

Alta Planning Commission Meeting Summary
Alta Community Center/Library, Alta, Utah
March 13, 2017, 4PM

IN ATTENDANCE:

Planning Commissioners: Jon Nepstad (vice chair), Rob Voye, Dave Abraham, Roger Bourke, Mayor Tom Pollard (ex officio). Absent: Joan Degiorgio (chair).

Town of Alta staff: John Guldner, Chris Cawley, Rich Mrazik

Members of the public: Harris Sondak, Mike Maughan, Onno Wieringa, Jeff Anderson, Mark Haik, Jen Clancy, Marcus Dippo, Dave Eichel, Brent Pratt, Jesus Bendezu.

INTRODUCTION AND WELCOME FROM THE CHAIR

Vice Chair Jon Nepstad opened the meeting and reminded the planning commission and the audience that chair Joan Degiorgio would be absent from the meeting. **Jon** described that he intended to manage the meeting according to a more structured format, beginning with opening comments from staff, moving on to comments from Brent Pratt and the Snowpine Lodge architect, and then moving to comments from the public before a discussion amongst the planning commission.

01:30 REVIEW WITH POSSIBLE APPROVAL A REQUEST TO AMEND/ESTABLISH THE YEAR YARD REQUIREMENT (SETBACK) FOR THE SNOWPINE LODGE

John Guldner described that a misunderstanding led to the Snowpine designing a plan which places a swimming pool, pavillion, patio, and other amenities within the 80 foot rear-yard setback originally requested by the Snowpine and approved by the planning commission. **John** indicated that staff met with Brent Pratt, owner of the Snowpine Lodge, to discuss the possibility of amending the rear-yard setback approved by the planning commission. **John** reported that Brent had offered to modify the plans for the Snowpine Lodge such that a 15 foot setback, rather than a 10 foot setback, would be achieved. **John** acknowledged that there is no distinct formula for the planning commission to follow in determining what sort of setback to approve in this case, but he recommended that the planning commission consider what sort of precedent its decision could set for other properties in Alta and what the setbacks are on other properties in the Base Facilities Zone. **John** recommended that the planning commission consider a 20 foot rear-yard setback as a starting point for its discussion today.

Brent Pratt thanked the planning commission for accommodating the Snowpine Lodge's need to resolve the setback issue. **Brent** described that following a meeting with town staff the previous week, he'd contacted an event planner to discuss the implications of redesigning the patio, pavillion, and the pool for the use of those spaces to host various events. **Brent** described his experience in working with families and groups as they plan weddings, and opined that restricting a couple from inviting their

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desired number guests due to facility constraints is emotionally challenging. **Brent** introduced Snowpine architect Jesus Bendezu. **Jesus** described that, following a recommendation from the planning commission at the previous meeting, he'd prepared designs given various alternatives. **Jesus** presented graphics depicting these alternatives, including alternative designs in which various site improvements are rearranged to satisfy a twenty foot setback. **Jesus** then presented graphics on his laptop computer to audience members. **Jeff Anderson**, owner of the Rustler Lodge, interjected to claim that the proposed pavilion would block the entire view up canyon from the Rustler Lodge dining room, and opined that the Snowpine's drawings fail to show the relationship between the Rustler Lodge and Snowpine Lodge's proposal. **Jon Nepstad** asked the audience to hold their comments until the Snowpine had concluded its presentation, and **John Guldner** reminded the assembly that the reason for this meeting was to discuss a resolution to the issue created by the placement of exterior site improvements within the Snowpine's approved setback. **John** described that the planning commission generally felt that a 10 foot year-yard setback was too shallow, and so they requested that the Snowpine propose alternatives to a 10 foot setback.

Jesus presented an alternative depicting a 15 foot setback. **Jeff Anderson** argued that the Snowpine's proposed pavilions would obstruct the view from the Rustler Lodge dining room and claimed that this is not allowed. **Jon Nepstad** asked the audience to hold their comments until later in the meeting.

