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TOM POLLARD
TOWN COUNCIL
CLIFF CURRY
STEVEN GILMAN
PAUL MOXLEY
DAVE RICHARDS



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ALTA PLANNING COMMISSION

Thursday, December 16, 2010

12:00 NOON LUNCH

Alta Planning Commission Lunch

Planning Commission Meeting to immediately follow lunch:

**Market Street Cottonwood
2985 East Cottonwood Parkway
Salt Lake City, Utah 84121
801.942.8860**

12:30pm

PLANNING COMMISSION MEETING

- 1) Introduction and comments from the Chair.
- 2) Review with possible action on the minutes from the November 16, 2010, Planning Commission meeting.
- 3) Discussion with possible action on Proposed Land Use Application Ordinance.
- 4) Discussion on amending/updating the 2005 Alta General Plan.
- 5) Date of next meeting.

**Alta Planning Commission
Minutes
December 16, 2010**

The Alta Planning Commission held a meeting on December 16, 2010, 12:30 pm, at Market Street Grill on 2985 East Cottonwood Parkway (6580 South), Salt Lake City. Planning Commission members in attendance included Skip Branch, Jan Striefel, Jon Nepstad, Lee Kapaloski, Joan Degiorgio, and Rob Voye. Town of Alta staff present included John Guldner and Claire Runge. Town of Alta attorney Kimberly Chytraus was also present as was Town of Alta Mayor Tom Pollard. Members of the public present included Mark Haik, and Jennifer Garner (court reporter).

INTRODUCTION AND COMMENTS FROM THE CHAIR.

Mr. Branch discussed getting through the Land Use Application Ordinance and also discussion on the General Plan at the meeting today.

Mr. Branch expressed that it was nice to have Mr. Wieringa at the last meeting and hopes to get the Alta Ski Lifts involved with the General Plan process. Mr. Branch had hoped that Mr. Wieringa would have shared more about his plans.

Ms. Degiorgio noted the need to integrate the Forest Plan, Road Plan, Alta Ski Lifts plans, and other plans into our General Plan.

Mr. Branch opined that this is a crucial time for Alta and that things may be dramatically different in the next ten years with changes in the bottom of the canyon, transportation in the canyon and how avalanche control is done. Mr. Branch remarked that this is an amazing time, and how do we reflect this in the General Plan?

Mayor Pollard noted the ongoing efforts towards looking at transportation options in the canyon and the many stakeholders involved. Mayor Pollard noted that Sandy City is driving this process.

Mr. Branch noted the idea having a light-rail spur moving east to the canyon. Mayor Pollard remarked that Sandy City is looking at the 9400 South or 10000 South corridors.

Mr. Guldner recalled Sandy City's effort to annex Snowbird last year.

Mr. Branch also mentioned the concept of interconnect among the ski resorts and what the impact would be. Mayor Pollard opined that if interconnect happens, there would be a larger impact on Little Cottonwood Canyon than Big Cottonwood Canyon with increased use.

Mr. Kapaloski opined that the bigger dynamic is that Sandy City has reached its growth potential in terms of expansion and is a very powerful political force. Mr. Kapaloski believes that Sandy City wants to be a hub as it is the easiest way to get to the ski areas. The political forces are strong in that area and we need to respond to that force. Mr. Kapaloski believes there will be a

new transportation linkage to the Cottonwood Canyons. Sandy makes a good position and will put extensive pressure on UTA (Utah Transit Authority).

Mr. Branch noted that in the paper today there was an article about UTA's plans to increase trains and decrease buses; how will that impact Alta?

Mayor Pollard offered that although UTA's service is extensive, it may not be efficient yet. There has been a lot of effort by the Alta Ski Lifts to work with scheduling but it is still not where it needs to be. In the General Plan, the impacts of transit and interconnect need to be addressed.

Ms. Degiorgio noted we need to be aware of what is going on. Ms. Degiorgio feels that we need to know what Alta is and what we want it to be. We need to look at the General plan and say, is this document adequate for us to define what we want so we can better respond to issues that arise. Ms. Degiorgio remarked that we have all the elements in the Plan, but what do they add up to? If we really want to do our jobs, we have to be clear ourselves. Does the plan do that?

REVIEW WITH POSSIBLE ACTION ON THE MINUTES FROM THE NOVEMBER 16, 2010, PLANNING COMMISSION MEETING.

Ms. Runge clarified that in the minutes of the November 16, 2010, meeting, there were a lot of references to the "General Plan" and the "Master Plan" but the Planning Commission was talking about the same thing. Ms. Runge remarked that for consistency, it is always referred to as the "General Plan" in the minutes.

Ms. Degiorgio moved to approve the minutes of the November 16, 2010, Planning Commission meeting. The motion was seconded by Mr. Voye and the motion was carried with all members present voting in the affirmative.

