

**Alta Planning Commission
Minutes
February 12, 2008**

The Alta Planning Commission held a meeting on February 12, 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, Jan Striefel, Rob Voye, and Jon Nepstad. 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. Members of the public present included Frank Perkins, Cyd Bruns, Mark Haik (with a Court Recorder), and Craig Call.

Alta Planning Commission Chair Skip Branch welcomed everyone to the Alta Planning Commission meeting, and expressed appreciation to have the two new Planning Commission members, Rob Voye and Jon Nepstad, present. Each Commission member, the Town staff, Town attorneys, and the Mayor introduced themselves and gave a brief summary of their professional backgrounds as well as history about their associations with the Town.

Discussion Regarding Suggested Amendments to Existing Town of Alta Uniform Zoning Ordinance

Ms. Chytraus described the package of information provided to Planning Commission members. Ms. Chytraus stated the need to prioritize what the Planning Commission feels is essential to pass during the moratorium period which expires in June, and make sure we focus on those ordinances first.

Ms. Chytraus stated that the proposed ordinances are not meant to be set in stone, rather meant to open a dialog as to how the Town of Alta wants to address these issues. Technical changes or drafting suggestions are probably better handled by calling or emailing Ms. Chytraus or Ms. Lewis directly in order to save time.

Discussion ensued regarding the differences between the role of the Planning Commission and the Land Use Authority. The Planning Commission is required under the Land Use Development and Management Act (LUDMA). The Town is required under LUDMA to have an ordinance establishing a Planning Commission. Under LUDMA, there are certain powers and duties of the Planning Commission. Ms. Chytraus then read from LUDMA some of those powers and duties of the Planning Commission. The Planning Commission would still take part in the legislative process in recommending new ordinances.

Ms. Chytraus further stated that under LUDMA, the Land Use Authority makes land use decisions, which is an administrative role pursuant to LUDMA. The Planning Commission will apply the ordinances enacted by the Town Council to land use

applications. The Land Use Authority can rest with any number of people, but the discussion so far has been to rest the Land Use Authority with the Planning Commission.

Further discussion ensued among Commissioners, staff, attorneys and the Mayor clarifying the roles of the Planning Commission and Land Use Authority, the process in which the Land Use Authority is appointed, and how legislation is recommended and adopted. The relationship and process associated with the Appeal Authority was also discussed.

Mr. Kapaloski commented that the proposed ordinances do a good job of taking the Town's existing ordinances and updating them to reflect the new statute.

Mr. Branch talked about revisiting the "Master Plan" (Town of Alta General Plan) in the context of proposed new ordinances, and asked Mr. Guldner and Ms. McIndoe to set up a meeting to take another look at the General Plan.

A discussion, started by Mr. Muir, ensued regarding the relationship between Town administrative staff and the Planning Commission and how the proposed ordinances address the administrative staff's review of applications for completeness prior to review by the Planning Commission.

Discussion, started by Mr. Kapaloski, ensued regarding the role of the Mayor. There can be no overlap of any member between the Land Use Authority and the Appeal Authority. If the temporary ordinances regarding the appointment of the Land Use Authority and the Appeal Authority become permanent, it would not be proper for the Mayor (as a part of the Appeal Authority) to take part in any decision of an application by the Land Use Authority. Mayor Pollard asked to define what it would mean to "take part" in a decision. Ms. Chytraus stated that it would be improper for Mayor Pollard to take part in a discussion that leads to a land use decision by the Land Use Authority in compliance with LUDMA. It was clarified that it would be okay for Mayor Pollard to attend a Land Use Authority meeting where a decision was being determined as long as he did not participate in the decision. It would also be okay for Mayor Pollard to participate in discussions with the Planning Commission on legislative issues, such as the preparation of ordinances. Mr. Muir asked whether the Mayor is participating in land use decisions somewhat through the administrative staff. Mr. Kapaloski replied that this brings up the broader issue of ethics. Ms. Chytraus stated that in a perfect world there would be enough people to fill all the necessary roles, but in a small town like Alta it is not possible and we are doing our best.

A question regarding the rights for appealing a land use decision was raised by Mr. Muir. Upon discussion it was determined that an appeal to a land use decision may be raised by those on the Town Council, the Mayor, or administrative staff.

Discussion Regarding Suggested New Land Use Ordinances

Ms. Chytraus encouraged the Planning Commission to discuss priorities to address new land use ordinances. The Condo-Hotel Ordinance should be a priority for enactment since the Town does not have one. A Planned Unit Development Ordinance should take priority. The Planning Commission and Appeal Authority and Subdivision Ordinances also take priority. We will need to look at the moderate income ordinances since we are not quite in line with LUDMA on those.

Mr. Guldner stated that the first priority is to clarify the Land Use Authority, the Planning Commission, the Appeal Authority, then the PUD and Subdivision ordinances. Most of the zoning ordinances are probably okay.

A new Planning Commission meeting schedule was discussed and agreed upon:

March 4, 2008 2 PM: a joint meeting with Town Council at the Alta Community Center

March 17, 2008 at 6:30 PM: a public hearing at the Alta Community Center 6:30 pm

April 1, 2008 at 12 PM: at the Market Street Grill at 2985 East Cottonwood Parkway(6580 South), Salt Lake City

Mr. Kapaloski would like a flow chart regarding how the Planning Commission, the Land Use Authority, the Appeal Authority, technical review, etc... interact. Ms. Lewis stated that she has attempted to codify how this process works.

Mr. Branch asked about the role of the Board of Adjustment. Ms. Chytraus stated that LUDMA does not require a Board of Adjustment, but it can be discussed.

Mr. Guldner asked the Planning Commissioners to consider whether there is agreement that the Planning Commission take the role as the Land Use Authority, and whether they agree that the Town Council would be the Appeal Authority.

Mr. Kapaloski wondered where the General Plan fits into this process; is the General Plan still in effect until amended? Upon discussion it does not appear that the General Plan is significantly affected by LUDMA, and the Town will address whether there are deficiencies. Ms. DeGiorgio stated that readdressing the General Plan would be a large project, and it would make more sense to look at it after the Town has addressed the ordinances. Ms. Lewis stated that the General Plan is not in bad shape and the main gap in the General Plan is the discussion on Moderate Income Housing.

Ms. Striefel asked whether the Town will still consider having conditional uses in the ordinances. Ms. Chytraus indicated that there are no changes proposed to how the existing ordinances deal with conditional uses.

Ms. Striefel also wondered about the geographic area possibly covered by a proposed watershed overlay zone. Discussion also ensued about whether the Salt Lake Valley

Health Department regulations concerning watershed were considered in the proposed watershed overlay zone, and whether there are unique aspects about the Town that are not considered in the Health Department regulations.

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

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

Jon Nepstad, aye
Rob Voye, aye
Prescott Muir, aye
Lee Kapaloski, aye
Joan DeGiorgio, 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 2:00 pm. Those present at this meeting included Alta Planning Commissioners Skip Branch, Joan DeGiorgio, Prescott Muir, Jan Striefel, Jon Nepstad, Rob Voye, and Lee Kapaloski. Mayor Pollard was also present, as were Town of Alta attorneys Kimberly Chytraus and Katie Lewis, and Town of Alta staff members John Guldner and Laura McIndoe. Mr. Branch left the meeting early at approximately 2:40 PM.

Hearing no more business before the Planning Commission, Ms. DeGiorgio moved to adjourn the meeting, with a second by Mr. Muir, with each Commissioner voting in the affirmative. The meeting was adjourned at approximately 3:15 PM.

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

Laura J. McIndoe
Assistant Town Administrator