

MEETING MINUTES
ALTA PLANNING COMMISSION MEETING
Wednesday, November 28th, 2023, 3:00 PM
Alta Community Center, 10351 E. Highway 210, Alta, Utah

PRESENT: John Nepstad, Chair
Jeff Niermeyer, Vice-Chair
Rob Voyer
Dave Abraham
Maren Askins
Roger Bourke, Town of Alta Mayor (ex-officio)

STAFF PRESENT: Chris Cawley, Interim Town Manager
Jen Clancy, Town Clerk
John Guldner, Cottonwood Lands Advisory
Polly McLean, Town Attorney

OTHERS:

1. INTRODUCTION AND WELCOME FROM THE CHAIR

Planning Commission Chair Jon Nepstad opened the meeting at 3:05 PM.

2. APPROVAL OF MINUTES FROM THE OCTOBER 24, 2023 MEETING

Planning Commission Member Jeff Niermeyer introduced a motion to approve the minutes from the October 24, 2023 Alta Planning Commission Meeting. Planning Commission Member Rob Voyer seconded the motion, and the motion was passed with unanimous consent of the commission.

3. Annual training on the Utah Open and Public Meetings Act

Polly McLean, Town Attorney walked the commission through the annual 30-minute training and answered specific questions from commission members on the application of the Open & Public Meetings Act and how the rules govern town business conducted by commission members.

4. Discussion of 2024 planning commission priorities and future projects

Chair Jon Nepstad wanted the group to identify topics to tackle in 2024. Jon asked that they use this opportunity to only discuss topics and not use the time in this meeting to discuss the issues in detail.

- a. General Plan Review: Dave Abraham suggested that the Commission look at the General Plan again, especially around transportation concerns. There had been some discussion in the past regarding the designation of a transportation hub in

the town to better facilitate bus services. He also believed the commission should review parking options including the possibility of free parking for access to the town and that the Commission should review the recent UDOT EIS.

- b. UDOT Right of Way Assessment: Jon Nepstad- stated that one topic he would like to have considered in 2024 is a presentation by UDOT on the status of a project to perfect a right of way for SR 210. John Guldner described the history of the SR 210 right-of-way, which is essentially that a ROW has never been fully perfected by UDOT. John added that Alta Ski Area manages over 90 percent of the parking in Alta under their special use permit with Alta Ski Area. The paid reserved parking had several challenges. Chris Cawley agreed to ask UDOT to make a presentation on the SR210 right of way update.
- c. UTA Services: Rob Voyer asked about UTA going from Goldminers's Daughter to the Albion Base parking lot. Mayor Bourke stated that the 953 on Wasatch Blvd. is no longer running. Currently there is only one route now only stopping at Snowbird and GMD lot.
- d. Shallow Shaft: Jon Nepstad asked if the commission would like to discuss possible solutions/options regarding the Shallow Shaft restaurant, its 3-year vacancy, and possible economic development issues.
- e. Ski Around: Jon Nepstad mentioned that he would like to host a ski around with the commission at some point this season, possibly in April.
- f. Parking Discussion: Jon Nepstad would like to get an update to the Commission at some point on the parking reservation system and ratios that we are currently using.
- g. Alta Subdivision Ordinance Update: Jon Nepstad asked about potential future grants that could be used to pay for an update of the Alta subdivision ordinance in 2024. The state is providing funding for each municipality in the way of technical support. This project will need to be scheduled through the planning commission. Chris Cawley stated that he did not believe this would be a large project.
- h. Employee Housing: John Guldner brought up the ongoing employee housing issue in the town as a possible future discussion item. Specifically, around challenges with the caretaker ordinance. There was an amendment to the ordinance that allowed the owner to use the caretaker unit under certain circumstances which makes the unit a de facto duplex. A new state law allows accessory dwelling units, and this ordinance reflects state law, but it undermines the town's stated interest in preserving and developing new employee housing.

