

ORDINANCE #2023 – O – 2

**ORDINANCE AMENDING TITLE 1-6-4 “APPOINTMENT OF TOWN OFFICIALS,”
ENACTING TITLE 1-15 “TOWN MANAGER OFFICE CREATED,” AND REPLACING
THE TERM “TOWN ADMINISTRATOR” WITH “TOWN MANAGER”
THROUGHOUT THE TOWN CODE**

WHEREAS, the Town of Alta (“Town”) Town Council (“Council) has examined the effectiveness of the Town’s administration and determined that clarifying and reorganizing the administration is necessary; and

WHEREAS, the Mayor and Council positions are not full-time positions; and

WHEREAS, the demands of administering the business of the Town requires have steadily increased over time; and

WHEREAS, the Council desires to “right size” the Mayor’s duties and provide authority and direction on managing the Town; and

WHEREAS, the Council wishes create the position of Town Manager, describe the duties and framework of the position, and delegate some executive duties of the Mayor to that position.

NOW, THEREFORE, BE IT ORDAINED by Alta Town Council of, Utah, that:

SECTION I. AMENDED. Title 1, Chapter 6, Section 4 “Appointment of Town Officials” is hereby amended as follows:

1-6-4: APPOINTMENT OF TOWN OFFICIALS:

A. Appointment: On or before the first Monday in February following a town election, the mayor, with the advice and consent of the town council, shall appoint a qualified person to each of the offices of town clerk, town treasurer, town marshal and town ~~administrator~~manager.

B. Removal of a town official shall require one of the following:

1. The affirmative vote of the mayor and majority of the town council, or

1.2. The affirmative vote of all council members other than the mayor.

A.C. Ex Officio Auditor: The town clerk is ex officio the town auditor and shall perform the duties of that office.

SECTION II. ENACTED. Title 1, Chapter 15 TOWN MANAGER is hereby enacted as written in the attached Exhibit 1.

SECTION III. AMENDED. All references to “town administrator” in Town Code are hereby amended to the term “town manager” as written in the attached Exhibit 2. [draft not yet available.]

SECTION IV. Effective Date. This resolution shall be effective upon publication.

PASSED AND APPROVED by the Town of Alta Town Council, Utah, this _____ day of _____ in the year 2023.

TOWN OF ALTA

Roger Bourke, Mayor

ATTEST:

Jen Clancy, Town Clerk

Ordinance/summary published on Utah state noticing website on _____.
Effective date of Ordinance: _____

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1-15-1 TOWN MANAGER OFFICE CREATED; ADMINISTRATIVE PROVISIONS

- A. Office Created: The office of the Town Manager, which shall be known as "Town Manager", is created and established pursuant to Utah code section 10-3b-403. The Town Manager shall be referred to as the Town Manager and is the chief administrative officer of the Town.
- B. Control: The powers, duties and functions of the office of Town Manager shall be subject to the control and policies of the Town pursuant to Town ordinance and resolution.
- C. Appointment or Removal: The Town Manager shall be appointed or removed pursuant to 1-6-4.
- D. Bond: Before taking office, the Town Manager shall furnish a fidelity bond, at the expense of the Town, in the amount of **[\$70,000 to \$300,000]**, conditioned upon the faithful performance of his or her duties, with a corporation licensed to do business in this state as a surety. Such bond shall be filed with the Town Clerk after the Town Manager is appointed.
- E. Employment Agreement: Nothing in this chapter shall be construed as a limitation on the power or authority of the Town Council to enter into any employment agreement with the Town Manager with additional terms and conditions of employment not inconsistent with any provisions of this chapter.
- F. Salary: The salary and other compensation of the Town Manager shall be established by the Town Council in accordance with Utah law.
- G. Office And Time Spent: The Town Manager shall maintain an office in the Town offices and shall spend such time in the performance of the duties of Town Manager as is necessary or required to perform the duties as assigned in Town ordinance or resolution. The Town Manager shall not accept any outside employment in addition to employment by the Town without prior approval of the Town Council.
- H. Residence: The Town Manager need not be a resident of the Town at the time of the Town Manager's appointment or thereafter.
- I. Resignation: Before voluntarily resigning from the position of Town Manager, the Town Manager shall give the Town Council at least sixty (60) days' written notice of his or her intent to resign.

1-15-2 MAYORAL DUTIES DELEGATED TO TOWN MANAGER

Pursuant to Utah Code Ann. UCA § 10-3B-403(1)(b)(iii) or its successor, the Town hereby delegates the following statutory duties of the Mayor to the Town Manager:

- A. The Town Manager shall supervise and direct the work of all Town employees through designated Department Supervisors;
- B. All Town employees shall report to the Town Manager through their designated

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Department Supervisors;

C. The appointed Officials of the Town will coordinate with the Town Manager in day to day activities, subject to state and Town code, but each is accountable to the Mayor and Council;

If a matter arises between the appointed Town Officers, that cannot be resolved by the appointed officers, the Mayor shall resolve the matter.

D. The Town Manager shall keep the peace and enforce the laws of the municipality.

E. Ensure statutes, ordinances, and resolutions are executed and observed;

F. Sign contracts provided for in budget, ordinance, or resolutions;

G. Report the condition and needs of the municipality, and make recommendations in the best interests of the Town, to the Council;

H. The Town Manager shall assist in preparing and submitting the annual budget and capital improvements program to the Town Council, and keep the Town Council advised as to the financial condition and needs of the Town.

I. At any reasonable time, examine and inspect the official books, papers, records, or documents of the municipality or any officer, employee, or agency of the municipality;

J. With the Council's advice and consent, appoint a person to fill a municipal employment position or a vacancy on a committee of the municipality; this authority is only for employees and committees, not Town officer or commission appointments;

K. Perform all duties prescribed by statute or municipal ordinance or resolution;

Any or all of these duties may be returned to the Mayor by a majority vote of the Town Council plus the Mayor's vote, or by all the Town Council's votes without the Mayor's vote.

1-15-3 TOWN MANAGER POWERS, DUTIES, OBLIGATIONS

A. Town Manager Duties: Pursuant to the policies and programs established by the Town Council, and under the direction and oversight of the Mayor and as otherwise set forth by the Town Council in ordinance, resolution, motion, or this code, the Town Manager shall:

1. Manage the internal affairs of the Town; develop, recommend and implement Town policies, practices, rules, regulations and procedures; report to the Mayor and Town Council at least monthly; advise the Town Council regarding policy options and implementation procedures; carry out legislative directives and decisions; and administer contracts.
2. Establish and maintain effective working relationships with the Mayor, Town Council, Town staff, Town officers, employees, citizen committees, special interest groups, media, contractors, public vendors and representatives from other

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municipal, county, special district, state and federal agencies.

3. Conduct performance evaluations and administer pay adjustments subject to the approved budget.

~~3.4.~~ Consistent with Town ordinance, resolution, motions, and policy be responsible for the full and effective use of Town personnel by establishing, in consultation with the Town attorney, Town officers and other management employees, overall department objectives, priorities and standards consistent with the goals, direction, and objectives of the Town Council; serve as a facilitator in the achievement by Town departments of Town Council goals by coordinating effective implementation of Town service levels, ordinances, resolutions, rules, regulations and directives; exercise managerial control to ensure that the Town government and its respective departments function in the most efficient and effective manner.

~~4.5.~~ Except for the purpose of inquiry, the Mayor, Town Council and its members shall deal with the administration solely through the Town Manager and, neither the Council nor any member thereof or the Mayor, shall give orders to any subordinates of the Town Manager, either publicly or privately.

~~5.6.~~ Represent the Town at various meetings or other functions and respond to requests or inquiries about Town policies, rules, ordinances, regulations, resolutions or services rendered by the Town government.

