

MINUTES
ALTA TOWN COUNCIL MEETING
Wednesday, October 16, 2019, 4:00 PM
Alta Community Center, 10351 E. Highway 210, Alta, Utah

PRESENT: Mayor Harris Sondak
Council Member Margaret Bourke
Council Member Cliff Curry
Council Member Elise Morgan
Council Member Sheridan Davis

STAFF PRESENT: John Guldner, Town Administrator (via telephone)
Chris Cawley, Assistant Town Administrator
Piper Lever, Town Clerk
Jen Clancy, Deputy Town Clerk
Mike Morey, Town Marshal
Polly Samuels, Town Attorney
Nora Pincus, Town Attorney
Jay Torgersen, UFA

OTHERS: Roger Bourke, Mike Maughan, Mark Haik

WORK SESSION

1. Discussion with no action regarding draft zoning ordinance changes.

00:00:01

Mayor Sondak called the work session to order at 4:00 PM and introduced the work session agenda item. Town Administrator John Guldner had provided a list of the remaining major concerns, and Mayor Sondak proposed that they begin their discussion with this list.

Mayor Sondak was concerned that changing the building height regulations would create a large number of non-conforming structures throughout the town. He wanted to hear from legal staff about this concern, but they had yet to arrive at the meeting. They delayed this discussion.

Mayor Sondak asked staff to address the concerns about using the term “footprint.” Administrator Guldner stated that before now, “footprint” and “building envelope” was not actually included in the definitions section of the Code. The only place where “footprint” is mentioned in the Code is in the Non-conforming, Non-complying section where it addresses reconstructing a building up to a certain number of square feet in the same footprint of the original structure. The proposed language would not create any new non-complying structures.

Council Member Curry addressed the concern about building height by suggesting that the Council seek a policy solution rather than a legal solution. He suggested enacting a policy in the

new ordinance that existing buildings as of a certain date that comply with height provisions as currently enacted will be deemed to be conforming under the new ordinances. From previous discussions, it seemed that the Council wanted to change the height regulations for new construction, but they were concerned about how this would affect existing structures.

Administrator Guldner stated that owners of non-conforming structures could maintain them. Under State Code, if a home were destroyed by natural disaster, the structure could be rebuilt in the same way it was before. However, an owner couldn't voluntarily tear down a non-complying structure and rebuild it the same way. A rebuild in that situation would have to follow current Code.

Town Attorney Samuels said that they could include language stating that buildings built prior to 2019 are considered compliant in terms of height, and anything moving forward would have to abide by the new Code. Including such language could be a little messy, but it would address their concerns.

Mayor Sondak asked if the Town would create a liability in terms of someone building new structures. It was possible that they could become upset that the person before them got to have height at the old regulation. Attorney Samuels said that the Town would not be liable. They would have to follow the new Code.

Council Member Morgan wanted to be sure that they weren't taking away anyone's property rights. The whole purpose behind updating the Code was to clean it up and fix non-complying structures. This somehow seemed to create more non-conformity. Council Member Curry disagreed, stating that the Non-conforming, Non-complying provision was very liberal in allowing those structures to continue as they are, and even rebuild to an extent. Council Member Morgan stated that the property owners had expressed that they don't want to be labeled as non-conforming. Council Member Curry believed that their biggest concern was the language prohibiting someone from tearing down and rebuilding. The Town should not be allowing owners to increase the non-conformity of their property.

Attorney Samuels said that the Council had identified problems in Town and were trying to fix them with this update, but they were also trying to balance the rights of current property owners. Regarding building height, the language describes how the height is measured with an average. They could add language that allows the average, but still prohibit buildings from exceeding 40 or 45 feet. This may eliminate the Council's concern about creating non-conforming structures, because most of the existing homes did not exceed that height.

Council Member Curry said that Mayor Sondak had previously brought up the concern that the proposed language about building height averaging would incentivize taller buildings with peaked roofs; a taller building being of particular concern to neighbors. After discussion, the Council set aside this issue and continued on to the next matter.

00:22:26

Administrator Guldner addressed the question about using "footprint" in the Non-conforming, Non-complying provision. The reason this was in question was because the Council had brought up the concern about cantilevers and other overhangs. Attorney Samuels explained the difference

between “footprint” and “building envelope.” The concern with changing the definition of footprint to include overhangs was that a property owner could maximize what they have by changing the shape of the home to include the area of the overhang. As she searched other municipalities, she found that very few actually defined “footprint,” and those that did only included what was actually on the ground. She suggested regulating cantilevers in other ways.

Mayor Sondak asked if the waterway setback restricted parts of the home that touch the ground, or any part of the home. Administrator Guldner clarified that “coverage” also dictated where something could be built. The area that is cantilevered would be considered “coverage,” and that coverage cannot extend into the setbacks.