5. DATE OF NEXT MEETING

Jon Nepstad asked if there were any problems in keeping this ongoing meeting next for the 4th Tuesday of the month going forward and other commission members agreed that this time worked best. This sets the next planning commission meeting for January 23, 2024. The chair requested that the next meeting be held in-person.

6. MOTION TO ADJOURN

Planning Commission Member Rob Voyer moved to adjourn the meeting. Planning Commission Member Jeff Niermeyer seconded the motion, and the motion was carried with unanimous consent of the commission.

Minutes Approved on February 27, 2024

Chris Cawley, Town Manager



2024 Alta Planning Commission Meeting Schedule

The Alta Planning Commission conducts hybrid meetings on the fourth Wednesday of each month at 3:00 PM with an anchor location at the Alta Community Center/Library in Alta, Utah. Information about viewing meetings remotely is available on the Town of Alta website at <https://townofalta.com/town-government/planning-commission/agendas-minutes/>. If a holiday takes place on the fourth Wednesday of a given month, the meeting will be held on the third Wednesday of the month. If there is no business before the planning commission, there will be no meeting.

January 24th

February 27th

March 27th

April 24th

May 22nd

June 26th

July 17th – *adjusted for Pioneer Day*

August 28th

September 25th

October 23rd

November 20th – *adjusted for Thanksgiving Day*

December 18th – *adjusted for Christmas Day*

Reasonable accommodations (including auxiliary communicative aids and services) for individuals with disabilities may be provided upon receipt of a request with three (3) working days' notice. For assistance, please call the Town Office at 801-363-5105. Requests for additional information on this schedule should be directed to Chris Cawley at ccawley@townofalta.com.

CHAPTER 4 PLANNING COMMISSION

SECTION:

10-4-1: Purpose

10-4-2: Created; Membership; Appointment

10-4-3: Terms, Eligibility Of Members

10-4-4: Mayor As Ex Officio Member

10-4-5: Chairperson

10-4-6: Authority Of Planning Commission

10-4-7: Staff And Technical Assistance

10-4-8: Recommendation Process

10-4-9: Meetings; Minutes

10-4-10: Quorum Requirement

10-4-11: Voting

10-4-12: Decisions

10-4-13: Grounds For Removal

10-4-1: PURPOSE:

A. The planning commission shall serve as a nonpolitical, long range planning body for the town. The planning commission shall make recommendations to the town council for the general plan and amendments to the general plan, and land use ordinances, zoning maps, official maps and amendments thereto.

B. The planning commission shall serve as any other body within the town based on such other powers as the town council confers upon the planning commission. (Ord. 2008-O-2, 6-12-2008)

10-4-2: CREATED; MEMBERSHIP; APPOINTMENT:

A. Specified: There is hereby created a planning commission, to consist of five (5) members. Members shall be appointed by the mayor, with the advice and consent of the town council. Alternate members may also be appointed, which the mayor may appoint with the advice and consent of the town council.

The mayor shall, with the advice and consent of the town council, appoint a new planning commission member, or reappoint an incumbent Member, to fill a position on the planning commission that has expired. The Mayor shall appoint a new Planning Commission member, with the advice and consent of the town council, to fill vacancies that might arise and such appointments shall be to the end of the vacating member's term.

B. Community Representation: To the extent possible, appointments to the planning commission shall be made on a basis which represents the interests of residents of the town, and, in the event that they are available, should include at least one member representing the business community, one member representing the environmental community, one member representing the architecture/building community, one member representing the planning community, and one member who is an at large representative. (Ord. 2008-0-2, 6-12-2008; amd. Ord. 2014-0-4, 12-11-2014; Ord. 2022-0-7, 12-14-2022)

10-4-3: TERMS, ELIGIBILITY OF MEMBERS:

Terms: Members of the planning commission shall serve terms of five (5) years. There is no limitation on the length of time a member may to serve if they are reappointed. Terms shall be staggered with one seat expiring each year and shall expire on March 1 of the respective year. Members shall continue to serve until their successors are appointed.

