

Alta Planning Commission Meeting Summary
Alta Community Center/Library, Alta, Utah
November 6, 2017, 4PM

IN ATTENDANCE:

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

Town of Alta staff: John Guldner, Chris Cawley, Aliza Whalen

Members of the public: Jim Ehleringer, Mimi Levitt, Cliff Curry, Marcus Dippo, Joe Bolton, Katie Vitti, Mike Maughan, Tod Young, Harris Sondak

INTRODUCTION AND WELCOME FROM THE CHAIR

Planning Commission Chair Joan Degiorgio opened the meeting, welcomed the audience, and introduced the agenda.

00:01:30 APPROVAL OF OCTOBER 2, 2017 ALTA PLANNING COMMISSION MEETING MINUTES

Roger Bourke referred to a conversation which transpired during the October meeting between himself and Mike Maughan regarding the rationale for changing waterway setback requirements. Roger clarified that he'd meant to argue that the stream setback provision in the Town of Alta land use ordinance should be based in scientific rationale, and that he would be amenable to a lesser or greater setback requirement if such an amendment were based in science. Jon Nepstad made a motion to approve the October 2, 2017 Alta Planning Commission meeting minutes, Dave Abraham seconded the motion, and the motion was carried.

00:04:40 UPDATE ON RECENT EVENTS, STAFF

John Guldner described progress on the Snowpine Lodge rebuild, and stated that the project would be ongoing through the winter season, with tentative plans to open for business in time for the 2018-2019 ski season.

Jon Nepstad informed the planning commission and the audience that the Utah Department of Transportation (UDOT) had issued a request for proposals from a consultant to prepare an Environmental Impact Statement (EIS) regarding SR 210. Joan Degiorgio asked Jon Nepstad what the EIS would be "about," and Jon described that the EIS would evaluate transportation on SR 210, that it would take into account previous studies on SR 210, and that it would further analyze various proposals that have been made to improve transportation on SR 210. Mayor Pollard opined that the EIS would focus on adding a third lane to SR 210. John Guldner reported that a recent effort by UDOT to delineate a formal

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right-of-way on SR-210 throughout Little Cottonwood Canyon concluded without achieving its goal.

00:10:00 INTRODUCTION AND OPENING COMMENTS OF TOD YOUNG, CHAIR, SALT LAKE COUNTY MOUNTAINOUS PLANNING COMMISSION, AND JIM EHLERINGER, DISTINGUISHED PROFESSOR OF BIOLOGY, UNIVERSITY OF UTAH

Joan Degiorgio, John Guldner, and Rich Mrazik discussed several proposals before the planning commission in regards to the town's land use ordinance provisions regulating protection of waterways, including the depth of the setback requirement, which currently stands at fifty feet; the establishment of a twenty foot setback requirement measured from the top of a stream embankment; definition of specific types of waterways including ephemeral or intermittent waterways; the establishment of a special zoning overlay for Albion Basin known as the Albion Basin Protection Overlay Zone; and changes to the non-conforming use provision of the land use ordinance.

Tod Young, chairman of the Salt Lake County (SLCO) Mountainous Planning District Planning Commission, presented Section 19.72.130, *Stream Corridor and Wetlands Protection* of the Salt Lake County Foothill and Canyon Overlay Zone (FCOZ). Tod reported that the Salt Lake County Health Department, in discussing a proposal to expand the waterway setback requirement under FCOZ to 100 feet, reported that while a 50 foot setback may be sufficient, a 100 foot setback would be preferable. Tod opined that the proposal to establish a special zoning overlay for Albion Basin was reasonable, and that the planning commission could consider the interrelationship between SLCO FCOZ and the SLCO Mountain Resort Zone. John Guldner observed that SLCO treated nonconforming uses in a novel way, by providing authority to the SLCO planning director to grant a conditional use to a nonconforming use, provided the nonconforming use can conform to various other specific regulations.

Tod Young asked how many residential septic systems exist in Alta. John Guldner stated that 25 total properties used full-containment holding tanks. Tod recommended that the planning commission consider advice from Dr. Jim Ehleringer in regards to the impact of surface disturbance, and stated that the primary reason to require setbacks was to prevent the impact of surface disturbance during new construction.

Dr. Ehleringer recommended the planning commission determine its objectives in considering a revision to the Town of Alta waterway setback requirement. Dr. Ehleringer described several potential objectives, including the preservation of aquatic or plant biodiversity, viewscape impacts, and bank morphology or erosion. Dr. Ehleringer stated that the filtration characteristics of soils along waterways could be considered an important factor in the rationale for determining waterway setbacks, and observed that soils in Albion Basin are generally quite thin, making them less capable of providing filtration.

