



**ALTA PLANNING COMMISSION
MONDAY NOVEMBER 6, 2017
ALTA LIBRARY/COMMUNITY CENTER
10361 East Highway 210
(across the street, north of the rustler lodge)
4:00PM
801.363.5105**

- 1) Introduction and welcome from the Chair.
- 2) Approval of minutes from the October 2, 2017, Planning Commission meeting.
- 3) Update on recent events, staff
- 4) Introduction and opening comments of Tod Young, Chair, Salt Lake County Mountainous Planning Commission and Professor Jim Ehleringer, Distinguished Professor of Biology, University of Utah.
- 5) Continued discussion on the proposed establishment of the Albion Basin Protection Overlay Zone and establishing an appropriate waterway setback.
- 6) Date of next meeting.
- 7) Motion to adjourn.

Alta Town Council members are invited to the meeting; as such there may be a quorum of the Town Council.
Reasonable accommodations (including auxiliary communicative aids and services) for individuals with disabilities may be provided upon receipt of a request with three (3) working days' notice. For assistance please call the Alta Town Office at 801.363.5105



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January 30, 2017

Salt Lake County Commission Members
2001 South State Street N2-200
Salt Lake City, UT 84114-4575

Dear Salt Lake County Commission Members,

We four faculty are writing to comment on Agenda Item 17 of the upcoming Salt Lake County Meeting Agenda (28983), a discussion of proposed changes to the Foothills and Canyons Overlay Zone, in which Chapters 19.72 and 19.73 will be merged into a single Chapter 19.72. Jim Ehleringer is as an ecologist with 40+ years of ecological and environmental research experience at the University of Utah. Michelle Baker is an aquatic ecologist at Utah State University with 20+ years of aquatic ecology and environmental research experience. Thure Cerling is as a geologist with 35+ years of geological and hydrological research experience at the University of Utah. Paul Brooks is a hydrologist and ecosystem scientist at the University of Utah with 20+ years of hydrology and environmental research experience.

Of immediate concern is that any proposed merging of FCOZ guidelines and regulations to create the new FCOZ Chapter 19.72 should retain the vital 100-foot buffer zone for stream corridor and wetland protection. That is, please maintain the 100-foot buffer between stream and any land development as described in current Sections 19.72.030J and 19.73.080B into any revisions of the new buffer regulations.

There are many scientific reasons for these buffers and for the maintenance of a healthy vegetation buffer between stream and any land development. The issues are, of course, the maintenance of in-stream water quality, a healthy stream ecosystem, and valuable wildlife habitat. These objectives are accomplished by having an adjacent riparian vegetation buffer of sufficient width that it can both trap sediment flows and provide an opportunity for soil microbes to process any upslope nutrients and contaminants moving through shallow and deep groundwater into the stream. And please consider the many dimensions of "beneficial use" beyond traditional engineering and water quality metrics. To our citizens who enjoy the Wasatch Mountains, there is also a most important beneficial desire to maintain a healthy streamside view- and sound-scape, as well as property and quality-of-life values.

The scientific evidence supporting a 100-foot stream buffer and corridor are extensive. A recent 2014 review¹ of many science and engineering studies regarding minimum stream buffer distances concluded that a minimum distance of 30 meters (98 feet) was required for the functions expected of a stream buffer: subsurface nitrate removal, sediment trapping, reduced bank erosion, maintaining stream temperatures, and sustaining fish and macroinvertebrate communities. Fundamentally, this recommendation is driven by the hydrologic connectivity between subsurface water and the stream. Recent advances in this area demonstrate that hydrologic connectivity is related to the flashiness of the hydrology, regional topography, and heterogeneity in local geology. The steep, snowmelt driven, and geologically diverse Wasatch Front has all the characteristics that expand the lateral extent of hydrologic connectivity which is a major control on water quality throughout the region.

¹ B.W. Sweeney and J.D. Newbold. 2014. Streamside forest buffer width needed to protect stream water quality, habitat, and organisms: a literature review. *Journal of the American Water Resources Association* 50:560-584.

