

Alta Planning Commission Meeting Summary
Community Center/Library, 10361 E. Hwy 210, Alta, Utah
June 23, 2014, 4PM

IN ATTENDANCE:

Planning Commissioners: Joan Degiorgio (Chair), Elise Morgan, Jan Streifel, Roger Bourke, Rob Voyer and Mayor Tom Pollard (ex-officio member).

Town of Alta staff: John Guldner, Chris Cawley, and Liz Schulte (counsel).

Members of the public: Mark Haik, Toby Levitt, Onno Weiringa, Jen Clancy, Mimi Levitt and a videographer.

INTRODUCTION AND WELCOME FROM THE CHAIR

Joan Degiorgio: The June 2nd joint meeting between the Town Council and Planning Commission was productive. Today's meeting will focus on our current proposals for building height, coverage, and setbacks, and we will also discuss the definition of a hotel room, and Base Facility Zone (BFZ) condominiums. **Joan** addressed the departure of Skip Branch from a long career of service to the Alta Planning Commission, and read a written statement from **Skip**, who was not present at the meeting:

"It is with ambivalence that I am resigning from the Planning Commission. I guess the summary is that the time to quit is before you wish you had. 25 years ago, we were dealing only with conditional use permits. Now that we are land-use authority, the scope and responsibility has broadened. But, the philosophical goals have remained the same: promoting only responsible and respectful growth in Alta. The desire by selfish people, to achieve their one-sided goals in Alta, will always be the challenge of the Planning Commission. I can say, with a certain amount of pride that we, as a group, continue to protect the Alta we know and love, not only for our children but for our children's children."

Joan thanked **Skip** for his service and for his friendly demeanor.

4:10-UPDATE ON RECENT EVENTS. STAFF

John Guldner gave an update on Haiks v. Town of Alta *et al*: plaintiffs lost in the 10th circuit, and have petitioned for a re-hearing. Re-hearing should be either granted or denied within about a month, according to counsel **Liz Schulte**. **John** observed that "building season" has begun, and it has been busy so far. **Joan** asked about requests to excavate in Albion Basin, and **John** clarified that although Kevin Tolton received excavation permits following his successful change application for water rights from a location in Sandy to a lot in Albion Basin, that transfer of water rights has been stayed and will be in litigation.

9:00-APPROVAL OF MINUTES FROM THE APRIL 21st, 2014 PLANNING COMMISSION MEETING, AND OF MINUTES FROM THE JUNE 2nd, 2014 JOINT MEETING OF THE PLANNING COMMISSION AND THE TOWN COUNCIL

Mayor Pollard, Elise Morgan and **Mayor Pollard** noted minor errors in the minutes, which were recognized by staff. With those errors taken into consideration, **Rob Voyer** moved to approve the

minutes from April 21st, and **Roger** seconded the motion, which was carried. **Roger** moved to approve the minutes from the June 2nd joint meeting, and **Elise** seconded the motion, which was carried.

12:10-DISCUSSION WITH POSSIBLE ACTION ON HEIGHT, COVERAGE, SETBACK, PHYSICAL BUILDING STEP-BACK AND MECHANICAL SCREENING ORDINANCES FOR THE BASE FACILITIES ZONE

Joan believes that the Planning Commission (PC) and the Town Council (TC) are in agreement regarding a building *height* ordinance. *Coverage* is a complex issue and the PC will revisit coverage later in the meeting. The PC and TC agree that building *setback* restrictions should be determined on an individual basis. PC and TC also agree on *architectural step-back*, which is addressed in the proposal to require that buildings over four stories tall be required to recess 25 feet beyond the four-story level. *Mechanical appurtenances* can be placed atop buildings and reach above the building height limit but they must be screened. It was agreed that these recommendations will be forwarded to the TC.

