

Alta Planning Commission Meeting Summary
Alta Community Center/Library, Alta, Utah
June 26, 2018: 3PM

IN ATTENDANCE:

Planning Commissioners Present: Roger Bourke (vice-chair), Dave Abraham, Rob Voyer, Jeff Niermeyer, Mayor Harris Sondak (ex officio).

Town of Alta staff: John Guldner, Piper Lever

Members of the public: Jen Clancy, Mike Maughan, Del Draper, Mike Wilms, Jim Burr, Robin Carbaugh, Aubrey Larsen, Talley Goodson, Carly Castle

00:00:00 PUBLIC HEARING TO RECEIVE INPUT ON THE PUBLISHED PROPOSED AMENDMENTS TO TITLE 10, LAND USE REGULATIONS OF THE ALTA CODE.

Roger Bourke opened the public hearing.

Jen Clancy addressed the planning commission and confirmed that Friends of Alta (FOA) supports the proposed changes to the Town of Alta Zoning Ordinance, particularly the establishment of an Albion Basin Protection Overlay Zone (ABPOZ). Jen added that FOA supports the increased setback requirements proposed to be included in new regulations for Albion Basin, and recommended the commission consider whether to further increase the requirements for uninhabited structures to be set back from waterways. Jen recommended the planning commission reconsider the proposed areal coverage of the ABPOZ, and specifically suggested that the boundaries of the new overlay strictly follow the ridgelines surrounding upper Albion Basin. Jen opined that such a boundary would better support the goal of watershed protection and would be easier to define and enforce. Mike Maughan observed that retracing the ABPOZ boundary along the East Greely ridge would include ski area facilities in the ABPOZ and opined that this would be a problem. The planning commission discussed the town's authority to permit land use and construction activities on USFS property.

Mike Maughan asked whether the town could apply the ABPOZ only to private lands within the proposed overlay area. Jeff Niermeyer described that a local government such as the Town of Alta does not have zoning authority on federal land and so the proposed overlay will have no effect on the ski area's plans to expand or add new facilities. Mike stated that regardless of the actual effect of the town's zoning ordinance on Alta Ski Area facilities, he would prefer that the town's land use regulations do not create potentially perceivable conflicts with the ski area's current or future plans.

Del Draper asked the planning commission why the definition of Albion Basin implied by the boundary of the ABPOZ area does not include the lower portion of Albion Basin. John Guldner observed that the ABPOZ boundary as-drawn is intended to apply to the uppermost portions of the Albion Basin

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watershed, and Jeff Niermeyer added that hydrologic assessments have shown that specific areas in upper Albion Basin discharge water into Little Cottonwood Creek tributaries especially rapidly. Del Draper added that the proposed prohibition against tearing down and rebuilding more than fifty percent of nonconforming use under the ABPOZ seemed unnecessarily punitive. Talley Goodson added that many of the property owners in Albion Basin supported Mr. Draper in his position on the ABPOZ proposal.

In response to Mr. Draper and Mr. Goodson, John Guldner described the process of establishing the ABPOZ boundary. John added that presently, regardless of the proposed ABPOZ, all cabins in Albion Basin are nonconforming, and because of that condition, no cabin in Albion Basin can be torn down and rebuilt. Jeff Niermeyer added that the “fifty percent” provision is derived from the Utah State Code and observed that adopting this provision will add definition to the town’s regulation. Del Draper recommended that the town consider a cabin not to be completely torn down if the cabin’s concrete footings remain in place. John Guldner added that the Salt Lake Valley Health Department (SLVHD) also prohibits rebuilding nonconforming uses, and for the town to apply more lenient standards would not create new opportunities due to SLVHD’s authority. John Guldner added that a nonconforming use can still be substantially remodeled and improved, despite the prohibition against building a completely new structure or otherwise creating a building with a different footprint.

Talley Goodson asked the commission to clarify the effects of expanding the setback requirements on cabins that exist within 100 feet of a waterway. John Guldner explained that three existing cabins in Albion Basin that do not violate the current setback requirement would potentially sit within the expanded setback. Jeff Niermeyer added that in such cases, existing uses would be “grandfathered in,” although such structures would not be permitted to expand or be torn down and rebuilt.