Thank you for the opportunity to provide comments into this important matter for long-term preservation of our valuable Wasatch Mountain resources.

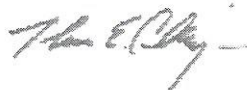
Yours Sincerely,



James Ehleringer
Distinguished Professor of Biology
University of Utah
Member U.S. National Academy of Sciences



Michelle Baker
Professor of Biology
Utah State University
Principal Investigator of the statewide iUTAH Project



Thure Cerling
Distinguished Professor of Geology & Geophysics
University of Utah
Member U.S. National Academy of Sciences



Paul Brooks
Professor of Geology & Geophysics
University of Utah

Title 10: LAND USE REGULATIONS

Chapter 6: ZONING DISTRICTS

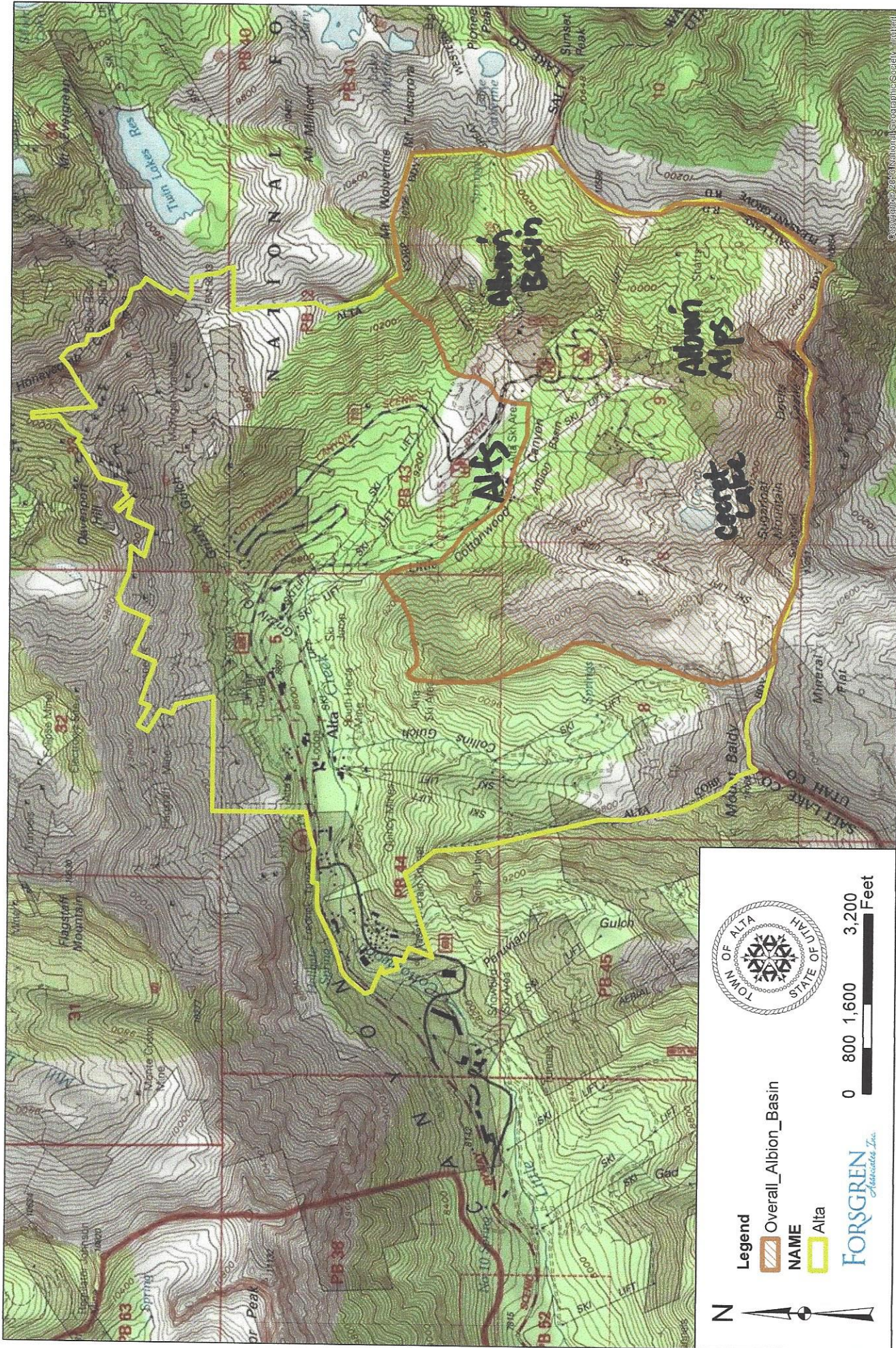
Article E: ALBION BASIN PROTECTION OVERLAY ZONE