Council Member Morgan asked if staff was suggesting the use of “building envelope” or “coverage” instead of “footprint.” Administrator Guldner said that staff believed “building envelope” would best accomplish what the Council intended.

Mayor Sondak expressed a concern that setting a building envelope would prohibit an owner from rebuilding a structure with a better design. They would be limited to the exact shape of the previous structure. Council Member Curry didn’t think this was the case. He was more concerned with new homes being too close to waterways. Attorney Samuels noted that an owner could choose to rebuild a structure that met current code on a different location on the property. State law stated that a structure could be rebuilt within one year as long as the intensity of use was not increased. In this draft of the ordinance, “intensity of use” was clearly defined.

Council Member Bourke felt that they could continue to use “footprint” based on the fact that “intensity of use” was defined. The Council agreed.

00:51:05

Mayor Sondak moved the discussion to waterway setbacks. Council Member Curry suggested keeping the 20 -foot embankment setback for the Albion Basin Protection Overlay Zone, but not for the rest of the Town. Instead, the ordinance could specify that building of any kind was not allowed in the waterway embankment.

There was a brief discussion regarding how the embankment was measured.

2. Adjournment

The Work Session was adjourned at 4:59 PM.

REGULAR SESSION

1. CALL THE MEETING TO ORDER

01:01:00

Mayor Sondak called the meeting to order 5:02 PM and expressed appreciation for those in attendance.

2. **TOWN OF ALTA – WFRC TRANSPORTATION AND LAND USE CONNECTION PROGRAM PROJECT: COMMERCIAL CORE PRIORITIZATION** – Chris Cawley and WFRC Staff

1:02:09

Mayor Sondak introduced Alex Roy and Christy Dahlberg and turned the time over to them for the presentation.

Alex Roy stated that they worked from a group within the WFRC called the Transportation and Land Use Connection Program. This group has funded two projects within the Town of Alta in the past, but they also do projects internally. Currently, they were working with Town staff to look at previous studies done for the Town and identifying the next steps to pursuing those recommendations. They began this process in September 2019. The goals of the project were as follows:

- Provide continuity with previous commercial core planning efforts
- Facilitate public and stakeholder input
- Engage Alta Town Council to prioritize potential projects
- Develop preliminary engineering or landscape design for key projects
- Match projects with funding sources, including Fourth Quarter Sales Tax revenue

Mr. Roy then presented a slide showing the proposed timeline of the project. They were hoping to have a final report ready for the Town Council in April 2020.

Council Member Davis expressed concerns about holding public open houses. In the past, public open houses have brought in people that didn't live or work in the Town of Alta. It was a difficult balance deciding whose opinions weigh more. Mr. Roy responded that they had already considered this, which is why they were holding the stakeholder's meeting separately.

Mr. Roy listed a few of the studies they had looked at, including the Alta Commercial Core study, and showed a list of recommendations from those studies. This list would be prioritized. Based on the studies, they found three natural areas of focus in the Town: entry and travel, the central core, and the eastern core.

There was a discussion about medians, and the Council expressed a desire for more affective traffic calming measures. They also discussed pedestrian, bike, and multi-use pathways.

3. **CITIZEN INPUT**

01:49:28

Mark Haik, a property owner, gave a history of what the Town and long-term staff had pursued regarding the Albion Basin in the past. There was an ongoing litigation regarding Mr. Haik's septic permit since 2008. He also spoke about other property owners' attempts to get sewer into Albion Basin, and staff promised that it would happen. Mr. Haik questioned the purpose of the

proposed overlay zone. He encouraged the Council to wait for the outcomes of current litigation before adopting any code changes.

01:54:25

Roger Bourke, a property owner, stated that a private property owner along the Summer Road had installed his own 15 MPH speed limit sign in an attempt to highlight current regulations. The police force didn't have the resources to enforce the summer road constantly themselves, but perhaps the Town could use money from their transportation funds to position a speed trailer, install more robust speed bumps or hire more officers to help with enforcement.

01:57:15

Mike Maughan, with Alta Ski Area, reported that the ski resorts would be opening in 37 days. The snow machines were ready to go, and it looked like the weather patterns were similar to the end of last season. He also reported on the status of Alf's and the Albion Parking Lot. Regarding the Albion Basin Overlay Protection Zone, he thanked staff for working with the ski area to address their concerns about ski area infrastructure within that zone, although there were still some concerns with the definition of "structures" within the waterway setback. The ski area had some uninhabitable structures within those setbacks, and he wanted to be sure that they were acceptable. Mr. Maughan updated the Council on a meeting he had yesterday with UDOT and the four ski areas regarding UDOT's EIS. He noted that UDOT had no intention of doing a capacity study.

Mayor Sondak suggested putting an update from the ski area on the agenda in the future, so that Mr. Maughan would have time to share this information with the Council.