~~6.7.~~ Enforce all applicable civil laws, ordinances, rules, regulations, and policies of the Town. Assure that all franchises, leases, permits, licenses, contracts and privileges granted by the Town are fully performed and observed. Ensure criminal law enforcement by coordinating with the Marshal's Office.

~~7.8.~~ Recommend and prepare for consideration by the Town Council and advisory committees long range strategic plans and programs to provide for the health, safety, and welfare of the current and future inhabitants of the Town; furnish reports to the Town Council as requested.

~~8.9.~~ Except as otherwise provided, be responsible for the overall personnel management, function, and implementation of Town personnel ordinances, rules, and regulations that have been adopted, approved, or revised by the Town Council; coordinate personnel ordinances and rules and regulations adopted by the Town Council; coordinate personnel functions with staff such as recruitment, selection, and appointment; monitor personnel actions, promotion, discipline, demotion, separation and reclassification; coordinate personnel decisions with department directors; coordinate activities of individuals rendering professional services under contract with the Town.

10. Exercise general supervision over all buildings, parks, and other public property under the control and jurisdiction of the Town.

~~9.11.~~ _____ The Town Manager may examine and inspect the books, records, and official papers of any office, department, agency, board, or commission of the Town and make investigations and require reports from or about all personnel.

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- ~~10.12.~~ 11.12. The Town Manager shall promptly notify the Mayor and Town Council of any emergency existing in the Town, or in a Town department or body.
- ~~11.13.~~ 12.13. Create all necessary departments as approved by the Town Council. Create all necessary departments, sections, and offices necessary for the government of the Town; prepare recommendations for the Town Council regarding the addition, deletion, or reduction in municipal services.
- ~~12.14.~~ 13.14. Attend and participate in all meetings of the Town Council unless otherwise excluded by the Town Council in a closed executive session, but shall not have a right to vote in Town Council meetings.
- ~~13.15.~~ 14.15. Perform all other duties and obligations, and exercise the powers set forth by ordinance, resolution, regulation, or directive imposed by the Town Council.
- B. Department Cooperation: It shall be the duty of all employees to cooperate with the Town Manager in administering the affairs of the Town efficiently, economically, and harmoniously.
- C. Planning And Land Use: Notwithstanding the foregoing, the Town Manager shall exercise no authority over the planning commission or an appeal and variance hearing officer.
- D. Performance Evaluation: The Town Council shall evaluate, at least annually, the performance of the Town Manager.
- E. Powers Of The Mayor Not Delegated: Nothing in this chapter shall be construed to delegate to the Town Manager the legislative and judicial powers of the mayor, the mayor's position as chief executive officer of the Town pursuant to Utah code section 10-3b-104(1)(a), chairperson of the Town Council, or any ex officio position which the mayor shall hold.

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8-3-3: SUPERINTENDENT:

There is hereby created the position of superintendent of the sewer department. The superintendent of the sewer department shall manage and supervise the Town sewer system pursuant to the provisions of this chapter and pursuant to resolutions, rules and regulations adopted by the town council from time to time prescribing his powers and duties and directing the manner and frequency with which he shall make reports to the mayor relating to the sewer system. All of the functions and activities of the superintendent shall be carried on under the direction of the mayor and may be performed pursuant to an interlocal agreement wherein the manager or superintendent of the contracting agency shall serve as the superintendent for the town. Absent an interlocal agreement, the ~~town administrator~~town manager shall serve as the superintendent.

8-3-6: PRIVATE WASTEWATER DISPOSAL:

A. Permitted: Where a public sanitary sewer is not available within three hundred feet (300') of the building, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

B. Permit Required: Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit issued by the town. The application for such permit shall be made on a form furnished by the town, which the applicant shall supplement by any plans, specifications and other information as deemed necessary. A permit and inspection fee shall be paid to the town at the time the application is filed.

C. Inspections: Permission to use the system for a private wastewater disposal system shall not be authorized until the installation is completed in compliance with the approved plans applicable with all state and local codes and this chapter. Authorized town employees or representatives shall be allowed to inspect the work at any stage of construction. The applicant for the permit shall notify the ~~town administrator~~town manager when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within two (2) business days of the receipt of notice by the ~~town administrator~~town manager.

D. Compliance With State: The type, capacities, location and layout of a private wastewater disposal system shall comply with all recommendations of the state department of environmental quality. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

E. When Public Sewer Available: At such time as a public sewer becomes available to a property served by a private wastewater disposal system, the owner shall make a direct connection to the public sewer within sixty (60) days after receiving, and subject to, notice of availability from the town, in compliance with this chapter, and shall pay the quarterly fee to the town, and the private disposal system shall be disconnected and made inoperable.

F. Operation And Maintenance: When a public sewer is not available, the owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, and at no

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expense to the town. All private wastewater shall be disposed of at the sewer dump station located within the town. (Ord. 1994-O-1, 1-13-1994)

G. Wastewater disposal within Upper Albion Basin Protection Overlay Zone:

1. Where a public sanitary sewer is available, buildings constructed within the Upper Albion Basin Protection Overlay Zone shall be connected to the public system using AWWA C-900 pipe.

2. If connection to a public sanitary system is not available, a private wastewater disposal system shall be installed which shall meet the following requirements:

a. Written approval by the Salt Lake Valley health department.

b. Disposal system shall consist of holding tank(s) equipped with an effective alarm system that remotely notifies the property owner and the Town of Alta in the event that the holding tank reaches seventy five percent (75%) of full level.

c. Disposal system shall be equipped with an automatic water shut-off feature to the building in the event that the holding tank reaches seventy five percent (75%) of full level.

d. Building owner shall maintain and submit to the Town of Alta pumping records for each holding tank at least once every year.

3. Section 8-3-6 (G)(2) does not apply to lots within the UABPOZ which contain dwellings that existed at the time this ordinance was passed except if the dwelling is renovated or remodeled to the degree that the Building Code requires the structure to meet current standards, then the dwelling shall meet the requirements of subsection 2 above.

9-1-5: OUTSIDE AGENCY APPROVAL FOR DEVELOPMENT PRIOR TO PLANNING COMMISSION REVIEW:

A. Each real property development proposal brought to the town must have evidence of approval from each of the following agencies or political subdivisions of the United States government or state government prior to submission to the town planning commission for further action. Said agencies or political subdivisions are: Salt Lake City department of public utilities, water division; Salt Lake Valley health department and division of water quality; Salt Lake Valley health department, environmental health division; Salt Lake County service area no. 3; Cottonwood improvement district; Utah department of transportation; U.S. army corps of engineers; town marshal department; and unified fire authority.

B. The ~~town administrator~~town manager shall provide a list of the entities set forth in subsection A of this section with contact information to those seeking to develop within the town. The ~~town administrator~~town manager is given the authority to change the agency or political subdivision on said list in the event the same governmental review function is transferred to another office. Entities may be added to this list without amending this section on the condition that the ~~town administrator~~town manager inform the town council at a public meeting of a new entity exercising jurisdiction over development.

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9-1A-3: FEES BASED ON REASONABLE PLAN:

A. Prior to the granting of a building permit on any development activity, an impact fee analysis shall be undertaken to determine the amount of impact fees which can be collected by the town consistent with the requirements of section 9-1A-2 of this article. Said study shall be performed by a qualified engineering firm or other firm showing demonstrated expertise in the field of impact fee analysis and calculation. Said firm shall be mutually agreed upon by the ~~town administrator~~town manager and the developer; however, if agreement cannot be reached, the names of three (3) such firms shall be submitted to the town council, which shall, after allowing comment from the developer and the ~~town administrator~~town manager, choose a firm to conduct the study. In lieu of the foregoing procedure, a developer may request that the town staff conduct a less formal impact fee analysis, the fee for which shall be mutually agreed upon. The cost of either study shall be borne by the developer.

