MEETING MINUTES
ALTA PLANNING COMMISSION MEETING
Wednesday, February 26, 2025, 3:00 PM
Alta Community Center, 10351 E. Highway 210, Alta, Utah

ALTA PLANNING COMMISSION MEETING – 3:00 PM

PRESENT: Jon Nepstad, Chair
Jeff Niermeyer, Vice-Chair
Rob Voye
David Abraham
Maren Askins
Roger Bourke, Town of Alta Mayor

STAFF PRESENT: Chris Cawley, Town Manager
Molly Austin, Assistant Town Manager
Polly McLean, Town Attorney

ALSO PRESENT: John Guldner, Cottonwood Lands Advisory

NOT PRESENT:

1. INTRODUCTION AND WELCOME FROM THE CHAIR

Planning Commission Chair Jon Nepstad opened the February 26, 2025 meeting at 3:00 PM.

2. PUBLIC COMMENT

No public comments received.

3. APPROVAL OF MINUTES FROM THE JANUARY 22, 2025, MEETING

Jeff Niermeyer moved to approve the minutes from the January 22, 2025 meeting. Maren Askins seconded. All in favor and minutes approved.

4. PRESENTATION AND DISCUSSION: SHRONTZ ESTATE PROPOSAL to DEVELOP a CONDOMINIUM PROJECT on PATSEY MARLEY HILL PROPERTY

Jon Nepstad introduced this agenda item as a continuation of the conversation of the Estate's proposal to develop a condominium project as an alternative to a 10-lot residential subdivision.

Jeff Niermeyer questioned whether a formal application was up for consideration at this time. Polly Mclean noted that this conversation is considered a work session and no formal action is being taken regarding an application. Wade Budge offered to revisit this question later in the meeting.

Doug Ogilvy introduced himself as representing the Shrontz Estate on the Patsey Marley parcel. He summarized that the question before the Planning Commission is whether they are in favor of building a10-lot subdivision to include expansion and paving of a portion of the Albion Basin Summer Road, as approved in a 2014 settlement agreement, (*"Development Concept A"*) or the recently proposed concept of one larger condominium building on the southeast corner of the property with a proposed alternative paved access road running parallel (to the west, or downslope, of the summer road) accompanied with a 20-acre conservation easement (*"Development Concept B"*).

Doug noted that after the site visit to the property last month, he noticed that the building renderings showing height and massing compared to the surrounding treetops was inaccurate, and the Estate updated their renderings for accuracy. Doug also stated that another outstanding question from the previous meeting was about water usage, and that they invited a representative from Aqua Engineering to speak on that topic later this evening.

Jon Nepstad asked that the Estate discuss their proposal to access the project. Doug Ogilvy responded by saying that the approved access plan with Development Concept A is shared access along the Albion Basin Summer Road with a parking structure and the alternative proposed in Development Concept B is to build a new access road to run parallel to the Summer Road, thus maintaining the Summer Road as it is in its current form and usage. Doug said he believes both the Estate and the Town prefer this new alternative.

Jeff Niermeyer asked Doug Ogilvy if the estate has approached the USFS about the alternative access route proposed in Development Concept B. Doug stated that they have not engaged with the Forest Service yet on that topic.

Maren Askins asked if Alta Ski Area is in favor of the new road. Doug stated that they haven't gotten into the details of that yet with representatives from Alta Ski Area, but that working closely with them is paramount regardless of which alternative is considered.

Jon Nepstad noted that this new alternative has a greater impact and disturbance in the area and asked why this is the preference. Doug Ogilvy stated that there are some trade-offs, notably that this alternative will provide two roads to accommodate different user groups vs. having all users share one road. Chris Cawley clarified that without the new driveway, there would still be significant disturbance in the area with the widening and extending of the Summer Road.

Jeff Niermeyer asked about the location and access to the public restrooms. Doug noted that after discussion at the last meeting, he understood it to be the Town's preference to keep public restrooms as a separate out-building located closer to the winter access gate.

