

12.31.19

Memo to the Alta Town Council

Re: Remaining Sections of Proposed Zoning Amendments:

Our last work session was very productive. You came to a consensus on all but the following three elements.

- 1. Ski area and campground infrastructure waterway setbacks in the proposed Upper Albion Basin Protection Overlay Zone.
- 2. Repair, maintenance and possible tear down/rebuild procedures for noncomplying structures in the proposed Upper Albion Basin Protection Overlay Zone and
- 3. Repair, maintenance and possible tear down/rebuild procedures for noncomplying structures outside the proposed Upper Albion Basin Protection Overlay Zone.
  
- **Alta Ski Area exemptions from the 50' setback for non-habitable structures**, FR zone, p. 17,10-6A-9G. You have discussed and seemed to have agreed to allow *non-habitable ski operation infrastructure such as lift towers, signs, avalanche control devices, snowmaking equipment and pump houses...*so long as ok by the Health Department and Salt Lake City (Watershed Reg. #14) a 50' setback from waterways instead of the 100'.
- **10-6A-9: SPECIAL REGULATIONS:**
  - G. Stream Regulations:
    - (1) , No dwelling unit, structure, improvement or appurtenance shall be constructed, raised or established within fifty feet (50') from the high water line of any Waterway or within of the Top of Bank as determined by the building official
    - (2)Notwithstanding (1) above, in the Upper Albion Basin Protection Overlay Zone no dwelling unit, structure, improvement or appurtenance shall be constructed, raised or established, within one hundred feet (100') from the high water line of any Waterway nor within twenty feet (20') from the Top of Bank as determined by the building official
    - (3) Notwithstanding (1) and (2) above, non-habitable infrastructure necessary for Commercial Recreation ski lift area operation and for Commercial Recreation campground operation such as **lift towers**, signs, **avalanche control devices**, snowmaking equipment, pump houses, picnic tables and fire pits are exempt from these setbacks so long as, and only if, such structures comply with the regulations of the Salt Lake Valley health department and the Salt Lake City division of public utilities.
    - (4) The approved site plan shall depict the Waterway and Top of Bank setbacks and 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.

Discuss and come to an agreement on whether you want the town to weigh in on the waterway setback approval, say through the building official or just defer to the City and County then move on to the next issue.

- **Nonconforming Uses and Noncomplying Structures**

- **Inside the UABPOZ**, p.38/39, 10-8-4(A)
- 1) Proposes to allow repairs and alterations and for the first time automatically allows up to a one time 250 gross square foot expansion so long as no increase in intensity of use
- 2) Proposes to allow the owner to demolish and rebuild with approval of the Health Department and Salt Lake City and if the owner can demonstrate to the building official *that demolition/rebuild would lessen the total immediate and long-term impacts*. State code allows for discontinuation of a non-complying structure if the property owner has voluntarily demolished a majority of the noncomplying structure. Here we are allowing it so long as the above conditions are met. 3) Re: restoration/reconstruction of deteriorated structures, proposes to allow the property owner one year to submit a plan for repair to the building official and three years to complete the work. The current ordinance allows only one year to complete repairs and restoration. You previously discussed allowing two years for plan submittal with 5 years allowed to complete construction. Again, with no increase in intensity of use

Discuss and come to an agreement on whether or not to allow a one time 250 gross square foot expansion, and for the first time to allow tear down and rebuild so long as the property owner has the approval of Salt Lake City and the Salt Lake County Health Department and that the owner can demonstrate to the building official that in so doing demolition/rebuild would lessen the total immediate and long term impacts. Discuss and come to a decision on whether the one year/three-year timeframe for completing repairs and restoration is enough time for the Albion Basin, or if a two year/five year timeframe is more reasonable, then move on to the next issue.

- **Outside the UABPOZ**, p.39/40 10-8-4(B)
- 1) Allows repairs and alterations with up to a one time increase in 250 gross square feet, so long as there is no increase in intensity of use. Do we want to restrict the percentage of repair or allow such repair so long as there is no increase in intensity of use?
- 2) Restoration or reconstruction of a deteriorated structure, now proposes to allow one year for the property owner to turn in a plan of repair to the building official and three years to complete the restoration/repair instead of the existing one year for all. You previously discussed allowing two years for plan submittal with 5 years allowed to complete construction. Again, with no increase in intensity of use.
- 3) property owner may tear down/rebuild over 50% of the noncomplying/nonconforming and may reconstruct in the same footprint (building envelope) and the nonconforming/noncomplying status will not be terminated.

Discuss and come to an agreement on whether to allow a one-time expansion of up to 250 gross square feet. and whether tear down/rebuild is something that should actually be allowed. Discuss and come to an agreement whether to change the time to allow two years for plan submittal with five years for completion expanded from the proposed one year and three years. After coming to an agreement on the aforementioned, there are no further outstanding issues.

#### **10-8-4: REPAIRS, ALTERATIONS, DETERIORATION, AND DEMOLITION:**

(A) Inside the Upper Albion Basin Protection Zone:

(1) Repairs and alterations up to fifty percent (50%) of the square footage of the structure by the property owner may be made to a noncomplying structure or to a structure housing a nonconforming use including a one time expansion of up to 250 gross square feet of floor area so long as such repairs or alterations do not increase the Intensity of the nonconforming Use.(2) The property owner may voluntarily demolish and rebuild over fifty percent (50%) of the square footage of the noncomplying structure or the structure that houses the nonconforming use, so long as:

(i) the property owner has written approval that the demolition/rebuild has been approved by the Salt Lake Valley health department and Salt Lake City division of public utilities,and

(ii) is in the same footprint as the original structure with up to only an additional 250 gross square feet of floor area, and

(iii) does not increase the area of noncompliance or increase the Intensity of the nonconforming Use and

(iv) the Building Official determines that demolition/rebuild would lessen the immediate and long term impacts.

(3) Restoration or reconstruction of a noncomplying structure is prohibited, or 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

(b) a plan is not submitted to, and approved by the building official within one year after written notice to the property owner that the structure is uninhabitable; and

(c) the Property Owner does not receive a certificate of occupancy within three years after written notice to the property owner that the structure is uninhabitable.

(B) Outside the Upper Albion Basin Protection Overlay Zone:

- (1) Repairs and alterations to a noncomplying structure or to a structure housing a nonconforming use up to to fifty percent (50%) of the square footage of the structure may be made and may enlarge noncomplying structure up to a maximum of a one time 250 gross square feet of floor area so long as such repair or alteration does not increase the Intensity of the nonconforming Use,

(2) Any repairs or alterations to a noncomplying structure or to a structure housing a nonconforming use that will expand or move the footprint of the structure beyond the existing footprint except for the one time allowance of 250 gross square feet of floor area, must comply with current Town ordinances,

(3) Any renovation or repair greater than fifty percent (50%) of the square footage of the structure to a noncomplying structure or to a structure housing a nonconforming use shall terminate the noncomplying structure or terminate the nonconforming use and the structure must comply with current Town ordinances.

(3) If a structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable,

restoration or reconstruction of noncomplying structure is prohibited, and the nonconforming use of a structure is terminated, unless

- (a) a plan is not submitted to, and approved by the building official within one year after written notice to the property owner that the structure is uninhabitable; and
- (b) the property owner does not complete repairs and restoration within three years after written notice to the property owner that the structure is uninhabitable.

In conclusion, now is the time for you to bring up anything you think we have missed or that you would like to revisit.

After this, an updated redline showing all of the proposed amendments will be produced. You can then review that document prior to final action.