

**Alta Planning Commission
Minutes
November 10, 2009**

The Alta Planning Commission held a meeting on November 10, 2009, at 12 pm at the Market Street Grill on 2985 East Cottonwood Parkway (6580 South), Salt Lake City. Planning Commission members in attendance included Skip Branch, Joan Degiorgio, Jan Striefel, and Lee Kapaloski. Town of Alta staff present included John Guldner and Claire Runge. Town of Alta attorney Katie Lewis was also present. Members of the public present included Mark Haik, Andy White, and Jennifer Garner (with court recorder).

1) INTRODUCTION AND COMMENTS FROM THE CHAIR

Mr. Branch thanked everyone for coming and congratulated Mayor Pollard on his reelection. Mr. Branch recalled that the recommendation made on the proposed Patsey Marley Subdivision application in July was sent to the Town Council and they have yet to vote on the application.

Mr. Branch recapped the Planning Commission's September 22, 2009, onsite visit of the Alta Ski Area. Topics discussed on the tour included:

- Current methods being used to control avalanches
- Possible changes to avalanche control in the future, including the use of gaz-ex exploders and skier compaction via lift access.
- Revegetation of eroded areas and high altitude slopes.
- Infestation of pine beetles in the west (notably Vail, Colorado) with potential implications here in Alta. Ms. Runge discussed the current efforts of the U.S. Forest Service towards proactively managing a possible spruce bark beetle infestation.

Mr. Branch noted a discussion he had with Mr. Wieringa regarding the base area and that he had met with Mr. Wieringa and a planner from Whistler Blackcomb (who also designed the Solitude Village.) This planner has put together a rough design for the base of Alta and Mr. Branch has seen this design. Mr. Branch feels this could dramatically change the face of Alta and the Planning Commission needs to keep this discussion alive. Mr. Branch noted the design feels a little "cookie-cutter." Mr. Branch remarked that he was pleased with the discussion that Myles Rademan facilitated, but hopes that the discussion is the beginning, not the end. Ms. Degiorgio noted that people want to preserve Alta's "unique funkiness." But if people want to see improvements and want to see more of a community, that requires people being in closer proximity, and there will be a need to apply those ideas so its not cookie-cutter. Mr. Branch noted that a process to develop a responsible plan for the future is a long and heavy process that would require a lot of money.

2) REVIEW WITH POSSIBLE ACTION ON THE MINUTES FROM THE JULY 21, 2009, PLANNING COMMISSION MEETING

Mr. Branch reiterated the motion from the previous meeting that Mr. Voye made, and wanted to make sure the motion was representative of the Planning Commission's decision on the Patsey Marley Subdivision application. Mr. Branch read from the draft July 21, 2009, minutes: "Mr. Voye made a motion to move the application to the Town Council and deny it based on the

inability to comply with the checklist and let the Town Council decide from there.” Mr. Branch wanted to make sure the language was clear and precise.

Ms. Striefel moved to approve the minutes of the July 21, 2009, Planning Commission meeting. The motion was seconded by Ms. Degiorgio and the motion was carried with all members that were present voting in the affirmative except for Mr. Kapaloski who abstained since he was not present at the July 21, 2009, meeting.

[Comment from Claire Runge, December 29, 2009: When transcribing the minutes I realized that since Mr. Kapaloski abstained, there were only three votes cast, which is one vote short of a quorum. Therefore, the above motion is invalid and a new motion will be needed at a future meeting to approve the minutes of July 21, 2009.]

3) DISCUSSION WITH POSSIBLE ACTION ON FEMA FLOOD ORDINANCE

Mr. Guldner noted that the Federal Emergency Management Agency (FEMA) did a study that shows a tiny portion of the Town in a flood area. The Town received phone calls saying that if we did not participate we could not receive any federal funding for any natural disasters.

Ms. Runge noted features on the FEMA flood plain map and pointed out the flood plain as classified by FEMA in the Town of Alta. This area is roughly 1200 square feet in the Town. Ms. Runge explained that the Town boundaries as portrayed on the FEMA map are incorrect and it is too late to have the maps changed. Ms. Runge opined that if there were a flooding event, FEMA would probably do surveying. Ms. Runge noted the Town is on the list of communities to be restudied.

Mr. Branch recalled that the last time FEMA affected the Town was an avalanche event in 1983, and that has nothing to do with the floodplain. Ms. Runge noted that if we do not play by the rules and do not join the National Flood Insurance Program (NFIP), we do not get any federal funding for any natural disaster. Mr. Guldner noted that there is no correlation between avalanches and floods, but this is an incentive for us to participate.