34:20 CONTINUED DISCUSSION ON THE PROPOSED ESTABLISHMENT OF THE ALBION BASIN PROTECTION OVERLAY ZONE AND ESTABLISHING AN APPROPRIATE WATERWAY SETBACK

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Roger Bourke asked about the consequences of violating waterway setback requirements, and asked whether the town has any jurisdiction over, for instance, the placement of a snow gun within a certain distance of a waterway. Rich Mrazik stated that the town does not have jurisdiction over ski area snow gun placement, and that if new construction occurs that violates the town's land use ordinance, the town requires elements of the construction to be removed. Roger stated that he meant to inquire about the environmental consequences of violating a setback requirement. Dr. Ehleringer stated that aquatic organisms are the most sensitive to environmental changes, and recommended that if the town's objective is to minimize impacts to aquatic ecosystems, then it should seek to minimize sediment and nutrient inputs to such environments.

Joan Degiorgio recalled the example of the Superior Point development along the Alta Snowbird bypass road, where structures and other hardened surfaces almost directly abut a very steep embankment that falls directly into Little Cottonwood Creek. Although Joan allowed that the Superior Point development is already in place, the town could seek to limit this kind of development within such a short distance of a waterway channel. Joan observed that since there was so little potential additional development in Alta, it may be feasible to consider stream setback requirements on a more case-by-case basis. John Guldner opined that the town was almost "finished" in terms of additional development, and Tod Young interjected to argue that a community could never be "finished" regulating development, because structures are replaced over time. John Guldner allowed that the town could eventually rezone various properties, that there were limited additional lots available for development, and that the hotel properties could all expand under current ordinances.

Jon Nepstad asked Tod Young to specify the provision in SLCO FCOZ that provides a "circuit-breaker" for the expansion of a non-conforming use. Tod confirmed that FCOZ Section 19.72.130 G(1)b allows existing, legally-established structures to add a "cumulative total expansion of no more than 250 square feet of gross floor area located closer than 50 feet to a perennial stream corridor or closer than 25 feet to a wetland."¹

In reference to several sections of FCOZ Section 19.72.130, Dave Abraham asked Tod Young to confirm the definition of the term "director," and Tod confirmed that the term refers to the director of the SLCO Planning and Zoning Division. Dave Abraham asked who the "director" would be in Alta, and Rich Mrazik suggested that the Town of Alta building official could be Alta's "director" in this case. Rich turned to the earlier discussion of a "circuit-breaker" for development within stream corridors, and described that the town seeks similarly to provide a circuit breaker to development impacts in the most sensitive areas while reasonably allowing for greater development intensity in the Commercial Core. Joan opined that, in the event the town allows for higher intensity development in the Commercial Core, it could still require developers to mitigate environmental impacts.

¹ View SLCO

FCOZ <https://slco.org/uploadedFiles/depot/fTownships/FCOZ%20Current%20Title%2019%20Final%20Draft.pdf>

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Jon Nepstad observed that FCOZ requires multiple state agencies to be engaged in approving land use applications. Tod Young clarified that SLCO Planning and Zoning staff can request review by different outside agencies in cases where certain agencies' expertise is implied. Jon asked whether construction activities or permanent development along waterways is considered more impactful. Tod Young and Dr. Ehleringer stated that neither construction activities nor permanent development were necessarily more impactful than the other.

Harris Sondak asked whether the town prohibits grassy lawns that require fertilization. Harris stated that he understood Dr. Ehleringer to describe that geological characteristics have a substantial bearing on the way that soils drain in various areas, and opined that such characteristics could be factored in to any decisions about stream setbacks. Harris asked whether there are any currently pending land use applications within Albion Basin, and John Guldner stated that there are not any currently any pending land use applications in Albion Basin.

John Degiorgio asked about the town's authority to zone for aesthetics or "viewshed" quality, and Rich Mrazik stated that the town has broad authority to adopt and apply reasonable land use regulations to protect scenic values.

Jon Nepstad asked whether, given there are no currently pending land use applications in Albion Basin, the town needs to adopt more restrictive regulations. John Guldner described that other jurisdictions could change their own regulations in ways that might reduce the barriers to development in Albion Basin.

Mike Maughan stated concerns with some of the proposals before the planning commission, and described numerous long-time, ongoing operational uses in Albion Basin that could be affected. Tod Young observed that such concerns motivated the SLCO Mountainous Planning District Planning Commission to create the Mountain Resort Zone, in order to differentiate ski area facilities and other, less developed places within the canyons.

Dave Abraham asked whether establishing the Albion Basin Protection Overlay Zone would expose the town to litigation. Rich Mrazik opined that while such an action could expose the town to litigation, the intent of the proposal is legally defensible. Rich stated that the town is not aware of any property owners in Albion Basin with development rights that would be curtailed by the proposal.

Dave Abraham stated that in most communities across the State of Utah, development applications must be accompanied by a Storm Water Pollution Prevention Plan, and asked whether the town requires such a plan. John Guldner stated that while the town does not formally require a "SWPPP," applicants seeking to perform excavation must obtain approval and submit to monitoring by the Salt Lake Valley Health Department and Salt Lake City Public Utilities. Dave opined that since construction activities create potential impacts to water quality, the town should consider requiring developers to

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submit a SWPPP. John Guldner stated that the town's building inspector monitors projects to assure that impacts to waterways are mitigated.