Polly asked how the current Summer Road would be impacted with Development Concept A. Doug Ogilvy reported that the Summer Road would be widened to 34' for the majority of the road and 46' wide at the entry based on the current approval.

Doug Ogilvy introduced Dan Woodbury from Aqua Engineering to discuss water usage. Mr. Woodbury noted that the Estate established a cap of 8,000 gallons of water usage per day. He continued that the number of units in Development Concept B (estimated at 34 total units) would put that State requirement out of reach (assuming 400 gallons per unit per day), so they have approached the State to request a reduction as State code allows on a case-by-case basis. Mr. Woodbury continued that they gathered data from similar developments in the Deer Valley area to use for comparison. He further noted that the request is for 250 gallons a day, which is significantly higher than the samples they are using for comparison. He continued to make the distinction that the units proposed in Development Concept B would have no outdoor usage (such as irrigation) further reducing the need.

Jeff Niermeyer asked how the square footage of the proposed units compares to the ones they are using as comparable in Deer Valley, to ensure that we are conducting an "apples to apples" comparison. Mr. Woodbury stated that they are factoring in square footage in their comparisons and reiterated that discrepancy in outdoor water usage. Jeff then asked about the time period they are using to measure – whether it was day, peak month, year, etc. Mr. Woodbury noted that they are collecting data for 36 months. Jeff described that per state code, there must be an enforceable mechanism to ensure the monthly cap is not exceeded, which he opined could be a challenge during peak visitor months like the holidays.

Jon Nepstad asked the Estate provide the commission with the data Mr. Woodbury described for the comparable developments. Mr. Woodbury noted that they are currently evaluating 4 other properties and are looking to add a few more, including some in Little Cottonwood Canyon.

Maren Askins asked about how the additional communal facilities (like food and beverage outlets) are being factored into the water usage calculations. Mr. Woodbury noted that would be factored in when considering the total number of connections in the development. Jon Nepstad inquired about the anticipated timing to submit a report to the State and Mr. Woobdury stated they expected to have it ready in 3-4 weeks.

Chris Cawley inquired what the process is like with the State of Utah for review and approval. Dan Woodbury stated the State would ultimately issue a letter of approval that would be submitted to the Town of Alta.

Rob Voye asked about the state-level requirements vs. SLC Department of Public Utilities (SLCDPU). Jeff Niermeyer clarified that the State sets the drinking water requirements and SLCDPU holds the contract for the source of supply. He provided a useful analogy that SLCDPU provides the bucket of water, and the State determines how quickly the bucket can be drained.

Polly Mclean asked about the distinction between connections and fixtures. Mr. Woodbury explained that the State will do a calculation to determine the ERC (equivalent residential connection) based on predicted usage. Jeff Niermeyer elaborated that the number of bedrooms would factor into the ERC calculation as more bedrooms equate to increased usage through the fixture units.

Wade Budge, legal representative of the Estate, introduced himself. He stated that since the previous Planning Commission meeting, they have conducted additional meetings with representatives from SLCDPU and the Town of Alta. Wade clarified that they have also since submitted an official application to the Town for a re-zone to accommodate Development Concept B.

Wade explained that per the 2014 agreement, the Estate cannot seek any changes to Development Concept A without getting consent from both SLCDPU and the Town of Alta. In October, they received an email confirming consent from SLCDPU to move forward with Development Concept B and are now working to determine if the Town is also amenable to the new concept. Wade noted that the application they submitted to the Town for a re-zone could easily be terminated if the Town wasn't interested in consenting to the process. He then stated that property owners have certain rights when it comes to land use applications, but that he recognized they are not yet in that category.