B. The impact fee analysis study shall:

1. Identify the impact on system improvements required by the development activity;
2. Demonstrate how those impacts on system improvements are reasonably related to the development activity;
3. Estimate the proportionate share of the costs of impacts on other system improvements that are reasonably related to the new development activity; and
4. Identify how the impact fee was calculated, based on the factors and requirements set forth in this article and in Utah Code Annotated section 11-36-201(5), as amended.

C. If applicable, the impact fee analysis shall identify:

1. The cost of existing public facilities;
2. The manner of financing existing public facilities;
3. The relative extent to which the newly developed properties and the other properties in the town have already contributed to the cost of existing public facilities, by means as user charges, special assessments, or payment from the proceeds of general taxes;
4. The relative extent to which the newly developed properties and the other properties in the town will contribute to the cost of existing public facilities in the future;
5. The extent to which the newly developed properties are entitled to a credit because the town is requiring their developers or owners to provide common facilities, inside or outside the proposed development, that have been provided by the town and financed through general taxation or other means, apart from user charges, in other parts of the town;
6. Extraordinary costs, if any, in servicing the newly developed properties; and
7. The time price differential inherent in fair comparisons of amounts paid at different times.

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10-1-6: DEFINITIONS:

For the purpose of this title, certain words and terms are defined as follows: Words used in the present tense include the future, words in the singular number include the plural and the plural the singular.

AGRICULTURE:	The tilling of the soil, the raising of crops, horticulture and gardening, but not including the keeping or raising of domestic animals or fowl, except household pets, and not including any agricultural industry or business, such as fruit packing plants, fur farms, animal hospitals or similar uses.
ALLEY:	Any public way or thoroughfare less than sixteen feet (16'), but not less than ten feet (10') in width, which has been dedicated or deeded to the public for public use.
APARTMENT HOUSE:	Any building or portion thereof which contains three (3) or more dwelling units and, for the purpose of this title, includes residential condominiums.
APPEAL AUTHORITY:	The person, board, commission, agency or other body designated by town ordinance to decide an appeal of a decision of a land use application or variance.
BASEMENT:	Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first "story", as defined in this section.
BUILDING:	Any Structure or any part thereof, built or used for the support, shelter, or enclosure of any use or occupancy by person, animals, or chattel.
BUILDING, ACCESSORY:	Any detached building used or intended for supporting or sheltering any use or occupancy subordinate and clearly incidental to that of the main building and located on the same lot occupied by the main building.
BUILDING HEIGHT:	The vertical distance from the lower of Established Grade or Finished Grade to the highest point of the structure excluding Rooftop Elements.
BUILDING, MAIN:	The principal building or one of the principal buildings upon a lot that is used primarily for the principal use.
CARETAKER:	An owner or a person employed by the owner of a private, residential dwelling to reside within the building and to provide primarily maintenance, custodial and security services; or, a property management services company, licensed by the Town of Alta, which does not have an employee who resides within the building, but which provides maintenance, custodial and security services.
CARETAKER UNIT:	A living area within a dwelling which is separated physically from the remainder of the dwelling or annexed to the dwelling, the purpose for which is to house an on premises "caretaker", as defined in this section. The owner shall certify to the town in writing that a caretaker unit shall be occupied only by a caretaker.

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CARPORT:	A private garage not completely enclosed by walls or doors. For purposes of this title, a carport shall be subject to all of the regulations prescribed for a private garage.
CHILD NURSERY:	An establishment for the care and/or instruction, whether or not for compensation, of six (6) or more children other than members of the family residing on the premises.
CLASS A BEER OUTLET:	A place of business wherein beer is sold in original containers to be consumed off the premises in accordance with the alcoholic beverage control act of Utah and the licensing ordinance of the town.
CLASS B BEER OUTLET:	A place of business wherein beer is sold in original containers for consumption on or off the premises in accordance with the alcoholic beverage control act of Utah and the licensing ordinance of the town.
CLASS C BEER OUTLET:	A place of business wherein draft beer or beer in original containers is sold for consumption on or off the premises in accordance with the alcoholic beverage control act of Utah and the licensing ordinance of the town.
COMMERCIAL RENTAL:	The renting of real property for terms of thirty (30) days or less, or other impermanent or transitory lodging use lacking in stability or continuity of persons occupying real property.
CONDITIONAL USE:	A use of land for which a conditional use permit is required pursuant to Chapter 9 of this title.
CONDOMINIUM PROJECT:	<p>A. A real estate plan or project whereby two (2) or more units, whether contained in an existing or proposed building or buildings, are separately offered or proposed to be offered for sale. "Condominium project" shall also mean the property when the context so requires.</p> <p>B. The owner or developer of any condominium project or "time period unit" project, as defined in this section, shall comply with the Utah condominium ownership act, Utah Code Annotated title 57, chapter 8, which is hereby incorporated within and made a part of this title by reference. Such owner or developer shall also comply with all pertinent provisions of all chapters of this title.</p>
CONFERENCE:	A gathering and consisting of multipurpose meeting facilities, typically consisting of one or more meeting or multipurpose rooms that are available for use by various groups for such activities as meetings and receptions.
COURT:	An occupied space on a lot, other than a yard, that is designed to be partially or completely surrounded by group dwellings.
DISTRICT:	A portion of the Town of Alta.
DWELLING:	Any building or portion thereof which contains not more than two (2) dwelling units.
DWELLING, GROUP:	A group of two (2) or more dwellings located on a parcel of land in one ownership and having any yard or court in common.

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DWELLING, MULTIPLE-FAMILY :	A building used or intended to be occupied by more than two (2) "families", as defined in this section.
DWELLING, SINGLE-FAMILY:	A building used or intended to be occupied by one "family", as defined in this section.
DWELLING, TWO-FAMILY:	A building used or intended to be occupied by two (2) "families", as defined in this section.
DWELLING UNIT:	Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by this title, for not more than one family. For purposes of determining maximum density of dwelling units for all uses in any FM zone, two (2) guestrooms shall be equivalent to one dwelling unit.
EFFICIENCY DWELLING UNIT:	A dwelling unit containing only one habitable room.
ELEMENTS, ROOFTOP:	Chimneys, flues, and similar venting apparatus; communications equipment such as antennas and satellite dishes; elevator penthouses; stair enclosures; rooftop railings; mechanical equipment such as heating, ventilation, and air conditioning systems; renewable energy production systems such as solar panels and wind turbines; other mechanical equipment used for operation of a building; flag poles; and wind socks or any such allowed rooftop item which protrudes or is located on top of the building.
EROSION CHANNELS:	Channels which have been created by erosion but which do not normally contain or convey water, except during local rainstorm, snowmelt, or runoff events. Riparian vegetation or habitat, as evidenced by the presence of hydrophilic plants or other evidence are not supported by Erosion Channels. For purposes of this Title, Erosion Channels are not Waterways.
FAMILY OR FAMILIES:	An individual or two (2) or more persons related by blood or marriage, or a group of not more than five (5) persons (excluding employees) who need not be related by blood or marriage living together in a dwelling unit.
FLOOR AREA:	The area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the useable area under the horizontal projection of the roof or floor above.
FOOTPRINT:	All exterior surfaces of an existing structure where actually located.
FRONTAGE:	All property fronting on one side of the street between intersecting or intercepting streets, or between a street and a right of way, waterway, end of dead end street, or political subdivision boundary, measured along the street line. An intersecting or intercepting street shall determine only the boundary of the frontage on the side of the street it intercepts.

