

**MINUTES
ALTA TOWN COUNCIL MEETING
WORKSESSION
WEDNESDAY, MAY 28, 2008
1:00 PM
ALTA COMMUNITY CENTER
ALTA, UTAH**

The Mayor called the meeting to order. Four members of the Town Council were present at this work session with Paul Moxley absent. The Mayor announced that this was a work session to look at the revisions to our zoning ordinances that we were addressed and recommended by the Planning Commission during the moratorium. There will be a public hearing to receive comments on these ordinances on Tuesday, June 3, 2008 at 5:30 pm at the Alta community Center. The next work session after the public hearing will be the following Monday, June 9, 2008. There was discussion about changing the work session on the 9th of June. It will be held at 3:00 pm in the afternoon.

The Mayor reported that at the first work session on the proposed land use ordinances held in conjunction with our May 8, 2008 Council meeting, the Land Use Authority, Appeal Authority and Planning Commission ordinances were discussed and changes were recommended. At today's work session, the Council reviewed the three proposed ordinances with those modifications.

Land Use Authority:

The Mayor explained that when the moratorium was put in place, the Town Council appointed the Alta Planning Commission as the temporary Land Use Authority. This ordinance would formalize that appointment.

Kimberly Chytraus, legal counsel for the Town of Alta, highlighted some of the modifications to this ordinance. First, in the ordinance proposal, counsel had duplicated the language from State Code. In the modified version they deleted those references and just referred to State Code. As a result, if State Code changes, those changes will automatically occur in the Town's ordinances.

Other modifications showed up in **Section 2. (a)** which clarify that the Land Use Authority might not always be required to hold a public hearing but they will always have to hold a public meeting. Notification will be pursuant to State Code.

In **Section 7. Voting**, it was clarified that if there is a tie, the action does not pass and is not approved.

Also in **Section 4. Decision**, decisions of the Land Use Authority will become final when the decision is approved by a majority vote of the Land Use Authority. The vote would be the trigger if the appellant wishes to appeal the decision.

Cliff Curry asked if there is a definition of a Land Use Application. Kimberly mentioned that a definition will appear when the Council adopts a Subdivision Ordinance. He expanded on his question by asking why a Land Use Application does not refer to a Building Permit. He asked if it would be appropriate to have a definition page to help clarify these questions: land use application and town administration for example. It was suggested that we wait until Council formalizes all the ordinances to address questions regarding all definitions.

It was clarified that no member of the Town Council sitting as the Appeal Authority shall participate or comment at any Land Use Authority proceeding. That does not mean that they cannot sit in on those proceedings.

The next ordinance that was reviewed was the Planning Commission Ordinance.

Kimberly went over the changes to this ordinance for the Town Council. In **Section 1**, they added an approval in section one grandfathering the existing Planning Commission.

In **Section 2.**, counsel clarified the terms of the Planning Commission so the members of the Commission may continue to serve until their successors are appointed. At the Town Council's suggested, counsel took out the requirement that a member of the Planning Commission may not be a resident within the Town boundaries. There is no limit as to the number of terms a Commission member can serve.

In **Section 5**, clarification was made that "To the extent possible", that members of the Commission shall be appointed representing the different disciplines. There were no other questions on the modifications to this ordinance.

The Council reviewed the modifications to the Appeal Authority Ordinance.

Kimberly stated that they have added a sentence in this ordinance that repeals the current Board of Adjustment ordinance in **Section 1**. They Appeal Authority will be the Town Council.

Variations get decided by the Appeal Authority. In **Section 11.**, counsel clarified that the Appeal Authority may grant a variance only if the application for the variance is in compliance with the requirements of the Utah Code instead of listing the grounds in this ordinance.

Cliff pointed out that the term "town administration" appears again under **Section 6**. and should be defined. He also asked if was appropriate to tie down the time table which must be followed when submitting an appeal to the Appeal Authority. Kimberly agreed that they will address and clarify this process and time table.

