

TOWN OF ALTA

ORDINANCE # 2024-O-9

**AN ORDINANCE ADOPTING AMENDMENTS TO TITLE 10, CHAPTER 11 OF THE
ALTA CODE RELATING TO SUBDIVISIONS**

WHEREAS, The Utah State Legislature, during the 2023 and 2024 Legislative Sessions, adopted changes to the Municipal Land Use, Development, and Management Act, requiring municipalities to adopt and follow a statutory process for the consideration of subdivision applications; and

WHEREAS, the Town of Alta Planning Commission has considered proposed amendments to the Town's subdivision ordinance to comply with the recently adopted provisions of state law; and

WHEREAS, the Planning Commission held a public hearing on August 28, 2024 and has recommended adoption of the changes to the Town Council; and

WHEREAS, the Town Council, having held a public hearing on November 13, 2024 and in consideration of the proposed amendments finds that adoption of the proposed amendments will be in furtherance of the provisions of the Municipal Land Use, Development, and Management Act and will promote the public welfare, and desires now to adopt the proposed amendments;

NOW, THEREFORE, be it ordained by the Town Council of Alta, Utah, as follows:

Section I: Amendment and Codification. The Town Council hereby amends the provisions of Title 10, Chapter 11 of the Alta Town Code to read in its entirety as shown in Exhibit A, attached hereto and incorporated herein by reference. The Chapter, as amended, shall be codified as numbered herein.

Section II: 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 provisions of this Ordinance shall be severable.

Section III: Effective Date. This Ordinance shall take effect upon publication.

PASSED AND APPROVED by the Town of Alta Town Council, Utah, this 13th day of November, 2024.

By: TOWN OF ALTA

Mayor, Roger Bourke

Attest:

Jen Clancy, Town Clerk

Ordinance/summary published on Utah state noticing website on _____.

Effective date of Ordinance: _____.

Vote:

Mayor Bourke _____

Councilmember Ancil _____

Councilmember Byrne _____

Councilmember Morgan _____

Councilmember Schilling _____

CHAPTER 11 SUBDIVISIONS ¹

SECTION:

10-11-1: PURPOSE

10-11-2: APPLICABILITY

10-11-3: PRESUBMISSION MEETING

10-11-4: APPLICATION ~~FOR SUBDIVISION~~

10-11-5: FEES

10-11-6: PRELIMINARY PLAT

10-11-7: TOWN REVIEW

10-11-8: APPLICATION COMPLETION ~~TIME LINE~~TIMELINE

10-11-9. FINAL PLAT:

Notes

- ¹ 1. See also section 9-1-5 of this code for outside agency approval requirements.

10-11-1: PURPOSE:

The purpose of this chapter is:

- A. To promote the health, safety and general welfare of the residents of the town.
- B. To promote the efficient and orderly growth of the town.
- C. To provide policies, procedures, requirements and standards for the physical development of subdivisions of land, construction of improvements within the town, 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. (Ord. 2009-0-3, 6-18-2009)

10-11-2: APPLICABILITY:

No person shall subdivide any parcel of land which is located wholly or in part in the town 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 hereof. (Ord. 2009-0-3, 6-18-2009)

10-11-3: PRESUBMISSION MEETING:

It is strongly recommended that the applicant for a subdivision schedule a presubmission meeting with the ~~town manager~~Town Manager, or another representative of the town designated by the ~~town manager~~Town Manager. Upon request from an applicant, the Town shall schedule a presubmission meeting within 15 days of the request.

A. The ~~town manager~~Town Manager or ~~his designated representative~~or herTown Manager's designee may extend an invitation to the presubmission meeting to any servicing utility companies, the Salt Lake ~~Valley County- H~~Valley County- Hhealth ~~D~~Ddepartment, the ~~state department of transportation~~Utah Department of Transportation, the ~~U~~Unified ~~F~~Fire ~~A~~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. The Town shall have available or provide access to: (1) copies of applicable land use regulations; (2) a complete list of standards required for the project; (3) preliminary and final subdivision application checklists; and (4) feedback on the presubmission plans.

C. Due to the unique terrain of the real property within the town, the ~~town manager~~Town Manager or ~~his designated representative~~or her Town Manager's designee may require that the applicant submit additional information, as set forth in subsection 10-11-4B3f of this chapter. (Ord. 2009-0-3, 6-18-2009; amd. Ord. 2021-0-1, 3-10-2021; Ord. 2023-0-2, 4-12-2023)

10-11-4: APPLICATION.

A. The applicant for a subdivision shall prepare and submit a preliminary plat application to the Town Manager or his or her Town Manager's designee. 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.

B. Application Form and Content: The town administration may create a preliminary plat 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, 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. The applicant shall submit a preliminary title report for all property within the application.