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GARAGE, PRIVATE:	An accessory building designed or used for the storage of not more than four (4) automobiles owned and used by the occupants of the building to which it is accessory, provided that on the lot occupied by a multiple-family dwelling, the private garage may be designed and used for the storage of one and one-half (1-1/2) times as many automobiles as there are dwelling units in the multiple-family dwelling. A garage shall be considered part of a dwelling if the garage and the dwelling have a roof or wall in common. A private garage may not be used for storage of more than one truck for each family dwelling upon the premises, and no such truck shall exceed two and one-half (2-1/2) tons capacity.
GARAGE, PUBLIC:	Any garage other than a private garage.
GRADE, ESTABLISHED:	The grade of the earth, whether natural or previously altered, that exists before a site has been prepared or changed for purposes of development or building. In areas where a building exists on the site, the building official shall determine the established grade by extending the elevations of the adjacent established grades where buildings do not exist through the area of the existing building.
GRADE, FINISHED:	The finished and resulting grade where earth meets the structure at the completion of the proposed construction.
GUEST:	Any person hiring or occupying a room for living or sleeping purposes, or any person occupying a room or property for periods of thirty (30) days or less.
GUESTHOUSE:	A separate dwelling located on a lot with one or more main dwellings and used or intended for the housing of guests or servants and not rented, leased or sold separate from the rental, lease or sale of the main dwelling.
GUEST-ROOM:	A. Any room or rooms used or intended to be used by a guest for sleeping purposes. Every one hundred (100) square feet of total floor area in a dormitory shall be considered to be a guestroom. B. Within the base facilities zone, "guestroom" shall be defined as every six hundred (600) square feet of total floor area within a structure, and the remainder thereof.
HABITABLE SPACE:	Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered "habitable space".
HELIPORT:	An area of land or water, or a structural surface, which is used, or intended for use, for the landing and takeoff of helicopters, and any appurtenant areas which are used, or intended for use, for heliport buildings and other heliport facilities.
HELISTOP:	The same as a "heliport", as defined in this section, except that no refueling, maintenance, repairs or storage of helicopters is permitted.
HOME OCCUPATION:	Any use conducted entirely within a dwelling and carried on by one person residing in the dwelling, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not

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	change the character of the dwelling or property for residential purposes and in connection with which there is no display nor stock in trade. The home occupation shall not include the sale of commodities, except those which are produced on the premises and shall not involve the use of any accessory building or yard space for activity outside the main building not normally associated with residential use. Parking for home occupations shall be as follows: 1) one car for each twenty five feet (25') of unobstructed and unrestricted frontage of the subject property; and 2) available parking on the subject property where automobiles are customarily parked. "Home occupation" shall include the care of not more than six (6) children other than members of the family residing in the dwelling.
HOTEL:	Any building containing guestrooms intended or designed to be used, or which are used, rented or hired out to be occupied on a nightly basis, or which are occupied for sleeping purposes by guests, and which may include accessory facilities such as a lobby, meeting rooms, recreation facilities, group dining facilities and other facilities customarily associated with hotels. A "hotel" shall not include any building used for residential purposes, including, but not limited to, condominiums and single-family residences.
HOUSEHOLD PETS:	Animals and/or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats and canaries, including not more than two (2) dogs or two (2) cats over four (4) months in age, and not more than a total of four (4) animals. A "household pet" does not include inherently or potentially dangerous animals, fowl or reptiles.
JUNKYARD:	The use of any lot or portion of a lot or tract of land for the storage, keeping or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition or abandonment of automobiles or other vehicles, or machinery or parts thereof; provided, that this definition shall be deemed not to include such uses which are clearly accessory and incidental to any agricultural uses permitted in the zone.
KENNEL:	The keeping of three (3) or more dogs at least four (4) months old.
LAND USE APPLICATION:	All applications requiring approval from the land use authority pursuant to Utah Code Annotated or Town of Alta ordinances.
LAND USE AUTHORITY:	A person, board, commission, agency or other body designated by the town council to act upon a land use application.
LAND USE ORDINANCE:	A planning, zoning, development, or subdivision ordinance of the Town of Alta made by legislative decision.
LODGING HOUSE:	Any building or portion thereof containing not more than five (5) guestrooms where rent is paid in money, goods, labor or otherwise.
LOT:	A parcel of land occupied or to be occupied by a building or group of buildings, together with such yards, open spaces, lot width and lot areas

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	as are required by this title, having frontage upon a street or upon a right of way approved by the appeal authority, or upon a right of way not less than sixteen feet (16') wide. Except for group dwellings and guesthouses, not more than one dwelling may occupy one lot.
LOT, CORNER:	A lot abutting on two (2) intersecting or intercepting streets where the interior angle of intersection or interception does not exceed one hundred thirty five degrees (135°).
LOT, INTERIOR:	A lot other than a corner lot.
NAMEPLATES AND/OR SIGNS:	<p>Shall include:</p> <p>A. One nameplate for each dwelling unit, not exceeding two (2) square feet in area, indicating the name of the occupant or permitted home occupation.</p> <p>B. One sign board not exceeding eight (8) square feet in area appertaining to the lease or sale of the property, or the sale of products produced on the property, or warning against trespassing.</p> <p>C. One bulletin board not exceeding eight (8) square feet in area for a church or other institution for the purpose of displaying the name and character of services or other activities conducted therein.</p> <p>D. One identification sign not exceeding eight (8) square feet in area for buildings other than dwellings.</p> <p>E. All such bulletin boards and identification signs shall be attached to and parallel with the front wall of the building. If any nameplate, bulletin board or sign is illuminated, only indirect lighting shall be used. No flashing or intermittent illumination shall be employed.</p>
NET DEVELOPABLE ACREAGE:	<p>The area of ground within a lot that satisfies all of the following conditions:</p> <p>A. Slope less than thirty percent (30%); and</p> <p>B. Soils of a suitable depth and type based on soil exploration and percolation tests in accordance with the regulations of the Utah department of health to ensure against detriment to surface and groundwater quality; and,</p> <p>C. Not closer than fifty feet (50') from the high water line of any Waterway and outside of the Top of Bank as determined by the building official; and,</p> <p>D. Notwithstanding subsection (C) above in the Upper Albion Basin Protection Overlay Zone, not closer than one hundred feet (100') from the high water line of any Waterway and at least twenty feet (20') from the Top of Bank as determined by the building official; and,</p> <p>E. Free from unreasonable risk of harm to the property and the general public from natural hazards such as flood, landslide, avalanche, a high water table, or inordinate soil erosion after full compliance with applicable provisions of the building code governing topographic, structural and general design standards necessary to meet the maximum foreseeable risk of such hazards, and in discharge of the obligation imposed upon any person so developing and/or improving property</p>

