

TOWN OF ALTA
ORDINANCE # 2026-O-2

**AN ORDINANCE AMENDING TITLE 10, CHAPTERS 3, 4, 5, 11 and 14 AND TITLE 11
CHAPTER 1 TO UPDATE REFERENCES to the UTAH MUNICIPAL LAND USE,
DEVELOPMENT, and MANGEMENT ACT to MATCH STATE CODE**

WHEREAS, The Utah Municipal Land Use, Development, and Management Act (“LUDMA”) governs how local municipalities regulate land use and zoning; and

WHEREAS, The Town of Alta Code makes reference to the Utah State Code as it relates to LUDMA; and

WHEREAS, LUDMA was recently recodified in Utah State Code and moved from Title 10, Chapter 9a to Title 10, Chapter 20; and

WHEREAS, the Town desires to have Town Code accurately refer to Utah State Code.

NOW THEREFORE, BE IT ORDAINED BY THE ALTA TOWN COUNCIL AS FOLLOWS:

Section 1: Amendment. Title 10, Chapter 3, Section 1 is amended as indicated below:

10-3-1: DESIGNATED; AUTHORITY:

The planning commission shall serve as the town "land use authority", as defined in section 10-1-6 of this title, and pursuant to Utah Code Annotated [section 10-9a-Chapter10-20](#) et seq., as amended and supplemented from time to time, for all land use applications for all land within the town boundaries. The land use authority shall hear, review and act on all such land use applications, and shall be the final decision maker on such land use applications. (Ord. 2008-O-3, 6-12-2008)

Section 2: Amendment. Title 10, Chapter 4, Sections 6 and 7 is amended as indicated below:

10-4-6: AUTHORITY OF PLANNING COMMISSION:

The planning commission shall have all authority conferred on the planning commission pursuant to Utah Code Annotated section [10-9a-302 10-20-302](#), as amended and supplemented from time to time, and such other powers as are conferred on it by the town council. (Ord. 2008-O-2, 6-12-2008)

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\(1\)10-20-102\(3\)](#), as amended and supplemented from time to time. (Ord. 2008-O-2, 6-12-2008; amd. Ord. 2023-O-2, 4-12-2023)

Section 3: Amendment. Title 10, Chapter 5, Section 11 is amended as indicated below:

10-5-11: VARIANCES:

A. Application: Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest, may apply to the appeal authority for a variance from the terms of the ordinance. The appeal authority may grant a variance only if the application for the variance is in compliance with the requirements of Utah Code Annotated section ~~10-9a-702~~[10-20-1102](#), as amended and supplemented from time to time.

B. Burden Of Proof: The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

C. Additional Requirements May Be Imposed: In granting a variance, the appeal authority may impose additional requirements on the applicant that will:

1. Mitigate any harmful effects of the variance; or
2. Serve the purpose of the standard or requirement that is waived or modified.

D. Variances Run With Land: Variances and any requirements imposed by the appeal authority run with the land.

E. Further Appeal: The appeal authority decision to deny a variance, grant a variance or grant a variance with conditions may be appealed pursuant to Utah Code Annotated. (Ord. 2008-O-4, 6-12-2008)

Section 4: Amendment. Title 10, Chapter 11, Section 4 is amended as indicated below:

10-11-4: APPLICATION:

A. The applicant for a subdivision shall prepare and submit a preliminary plat application to the Town Manager or 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 Town Manager's designee, are hereby designated collectively as the "culinary water authority", as further defined in [Utah Code Annotated title 10, ~~chapter 9a~~ chapter 20](#), 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 Town Manager's designee, are hereby designated collectively as the "sanitary sewer authority", as further defined in [Utah Code Annotated title 10, ~~chapter 9a~~ chapter 20](#), 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~~ chapter 20](#), 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 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 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-O-3, 6-18-2009; amd. Ord. 2021-O-1, 3-10-2021; Ord. 2023-O-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. (Ord. 2024-O-9, 11-13-2024)

Section 5: Amendment. Title 10, Chapter 14, Section 4 is amended as indicated below:

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

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 manager, unless waived by the 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.

(1) Culinary Water Requirements: Salt Lake City department of public utilities, water division, Salt Lake Valley health department, and the town manager, are hereby designated collectively as the "culinary water authority", as further defined in [Utah Code Annotated title 10, section 9a chapter 20](#), 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 manager, are hereby designated collectively as the "sanitary sewer authority", as further defined in [Utah Code Annotated title 10, section 9a chapter 20](#), 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 chapter 20](#), 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 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. (Ord. 2011-O-5, 11-10-2011; amd. Ord. 2023-O-2, 4-12-2023)

Section 6: Amendment. Title 11, Chapter 1, Section 1 is amended as indicated below:

11-1-1: STATUTORY AUTHORIZATION:

The legislature of the state of Utah has, in Utah Code Annotated section ~~10-9a-505(1)(c)~~ 10-20-505(1)(c), delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. (Ord. 2010-O-1, 3-11-2010; amd. 2010 Code)

Section 7: Effective Date. This ordinance shall go into effect after publication and posting as required by Utah Code Title 10, Chapter 3.

PASSED AND ADOPTED by the Town of Alta Council on this ___th day of _____, 2026.

TOWN OF ALTA

By: Roger Bourke, Mayor

ATTEST:

Jen Clancy, Town Clerk

Voting:

Mayor Bourke _____

Council Member Anctil _____

Council Member Schilling _____

Council Member Morgan _____

Council Member Heimark _____

(Complete as Applicable)

Date ordinance summary was published on the Utah Public Notice Website per Utah Code §10-3-711: _____

Effective date of ordinance: _____