

TO: John Guldner, and as appropriate council members and staff
FROM: Margaret Bourke
December 30, 2020

Thank you for the opportunity to address some of my concerns about our zoning amendments. I, like you, look forward to coming to agreement on language which will meet the needs of the Alta community. I recognize that Alta might not need or want a mountain resort zone as is envisioned in FCOZ and the Mountainous Planning District of SL County. Alta has already established a base facilities zone and that is working. When or if the USFS intends to transfer lands at the base of the ski resort to private ownership, the town might want to revisit this issue to determine whether the BF zone as it exists, is what we want or need to establish the character, look and feel of Alta. Until then, there is no need to go as far as establishing a zone like FCOZ. Here is a link to the [zoning map](#) identifying FR, FM, BF zones. Ski operations occur in FR-20 and FR-50; Grizzly Gulch and the USFS permitted lands, respectively.

However, FCOZ does offer guidance on provisions that are supported by Salt Lake County, Salt Lake City, in whose watershed we exist, and that the USFS accepts as applicable on forest lands. Accordingly, I propose borrowing some of that language, rather than Alta re-inventing the wheel in handling improvements for ski area and campground operations.

*Below is the currently proposed code language from the town website on the provisions relating to when a building permit is required, and, where appropriate, other provisions referenced. I have highlighted my changes in **magenta**, and include some introductory remarks in italics which are not part of the proposed changes. Please forward this document to others, if/when you feel appropriate. (Note that the document you sent me and we discussed last week, might contain some old language. I noticed it does not include the proposed section B to 10-1-7.)*

10-1-2 Purpose:

This title is designed and enacted for the purpose of preserving, protecting and promoting the public health, safety, order, morals and the general welfare of the town and specifically, to preserve and maintain Alta as a vibrant, viable, protective and orderly recreation area, to perpetuate its inherent geologic and geographic features, to preserve the essential watershed of Little Cottonwood Canyon for all the residents of the Salt Lake Valley, and to otherwise retain and replenish the remarkable and natural beauty, peace, and tranquility of the town. (Ord., 6-8-1989) **To advance these goals, Alta recognizes the vital link between environmental protection and economic prosperity.**

10-1-7: BUILDING PERMIT REQUIRED

A. Construction, alteration, repair or removal of any building or structure, or any part thereof, as provided or as restricted by this title, shall not be commenced, or proceeded with, except after the issuance of a written permit for the same by the building official. ~~The use of the land shall not be commenced or proceeded with except after issuance of a written permit for the same by the building official.~~ (Ord., 6-8-1989)

~~B. However, 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, do not require a building permit so long as and only if, such Structures comply with requirements of the regulatory bodies having jurisdiction, including US Forest Service, US Army Corp Engineers, Salt Lake Valley Health Department and the Salt Lake City Division of Public Utilities., (Ord., 6-8-1989)~~

I propose eliminating paragraph B of 10-1-7, beginning at the second sentence of paragraph A, insert:

Recognizing the values stated in 10-1-2, to ensure preservation of visual and aesthetic qualities, protection of public health and safety, and conservation of wildlife habitat, protection of acquire recharge areas, minimization of disturbance to existing trees and native vegetation or destabilization of fragile soils and wetlands, permits shall be sought for, the use of the land....

- A. This provision does not apply to lands owned by the state or the government of the United States, except as specifically authorized by state or federal statute or regulation, governmental agreement, or similar cooperative agreement.
- B. Similarly, the town recognizes the extraterritorial jurisdiction of Salt Lake City for the protection of its watershed such that development impacting surface water, wells, storage facilities, or aquifers in Alta shall be referred to Salt Lake City to confirm compliance with applicable ordinances and watershed protection standards.