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	subject to such natural hazards imposed by subsection 10-6A-9 of this title.
NONCOMPLYING STRUCTURE:	A Structure, or portion thereof, that (1) legally existed prior to the current land use designation; and (2) because of subsequent land use ordinance amendments, does not conform to the regulations that currently govern the structure.
NONCONFORMING USE:	A use of land that (1) legally existed prior to the current land use designation; (2) has been maintained continuously since the time the land use ordinance governing the land was amended; and (3) because of subsequent land use ordinance amendments, does not conform to the regulations that now govern the use of the land.
PACKAGE AGENCY:	Any outlet authorized by the Utah alcoholic beverage control commission to sell original package liquor or wine for consumption off the premises.
PARKING LOT:	An open area, other than a street, used for parking of more than four (4) automobiles or other vehicles.
PARKING SPACE:	An area within a building, lot or parking lot for parking or storage of one automobile or other vehicle.
PERMITTED USE:	A use of land for which no conditional use permit is required.
PLANNED UNIT DEVELOPMENT:	A complete development plan for an area pursuant to Chapter 10 of this title.
PLANNING COMMISSION:	The Town of Alta planning commission.
PRIVATE NONPROFIT LOCKER CLUB:	A social club, recreational, athletic or similar association, incorporated under the provisions of the Utah nonprofit corporation and cooperation act, which maintains or intends to maintain premises upon which liquor is or will be stored, consumed or sold.
PRIVATE NONPROFIT RECREATIONAL GROUNDS AND FACILITIES:	Nonprofit recreational grounds and facilities operated by an association incorporated under the provisions of the Utah nonprofit corporation and cooperation act, or a corporate sole.
PUBLIC USE:	A use operated exclusively by a public or quasi-public body, such use having the purpose of serving the public health, safety or general welfare, and including uses such as public schools, parks, playgrounds and other recreational facilities, administrative and service facilities, and public utilities.
QUASI-PUBLIC USE:	A use operated by a private nonprofit, educational, religious, recreational, charitable or philanthropic institution, such use having the purpose primarily of serving the general public, such as churches, private schools, universities and similar uses.

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RECREATION, COMMERCIAL:	The use of property for recreational facilities operated as a business and open to the general public for a fee, such as ski lifts, golf driving ranges and baseball batting ranges.
REPAIR:	The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.
RESTAURANT:	A place where meals or refreshments are sold to the public or guests for compensation.
STATE STORE:	An outlet for the sale of liquor located on premises owned and leased by the state of Utah.
STORY:	That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a useable or unused under-floor space is more than six feet (6') above the Finished Grade, as defined in this section, for more than fifty percent (50%) of the total perimeter, or is more than twelve feet (12') above the Finished Grade, as defined in this section, at any point, such useable or unused under-floor space shall be considered as a story.
STREET:	Any thoroughfare or public way not less than sixteen feet (16') in width which has been dedicated or deeded to the public for public use.
STRUCTURAL ALTERATION:	Any change in the supporting structural components of a structure, such as columns, bearing walls, beams, joists or trusses.
STRUCTURE OR STRUCTURES:	Anything that is constructed, the Use of which requires a fixed location on or in the ground, or attached to something having a fixed location on the ground and which imposes an impervious material on or above the ground. All Buildings are Structures.
TIME PERIOD UNIT:	An annually recurring part or parts of a calendar year specified in the condominium declaration or other document as a period for which a physical unit is separately owned. Separate ownership is represented as shares in a corporation, a partnership interest, or any other individually owned transferrable property right or interest.
TIME PERIOD UNIT PROJECT:	A real estate project devoted in whole or in part to "time period units", as defined in this section.
TOP OF BANK:	That vertical point along a Waterway where an abrupt change in slope is evident or the point where the stream or creek would enter the floodplain as determined by the building official.
TOTAL FLOOR AREA:	The amount of square footage contained within all buildings and structures on the building site, measured by the inside surfaces of the exterior wall, excluding any floor area designed as employee living accommodations and common areas, including, but not limited to, any lobby, elevator bank and elevator, restaurant, restaurant kitchen,

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	common stairwells and hallways, management offices, covered decks and service, maintenance and mechanical spaces.
TOWN ADMINISTRATION:	The staff employed by the Town of Alta acting as the town clerk, the town administrator <u>town manager</u> , the assistant town administrator <u>town manager</u> and the deputy town clerk.
TOWN COUNCIL:	The Town of Alta town council.
USE:	The purpose or purposes for which land or structures are occupied, maintained, arranged, designed, or intended.
USE, ACCESSORY:	Any subordinate use customarily incidental to and located upon the same lot occupied by the principal use.
USE, INTENSITY OF:	The degree to which land or structures are used as measured by factors including but not limited to purpose of occupancy, building footprint, square footage, the need for parking, and the number of bedrooms, bathrooms, kitchens, hot tubs, or plumbing fixtures.
USE, PRINCIPAL, OR MAIN OR PRIMARY:	The main or primary use of land or structures as opposed to an accessory use.
UTAH CODE ANNOTATED:	The Utah law as codified and periodically amended and supplemented in the Utah Code Annotated, and as interpreted by Utah courts.
WATERWAY OR WATERWAYS:	Those areas varying in width including, but not limited to, streams, creeks, gullies, washes, rivulets, or culverts, whether constructed, altered, or naturally occurring, which normally contain or convey water during at least part of the year, and which are considered drainage channels and not merely Erosion Channels , as determined by the building official.
WIDTH OF LOT:	The distance between the side lot lines at the distance back from the front lot line required for the depth of the front yard.
YARD:	A space on the lot, other than a court, unoccupied and unobstructed from the ground upward, by buildings, except as otherwise provided herein.
YARD, FRONT:	A space on the same lot with the building between the front line of the building and the front lot line, and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front of the building.
YARD, REAR:	A space on the same lot with the building between the rear line of the building and the rear lot line, and extending across the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear lot line and the rear of the building.
YARD, SIDE:	A space on the same lot with the building between the side line of the building and the nearest side lot line, and extending from the front lot line to the rear lot line. The "width" of the side yard is the minimum distance between the side lot line and the nearest side of the building.

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10-4-7: STAFF AND TECHNICAL ASSISTANCE:

The town administration shall assist and coordinate with the planning commission with technical matters. In order to further assist the planning commission in carrying out its duties, the planning commission may request the assistance of technical experts and/or employees and agents of the town, including, but not limited to, engineering, public works, applicable utility agencies, school district, unified fire authority officials, town marshal, building official, state department of transportation, town legal counsel, and "affected entities", as defined by Utah Code Annotated section 10-9a-103(1), as amended and supplemented from time to time.

10-5-8: APPEAL PROCESS:

A. Date Set: The appeal authority shall set a date for the appeal.

B. Notice: The town shall notify the appellant, the land use applicant (if not the appellant), and the land use authority of the appeal date. The town clerk shall obtain the findings, conclusions and other pertinent information from the town administration, as required under subsection 10-5-6C of this chapter, and the appellant's appeal, and shall provide a copy of all documents to each member of the appeal authority at least seven (7) calendar days before the date of the appeal.

C. Use Of Minutes: The appeal authority may review and include in its decision any minutes from the land use authority in which the application was discussed or decided upon.

D. Decision: The appeal authority may affirm, reverse or affirm in part and reverse in part, any properly appealed decision of the land use authority. The appeal authority may remand the matter to the land use authority with directions for clarification or review. The appeal authority's scope of review should be limited to consideration of only those matters raised by the petition, unless the appeal authority, by motion and majority vote, enlarges the scope of the appeal to accept information on other matters.

10-11-3: PRESUBMISSION MEETING:

It is strongly recommended that the applicant for a subdivision schedule a presubmission meeting with the ~~town administrator~~town manager, or another representative of the town designated by the ~~town administrator~~town manager.

A. The ~~town administrator~~town manager or his designated representative may extend an invitation to the presubmission meeting to any servicing utility companies, the Salt Lake Valley health department, the state department of transportation, the unified fire authority, and any other private or public body that has jurisdiction or an interest in providing services to the subdivision.

B. At the presubmission meeting, the applicant may bring any materials to assist the parties at the meeting in identifying the location of the potential subdivision, the size and layout of the subdivision, and any potential problems or challenges to creating the subdivision.

C. Due to the unique terrain of the real property within the town, the ~~town administrator~~town manager or his designated representative may require that the applicant submit additional information, as set forth in subsection 10-11-4B3 of this chapter.