DISCUSSION WITH POSSIBLE ACTION ON PROPOSED LAND USE APPLICATION ORDINANCE.

Mr. Branch recalled some of the concerns from the last time this ordinance was discussed. Mr. Branch questioned the purpose of the chapter, and asked where items like upkeep, snow removal, fire hazard, etc, are found in our ordinances. Mr. Guldner responded that the building code and the general town code will address those issues, but those issues may not be under the purview of the Planning Commission.

Mr. Guldner noted that LUDMA is all about formalizing process, and a lot of that focuses on the application. Once everything has been satisfied in the application process, then the Planning Commission exercises its discretion to see about planning for the future to see what it will look like.

Ms. Chytraus clarified that a lot of the planning process that the Planning Commission does is like the legislative process that is being gone through right now. In its role as the Land Use Authority, after the applicant goes through the application process, its job is to apply the

ordinances and see if they conform. All the ideas of what things should look like should go into the legislative process.

Mr. Guldner believes that the Planning Commission has more discretion because of the way our ordinances are written. Mr. Guldner remarked that the Land Use Application basically is everything we have already done. The process has always worked, except for the Patsey Marley Subdivision Application. Mr. Guldner reviewed that the Land Use Application is front loaded with the "deal killers" that need to be addressed first, and gives a formal process that covers the things we have always done in the past. Mr. Guldner noted that at the pre-submission meeting staff will go over all of the requirements with the applicant. The applicant then goes away and comes back whenever they are ready. Mr. Guldner noted that the timeframe is up to the applicant and the applicant would then submit to the Planning Commission for their review when they are ready. Mr. Guldner noted that as part of the front loading, Ms. Striefel wanted to make sure that vegetation and slope analysis were included up front and Mr. Voye was worried about the timing. Mr. Guldner noted that through the pre-submission meeting and before the submission to the Planning Commission, the applicant should have had an opportunity to fix everything. Mr. Guldner expressed that does not mean that the application is a done deal and that the Planning Commission has no discretion. When the application gets to the Planning Commission, it is reviewed to make sure the application complies with the ordinances. Then there are discretionary items like setbacks and yard regulations, height, parking, vegetation, grading, site plan, and building materials that can be addressed by the Planning Commission.

Ms. Chytraus noted that under LUDMA, you can no longer put a requirement on the applicant that is not written in an ordinance. To the extent that you have any discretion, it has to be based on something that is written in the ordinances, and you still have to reasonably apply it consistency between property owners. Ms. Chytraus recalled that the Planning Commission has discussed reviewing the underlying zoning ordinances. But the point under LUDMA is that the Planning Commission does not have a lot of discretion; an application either complies or it does not.

Ms. Chytraus noted that on page 6, under "Additional Concerns", more flexibility is built in, but we still cannot impose requirements that are not in the ordinances. Ms. Chytraus noted that we have tried to build in flexibility to tailor the unique and specific needs of each property.

Mr. Guldner believes that we could pass the Land Use Application Ordinance as it is written.

Ms. Degiorgio asked if there a disconnect between the Land Use Application Ordinance and our zoning ordinances. Mr. Guldner does not think there is a disconnect as long as we build the record, we are reasonable, and we are not arbitrary or capricious. Ms. Chytraus suggested that there may be a need to revisit underlying zoning, especially concerning conditional uses.

Ms. Degiorgio asked if LUDMA was designed to give certainty and predictably to an applicant, but at the same time, the municipality can still be strict about what it allows. Ms. Chytraus noted that the underlying themes of LUDMA are to: 1) protect private property rights, 2) have requirements clearly written down, 3) abide by the law, and, 4) act with reasonable diligence.

Mr. Branch asked if passing the Land Use Application Ordinance is putting the cart before the horse. Ms. Chytraus noted that this needs to be done to be in compliance with LUDMA so applicants have a clearly defined application process. The next step after this could be revisiting the zoning ordinances.

Mr. Guldner reiterated that the Planning Commission is not a rubber stamp and does have some discretion. Mr. Guldner also reiterated the Land Use Application process.

Mr. Branch brought up the timing aspect and the one year requirement noted on page 6, Section 8(a) that states the Land Use Authority has one year to make a decision. Ms. Chytraus noted that is not a statutory requirement.

Ms. Chytraus suggested that as LUDMA does not require holding a public hearing on this type of administrative decision, meaning that public input need not be included as part of the decision. Ms. Chytraus suggests that since a public hearing is not required by state law it causes a false expectation on the part of the public that their input can sway the decision. Ms. Chytraus suggested not including a public hearing as part of the administrative process. For a legislative decision it makes sense to have a public hearing.

Ms. Striefel asked if we were at a point to hold a public hearing on the proposed Land Use Application Ordinance. Ms. Chytraus recommended that if there are no other substantive changes, the Planning Commission should hold a public hearing. Ms. Chytraus noted that the Planning Commission can still change the ordinance after the public hearing based on comments from the public.