Joan began a discussion of *coverage*, mentioning a few issues, including the need to define coverage, and a concern from the public that going from 25% coverage to 75% coverage could be too large a jump to make at one time. Another potential issue is that by allowing 75% coverage, lodges could build-out to 75% coverage with the current room density limit of 33 rooms per net-developable acre (NDA) and potentially exceed the amount of water available through the Town of Alta's (TOA) surplus water agreement with Salt Lake City Public Utilities. On the other hand, **Joan** quoted **John** in stating that there may not be enough remaining net developable acreage on lodge properties in the BFZ for lodges to build out under the current room density limit to such an extent that the water remaining in our surplus agreement is considered "used" under state requirements.

21:50-CONTINUED DISCUSSION ON DEFINITION OF HOTEL ROOM AND POSSIBILITY OF ALLOWING CONDOMINIUMS IN THE BASE FACILITIES ZONE CONSIDERING THE TOWN'S WATER RESOURCES.

John introduced the concept of changing the definition of a hotel room—currently, in Town ordinances, a room is considered to be 600 sq. ft—in order to make density and coverage calculations easier to "work with." **Mayor Pollard** suggested that especially for the purposes of planning lodge expansion in consideration of water restrictions, we should redefine a room to be "a door"—in other words, a room of no particular square footage in which people sleep for short periods of time, which has a bathroom and perhaps a small kitchen.

The PC discussed various aspects of the TOA water agreement. The nature of the state requirements is such that various types of connections to the TOA water system—single family homes, restaurants per seat, hotel rooms, businesses per employee, public restrooms, etc.—are required to have a certain number of gallons per day (GPD) under the TOA surplus water agreement. The sum of required GPD for all the connections to the TOA water system must not exceed 265,000 GPD. *Actual, historical water usage is not considered in calculating how many additional connections to the TOA water system can be established in the future.* **Jon** described a state program by which meter readings over a two-year period can be taken by a state employee, and if those readings indicate a pattern of conservative water usage, the state can issue a 10% reduction in requirements. **Jan** and **Mayor Pollard** noted aspects of specific connection type requirements that are unclear—for instance, does the current Peak Day Demand estimate consider pool/bathhouse facilities correctly? Possible large future connections were

discussed—an Alta Ski Area Wildcat Base day lodge/restaurant facility and a TOA Community Center. These are merely concepts at this point.

Discussion returned to the *definition of a hotel room*. **Joan** noted the definition used in Park City, “*a unit consisting of one room, without a kitchen, intended for temporary living and sleeping purposes and including a separate exclusive bathroom.*” **Joan** asked why the TOA should include square footage in such a definition. **Jan** suggested our definition should not preclude basic kitchen items such as a small refrigerator or microwave.

Roger opined that we need to clarify what we are trying to maximize. Are we trying to maximize...the number of rooms? The number of businesses? How can we tell what is “good”?

Mayor Pollard restated his concern that under our current definition of a hotel room—600 sq ft.—lodge owners could plan developments which would be permitted, but which would exceed the amount of water available under the TOA surplus agreement. **Rob Voyer** suggested that we need to consider allotting our remaining water. **Mayor Pollard** feels that such an appropriation would essentially be in effect if we remove square footage from our definition of a hotel room, and upheld the 33 rooms/NDA—according to our current calculations, we will not arrive at the limits of our water contract if lodges reach their room density limits based on NDA per individual lot.

Jan observed that we cannot expect all future development of lodge properties will be in hotel rooms—lodges could add other amenities. **Rob** and **Elise** observed that by calculating an allotment of water to hotels based on remaining rooms/NDA, some properties would be restricted from substantial further development. Several commissioners mentioned removing the density limit of 33 rooms/NDA, and **Jon** added that a density limit is necessary in consideration of factors like parking, employees, etc. **Mayor Pollard** suggested that our Current Peak Day Water System Demand estimate needs to be refined.