In the event that the expiration of planning commissioners' terms are not staggered, the mayor may appoint members for a term shorter than five (5) years to ensure the staggered expiration of terms. (Ord. 2008-0-2, 6-12-2008; amd. Ord. 2022-0-7, 12-14-2022)

10-4-4: MAYOR AS EX OFFICIO MEMBER:

So long as the planning commission is acting as the long range planning body for the town and is not acting as the land use authority for the town, the mayor shall be an ex officio member of the planning commission, and may participate in and comment at planning commission meetings. The mayor shall not vote on any matter before the planning commission. (Ord. 2008-0-2, 6-12-2008)

10-4-5: CHAIRPERSON:

The planning commission shall, during or before the first meeting of the year, elect a chairperson who shall serve a term of five (5) years and may be reelected for one succeeding consecutive term of five (5) years. A member may not serve more than two (2) consecutive terms as chairperson of the planning commission. The chairperson may participate in discussions and may vote on all issues. (Ord. 2008-0-2, 6-12-2008)

10-4-6: AUTHORITY OF PLANNING COMMISSION:

The planning commission shall have all authority conferred on the planning commission pursuant to Utah Code Annotated section 10-9a-302, as amended and supplemented from time to time, and such other powers as are conferred on it by the town council. (Ord. 2008-0-2, 6-12-2008)

10-4-7: STAFF AND TECHNICAL ASSISTANCE:

The town administration shall assist and coordinate with the planning commission with technical matters. In order to further assist the planning commission in carrying out its duties, the planning commission may request the assistance of technical experts and/or employees and agents of the town, including, but not limited to, engineering, public works, applicable utility agencies, school district, unified fire authority officials, town marshal, building official, state department of transportation, town legal counsel, and "affected entities", as defined by Utah Code Annotated section 10-9a-103(1), as amended and supplemented from time to time. (Ord. 2008-0-2, 6-12-2008; amd. Ord. 2023-0-2, 4-12-2023)

10-4-8: RECOMMENDATION PROCESS:

A. Public Hearing: After completing its recommendation for a proposed general plan, a proposed land use ordinance or related maps, or amendment to the same, the planning commission shall schedule and hold at least one public hearing on such matters. The planning commission may hold more than one public hearing on such matters, in its discretion or as otherwise required by Utah Code Annotated.

B. Notice Of Public Hearing: The planning commission shall provide notice of the public hearing as required by Utah Code Annotated.

C. Authority: After the public hearing, the planning commission may modify the proposed general plan, land use ordinance and related maps, and the amendment to the same.

D. Recommendations To Town Council: The planning commission shall forward its recommendations for the respective proposed general plan, land use ordinance and related maps, and amendment to the same, to the town council, which shall make the final decision regarding the adoption or enactment of the general plan, land use ordinance and related maps, and amendments to the same. (Ord. 2008-0-2, 6-12-2008)

10-4-9: MEETINGS; MINUTES:

The planning commission shall keep official, written minutes of all its meetings in compliance with Utah Code Annotated, and such minutes shall be stored with the town clerk. All meetings shall comply with Utah Code Annotated title 52, chapter 4 (open and public meetings), as amended. (Ord. 2008-0-2, 6-12-2008)

10-4-10: QUORUM REQUIREMENT:

The planning commission shall not conduct any business at a meeting unless a quorum is present. A quorum shall consist of three (3) of the appointed members of the commission. (Ord. 2014-O-4, 12-11-2014)

10-4-11: VOTING:

Actions of the planning commission pass by a vote in the affirmative of three (3) members. (Ord. 2014-O-4, 12-11-2014)

10-4-12: DECISIONS:

All decisions and all findings for the decision of the planning commission shall be included and incorporated in the minutes. (Ord. 2008-O-2, 6-12-2008; amd. Ord. 2022-O-7, 12-14-2022)

10-4-13: GROUNDS FOR REMOVAL:

Any planning commission member who is absent from three (3) consecutive regularly scheduled meetings, or a total of five (5) regularly scheduled meetings per calendar year, or who violates ethical standards under Utah Code Annotated, or who engages in improper or illegal conduct, may be called before the town council and asked to resign or be removed for cause by the town council. (Ord. 2008-O-2, 6-12-2008)



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#CITIESWORK



UTAH LEAGUE OF
CITIES AND TOWNS



PLANNING COMMISSION

FEBRUARY 27, 2024

ALTA TOWN

A photograph of a hand touching a fern leaf in a forest, with blue geometric overlays. The image is partially covered by a large blue rectangle on the top left and a vertical blue bar on the right side.