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10-11-4: APPLICATION FOR SUBDIVISION:

The applicant for a subdivision shall prepare and submit an application to the ~~town administrator~~ town manager or his designated representative. The application shall include three (3) copies of a complete preliminary plat and three (3) completed application forms for the subdivision, including all required maps and charts. All application materials shall be submitted at the same time in order to be considered for completeness. Following a determination that the application is complete, the application shall be placed on the next available planning commission regular meeting agenda for review. A complete application shall include the following items:

A. Preliminary Plat: The preliminary plat shall be prepared by a licensed surveyor, and shall include the name and address of the surveyor responsible for preparing the preliminary plat, and shall include a certification that the surveyor holds a license in accordance with Utah Code Annotated title 58, chapter 22, as amended or replaced, and has completed a survey of the property in accordance with Utah Code Annotated section 17-23-17, as amended or replaced. The preliminary plat shall describe or specify:

1. A name or designation of the subdivision that is distinct from any plat already recorded in the county recorder's office;
2. North arrow, graphic and written scale, legend, basis of bearings used, and a vicinity map of the site;
3. The legal description of the entire subdivision site boundary;
4. The boundaries, course and dimensions, and acreage or square footage for all parcels of ground divided, whether the owner proposes that any parcel or ground is intended to be used as a street or for any other public use, and whether any such area is reserved or proposed for dedication for a public purpose;
5. For all parcels, the proposed lot or unit reference, block or building reference, street or site address, street name or coordinate address (to be approved by the planning commission as part of the application review process);
6. Every existing right of way and easement grant of record for underground facilities and for all other utility facilities;
7. The anticipated net developable acreage for each lot;
8. The names and addresses of the applicant and owner of the property, the engineer or surveyor of the subdivision and the owners of the land immediately adjoining the land to be subdivided and within three hundred feet (300') of the boundaries of the proposed subdivision.

B. Application: The town administration may create an application form based upon the requirements of this section. A complete application shall include all of the following information:

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1. Property Information: The date of the application, the name, address, phone number, e-mail address, and signature of the applicant and the owner of the property, the current zoning of the property, the location and address of the proposed subdivision, the total acreage of the subdivision, and the number of proposed lots. All persons with a fee interest in the property shall sign the subdivision application form.

2. Site Information: The following subdivision site information is required for a complete application and shall be provided at the same scale as the preliminary subdivision plat, on separate sheets if necessary:

a. The identification of known and potential natural features on a map, including, but not limited to, jurisdictional wetlands as identified by the U.S. army corps of engineers, known or potential natural Waterways, Top of Bank, and any potential natural hazards, including avalanche paths, liquefaction areas, and areas of soil instability, and all on site vegetation regulated by town ordinance. A final map identifying known and potential natural features as described in this section and identified by the building official will be reviewed and approved or denied by the planning commission as part of the application review process.

b. The location and dimensions of all existing buildings, fence lines and property lines, overlaid on the proposed subdivision layout, and the location of surrounding manmade features and improvements, including buildings and roads, and natural features, including significant landmarks and geologic features.

3. Evidence Of Availability Of Necessary Services: The following information is necessary to establish the availability of basic services to the proposed subdivision and the subdivision application is complete only when all basic services are available to the site and to each proposed subdivision lot, and approved in writing by the designated authority:

a. Culinary Water Requirements: Salt Lake City department of public utilities, water division, Salt Lake Valley health department, and the ~~town administrator~~ town manager or his designated representative, are hereby designated collectively as the "culinary water authority", as further defined in Utah Code Annotated title 10, chapter 9a, as amended or replaced. Such culinary water authority shall evaluate and approve the proposed culinary water system for the subdivision. The applicant shall provide all information required by the culinary water authority (and other applicable agency described below, if any), including, but not limited to, evidence of the source, quantity, quality and means of delivery of the proposed culinary water to the proposed subdivision and each proposed lot. Certain property within the town boundaries may not be eligible to be served by the town culinary water system or able to be supplied water through the town contract for water with Salt Lake City, and shall be required to obtain approval from any additional public or private agency with jurisdiction over the proposed water source or delivery system.

b. Wastewater Requirements: Salt Lake Valley health department, environmental health division, Salt Lake County service area no. 3, Cottonwood improvement district, and the ~~town administrator~~ town manager or his designated representative, are hereby designated collectively as the "sanitary sewer authority", as further defined in Utah Code Annotated title 10, chapter 9a,

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as amended or replaced. Each sanitary sewer authority shall evaluate and approve the proposed sanitary sewer system. The applicant shall provide all information and materials as required by the sanitary sewer authority.

c. Fire And Emergency Requirements: The Unified Fire Authority is hereby designated as the "fire authority", as further defined in Utah Code Annotated title 10, chapter 9a, as amended or replaced. The fire authority shall evaluate and approve the proposed fire suppression infrastructure and emergency access to the proposed subdivision. If the proposed subdivision does not include year round motor vehicle (as defined by Utah Code Annotated) access to all proposed lots and proposed and existing roads, streets and adjacent properties, the application shall include an emergency access mitigation plan, approved by the fire authority and the town. The applicant shall provide all information and materials as required by the fire authority.

d. Subdivision Roads And Streets: All proposed subdivision streets shall be evaluated and approved by the ~~town administrator~~town manager or his designated representative, and if appropriate, the state department of transportation. The proposed street layout shall provide adequate and safe year round access to all proposed lots and proposed and existing roads, streets and adjacent properties. If the proposed subdivision does not include year round motor vehicle (as defined by Utah Code Annotated) access to all proposed lots and proposed and existing roads, streets and adjacent properties, the application shall include a parking and access mitigation plan. If the proposed subdivision will be accessed from a state highway, an appropriate access permit as required by the state department of transportation, shall be provided with the application materials in order to be a complete application. If the proposed subdivision will be accessed from U.S. Forest Service property, the applicant shall provide any appropriate access or special use permits as required by the U.S. Forest Service with the application materials in order to be a complete application.

e. Avalanche Hazards: The town marshal department shall evaluate and approve the subdivision application provisions for avalanche safety and interlodge controls. The application shall include maps and descriptions of known avalanche slide paths and shall include a proposed plat note describing the risks of building in an avalanche zone and an acknowledgment limiting the town liability for hazards associated with avalanches. A final map identifying known avalanche slide paths shall be certified by a qualified avalanche expert and will be reviewed and approved or denied by the planning commission as part of the application review process. The proposed plat note shall further acknowledge the responsibility of any landowner within the subdivision to comply with the town interlodge procedures and avalanche design and construction requirements, and the applicant and current landowner agreement to sign and record the town avalanche hold harmless agreement concurrently with the recordation of the plat.

f. Additional Information And Materials When Necessary: When the ~~town administrator~~town manager or his designated representative deems necessary due to the characteristics of the property to be subdivided, the applicant may be required to provide other information or letters of feasibility from other agencies with jurisdiction over the property to be subdivided, conduct studies, and provide evidence indicating the suitability of the area for the proposed subdivision, including, but not limited to, adequacy of public safety and fire protection,

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geologic or flood hazard, erosion control, preservation of vegetation, and any other physical or environmental matters in conformance with the town zoning ordinances. Such additional requirements shall be made of the applicant at the presubmission meeting, or reasonably soon thereafter.

10-11-6: APPLICATION COMPLETION TIME LINE:

A. Determination Of Completeness Of Application: After receipt of an application, the ~~town administrator~~town manager or his designated representative shall determine whether the application is complete. An application for subdivision is only complete when it includes all information and approvals listed in this chapter. If the ~~town administrator~~town manager or his designated representative determines that the application is not complete, the ~~town administrator~~town manager or his designated representative shall notify the applicant in writing, specifying the deficiencies of the application, including any additional information which must be supplied. No further action will be taken by the town until the deficiencies are corrected.

