

MEETING MINUTES
ALTA PLANNING COMMISSION MEETING
Tuesday, October 24, 2023, 3:00 PM
Alta Community Center, 10351 E. Highway 210, Alta, Utah

PRESENT: John Nepstad, Chair
Rob Voyer
Jeff Niermeyer
David Abraham
Roger Bourke, Town of Alta Mayor (ex-officio)

STAFF PRESENT: Chris Cawley, Interim Town Manager
Jen Clancy, Town Clerk
John Guldner, Cottonwood Lands Advisory
Cameron Platt, Town Attorney

OTHERS: Jack Berry, Rockhill Engineering on behalf of Sugarplum Phase 1 Unit 6 Owners

1. INTRODUCTION AND WELCOME FROM THE CHAIR

Planning Commission Chair Jon Nepstad opened the meeting at 3:00 PM.

2. APPROVAL OF MINUTES FROM THE JULY 18, 2023 MEETING

Planning Commission Member Jeff Niermeyer introduced a motion to approve the minutes from the July 18th, 2023 Alta Planning Commission Meeting. Planning Commission Member Rob Voyer seconded the motion, and the motion was passed with unanimous consent of the commission.

3. DISCUSSION AND POSSIBLE ACTION: REQUEST TO AMEND THE SUGARPLUM PLANNED UNIT DEVELOPMENT PHASE 1 CONDOMINIUM PLAT TO ALLOW EXPANSION OF THE UNITS INTO HOA COMMON AREA AND TO EXTEND THE DECK ON UNIT 6

John Guldner described that the owner of a condominium in Sugarplum Phase 1 (the applicant) proposed expanding the interior of the unit and adding a deck to the exterior of the unit on land within the homeowners association (HOA) common area. Mr. Guldner said that when the Town of Alta initially denied the request to do so, the applicant pointed out that other unit owners had done similar projects. The Town agreed to consider the proposal if the applicant surveyed all the units in Sugarplum Phase 1 and brought an updated condominium plat to the Alta Planning Commission for approval.

John introduced Jack Berry, Rockhill Engineers, to discuss the proposed condominium plat amendment and the proposed unit expansion. Town staff presented exhibits to the proposal, including architectural drawings, aerial photos, and the proposed amended condominium plat.

Planning Commission Member Rob Voye asked Mr. Berry if any HOA members were opposed to the proposal. Mr. Berry said that no HOA members were opposed. Planning Commission Chair Jon Nepstad asked Mr. Berry about certain details on the structural plans, including whether the roof of the proposed interior expansion was engineered for snow load. Mr. Berry stated that engineering for snow load and other design considerations would be pursued in detail when the applicant moved on to finalize a set of plans for the expansion of the structure in order to apply for a building permit.

Planning Commission Member Dave Abraham asked whether any HOA documentation would be updated as part of the process to amend the condominium plat. Mr. Berry pointed out that updated covenants, conditions, and restrictions (CC&Rs) were included in the submission to the commission.

Planning Commission Member Jeff Niermeyer made a motion to approve the application and the plat amendment submitted to the Town of Alta, subject to two conditions:

That a current and updated title report be provided to the Town of Alta that encompasses all the properties shown on the plat; and

That Town of Alta legal counsel determines that the appropriate signatories are shown on the plat before it is recorded.

Mr. Berry stated he believed the chair of the planning commission would need to sign the plat. Mr. Niermeyer opined that it would be unwise for the Town to approve an updated condominium plat that affects or changes the boundaries of HOA common area without knowing whether any lienholders or any other parties with interest in the property could be affected. Cameron Platt, Town Attorney, stated that the planning commission chair will sign the plat on behalf of the Town. Mr. Berry stated that he would ask Salt Lake County to review the proposed amended plat before obtaining a Town of Alta signature, and signatures from HOA management committee members. Mr. Niermeyer recommended that Town of Alta legal counsel determine whether HOA management committee members had the authority to sign a plat on behalf of all other property owners with interest in the HOA. Mr. Berry, Mr. Platt and commission members discussed the question of who should sign the amended condominium plat.

Mr. Niermeyer amended the motion to remove the first condition regarding a title report, on the condition that the Town's legal counsel determine the appropriate signatories on the amended plat. Mr. Voye seconded the motion, and the motion was carried with unanimous consent of the commission.

Mr. Nepstad asked Mr. Niermeyer to clarify his intent in making the original motion. Mr. Niermeyer opined that interested parties could file a claim against the Town of Alta if it was found to have approved a plat altering property lines and boundaries between private and HOA common

area incorrectly. Mr. Platt stated that he would follow up with the applicant and the planning commission chair about who will need to sign the plat.

4. DATE OF NEXT MEETING

Planning Commission Chair Jon Nepstad asked staff whether there were any upcoming action items or other topics to include on a future planning commission meeting agenda. Interim Town Manager Chris Cawley recommended the commission convene in order to approve minutes from the July 2023 planning commission meeting and conduct required annual Open and Public Meetings Act (OPMA) training. Mr. Cawley also described that the town council would convene in a strategic planning retreat in January and suggested that staff and commission members could discuss a potential approach to strategic or long-range planning for the town. Mr. Nepstad recommended the commission focus on OPMA training. Mr. Cawley observed that Town Attorney Polly McLean offers OPMA training and that a representative from the Utah League of Cities and Towns might also be available to offer a training. Town Attorney Cameron Platt informed the commission that Utah public bodies such as the Alta Planning Commission were required to offer physical anchor locations for public meetings even if members of the body all participated remotely. Mr. Nepstad confirmed that the planning commission would meet on November 28th, 2023, at 3 o'clock, in a hybrid remote-in person meeting with an anchor location. Mr. Nepstad asked the commission to brainstorm future agenda items in advance of the next meeting.

5. MOTION TO ADJOURN

Planning Commission Member Rob Voyer moved to adjourn the meeting. Planning Commission Member Jeff Niermeyer seconded the motion, and the motion was carried with unanimous consent of the commission.

Minutes Approved on November 28, 2023

A handwritten signature in dark ink, appearing to read "Chris Cawley", written over a horizontal line.

Chris Cawley, Interim Town Manager