TODAY'S AGENDA 40 MINUTES!

- 1. INTENT , PURPOSE , VALUE OF PLANNING COMMISSION**
- 2. GUARDRAILS ON YOUR REVIEW PROCESS**
- 3. HOW TO MAKE A RECOMMENDATION THAT FITS IN THE LAW**
- 4. MEETING PROCEDURES /STAFF**
- 5. RESOURCES, Q&A**

TAKEAWAYS TODAY

Know the
rules



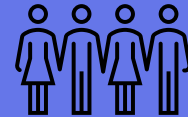
Set the
procedures



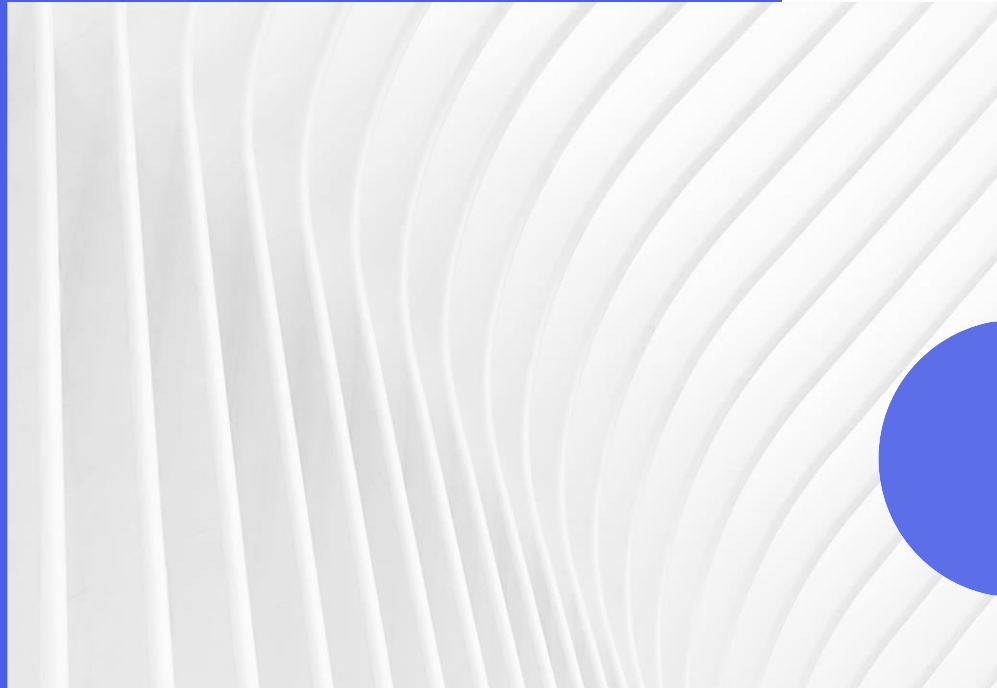
Give Value



Work
Together
for Whole



PLANNING COMMISSION



Why?

Value Added

Role and Purpose

3 main jobs under the State Code

What jobs are assigned under Alta Code?

YOUR JOBS & THE STATE LAW

“LUDMA” TITLE 10 – 9A



#1 Zoning code amendments

Making new law

Subjective

Emotions ok

#2 General Plan Amendments

Setting a practical vision for the future

2 required elements Land Use & Transportation & Circulation

#3 Recommend Process to City Council on Appeal Authority and Land Use Authority

The who does what.....