B. Remedy Of Deficiencies: The applicant shall correct all specified deficiencies within ninety (90) days of the written notification of such deficiencies. If the applicant fails to correct the specified deficiencies within such ninety (90) day period, the application for subdivision shall be deemed withdrawn and will be returned to the applicant. Application fees shall not be refunded. Any further submissions shall be considered only as part of a new application.

C. Extensions Of Time: The ~~town administrator~~town manager or his designated representative, upon written request from the applicant, may grant the applicant one automatic thirty (30) day extension to correct the specified deficiencies.

10-14-3: PRESUBMISSION MEETING:

Any land use applicant under this chapter shall schedule a presubmission meeting with the ~~town administrator~~town manager. Reference herein to the ~~town administrator~~town manager shall mean to the ~~town administrator~~town manager or another representative of the town designated by the ~~town administrator~~town manager, if any.

A. The ~~town administrator~~town manager may extend an invitation to the presubmission meeting to any servicing utility companies, the Salt Lake Valley health department, the Utah department of transportation, the unified fire authority, and any other private or public body that has jurisdiction or an interest in providing services to the potential land use.

B. At the presubmission meeting, the applicant may bring any materials to assist the parties at the meeting in identifying the location of the subject property, the potential land use, the size and layout of the potential improvements or development, and any potential problems or challenges to developing the subject property.

C. Due to the unique terrain of the real property within the town, the ~~town administrator~~town manager may require that the applicant submit additional information.

10-14-4: APPLICATION AND CONCEPTUAL PLAN/PRELIMINARY PLAT:

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A. At any time after the presubmission meeting, a land use applicant shall submit an application as described below and all additional information as required by this section. All application materials shall be submitted at the same time in order to be considered for completeness.

B. The following shall be submitted to the ~~town administrator~~town manager, unless waived by the ~~town administrator~~town manager as not applicable:

1. Complete Application And Fees: A complete application form for the proposed land use and all applicable fees.

2. Application Fees And Technical Expertise And Engineering Fees: To be considered complete, the application for the land use shall be accompanied by all fees established on the town's fee schedule. The applicant shall pay all expenses of reviewing and approving the land use, if any, including the town's fees for hiring individuals with technical expertise, legal counsel, and engineers to review the application.

3. Application Information And Materials: A complete application shall include the following information and materials:

a. Sketch/Site Plan Drawing: A scaled sketch/site plan drawing of the proposed development site. At a minimum, the site plan shall include the following:

(1) North arrow;

(2) Name of proposed development or land use, if applicable;

(3) Name, phone number, and address of applicant/developer;

(4) Name, phone number, and address of property owner;

(5) Drawing of proposed improvements, including buildings, driveways, roads, and parking, and existing vegetation and slopes;

b. Vicinity Map: A vicinity map containing sufficient information to accurately locate the property shown on the plan;

c. Property Information: Property information, including address, zoning, acreage, and location of proposed lots or buildings within the proposed land use; and

d. Site Information: Site information, including property lines, fence lines, natural features, natural hazards, and avalanche hazards.

e. Evidence Of Availability Of Necessary Services: The following information is necessary to establish the availability of basic services to the proposed land use. The land use application is complete only when the applicant has submitted evidence that all basic services are available to the site (and if applicable, to each proposed lot), and the proposed land use has been approved in writing by the designated authority.

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(1) Culinary Water Requirements: Salt Lake City department of public utilities, water division, Salt Lake Valley health department, and the ~~town administrator~~town manager, are hereby designated collectively as the "culinary water authority", as further defined in Utah Code Annotated title 10, section 9a, as amended or replaced. Each culinary water authority shall evaluate and approve the proposed culinary water system for the land use. The applicant shall provide all information required by the culinary water authority, including, but not limited to, evidence of the source, quantity, quality, and means of delivery of the proposed culinary water to the proposed land use, and if applicable, to each proposed lot. Certain property within the town boundaries may not be eligible to be served by the town culinary water system or able to be supplied water through the town's contract for water with Salt Lake City, and shall be required to obtain approval from any additional public or private agency with jurisdiction over the proposed water source or delivery system, prior to the land use application being deemed complete.

(2) Wastewater Requirements: Salt Lake Valley health department, environmental health division, Salt Lake County service area no. 3, Cottonwood improvement district, and the ~~town administrator~~town manager, are hereby designated collectively as the "sanitary sewer authority", as further defined in Utah Code Annotated title 10, section 9a, as amended or replaced. Each sanitary sewer authority shall evaluate and approve the proposed sanitary sewer system. The applicant shall provide all information and materials as required by the sanitary sewer authority.

(3) Fire And Emergency Requirements: The unified fire authority is hereby designated as the "fire authority", as further defined in Utah Code Annotated title 10, section 9a, as amended or replaced. The fire authority shall evaluate and approve the proposed fire suppression infrastructure and emergency access to the land use, and if applicable, to each proposed lot. If the proposed land use does not include year round motor vehicle (as defined by the Utah code) access to all proposed lots and proposed and existing roads, streets, and adjacent properties, the application shall include an emergency access mitigation plan, approved by the fire authority and the town. The applicant shall provide all information and materials as required by the fire authority.

(4) Avalanche Hazards: The town marshal's department shall evaluate and approve the land use application's provisions for avalanche safety and interlodge controls. The application shall include maps and descriptions of known avalanche slide paths and, if applicable, shall include a proposed plat note describing the risks of building in an avalanche zone and an acknowledgment limiting the town's liability for hazards associated with avalanches. The proposed plat note shall further acknowledge the responsibility of any landowner within the land use to comply with the town's interlodge procedures and avalanche design and construction requirements, and the applicant's and current landowner's agreement to sign and record the town's avalanche hold harmless agreement concurrently with the recordation of the plat. In all proposed land uses (including those where a plat is not required), it shall be a condition of the respective approval or permit to require that every landowner within the proposed development comply with the town's interlodge procedures and avalanche design and construction requirements, and each applicant and landowner shall sign and record the town's avalanche hold

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harmless agreement concurrently with the issuance of the relevant approval or permit. Other requirements may be imposed on any particular building or project to address or mitigate potential avalanche hazards.

10-14-5: CONCEPTUAL PLAN AND APPLICATION COMPLETENESS:

A. Determination Of Completeness: Upon receipt of the application form, information and fees required in section 10-14-4 of this chapter, the ~~town administrator~~town manager shall determine whether the application is complete. A land use application is only complete if it includes all required materials listed in section 10-14-4 of this chapter. If the ~~town administrator~~town manager determines that the application is not complete, the ~~town administrator~~town manager shall notify the applicant in writing, specifying the deficiencies of the application, including any additional information which must be supplied. No further action will be taken on the application by the town until the deficiencies are corrected.

B. Remedy Of Deficiencies: The applicant shall correct all specified deficiencies within ninety (90) days of the written notification of such deficiencies. If the applicant fails to correct the specified deficiencies within such ninety (90) day period, the application shall be deemed withdrawn and will be returned to the applicant. Application fees and technical expertise and engineering fees shall not be refunded. Any further submissions shall only be considered as part of a new application.

C. Extensions Of Time: The ~~town administrator~~town manager may, upon written request from the applicant, grant the applicant one automatic thirty (30) day extension to correct the specified deficiencies.

10-14-6: SUBMISSION:

Following a determination by the ~~town administrator~~town manager that the application is complete, the land use application will be placed on the next available land use authority regular meeting agenda for review.