Wade then led a high-level overview discussion of the process and the roles of the Planning Commission versus the Town Council. At this point, they are seeking a recommendation for a re-zone from the Planning Commission to the Town Council. The Planning Commission cannot approve a re-zone, but they can offer a recommendation in favor of, against, or in favor of with conditions or comments, to the Town Council. Wade continued that ultimately it is the Town Council that the Estate will have to work with to get this project approved, with the following asks:

- A re-zone of the property from FR-1 to FM-20
- Amendments to the development agreement currently in force

If the Estate and the Town Council agree to those terms, the Estate would return to the Planning Commission with a land use application consisting of a conditional use permit and a condominium plat. Wade emphasized that if they get to that point, they will come back to the Planning Commission with all of the outstanding details that are currently in question (like total number of water fixtures, how they would mitigate some of the detrimental impacts of the project, accounting for the rights of Alta Ski Lifts that are already in place, etc.). At this point, they are presenting the Planning Commission with the general outline of Development Concept B and are seeking comments, but recognize it is not a complete project plan as many of those details would be sorted out further along in the process.

Jeff Niermeyer noted that the wetlands should be added to their list of items for consideration.

Wade Budge then continued to describe what details would be required in a conditional use permit application, such as:

- Compliance with set-back requirements
- Avoiding unlawful impacts on wetlands

Wade once again stated that this is a voluntary process and that if the Town withdraw from it or declines to approve the Estate's proposal, the Estate would revert to Development Concept A as agreed upon in 2014. The conversation for today is to offer comments on the consideration of a re-zone.

Jeff Niermeyer noted that the dialogue on this topic thus far has been restricted to the Planning Commission and he expressed interest in opening up the conversation to the greater Town of Alta community. Wade noted that his preference would be to have a formal public hearing in conjunction with the March Planning Commission meeting that would include an overview of the project details the Estate has shared to-date. Jon Nepstad highlighted the importance of providing community members with visual representations of the impacts of Development Concept B and proposed holding an open-house style meeting to allow for broader community input in a more informal setting.

The Estate and the Commission discussed possible details for how an open house meeting would be conducted and the Planning Commission came to a consensus to move in the direction of getting one scheduled.

Polly Mclean asked for clarification on the revised development agreement to go along with the re-zone as well as the current settlement/development agreement. Wade clarified that the development agreement from February 14, 2014 was an administrative development agreement, meaning that it did not seek a variation in zoning. He noted that the choice to re-zone is legislative, meaning it would come from the Town Council. Wade then emphasized that a re-zone would not be pursued without being accompanied by an updated development agreement that included the conservation easement terms, the alternative access route, and a "host of other items", one of which is a stipulation about the water usage, noting that element would require cooperation from SLCDPU.

Jon Nepstad asked for clarification on who would hold the conservation easement. Wade stated that the Estate would pick a qualified donee that is acceptable to all parties and added that the Estate had informal conversations with Friends of Alta as an interested and qualified party.

Wade then stated that a mutual water company would be formed to manage and enforce the requirements related to water usage.

Rob Voye asked about the inclusion of Alta Ski Lifts in the conversation and if they are comfortable with the proposal as it stands. Wade stated he could not speak on their behalf but that he understands that including and working with them is essential, especially in regard to obtaining approvals from the USFS and evaluating the impacts to skiers in the development area.

David Abraham clarified that the re-zone request is for the FM-20 zone and then asked about the developable acreage. Doug Ogilvy explained that the total lot size is approximately 6 acres, but since the uphill portion of the lot is designated for conservation, the developable acreage is closer to 2.5 acres. David Abraham then asked for clarification that the building height is a standard that will be determined by the Planning Commission and not something that would be included in a recommendation to the Town Council, which Polly McLean confirmed.