Ms. Runge noted that the Utah Floodplain Manager came to a Town Council meeting since we had to pass this ordinance as a temporary land use regulation to be compliant. The Floodplain Manager noted that people could get their mortgages called if the community does not participate. Ms. Runge noted that all communities in Salt Lake participate and now it is just jumping through a series of hoops, including passing an ordinance. Ms. Runge believes that the ordinance only applies to the areas determined to be in the Town's floodplain and also noted that the ordinance calls for any development in the floodplain to comply with the provisions in the ordinance. Ms. Runge noted that she did not draft the ordinance, FEMA did.

Ms. Runge explained that the date set by FEMA to come into compliance, September 25, 2010, was incorrect and we needed to come into compliance by September 25, 2009. In order to be complaint, the Town Council needed to pass the ordinance as a temporary land use regulation as we did not have time to go through the land use ordinance adoption procedure as dictated by LUDMA. The Town has six months to pass this as a regular land use ordinance.

Ms. Degiorgio asked if the people in the floodplain would have to buy insurance. Ms. Runge replied yes, however, there are no homes in the floodplain. There was discussion over where the floodplain is located in the Town, but Ms. Runge remarked that it is hard to tell on the maps since the boundary is inaccurate, but it does not appear to affect any houses.

Ms. Striefel asked if the only reason we need this is to get funding if there is an avalanche. Mr. Guldner responded, yes, and now FEMA would like us to play by all the rules now that there is a floodplain in the Town. Ms. Runge feels this is a good ordinance to have anyway; the Town already has a basic flood ordinance in our codebook.

Ms. Striefel asked how we could be sure this is the only flood plain in the Town. Ms. Runge responded that we are not sure and we are going to try to do that.

Mr. Guldner also noted that this would also allow anyone else in the Town to be able to buy flood insurance, even if they are outside of the flood plain.

Ms. Striefel asked if we have anything currently in our ordinances that say you cannot develop in a floodplain. Mr. Guldner noted not directly. Ms. Striefel feels like we need to figure out where this is. Ms. Runge reiterated that based on discussions, she does not feel like FEMA will change their map until the next "go-round."

Mr. Kapaloski noted that the ordinance calls for a "development permit" and that would be another layer of compliance needed for people who live in that area. Ms. Striefel noted that usually a community would hire a consultant to determine where the floodplain is and then file a conditional letter of map revision. FEMA would then look at it and decide whether it is correct or not, and if it is, FEMA would issue a letter of map revision. However, FEMA does not initiate that. Ms. Runge noted that in discussion with a FEMA consultant we missed the window to do that.

Mr. Kapaloski noted that this ordinance would apply to an area that is not properly defined on the map. Mr. Guldner noted that the area is below Hellgate and the only thing zoned west of Hellgate is lot 9 in the Cottonwood Creek Subdivision. Friends of Alta has bought that land and it is open space protected. On the other side of the creek, Sugarplum is built out and everything else is dedicated open space. Mr. Guldner believes it would not have any impact.

Ms. Striefel noted that if there is no impacted property we probably do not need the insurance unless we need it for avalanches. Mr. Guldner reiterated that if we do not join the NFIP, FEMA would not give us money for anything else. Ms. Runge recalled that the Utah Floodplain Manager noted that there are many communities that do not have a floodplain that choose to participate in the NFIP, just in case.

Mr. Branch asked Ms. Lewis if counsel has reviewed the ordinance and asked Mr. Kapaloski if there are any water issues. Mr. Kapaloski noted that on first look, no. Ms. Lewis noted we could have a discussion about the effects of the ordinance on development in the Town. Ms. Lewis felt

that the reasons to approve it and its connection to disaster funding make it worthwhile to look at it seriously and move forward. Ms. Lewis suggested that the ordinance should be put on the agenda as a public hearing item so the Planning Commission could make a recommendation and move it on to the Town Council. Mr. Branch and Mr. Guldner agreed.

Ms. Striefel feels that if we have an ordinance about a floodplain we should know where the designated floodplain is and there are outside consultants that can determine these things.

Mr. Kapaloski noted that it does not seem as complicated as we are making it. We need to see if the definition of what the ordinance applies to makes sense.

Ms. Lewis asked if the ordinance was tied to FEMA's map. Ms. Runge replied yes. Ms. Lewis continued that even if we did our own analysis, this ordinance would still only be tied to FEMA's flood plain map. Ms. Runge noted that yes, unless FEMA allowed us to reference another map. Mr. Branch noted that many other communities have been going through the same thing, and they may have wisdom to share. Furthermore, can we avoid spending money on our own study?