The Mayor pointed out that a notice of a public meeting can be part of a regularly scheduled Town Council meeting.

Referring to Section 7, the Mayor wanted to know the reason behind leaving in only certain sections, (a) and (c) and removing the rest. Counsel felt these sections were worthy of being restated and also conditions that the Town would want regardless of State Code.

Ms. Chytraus questioned where these three ordinances fit within the current Town codes. Currently the Town calls its Land Use Ordinance a Zoning Ordinance. She recommended that the Town should consider changing the name to Land Use Ordinances. The three new ordinances could fit as separate chapters in that Land Use Ordinances.

John pointed out that the current Planning Commission ordinance is part of the Town's Municipal Code and not the Zoning Ordinances. The Board of Adjustment, which will now be the Appeal Authority, is currently part of the Zoning Ordinance.

Counsel recommended that a definition section, which will include all the updated and additions to this section, be placed in front of the new Land Use Ordinances. She also recommended that the Appeal Authority and Land Use Authority ordinances be added as separate chapters in the Land Use Ordinances.

The Planning Commission ordinance will be repealed in the regular code and then the new ordinances will be enacted in that same location.

Where there are inconsistencies in the current zoning ordinances such as the appearance of the Board of Adjustment, the new code, when approved, will reflect those corrections, modifications or deletions to the extent that is appropriate.

Mike Morey asked if penalties are specifically addressed in the zoning ordinance.

The Mayor announced that the Alta Planning Commission forwarded on to the Town Council amendments to Chapter 8-A, the Town of Alta's Base Facilities Ordinance and Off Street Parking Requirements.

The Mayor spoke to the Base Facility Ordinance recommendations first. The Planning Commission, in their final recommendation to the Town Council, recommended to longer allowing, as a conditional uses, condos and single family homes within the Base Facility Zone. They recommended that hotels and lodges be retained as a permitted use in this zone. In 1989, when the Base Facility's Zone was established, the purpose of the change was to allow increased density.

Kimberly Chytraus outlined some of the changes for the Town Council.

The original purpose of the Base Facilities zone was to allow hotels and there was a statement that said, to the extent that there is no conflict, the remainder of the FM10 zone shall apply. In essence the Base Facilities zone was an overlay zone. She explained that the recommendation in front of the Town Council from the Planning Commission was to

create a Base Facilities zone that was free standing. Therefore, they added a permitted use section to the Base Facilities zone. They also changed the way a guest room is defined: it is defined by square footage rather than trying to define what the use may be. This change was to try to incentivize additional sleeping areas while trying not to monitor how people are furnishing their living rooms.

The Planning Commission did not recommend any changes in the density requirements. With regard to the parking requirements found in the current Zoning Ordinances, the requirements for existing hotels and lodges have stayed the same: one parking space shall be provided for every eight rooms added to an existing project. For any new construction project there shall be provided one-half space for every guest room. The ordinance also states that projects have to add employee housing to the extent that the project adds guest rooms. Additional parking, one space per employee, for those additional employees is also required. To the extent that a project could not provide on sight parking required by code, the project could present a Parking Management Plan (PMP) that would explain how the project was going to park all guests and employee cars and keep everyone from clogging the road.

There was discussion about the 600 sq ft. designation of a guest room and how that effects what's currently in place in some of the existing lodges. If you have an existing 300 sq.ft. hotel room, you need two of those to equal one guest room under the proposed definition of a guest room. Under the density requirements as they currently exist in the ordinance, if you are allowed 33 room per net developable acre, you could have 66 guest rooms if they were each 300 sq.ft..

Kimberly reviewed the other changes in the ordinance. All of the other changes are pulled in from the FM 10 zone: i.e. lot size and yard requirements, height restrictions. As a result, the Town is not relying on the FM 10 underlying zone for the requirements anymore. The Base Facilities zone would be a free standing zone.

The big changes are use, guest room definition, codification of the parking requirements, an option of a Parking Management Plan, employee housing, and height restrictions.