10-6A-9G. SPECIAL REGULATIONS [Green merely helps me remember to what these provisions apply. Here, to all FR zones, including UABPOZ]

G. Stream Regulations:

- (1) ~~No building, structure, improvement or appurtenance shall be constructed, raised or established, the nearest point of which is closer than fifty feet (50') from the nearest high water line of any "natural waterway" waterway, as defined in section 10-1-6 of this title. 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 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

I propose removing (3) and substituting with a new (3):

- (3) Notwithstanding (1) and (2) above, 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 from these setbacks so long as and only if, such structures comply with requirements of the regulatory bodies having jurisdiction, including US Forest Service, US Army Corp Engineers, Salt Lake Valley Health Department and the Salt Lake City Division of Public Utilities.

- (3) Notwithstanding (1) and (2) above, site plan applications could receive building official approval through an exception from this provision where the site plan demonstrates adherence to the values in section 10-1-2, or, the applicant demonstrates state or federal agencies have approved the activity, and asserted superior jurisdictional authority separate from Alta's zoning. However, even absent an applicable exceptions, applicant may nonetheless apply for a "waiver" from this provision from the planning commission, denial of which is appealable to the land use authority.

Approval Standards for waiver: In deciding whether to grant waivers or modifications to the development standards, the land use authority shall consider the following standards as deemed applicable by the land use authority:

1. whether reasonable alternative means exist to reduce or mitigate adverse impacts.
 2. Strict or literal interpretation and enforcement of the specified regulation may result in a development approach inconsistent with the intent and objectives of this chapter.
 3. The waivers or modifications may result in a development proposal that better preserves area views, reduces adverse impacts on existing trees and vegetation, reduces the overall degree of disturbance to steep slopes, protects wildlife habitat, or reflects a greater degree of sensitivity to stream corridors, wetlands, rock outcrops, and other sensitive environmental features in the vicinity of the proposed improvements.
 4. The granting of the waiver or modification may have neutral or beneficial impact to the public health, safety, or welfare, or to properties or improvements in the vicinity.
 5. The proposed development, as modified by the request, is consistent with the goals, objectives, and policies of the adopted general plan
 6. Creative architectural or environmental solutions may be applied to alternatively achieve the purposes of this chapter.
 7. The development in all other respects conforms to the site design, development, and environmental standards set forth in the zone and in all other applicable ordinances and codes.
 8. The waivers or modifications requested do not violate other applicable federal, state, and local laws.
- (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.

I am not recommending changes to the other zones/sections applicable to stream regulations. I merely provide here for reference.

10-6C-9 G. Special Regulations:[applicable to all FM forestry-multi family zones]

G. Stream Regulations: No building, structure, improvement or appurtenance shall be constructed, raised or established, the nearest point of which is ~~closer than fifty feet (50') from the nearest high water line of any "natural waterway"~~waterway, as defined in section 10-1-6 of this title within fifty feet (50') from the high water line of any Waterway or within the Top of Bank as determined by the building official .. 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.

10-6D-14 G. Special Regulations: [applicable in Base facilities zone]

G. Stream Regulations; Erosion Control: No building, structure, improvement or appurtenance shall be constructed, raised or established, the nearest point of which is ~~closer than fifty feet (50') from the nearest high water line of any "natural waterway"~~within fifty feet (50') from the high water line of any Waterway or within the Top of Bank as determined by the building official ~~closer than fifty feet (50') from the nearest high water line of any "natural waterway"as defined in section 10-1-6 of this title~~. 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.

10-6E-2 Purpose:

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

I propose substituting the second sentence with the following:

The purpose of the Upper Albion Basin Protection Overlay Zone is to:

- A. Preserve visual and aesthetic qualities, recognizing the link between environmental protection and economic prosperity;
- B. Protect public health and safety by protecting the scenic beauty, sensitive natural environment including the quality of the Little Cottonwood watershed;
- C. Conserve wildlife habitat, protect aquifer recharge areas, minimize disturbance to existing trees and native vegetation and destabilization of fragile soils and wetlands, while balancing development for residential and commercial needs.