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TOWN OF ALTA PLANNING COMMISSION  
THURSDAY, FEBRUARY 17, 2011  
1:00PM  
WHITMORE LIBRARY MEETING ROOM  
2197 FORT UNION BOULEVARD, SALT LAKE CITY

1. Planning Commission to hold a public hearing to receive comments on the proposed Land Use Application Ordinance.

#### Work Session

Immediately following the Public Hearing, the Planning Commission and Town Council will hold a work session addressing updating and revising the Town of Alta General Plan.

**Alta Planning Commission  
Public Hearing Minutes  
February 17, 2011**

The Alta Planning Commission held a public hearing on February 17, 2010, 1:00 pm, at the Whitmore Library on 2197 Fort Union Boulevard, Salt Lake City. Planning Commission members in attendance included Skip Branch, Jan Striefel, Jon Nepstad, Joan Degiorgio, Roger Bourke and Rob Voyer. Planning Commissioner Lee Kapaloski arrived at the close of the public hearing. 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. Alta Town Councilmembers Steve Gilman and Cliff Curry were also present, as a joint Town Council and Planning Commission session was held immediately following the public hearing. Members of the public present included Meg Ryan, Onno Wieringa, Jen Clancy, Bob Pruitt, Mark Haik, and a court reporter.

**PUBLIC HEARING TO RECEIVE COMMENTS ON THE PROPOSED LAND USE APPLICATION ORDINANCE**

Mr. Branch opened the Planning Commission meeting and opened the meeting to receive public comments on the Land Use Application Ordinance.

**Onno Wieringa**

Mr. Wieringa expressed concerns about vague terminology in the following sections:

- Page 5, Section 7(g), #2, "environmental impact study." Mr. Wieringa felt this is a vague term and does not know what it means.
- Page 5, Section 7(g), #8 "potential natural waterways." Mr. Wieringa expressed that that term is broad and too vague. Mr. Wieringa remarked that knowing and defining actual waterways is one thing, but defining potential waterways seems overly broad.
- Page 6, Section 8, #2, "create no financial hardship on the town." Mr. Wieringa believes this is very vague as well.
- Page 6, Section 8, #3, no "environmental consequence that will adversely impact adjacent properties." Mr. Wieringa noted that language is too vague and creates lots of latitude.

**Bob Pruitt**

Mr. Pruitt noted that he shared concerns similar to Mr. Wieringa with vague terminology. Mr. Pruitt feels like this ordinance would apply to a lot of changes that could be made to his existing house. Mr. Pruitt remarked that if anything needs to change how is that going to be effected for existing properties. Mr. Pruitt expressed that he knows that one of the things is legal access to the property as we all know there are no roads in the Albion Basin that are Town roads. Mr. Pruitt opined that there are issues about what the ordinance applies to and that it is pretty broad. For example, if Mr. Pruitt wanted to put a solar panel on his house, would he have to do an environmental impact study? Mr. Pruitt believes that this creates more problems since it is so broad and he is not sure why we need it.

**Mark Haik**

Mr. Haik remarked that given that the Planning Commission is about begin revisions to the General Plan, this has some very broad implications. Mr. Haik suggested that the Planning Commission set aside this ordinance until revisions to the General Plan have been completed and then see that this proposed ordinance comports with the ideas in the General Plan. Mr. Haik opined that there are not a large number of properties that this would affect; really only the Shrontz property and the recent annexation of Alta Ski Lifts property on the north side of the road. Other than that, there are few if any parcels that could potentially be subdivided and there is no pressing demand for applications at this point. Mr. Haik feels it would be better to wait and proceed when the Planning Commission has a clear vision of the future and that has been forwarded to the Town Council.

Hearing no further comments from the public, Mr. Branch closed the public hearing.

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



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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.

### **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).

**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.

- (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.
- (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) 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.

(d) 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.

(e) 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.

(f) 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 shall 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 and 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, seismic conditions (including liquefaction information and fault lines), 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.

(g) 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.

(h) 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, and application of applicable vegetation removal ordinances.
- (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, 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.

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