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 preliminary plat 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 Manager or ~~his or her~~ Town Manager's designee, 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. The requirements of the

State Division of Drinking Water must be satisfied and Division approval, where required, shall be obtained by the applicant before a final plat is approved.

b. Wastewater Requirements: Salt Lake Valley health department, environmental health division, Salt Lake County service area no. 3, Cottonwood improvement district, and the Town Manager or ~~his or her~~ Town Manager's designee, are hereby designated collectively as the "sanitary sewer authority", as further defined in Utah Code Annotated title 10, chapter 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.

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 Manager or ~~his or her~~ Town Manager's designee, 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 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 Manager or Town Manager's ~~his~~ designee 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 zoning ordinances. Such additional requirements shall be made of the applicant at the presubmission meeting, or reasonably soon thereafter. (Ord. 2009-0-3, 6-18-2009; amd. Ord. 2021-0-1, 3-10-2021; Ord. 2023-0-2, 4-12-2023)

g. Notice: The applicant shall provide the town 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.

10-11-5: FEES:

A. Application Fees: To be considered complete, the application for preliminary plat subdivision approval and a final plat subdivision approval shall be accompanied by all fees established on the town fee schedule.

B. Technical Expertise And Engineering Fees: The applicant shall pay all expenses of reviewing and approving the subdivision, including the town fees for hiring individuals with technical expertise, legal counsel and engineers to review the application. (Ord. 2009-0-3, 6-18-2009)

10-11-6: PRELIMINARY PLAT:

A. Preliminary Plat: The Administrative Land Use Authority for the approval of a Preliminary Plat application shall be the Planning Commission. 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.

10-11-74: APPLICATION FOR SUBDIVISION TOWN REVIEW:

~~The applicant for a subdivision shall prepare and submit an application to the 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.~~

A. Determination Of Completeness Of Application: After receipt of an application, the Town Manager or ~~his~~ Town Manager's designee 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 Manager or ~~his~~ Town Manager's designee determines that the application is not complete, the Town Manager or ~~his~~ Town Manager's designee 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.

1. Following a determination that the application is complete, the application shall be reviewed by Town staff for compliance with the Town's Ordinances, Rules and Regulations. Review by staff shall be completed within 40 days of receipt of the application. After staff review, the application shall be placed on the next available ~~planning commission~~ Planning Commission regular meeting agenda for review.

2. The Planning Commission shall hold a public hearing on the Preliminary Subdivision application. Notice of the Public Hearing shall be sent to the record owner of each parcel within 500 feet (500') of the property that is the subject of the application and shall be posted and provided as a Class B notice in accordance with provisions of Utah Code Ann. §63G-30-102.

3. The Planning Commission shall approve a Preliminary Plat if the proposed subdivision and the associated improvement drawings are in compliance with the Town's ordinances and requirements. 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:~~

~~—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 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 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, 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 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 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, 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. (Ord. 2009-0-3, 6-18-2009; amd. Ord. 2021-0-1, 3-10-2021; Ord. 2023-0-2, 4-12-2023)~~

~~10-11-5: FEES:~~

~~—A. Application Fees: To be considered complete, the application for subdivision shall be accompanied by all fees established on the town fee schedule.~~

~~—B. Notice: The applicant shall provide the town 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 fees for hiring individuals with technical expertise, legal counsel and engineers to review the application. (Ord. 2009-0-3, 6-18-2009)~~

10-11-~~86~~: APPLICATION COMPLETION TIME LINE:

~~—A. Determination Of Completeness Of Application: After receipt of an application, the 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 manager or his designated representative determines that the application is not complete, the 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.~~

AB. 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.

BC. Extensions Of Time: The ~~town manager~~Town Manager or ~~his designated representative~~Town Manager's designee, upon written request from the applicant, may grant the applicant one automatic thirty (30) day extension to correct the specified deficiencies. (Ord. 2009-0-3, 6-18-2009; amd. Ord. 2023-0-2, 4-12-2023)

10-11-9. FINAL PLAT:

The Administrative Land Use Authority for approval of a Final Plat application shall be the Town Manager. Upon approval of the Preliminary Plat by the Planning Commission, an applicant shall submit a final plat, in recordable form, to the Town for its review and

approval. The submitted final plat shall be consistent with all provisions and conditions of the Preliminary Plat. With the final plat, the applicant shall submit: (1) an updated Preliminary Title Report issued within 30 days of the Final plat application showing evidence of ownership for all parcels within the plat satisfactory in form to the Town attorney; and (2) any assurance for the installation of public improvements as required by Town ordinance. The Town Manager shall review a complete Final Plat submittal within 30 days of receipt of the application by the Town and shall approve the Final Plat if it is consistent with the approved Preliminary Plat and any conditions of approval.