

MINUTES
ALTA TOWN COUNCIL MEETING AND PUBLIC HEARING
THURSDAY, NOVEMBER 14, 2013
10:00 A.M.
ALTA COMMUNITY CENTER
ALTA, UTAH

Public Hearing: To receive input on the recommendations forwarded to the Town Council by the Alta Planning Commission to amend the height, coverage, set back provisions in the Base Facilities Zone of the Alta Land Use Regulations and to add a section addressing the height limits and screening requirement for rooftop appurtenances. **9:30 A.M.**

The Mayor explained that the Council decided it was important to receive input and comments on these recommendations early on in this process.

The Mayor gave a summary of the recommendations forwarded to the Town Council from the Alta Planning Commission:

1. Increase the coverage of the lot size from 25% to 75%
2. Reduce the height above the road from 60 ft. to 25 ft.
3. In Zones A and B, 15 ft. setbacks from adjacent private property, and individually determined setbacks from public lands. Setbacks in Zone C will be individually determined.
4. Mechanical equipment must be screened in all three areas.

There was a motion by Cliff Curry to open the public hearing. There was a second by Merebea Danforth and the motion was carried. 9:32:24 A.M.

Mimi Levitt, Friends of Alta

Ms. Levitt read a prepared statement which is attached and summarized as follows:

1. Applauded the Planning Commission recommendation to the Town Council that would lower the height restriction in Zone A.
2. Had concerns about the jump in coverage for all three base facility zones from 25% to 75%.
3. Wanted the Town Council to consider the health and safety responsibilities the Town of Alta has both to citizens and visitors who come to Alta.
4. Height and coverage ratios are relevant in the context of how much growth they create in population and visits to the Town.
5. The Town should include an integrated formulation that addresses the project's impact on the elements of water, sewage, transportation, and parking.
6. Friends of Alta would be interested in participating and possibly contributing to such an integrated analysis of the impact of the proposed change in coverage.

Mark Haik

1. The Council should consider having a defined meets and bounds area that includes all of the various properties in the Base Facilities zone.

2. There are properties that are currently not included in the Base Facilities but should be and they include Alta Ski Lift maintenance facility, the Albion Day Lodge, Albion Ticket Office building, the Wildcat Ticket Office building, the Buckhorn and new maintenance shop as well as the property at mouth of the Howland tunnel where the Ski Lifts store materials.
3. The Council should consider including the Shrontz property in the Base Facilities Zone if there is a zoning change in this area in the future.

Karen Travis

1. Ms. Travis is still in favor of recommendations from the Planning Commission.
2. She would like to put limits on the height of buildings. This limit could still make the community viable with a small village look while allowing the view of the mountains.
3. She felt that the Town should start with this recommendation and open it up for businesses in Alta.

Maura Olivos

1. She asked if there has been much research as to the additional load on utilities. If you increase the building size then you would be increasing the demand on electricity and gas.
2. Can we supply what we want to build and keep up with the demand?

Onno Wieringa

1. He felt that the Planning Commission recommendations were a nice start. He assumes that if things change and a new business comes to Town that wants to build something that is twelve feet higher than what is being proposed, that the Town would entertain revisiting its ordinances.
2. He commented that at a recent meeting where Ted Johnson spoke about his vision of Snowbird, Ted said he did not want sprawl at Snowbird and it needed to go higher and take up less of a footprint.

Scott Briggs

1. He asked if there was anything in the Town ordinances where the Town Council has an ability to review designs as to whether they are appropriate for community; could the Town Council determine if the designs are esthetically pleasing and then pass judgment?
2. Could the Town create a design review board?

Response from Council/Staff: Tom Pollard and John Guldner

1. The Mayor opined that currently the Town does not have the mechanism in place to review a business or individual's building design to see if it is esthetically pleasing. He will bring this point up at a Planning Commission meeting.
2. John Guldner commented that currently the Town has words in the ordinance stating that you cannot build anything in the Town that is not "in harmony" with natural surroundings. It also states that an individual/business should use materials that blend in with the natural surroundings. The Planning Commission acts as the "gate keeper" for this review.

3. John explained that there is a formal review step in the process of granting a building permit: through the regular permitting process which goes through John or through the conditional use process which goes through the Planning Commission.

Toby Levitt

1. He asked if coverage had been defined yet or are we talking all about setbacks.
2. Is the rope tow hill considered in the coverage calculation?