10-14-7: REVIEW:

A. ~~Town Administrator~~Town Manager Review: Upon receipt of the land use application, the land use authority may request a staff report reflecting an overview of the land use application and an analysis of the land use application's compliance with the town's ordinances and general plan from the ~~town administrator~~town manager.

B. Public Meetings: The land use authority shall review the land use application at one or more public meetings for compliance with the town's ordinances and general plan.

C. Applicant Presentation: The land use authority may request a presentation or appearance at a public meeting from the land use applicant to present and discuss the land use application.

D. Application Deficiencies: The land use authority may identify deficiencies in the land use application and request that the applicant submit additional information or documents to come into compliance with the town's ordinances and general plan.

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E. Applicant Submission Of Additional Materials: During the land use authority's review of the application, if the applicant determines that additional materials are appropriate to comply with the town's ordinances or general plan or to generally assist the land use authority with its review of the application, the applicant may, at least ten (10) days prior to the next regularly scheduled land use authority meeting on which the application is to be considered as part of the agenda, submit additional information, including more detailed plans, plats, and/or other materials.

F. Additional Materials: The land use authority, upon its own motion or upon the recommendation from the ~~town administrator~~ town manager or designee, or the town building official, may request additional information and materials if determined by the land use authority to be necessary or helpful to the land use authority's review of the application, including, but not limited to, the following information:

1. A traffic and/or parking study (as determined by the land use authority) prepared by a qualified traffic engineer.
2. Where applicable, a geotechnical study, which shall include groundwater depths, soil stability, and/or avalanche hazard potential.
3. A final site plan of the proposed development.
4. Final approvals, as necessary, from the culinary water authority, the sanitary sewer authority, the fire authority and/or the town marshal's department, and any related plans, plats, or submissions required to comply with the ordinances, requirements, rules, and regulations of the culinary water authority, sanitary sewer authority, fire authority, and/or the town marshal's department.
5. Evidence of lawful access to the property.
6. Any approvals, as necessary, from outside agencies that have jurisdiction over any aspect of the property, such as from the United States forest service or the U.S. corps of army engineers.
7. Identification of natural features on a map including, but not limited to, known jurisdictional wetlands as identified by the U.S. army corps of engineers, known or potential natural waterways, and any potential natural hazards, including avalanche paths, seismic conditions (including liquefaction information and fault lines), and areas of soil instability, and all on site vegetation as regulated by town ordinance. A final map identifying natural features as described in this section and identified by the building official will be reviewed and approved or denied by the land use authority as part of the application review process.

G. Adverse Impacts: To mitigate possible adverse impacts from the proposed development, the land use authority shall determine from a review of the application, conceptual plan, and preliminary plat whether the soil, slope, vegetation, and drainage characteristics of the site are such as to require substantial cutting, clearing, and other earth working operations in the construction of the development or otherwise create an erosion hazard. If so, the land use authority shall require the applicant to provide soil erosion, geological hazard, and sedimentation

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control plans and specifications, each of which shall be prepared by a qualified professional team with the costs of preparation of such plans and specifications being borne by the applicant.

H. Additional Concerns: In addition, given the unique nature of the topography, vegetation, soils, climatic, and aesthetic characteristics of the property within the town, the land use authority may also consider the following elements, among other relevant considerations, in its review of the application:

1. Natural setting of the proposed land use, including wildlife habitats.
2. Relationship of the proposed land use and improvements with other structures and open spaces.
3. Contour intervals and topographic features of the location of the proposed land use.
4. Height, density, and species of existing vegetation, and application of applicable vegetation removal ordinances.
5. Scenic vistas and sight lines as existing and of the proposed land use.
6. Other elements deemed appropriate to ensure that the purposes of this chapter and other applicable town ordinances and general plan are met.

10-14-8: FINAL APPROVAL OR DENIAL; ADDITIONAL SUBMISSIONS:

A. Approval Or Denial: Within one year after receiving the complete land use application from the ~~town administrator~~town manager, and after review of the land use application at one or more public meetings, the land use authority shall approve or deny the land use application. The land use authority shall only approve those land use applications which:

1. Are in accordance with the intent, standards, and criteria specified in the town's general plan and ordinances;
2. Create no financial hardship on the town; and
3. Create no environmental consequence that will adversely impact adjacent properties and the health, safety, or welfare of the inhabitants of the town when weighed against the positive impacts of such development.

B. Requirements Waived: The land use authority may waive any requirements under this ordinance or the town's ordinances which it determines are not applicable to the proposed land use or land use application.

C. ~~Town Administrator~~Town Manager's Role: The land use authority may seek the direction, review, analysis of whether the land use application complies with the town's ordinances and general plan, and/or recommendation as to whether the land use application should be approved or denied from the ~~town administrator~~town manager.

D. Extensions Of Time: The land use authority may grant up to a one year extension to the applicant, during which time the land use authority will refrain from making a decision to either

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approve or deny the application. The extension may be granted by the land use authority if the applicant requests such an extension in writing prior to the expiration date and shows good cause for the extension. The land use authority may request that the applicant keep the land use authority updated throughout the extension period on any progress made on the land use application, and the applicant may submit new information to the land use authority at any time during the extension period.

E. Expiration Of Approvals: For any approved development, project, or land use under this chapter which requires a plat, such plat must be recorded within one year of the land use authority's approval date or the plat and the approval will be deemed void. For any approved conditional use or other land use which does not require a plat, the conditional use or other land use approval will expire within one year of the land use authority's approval date unless there is substantial action, including construction, consistent with the approved land use permit.

10-14-9: PUBLIC NOTICE TO BE POSTED:

A. Every person submitting a land use application under this chapter shall post and maintain a notice at the affected real property as provided in this section, within three (3) business days after submitting the application to the town.

B. The town shall process and consider the land use application only if the applicant complies with this section.

C. The notice shall be a white weatherproof sign, at least two feet by two feet (2' x 2') in size, posted securely at least four feet (4') above ground level on a stake, post, fence or other structure within six feet (6') of the primary access to the affected real property from a right of way, commonly used way of public travel, or public road, and legible from the right of way, way of travel or public road.

D. The notice shall contain in black print:

1. In letters at least one inch (1") high:

NOTICE OF PROPOSED LAND USE.

2. In letters at least one-fourth inch (1/4") high:

[Applicant's name] has filed an application to the Town of Alta on [date filed] for a permit to change the land use on the real property at [street address, or if the property has no street address, plain English description of property location] as follows: [a description of the material features of the proposed conditional uses, planned unit development or other land use applied for], as shown on the site plan below. More information and a copy of the permit application are available at the Town of Alta: 801-742-3522 and www.townofalta.com.

3. The information required by the bracketed words in subsection D2 of this section.
4. The sketch/site plan required by subsection 10-14-4B3a of this chapter, reproduced clearly and as large as possible within the area of the sign.

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E. The notice shall remain posted until approval or denial of the application, disposition of all appeals, or expiration of time to appeal, whichever occurs later.

F. In the event that it is or becomes impracticable to post or maintain the signage notice required by this section, for example due to snow removal, snow storage, location, or physical attributes of the property, the ~~town administrator~~town manager may exercise discretion to waive or modify some or all of the signage notice requirements of this section in a reasonable manner that is not materially more burdensome to the applicant, and that gives effect as much as practicable to the purposes of this section.

G. The town of Alta shall post on its public website a copy of every land use application filed under this section until approval or denial of the application, disposition of all appeals, or expiration of time to appeal; whichever occurs later.

11-4-1: DESIGNATION OF FLOODPLAIN ADMINISTRATOR:

The ~~town administrator~~town manager, or his designated representative, is hereby appointed the floodplain administrator to administer and implement the provisions of this title and other appropriate sections of 44 CFR (national flood insurance program regulations) pertaining to floodplain management.