

**MINUTES  
PUBLIC HEARING  
TUESDAY, JUNE 3, 2008  
5:30 PM  
ALTA COMMUNITY CENTER  
ALTA, UTAH**

Mayor Tom Pollard called the public hearing to order. All members of the Alta Town Council were present.

The Mayor announced that this public hearing is being held to receive comments on the proposed changes to the Town of Alta Land Use Ordinances. The public hearing was noticed in a paper of general circulation and met all requirements.

As of the date of this hearing, the Town of Alta had not received any written comments on the proposed changes and amendments to the Land Use Ordinances.

The Mayor announced that the Alta Planning Commission, after months of review, have submitted to the Alta Town Council the possibility of changing and amending the following ordinances: Land Use Authority, the Appeal Authority and Planning Commission ordinances plus the Base Facilities Zone, and On Sight Parking Regulations.

The Mayor also reminded everyone that the Town Council will have one more work session on Monday, June 9, 2008 at 3:00 pm at the Alta Community Center. The Alta Town Council will then consider adopting these proposed changes and amendments at their regularly scheduled June 12, 2008 Council meeting.

The Mayor asked all that wished to comment at this hearing to sign in before they speak. At this hearing, the Town Council will not speak to any comments that are given.

Frank Perkins announced that he and Sid were no longer involved in the Snowpine Lodge. He went on to comment that he felt the Town Council should be careful not to burden the lodges and new owners with heavy parking restrictions. They will be the ones that will be building new rooms and risking the money whether it is an existing owner or a new owner. It is his understanding that the Town Council wants to create less traffic in the Town not more traffic. Mr. Perkins would like prospective developers to be able to use some of the common areas for parking and not be restricted from using that area(s) because it is so expensive to provide parking spaces in Alta. He felt that the person who is spending money to stay in the hotels and lodges should have priority for parking over the person is driving up the canyon to ski for the day.

Frank Perkins also strongly recommended that the Town of Alta hire a consultant to conduct a hotel and condo/hotel study to see if, for example, someone buys the Snowpine or some other facility, they can rebuild that facility and it is feasible, with a 16 week rental season, to make money. He commented that their research says it would be very difficult to make that work.

Mr. Perkins kept hearing from the Alta Planning Commission that it was not their responsibility to make financing available or feasible or create investment capital. He feels that it is the Commission's and the Town Council's responsibility to create ordinances that allow that to happen. It appreciated that Planning Commission's time spent in reviewing the proposed Land Use Ordinance revisions and amendments.

Onno Wieringa, General Manager of the Alta Ski Area, commented that they worked through the process with the Alta Planning Commission as apposed to waiting to the end of this process to comment. He believes that the Town should not put to much burden on the owners of the lodging facilities to create parking. A skier using a parking space is a good thing whether they are a day skier or a destination skier. It was unclear to him whether additional parking was required when you replaced an existing building versus when you created a new structure and a new use. For example, if the Rustler Lodge burned down, would the parking requirements remain the same as they currently exist or would the new regulations apply to parking requirements?

Mr. Wieringa commented that the current hotel situation works for our community but agreed with Mr. Perkins that the Town of Alta should learn as much as they can about different options in the lodging world. A way to accomplish that task is to hire someone that is independent, that has a scope of work defined by the Town and goes out and produces a good unbiased report.

Mark Haik stated that he does not disagree with any of the previous remarks about parking in the Town of Alta. He wanted to comment on the Base Facilities zone. He felt that the one thing that came out of the Planning Commission meeting was the lack of substantive discussion by both the Planning Commission members and the Town Council when they held their joint meeting on ideas that are normally incorporated into long term planning. The failure to have an exhibit that shows the public and private infrastructure in the Base Facilities Zone, have an itemized list of the future needs of the public infrastructure in the Base Facilities Zone (BFZ) and the failure to show the road right of way in the BFZ would make it difficult for the existing lodges and business to tear down and rebuild if they had to. Many of the legal descriptions of the lodges and business intersect with the state road right of way and would not be allowed to build or rebuild. Therefore he feels that the Town of Alta should abandoned this zoning change and do nothing until the Town goes back and has a long term discussion about what the future needs are for the public infrastructure which would include water, sewer, power, and other possible transportation corridors in the BFZ. Also the proposed BFZ mentions that applicants have to go to outside agencies which are not named in this proposed BFZ ordinance and he feels that those agencies should be named.