Mr. Branch asked where it says natural waterways in the ordinance. Ms. Chytraus stated that can be found at the bottom of page 5, Section 8.

Ms. Striefel suggested changing "liquefaction" to "seismic conditions" on page 5, section 8. It was decided to have a public hearing during the next regular meeting. It was also discussed to have the educational session with Meg Ryan about the General Plan the same day. The date was set for Thursday, February 17, 2011, and that the Town Council should be included as part of the educational process with Meg Ryan. Mayor Pollard stressed the separation between the Planning Commission and the Town Council regarding the formation of the plan.

Ms. Chytraus excused herself from the meeting.

It was decided to have the meeting at the Whitmore Library.

DISCUSSION ON AMENDING/UPDATING THE 2005 ALTA GENERAL PLAN.

Mr. Kapaloski wanted to discuss how far the Planning Commission ought to get into the General Plan.

Mayor Pollard expressed from the Town Council's view, they want to get into it pretty thoroughly as it is time to give the Town Council some better guidelines. Mayor Pollard does

not feel that many things that could come before us now are addressed in the General Plan and it could be a great guiding document. Mayor Pollard feels this will be a long process.

Mr. Kapaloski agreed with the Mayor. If we have a focus to start, it will quickly spiderweb out. Mr. Kapaloski feels that the core is the commercial district. That would be a good focus.

Mayor Pollard noted that the nuts and bolts should be covered by the ordinances but the guiding principles should be covered by the General Plan.

Ms. Degiorgio remarked that she has looked into work the Sonoran Institute has done with gateway communities. It would be helpful to see an example of plans like that. Ms. Degiorgio feels that if we had a model it would help us focus more.

Mr. Guldner noted that Meg Ryan wants more direction and suggested a few areas to concentrate on. Mr. Guldner liked Mr. Kapaloski's idea of looking at the core, and Ms. Degiorgio's idea of having a model.

Ms. Striefel noted that reading through the comments [from an Open House the Town held] items like a Community Center, bigger library, school, and affordable housing were way up on the list and should be the elements that are incorporated into a town center.

Ms. Degiorgio expressed that we need to talk about the context; why is this place so different then any place else?

Mr. Guldner remarked that we have 85% USFS property that we cannot touch, and we are 90% built-out, so maybe we need to list those as conditions as part of the context. There is a lot we can say about the little bit that is left over.

Mr. Kapaloski suggested with the help of Meg Ryan we could look at a range of future scenarios. What happens to the private property with in the town and what happens to our interface with UTA and UDOT. Ms. Degiorgio expressed that she likes that idea.

Mr. Voye noted that he is still hung up on the height issue. What happens if hotel owners sell and Hilton moves in, do we have the proper restrictions in place?

Mr. Nepstad noted that many other cities around the county are doing the same thing, looking at the second generation or an "Alta 2.0." Mr. Nepstad remarked that it is going to be the "re-uses", not the "new-uses".

Ms. Runge discussed that other communities across the country are considering climate change implications on planning. Mr. Guldner noted that years ago Scott Muir suggested that we incorporate into our plan global warming.

Ms. Striefel also noted that summer uses and activities were also pointed to in the [Open House comments].

Ms. Degiorgio emphasized that Alta is at the top of the watershed and that needs to be part of the context and why Alta is different.

DATE OF NEXT MEETING.

This item was discussed earlier in the meeting.

Ms. Striefel moved to adjourn the Planning Commission meeting. Mr. Kapaloski seconded the motion with all Planning Commission members that were present voting in the affirmative. The motion was carried.

These minutes were passed and approved on the twenty-fourth day of March, 2011.



Claire E. Runge
Assistant Town Administrator

LAND USE APPLICATION AND APPROVAL ORDINANCE

Section 1. Purpose of this Chapter.

- (a) To promote the health, safety, and general welfare of the residents of the Town of Alta (the "Town").
- (b) To provide the efficient and orderly growth of the Town.
- (c) To provide policies, procedures, requirements, and standards for the physical development of land within the Town.
- (d) To create a uniform land use application process for any land use development within the Town (other than a subdivision) that requires land use authority review and approval.

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Section 2. Applicability of Ordinance.

- (a) This ordinance applies to:
 - (1) Conditional uses;
 - (2) Planned unit developments;
 - (3) Any other land use application within the Town (excluding subdivisions).

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Section 3. Pre-Submission Meeting. Any land use applicant under this ordinance shall schedule a pre-submission meeting with the Town Administrator. Reference herein to the Town Administrator shall mean to the Town Administrator or another representative of the Town designated by the Town Administrator, if any.

