

Alta Planning Commission Meeting Summary
Alta Community Center/Library, Alta, Utah
March 27, 2018: 3PM

IN ATTENDANCE:

Planning commissioners: Roger Bourke (vice-chair), Rob Voye, Dave Abraham, Jeff Niermeyer, Mayor Harris Sondak (ex officio). Absent: Jon Nepstad (chair).

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

Members of the public: Marcus Dippo, Mark Haik, Maura Olivos, Mike Maughan

00:00:00 INTRODUCTION AND WELCOME FROM THE VICE CHAIR

Planning Commission Vice Chair Roger Bourke opened the meeting.

00:00:47 APPROVAL OF MINUTES FROM THE FEBRUARY 16, 2018, PLANNING COMMISSION MEETING

The planning commission discussed the draft minutes from the February 16th, 2018 Alta Planning Commission meeting. Roger Bourke described that he'd found errors in the draft minutes, and staff acknowledged those edits. Jeff Niermeyer made a motion to approve the draft minutes subject to the edits Roger provided being included in the final minutes. Rob Voye seconded the motion, and the motion was carried.

00:02:00 CONTINUATION OF THE REVIEW OF PROPOSED ZONING ORDINANCE AMENDMENTS. "HOT TOPICS" IDENTIFIED IN EARLIER REVIEW; WATERWAY OPTIONS, WATERWAY SETBACK, NON-CONFORMING USES, ALBION BASIN PROTECTION OVERLAY ZONE.

John Guldner described the original graphic depicting a proposed boundary for the Albion Basin Source Protection Overlay Zone (ABPOZ), and stated that an updated boundary that included additional areas in the proposed ABPOZ had been produced. While that graphic was not available for presentation during the planning commission meeting, staff produced an approximation of that drawing and presented it to the commission. (Please view the updated ABPOZ boundary graphic here: <http://townofalta.com/wp-content/uploads/2018/04/Alta-Overall-Albion-Area-3.2018-Jbunch-redlines.pdf>)

Rob Voye observed that Alf's Restaurant, which was excluded from the ABPOZ in the original proposed boundary, was also excluded from the new boundary. Jeff Niermeyer added that Alta Ski Area's most recent proposed master development plan update includes a large addition to Alf's Restaurant. Mike Maughan stated that the proposed addition to Alf's Restaurant would remain fifty feet away from nearby waterways.

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Mike Maughan asked the planning commission what it intended to accomplish by establishing a zoning overlay in areas that are primarily regulated by the United States Forest Service (USFS) and by Salt Lake City Watershed (SLC) Regulations. Roger Bourke opined that the purpose of the ABPOZ was to ensure protection of the especially fragile environment in Albion Basin. Mike Maughan observed that USFS and SLC were already providing the stewardship that Roger described. John Guldner opined that the town has always considered watershed protection as central to its mission, and read from the purpose statement included in the draft ABPOZ ordinance language, which states that:

The Albion Basin is a unique, beautiful, and fragile alpine ecosystem that includes the headwaters of the Little Cottonwood Canyon watershed. The purpose of the Albion Basin Protection Overlay Zone is to preserve and protect the scenic beauty and sensitive natural environment of the Albion Basin, as well as the quality of the Little Cottonwood Canyon watershed.

Mike Maughan asked whether the town has jurisdiction over public lands. Rich Mrazik stated that the town's ability to enforce zoning regulations on public lands is limited, at best, but he observed that land ownership changes over time, and recommended that the town consider what it wants Albion Basin to look like in the future. Jeff Niermeyer observed that USFS is obligated to consider local rules and regulations in developing Forest Plans and considering permit applications. Mike Maughan described that the ski area has traditionally worked with the town on building permits, and with USFS on environmental matters.

Dave Abraham clarified that waterway setbacks are the primary criteria under consideration in the proposed ABPOZ, and John Guldner added that the non-conforming use regulation could change under the proposed ordinance. Mike Maughan asked whether amended waterway setback provisions would apply to structures such as lift towers, explosives caches, and storage buildings, and Rich Mrazik confirmed that such structures could become nonconforming if they lie within an expanded waterway setback.