Mike Maughan stated that the ski area would prefer to have consistent guidance from all the various jurisdictions with authority to regulate development in Albion Basin, such as USFS, SLC, and the Army Corps of Engineers. Tod Young described that in the Mountain Resort Zone, which applies to ski area base facilities in unincorporated Salt Lake County, SLCO elected to establish guidelines consistent with guidelines applied by USFS to ski area special use permits. Joan Degiorgio asked whether the concept of applying a special zoning overlay to Albion Basin is favorable to the Alta Planning Commission. Roger Bourke opined that Albion Basin has been shown to be more sensitive than other areas in Alta and as such the distinction the zoning overlay would create would be reasonable. Rich Mrazik recommended the planning commission begin by deciding whether to treat Albion Basin differently from other areas, progress to determining whether to adopt different definitions for different types of waterways, and then decide whether to adopt different setback requirements based on the planning commission's preferences for Albion Basin and waterway definitions. Joan concurred with Rich's recommendation.

Joan Degiorgio asked whether the planning commission agreed with the concept of creating a special zoning overlay for Albion Basin. Joan opined that adopting more specific definitions for waterways was preferable to the current definitions. Joan stated that she preferred to take more time to consider the implications of amending the town's nonconforming use regulations. Mike Maughan asked whether there is greater potential to harm the watershed in Albion Basin or along Little Cottonwood Creek in "downtown Alta." Joan asked Dr. Ehleringer to explain why Albion Basin is more sensitive to potential watershed impacts, and Dr. Ehleringer described that in the upper basin, there is generally less soil than in downtown Alta, and therefore there is less of a filtration mechanism present to dilute the flow of nutrients and pollutants into local waterways.

Jon Nepstad opined that he would prefer to see waterways identified in some more formal fashion so as to reduce any discretionary evaluation of whether certain areas constitute waterways under various definitions.

Roger Bourke expressed support for the concept of an Albion Basin Protection Overlay Zone.

Jon Nepstad asked Rich Mrazik whether the town would be required to establish the same waterway setback throughout Alta. Rich described that the town could adopt a town-wide waterway setback, but use the Albion Basin Protection Overlay Zone to apply a more stringent requirement in Albion Basin.

1:20:22 DATE OF NEXT MEETING

Joan Degiorgio stated that the planning commission would meet next on December 4th, 2017.

Roger Bourke opined that the town should not limit property owners to only a single year when redeveloping a nonconforming use that has been destroyed by a natural disaster.

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Joan Degiorgio informed the planning commission that the US Forest Service was taking public comments on projects proposed by Alta Ski Area under their USFS Special Use Permit Master Development Plan. Joan asked Mike Maughan to describe the proposed tramway between Germania Pass and Mount Baldy. Mike described where the bottom and top terminals would be located, the ski area's intent to minimize the visual impact of the top terminal, and the ski area's intent to use the proposed tramway primarily as a means to conduct avalanche control work on the north facing slopes above the Ballroom area of Alta Ski Area. Rich Mrazik asked Mike how the cost of the proposed tramway compared with the cost of installing Gaz-Ex or O'Bell-x, and Mike described that aside from cost issues, a Gaz-Ex system would not be sufficiently adaptable to the complexity of the avalanche hazard present on Baldy's north face for the ski area to achieve effective avalanche mitigation in some circumstances.

Roger Bourke observed that the proposals being considered by the USFS are very similar to proposals originally introduced several years ago. Roger asked what happened to comments made to the USFS when the proposals were introduced. Mike Maughan described that while USFS does consider all public comments, and evaluates alternatives proposed within public comment processes, it is required to apply consistent policies to permit holders making proposals in similar circumstances. For instance, Mike described, USFS often permits ski areas to install lifts that terminate on mountain tops.

Joan Degiorgio also recommended the town consider the ski area's proposal to expand the Albion Basin parking lot in order to make up for space lost to accommodate public transportation such as Utah Transit Authority bus service. Mike described that the ski area has proposed adding roughly fifty parking spots, primarily along the southern edge of the driveway connecting SR 210 to the lower parking lot. Joan observed that the town's Commercial Core Plan indicates the town would prefer to see modifications to the Albion Base parking area that would further facilitate transit service, and that the town could engage the ski area's proposal to the extent that it conflicts with the Commercial Core Plan.

Jon Nepstad asked whether the planning commission had weighed in on public comment opportunities offered by USFS in conjunction with proposals made to USFS. John Guldner observed that the planning commission could decide to weigh in on various proposals if it agreed to do so, but that the planning commission had not commonly done so in the past.

1:31:30 MOTION TO ADJOURN

Jon Nepstad made a motion to adjourn the planning commission meeting. Dave Abraham 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 February 16, 2018.

S/ Chris Cawley
Assistant Town Administrator

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