

TOWN OF ALTA

ORDINANCE # 2009-0-3

AN ORDINANCE ESTABLISHING A NEW CHAPTER OF THE UNIFORM ZONING ORDINANCE OF THE TOWN OF ALTA, UTAH, “CHAPTER 14 – SUBDIVISIONS” AND ENACTING NEW SECTIONS OF CHAPTER 14; “SECTIONS 22-14-1 – PURPOSE” THROUGH 22-14-6 – APPLICATION COMPLETION DEADLINE”

WHEREAS, the Town of Alta (the “Town”) desires to promote the health, safety, and general welfare of the residents of the Town; and

WHEREAS, the Town desires to promote the efficient and orderly growth of the Town; and

WHEREAS, the Town desires to provide policies, procedures, requirements, and standards for the physical development of subdivisions of land, construction of improvements within the Town; and

WHEREAS, the Town desires to ensure that a land use applicant seeking to subdivide real property within the Town boundaries can establish that basic, necessary utilities and public facilities are available to the site and will have a sufficient capacity to serve the proposed subdivision; and

WHEREAS, the Town desires to encourage the wise use and management of natural resources to preserve the integrity, stability, and aesthetics of the community.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

Section 1. Purpose of this Chapter.

- (a) To promote the health, safety, and general welfare of the residents of the Town of Alta.
- (b) To promote the efficient and orderly growth of the Town of Alta.
- (c) To provide policies, procedures, requirements and standards for the physical development of subdivisions of land, construction of improvements within the Town of Alta; including, but not limited to, the construction and installation of roads, streets, curbs, gutters, drainage systems, water and sewer systems, design standards for public facilities and utilities, accesses to public rights-of-ways and to establish fees and other charges for the authorizing of a subdivision.

(d) To ensure that public facilities are available to the site and will have a sufficient capacity to serve a proposed subdivision.

(e) To encourage the wise use and management of natural resources to preserve the integrity, stability, and aesthetics of the community.

Section 2. Applicability of this Ordinance. No person shall subdivide any parcel of land which is located wholly or in part in the Town of Alta except in compliance with this Chapter. No person shall sell or exchange or offer to sell or exchange any parcel of land which is any part of a subdivision of a tract of land, nor offer for recording in the office of the Salt Lake County Recorder any deed conveying such parcel of land, or any interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this Chapter. This Chapter shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this Chapter.

Section 3. Pre-Submission Meeting. The applicant for a subdivision shall schedule a pre-submission meeting with the Town Administrator or another representative of the Town designated by the Town Administrator.

(a) The Town Administrator or his designated representative may extend an invitation to the pre-submission meeting to any servicing utility companies, the Salt Lake Valley Health Department, the Utah Department of Transportation, the United Fire Authority, and any other private or public body that has jurisdiction or an interest in providing services to the subdivision.

(b) At the pre-submission 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 or his designated representative may require that the applicant submit additional information, as set forth in Section 4(b)(3) below.

Section 4. Application. Following the pre-submission meeting, the applicant for a subdivision shall prepare and submit an application to the Town Administrator 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's 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 § 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 owner(s) 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:

(1) Property Information. The date of the application, the name, address, phone number, email 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:

(i) 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, 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.

(ii) 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.

(i) Culinary Water Requirements. Salt Lake City Department of Public Utilities, Water Division, Salt Lake Valley Health Department, and the Town Administrator or his designated representative, 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 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’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.

(ii) Wastewater Requirements. Salt Lake Valley Health Department, Environmental Health Division, Salt Lake County Service Area #3, Cottonwood Improvement District, and the Town Administrator or his designated representative, 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.

(iii) 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 proposed subdivision. If the proposed subdivision 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 of Alta. The applicant shall provide all information and materials as required by the fire authority.

(iv) Subdivision Roads and Streets. All proposed subdivision streets shall be evaluated and approved by the Town Administrator or his designated representative, and if appropriate, the Utah 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 the Utah Code) 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 Utah 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 United States Forest Service property, the applicant shall provide any appropriate access or special use permits as required by the United States Forest Service with the application materials in order to be a complete application.

(v) Avalanche Hazards. The Town of Alta Marshal's Department shall evaluate and approve the subdivision application's 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's 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 land owner within the subdivision to comply with the Town's interlodge procedures and avalanche design and construction requirements, and the applicant's and current land owner's agreement to sign and record the Town's avalanche hold-harmless agreement concurrently with the recordation of the plat.

(vi) Additional Information and Materials when Necessary. When the Town Administrator 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, geologic or flood hazard, erosion control, preservation of vegetation, and any other physical or environmental matters in conformance with the Town's zoning ordinances. Such additional requirements shall be made of the applicant at the pre-submission meeting or reasonably soon thereafter.

Section 5. Fees.

(a) Application Fees. To be considered complete, the application for subdivision shall be accompanied by all fees established on the Town of Alta's fee schedule.

(b) Notice. The applicant shall provide the Town of Alta with two (2) sets of typewritten address labels and sufficient funds to cover related postage costs to all property owners within three hundred feet (300') of the boundaries of the proposed subdivision and all affected entities.

(c) Technical Expertise and Engineering Fees. The applicant shall pay all expenses of reviewing and approving the subdivision, including the Town of Alta's fees for hiring individuals with technical expertise, legal counsel, and engineers to review the application.

Section 6. Application Completion Timeline.

(a) Determination of Completeness of Application After receipt of an application, the Town Administrator 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 or his designated representative determines that the application is not complete, the Town Administrator 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 of Alta 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 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.

Section 7. Severability. If any section, part, or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts, and provision of this Ordinance shall be severable.

Section 8. Effective Date.

This ordinance shall become effective immediately upon posting, in accordance with Utah law.

BE IT FURTHER ORDAINED that this Ordinance shall enact a new Chapter of the Uniform Zoning Ordinance of the Town of Alta titled: Chapter 14 – Subdivisions and enact Section 22-14-1 – Purpose and Section 22-14-2 – Subdivision Applications.

ADOPTED THIS _____ DAY OF _____, 2009.

By: _____

Mayor, Tom Pollard

ATTEST:

Katherine S.W. Black, Town Clerk