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(a) The Town Administrator may extend an invitation to the pre-submission meeting to any servicing utility companies, the Salt Lake Valley Health Department, the Utah Department of Transportation, the United Fire Authority, and any other private or public body that has jurisdiction or an interest in providing services to the potential land use.

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(b) At the pre-submission meeting, the applicant may bring any materials to assist the parties at the meeting in identifying the location of the subject property, the potential land use, the size and layout of the potential improvements or development, and any potential problems or challenges to developing the subject property.

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(c) Due to the unique terrain of the real property within the Town, the Town Administrator may require that the applicant submit additional information.

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Section 4. Application and Conceptual Plan/Preliminary Plat.

(a) At any time after the pre-submission meeting, a land use applicant shall submit an application as described below and all additional information as required by this

Deleted: , conceptual plan and a preliminary plat (if applicable) to facilitate the review of a proposed project by the Town Administrator or designee, prior to submission of the application, conceptual plan, and preliminary plat to the land use authority.

Section. All application materials shall be submitted at the same time in order to be considered for completeness.

(b) The following shall be submitted to the Town Administrator, unless waived by the Town Administrator as not applicable:

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(1) A complete application form for the proposed land use and all applicable fees.

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(2) Application Fees and Technical Expertise and Engineering Fees. To be considered complete, the application for the land use shall be accompanied by all fees established on the Town's fee schedule. The applicant shall pay all expenses of reviewing and approving the land use, if any, including the Town's fees for hiring individuals with technical expertise, legal counsel, and engineers to review the application.

(3) A complete application shall include the following information and materials:

(i) A scaled sketch/site plan drawing of the proposed development site. At a minimum, the site plan shall include the following:

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1. North arrow;
2. Name of proposed development or land use, if applicable;
3. Name, phone number, and address of applicant/developer;
4. Name, phone number, and address of property owner;
5. Drawing of proposed improvements, including buildings, driveways, roads, and parking, and existing vegetation and slopes.

(ii) A vicinity map containing sufficient information to accurately locate the property shown on the plan;

(iii) Property information, include address, zoning, acreage, and location of proposed lots or buildings within the proposed land use; and

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(iv) Site information, including property lines, fence lines, natural features, natural hazards, and avalanche hazards.

(v) Evidence of Availability of Necessary Services. The following information is necessary to establish the availability of basic services to the proposed land use and the land use application is complete only when all basic services are available to the site, and if applicable, to each proposed lot, and approved in writing by the designated authority.

1. Culinary Water Requirements. Salt Lake City Department of Public Utilities, Water Division, Salt Lake Valley Health Department, and the Town Administrator, are hereby designated collectively as the "culinary water authority," as further defined in Utah Code Annotated Title 10, Section 9a, as amended or replaced. Each culinary water authority shall evaluate and approve the proposed culinary water system for the land use. The applicant shall provide all information required by the culinary water authority, including but not limited to, evidence of the source, quantity, quality, and means of delivery of the proposed culinary water to the proposed land use, and if applicable, to each proposed lot. Certain property within the Town boundaries may not be eligible to be served by the Town culinary water system or able to be supplied water through the Town's contract for water with Salt Lake City, and shall be required to obtain approval from any additional public or private agency with jurisdiction over the proposed water source or delivery system, prior to the land use application being deemed complete.

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2. Wastewater Requirements. Salt Lake Valley Health Department, Environmental Health Division, Salt Lake County Service Area #3, Cottonwood Improvement District, and the Town Administrator, are hereby designated collectively as the "sanitary sewer authority," as further defined in Utah Code Annotated Title 10, Section 9a, as amended or replaced. Each sanitary sewer authority shall evaluate and approve the proposed sanitary sewer system. The applicant shall provide all information and materials as required by the sanitary sewer authority.

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3. Fire and Emergency Requirements: The Unified Fire Authority is hereby designated as the "fire authority," as further defined in Utah Code Annotated Title 10, Section 9a, as amended or replaced. The fire authority shall evaluate and approve the proposed fire suppression infrastructure and emergency access to the land use, and if applicable, to each proposed lot. If the proposed land use does not include year-round motor vehicle (as defined by the Utah Code) access to all proposed lots and proposed and existing roads, streets, and adjacent properties, the application shall include an emergency access mitigation plan, approved by the fire authority and the Town. The applicant shall provide all information and materials as required by the fire authority.

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4. Avalanche Hazards. The Town Marshal's Department shall evaluate and approve the land use application's provisions for avalanche safety and interlodge controls. The application shall include maps and descriptions of known avalanche slide paths and, if applicable, shall include a proposed plat note describing the risks of building in an avalanche zone and an acknowledgment limiting the Town's liability for hazards associated with avalanches. The proposed plat note shall further acknowledge the responsibility of any land owner within the land use to comply with the Town's interlodge procedures and avalanche design and construction requirements, and the applicant's and current land owner's agreement to sign and record the Town's avalanche hold-harmless agreement concurrently with the recordation of the plat. In all proposed land uses (including those where a plat is not required), it shall be a condition of the respective approval or permit to require that every land owner within the proposed development comply with the Town's interlodge procedures and avalanche design and construction requirements, and each applicant and land owner shall sign and record the Town's avalanche hold-harmless agreement concurrently with the issuance of the relevant

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approval or permit. Other requirements may be imposed on any particular building or project to address or mitigate potential avalanche hazards.