The commission discussed a summary of next steps:

- Estate representatives to coordinate with TOA staff to host an Open House for community input for some time in March
- Estate requests to be on the agenda for the March Planning Commission meeting, assuming the timing allows with the Open House
- Planning Commission gets to a position to be ready to make a recommendation to the Town Council with any comments they may have
- Town Council weighs comments from the Planning Commission along with a draft Development Agreement
- Development Agreement to outline what process would be followed should the application for a re-zone be approved
- Estate to return to the Planning Commission with an application for a Conditional Use Permit as early as this summer
- The conservation benefits get transferred to the qualified donee as soon as practicable

Jeff Niermeyer asked Polly Mclean how the Planning Commission can make their recommendation to the Town Council. Polly noted that the application for a re-zone was officially submitted to the Town recently and the Town is still evaluating whether it is a complete application. If the Town determines the application is complete, the next step would be to bring that application before the Planning Commission for a formal recommendation.

Rob Voye noted that with the addition of an Open House meeting, there may be a need to push back the regularly scheduled Planning Commission to allow for enough time to advertise the event and then synthesize the information gathered from the public. A discussion then followed on the logistics of the Open House meeting, with an emphasis on the fact that it is an informational meeting for the public to gather comments and feedback.

5. <u>OPEN AND PUBLIC MEETINGS ACT TRAINING</u>

Polly McLean introduced the Open and Public Meetings Act and summarized that the basis of the Act is to ensure that public business is conducted transparently and in he public. The Act applies to any public body of two or more individuals supported by tax money or with decision-making authority. A meeting is defined as a quorum of a public body, which for the Alta Planning Commission means three or more members convening to discuss, receive comments, or act on town-related matters.

Polly clarified that casual social interactions among members do not constitute a meeting unless town business is discussed. Polly addressed potential issues with electronic communications (such as email chains and group text messages), explaining that if a quorum participates and town business is discussed, such exchanges could qualify as meetings and must comply with the Act. Polly urged avoiding actions that could be perceived as circumventing the law.

Examples were provided to illustrate acceptable practices, such as communicating directly one-on-one with Town staff. Social events and casual interactions, such as meeting on a chairlift or having dinner, are permissible if town business is not discussed. However, Polly cautioned against post-meeting discussions or private deliberations that could undermine the transparency of decision-making. It was noted that any decision must be discussed openly in meetings to ensure public awareness and participation.

Polly also touched on the importance of preserving government records, such as emails and messages, and recommended using official town email accounts to ensure compliance with GRAMA requests. She then reviewed requirements for meeting locations, including anchor locations for electronic meetings and exceptions during emergencies. She also discussed the requirement that all meetings are recorded and have minutes published. Polly briefly discussed the topic of closed meetings, explaining they are allowed for specific purposes, but that it is unlikely for the Planning Commission to convene a closed meeting.

Meeting notices and agendas must be posted at least 24 hours in advance and include sufficient detail for the public to understand the topics. Emergency meetings require the maximum possible notice under the circumstances. Polly highlighted that public comments are welcomed on any topic, but decisions can only be made on agenda-listed items. Jon Nepstad asked if the Planning Commission could request that people giving public comments provide their zip code or address before providing a public comment. Polly clarified that while it is something the Commission can ask for, they could not limit someone's ability to speak based on where they reside.

Polly noted that the minutes are considered the official record of the meeting, but that audio recordings must also be retained indefinitely. Chris Cawley and Polly noted that Town staff tends to strike a nice balance between a full transcript and a very general summary of the meeting proceedings in how the minutes are presented. As members of the public body, the Planning Commission can request the minutes be either more or less comprehensive to meet their preference.

Polly warned of serious consequences for knowingly violating the Act, including potential legal ramifications. Polly provided additional training resources, including a link to receive a certificate of having completed the annual training requirement.

6. NEW BUSINESS

No new business.

7. DATE OF NEXT MEETING

The next meeting is scheduled for March 26, 2025, at 3:00 PM.

Planning Commission members and staff discussed potential details of an open-house style meeting in March, but the date has not been determined. It was noted that the regular meeting scheduled for March 26 may have to be rescheduled due to the timing of the open house. Conversation continued about the logistics of an open house and how public feedback will be received.

8. MOTION TO ADJOURN

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

Minutes Approved on *March 26, 2025*

Chris Cawley, Town Manager