Ms. Runge noted the map issue was something that the Town Council had discussed as well, and unfortunately, this is not as simple as we would like. Resolving the issue might not happen right away, but it might be something we work towards.

Mr. Guldner noted we have a deadline to get our foot in the door. Ms. Runge noted that we have six months since the temporary land use regulation was passed.

Mr. Branch noted that as we move forward, Ms. Runge could talk to Salt Lake County or other municipalities, and Ms. Lewis could review the ordinance.

4) DISCUSSION ON LAND USE APPLICATION ORDINANCE

Ms. Lewis noted this is part of the Town's continuing process to update its land use ordinances. Town staff and counsel thought it might be a good idea to enact a general land use application ordinance. The structure of this proposed ordinance would be:

1. Lay out different types of land use applications that might come to the Town Office (e.g. Conditional Use Permit, Variance, Planned Unit Developments, etc.)
2. Review the process necessary to determine whether the application is complete for the purpose of vesting
3. Once an application has been submitted, the amount of time the Town would give the applicant to come into compliance with the ordinances before approval/denial.

Ms. Degiorgio asked if this is something we do not have. Ms. Lewis remarked that this ordinance would be an umbrella that would refer to what is already in the Town Zoning Code. Ms. Degiorgio noted it would be all in one place so it is easy to find. Ms. Lewis stated that she would have a draft for the next meeting.

As an aside, Ms. Runge remarked that the Town staff has been working through a codification process and soon the ordinances will all be online and easily accessible.

5) DISCUSSION OF SUBDIVISION ORDINANCE

Mr. Guldner recalled the Subdivision Application Ordinance ("Application Ordinance") that was heavily frontloaded, which he believes is necessary in Alta. Mr. Guldner believes the Application Ordinance leaves us 90% finished, and now we have to fill in the blanks and get the rest of the way there. These blanks include timing elements, and requirements for different phases (i.e. different requirements at preliminary phase versus final phase).

Ms. Lewis reminded the Planning Commission that under state law, the subdivision application must be in compliance with all of state law and the Town's ordinances in order to be deemed complete. What we envision the Subdivision Substantive Approval Ordinance ("Approval Ordinance") to require is finalization of some of the elements that are in the Application Ordinance. An example of this would be in the Application Ordinance, the applicant would need to identify where they think the avalanche paths would be, but in the Approval Ordinance, they would need an expert would need to come in and confirm where the slide paths are. The Approval ordinance would have expert confirmations, final plats, and final boundary descriptions, and all of the more detailed aspects of the application.

Mr. Branch noted that with the Application Ordinance there is a fair amount of that already in place. The Planning Commission has talked about timing as it relates to the application, but there are other timing issues as well. Ms. Lewis noted the timing elements could be described in the Land Use Application Ordinance or the Approval Ordinance, but the Planning Commission or Town Council may consider putting a timing element for review in the ordinance. Ms. Lewis noted that there are communities who have timing aspects for their land use applications. Mr. Guldner described Salt Lake County timing aspects for land use applications.

Mr. Branch asked Mr. Guldner and Ms. Lewis to work on these issues for the next meeting and make any recommendations.

Ms. Degiorgio noted that the chart used to review the Patsey Marley subdivision application was very useful.

6) DATE OF NEXT MEETING

Ms. Lewis noted that the FEMA flood ordinance has a time constraint. Ms. Runge thought that if we discussed the FEMA Flood Ordinance again in January we would be okay and that would give staff time to wrap their heads around some of the bigger questions. It was decided to hold the next meeting in January. There was discussion about changing the meeting date for the Planning Commission. Ms. Runge volunteered to contact everyone to see what would work best.

Mr. Branch that the Planning Commission's transition from advisory to a governance organization has gone smoothly and expressed thanks to counsel and staff.

Ms. Degiorgio complimented Mr. Branch on doing a great job as chairman. Ms. Degiorgio feels we need keep the big picture in mind, and ask ourselves what this all may lead to. Mr. Branch noted that one of the things we will have to revisit is the Masterplan. Mr. Branch also suggested that a staff report would be helpful to keep us informed as to everything that is going on.

Ms. Degiorgio moved to adjourn the Planning Commission meeting. Ms. Striefel seconded the motion with all Planning Commission members that were present voting in the affirmative. The motion was carried.

These minutes were passed and approved on the twenty-first day of January, 2010.



Claire E. Runge
Assistant Town Administrator