Mr. Haik feels that the ordinances as it is proposed and the densities included in that ordinance are not economically viable to attract capital. You cannot get greater density with a 24 ft. high limitation that is proposed in this ordinance. Therefore he believes that the Town should take a step back and the Town should itemized things and have an exhibit that shows all the private land and land status and it should show all the currently

permitted lift company items and future items that are proposed. The BFZ should be coordinated with this Ski Lift plan.

Mr. Haik felt that the Planning Commission Ordinance should not have a provision for additional unspecified powers to be conferred from the Council without the Council making a new ordinance. Those unspecified powers should be itemized in this ordinance.

Mr. Haik felt that the Planning Commission should be expanded to include property owners and or other members of the community. He commented that the Planning Commission needs to have more substantive discussion and produce better ideas, more of them, and some clear ideas about what direction the Town is or is not going to head. He also commented that the individual annexations that have taken place over the years have great differences on what is or is not possible.

Mr. Haik feels that the Appeal Authority needs to have private citizens as members, for example, other than members of the Town Council and the Planning Commission. The Town would be better off if more people were participating.

Charles Livsey, who was present at the meeting on behalf of the Shrontz Estate, stated that pursuant to the Settlement Agreement, the proposed ordinances don't retroactively effect the subdivision. He thanked the Council for updated its ordinances to comply with LUDMA.

Me. Livsey commented that on a procedural note, that the time frames expressed in the ordinances seem a little bit tight. LUDMA allows for a ten day turn around for an appeal or other things so the ten day turn around expressed in the Town's proposed ordinance is in compliance with LUDMA. His concern is that a land use decision is final with a vote by the Land Use Authority and this becomes problematic because the ten day window in which someone has to file an appeal under the Appeal Authority Ordinance says the appellant must present every theory of relief to Appeal Authority. The proposed ordinance also states that the appellant "shall allege that there is error in any order, requirement, decision, or determination made by the land use authority..." Mr. Livsey believes that it will be difficult to get that final vote and understand what that written decision is within ten days days and make a meaningful response. He stated that perhaps that ten day time timeline should be tweaked or alternatively the decision should be made final on a different triggering point: perhaps it's when the decision is issued to the individual seeking a land use decision.

Mr. Livsey commented that the off street parking requirements are also interesting. He knows that there are multiple jurisdictions in the Town of Alta and he believes that the Town's intent with certain provisions in this parking ordinance is to go to Salt Lake City Water or UDOT and allow them to grant approval before the Town reviews and grants approval. He feels that this presents a chicken and an egg issue. He has worked with UDOT on similar "will serve" letters and the problem that he has experienced is that these agencies are questioning whether they do or not have authority to even issue these letters. When you are dealing with Highway 210 it makes sense. However if you are past

the pavement in what is theoretically now no mans land, this ordinance does not instruct who to go to for these connection approvals for driveways and road base requirements etc. Again, when Mr. Livsey has spoken with these multi-jurisdictional agencies, it becomes a real chicken/egg problem where they are unaware what the Town of Alta would like them to do and unaware if they want them to do it in the first place. Their default has been no action.

Hearing no further comments on these matters, Mayor Pollard closed the public hearing.

There was a motion by Paul Moxley to adjourn the meeting and there was a second by Cliff Curry. The motion was carried and the meeting was adjourned.

Passed and approved on this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Katherine S.W. Black  
Town Clerk  
Town of Alta