

MINUTES
ALTA PLANNING COMMISSION MEETING
Tuesday, March 26, 2019, 3:00 PM
Alta Community Center, 10351 E. Highway 210, Alta, Utah

PRESENT: John Nepstad, Chair
Roger Bourke, Vice Chair
Dave Abraham
Rob Voye
Jeff Niermeyer
Mayor Harris Sondak (ex officio)

STAFF PRESENT: John Guldner, Town Administrator
Chris Cawley, Assistant Town Administrator
Polly Samuels McLean, Town Attorney

OTHERS: Byron and Joan Fischer
Del Draper
Karen Travis
Lincoln White
Paul W. Hayes
Margaret Allen
Fred S. Hayes
Kyle Maynard
Clark Knowlton
Kathy Knowlton
Kathleen Barret
Carol Browning
Dean Tanner-[illegible]
Mark Haik
Mike Maughan

PUBLIC HEARING TO RECEIVE INPUT ON THE PUBLISHED AND PROPOSED AMENDMENT TO TITLE 8 ABOUT UTILITIES, CHAPTER 3, SEWER SERVICE REGULATIONS, AND SECTIONS OF TITLE 10, LAND USE REGULATIONS OF THE ALTA CODE

Chair John Nepstad explained that the Planning Commission and staff had been working on the proposed amendments for a few years. Staff had received a few written comments, and those had been given to the Planning Commission for review before this meeting. He noted that the public hearing was not a question and answer period. The public comments period was to hear the public's concerns and questions. He opened the public comments period.

Fred Hayes, a property owner, requested that a map be created to show the 100-foot setback from waterways. The current map was unclear. It would be beneficial for the residents to have an accurate map rather than waiting for some sort of adjudication in the future. He noted that he could

not find the new definition of waterways with the presence of aquatic organisms. Mr. Hayes expressed concerns regarding Section 8.3.6.G2: holding tanks. The wording of the proposal makes it sound like there needs to be an automatic water shutoff feature to the building. It would be a lot easier for the owners to service automatic shutoffs if they have them inside the building, rather than being buried six to ten feet underground. It was also a lot to ask the owners to have alarms that notify the Town of Alta if there is an issue, as this would be a large expense. Mr. Hayes appreciated that they had included language recognizing the existing cabins in Albion Basin.

Byron Fischer, a property owner, said that when they consented to the annexation of the Secret Lake Subdivision, they were promised that the Town would extend the sewer line into the Albion Basin so that the owners could make a connection into the Town system. However, that promise was never realized. The overlay zone suggests that any further construction in the Basin, including remodeling, must connect to the sewer. They cannot connect to the sewer line until the Town brings the line to the Basin. Mr. Fisher was concerned that the proposal doesn't allow any repairs or remodeling that increases the footprint of the existing building.

Lincoln White, a property owner, asked why the Town was proposing this change now. The cabin owners had faced a lot of obstacles over the past ten years, and this would just add to those difficulties.

Kathy Knowlton, a property owner, said that her husband was also promised that the sewer line would be extended to the Basin. She echoed Mr. White's questions and concerns.

Del Draper, a property owner, said that there was a new definition of "intensity of use", but he was not able to find that in the definitions section of the ordinance. He asked how many cabins would be impacted by the increased setback of 100 feet. The previous map showed that only two cabins would be affected, but he expected that it was more since the definition of waterways had changed. He asked if the ski lift facilities would be subject to this zoning ordinance as well, and what additional regulations would be imposed on the existing cabins within the setback. Mr. Draper stated that he had applied to expand his cabin a few years ago, and the Town said that he could expand by up to 20%; however, the County did not allow any expansion. He asked if the proposed code was trying to be compliant with the County, or if this was a new rule entirely. He believed there ought to be a very marginal limit for cabin owners to expand their cabins. He also felt that it was excessive to prohibit an owner from tearing down and rebuilding their cabins. Mr. Draper felt that the regulations regarding tanks didn't apply to anyone, so he didn't understand the need for that language. He said that the last cabin in their subdivision was built in 1976, and the last cabin built in the Basin was in 1980. If the Town was concerned about growth, their concern was misdirected. They should be focusing on Grizzly Gulch. Mr. Draper commented on the way the map was drawn for the proposed zone. He felt that the Town had gerrymandered the map.

