

**At the Public Hearing regards annexation of the TOA into the Unified Fire Service Area July 21, 2020, Mayor Sondak remarked that the TOA municipal water supply was controlled by the 1976 contract with Salt Lake City Public Utilities and the contract prohibited the supply of water to some areas of the town. Mayor Sondak also alluded to various litigation efforts by Mark Haik which cases have some unspecified effect on the 1976 contract according to Mayor Sondak. What Mayor Sondak failed to acknowledge were the TOA own legislative acts amending the 1976 contract, the effects of the various Shrontz litigation efforts and the consensual agreement between Shrontz's & TOA manifested in the Shrontz Settlement Agreement which amends the 1976 contract with Salt Lake City Public Utilities. No mention of the public record regards TOA municipal water at the Utah Division of Water Rights.**

**Mayor Sondak merely alluding to litigation having occurred and absent any cogent competent analysis regards the status or meaning of the 1976 contract with Salt Lake City Public Utilities (if any exists) regards where the TOA can divert and use municipal water; is insufficient to competently pursue self governance and make public policy. Mayor Sondak should pursue & the TOA Council should demand analysis by Mssrs. Kapalowski/Veasy and or Ms. McClean that they can publicly share the status of the TOA municipal water assets. Merely reiterating the fallacies promoted by your political predecessors and the bureaucrats and minions they directed is insufficient to adequately plan for a viable economic future for the citizens, property & business owners, visitors, guests, inhabitants & neighbors. There is a reason the TOA deliberations are devoid of citizenry and the cause is due to public municipal services being routinely denied to parties specifically annexed to be served basic municipal services.**

Dear Town of Alta Council Members,

Below are some suggesting revisions to proposed code section §10-6A-9(g)(3) along with an explanation as to why we feel these changes will benefit the Town.

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*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 the Top of the Bank as determined by the building official.*

*(2) Notwithstanding (1) above, in the Upper Albion Basin Protective 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 the Bank as determined by the building official.*

*(3) Notwithstanding (1) and (2) above,*

*(a) Structures which are not Buildings and are for Commercial Recreation ski area operation or campground operations, such as lift towers, signs, avalanche control devices, snowmaking equipment, picnic tables and fire pits, are conditionally exempt pending approval by the Alta Planning Commission through the building official.*

*(b) Approval by the Planning Commission shall be based upon written approval from all relevant jurisdictions including US Forest Service, US Army Corp of Engineers, Salt Lake Valley Health Dept. and the Salt Lake City Division of Public Utilities; and said proposed construction shall not commence until such approvals are granted and shall adhere to the purpose and need of the UABPOZ – protecting the watershed of the Albion Basin.*

Alternatively,

*(3) Notwithstanding (1) and (2) above,*

*(a) Structures which are not Buildings and are for Commercial Recreation ski area operation or campground operations, such as lift towers, signs, avalanche control devices, snowmaking equipment, picnic tables and fire pits, are exempt following approval by the Alta building official.*

*(b) Approval by the building official shall be based upon demonstrated written approval from jurisdictions with authority, including US Forest Service, US Army Corp of Engineers, Salt Lake Valley Health Dept. and the Salt Lake City Division of Public Utilities; and proposed construction should adhere to the purpose and need of the UABPOZ – protecting the watershed of the Albion Basin.*

The mission of Friends of Alta is to protect the environment of Alta, including watershed and wildlife habitat areas; to preserve Alta's unique character and heritage; and to encourage stewardship and sustainability of Alta's environment and community.

This proposed language addresses a number of concerns that we have with §10-6A-9(g)(3).  
(1) Likely only a matter of clarification, we worry that the exemption is too broad and would allow for the construction or expansion of commercial ski structures, like restrooms, dining areas, and lift termini. Are those types of structures excluded from the exemption because they are for “the support, shelter, or enclosure of any use occupancy by person, animal or chattel”? Under this section are only non-occupiable structure are exempt?

(2) Even with a narrow exemption for non-habitable structures, there is a significant potential to damage the watershed. For example, snowmaking equipment requires a waterline that would need to be placed in trenches. Thus, digging up the watershed for the placement of that line between its source and the equipment. The proposal of something as small as placing picnic tables in a new area can have a detrimental effect on the watershed because it encourages significantly more traffic than what was there previously and increases the likelihood for “social trails” surrounding the picnic area. The Town would be blind to these projects, which can be innumerable over time, that introduce impermeable surfaces and impact the watershed. This contradicts the very purpose of the ordinance. Similar proposals introduced by homeowners would be rejected. Our concern is that this exemption weakens the integrity of this ordinance by not equally enforcing the purpose of protecting the watershed.

(3) We fear this will create a lack of accountability to the Town and lack of involvement from the Town. As stated in the paragraph above, this ordinance exempts the introduction of structures with the requirement that those projects must be approved by other jurisdictions and the building official. It is not explicitly stated that the building official’s approval is based on verifying that partner jurisdictions have provided said support/approval. Therefore, there is no mechanism to ensure the town would be aware of a violation of this provision. The Town would be blind to the process that unfolds in the proposal review and are therefore powerless to express concern or support. Alta is in a very unique situation where much of the Town boundary (including the ski area) are part of other jurisdictions. Now is an opportunity for the Town of Alta to engage actively in the front-end of projects rather than voice frustration on the tail-end of construction. The US Forest Service may have jurisdiction over leased special use permit land and SLCPU may have input regarding watershed impacts, but the Town of Alta has a valid interest in promoting the vision it has for development within the Town boundaries and in the aesthetic and goals which it has expressed in the General Plan.

I appreciate your time and hope that you are doing well during these very interesting times.

Sincerely,

Kyle O. Maynard  
*Executive Director*  
*Friends of Alta*