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Section 5. Conceptual Plan and Application Completeness.

(a) Determination of Completeness. Upon receipt of the application form, information and fees required in Section 4 of this Chapter, the Town Administrator shall determine whether the application is complete. A land use application is only complete if it includes all required materials listed in Section 4 of this Chapter. If the Town Administrator determines that the application is not complete, the Town Administrator shall notify the applicant in writing, specifying the deficiencies of the application, including any additional information which must be supplied. No further action will be taken on the application by the Town until the deficiencies are corrected.

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(b) Remedy of Deficiencies. The applicant shall correct all specified deficiencies within ninety (90) days of the written notification of such deficiencies. If the applicant fails to correct the specified deficiencies within such ninety (90) day period, the application shall be deemed withdrawn and will be returned to the applicant. Application fees and technical expertise and engineering fees shall not be refunded. Any further submissions shall only be considered as part of a new application.

(c) Extensions of Time. The Town Administrator may, upon written request from the applicant, grant the applicant one automatic thirty (30) day extension to correct the specified deficiencies.

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Section 6. Application Submission to Land Use Authority.

Following a determination by the Town Administrator that the application is complete, the land use application will be placed on the next available land use authority regular meeting agenda for review.

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Section 7. Review of the Land Use Application.

(a) Town Administrator Review. Upon receipt of the land use application, the land use authority may request a staff report reflecting an overview of the land use application and an analysis of the land use application's compliance with the Town's ordinances and general plan from the Town Administrator.

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(b) Public Meetings. The land use authority shall review the land use application at one or more public meetings for compliance with the Town's ordinances and general plan.

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(c) Public Hearings. If required, the land use authority shall hold a public hearing on the land use application.

(d) Applicant Presentation. The land use authority may request a presentation or appearance at a public meeting from the land use applicant to present and discuss the land use application.

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(e) Application Deficiencies. The land use authority may identify deficiencies in the land use application and request that the applicant submit additional information or documents to come into compliance with the Town's ordinances and general plan.

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(f) Applicant Submission of Additional Materials. During the land use authority's review of the application, if the applicant determines that additional materials are appropriate to comply with the Town's ordinances or general plan or to generally assist the land use authority with its review of the application, the applicant may, at least ten (10) days prior to the next regularly scheduled land use authority meeting on which the application is to be considered as part of the agenda, submit additional information, including more detailed plans, plats, and/or other materials.

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(g) Additional Materials. The land use authority, upon its own motion or upon the recommendation from the Town Administrator or designee, or the Town Building Official, may request additional information and materials if determined by the land use authority to be necessary or helpful to the land use authority's review of the application, including, but not limited to, the following information:

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(1) A traffic study prepared by a qualified traffic engineer;

(2) An environmental impact study prepared by a qualified consultant;

(3) Where applicable, a geotechnical study, which may include ground water depths, soil stability, and/or avalanche hazard potential.

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(4) A final site plan of the proposed development.

(5) Final approvals, as necessary, from the culinary water authority, the sanitary sewer authority, the fire authority and/or the Town's Marshal's Department, and any related plans, plats, or submissions required to comply with the ordinances, requirements, rules, and regulations of the culinary water authority, sanitary sewer authority, fire authority, and/or the Town Marshal's Department.

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(6) Evidence of lawful access to the property.

(7) Any approvals, as necessary, from outside agencies that have jurisdiction over any aspect of the property, such as from the United States Forest Service or the U.S. Corps of Army Engineers.

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(8) Identification of known and potential natural features on a map including, but not limited to, known jurisdictional wetlands as identified by the U.S. Army Corps of Engineers, known or potential natural waterways, and any potential natural hazards, including avalanche paths, liquefaction areas, and areas of soil instability, and all on-site vegetation as regulated by Town ordinance. A final map identifying known and potential natural features as

described in this Section and identified by the Building Official will be reviewed and approved or denied by the land use authority as part of the application review process.

(h) Adverse Impacts. To mitigate possible adverse impacts from the proposed development, the land use authority shall determine from a review of the application, conceptual plan, and preliminary plat whether the soil, slope, vegetation, and drainage characteristics of the site are such as to require substantial cutting, clearing, and other earth working operations in the construction of the development or otherwise create an erosion hazard. If so, the land use authority shall require the applicant to provide soil erosion, geological hazard, and sedimentation control plans and specifications, each of which shall be prepared by a qualified professional team with the costs of preparation of such plans and specifications being borne by the applicant.