Response from Staff: John Guldner

1. He stated that coverage has been defined as everything that is graded, paved including but not limited to sidewalks, decks, swimming pools, building over hangs.
2. John's opinion is that the rope tow is not considered in coverage calculation.

Toby Levitt

1. He felt that the issue with whether or not the rope tow is considered in the coverage calculation should be addressed.
2. He would like coverage to only include buildings.
3. It appears that the assumption is that by going to 75% coverage we are increasing the size of building and the loads on utilities. If we are also dropping the height restriction, we are actually potentially reducing the size of the buildings.
4. He would like to see the coverage set at 75%. Anything less than that would have a detrimental effect if the proposal is to reduce the height.
5. He would recommend that the Town not have setback requirements. He has not heard a positive reason why the Town should have an arbitrary setback; these lots have unique shapes and buildings have already been placed on these lots.
6. If we had defined setbacks, a business might have a hard time addressing access roads, parts of buildings, and buildings like the Deep Powder House that need are built right next to the Alta Lodge.
7. He believes that setbacks should be decided on an individual basis.
8. He cautioned the Council to be careful about too much restriction based on non-scientific data.

Mark Haik

1. He commented that as it relates to the road and setback issues, the Snowpine, Rustler, Alta Lodge, Deep Powder House, Photohaus and Shallow shaft would be very adversely affected by the current criteria from setbacks from road ways.
2. He feels that in order to determine this matter, the Council or some professional needs to identify the width of the various public roadways that abut those properties.

Marcus Dippo

1. He commented that in the past, as a funding mechanism, there have been conversations on the allowance of condos or penthouses within the base facilities zone.
2. He asked if this idea was something the Council wanted to address or whether they wanted to refer this question to the Planning Commission.

Paul Huber

1. He commented that the Deep Powder House (DPH) is a unique piece of property in that the Levitt's gave a bit of their land which, at the time was leased from the Forest Service, to the Huber's.
2. He commented that his business covers around 90% of his land. Accordingly they can only go in one direction: up.
3. He believes that 75% coverage and going up 25 feet is a "good thing" for the community.

Staff Remark: John Guldner

1. John clarified that setbacks don't apply from the main road and are individually determined mostly with review of the Department of Transportation. Setbacks don't apply to access roads.

Hearing no further comments, there was a motion by Harris Sondak to close the public hearing. There was a second by Merebea Danforth and the motion as carried.

Regular Meeting of the Town Council: 10:01:43 A.M.

1. Update on Antimony Treatment Plant operation and water and sewer projects: Keith Hanson

Keith Hanson passed out handouts to the Town Council, (attached) and reported on the following:

- The Town has purchased new media for filter A but after discussion with Issam Najam who helped Keith with the original pilot work, Keith decided to PH adjust the media. As a result of the PH adjustment to the media, the Town has bought itself additional time with the original media.
- The five (5) page handouts for the Town Council were reviewed.
- The Town will probably change out the media in the next few months. When this happens, Filter B will become the lead filter and Filter A will be the lag filter.
- The media from Filter A has been tested and passed the leachability, or the TCLP test. It will be disposed at the ET Technologies landfill in Salt Lake City.
- The water storage tank will be full which will supply the Town with its water during the change out of the media.
- The PH adjustment makes the media more absorptive and the process is more of an experiment to see what effect this process has on removing antimony and on water quality.
- Keith Hanson reported on the pilot testing and the passive zinc treatment project on the water coming out of the Howland tunnel. The following agencies have worked on this project: Service Area #3, Town of Alta, Friends of Alta, Alta ski Lift Company and the Division of Environmental Quality. Through the Friends of Alta this group received some 319 grant money that helped fund this project. The early results are encouraging.
- A sanitary survey was conducted by the Division of Drinking Water in September 2013. Using the Division's point system, the Town received seven (7) extra credit points.
- The Town placed a new fire hydrant near the new Ski Lift/Buckhorn buildings and retired a hydrant on the south side of the Goldminers Daughter parking lot.
- The Town continues to TV and flush the sewer lines throughout the community.

