

6.12.19

Staff memo to the Alta Town Council

Re: Proposed Zoning Amendments

The Planning Commission began the zoning amendment review in September of 2016. They had 14 meetings and two public hearings prior to your public hearing in this past April. Most of the proposed amendments are housekeeping, language upgrades, clarifications and items upon which a consensus has been reached.

The remaining issues you identified are:

- Albion Basin Protection Overlay Zone
- Nonconforming Structures and Uses
- Waterway setbacks
- Maximum Coverage

At this point, let's proceed as if all the proposed amendments submitted to you by the Commission are acceptable except for the aforementioned, and deal specifically with those now. If you feel there are other issues that you have not agreed with or reached a consensus on, please add them to the above list for discussion.

Each of the remaining issues is discussed below.

Albion Basin Protection Overlay Zone (ABPOZ), this is by far the most controversial and received the most comments ranging from why is it necessary in the first place, to what to call it, to questioning the boundaries, calling the boundaries gerrymandered, to the adverse effect the ABPOZ might have on maintenance of the existing 21 cabins in the Albion Basin and to previous statements by the town to install sewer and water to the basin; those comments are addressed below. A skeletal overview of the public comments received is attached.

In our review over the past three plus years, it became even clearer that the Albion Basin is different, more fragile than the rest of the Town. U of U Professors weighed in against the County's review of possible Foothills and Canyons Overlay Zone (FCOZ) amendments proposing to reduce the 100' waterway setback, and specifically addressed Alta's Planning Commission on the same issue during their review of the proposed ABPOZ. Ultimately the County kept the standard 100' waterway setback in the FCOZ. Like County FCOZ areas, the Albion Basin is less developed, more sensitive and more prone to damage than the rest of the town, so adopting a protective zone, with greater waterway setbacks for the Albion Basin was strongly recommended.

The current boundary has been well thought out, with the input of three independent engineers is rational and defensible. The complaints against the current boundaries involve the Albion Meadows range site and an area near the top of the Albion Lift where the East Albion Basin range site has been split by the proposed boundary. The Albion Meadows area was not included in any of the three engineers' boundaries. That area is 30 total acres, 6 acres of which are classified as wetlands. Wetlands are protected separately whether the ABPOZ is adopted. In the 1993 study used as a partial base for the creation of the ABPOZ boundary, the Albion Meadows had a low functional value for both ground water discharge and recharge. The Planning Commission held a field trip to the area, related to East Albion

Basin, the existing boundary was established over a rocky outcropping where water would flow either down into the boundary as proposed, or north/east to the area that some want the boundary expanded to include. There is on the ground support for the boundary as proposed. Alf's currently sits near the bottom of that boundary outside a major channel of Little Cottonwood Creek which further supports the boundary as proposed. This boundary could be expanded to the north and west as has been discussed in previous meetings. Doing so would then include Alf's in the ABPOZ as well as an existing area of vacant FR-50 Forest Lands.

Nonconforming issues. There were numerous comments submitted about how the abpoz would adversely affect maintenance of the existing cabins. The existing 21 cabins are expressly mentioned in the proposed amendments and their continued existence and maintenance is expressly encouraged. The ABPOZ would not hinder maintenance of the existing cabins in any way. No cabin owner would be required to retrofit existing installations.

The ability to tear down and rebuild was brought up. Today cabins cannot be torn down and rebuilt in the Albion Basin. The town does not have the authority to allow tear down/rebuilds. Adoption of the ABPOZ would have no effect on that status.

In the Albion Basin, the town cannot approve a building permit unless it is first approved by Salt Lake City (SLC) and the Salt Lake Valley Health Department (SLVHD). When a project has received approval from SLC and SLVHD, the town issues a building permit for the approved plans. SLC and SLVHD had mistakenly applied FCOZ standards in their review for Albion Basin plans. FCOZ allows up to a one time 250 gross square foot expansion. That has happened in the last two building permits in the basin. It is not expressly allowed under Alta regulations but is allowed for building code safety reasons with approval by the Land Use Authority after recommendation by the Building Official. You have heard Mr. Draper's explanation of his remodel and expansion which included a safer interior/enclosed stairway. This is exactly the type of project Alta's current regulations address. It would be reasonable to go one step further to allow expansions of up to 250 gross square feet, one time, mirroring FCOZ, without having to go through Land Use Authority and Building Official action.

Waterway setback, at issue here are different setbacks in the abpoz vs the remainder of town. Again, recognizing that Albion Basin is more sensitive and more prone to damage than the rest of the town. Following the same logic as FCOZ and the recommendations of the professor from the University of Utah, a 100' waterway setback, with a 20' setback from the top of the embankment is essential for waterway protection in the basin. A 50' setback for non-habitable structures is status quo and can only be reduced by SLC and SLVHD. This amendment would have no effect on existing cabins. It would add an additional layer of nonconformity to 2 and possibly a third cabin in the basin but without a major change in SLC/SLVHD and state regulations there would be no difference to these cabins over the present situation. It would be more restrictive to vacant parcels adjacent to waterways, but again, without major policy changes from the other agencies it would make no difference to those parcels over present conditions.