Mike Maughan, General Manager of the Alta Ski Area, said that he had sent a letter to staff and Chair Nepstad acknowledged that they had received it. Mr. Maughan commented that many entities had been working together for years to protect the water shed and the environment in the Albion Basin. He was sure that the Town and the property owners could work together to come up with something in everyone's best interest. Any changes made with this zoning ordinance

should address specific problems in the Basin. His biggest concern was how this would affect the MOU that the Ski Area currently had with the Town of Alta.

Mark Haik, a property owner, asked what the Town was trying to protect with this ordinance. Early on in their discussions, a report from Steve Jensen in 1992 was proffered as a reason why the properties in the Basin should be included in a protection overlay. That report identified a large variety of wetlands all over Town. He didn't see why the Albion Basin was being treated differently from the other wetlands in Town. Mr. Haik felt that this proposal was premature. The Town should make a plan to extend the sewer line and compel current cabin owners to connect to that line before prohibiting any construction in the Basin. They should also have experts come and tell the Town the current status of the water in the Basin before jumping to conclusions. He was concerned that the amendments stemmed from a few long-term staff members rather than the property owners. If the Town desires to protect the wetlands, they should compel the removal of water diversions. He requested that the Town make a plan to have culinary water delivered to the Basin, as well as water for fire protection. Mr. Haik agreed with the comments about the map being gerrymandered.

Mr. Fisher expressed his appreciation for the Town in providing the services that they do. He assured the Commission that the property owners take very good care of the area.

Mr. White again asked why the amendment was being proposed.

Mr. Hayes asked why the Town was placing more restriction on the Basin. He again stated that the Town needs to bring the sewer line to the Basin.

Jeff Niermeyer moved to close the public hearing. Roger Bourke seconded the motion. The motion passed with unanimous consent of the Commission.

1. INTRODUCTION AND WELCOME FROM THE CHAIR

Planning Commission Chair John Nepstad called the meeting to order at 3:45 PM.

2. APPROVAL OF MINUTES FROM THE NOVEMBER 27, 2018 PLANNING COMMISSION MEETING

Jeff Niermeyer made a motion to approve the minutes from the November 27, 2018, Alta Planning Commission meeting, as amended. Rob Voye seconded the motion. The motion passed with unanimous consent of the Commission.

3. PLANNING COMMISSION TO DISCUSS THE PROPOSED SEWER SERVICE AND LAND USE AMENDMENTS WITH POSSIBLE RECOMMENDATION TO FORWARD THE AMENDMENTS TO THE ALTA TOWN COUNCIL

Chair Nepstad clarified that the proposed amendments would be forwarded to the Town Council for additional consideration. He was sure that the Council would have several discussions

regarding this proposal before anything was adopted. He turned the time over to the Commission for discussion.

Roger Bourke said that a lot of the concerns raised by the property owners pertained to matters that the Commission and staff had discussed over the past two years. There had been several comments about the restrictions this ordinance would put in place, but many of those limitations were out of the Town's control. That could be made clearer in the introductory language of each section. The inability to tear down and rebuild was a valid concern, but this is in part a regulation from a higher authority.

Jeff Niermeyer clarified that the area they were talking about was under multiple jurisdictions. He asked whether his fellow commissioners and members of the audience were asking whether the Town has the ability to trump other jurisdictional regulations or contracts.

Polly McLean, the attorney assisting the Town in this matter, explained that the more restrictive law applies, whether that is State, Federal, or Town code. The Town code can be more restrictive, not less restrictive. The Commission wondered to what extent they needed to write that into the Town code.

Del Draper asked if they could identify what regulation prohibits expansion. Assistant Town Administrator Chris Cawley sought to answer an earlier question in describing that the Town of Alta code already contains requirements that building permit applicants must receive approval from various outside agencies, so it was likely not necessary to add language to that effect specifically in to the zoning regulations. Del Draper reiterated his question about the Salt Lake County regulation that prohibits expansion of nonconforming uses. Attorney McLean agreed that having multiple jurisdictions in Alta can be complicated. The goal of the Town would be to have regulations that are consistent with State and Federal Code rather than conflicting. The Town also had the option of remaining silent on certain issue and allowing other jurisdictions to apply their regulations, but it is helpful for property owners to know those restrictions. It wasn't wise to defer to State and Federal codes for everything. Jeff Niermeyer added that Salt Lake County Watershed Regulation #14, adopted in 1992 and amended in 2006, was the regulation Mr. Draper inquired about, and added that the regulation was tied to local water supply contracts with Salt Lake City.

