

**Alta Planning Commission
Minutes
January 8, 2008**

The Alta Planning Commission held a meeting on January 8, 2008 at 12 pm at the Market Street Grill at 2985 East Cottonwood Parkway(6580 South), Salt Lake City. Planning Commission members in attendance included Skip Branch, Joan DeGiorgio, Lee Kapaloski, Prescott Muir, and Jan Striefel. Mayor Tom Pollard was present, as well as Town of Alta staff members John Guldner and Laura McIndoe. Town of Alta attorneys Kimberly Chytraus and Katie Lewis were also present. Charles Livsey was the only member of the public present.

Alta Planning Commission Chair Skip Branch, expressed appreciation for everyone attending the meeting and for the materials that were prepared for the meeting.

Discussion Regarding the Separate Roles of the Planning Commission and the Land Use Authority

Town of Alta attorney, Kimberly Chytraus, explained that the Town of Alta recently passed a temporary ordinance appointing the Alta Planning Commission as the Town's Land Use Authority. As such, the Alta Planning Commission should understand the differences in the separate roles of the Planning Commission and the Land Use Authority.

The Town of Alta also enacted a temporary ordinance establishing a moratorium on all new land use applications for six months (beginning December 13, 2007) based on the Town Council's findings of compelling, countervailing public interests.

The Land Use Authority appointment is required under LUDMA. The Town can have more than one land use authority and the land use authority can be any person, body, or commission. A temporary land use authority and temporary appeal authority were appointed by the Town based on the Town Council's findings of compelling, countervailing public interests, because there is a pending land use application, because the area is unregulated, as the Town of Alta had not appointed either a land use authority or an appeal authority as contemplated under LUDMA. The Town Council was appointed as the Town's temporary Appeal Authority.

Planning Commission's Role

The Planning Commission is part of the legislative process and can help shape Town policy, but does not make policy. The Planning Commission acts as an advisory board, and gives recommendations to the Town Council. The Planning Commission makes recommendations to the Town Council for its General Plan and amendments to the General Plan, land use ordinances, zoning maps, official maps and amendments thereto, who should be the land use authority, who should be the appeal authority, and the application process. The Planning Commission has broad discretion to take into account public input, opinions, and make reasoned recommendations. The Town Council does

not have to act on the Planning Commission's recommendations, but typically does take Planning Commission recommendations into account.

LUDMA outlines processes on how land use ordinances and subdivision ordinances are prepared and adopted by a municipality. It is the Planning Commission's role to prepare and recommend land use ordinances to the Town Council. The Planning Commission must notice and hold public hearings on the proposed ordinances prior to making a final recommendation to the Town Council.

Land Use Authority's Role

The Land Use Authority is an administrative body. There is not a lot of discretion in the administrative capacity of the Land Use Authority. The role of the Land Use Authority is to review land use applications and determine whether they comply or do not comply with the municipality's ordinances and state law. The Land Use Authority does not take public input or public clamor into account when making its decision. Different land use authorities can be appointed for different types of decisions. For now, during this six month period, the Planning Commission is considered the temporary land use authority for all land use decisions.

The most important thing is the difference between the legislative role and the administrative role of the Planning Commission and the Land Use Authority. In both, minutes are very important, particularly in the administrative role. Minutes should reflect not only what the decision is, but all of the findings and reasons for the decision. If a court is ever to review the record, the findings are as important as the decision itself. Written facts and evidence supporting the decision must be included in the minutes. The handbook for planning commissions and land use authorities prepared by ULCT provides more detail.

General Discussion

After the presentation by Ms. Chytraus, further discussion prompted by Ms. DeGiorgio ensued regarding the genesis of the land use authority under LUDMA. Ms. Chytraus explained both the reasons why the Town of Alta needed to appoint a land use authority, and the intention of the land use authority requirement in general under LUDMA.

General discussion followed regarding clarification of the distinction between the roles of the Planning Commission and the Land Use Authority, and how the Land Use Authority and Appeal Authority interact.

Mr. Kapaloski brought up the point that the transition to LUDMA from the way things were done previously left some things unclear, such as the role of the Planning Commission in deciding conditional use permits. Clarification is needed to address how

the process in which the Town uses to review and decide upon conditional use permits will evolve under LUDMA.