Jeff Niermeyer opined that there is value in the town establishing a waterway regulation that reflects its vision. Mayor Sondak asked what the relationship to the proposed ABPOZ waterway setback rule would be to other watershed regulations. Jeff described State of Utah rules concerning perennial streams that require applicants to obtain a permit to alter a perennial stream, and stated that Salt Lake County Health Department #14 requires structures remain fifty feet away from streams. Jeff also described that the Salt Lake County Foothill and Canyon Overlay Zone (FCOZ) requires a one-hundred-foot setback from waterways, but grants "lots of record" the more lenient, fifty-foot setback requirement. Mayor Sondak asked Mike Maughan whether ski area facilities comply with Salt Lake County Health Department Regulation #14, and Mike observed that the county regulation applies only to what it defined as "inhabited" structures. Mike Maughan and Jeff Niermeyer discussed a process by which watershed authorities can grant variances for structures to be placed within the 50-foot setback.

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Maura Olivos opined that the distance of a structure from a stream does not assure that activities associated with that structure, such as construction or social activity, will not have an impact on waterways. Maura and Jeff Niermeyer described water quality assessment procedures, and Jeff described that Salt Lake County had upgraded its water quality plan in 2008. Mark Haik described that the State of Utah Division of Oil, Gas, and Mining, has inventoried mine openings in the Alta area, and makes available a range of data on water quality associated with mine openings.

Dave Abraham opined that the purpose statement in the proposed ordinance language was well articulated, and observed that the town's purpose is not only to collaborate in protecting watershed function and water quality, but that it also intended to preserve scenic integrity through applying strict regulations in the upper reaches of Alta's alpine drainages. Rich Mrazik described that staff recommend an overlay zone, as opposed to an amendment to the current zoning designations, is that applying an overlay would allow the town to apply limited additional regulations in a specific area, whereas the zoning designations that apply in Albion Basin also apply to other areas of town. Jeff Niermeyer described that Salt Lake City adopted a riparian corridor ordinance to achieve a similar objective, which could be an alternative to the ABPOZ.

Mark Haik observed that the town currently acknowledges several distinct descriptions or definitions of Albion Basin, including a 1994 Memorandum of Understanding between several agencies, including the Town of Alta establishing an agreement to pursue the purchase of private, undeveloped lots in Albion Basin. Mayor Sondak asked Mike Maughan why, if the ski area is not required to acknowledge Town of Alta zoning regulations in most of the area on which the ABPOZ would apply, he objects to the notion of the ABPOZ. Mike observed that the ski area is required to get building permits from the town to develop buildings on USFS lands within the ASL permit area, and stated he's concerned the ABPOZ could affect the ski area's pursuit of building permits for future projects. John Guldner described that when the ski area plans to develop a structure, it must obtain a conditional use permit from the planning commission to get a building permit. Mike Maughan asked whether there is any justification for a more restrictive zoning designation, such as evidence of water quality impacts, and Jeff Niermeyer opined that it is important for the town to be proactive in establishing a desired future condition, rather than waiting to be reactive to future impacts. Jeff offered that temporary or less intensive development such as lift towers are potentially less impactful than longer-term development, but observed that pollution is associated with nearly all human development to some extent.

Roger Bourke stated that he was persuaded by Dr. Jim Ehleringer's testimony at a previous planning commission meeting regarding the increased sensitivity of upper Albion Basin. The planning commission viewed a graphic produced in ArcGIS depicting waterway setbacks of various distances, and highlighting which current structures would be within those various distances, and it viewed the map produced by Forsgren & Associates depicting a proposed boundary for the ABPOZ. Jeff Niermeyer opined that it could be prudent to exclude the area around Alf's Restaurant from the ABPOZ. John Guldner proposed that the planning commission could seek to apply more stringent waterway setbacks to "occupied structures," rather to all structures. Maura asked whether boardwalk structures, trail signs, and

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campground facilities would be permitted within an increased setback in Albion Basin.