10-6E-1: OVERLAY ZONE MAP:

The Albion Basin Protection Overlay Zone applies to those certain parcels within the town of Alta shown on the Albion Basin Protection Overlay Zone Map on file in the town of Alta.

10-6E-2: PURPOSE:

The Albion Basin is a unique, beautiful, and fragile alpine ecosystem that includes the headwaters of the Little Cottonwood Canyon watershed. The purpose of the Albion Basin Protection Overlay Zone is to preserve and protect the scenic beauty and sensitive natural environment of the Albion Basin, as well as the quality of the Little Cottonwood Canyon watershed.



Legend
 Overall_Abñon_Basin
 NAME
 Alta



FORSYTH Associates, Inc.

Title 10: LAND USE REGULATIONS

Chapter 8: NONCONFORMING ~~BUILDINGS~~ STRUCTURES AND USES

10-8-1: PURPOSE:

This chapter regulates the continued existence of nonconforming uses and nonconforming structures. This chapter is intended to balance the public interests of (1) limiting enlargement, alteration, restoration, and replacement of nonconforming uses and nonconforming structures which would increase the discrepancy between existing conditions and the development standards prescribed by Alta Town Code; (2) preserving and protecting the scenic beauty and sensitive natural environment of the Albion Basin, as well as the quality of the Little Cottonwood Canyon watershed; (3) promoting economic and community development within the Town by supporting the ski resort-based economy and facilitating year-round residency.

10-8-~~2~~1: CONTINUATION MAINTENANCE PERMITTED:

A nonconforming use may continue subject to the standards and limitations of this chapter. A nonconforming structure may continue to be used and occupied subject to the standards and limitations of this chapter. A nonconforming building or structure may be maintained if such use was lawfully existing at the time of the effective date hereof. (Ord., 6-8-1989)

10-8-3: BURDEN OF PROOF:

The property owner shall have the burden of establishing the legal existence of a nonconforming use or nonconforming structure. Any party claiming that a nonconforming use or nonconforming structure has been abandoned or otherwise terminated shall have the burden of establishing the abandonment or termination.

10-8-~~4~~2: REPAIRS, ~~AND~~ ALTERATIONS, DETERIORATION, AND DEMOLITION:

(A) Inside the Albion Basin Protection Overlay Zone:

(1) Repairs and alterations may be made to a nonconforming structure or to a structure housing a nonconforming use so long as such repairs or alterations do not:

(a) enlarge the nonconforming structure; or

(b) change or increase the intensity of the nonconforming use.

(2) Restoration or reconstruction of a nonconforming structure is prohibited, and the nonconforming use of a structure is terminated, if:

(a) the structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within one year after written notice to the property owner that the structure is uninhabitable; or

(b) the property owner has voluntarily demolished, over time and in total, more than 50% of the nonconforming structure or the structure that houses the nonconforming use.

(B) Outside the Albion Basin Protection Overlay Zone:

(1) Repairs and alterations to a nonconforming structure or to a structure housing a nonconforming use may be made, may enlarge the nonconforming structure, and may change or increase the intensity of the nonconforming use, so long as such repairs or alterations do not change the existing footprint of the structure.

(2) If repairs or alterations to a nonconforming structure or to a structure housing a nonconforming use will expand or move the footprint of the structure beyond the existing footprint, the structure and the use must comply with current Town ordinances following the repairs or alterations.