Del Draper asked whether there is a height restriction in Albion Basin, and John Guldner added that the same height restriction applies to all single-family homes in Alta. Mike Wiens discussed regulations guiding sewer and septic systems in Albion Basin. Jeff Niermeyer described that much of Albion Basin is within an area defined as the source protection area for Salt Lake County Service Area #3, and that certain regulations are applied under Utah state law due to this special designation. Mike Wiens asked whether a cabin that is destroyed by a natural disaster can be rebuilt and John Guldner confirmed that property loss due to calamity can be reconstructed regardless of nonconforming status.

Jim Burr opined that many of the proposed amendments to the zoning ordinance provide helpful clarification. Mr. Burr opined that SLVHD does not seem to apply their regulations consistently, which makes it even more important for the town’s regulations to be clarified. Mr. Burr recommended the planning commission add more detail to various portions of the proposed ABPOZ ordinance, to clarify what cabin owners can and can’t do.

Mr. Burr and Mr. Goodson discussed a change application filed with the State of Utah Engineer, possibly by Salt Lake City Department of Public Utilities, with regard to allocations under the water right by which cabins in Albion Basin use culinary water.

Roger Bourke asked for a motion to close the public hearing. Jeff Niermeyer made the motion, Rob Voyer seconded the motion, and the motion was carried. Roger Bourke summarized the comments made during the public hearing.

00:55:20 PLANNING COMMISSION TO DISCUSS WITH POSSIBLE ACTION A RECOMMENDATION TO FORWARD THE PROPOSED ZONING AMENDMENTS TO THE ALTA TOWN COUNCIL.

Roger Bourke and other planning commission members summarized some of the comments made during the public hearing.

Dave Abraham described that the proposed definition of *finished grade* seemed to conflict with what, in his experience as an architect, the most common definition of this term entails. According to Dave, the most common definition of *finished grade* is the grade that has been manipulated on a project site after construction has concluded, and observed that while it seemed the intent of the proposal was to define finished grade in the context of measuring building height, it could make sense to decouple the definition from one potential application of the term. Dave also suggested the town consider requiring building plans be submitted not only in paper format, but also in a digital format of some kind, as most jurisdictions require at present-day.

Dave Abraham observed that the Peruvian Estates Zone language does not include various points of regulation that the town's other zoning districts include. John Guldner stated that Peruvian Estates is a zoning overlay rather than a zoning district, written to apply to certain lots. Dave asked whether Base Facilities Zone Subzones A, B, and C are identified by a map in the zoning ordinance. Other planning commission members agreed that the ordinance should include a map, and that the ordinance should not simply refer to the names of buildings in identifying the three subzones of the Base Facilities Zone.

Dave recommended the planning commission consider adding a definition of development "intensity."

Jeff Niermeyer added that the Albion Basin Source Protection Overlay Zone map should be dated clearly, and that the ordinance language should include that date. Jeff stated that some of the language regarding restoration of nonconforming uses in the Albion Basin Protection Overlay Zone was unclear.

John Guldner recommended the planning commission expect to resume discussion of the proposals at a future meeting and not seek to forward a proposal to the town council during this meeting. Rob Voyer stated that he did not understand the intent of the restriction against restoration of nonconforming uses. Jeff Niermeyer quoted from section 10-8-1 of the Alta Town Code, which defines the purpose of the nonconforming use regulation as the limitation of improvement to structures that do not meet

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development standards prescribed by the town code. Jeff opined that there are ways to provide some additional flexibility while meeting these objectives and suggested that the planning commission consider adding explicit prohibitions to new construction taking place where it could not be connected to the sewer line, or where the development could not be accessed for reasons of public safety.

1:28:50 PLANNING COMMISSION TO HEAR A PRESENTATION ON THE DARK SKY INITIATIVE BY DARK SKY SALT LAKE CITY.

