

September 12, 2016
Interlaken Town
Midway, Utah

To the Interlaken Town Council,

We, the Interlaken Planning Commission, do hereby recommend the following changes to the Interlaken Town Municipal Codes. We have completed a public hearing, taken public comment, and discussed these recommendations thoroughly. These revisions affect the content in Titles 2, 9, and 11.

The attached pages give a summary of these changes, along with the affected pages from the actual Titles.

Signed,



Bill Goodall, Commission Chair Date: 9/12/2016



Greg Cropper, Commission Member Date: 9/12/16



Robert Marshall, Commission Member Date: 9/12/16



Greg Harrigan, Alternate Commission Member Date: 9/12/16

**Interlaken Planning Commission
Proposed Revisions to Titles 2, 9, 11
to the Interlaken Town Council
September 12, 2016**

Here is a summary of the proposed revisions to Interlaken Titles 2, 9, and 11 as a result of the Interlaken Town Public Hearing on Land Use, conducted by the Interlaken Planning Commission.

Title 2 Municipal Government – revisions allows part time residents to serve on the Planning Commission. The commission felt that unless we relax the clause restricting membership to full time residents, we will not have the required number of members. It was also mentioned that including part time residents would add experience and diversity to the commission.

Title 9 Building and Construction – clarification of the requirement for an elevation certificate. This change was proposed in part by Ryan Taylor from Epic Engineering. The current language is confusing and difficult to enforce because the actual building height cannot be determined until construction is complete.

Title 11 Land Use – revisions increase the Sensitive Lands Overlay Zone delineation from 10% to 25% for hillsides and slopes. The current designation of 10% imposes building height restrictions on most lots in Interlaken. The increase to 25% allows builders to use the "35 feet from natural grade" maximum height criteria for construction on slopes less than 25%. Without this revision, most lots in Interlaken would be subject to the current more restrictive criteria for maximum height stated as:

"Maximum Height of Buildings. Buildings in the hillside and mountainside areas shall be not more than 35 feet in height, as measured from the lowest flooring level which has an exterior entrance or a partially or fully exposed wall on the downhill side of the dwelling, and then as measured from that flooring level to the highest point of the roof, chimney or parapet, except when the ridgeline provisions of this section require a lower height unless permitted by other criteria specified in this Chapter."

In addition, another revision to Title 11 changes the public noticing requirements to conform to Utah State law. The rational here is that these requirements change periodically, so it's better to conform through reference than by specifics.

You'll find the details of the proposed revisions to Titles 2, 9, and 11 below.

Proposed Changes to Title 02 Municipal Government:

Section 2.03.040 currently reads:

Section 2.03.040 Mode of Appointment and Filling Vacancies

A. Any vacancy in the Commission membership shall be advertised in a newspaper of general circulation, posted in three public places and on the official Town of Interlaken web site. Applications shall be accepted for a minimum of 14 days following the advertisement and posting. The Mayor, with the advice and consent of the Town Council, shall appoint a new Commission member after appropriate review of the applications and interviews. Reappointments of existing Commission members may be made without advertising the vacancy.

B. Commission members shall be selected in accordance with the following policy adopted by the Town Council.

1. Commission members shall be full time residents and have lived in Town of Interlaken for a period of at least one year immediately prior to their appointment.
2. In making appointments to the Commission, the Mayor and the Town Council will assure diversity in the membership to the extent practicable by considering all relevant factors such as geographic diversity, socioeconomic factors, cultural influences, and similar criteria.
3. Commission members shall be selected without respect to political affiliation.

C. The Mayor, with the advice and consent of the Town Council, shall fill the unexpired term of any member whose office becomes vacant.

1. A member's office automatically becomes vacant if the member establishes residence outside of the Town, or lives outside of Town boundaries for a continuous period of more than 60 days.
2. A member's office automatically becomes vacant if the member misses more than 25 per cent of the Commission's scheduled meetings during any twelve month period. The Mayor, with advice and consent of the Town Council, may waive this action should it be determined there are circumstances that so justify.
3. Any member may be removed for cause by the Town Council upon written charges and after a public hearing, if such a hearing is requested by the Commission member.

Planning Commission proposes the following changes:

Section 2.03.040 Mode of Appointment and Filling Vacancies

A. Any vacancy in the Commission membership shall be advertised in a newspaper of general circulation, posted in three public places and on the official Town of Interlaken web site. Applications shall be accepted for a minimum of 14 days following the advertisement and posting. The Mayor, with the advice and consent of the Town Council, shall appoint a new Commission member after appropriate review of the applications and interviews. Reappointments of existing Commission members may be made without advertising the vacancy.

B. Commission members shall be selected in accordance with the following policy adopted by the Town Council.

1. Commission members shall be full time residents and property owners and have lived in the Town of Interlaken for a period of at least one year immediately prior to their appointment; provided, a maximum of one commission member may be a part-time resident of Interlaken. As used herein a part time resident of Interlaken is an Interlaken property owner who does not live outside of Interlaken more than 180 consecutive days in any 365 day period.

2. In making appointments to the Commission, the Mayor and the Town Council will assure diversity in the membership to the extent practicable by considering all relevant factors such as geographic diversity, socioeconomic factors, cultural influences, and similar criteria.