Keeping the status quo of 50' setback from waterways for the remainder of town makes sense as the professor noted since the remainder of town has different topography, geology, is mostly developed already and is serviced by sewer.

Re: claims of promises by the town to provide sewer and water services; these claims are not really part of the current ABPOZ proposal. Official and recorded annexation documents for Cecret lake area and the remainder of Albion Basin speak to the provision of the sewer dump station, police, fire, avalanche warning and protection and planning and zoning. The dump station was the answer to wastewater, no sewer line extension, and no extension of the water line was anticipated. The town is not allowed to extend a water line to the Albion Basin under the water contract with Salt Lake City. At the request of property owners in the past, the town has asked Salt Lake City to extend a water line into the Albion Basin and the request has been denied.

Coverage; during the development of the Base Facilities Zone (BFZ) a more defined definition of coverage was approved. In that definition, *Areas that may have been graded but remain vegetated and open to the sky such as rope tow hills or grassy lawn areas shall not count as coverage*. It would seem prudent at this point to limit that exemption only to the BFZ.

After coming to a consensus on these remaining issues, and any other issues you feel have not been resolved, the staff and attorneys will draft the language to reflect your policy decisions, create a red line copy of the ordinance showing all the proposed changes and bring them back to you for your review and action.

9.4.19

These are the remaining items on the last list of 33 that we didn't get through last time. Additional explanation added in a few places where it seemed necessary.

After we are finished with the below, we will have gone through the entire proposal and can now go back and readdress any items you may not feel comfortable with.

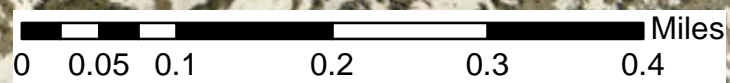
1. 10-6A-9-8: Special Regulations: G. Stream Regulations: add "nor closer than twenty feet (20') from outside of the embankment slope of any Waterway as determined by the building official, and add exempt language for non-habitable ski operation infrastructure we did talk about this and got beyond this, but the ski area requested we add "lift towers" and "avalanche control devices" to the exclusions. Do we want to defer any distance variances entirely to the City and the Health Department or do we want to approve as well?
2. 10-6C-6: FM zone Height Regulations: delete midpoint language, measure to the highest point... no more averaging, will create many new nonconforming uses (add to the highest point?)
3. 20) 10-6C-8: FM zone Maximum Coverage: delete (1) which does not count graded but not paved...and not maintained or plowed during the winter, this exemption only applies only to base facilities zone, amend (2) to delete "rope tow" hills, replace with "ski" hills and delete "grassy" from lawn areas.
4. 10-6C-9 FM zone Special Regulations: G. Stream Regulations: add "nor closer than twenty feet (20') from outside of the embankment slope of any Waterway as determined by the building official. This is new, the discussion is whether to add this 20' from the top of the embankment throughout the entire town or just in the Upper Albion Basin Protection Overlay Zone.
5. 10-6D-11: Base Facilities zone Maximum Coverage: (1) delete "parking" from the first sentence, change the date from April 1 to May 1. No break on coverage for parking and extended the "winter months" through to May 1 instead of April 1
6. 10-6D-11: Base Facilities zone Maximum Coverage: (2) delete "rope tow" and replace with "ski" and delete "grassy" from lawn areas. Modernized language as in the other zones, no more rope tows and we don't want to encourage grass lawns
 7. 10-6D-14 Base Facilities zone Special Regulations: G. Stream Regulations. Need to add "nor closer than twenty feet (20') from outside the embankment slope of any natural waterway as determined by the building official.
8. 10-6e... Albion Basin Protection Overlay Zone, there are Six (6) places where the Albion Basin Protection Overlay Zone is has to be amended to the "Upper" abpoz, may also want to discuss briefly where this zone, as an overlay should be
9. 10-6E-2: Purpose: headwaters is misspelled
10. Chapter 8, Nonconforming Structures and Uses, we will need to check to see if we have to rename to Noncomplying Structures and Nonconforming Uses to match UCA. Yes we do and it has been done
11. 10-8-4: Nonconforming Uses/Noncomplying Structures: (A) (1) previous council discussiong, removed (A)(1)(a), and incorporated a one time expansion of up to 250 gross square feet so long as not increase in the intensity of the nonconforming use...into one paragraph.