The Alta Ski Area Wildcat Base Day Lodge proposal was discussed. **Onno Wieringa** clarified that a plan for a 400-seat restaurant has been approved by the United States Forest Service (USFS) as a part of the ski area Master Development Plan (MDP). **Onno** stated that the plan is a contingency: in the event that Goldminer’s Daughter no longer offers base area facilities to skiers, the Ski Area needs to be able to provide those services to its customers. **Onno** asked that such a development be considered in the conversation about the TOA water agreement limit.

Joan reiterated that there is enough water for lodges to build out to the limits of their own remaining NDA, if a room is no longer defined as being a certain square footage. **Joan** summarized some points of the discussion up to this point: let’s assume we will change the definition of a hotel room, likely leaving out square footage but allowing for minor kitchen facilities; we’ll keep the hotel room density limit; we’ll keep other building envelope suggestions; given these factors, do we need to include a water allotment in our package of proposed ordinances for the TC? Several commissioners agreed that we do not need to include such an allotment rule in this proposal. **Mayor Pollard** added that we need to refine our understanding of our surplus water agreement so that we can determine whether condominiums in the BFZ are feasible given how much water remains.

Toby asked whether the hotel room density limit in TOA ordinances would limit the number of new employee rooms a lodge could build. **John** stated that employee rooms are not constrained by the hotel

room density limit, but noted that any development beyond hotel rooms per NDA may require more water than what remains.

Joan began a conversation about the nature of coverage. Commissioners and members of the public were concerned about whether surfaces that are graded, but not paved or otherwise covered should be considered coverage. It was decided that such surfaces should not be considered coverage, *as long as they are not plowed bare in the winter season*. **Joan** asked whether public concerns about the prudence of going immediately from 25% to 75% coverage had been met. **Jen Clancy** stated that Friends of Alta (FOA) is still concerned that allowing such a significant jump in coverage in one stage seemed unnecessary, but that it seems there are many other factors constraining a rapid build-out of current properties, and FOA is encouraged by the careful consideration of these issues by the PC.

Joan suggested that the PC forward language regarding height, coverage, setback, mechanical screening, architectural step-back, and the definition of a hotel room to the TC. **Mayor Pollard** asked whether we need to have a public hearing on these recommendations before they are sent to the TC, and **Liz** confirmed that a public hearing should be scheduled for the next PC meeting on these recommendations. **Joan** asked staff to refine the Current Peak Day Demand water study, and to place a discussion of BFZ condominiums on the next agenda.

1:30-DISCUSSION TO IDENTIFY AND PRIORITIZE PLANNING COMMISSION ACTIVITIES FOR 2014

The PC feels that the issue of whether to allow condominiums in the BFZ is an immediate priority. **Joan** asked staff to prepare to discuss BFZ condos and issues related to the TOA surplus water agreement at the next meeting, and that other PC priorities will follow those discussions.

Elise prompted comments from the audience:

Onno asked whether any water rights granted to Albion Basin property owners would require water be allotted from the current TOA surplus water agreement, and **Liz** stated that such a water right transfer would be for water outside the TOA agreement. **Onno** opined that a single water system would be less impactful in Albion Basin, rather than to have a well drilled on each lot.

Mark Haik mentioned a letter from Lee Kapalowski to the Utah Board of Water Resources stating that 500 acre-feet of water was transferred to Alta. **Liz** noted that Salt Lake City did file a change application for 500 acre-feet of water, but that this quantity of water belongs to Salt Lake City and the TOA surplus water agreement is separate from that. **John** clarified that Mr. Kapalowski's letter to the Board of Water Resources was a legal opinion filed in application for a municipal bond, and that by identifying the quantity of water to which **Mark** refers, Mr. Kapalowski sought only to prove that the water exists—not that it belongs to the Town of Alta.

1:20-MOTION TO ADJOURN

Joan asked for a motion to adjourn the Planning Commission Meeting. **Rob** made a motion to adjourn, and **Jan** seconded the motion.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a general overview of what occurred at the meeting.

These minutes were passed and approved on _____.

Chris Cawley
Assistant Town Administrator

*Audio Recordings are available on <https://soundcloud.com/townofalta>.