2. Mayor's Report: 10:20:50 A.M.

Mayor Pollard reported on the following:

- Preliminary results of the 2013 Municipal General results: Mayor Pollard and Merebea Danforth maintained their seats and Paul Moxley and Cliff Curry were re-elected to the Town Council. On November 19th at 4:30 P.M. a public meeting of the Town Council will be held where the final election results will be canvassed and approved.
- UFA board meeting which was held on October 15, 2013. The topics discussed wher the expansion policy and recap of Utah's response to the Boulder, Colorado flood event.
- The Wasatch Summit meeting in Park City on October 14, 2013. There was a presentation by Parametrix and Mike Gallis, a planning consultant from the east coast. Wasatch Summit will begin their public outreach in January of 2014.
- There will be a meeting of the Utah Transportation Coalition at Snowbird on November 22nd.
- There will be an open house at OLS on November 21st with Horrock Engineering to talk about the Alta and Snowbird DAS system.

- There was a meeting with Nathan Lee the new director of UDOT Region 11 and Brian Adam his assistant.
 - The recent Little Cottonwood Canyon Road Committee meeting held on November 13th at the Albion Grill.
 - UTA will start their full ski bus service on December 8, 2013.
 - UDOT will make available to trained persons an application that can be downloaded on a person's phone whereby that person can report highway conditions in real time.
 - There will be a meeting to recap the summer program late in November.
 - The new winter Post Office hours are 10:00 A.M. to 2:00 P.M., Monday through Saturday.
 - Jared Higgins will be retiring as of Saturday, November 16th after 30 years with the Town of Alta. The Mayor thanked him for his years of service and his vast knowledge will be missed.
 - The next meeting of the Town Council will be Thursday, December 12, 2013.
3. Treasurer's Report: Marcus Dippo – 10:30:50 A.M.
- **Marcus Dippo** read the monthly report to the Town Council

Hearing no comments or questions, there was a motion by Merebea Danforth to accept the treasurer's report as submitted. There was a second by Cliff Curry and the motion as carried.

4. Departmental Reports: 10:31:39 A.M.

John Guldner: Town Administrator

- He gave an update on the recent question on the height of the new single family home in Powder Ridge. It is ¼ inch below the height limit.
- He gave an update about the proposed new home in the Hellgate area of Town. It is not going forward at this time
- He reported that there were 14 building permits issued this season with a stated value of \$1.7 million. The Town received approximately \$33,000 in building and plan checks fees.
- He Updated the Council on the Town's lawsuits. The trial date for the Shrontz case has been set for February 12, 2013.
- The Forest and BLM are currently setting monuments for the three parcels that are being conveyed to the Town of Alta by the Federal Government.
- He reported on the mandatory risk management training that he attended with the Trust.
- The Planning Commission is currently deciding what to do with the interconnect which they have broken down into two different parts: the global interconnect being address by the Wasatch Summit process and connection over ridge lines with ski lifts.
- The Planning Commission is looking at how to address ski line locations, height and placement and ridge line protection ordinances.
- The Planning Commission will be meeting on Monday, November 18th at the Alta Community Center. Steve Scheid from the U.S. Forest Service will be speaking to the Commission at this meeting
- He reported on the recent VECC meetings.
- He reported on the most recent COG meeting where the VECC merge and ZAP taxes were discussed.

Claire Woodman: Assistant Town Administrator

- She reported that the legislative session kicks off in two months.
- She has been attended the ULCT legislative policy meetings where the following issues have been discussed: increase in the gas taxes on behalf of cities/towns, GRAMA and election issues and building inspections issues.
- She reported on the meeting where participants reviewed the summer stewardship program.
- She gave a report on the Salt Lake Water Symposium meeting she attended.
- Next month she will have a presentation and update on waste management issues for the Council.

Mike Morey: Alta Marshal

- He reported on the retirement of Jared Higgins.
 - He reminded everyone that winter parking rules and regulations as well as the regulation requiring snow tires and or chains are in place and are being enforced.
 - He reminded everyone of the email/text alerts that Alta Central sends out: update your information with Central.
5. Town Council Minutes/Work Session – September 30, 2013 – 10:48:40 A.M.

There was a motion by Merebea Danforth to approve the minutes of the September 30, 2013 Work Session as submitted. There was a second by Cliff Curry. Hearing no comments, questions or corrections, the Mayor called for a vote on the motion. The motion was carried.

6. Town Council Minutes – October 10, 2013. – 10:49:00 A.M.

There was a motion by Cliff Curry to approve the minutes of the October 10, 2013 Town Council meeting as submitted. There was a second by Merebea Danforth. Hearing no comments, questions or corrections, the Mayor called for a vote on the motion. The motion was carried.