Steve asked if we are making it unrealistic for a person to have a hotel in Alta with the parking requirements that the Commission recommended. We would also be requiring that the parking be on site which means that it would have to be above your hotel. He used the Snowpine as an example.

Kimberly explained difference between the parking requirements for an existing hotel that wants to add on and a new project. Katie Lewis also explained that if an existing or new hotel feels it cannot meet the parking requirements of this section in the BF zone, they may submit a Parking Management Plan recognizing that the hotels in Alta can't or do not want to build a parking structure. There is a conflict that arises between the requirement of the hotel to self park and space needed to meet that requirement.

The Mayor used the Rustler Lodge as an example. When his 85 rooms are all being used, on an average, he will have only 10 quest cars.

Kimberly went over the concept of the PMP recommended by the Planning Commission. This Plan provided an option for the hotel to either comply with the parking requirements, which did not change from the original BF zone requirements, or use this Plan to explain how the hotel plans address the parking requirements by, for example, providing other incentives and alternatives for the employees and guests and their cars. This would then leave space on the road for day skiers to park their cars. The Planning Commission is giving the developer an option to comply with the existing requirements or come up with an option to present to the Land Use Authority. It is an either/or situation and creates a collaborative process between the developer and the Land Use Authority.

There was some agreement that most of the live in employees in Alta do have cars and this does create an overnight parking problem.

Using the Snowpine as an example, if a developer torn down the Snowpine, the requirements for parking would be as follows: if they propose 30 guests room the code would require $\frac{1}{2}$ parking space per guest room or 15 parking spaces and 6 employee parking spaces for a total of 21 parking spaces. John emphasized that this requirement was in the original ordinance and has been in place for a long time. The Planning Commission is not changing the requirement. The town ordinance did not require any additional spaces for all the auxiliary uses such as the restaurant and bar.

John explained that the ordinance addressed add ons such as the Rustler did in the 90's but the ordinance never addressed the possibility of a total tear down and rebuild. The proposed ordinance addresses the later.

There was a question on density and what percentage a developer could cover in the FM zone and the FR zone. In the FR zone you can cover only 25% of the net developable acreage. In the FM zone, you may cover 25% of the site area or gross acreage.

Kimberly gave a history of the Planning Commission discussion regarding how they arrived at their final decision on the definition of a guest room.

Members of the Town Council talked about the size of an average hotel room in Alta and how to you define the actual hotel room: does the total square footage exempt the bathroom, hallway and closets thus the only area counted would be the sleeping area.

Cliff suggested that the concept of defining a guest room as "every 600 square feet of space..." might an interesting idea. If the Town Council went in this direction, he would recommend that we take out the language that mentioned "bathroom, closet and hallways" when defining a guest room. He feels that if we leave this in, we are begging for an argument, for example, on what is a hallway.

The question of counting the common areas in the hotels when you calculate density was discussed and it was suggested that those areas be excluded when calculating the density. Examples of common areas are the main kitchen, lobby, hallways and front desk area. It was also suggested that employee rooms should not be counted against you when determining your density.

Dave Richards liked the 600 sq. ft. definition because it allows the developer or owner to play around with their density and it gives them the opportunity to put in as many “hot” beds as they can.

Tom Pollard thought that in Alta, if you had 1200 sq ft, you could put three guest rooms in that space making each room, corner to corner, 400 sq .ft..

There was discussion about how to increase the density in the Base Facilities Zone which would allow more hot beds in the Town of Alta.

The Planning Commission did consider increasing the density issue in the BF Zone and counsel stated that the Town Council is free to discuss this issue. The Council is also free to make changes to the density requirements.

Cliff commented on the density issue and saw it as something that could be addressed in the study being conducted by the Town using the CDBG funds.

Even though the Commission wanted to address the density issue further, it felt it was important to create this as a stand alone ordinance and to address the uses and policy that they wanted to promote which was the Base Facilities zone should only allow hotels and commercial.

The Mayor commented that the CDBG study is an avenue for the Town to look at this issue and he does not feel comfortable recommending any changes in density without some more quantifiable information on this issue. He does like the fact that the Commission is recommending that this zone stand alone.