December 31, 2024
Subdivision Approval Process (SB174)
ulct.org/advocacy/subdivision

New LUDMA Section 604.1 -Process for subdivision review and approval

- Designate “administrative land use authority”.
- Can be Planning or staff for preliminary review.
- Applicant may request pre-application meeting.
Cannot be mandated.
- A Land Use Authority may complete preliminary plat review by staff, or in public meeting.
- Final application cannot be reviewed by Council or Planning Commission.



TO RECOMMEND

verb

a: to present (something) as worthy of acceptance or trial

This brand was highly *recommended*.

2: to suggest (an act or course of action) as advisable

I recommend that you avoid the downtown during rush hour.

We highly/strongly *recommend* that you update your operating system.

Follow-up treatment is *recommended*.



Using the State code
and Alta Code as your
bumpers

**WHAT POWERS DOES THE ALTA CODE GRANT
THE PLANNING COMMISSION IN TITLE 10?**

ANY FINAL ACTION ITEMS?

WHAT DO YOU DO MOST BESIDES LAWSUITS?



Title 10 of Alta Code & web site

The Planning Commission also serves as the Land Use Authority for the Town of Alta. They will hear, review and act on all land use applications, and shall be the final decision-maker on such applications.

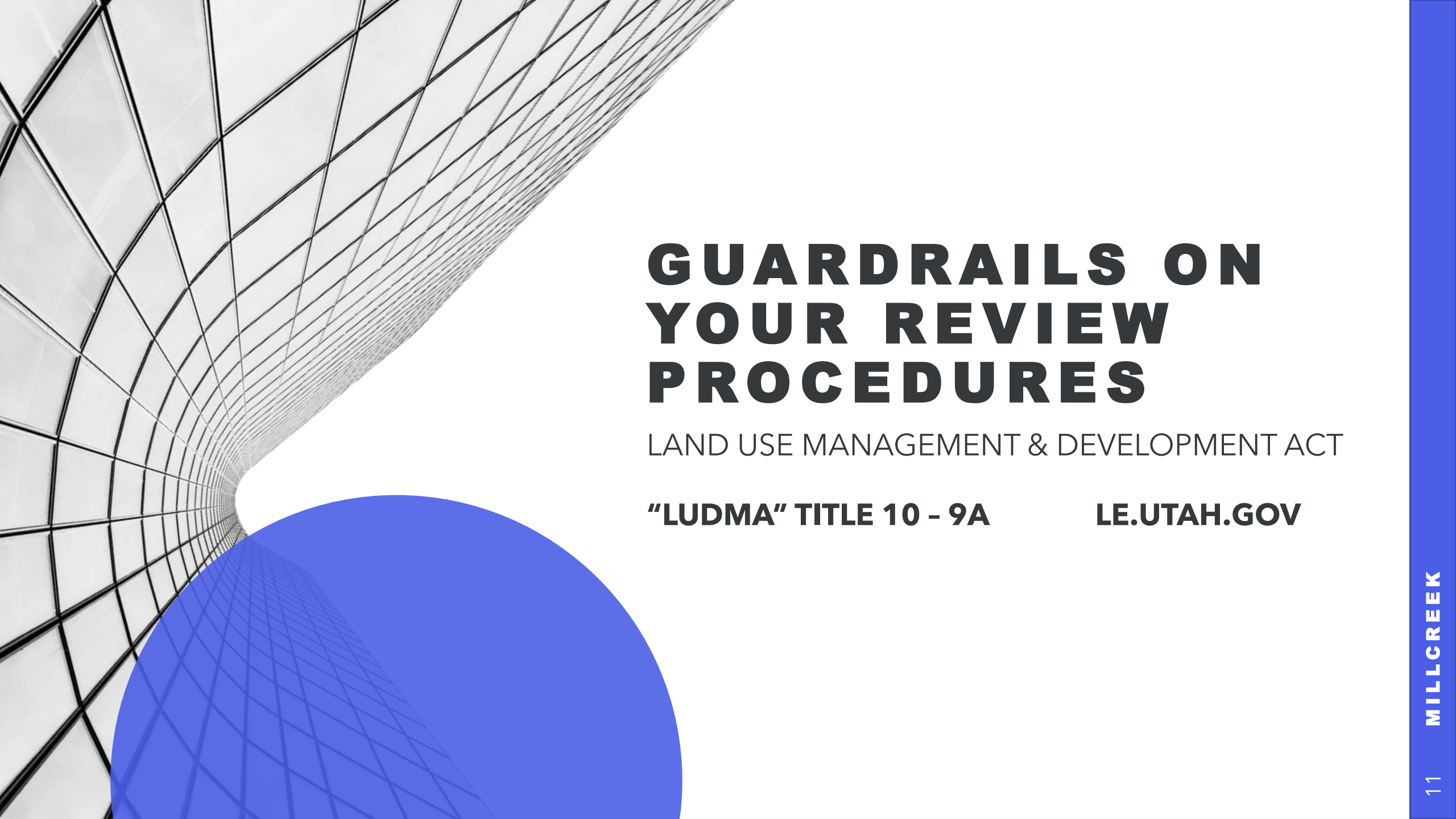
<u>Type of Review</u>	<u>Planning Department</u>	<u>Planning Commission</u>	<u>City Council</u>	<u>Appeal Authority</u>	<u>Meeting Type</u>
<u>Land Use Permits (SFDs, accessory buildings, etc.)</u>	<u>D</u>			<u>AA</u>	<u>NA</u> <u>If appealed, hearing type determined by Appeal Authority</u>
<u>Permitted Use and any amendments (Site Plan Required)</u>	<u>D</u>			<u>AA</u>	<u>NA</u> <u>If appealed, hearing type is determined by Appeal Authority</u>
<u>Conditional Use Permits and major CU amendments (Site Plan Required)</u>	<u>R</u>	<u>D</u>		<u>AA</u>	<u>Public Meeting</u> <u>If appealed, hearing type is determined by Appeal Authority</u>
<u>Conditional Use Minor Amendment</u>	<u>D</u>				<u>NA</u>
<u>Boundary Line Adjustment</u> ^[1]	<u>D</u>				<u>NA</u>