7. Ordinance 2013-O-2- An ordinance amending a certain section of the Business and License Regulations of the Alta Town Code relating to Off Premise Beer Retailer Operating requirements and Penalties. 10:49:23 A.M.

Piper Lever and Kate Black reported as follows:

- This is an administrative penalty fee that she became aware of in her business license conference
- She explained that if an off premise beer retailer sells to minors, the first violation would result in a warning, the second violation would be a mandatory fee and the third violation would result in a fee plus suspension of the establishments' license for a period of time.
- Staff spoke with Sterling Codifiers and they recommended that a new chapter be added adopting the state code that references this matter.
- It was asked if the Town actually needed to adopt a new ordinance or are we covered under Utah Code.
- Currently the Town has the authority to enforce this section of the Utah Code.

- **Cliff Curry** asked if this ordinance provides the ability of the Town to collect fees, fines and penalties that it would otherwise wouldn't be able to collect. Mike Morey felt the Town already had those powers.
 - **Cliff Curry** felt that all this ordinance states is that all off premise beer retailers shall comply with the state law and as a result he does not understand what this ordinance does and why the Town should adopt the ordinance.
 - Sterling Codifiers advised that the Town could proceed in two ways: create and adopt an ordinance reiterating Utah Code or simple do nothing. Either way, the Town has the authority to follow and uphold this section of Utah Code. Acting on the side of caution and having been recommended by the Utah Business License Association, staff was recommending that this be inserted into Town Code.
 - **Cliff Curry** felt that this proposed ordinance does not take on and do the things that the state law allows the Town to do: it only says that all off premise beer retailers shall comply with the state law.
 - **Mike Morey** stated that alcohol enforcement falls outside Title 76 of the Utah Criminal Code. He opined that it would be in the Town's interest to address that part of the Utah Code and make sure the Town conforms to state requirements. At a minimum we should follow the state fine guidelines.
 - Staff will draft a memo outlining the pro and cons of this proposed ordinance and bring that review to the Council in their December meeting.
8. Discussion on Planning Commission recommendations to the Town Council on changes to the Base Facilities' Zone – coverage, height, setback provisions and screening mechanicals. 10:58:44 A.M.

The Council agreed to hold a work session one hour prior to the December 12, 2013 (9:00 A.M.) Town Council meeting to discuss this matter. Staff will summarize the comments from the public at today's hearing and circulate them to the Mayor and Town Council prior to this work session.

9. Closed door meeting to discuss litigation matters: 11:01:18 A.M.

The Mayor did not see a need to go into a closed door meeting.

10. New business: 11:01:30 A.M.

- **Tom Pollard** mentioned that, based on a comment today and comments in the past, he would like to forward to the Planning Commission the issue of possible condo use in the base facilities zone as a mechanism of financing development.
- **Cliff Curry** recommends a goal of addressing all the proposed changes, issues and concerns in the Base Facilities Zone all at one time and only amend the ordinance one time.

11. Citizen Input: 11:02:33 A.M.

Onno Wieringa brought up the following items:

- The Alta Ski Area will open on November 22, 2013
- It is finally cool enough that the ski area is making snow

- The report that Keith Hanson made on the Howland Tunnel missed a participants: Snowbird Ski Area
- In the process of diverting and treating the water from the Howland Tunnel, the water was put back into the right size culvert and a huge drop station. This will help contain he spring run-off r.
- There will be two types of passes issued this year: those vehicles that have critical and essential passes will be allow to stage above the mouth of the canyon.

Karen Travis brought up the following item:

- The new sign that designates the new traffic pattern above White Pine needs to be changed to show that the left lane should merge into the right lane.

Nancy Halden: Powder Ridge condo owner brought up the following item:

- She rents her property out for around 43 days to defer expenses and was miffed at the new requirement to obtain a business license. She was also concerned about the price. She pays \$15.00 to Sandy City for a business license for her rental home.

Maura Olivos addressed some upcoming event:

- On December 6, 2013 the Alta Ski Area is hosting a Tree Utah event called “Skiing and Trees”

Chris Crawley brought up the following item:

- The new zinc treatment facility near the phone building could present a public safety issue for skiers and asked if that could be addressed.

12. Motion to Adjourn: 11:12:51 A.M.

There was a motion by Cliff Curry to adjourn the meeting and there was second by Harris Sondak. The motion was carried.

Approved this 12th day of December, 2013.

s/Katherine S.W. Black
Town Clerk