(3) Restoration or reconstruction of a nonconforming structure is prohibited, and the nonconforming use of a structure is terminated, if the structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within one year after written notice to the property owner that the structure is uninhabitable.

(4) If a property owner voluntarily demolishes, over time and in total, more than 50% of a noncomplying structure or a structure housing a nonconforming use, the property owner may restore or reconstruct the structure within its existing footprint, and the nonconforming use of the structure will not be terminated.

~~Repairs and structural alterations may be made to a nonconforming building or to a building housing a nonconforming use so long as such repairs or alterations do not change or enlarge the nonconforming use. A nonconforming building or a building housing a nonconforming use may be enlarged with the approval of the appeal authority after recommendation of the building official to accommodate satisfaction of building code requirements and/or life safety improvements. (Ord. 1992 Z-1, 6-11-1992; amd. 2010 Code)~~

10-8-53: ALTERATION WHERE PARKING INSUFFICIENT:

~~A building or structure lacking sufficient automobile parking space in connection therewith as required by this title may be altered, provided additional automobile parking space is provided to meet the requirements of this title for such alteration. (Ord., 6-8-1989)~~

10-8-64: RESTORATION IN RESPONSE TO CALAMITY OF DAMAGED BUILDINGS:

~~A If a nonconforming building or structure or a building or structure occupied by a nonconforming use which is involuntarily destroyed in whole or in part damaged or destroyed by fire, flood, wind, earthquake, avalanche, or other calamity or act of God, or the public enemy, and the nonconforming structure or nonconforming use has not been abandoned, the nonconforming structure may be restored and the nonconforming use may be resumed, may be restored and the occupancy or use of such building, structure, or part thereof, which existed at the time of such damage or destruction, may be continued or resumed; provided that such~~

restoration is started within a period of one year and is diligently prosecuted to completion, and that the intensity of the use is not increased. (~~Ord., 6-8-1989~~)

10-8-~~75~~: ABANDONMENT BY ONE YEAR DISCONTINUATION OR VACANCY:

A ~~building or~~ structure, or portion thereof, occupied by a nonconforming use, which is, or hereafter becomes, vacant and remains unoccupied by ~~a the~~ nonconforming use for a continuous period of one year, except for dwellings, shall not thereafter be occupied except by a use which conforms to the use regulations of the zone in which it is located. (Ord., 6-8-1989)

10-8-~~86~~: OCCUPATION WITHIN ONE YEAR:

A vacant ~~building or~~ structure may be occupied by a use for which the ~~building or~~ structure was designed or intended if so occupied within a period of one year after the use became nonconforming. (~~Ord., 6-8-1989~~)

10-8-~~97~~: CHANGE OF USE:

The nonconforming use of a ~~building or~~ structure may not be changed except to a conforming use; but where such change is made, the use shall not thereafter be changed back to a nonconforming use. (Ord., 6-8-1989)

10-8-~~108~~: EXTENSION OF USE PERMITTED:

A nonconforming use may be extended to include the entire floor area of the existing ~~building structure~~ in which it was conducted at the time the use became nonconforming. (Ord., 6-8-1989)

10-8-~~119~~: NONCONFORMING USE OF LAND:

The nonconforming use of land, existing at the time this title became effective, may be continued; provided, that no such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property; and provided, that if such nonconforming use of land, or portion thereof, is abandoned or changed for a period of one year or more, the future use of such land shall be in conformity with the provisions of this title. (Ord., 6-8-1989)

10-8-~~1210~~: NONCONFORMING RESTAURANTS AND PRIVATE LOCKER CLUBS:

Existing restaurants or nonprofit locker clubs which were nonconforming as of July 1, 1969, may, upon application, be granted a conditional use permit for a state store, subject to this code. (Ord., 6-8-1989)

ORDINANCE REVISIONS RELATED TO WATERWAYS

OPTION A

Step 1: Revise the definitions in 10-1-6 as follows:

10-1-6 DEFINITIONS:

NATURAL WATERWAYS: Those areas varying in width along streams, creeks, gullies, or washes, rivulets, or culverts, whether constructed, altered, or naturally occurring, which normally contain or convey water either throughout or during only at least part of the year, including during runoff events, which are natural drainage channels as determined by the building official, and in which areas no buildings shall be constructed.