Jared Bunch, an engineer with Forsgren Associates assigned to the town, described that in a community where he previously worked, waterway setbacks required not only the footprint of a structure's foundation to be outside of waterway setbacks, but also the surface area covered by a roof overhang or deck. Roger Bourke asked Jared to explain his expanded boundary for the ABPOZ, and Jared described that he suspected it may be more important to protect wetlands than it was to simply identify Albion Basin as a more sensitive area, which is why he added areas identified as wetlands in the 1993 study of Albion Basin¹ to the original proposed boundary of the ABPOZ. Jared added that the Albion Meadows area was described as being less sensitive in the study, which could justify its exclusion from the ABPOZ. Jared described that he'd excluded the residential areas near the upper bend in the Albion Basin Summer Road.

Mike Maughan mentioned that there is a difference between a "wetland" and a "waterway," and described that one can mitigate for impacts to wetlands in developing projects, while the ABPOZ may apply a more stringent prohibition against development than current wetland mitigation requirements. Roger Bourke surmised that Mike Maughan would prefer to see the planning commission not adopt the proposed ABPOZ. Mike opined that the town's goal in proposing the ABPOZ is already being met by other regulatory agencies.

Roger asked Jared Bunch to confirm that he meant to recommend expanding the ABPOZ boundary. Jared described that if the planning commission intended to protect water quality within the town's municipal boundary, it should seek to protect wetland areas that have been identified as particularly important, which is why he recommended adding specific wetland areas that were identified in the 1993 study of Albion Basin as being of high importance. Roger asked Jeff Niermeyer to state his position on the proposals being discussed, and Jeff opined that it was important for the town to state a vision for its desired future condition in Albion Basin, and that it would make sense to include wetland areas outside of the original proposed boundary of the ABPOZ. Roger asked Dave Abraham to describe his position on the proposals, and Dave described that the original proposed boundary of the ABPOZ made sense from a pragmatic perspective. Rob Voyer stated that he agreed with the concept of the ABPOZ.

Roger Bourke referred to the graphic depicting waterways and potential setbacks and noted that there are various structures in Albion Basin that appear to violate the proposed waterway setbacks. Mark Haik commented that the GIS-based graphics being discussed were often based on United States Geological Survey data, which change frequently, and which are thus not reliably accurate.

Roger Bourke asked John Guldner whether the planning commission needed to vote on the proposals

¹ Jensen, Steve. The Board of Salt Lake County Commissioners. (1993). *Ecological Characterization and Functional Evaluation of Subalpine and Lower Montane Wetlands in the Albion Basin Region of Utah*. Access this study on the TOA website: <http://townofalta.com/town-government/general-plan/>

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before it. John Guldner described that the planning commission needed to refine some of the outstanding issues it has identified with the proposed ABPOZ, such as the boundary of the ABPOZ, and the notion of specifying that only occupied structures will be prohibited in the expanded waterway setback. John added that the planning commission still needs to turn to the remaining elements of the package of ordinance revisions, including the proposal to amend the definition of waterways, and the proposal to amend the town's non-conforming use ordinance pending the adoption of the ABPOZ. Then, the planning commission will need to hold a public hearing on the package of proposals before voting on those proposals and sending them to the Town Council for its consideration and final adoption.

Mayor Sondak recommended that the planning commission be prepared to defend the ABPOZ boundary that it agrees upon. Jeff Niermeyer asked staff to produce a composite map depicting the original ABPOZ boundary, the Town of Alta boundary, a waterway graphic with the setback depictions, and the boundaries of the sites described in the hydrological study, so that the planning commission can determine the best location for the boundary of the ABPOZ.

Roger Bourke presented the planning commission with a selection of data gathered by Town of Alta summer program staff depicting visitation to Albion Basin over the last several years that indicates visitation to Albion Basin has been increasing rapidly.

Roger Bourke added that there is a provision in the proposed ordinance revision package providing only a single year for a property owner to redevelop a use that has been destroyed due to events such as natural disasters, and recommended the town provide more time.

1:34:27 MOTION TO ADJOURN

Rob Voye made a motion to adjourn the planning commission meeting, Jeff Niermeyer seconded the motion, and the motion was carried.

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

These minutes were approved on April 24, 2017.

S/ Chris Cawley
Assistant Town Administrator

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