10-14-8 ALTA

Town Manager's Role: The land use authority may seek the direction, review, analysis of whether the land use application complies with the town's ordinances and general plan, and/or recommendation as to whether the land use application should be approved or denied from the town manager.

A. Approval Or Denial: Within **one year** after receiving the complete land use application from the town manager, and after review of the land use application at one or more public meetings, the land use authority shall approve or deny the land use application. The land use authority shall only approve those land use applications which:

1. Are in accordance with the intent, standards, and criteria specified in the town's general plan and ordinances;
2. Create no financial hardship on the town; and
3. Create no environmental consequence that will adversely impact adjacent properties and the health, safety, or welfare of the inhabitants of the town when weighed against the positive impacts of such development.



GUARDRAILS ON YOUR REVIEW PROCEDURES

LAND USE MANAGEMENT & DEVELOPMENT ACT

"LUDMA" TITLE 10 - 9A

LE.UTAH.GOV

LAND USE LANES	LEGISLATIVE	ADMINISTRATIVE	QUASI- JUDICIAL
Characteristics	Very Broad Authority <u>Broad Public Input</u>	Much More Restrictive <u>Limited or no public input</u>	Very Restricted <u>Input restricted to parties in case</u>
	- Creates new law - Allows for citizen input as basis of decision - Based on vision and goal setting - Use of judgment	- Enforces the current law and makes reference to it in a decision - Bound by the law rather than public opinion - Does not create or “bend” the law - The application of the law to a specific situation	- Based on established state law - Looks for errors made in the process - Not a judgmental decision - Public input for information only
Responsible Body	<u>Land Use Authority (ies)</u> - Planning Commission* - City Council/Town Board *Acts as an advisory board to the legislative body	<u>Land Use Authority (ies)</u> - Planning Commission - City Council - Staff - Appeal Authority	<u>Appeal Authorities/Courts</u>
Types Of Land Use Actions			

MAKING YOUR RECOMMENDATIONS HAVE VALUE WITHIN LUDMA

Land Use Authorities (PC &CC) Have Little Administrative Discretion: Land Use Authority is bound by the terms and standards of applicable land use ordinances and shall comply with the provisions of those ordinances.