Brent Pratt referred to a Town of Alta staff report on the proposal before the planning commission. **Brent** quoted from the staff report, specifically Town of Alta Ordinance 10-6D-9 Yard Regulations:

Because of the unique nature of topography and climatic conditions within the town, the side, rear and front yard requirements will be determined on an individual basis by the land use authority. In making its determination the land use authority shall take into account the following elements, among other relevant considerations:

- A. Relationship with other structures and open spaces.*
- B. View sheds from SR-210, neighboring properties and visitors to the area.*
- C. Topographical features.*
- D. Existing vegetation.*
- E. Natural waterways.*
- F. Snow removal and snow storage requirements.*
- G. Emergency and general access.*
- H. Other elements deemed appropriate to ensure that the purposes of this article are met. (Ord. 2014-0-5, 12-11-2014)*

Brent argued that none of these factors suggest that the planning commission ought to approve a rear-yard setback of a certain depth in the case of the Snowpine's request. **Brent** quoted further from the staff report's description of the purpose of setbacks, including "access, emergency access, open space, and generally protection from neighboring uses" as elements to consider in approving a setback request. **Brent** stated that he feels a 10 foot setback would satisfy these requirements, and then

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addressed the Rustler Lodge's 10 foot side-yard setback from the Snowpine property line, which he claimed set a precedent which should justify the Snowpine's request for a ten foot rear-yard setback. **Brent** requested that the planning commission consider that without proper site improvements, the Snowpine can neither do summer business nor acquire financing to pursue its project.

Jon Nepstad asked Brent Pratt whether the alternatives presented are workable, and **Brent** stated that the 20 foot setback would be a challenge as it would constrain the business plan enough to potentially affect the financing he'd obtained.

22:38 Jon Nepstad asked for comments from affected stakeholders and the general public. **Tom Pollard**, Town of Alta Mayor, ex officio member of the Alta Planning Commission, and General Manager of the Rustler Lodge, addressed the planning commission and stated that he was commenting from his perspective as the General Manager of the Rustler Lodge, which abuts the Snowpine Lodge property west of the Snowpine. **Tom** acknowledged that there are not reliable precedents to use in determining a prudent setback for the Snowpine, though he referred to draft recommendations for the Salt Lake County Mountain Resort Zone, which may establish a minimum 25 foot setback for all properties in the zone. **Tom** acknowledged the 18 foot separation between the two properties and described that as a minimum. **Tom** opined that the lack of formal plans has made it difficult to ascertain what the effects of the Snowpine project will be on the Rustler Lodge, and stated that the Rustler Lodge is concerned about the effects of the proposed patio, pavilion roof structures, and other site improvements on the Rustler's viewshed.

Onno Wieringa addressed the planning commission as the General Manager of Alta Ski Area (ASA). **Onno** described that ASA's special use permit on USFS land surrounding the Snowpine Lodge qualifies ASA as a stakeholder, and stated that they are not concerned about any effects that a 10 foot rear-yard setback would have on ASA's use of land adjacent to the Snowpine. **Onno** opined that it would be more effective to meet on-site, in order to better visualize the proposals, and described how ASA had gone about illustrating the dimensions of a proposed day lodge at the Wildcat Base Area to affected parties.

Jeff Anderson stated that the Southeast corner of the Rustler Lodge dining room is very close to the location of the Snowpine property line and proposed site improvements, and then discussed various setback depths relative to features on the east side of the Rustler Lodge. **Jeff** argued that a 35 foot year yard setback would position the Snowpine site improvements favorably enough relative to the Rustler Lodge.

Harris Sondak recommended the planning commission consider the proposed land exchange between ASA and USFS. **Harris** observed that the total capacity of the Snowpine Lodge's site improvements, which Brent Pratt stated he did not want to curtail, had not been stated, which makes it difficult to evaluate what the real impacts of requiring the Snowpine to "shrink" the pavilion or patio would be. **Harris** opined that the issue raises the question of the size of the events Alta desires to host, particularly given constraints such as parking. **Harris** agreed that conversations of this nature would be enhanced by

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audio-visual technology.

Mark Haik recommended the town consider acquiring software to aid in presenting development plans such as the Snowpine's. **Mark** encouraged the planning commission to accommodate the Snowpine's proposal, given that such capital investment in Alta's commercial properties is rare. **Mark** opined that the proposed setback does not represent a substantial loss of open space. **Mark** recommended the planning commission obtain audio-visual technology, and title reports for the Snowpine Lodge and the Rustler Lodge parcels.

Onno Wieringa spoke for ASA in stating that the Snowpine's proposal represents a great project. **Onno** opined that truly great projects are widely supported and stated that the impacts on neighboring properties should be considered.