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(i) Additional Concerns. In addition, given the unique nature of the topography, vegetation, soils, climatic, and aesthetic characteristics of the property within the Town, the land use authority may also consider the following elements, among other relevant considerations, in its review of the application:

(1) Natural setting of the proposed land use.

(2) Relationship of the proposed land use and improvements with other structures and open spaces.

(3) Contour intervals and topographic features of the location of the proposed land use.

(4) Height, density, and species of existing vegetation.

(5) Scenic vistas and sight lines as existing and of the proposed land use.

(6) Other elements deemed appropriate to insure that the purposes of this Chapter and other applicable Town's ordinances and general plan are met.

Section 8. Final Approval or Denial: Additional Submissions.

(a) Approval or Denial. Within one year after receiving the complete land use application from the Town Administrator, and after review of the land use application at one or more public meetings, and if required, after holding a public hearing, the land use authority shall approve or deny the land use application. The land use authority shall only approve those land use applications which:

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(1) Are in accordance with the intent, standards, and criteria specified in the Town's general plan and ordinances;

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(2) Create no financial hardship on the Town; and

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(3) Create no environmental consequence that will adversely impact adjacent properties and the health, safety, or welfare of the inhabitants of the Town when weighed against the positive impacts of such development.

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(b) Requirements Waived. The land use authority may waive any requirements under this ordinance or the Town's ordinances which it determines are not applicable to the proposed land use or land use application.

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(c) Town Administrator's Role. The land use authority may seek the direction, review, analysis of whether the land use application complies with the Town's ordinances and general plan, and/or recommendation as to whether the land use application should be approved or denied from the Town Administrator.

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(d) Extensions of Time. The land use authority may grant up to a one year extension to the applicant, during which time the land use authority will refrain from making a decision to either approve or deny the application. The extension may be granted by the land use authority if the applicant requests such an extension in writing prior to the expiration date and shows good cause for the extension. The land use authority may request that the applicant keep the land use authority updated throughout the extension period on any progress made on the land use application, and the applicant may submit new information to the land use authority at any time during the extension period.

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(e) Expiration of Approvals. For any approved development project or land use under this Chapter which requires a plat, such plat must be recorded within one (1) year of the land use authority's approval date or the plat and the approval will be deemed void. For any approved conditional use or other land use which does not require a plat, the conditional use or other land use approval will expire within one year of the land use authority's approval date unless there is substantial action, including construction, consistent with the approved land use permit.

LAND USE APPLICATION AND APPROVAL ORDINANCE

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- (b) At the pre-submission meeting, the applicant may bring any materials to assist the parties at the meeting in identifying the location of the subject property, the potential land use, the size and layout of the potential improvements or development, and any potential problems or challenges to developing the subject property.
- (c) Due to the unique terrain of the real property within the Town, the Town Administrator may require that the applicant submit additional information.

Section 4. Application and Conceptual Plan/Preliminary Plat.

- (a) At any time after the pre-submission meeting, a land use applicant shall submit an application as described below and all additional information as required by this

Section. All application materials shall be submitted at the same time in order to be considered for completeness.

(b) The following shall be submitted to the Town Administrator, unless waived by the Town Administrator as not applicable:

(1) A complete application form for the proposed land use and all applicable fees.

(2) Application Fees and Technical Expertise and Engineering Fees. To be considered complete, the application for the land use shall be accompanied by all fees established on the Town's fee schedule. The applicant shall pay all expenses of reviewing and approving the land use, if any, including the Town's fees for hiring individuals with technical expertise, legal counsel, and engineers to review the application.

(3) A complete application shall include the following information and materials:

(i) A scaled sketch/site plan drawing of the proposed development site. At a minimum, the site plan shall include the following:

1. North arrow;
2. Name of proposed development or land use, if applicable;
3. Name, phone number, and address of applicant/developer;
4. Name, phone number, and address of property owner;
5. Drawing of proposed improvements, including buildings, driveways, roads, and parking, and existing vegetation and slopes.

(ii) A vicinity map containing sufficient information to accurately locate the property shown on the plan;

(iii) Property information, include address, zoning, acreage, and location of proposed lots or buildings within the proposed land use; and

(iv) Site information, including property lines, fence lines, natural features, natural hazards, and avalanche hazards.

(v) Evidence of Availability of Necessary Services. The following information is necessary to establish the availability of basic services to the proposed land use and the land use application is complete only when all basic services are available to the site, and if applicable, to each proposed lot, and approved in writing by the designated authority.