Must abide by it: Land use authority is bound by the terms and standards of applicable land use ordinances and shall comply with the provisions of those ordinances.

Unlimited Property Rights Can Be Restricted Only With Plain Regulations: Individuals are free to use private property as they wish, unless validly enacted land use laws plainly restrict their use.

LEGISLATIVE BODY DISCRETION

[illegible]

Legislative

Administrative

Quasi-Judicial

**ADOPTING ORDINANCES/
GENERAL PLAN/
REZONES/ANNEXATION/
DEVELOPMENT
AGREEMENTS**

CONDITIONAL USES/SITE PLANS SUBDIVISIONS BUILDING PERMITS

VARIANCES /APPEALS

THE APPLICANTS “RIGHTS”/EXPECTATIONS

NOTHING TO "COUNT ON" >>> EVERYTHING TO RELY ON.....

TIE GOES TO THE RUNNER



“A land use authority shall apply the plain language of land use regulations.

If a land use regulation does not plainly restrict a land use application, the land use authority shall interpret and apply the land use regulation to favor the land use application.”



MEETING PROCEDURES

- **Update Bylaws reflecting the Rules & Procedures on how you run a meeting, conduct public hearings and administer due process of applicant's rights and how to keep constructive open dialogue.**
"The public sector trades efficiency for transparency"
- **You do not need to choose Roberts Rules of Order but if you do you need to follow it consistently**
- **Suggested alternatives on Luau.Utah.gov website**

ITEMS TO INCLUDE



Officers - what, how selected, duties

Meetings - when and where, noticing, quorum

Agendas - staff role, designation of items, order, changing order

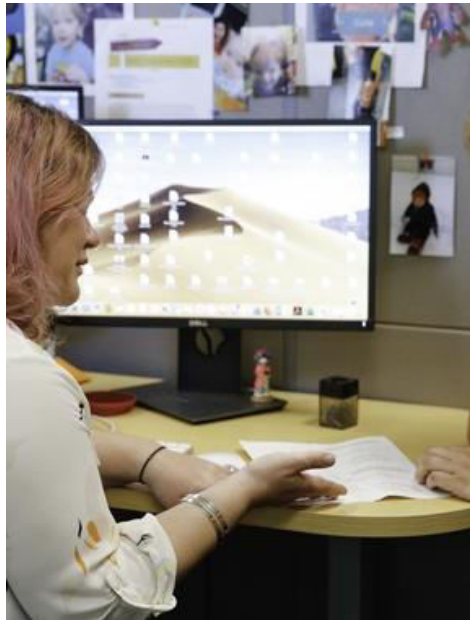
Public Hearings - rules of procedure

Actions - motions, rules, voting

Decisions - legislative, administrative, findings, announcement

Bylaw amendments - process

WHAT IS THE ROLE OF STAFF



Advisor?



Dictator?



Messenger?



Professionals!

STAFF IS THE PROFESSIONAL RESOURCE

Legislative

What is the staff role in legislative item preparation?

One word - **ADVISORY**

Administrative

Some applications can be complex. Do you have the time or expertise to take the application and look it over, and determine if it meets the City and State rules? That's what the City hired staff for. They can perform all that work, reviewing the proposals submitted for their adherence to Alta's rules. They are professionals.