EROSION CHANNELS: Channels which have been created by erosion but which do not normally contain or convey water, except during local rainstorm, or snowmelt, or runoff events, and which do not support riparian vegetation or habitat, as evidenced by the presence of hydrophilic plants or other evidence. For purposes of this Title, Erosion Channels are not Waterways.

NET DEVELOPABLE ACREAGE: The area of ground within a lot that satisfies all of the following conditions:

- A. Slope less than thirty percent (30%); and
- B. Soils of a suitable depth and type based on soil exploration and percolation tests in accordance with the regulations of the Utah department of health to ensure against detriment to surface and groundwater quality; and
- C. Minimum distance from the high water line of any ~~natural~~ waterway of fifty feet (50'); and
- D. Free from unreasonable risk of harm to the property and the general public from natural hazards such as flood, landslide, avalanche, a high water table, or inordinate soil erosion after full compliance with applicable provisions of the building code governing topographic, structural and general design standards necessary to meet the maximum foreseeable risk of such hazards, and in discharge of the obligation imposed upon any person so developing and/or improving property subject to such natural hazards imposed by subsection 10-6A-8A of this title.

Step 2: Revise the "Stream Regulations" in 10-6A-8, 10-6C-9, and 10-6D-14 as follows:

G. Stream Regulations: No ~~portion of any building, structure, improvement or appurtenance shall~~ may be constructed, raised, or established, ~~the nearest point of which is (1) closer less than fifty feet (50') from outside the nearest high water line of any Natural Waterway, as determined by the Building Official, as defined in section 10-1-6 of this title; or (2), nor less than twenty feet (20') outside the top of the waterway embankment slope of any Waterway, as determined by the Building Official.~~ The approved site plan shall also indicate the extent and specific design of the proposed method of control of erosion during and after construction activities. The complete, approved erosion control system shall be installed and approved by the building official prior to commencement of any construction activities on any site.

ORDINANCE REVISIONS RELATED TO WATERWAYS

OPTION B

Step 1: Revise the definitions in 10-1-6 as follows:

10-1-6: DEFINITIONS:

NATURAL WATERWAYS: Those areas varying in width along streams, creeks, gullies, or washes, rivulets, or culverts, whether constructed, altered or naturally occurring, which normally contain or convey water either throughout or during only at least part of the year, including during runoff events, which are natural drainage water channels as determined by the building official, and in which areas no buildings shall be constructed.

PERENNIAL WATERWAYS: Waterways which usually contain or convey water during the majority of the year, except for infrequent periods of drought. Any Waterway supporting riparian vegetation or habitat, as evidenced by the presence of hydrophilic plants or other evidence, shall for the purposes of this ordinance be defined and regulated as a Perennial Waterway.

INTERMITTENT WATERWAYS: Waterways which usually contain or convey water for less than the majority of the year, such as seasonal streams, particularly following local rainstorm or snowmelt events, and do not support riparian vegetation or habitat, as evidenced by the presence of hydrophilic plants or other evidence.

EROSION CHANNELS: Channels which have been created by erosion but which do not normally contain or convey water except during local rainstorm or snowmelt events, and which do not support riparian vegetation or habitat, as evidenced by the presence of hydrophilic plants or other evidence. For purposes of this Title, Erosion Channels are not Waterways.

NET DEVELOPABLE ACREAGE: The area of ground within a lot that satisfies all of the following conditions:

- A. Slope less than thirty percent (30%); and

B. Soils of a suitable depth and type based on soil exploration and percolation tests in accordance with the regulations of the Utah department of health to ensure against detriment to surface and groundwater quality; and

C. Minimum distance from the high water line of any Natural Perennial Waterway of fifty feet (50'); and

D. Minimum distance from the high water line of any Intermittent Waterway of thirty-five feet (35'); and

E. Free from unreasonable risk of harm to the property and the general public from natural hazards such as flood, landslide, avalanche, a high water table, or inordinate soil erosion after full compliance with applicable provisions of the building code governing topographic, structural and general design standards necessary to meet the maximum foreseeable risk of such hazards, and in discharge of the obligation imposed upon any person so developing and/or improving property subject to such natural hazards imposed by subsection 10-6A-8A of this title.