1. Culinary Water Requirements. Salt Lake City Department of Public Utilities, Water Division, Salt Lake Valley Health Department, and the Town Administrator, are hereby designated collectively as the "culinary water authority," as further defined in Utah Code Annotated Title 10, Section 9a, as amended or replaced. Each culinary water authority shall evaluate and approve the proposed culinary water system for the land use. The applicant shall provide all information required by the culinary water authority, including but not limited to, evidence of the source, quantity, quality, and means of delivery of the proposed culinary water to the proposed land use, and if applicable, to each proposed lot. Certain property within the Town boundaries may not be eligible to be served by the Town culinary water system or able to be supplied water through the Town's contract for water with Salt Lake City, and shall be required to obtain approval from any additional public or private agency with jurisdiction over the proposed water source or delivery system, prior to the land use application being deemed complete.

2. Wastewater Requirements. Salt Lake Valley Health Department, Environmental Health Division, Salt Lake County Service Area #3, Cottonwood Improvement District, and the Town Administrator, are hereby designated collectively as the "sanitary sewer authority," as further defined in Utah Code Annotated Title 10, Section 9a, as amended or replaced. Each sanitary sewer authority shall evaluate and approve the proposed sanitary sewer system. The applicant shall provide all information and materials as required by the sanitary sewer authority.

3. Fire and Emergency Requirements: The Unified Fire Authority is hereby designated as the "fire authority," as further defined in Utah Code Annotated Title 10, Section 9a, as amended or replaced. The fire authority shall evaluate and approve the proposed fire suppression infrastructure and emergency access to the land use, and if applicable, to each proposed lot. If the proposed land use does not include year-round motor vehicle (as defined by the Utah Code) access to all proposed lots and proposed and existing roads, streets, and adjacent properties, the application shall include an emergency access mitigation plan, approved by the fire authority and the Town. The applicant shall provide all information and materials as required by the fire authority.

4. Avalanche Hazards. The Town Marshal's Department shall evaluate and approve the land use application's provisions for avalanche safety and interlodge controls. The application shall include maps and descriptions of known avalanche slide paths and, if applicable, shall include a proposed plat note describing the risks of building in an avalanche zone and an acknowledgment limiting the Town's liability for hazards associated with avalanches. The proposed plat note shall further acknowledge the responsibility of any land owner within the land use to comply with the Town's interlodge procedures and avalanche design and construction requirements, and the applicant's and current land owner's agreement to sign and record the Town's avalanche hold-harmless agreement concurrently with the recordation of the plat. In all proposed land uses (including those where a plat is not required), it shall be a condition of the respective approval or permit to require that every land owner within the proposed development comply with the Town's interlodge procedures and avalanche design and construction requirements, and each applicant and land owner shall sign and record the Town's avalanche hold-harmless agreement concurrently with the issuance of the relevant

approval or permit. Other requirements may be imposed on any particular building or project to address or mitigate potential avalanche hazards.

Section 5. Conceptual Plan and Application Completeness.

(a) Determination of Completeness. Upon receipt of the application form, information and fees required in Section 4 of this Chapter, the Town Administrator shall determine whether the application is complete. A land use application is only complete if it includes all required materials listed in Section 4 of this Chapter. If the Town Administrator determines that the application is not complete, the Town Administrator shall notify the applicant in writing, specifying the deficiencies of the application, including any additional information which must be supplied. No further action will be taken on the application by the Town until the deficiencies are corrected.

(b) Remedy of Deficiencies. The applicant shall correct all specified deficiencies within ninety (90) days of the written notification of such deficiencies. If the applicant fails to correct the specified deficiencies within such ninety (90) day period, the application shall be deemed withdrawn and will be returned to the applicant. Application fees and technical expertise and engineering fees shall not be refunded. Any further submissions shall only be considered as part of a new application.

(c) Extensions of Time. The Town Administrator may, upon written request from the applicant, grant the applicant one automatic thirty (30) day extension to correct the specified deficiencies.

Section 6. Application Submission to Land Use Authority.

Following a determination by the Town Administrator that the application is complete, the land use application will be placed on the next available land use authority regular meeting agenda for review.

Section 7. Review of the Land Use Application.

(a) Town Administrator Review. Upon receipt of the land use application, the land use authority may request a staff report reflecting an overview of the land use application and an analysis of the land use application's compliance with the Town's ordinances and general plan from the Town Administrator.

(b) Public Meetings. The land use authority shall review the land use application at one or more public meetings for compliance with the Town's ordinances and general plan.

(c) Public Hearings. If required, the land use authority shall hold a public hearing on the land use application.

(d) Applicant Presentation. The land use authority may request a presentation or appearance at a public meeting from the land use applicant to present and discuss the land use application.

(e) Application Deficiencies. The land use authority may identify deficiencies in the land use application and request that the applicant submit additional information or documents to come into compliance with the Town's ordinances and general plan.