3. Commission members shall be selected without respect to political affiliation.

C. The Mayor, with the advice and consent of the Town Council, shall fill the unexpired term of any member whose office becomes vacant.

1. Except as provided otherwise in B1, a member's office automatically becomes vacant if the member establishes residence outside of the Town.

2. A member's office automatically becomes vacant if the member misses more than 25 per cent of the Commission's scheduled meetings during any twelve month period. The Mayor, with advice and consent of the Town Council, may waive this action should it be determined there are circumstances that so justify.

3. Any member may be removed for cause by the Town Council upon written charges and after a public hearing, if such a hearing is requested by the Commission member.

Proposed Changes to Title 09 Building and Construction:

Section 9.08.030 currently reads:

Section 9.08.030 Procedures for Buildings With Regard to Maximum Height

A. Whenever buildings are to be situated on a lot or property that contains a slope of 5 per cent or greater, and/or will be at least 30 feet above the “Natural Grade”, an Elevation Certificate shall be required before any building permit is approved.

B. For any application which the Planning Commission finds is not clear enough to demonstrate compliance with the Maximum Height Provisions of this Chapter, the applicant may be required to submit an Elevation Certificate to help establish compliance with the height limitation requirements. If the applicant feels the request for the certificate is unreasonable, the applicant may appeal the request directly to the Appeal Authority who shall review the request and respond in writing to the applicant. All decisions of the Appeal Authority may be reviewed by the Interlaken Town Council.

Planning Commission proposes the following changes:

Section 9.08.030 Procedures for Buildings With Regard to Maximum Height

A. Whenever buildings exceed 30 feet above the “Natural Grade”, an Elevation Certificate shall be required before any Certificate of Occupancy is issued.

B. For any application which the Planning Commission finds is not clear enough to demonstrate compliance with the Maximum Height Provisions of this Chapter, the applicant may be required to submit an Elevation Certificate to help establish compliance with the height limitation requirements. If the applicant feels the request for the certificate is unreasonable, the applicant may appeal the request directly to the Appeal Authority who shall review the request and respond in writing to the applicant. All decisions of the Appeal Authority may be reviewed by the Interlaken Town Council.

Planning Commission proposes this additional change:

Throughout Title 9, remove all references to Wasatch County and replace with Interlaken Town Planner or Interlaken Town Engineer whichever is appropriate.

Proposed changes to Title 11 Land Use:

Section 11.06.070 currently reads:

Section 11.06.070 Maximum Height Provisions for all Buildings

The height of any building shall not exceed 35 feet. The total height shall be measured as the vertical distance from the natural grade, as defined in this Title, to the highest point of a roof. To allow for unusual conditions or appurtenances the following exceptions apply:

- A. Antennas, chimneys, flues, vents, or similar structures may extend up to 5 feet above the specified maximum height limit.
- B. Mechanical equipment may extend up to 5 feet above the specified maximum height limit.
- C. Special height requirements for some buildings on benches and slopes greater than 10 percent are imposed by the Sensitive Lands Chapter of this Title. These restrictions on building height shall be applied where applicable.

Planning Commission proposes the following changes:

Section 11.06.070 Maximum Height Provisions for all Buildings

The height of any building shall not exceed 35 feet. The total height shall be measured as the vertical distance from the natural grade, as defined in this Title, to the highest point of a roof. To allow for unusual conditions or appurtenances the following exceptions apply:

- A. Antennas, chimneys, flues, vents, or similar structures may extend up to 5 feet above the specified maximum height limit.
- B. Mechanical equipment may extend up to 5 feet above the specified maximum height limit.
- C. Special requirements for some buildings on benches and slopes 25 percent or greater are imposed by the Sensitive Lands Chapter of this Title. These restrictions on building height shall be applied where applicable.

Section 11.07.080 currently reads (just the first 2 items):

Section 11.07.080 Hillsides, Slopes, and Natural Grade

A. Slope analysis and natural grade. Slope analysis and natural grade shall be as determined by the “Interlaken Slope Study Map.”

B. Boundary Delineation. A sensitive hillside or slope area shall be delineated where any slope is 10 percent or greater.

Planning Commission proposes the following change to item B:

B. Boundary Delineation. A sensitive hillside or slope area shall be delineated where **any slope is 25percent or greater.**

At the end of item J. add the following:

Refer to Section 11.06.250 for additional requirements for outdoor lighting.

Section 11.12.010 currently reads:

Section 11.12.010 Public Notice

Notice of the date, time, and place of all public hearings concerning the adoption or modification of a land use ordinance or zoning map shall be posted in at least three public locations within Interlaken Town or on the Town’s official website. In addition, at least ten calendar days before the hearing, the notice shall be mailed to each affected entity (as defined in Utah law) and published in a newspaper of general circulation in Interlaken Town.

Planning Commission proposes the following changes:

Section 11.12.010 Public Notice

Notice of the date, time, and place of all public hearings concerning the adoption or modification of a land use ordinance or zoning map **shall be posted and delivered in accordance with Utah law.**

This completes the summary, prepared by Bart Smith
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Planning Commission Secretary
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