

Memo to the Town Council

From John Guldner and Town Attorney Polly Samuels McLean

Re: Remaining Zoning Issues

Date: February 4, 2021

After our last work session staff was charged with identifying the consensus issues from the list of 41 remaining separate sections. I know it may not have felt like it, but we made great progress in that meeting. Not only did we winnow the list from 41 to the following 11 outstanding issues, but we really highlighted the main remaining issue; Section 10-6A-9: Special Regulations: G. Stream Regulations: (3) re: what exemptions should be allowed for Alta Ski Area Commercial ski and picnic structures, if any, and the process involved for any such exemptions including the role of the town.

Staff has reviewed the remaining 11 and recommends discussion, no change, or has made the changes based on further discussion. Numbering from old memo is the same. My new comments are in red.

Council to Discuss:

Exemption for Improvements on Forest Service Land:

(2) p.10, 10-1-7: Building Permit Required, proposes to delete paragraph B, replace with language shown on attached document. *Whatever language on proposed exemptions will have to be inserted here if it also exempts building permits. I have updated language based on prior conversations, work sessions and meetings. Council should discuss.*

(3) p.17, 10-6A-9: Special Regulations: G. Stream Regulations: (3), this is the major issue for discussion. Exemption or no exemption, under what process, with town involvement up to and including approval or veto power or not. *This is the main issue remaining, we have discussed numerous options, and all are familiar with the topic.*

Purpose Statements:

(1) p.1, 10-1-2: Purpose: propose adding a sentence recognizing the vital link between environmental and economic prosperity. *Needs work, specificity on the link/connection between environment and economic prosperity. Council should discuss this item with the proposed purpose statement amendments for the UABPOZ.*

(new) P.31, 10-6E-2. This is a similar discussion as #1 regarding the purpose of the UABPOZ to include a link to environmental protection and economic prosperity and balancing development for residential and commercial needs. Proposed language is:

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.

Staff Has Made Suggested Amendments:

(5) p.27, 10-6D-4: Permitted, Prohibited Uses: proposes to add conferences to permitted uses and possibly “take out” liquor sales. We will check with state liquor license requirements. Further clarification on this suggestion was requested. Based upon this comment I have added conference and its definition as a permitted use and a liquor store as part of the retail commercial definition.

(8) p.36, 10-7-21: Technical Review Committee, amends language Re: UFA fire inspections to cover any future agency changes. UFA may be involved, discuss/amend to ensure future operational options are covered. We will refer all inspections to the fire marshal. Current that is the UFA.

(11) p.49, 8-3-6: Private Wastewater Disposal, G.2. proposes language to apply to existing dwellings if renovating, remodeling or other needs requiring holding tanks being replaced. Additional discussion and definition were requested for appropriate language. Staff recommends making this change and has updated the language to reflect that when a building is renovated to the degree that Building Code requires the building to meet current standards, the tank must also be updated.

Staff Recommends No Amendment to Code:

(4) p.26, 10-6D-2: Purpose, proposes to add allowance for employee/owners’ quarters in the Base Facilities zone, which otherwise prohibits residential uses. Further discussion, explanation was desired. This was put in to reflect the current and desired condition of existing employee and owner housing in the commercial establishments in the base facilities zone, which prohibits standalone residential. This was not added in because it is already allowed for employee housing units. (“Designated employee housing units, as described in section 10-6D-7 of this article). Council could discuss if they wish to allow additional housing in the zone.

(6) p.27, 10-6D-4: Permitted, Prohibited Uses, proposed to add a clarifier to prohibited uses. Further clarification on the clarifying language was requested. Staff recommendation is to leave this as is. It is easier to administer if specific.

(7) p.30, 10-6D-14: Special Regulations: F. proposes to add language to clarify that no existing vegetation shall be removed, unless that vegetation is non-native. Discuss question on how this condition could be determined. Staff recommendation is to leave this as is.

(9) p.38, 10-8-4, Repairs, Alterations, Deterioration and Demolition re: noncomplying structures, proposes to add opportunity for extension of time to complete a noncomplying structure if lack of completion is through no fault of the owner. Discuss how to determine, judge whether fault of the owner or not, should this be included? We discussed non-conforming uses and structures at length at our January 8, 2020 work session. Staff does not recommend this change as it is difficult to make this determination and Council is amending to give ample time to make improvements.

(10) p.38, 10-8-4: (3)(b), proposes to allow 3 years instead off 2 to submit plan for rebuild, has been discussed and I thought agreed upon. It was questioned that 3 years is too long to submit a plan. We discussed this specific question at our January 8, 2020 work session. Council consensus was 2 years for plan submittal and 5 years for reconstruction. Councilmember Bourke pointed out that 10-8-6 only allows 1 year to start restoration after calamity and suggested amending it to 3 years. I have changed it to 2 years to be consistent with the direction of council of allowing 2 years to submit plans, which would be the start of restoration.

NEW – After discussion with Staff, we are recommending removing the references to the Dark Sky Compliant. Dark Skies is a term of art and is being reviewed by the Planning Commission who will propose a complete ordinance on Dark Skies. We recommend waiting for the full ordinance so that there is no confusion over

definitions and the entire ordinance can be reviewed. The Town currently has in place lighting restrictions related to the signs and parking/roadways.