes in excess of forty (40) percent, areas subject to landsliding, or other high-hazard geologic areas as determined by a soils report and/or geology report produced pursuant to the requirements of item H-5 documentation.
 - ii. Grading of the lot or parcel which is related to creation of the primary building site or construction of the structure shall not extend closer than twenty (20) feet from the lot or parcel boundary lines, nor more than (30) feet horizontally, in front, to the rear or to the side of the proposed structure unless a lesser distance is approved by the City Council upon recommendation of Planning Commission upon a showing by the developer that a lesser distance will not be contrary to the purposes of this section.
 - iii. Building sites for accessory buildings or structures such as tennis courts, swimming pools, outbuildings etc. shall be approved by the City Council upon recommendation of the Planning Commission and follow the requirement of this Section H.
 - f. Documentation

- i. Plans and reports required. The following reports and plans are to be provided by the applicant. The Planning Commission may waive any reports and plans it determines are not necessary to determine whether the development meets the requirements of this section.
- ii. Soils report. The soils report shall be prepared by a qualified soils engineer, and must contain at least the following information:
 - (1) Slope analysis;
 - (2) An estimate of the normal highest elevation to the seasonal high-water table;
 - (3) The location and size of swamps, springs and seeps, which shall be shown on the site plan, and the reasons for the occurrences of these underground water sources. An analysis of the vegetative cover or other surface information may be used by show the presence of underground water;
 - (4) A unified soil classification for the major horizons or layers of soil profile, or of the zone of the footing foundation;
 - (5) Appropriate accepted soils engineering tests to determine bearing capacity, settlement potential, and shrink/swell potential of the site soils;
 - (6) Potential frost action, based on the depth to the water and the Unified Soil Classification;
 - (7) An analysis of the soil suitabilities, constraints and proposed methods of mitigating such constraints in implementing the proposed development;
 - (8) An analysis of the propensity of the area to have hazards that may or may not be included in the geologic hazard maps such as landslides, rock fall, surface fault rupture, or debris flow;
 - (9) A written statement by the person or firm preparing the soils report, identifying the means proposed to minimize hazard to life, property, adverse effects on the safety, use or stability of a public right-of-way or drainage channel, and adverse impact on the natural environment. This statement shall be reviewed by the Planning Commission and approved by the City Engineer.
- g. Geologic Report. A geologic report shall be prepared by a licensed and qualified engineering geologist and contain:
 - i. Conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and recommendations covering the adequacy of sites to be developed;
 - ii. A written statement by the person or firm preparing the geologic report identifying the means proposed to minimize hazard to life or property, adverse effects on safety, use or stability of a public right-of-way or drainage channel, and adverse impact on the natural environment.

This statement shall be reviewed by the Planning Commission and approved by the City Engineer.

- h. Grading and Drainage Plan. A grading and drainage plan shall be prepared by a professional engineer registered in the state. The plan must be sufficient to determine erosion control measures necessary to prevent soil loss during construction and after project completion. The plan shall contain at least the following information:
- i. A map of the entire site, showing existing details and contours of the property and proposed contour modifications, using a minimum of ten-foot contour intervals at a scale of one inch equals one hundred (1" = 100') feet.
 - ii. Map(s) of area(s) to be graded, showing existing details and contours at five-foot intervals where terrain will not be modified, and proposed details and contours of two-foot intervals where terrain modification is proposed, using a scale of one inch equals twenty (1" = 20') feet.
 - iii. An investigation of the effects of the 100 year storm evaluating how the proposed drainage system will handle the predicted flows, including effects of drainage areas outside the development which drain through the subject area and the anticipated flow of the drainage leaving the development.
 - iv. The history, including frequency and duration of prior flooding.
 - v. The location of any existing buildings or structures on the development, and any existing buildings or structures on land of adjacent owners which are within one hundred (100) feet of the property, or which are on the land of adjacent owners and may be affected by the proposed development.
 - vi. The direction of proposed drainage flow and the approximate grade of all streets (not to be construed as a requirement for the final street design).
 - vii. Proposed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs, and other protective devices to be constructed with or as a part of the proposed work, together with a map showing drainage areas and the proposed drainage network, including outfall lines and natural drainage ways which may be affected by the proposed project. Include the estimated runoff of the areas served by the drainage plan.
 - viii. A written statement by the person or firm preparing the grading and drainage plan identifying any grading and drainage problems in the development and further stating an opinion as to the ability of the proposed plan to mitigate or eliminate such problems so as to prevent hazard to life or property; adverse effects on the safety, use or stability of a public way or drainage channel; and adverse impact on the natural environment.

This statement must be accepted and approved by the Planning Commission and the City Engineer.

- ix. A plan for the prevention and control of erosion during the course of construction approved by the City Engineer.
- i. Fire Protection Report. A fire protection report including but not limited to identification of potential fire hazards, mitigation measures approved by the Alpine/Highland Public Safety District Fire Chief, access for fire protection equipment, and existing and proposed fire flow capacity. The fire protection report shall address, as appropriate, the State Forester's Wildlife Hazards and Residential Development Identification Classification and Regulation Report. This report must be accepted and approved by the Alpine/Highland Public Safety District Fire Chief and the City Engineer.
- j. Vegetation Plan. The vegetation plan and report shall be prepared by a person or firm qualified by training and experience to have expert knowledge of the subject and shall include at least the following:
 - i. A survey of existing trees, large shrubs, and ground covers
 - ii. A plan of the proposed revegetation of the site, detailing existing vegetation to be preserved, new vegetation to be planted, and any modifications to existing vegetation
 - iii. A plan for the preservation of existing vegetation during construction activity
 - iv. A vegetation maintenance program, including initial and continuing maintenance necessary
 - v. A written statement by the person or firm preparing the vegetation plan and report, identifying any vegetation problems, and further stating an opinion as to the ability of the proposed plan to mitigate or eliminate such problems as to prevent hazard to life or property; adverse effects on the safety, use and stability of a public way or drainage channel; and adverse impact on the natural environment.

This statement must be accepted and approved by the City engineer.

- k. Other Report and Plans. Other reports and plans as deemed necessary by the Planning Commission. The Planning Commission may require second source verification.

(Original Ordinance No. 98-10. Incorporated into the Sensitive Land Ordinance by Ordinance No. 2005-03, 1/25/05)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

August 13, 2019

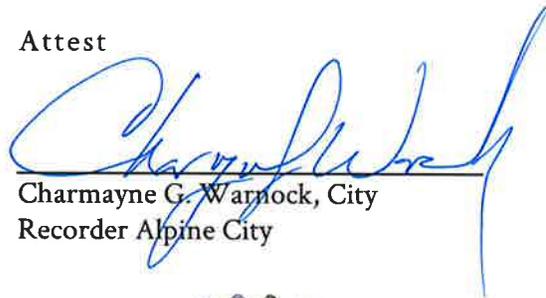
	AYE	NAY	ABSENT	ABSTAIN
Lon Lott	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kimberly Bryant	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carla Merrill	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ramon Beck	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jason Thelin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Presiding Officer

Attest



Troy Stout, Mayor, Alpine City



Charmayne G. Warnock, City
Recorder Alpine City