Counsel read the existing definition of a guest room which is located in the definition section of the code, for the Council. Counsel explained that amendments to Land Use Ordinances must be referred to the Planning Commission for their review and a public hearing before the Town Council may consider that change(s). If the ordinance has been through the Planning Commission process and is in front of the Town Council, the Council may change, amend it or adopt it as presented.

The Town Council’s options were reviewed regarding the definition of a guest room.

1. They could adopt the 600 sq. ft. definition or for that matter any square footage.
2. They could adopt the Base Facilities Zone ordinance using the existing definition of guest room.
3. They could adopt a modified definition of a guest room.

There was discussion by the Commission to define a guest room as every 600 sq. ft. no matter how many rooms that is or define it as a guest room is “up to” 600 sq. ft...

John reported when the Planning Commission original starting talking about the Base Facilities zone, they were discussing condos and condo/hotel in this zone. In a resort area every room is a potential guest room in the context of the original Base Facilities Zone. Now that the Commission recommended taking out condos and condo/hotels as a use in this zone, the 600 sq ft. concept makes more sense.

John also commented that there is potential for a lot more cars if we have more hotel rooms in the Base Facilities Zone. The Parking Management Plan is a safety value that allows the developer to present alternatives to the proposed increased parking requirement that would result from the additional guest and employee rooms.

The Mayor commented that he liked the concept of no residential in the Base Facilities Zone but questioned how we define guest room and the problem of parking related to this zone.

The Mayor reminded the public that written comments on these ordinances should be directed to John Guldner. The public may also may have an opportunity to comment at the public hearing on June 3, 2008.

After some discussion on the definition of guest room under Section 22-8A-3, it was decided that the following should be excluded from that definition: kitchen, bathroom, closet, hallway, or mechanical room. Common areas and employee rooms should also be excluded.

Dave was concerned about the placement of future community facilities such as a Community Center and recycling center and would those types of uses be permitted in the Base Facilities Zone. John reviewed the areas in the Town that are located within the Base Facilities Zone. The areas contemplated for community facilities are outside this zone and generally speaking, are on Forest Service land. These types of uses would be a conditional use under the FM and FR zones.

Cliff questioned how this amended Base Facilities zone addressed the existing residential uses such as the apartments at the Deep Powder House and the Photohaus. Kimberly stated that those uses are legal non-conforming uses under this zone and if, for example, they burned down, you could rebuild what was you had in place. It was also pointed out there are other permitted uses in the Base Facilities Zone such as retail, restaurants, and bars.

John gave the history of the purchase of the Forest Service land by the lodges in the 80's.

It was clarified that if a developer had 1200 sq. ft, that they could build three, 400 sq ft rooms or six 100 sq foot rooms in that space.

Kimberly clarified that the Planning Commission recommended that the parking requirements be consistent throughout the Zoning ordinances. Therefore they recommended that ½ space was adequate for new and rebuilt hotels and added that one space be provided for each live in tenant/employee. If an existing hotel adds guest rooms, one parking space shall be required for every eight guest rooms.

Under the definition of guest room as it relates to the parking requirements, it was clarified that only ½ parking space was required for each 600 sq. ft. in a new or rebuilt hotel. So if you put two 300 sq ft. guest rooms in that 600 sq ft space, only ½ parking space would be required for those two hotel rooms.

There was a final discussion regarding existing hotels and whether or not they could reconfigure the number of rooms in their hotel using the proposed new definition of a guest room. In other words if a hotel currently has 33, 600 sq ft hotel rooms, they could reduce the size of each room to 300 sq ft and double the number of rooms and not increase your requirements for parking: 66 guest rooms.

Hearing no further comments in this work session, there was a motion by Dave Richards to adjourn the meeting. Steve Gilman seconded this motion and it was carried.

The minutes of this work session were approved on this _____ day of _____, 2008.

Katherine S.W. Black, Town Clerk