A discussion also ensued regarding the role of technical review under LUDMA. The Town relies heavily on outside agencies such as County Health, UDOT, Fire Marshal, etc... to provide technical input when determining whether or not to approve an application. The role of outside agencies in the technical review process needs to be clarified. Possibly interlocal agreements will have to be in place with other government agencies to formalize the process for technical review.

Mr. Branch said that we can use the time in the six month moratorium to figure out answers to these questions.

Mr. Muir said that as we move forward, we have an obligation to make the process understandable to the public.

A discussion, prompted by Mr. Muir and Mr. Kapaloski, followed regarding circumstances in which the authority of the Planning Commission might be diminished or preempted, making the time, energy, and possible political risk involved in a volunteer planning commission position less attractive.

Discussion Regarding the Planning Commission's Role in Recommending Zoning Ordinances

The Planning Commission discussed the process associated with the recommendation of zoning ordinances to the Town Council. The Planning Commission can discuss possible ordinances during public meetings, but prior to recommendation of the ordinances to the Town Council, the Planning Commission must hold a public hearing.

Ms. Lewis and Ms. Chytraus will create a list of possible items to address in the Town's zoning ordinances to bring before the Planning Commission for discussion.

Mr. Kapaloski stated that at some point the Planning Commission will need to confirm that the ordinances are consistent with the General Plan.

The Planning Commission members decided upon the following meeting schedule to discuss zoning ordinances, and a public hearing for the public to provide input on possible zoning ordinances:

Discussion meetings:

- February 12, 2008, 12 pm at the Market Street Grill at 2985 East Cottonwood Parkway, Salt Lake City.

- March 4, 2008, 12 pm at the Market Street Grill (same location as above). This will be a joint meeting with the Alta Town Council.
- April 1, 2008, 12 pm at the Market Street Grill (same location as above).

Public Hearing:

- March 17, 2008, 6:30 pm at the Town of Alta Community Center/Library

Discussion Regarding New Planning Commission Appointments

Planning Commission Chair, Mr. Branch, reported that two Alta Planning Commission members, Mr. Ed Blaney and Mr. Bob Woody, had terms that expired in 2007. A commemorative gift thanking them for their years of service is being prepared for them.

Mayor Pollard will recommend that the Town Council approve Mr. Jon Nepstad and Mr. Rob Voye to fill the two vacant seats on the Planning Commission.

Mr. Nepstad has a master's degree in urban planning and is currently working for a consulting firm, Fehr and Peers. Mr. Voye worked in Alta in the past for 20 to 25 years, and currently operates golf course concessions; Mayor Pollard believes he will have a good perspective on what could happen in Alta.

Discussion followed regarding planning commission and Open Meeting Act training for both new and existing planning commission members. Ms. McIndoe was asked to research training for Planning Commission members.

Mr. Kapaloski acknowledged that the action taken by the Town Council to make the planning commission the land use authority disqualifies him from being on the Board of Adjustment.

Discussion With Possible Action on Closed Door Meeting to Discuss Litigation Matters

There was a motion by Ms. Striefel to go into a closed door meeting to discuss litigation matters. There was a second to the motion by Ms. DeGiorgio, and a roll call vote was taken:

Joan DeGiorgio, aye
Lee Kapaloski, aye
Prescott Muir, aye
Jan Striefel, aye
Skip Branch, aye.

The motion was carried with all members voting in the affirmative. The closed door meeting began at approximately 1:45 pm. Mayor Pollard and Planning Commission

Alta Planning Commission

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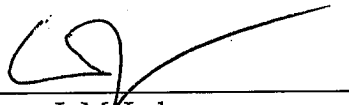
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member Lee Kapaloski were not present for the closed door meeting. Those present at this meeting included Alta Planning Commissioners Skip Branch, Joan DeGiorgio, Prescott Muir, and Jan Striefel, Town of Alta attorneys Kimberly Chytraus and Katie Lewis, and Town of Alta staff members John Guldner and Laura McIndoe.

Hearing no more business before the Planning Commission, the meeting was adjourned.

These minutes were passed and approved on the fourth day of March, 2008.



Laura J. McIndoe
Assistant Town Administrator