(f) Applicant Submission of Additional Materials. During the land use authority's review of the application, if the applicant determines that additional materials are appropriate to comply with the Town's ordinances or general plan or to generally assist the land use authority with its review of the application, the applicant may, at least ten (10) days prior to the next regularly scheduled land use authority meeting on which the application is to be considered as part of the agenda, submit additional information, including more detailed plans, plats, and/or other materials.

(g) Additional Materials. The land use authority, upon its own motion or upon the recommendation from the Town Administrator or designee, or the Town Building Official, may request additional information and materials if determined by the land use authority to be necessary or helpful to the land use authority's review of the application, including, but not limited to, the following information:

- (1) A traffic study prepared by a qualified traffic engineer;
- (2) An environmental impact study prepared by a qualified consultant;
- (3) Where applicable, a geotechnical study, which may include ground water depths, soil stability, and/or avalanche hazard potential.
- (4) A final site plan of the proposed development.
- (5) Final approvals, as necessary, from the culinary water authority, the sanitary sewer authority, the fire authority and/or the Town's Marshal's Department, and any related plans, plats, or submissions required to comply with the ordinances, requirements, rules, and regulations of the culinary water authority, sanitary sewer authority, fire authority, and/or the Town Marshal's Department.
- (6) Evidence of lawful access to the property.
- (7) Any approvals, as necessary, from outside agencies that have jurisdiction over any aspect of the property, such as from the United States Forest Service or the U.S. Corps of Army Engineers.
- (8) Identification of known and potential natural features on a map including, but not limited to, known jurisdictional wetlands as identified by the U.S. Army Corps of Engineers, known or potential natural waterways, and any potential natural hazards, including avalanche paths, liquefaction areas, and areas of soil instability, and all on-site vegetation as regulated by Town ordinance. A final map identifying known and potential natural features as described in this Section and identified by the Building Official will be reviewed and approved or denied by the land use authority as part of the application review process.

(h) Adverse Impacts. To mitigate possible adverse impacts from the proposed development, the land use authority shall determine from a review of the application, conceptual plan, and preliminary plat whether the soil, slope, vegetation, and drainage characteristics of the site are such as to require substantial cutting, clearing, and other earth working operations in the construction of the development or otherwise create an erosion hazard. If so, the land use authority shall require the applicant to provide soil erosion, geological hazard, and sedimentation control plans and specifications, each of which shall be prepared by a qualified professional team with the costs of preparation of such plans and specifications being borne by the applicant.

(i) Additional Concerns. In addition, given the unique nature of the topography, vegetation, soils, climatic, and aesthetic characteristics of the property within the Town, the land use authority may also consider the following elements, among other relevant considerations, in its review of the application:

- (1) Natural setting of the proposed land use.
- (2) Relationship of the proposed land use and improvements with other structures and open spaces.
- (3) Contour intervals and topographic features of the location of the proposed land use.
- (4) Height, density, and species of existing vegetation.
- (5) Scenic vistas and sight lines as existing and of the proposed land use.
- (6) Other elements deemed appropriate to insure that the purposes of this Chapter and other applicable Town's ordinances and general plan are met.

Section 8. Final Approval or Denial; Additional Submissions.

(a) Approval or Denial. Within one year after receiving the complete land use application from the Town Administrator, and after review of the land use application at one or more public meetings, and if required, after holding a public hearing, the land use authority shall approve or deny the land use application. The land use authority shall only approve those land use applications which:

- (1) Are in accordance with the intent, standards, and criteria specified in the Town's general plan and ordinances;
- (2) Create no financial hardship on the Town; and
- (3) Create no environmental consequence that will adversely impact adjacent properties and the health, safety, or welfare of the inhabitants of the Town when weighed against the positive impacts of such development.

(b) Requirements Waived. The land use authority may waive any requirements under this ordinance or the Town's ordinances which it determines are not applicable to the proposed land use or land use application.

(c) Town Administrator's Role. The land use authority may seek the direction, review, analysis of whether the land use application complies with the Town's ordinances and general plan, and/or recommendation as to whether the land use application should be approved or denied from the Town Administrator.

(d) Extensions of Time. The land use authority may grant up to a one year extension to the applicant, during which time the land use authority will refrain from making a decision to either approve or deny the application. The extension may be granted by the land use authority if the applicant requests such an extension in writing prior to the expiration date and shows good cause for the extension. The land use authority may request that the applicant keep the land use authority updated throughout the extension period on any progress made on the land use application, and the applicant may submit new information to the land use authority at any time during the extension period.

(e) Expiration of Approvals. For any approved development, project, or land use under this Chapter which requires a plat, such plat must be recorded within one (1) year of the land use authority's approval date or the plat and the approval will be deemed void. For any approved conditional use or other land use which does not require a plat, the conditional use or other land use approval will expire within one year of the land use authority's approval date unless there is substantial action, including construction, consistent with the approved land use permit.