Step 2: Add the following language to the “Special Regulations” 10-6A-8, 10-6C-9, and 10-6D-14:

PIPING OR RELOCATION OF EXISTING INTERMITTENT WATERWAYS:

Piping and/or relocation of existing intermittent waterways is permissible subject to the following:

A. A permit is required. Applicant shall provide necessary details to the Building Official to certify that the proposed changes will not adversely impact the capacity or functioning of the waterway, nor hinder the ability to deliver flood waters across and through applicant’s property without adverse physical or environmental impact to either the applicant’s property, structures (proposed and existing), or any surrounding or downstream properties.

B. Application for permit shall include, as a minimum:

1. Detailed site contour mapping (1 foot contours unless otherwise approved);
2. Detailed hydrologic and hydraulic calculations stamped by a Utah licensed professional engineer based on a 100-year storm or snowmelt event, whichever is the worst case; and
3. Design details of proposed ditch modification and alignment.

C. The permit will be subject to the review and approval of the Building Official and, as appropriate, the city attorney

D. Current and future landowner(s) are responsible for the perpetual and continual maintenance and condition of the ditch or piping along and through their property.

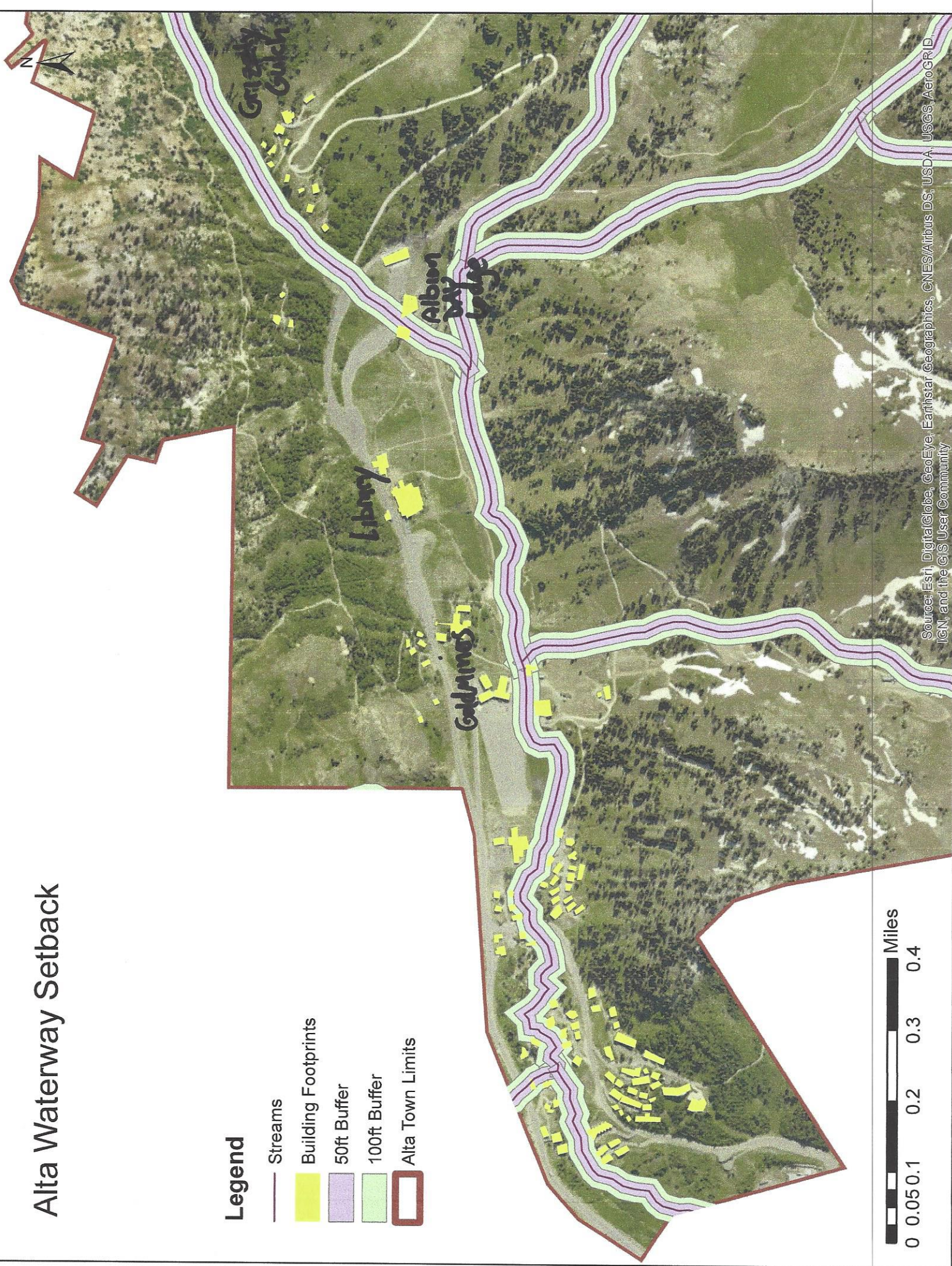
Step 3: Revise the "Stream Regulations" in 10-6A-8, 10-6C-9, and 10-6D-14 as follows:

G. Stream Regulations: No ~~portion of any building,~~ structure, improvement, or appurtenance ~~may~~ shall be constructed, raised, or established ~~(1) - the nearest point of which is closer less than fifty feet (50') from outside the nearest high water line of any "natural waterway"~~ Perennial Waterway, as determined by the Building Official, ~~as defined in section 10-1-6 of this title;~~ (2) ~~nor~~ less than twenty feet (20') outside the ~~waterway~~ top of the embankment slope of any Perennial Waterway, as determined by the Building Official; or (3) ~~nor closer less than thirty-five feet (35') from outside the nearest high water line of any Intermittent Waterway.~~ The approved site plan shall also indicate the extent and specific design of the proposed method of control of erosion during and after construction activities. The complete, approved erosion control system shall be installed and approved by the building official prior to commencement of any construction activities on any site.

Alta Waterway Setback

Legend

- Streams
- Building Footprints
- 50ft Buffer
- 100ft Buffer
- Alta Town Limits



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, JSGS, AeroGRID, IGN, and the GIS User Community

Alta Waterway Setback

Legend

- Streams
- Building Footprints
- 50ft Buffer
- 100ft Buffer
- Alta Town Limits

Alps

Albion Basin Subdivision

Secret Lake Area

Albion Alps Subdivision



~~NATURAL WATERWAYS: These areas varying in width along streams, creeks, gullies or washes which are natural drainage channels, as determined by the building official and in which areas no buildings shall be constructed.~~

NET DEVELOPABLE ACREAGE: The area of ground within a lot that satisfies all of the following conditions:

[Definitions will be included here depending on which version of the waterways chapter is adopted. See Chapter 11A, Protection of Waterways, below.]

NONCONFORMING BUILDING OR STRUCTURE: ~~A building or structure, or portion thereof, that (1) legally existed before its current land use designation; and (2) because of one or more subsequent land use ordinance changes, does not conform to all the height, area, and yard regulations, and other regulations that govern the structure. lawfully existing at the time this title became effective, which does not now conform to all the height, area and yard regulations herein prescribed for the zone in which it is located.~~

NONCONFORMING USE: ~~A use of land that (1) legally existed before its current land use designation; and (2) because of one or more subsequent land use ordinance changes, does not conform to the regulations that govern the use of the land. A use which lawfully occupied a building or land at the time this title became effective and which does not now conform with the use to all the height, area and yard regulations for the zone in which it is located.~~

Clarence solved our problem,
we really want to preserve the
bank, so we added the
20' top of embankment
language