**UTAH CODE 10-9A-302.
PLANNING COMMISSION POWERS AND DUTIES --
TRAINING REQUIREMENTS.**

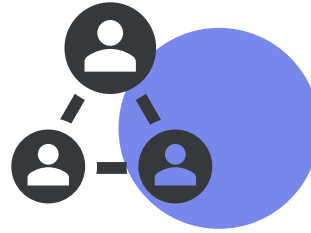


HOW WE GET THERE



Land Use Academy of
Utah
luau.utah.gov

American Planning
Association Utah
Chapter
apautah.org



Utah Land Use Institute
utahlanduse.org

Envision Utah Quality
Communities
envisionutah.org



OFFICE OF PROPERTY
RIGHTS OMBUDSMAN
propertyrights.utah.gov

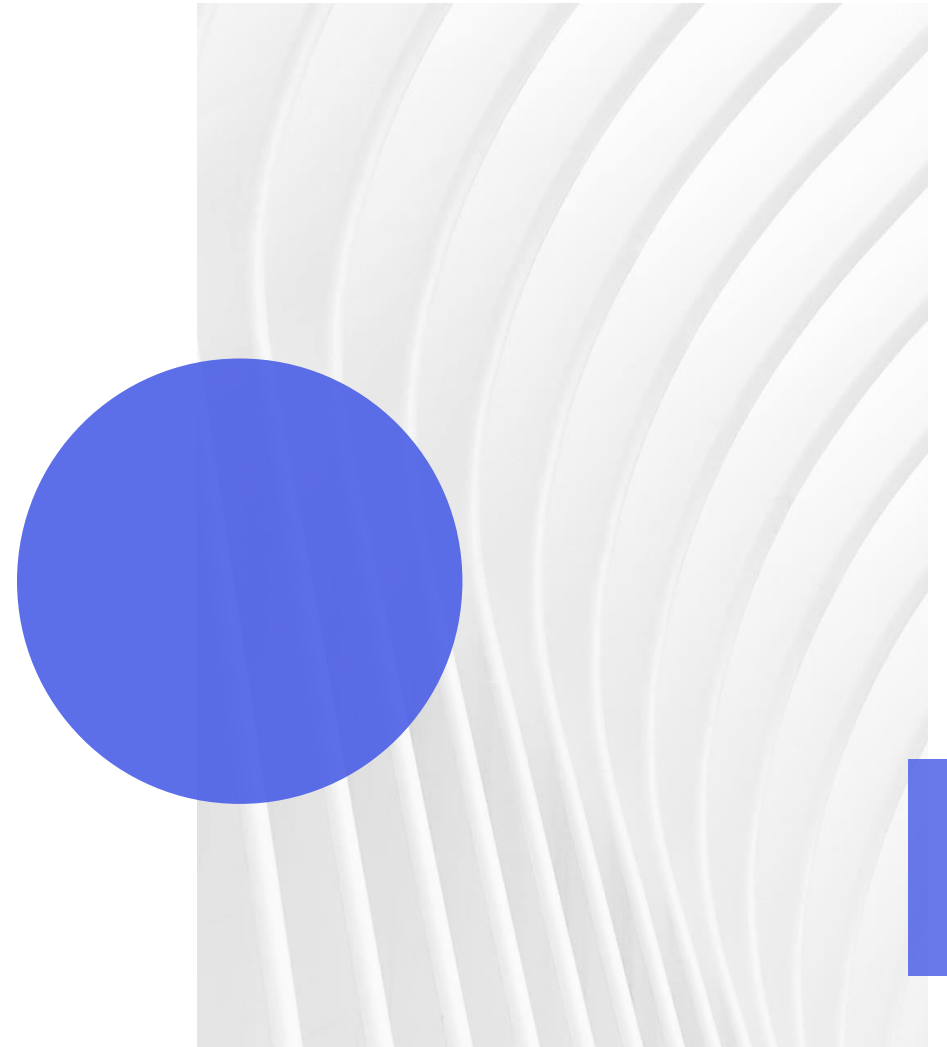
PARTING THOUGHTS

What you do can be helpful to the public process

**If you know the rules you can help the final
outcome of the process**

**Thank you for caring for all in your community and
for your staff!**

**Thanks to John and Chris for their years of service
and hair loss😊**



Questions?