4. APPROVAL OF CONSENT AGENDA

- Treasurers Report
- Town Council Meeting minutes for September 11, 2019
- Staff Report

MOTION: Council Member Morgan moved that the Town Council APPROVE the Consent Agenda. Council Member Davis seconded the motion.

There was a brief discussion regarding two amendments to the minutes from September 11, 2019. Town staff made the requested changes.

Mayor Sondak called for a vote on the motion. The motion carried with unanimous consent of the Council.

5. QUESTIONS REGARDING DEPARTMENTAL REPORTS

There were none.

6. MAYOR'S REPORT

02:24:55

Mayor Sondak reported that the Town's application for water system upgrades was approved by The Bureau of Reclamation, and they would be receiving a grant. He then reported on the most recent UFA meeting, which focused on the interlocal agreement and human resource procedures. One item of serious discussion was changing the voting mechanism for the Board.

Jay Torgersen, UFA, said that the big discussion with the interlocal agreement was the option to move to weighted voting. They would be discussing this for the next month. Regarding UFA, he stated that they were starting the inspection process for residential units that were used for rentals in the Town.

02:32:25

Mayor Sondak reported on the most recent Salt Lake County Council meeting. The major discussion here was about their recreation areas and their ability to continue to spend money on those areas that abut incorporated municipalities. Attorney Samuels explained that legislation was passed last year which allowed for the County to use general funds to pay for public safety, but only in recreation areas that meet certain criteria.

02:35:13

Mayor Sondak then reported on a meeting to address roadside parking issues at Snowbird's Oktoberfest, the Council of Mayor's meeting at The Snowpine Lodge, the Central Wasatch Commission meeting, and the Summer Program debriefing. He noted that the Town's request for an interlocal agreement for the Community Redevelopment Agency was approved by the Board, and they would soon be sending out an RFP. Recently dog licenses issued: Dave Valenti for September 9-13th; Elizabeth Miller for September 13th; Megan Green for September 14th; Dennis Rusin for September 14th; Stacey Gamble for September 27-30th; and Elizabeth Jah for October 5th.

7. DISCUSSION OF DRAFT RESOLUTION 2019-R-14 SUPPORTING EVALUATION OF THE ENVIRONMENTAL IMPACTS FROM INCREASED VISITATION RESULTING FROM UDOT TRANSPORTATION IMPROVEMENTS IN LITTLE COTTONWOOD CANYON

02:52:30

Mayor Sondak explained that the draft resolution before them was from the Town Attorneys. Council Member Bourke had submitted her own draft, and that document was referenced in the proposed resolution.

MOTION: Council Member Davis moved that the Town Council ADOPT Town of Alta Resolution 2019-R-14 supporting evaluation of the environmental impacts from increased visitation resulting from UDOT transportation improvements in Little Cottonwood Canyon. Council Member Morgan seconded the motion.

Attorney Samuels explained that the Resolution before them was drafted from what was submitted by Assistant Town Administrator Chris Cawley, the comments from previous meetings, past presentations, and the document submitted by Council Member Bourke.

The Council discussed using the term “capacity study” or “visitor growth management study”. Mayor Sondak was comfortable with the latter because he believed it would gain more traction. He appreciated the conversation they had last time was enlightening, but the term “capacity study” seemed to push buttons in a way that “visitor growth management” did not. Council Member Morgan felt fine using “visitor growth management”.

Council Member Bourke disagreed. She felt that “capacity study” encapsulated their intentions more accurately. The key to using that term was to properly educate the public and temper the negative reaction to the language.

Council Member Davis said that “capacity study” would be an ambitious sell. She wanted to give this study as much help as possible.

Council Member Bourke wanted to be transparent and honest with the citizens.

After some discussion, the Council agreed to change the title of the resolution to be “supporting a visitor growth management study” rather than “recommending.”

Mayor Sondak called for a vote on the motion. The motion carried with unanimous consent of the Council.

8. OPEN MEETING TRAINING – Utah League of Cities and Towns or Polly McLean

03:10:05

Mayor Sondak explained that this training must be given every fiscal year. He and Council Member Bourke had seen this training at a Planning Commission meeting, and Council Member Morgan watched the training video the previous evening. After some discussion, they determined that Council Members Curry and Davis would watch the video or the prepared power point presentation and report back to Town Clerk Piper Lever when it was completed. Counsel Samuels addressed the main points of the presentation.

9. NEW BUSINESS

Council Member Curry requested another work session to discuss the proposed code amendments. They decided to meet on November 19th, immediately following the 2019 election canvass at 4:30 PM.

10. MOTION TO ADJOURN

MOTION: Council Member Davis moved to ADJOURN at 7:34 PM. Council Member Morgan seconded the motion. The motion carried with unanimous consent of the Council.

APPROVED by Alta Town Council on November 13, 2019

Piper Lever, Town Clerk/s