A property owner asked what they were trying to protect in the Albion Basin with the proposed overlay. He also asked why this wouldn't apply to the entire Town. The Commission explained that several years ago, the Town decided to modernize and improve their zoning code in anticipation of future development, so there are proposed amendments to other code sections beyond the Overlay Zone. The Town Council explicitly directed the Planning Commission to review these codes. Chair Nepstad noted that the current generation of property owners were doing well in preserving the mountain and watershed, but the Town had to consider how to preserve the area through subsequent generations. Zoning regulations help towns and cities achieve their vision. He noted that the Town Council would have to address what would be allowed in terms of improving non-conforming structures.

Mrs. Knowlton said that they have more people come up the canyon for recreational uses than the individuals that live in Alta. If they wanted to address the issue of pollution, the Town should

focus on the visitors rather than the residents. Chair Nepstad said that the Town was well aware of the impact of the visitors and they are concerned. There are other actions in the works to address those concerns.

The discussion turned to the 100-foot setback from waterway, and Chair Nepstad said that this subject had been discussed at length by the Planning Commission. The Steve Jensen report had identified certain hydrologic regimes in Albion Basin, and a well-respected professor from the University of Utah came and explained why the Basin was different from the rest of the Town. These facts lead to the discussion of creating an overlay for Albion Basin. It was noted that other cities had adopted a 100-foot setback from their waterways, including Salt Lake City and Sandy. The setback for the County was still 50 feet.

Mayor Sondak said that in the initial conversations about this with the Town Council, the Council expressed the opinion that Albion Basin, particularly upper Albion Basin, was different than the areas closer to Town. They relied heavily on the professor's opinion about the matter. There was also a difference in the soil composition of the upper and lower areas of the Basin. Another reason for leaving the 50-foot setback in the rest of Town was that imposing this setback would make many existing homes and other structures non-conforming.

The Planning Commission felt that they had done as much as they could do with the ordinance, and they were comfortable forwarding the proposal to the Town Council for further deliberation. Chair Nepstad noted that all of the written comments and comments made during the meeting would be forwarded to the Town Council.

Roger Bourke moved that the Planning Commission forward a positive recommendation to the City Council regarding the proposed sewer service and land use amendments. Rob Voye seconded the motion. The motion passed with unanimous consent of the Commission.

4. DISCUSSION OF COMMISSION PRIORITIES FOR THE REMAINDER OF 2019

Chair Nepstad initiated the discussion regarding the Commission's priorities for the upcoming year. Some of the items suggested were not items that the Commission could take action on, but they wanted updates. These items included the UDOT sponsored environmental impact study, the UDOT right-of-way going through Town, and the status of the sewer situation in West Grizzly.

There was a discussion regarding the residents' parking concerns. Mr. Cawley noted that the Commission could review the parking requirements for each zone and make sure that they're adequate. They could also review the Town's codes regarding building street frontages as they relate to the UDOT right-of-way.

It was suggested that the Commission discuss a possible fencing ordinance, since the Town of Alta did not currently have one.

Attorney McLean said that there were many instances in the Town code where the language was not consistent with State code. She suggested that they prioritize updating the land use code.

The Commission also suggested focusing on fire safety and they requested that UFA come and give a report on the recent fires and plans for gas meter replacement. They also wanted to discuss the information they received regarding Dark Skies.

5. DATE OF NEXT MEETING

The next Planning Commission meeting will be April 23, 2019.

6. MOTION TO ADJOURN

Rob Voyer moved to adjourn the meeting. Dave Abraham seconded the motion. The motion passed with unanimous consent of the Commission.

Minutes Approved on May 28, 2019.

A handwritten signature in black ink, appearing to read "Chris Cawley". The signature is written in a cursive, flowing style. There is a faint vertical stamp or watermark to the left of the signature.

Chris Cawley, Assistant Town Administrator