Brent Pratt opined that he has vigorously pursued the purchase of land adjacent to the Snowpine Lodge and will continue to do so, in order to secure a very large setback and open space buffer between the lodge itself and the Snowpine property lines. **Brent** then argued that the proposed site improvements will not have a substantial impact on the Rustler Lodge.

John Guldner described that individually determined setbacks set a precedent that may create expectations for future applicants. **John** described attempts by previous owners of the Snowpine Lodge to purchase land to the south of the Snowpine, and stated that there is no discrete parcel of land south of the Snowpine. **John** acknowledged that the proposed ASA-USFS land exchange should be a consideration for the planning commission.

48:50 Jon Nepstad asked the planning commission to discuss the Snowpine's proposal and comments on the proposal form stakeholders. **Rob Voye** asked whether a shallow rear-yard setback could affect snow removal between the Snowpine and any development which could occur on land south of the Snowpine currently owned by USFS if that land is transferred to ASA. **Roger Bourke** agreed that the proposed land exchange presents numerous potential complications to the question of how much rear-yard setback is prudent on the Snowpine property. **Roger** opined that the Snowpine could reconsider the amount of the total lot coverage it is allowed that will be covered by the hotel building itself if the size of the site improvements is so important. **Roger** also opined that a site visit would be very helpful to visualize the proposals. **Dave Abraham** discussed the Snowpine's plans with Snowpine architect **Jesus Bendezu**, and described that the elevation of existing grade is difficult to determine from the plans, which makes impacts to the Rustler's viewshed difficult to determine. **Jesus** presented plan drawings which indicate that the proposed pavilion roof will not obstruct the Rustler Lodge's views of the ridgelines up-canyon. **Dave Abraham** recommended that the Snowpine consider possibly adjusting the height of the pavilion roof. **Jon Nepstad** asked Jesus whether he'd considered rearranging elements of the patio in order to provide the same seating volume and amenities while increasing the possible year-yard setback. **Jesus** addressed the notion of moving the pavilion to the east side of the patio, and indicated that this could complicate snow grooming and removal; **Brent Pratt** described that rearranging

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patio elements could increase the total lot coverage. **Onno Wieringa** indicated that the snow removal should not be an issue. **Brent** and **Jesus** described that moving the pavilion would impair the aesthetic quality of the patio as an event setting.

Jon Nepstad asked the planning commission to discuss how it should proceed. The planning commission agreed that a site visit would be very helpful in understanding the implications of the alternative setback proposals and potential impacts to the Rustler Lodge's viewshed. **Jon** summarized this perspective and added that the planning commission would benefit from a better presentation of plan view and elevation drawings. **Jon** lamented the complications that have arisen during the first project to come before the town under the amended Base Facilities Zone Ordinance. **Jon** and **Roger Bourke** discussed convening during the weeks prior to the April 3rd planning commission meeting.

Rich Mrazik asked whether the planning commission is requesting a site visit or better drawings, or both. **Jon Nepstad** described that the planning commission is still uncertain about how to consider both the year-yard setback request and viewshed impacts, and opined that both a site visit and improved drawings would be helpful. **Brent Pratt** argued that the only relevant matter is the height of the proposed pavilion roof structures. **Jon** stated that the setback question is still problematic, and **Brent** pressed the planning commission to articulate the public purpose for requiring a deeper setback. **Jon** quoted Town of Alta Ordinance 10-6D-9 in describing why the setback question is relevant, and **Brent** stated his difference of opinion on the matter. **John Guldner** recommended that the planning commission consider a year-yard setback of 20 to 35 feet, and **Roger Bourke** recommended the planning commission consider approving a setback based to some extent on setbacks on other properties in the zone.

Jon Nepstad summarized conversation between **Brent Pratt**, **Jeff Anderson**, and several planning commission members about various rear-yard setback depths and indicated the planning commission may be prepared to approve a 20 foot rear-yard setback. **Jon** asked stakeholders and the planning commission to consider meeting the following Monday, March 20th, at 3:30 to visit the site and review drawings or other illustrative products.

1:34:10 MOTION TO ADJOURN

Roger Bourke made a motion to adjourn the planning commission meeting; **Rob Voye** seconded the motion, and the motion was carried.

The content of the minutes are not a *verbatim* transcription of the meeting. These minutes are a general overview of what occurred at the meeting.

These minutes were approved on June 5, 2017.

S/ Chris Cawley
Assistant Town Administrator

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