

Memo to the Alta Planning Commission

Date: 9/18/2018

From: Staff

Re: Albion Basin Protection Overlay Zone, Nonconforming cabins

Attachments: Ordinance Update Document w/ updates

Staff has compiled several new amendments to the ordinance update document that reflect changes the planning commission has discussed in its last few meetings. Sections bearing these updates are highlighted in yellow in the document, and they include:

10-1-6 Definitions, "USE, INTENSITY OF": Page 9

10-6A-8, 10-6A-9: Page 15

10-6E-3 EXISTING CABINS: Page 30

10-8-4-A Repairs and Alterations, Inside ABPOZ: Pp 35-36

8-3-6-G-2 Wastewater disposal within Albion Basin Protection Overlay Zone: Page 46

Background:

You have gone through and come to a consensus on all the proposed amendments to the zoning ordinance except for certain elements of the Albion Basin Protection Overlay Zone (abpoz). The list of proposed amendments is attached.

The issues that you still must come to a consensus on before forwarding the package on to the council are addressed below:

- The issues remaining revolve around how to address the 21 existing cabins in the Albion basin.
- Those cabins are currently nonconforming, they can maintain, upgrade, repair, improve so long as they don't expand. They cannot be voluntarily demolished and rebuilt.
- The proposed ordinance also speaks to no increase in "intensity of use," in addition to the blanket restriction against expansion.
- The "calamity" portion of the ordinance allows the nonconforming cabins to be rebuilt if they are destroyed by fire, flood, wind, avalanche etc.
- The current ordinance requires restoration within 1 year if destroyed by calamity or allowed to fall into a state of disrepair such that the building official sends a notice to repair back to code standards.
- We have proposed extending the 50' waterway setback to 100' in the abpoz. This would add two cabins in the Secret Lake area to within the restricted waterway setback. They are nonconforming already, but this would add another level of nonconformity.
- We have also proposed adding requirements of 24 hour 365 days per year access and the ability to hook up to a sewer line prior to accepting any applications for a building permit.
- Finally, we have proposed additional requirements to holding tanks to protect the watershed.

Cabin owner's concerns brought out in the last two meetings:

- The cabin owners would like the ability to tear down, rebuild, even expand up to 10% or 250 square feet, whichever is less.
- The cabin owners are concerned that the 24-hour, 365-day access requirement, and the requirement to show the ability to connect to a sewer line and the stricter requirements for holding tanks would be applied to them even though they are grandfathered.
- The cabin owners were concerned about the identification of the specific uses related to the “no increase in intensity of use” phrase.
- The cabin owners were concerned about the enlargement of the waterway setback from 50’ to 100’, especially the two additional cabins in the Cecret area that would fall within that 100’ setback.

Response to the Cabin Owner’s Concerns:

- Expansion, voluntary demolition/rebuild is not allowed now, and is not allowed under Salt Lake City or Salt Lake Valley Health Department regulations. The proposed revisions are status quo and no change is recommended.
- Re: the language that 24 hour per day access and the ability to connect to a sewer line be required before submittal for a building permit, we were to clarify that those requirements were only for entirely new occupied structures on vacant land, *not* for any building permits for any work on any of the existing cabins.
- The same applies to the sewer/holding tank requirements in chapter... these requirements are not applicable to the existing systems for the existing cabins.
- Expanding the waterway setback to 100’ from 50’, adversely affects two cabins in future. Those cabins are currently nonconforming, this action would have no effect on them presently because they are already nonconforming but would be a restriction in the future if for some reason other things/agencies changed and cabins became conforming but for the waterway setback. This is not likely, but town could look at this situation in the future and either amend the ordinances or look at variance procedure for relief.
- It should be noted that the proposed amendment allows more time to reconstruct a cabin destroyed by calamity or allowed to fall into such a state of disrepair that an order to repair to building standards is issued by the Building Official. The current timeframe is one year. The proposed timeframe is one year to submit a plan to the Building Official and three years to complete construction.
- Final comments were related to the abpoz name and map boundaries. It was suggested that the proposed area of the abpoz is smaller than what is commonly thought of as the Albion Basin, so the name might be changed to the *core* or *heart* of the abpoz. Re: the map boundaries, the Vice Chair eloquently summarized the suggestions from a previous meeting; the Friends of Alta want the boundaries of the abpoz to be expanded and the Alta Ski Area wants the boundaries to be shrunk. The current boundary has been discussed and revised several times by three separate engineers. The current boundary is well thought out and would stand up to any scrutiny.

Staff recommendation is to incorporate the above changes as shown on the attached ordinance pages, determine the boundaries of the abpoz and forward the packet on to the Town Council for their review and action.