Robin Carbaugh and Aubrey Larsen introduced themselves and began a presentation on the Dark Sky Initiative. Ms. Carbaugh described that dark, starry skies have been critical to human beings' relationship to earth and their understanding of their own natural environment. We use stars to navigate, we identify constellations, and we look to the sky for inspiration and imagination. However, eighty percent of Americans can't see the milky way from their homes, and this condition has taken shape over only the last one hundred and forty years. Ms. Carbaugh stated that the "movement" to understand the effects of the illumination of night skies and to try to address some of these impacts began around the turn of the 21st century, and described different sources and types of light pollution, as well as the "Bortle Scale" used to measure light pollution. The planning commission discussed the different light pollution conditions that exist in Alta during different times of the year due to the contrast between the snow-covered winter months, when the light produced by resort operations is magnified by reflective ground cover, and the earth-toned summer, when Alta is generally quieter.

Mr. Carbaugh provided arguments for acting to address light pollution, including impacts from light pollution to human health, public safety, air quality, financial reasons, negative impacts to wildlife and the environment, and negative impacts to humans' capacity to connect to the natural world around us. Ms. Carbaugh spoke from a slide deck, which can be accessed here: <https://townofalta.com/wp-content/uploads/2018/08/Welcome-Dark-Sky.pdf>.

Ms. Larsen, Community Development Specialist for the State of Utah Department of Workforce Services, described the agency's efforts to organize communities around local efforts to implement Dark Skies programs. Ms. Larsen described that the state's Dark Sky program developed out of rural land use planning and community development programs at the State of Utah.

Ms. Larsen asked about Alta's interest in considering the Dark Sky program. John Guldner confirmed that while the town does not have a dark sky ordinance, it regulates signage based on a proposed or existing sign's contribution to light pollution, and the that town also requires parking areas also not be lit in ways that contribute to light pollution. Ms. Larsen offered materials to the planning commission describing effective dark sky ordinances in various Utah communities including Boulder and Torrey. Ms. Carbaugh recommended communities outside of Utah that have adopted progressive dark sky ordinances. Jen Clancy asked the presenters whether such ordinances treat commercial development differently than they treat residential property. Ms. Larsen stated that generally such ordinances do not make distinctions between these types of development. Ms. Larsen continued to describe the materials

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provided to the council including an analysis of the economic benefits of implementing dark sky regulations. Ms. Larsen opined that while urban and rural communities have different economic opportunities even as growth occurs in Utah state-wide, rural communities are obviously better situated to maintain the benefits associated with a dark sky program. Robin Carbaugh observed that, during a presentation of the dark sky program at Snowbird the week prior to the planning commission meeting, it was apparent that there was significant interest in dark sky preservation in the Little Cottonwood Canyon community.

Jeff Niermeyer asked whether the Dark Sky program offers assessment services for communities. Ms. Carbaugh suggested that given Alta's small size, it could probably undertake an assessment with minimal guidance. Roger Bourke opined that there may not be enough data to adequately assess light pollution and other factors in Alta. Jeff asked whether opportunities exist for communities to acquire grant funding for dark sky assessment and program development, and the presenters stated they were unaware of such opportunities but that numerous resources exist in other forms.

Ms. Larsen described common dark sky-oriented regulations as generally requiring fully-shielded fixtures, appropriate amounts of lighting for various purposes, and requiring lighting colors that do not contribute to light pollution as much as bright white or pale blue lighting. Ms. Larsen also presented briefly on an assessment template the town could use.

Mike Maughan recommended the planning commission consider Aspen's dark sky program, and Dave Abraham added that Park City has measures in place intended to inhibit light pollution. Ms. Larsen asked whether Alta would be interested in pursuing the International Dark Sky designation awarded to Torrey, Utah, and Jen Clancy opined that Torrey's situation may be unique from Alta's in that it is not surrounded by an urban area that contributes light pollution over which Alta cannot have an influence.

Robins Carbaugh thanked the planning commission for hosting the Dark Sky presentation.

The content of the minutes 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 August 28, 2018.

S/ Chris Cawley
Assistant Town Administrator

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