12. 10-8-4: (A) (2) (c) amend to allow voluntary demolition per "(c)" (c) demolition, a noncomplying structure may be torn down and rebuilt so long as the property owner can show the building official that the demolition/rebuild has first been approved by the Salt Lake County Health Department and the Salt Lake City Department of Public Utilities, the rebuild is in the same footprint as the original building (with up to a onetime 250 gross square foot expansion) and so long as the property owner can demonstrate that the demolition/rebuild would lessen the total immediate and long term impact of construction.
13. 10-8-4: (B) (1) Repairs to a NONCONFORMING STRUCTURE...adding up to 250 gross square feet, one time... add the language; so long as such repairs or alterations do not: (a) increase the area or extent of the nonconformance; or (b) ~~change or~~ increase the intensity of the NONCONFORMING USE. Deleting the "change or" because a change could be a decrease and that would be ok.

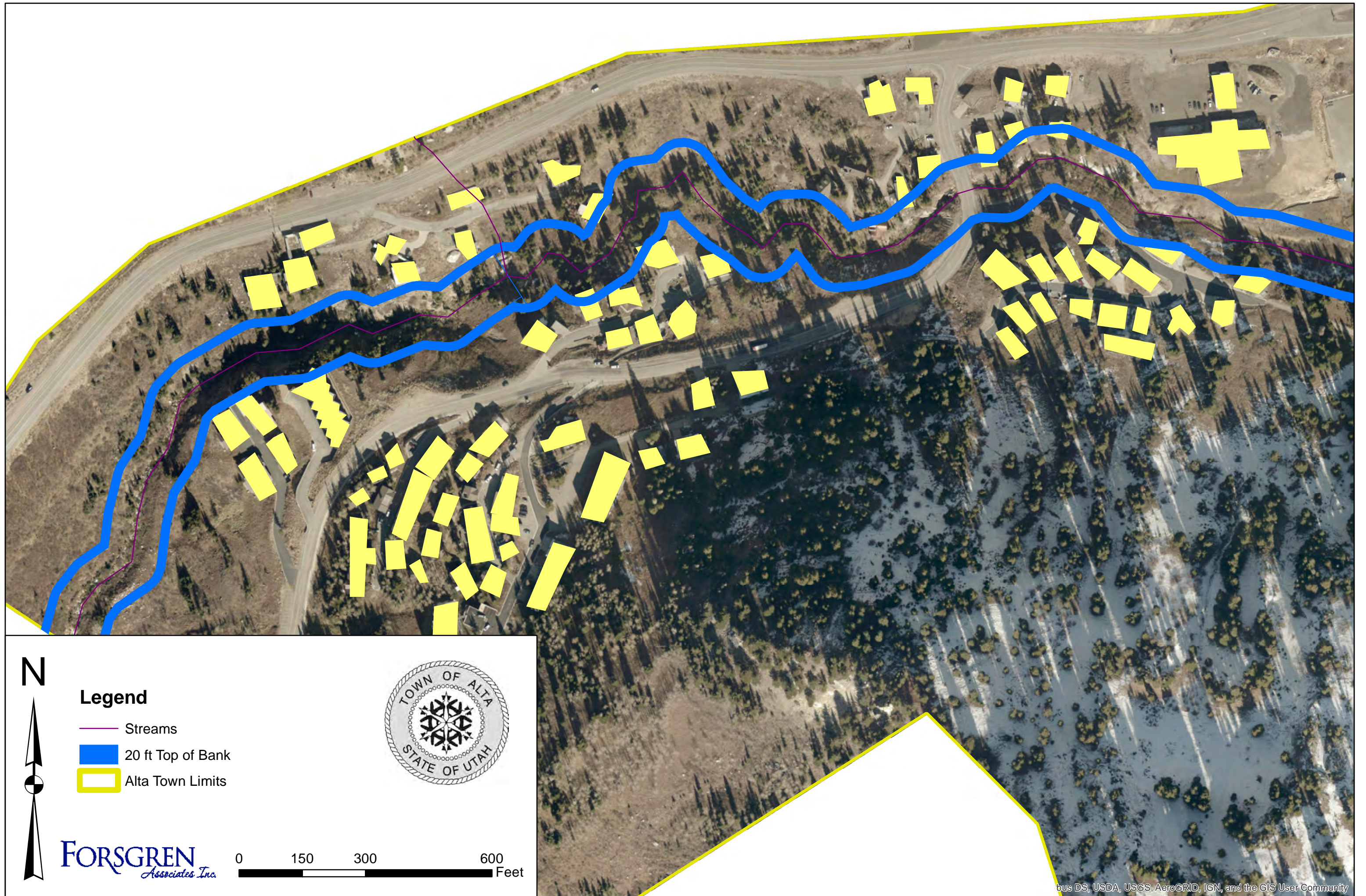
Alta Waterway Setback

Legend

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






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



N



Legend

-  Streams
-  20 ft Top of Bank
-  Alta Town Limits



FORSGREN
Associates Inc.

0 150 300 600 Feet