

MEETING MINUTES
ALTA PLANNING COMMISSION MEETING
Wednesday, October 22, 2025, 3:00 PM
Alta Community Center, 10351 E. Highway 210, Alta, Utah

ALTA PLANNING COMMISSION MEETING – 3:00 PM

PRESENT: Jon Nepstad, Chair (virtual)
Jeff Niermeyer, Vice-Chair (joined at 3:28 - virtual)
Paul Moxley
Maren Askins
David Abraham
Roger Bourke, Town of Alta Mayor (virtual)

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

ALSO PRESENT: John Guldner, Cottonwood Lands Advisory (virtual)
Jay Torgerson, Unified Fire Authority

NOT PRESENT:

1. INTRODUCTION AND WELCOME FROM THE CHAIR

Planning Commission Chair Jon Nepstad opened the October 22, 2025 meeting at 3:00 PM.

2. PUBLIC HEARING: ADOPTION of the WILDLAND URBAN INTERFACE CODE, ESTABLISHING THE WUI BOUNDARY, and ORDINANCE 2025-O-X AMENDMENTS TO MUNICIPAL CODE TITLES 8 and 9

Planning Commission Chair Jon Nepstad opened the public hearing. Molly Austin noted that some members of the public were having difficulty joining the meeting virtually and recommended leaving the public hearing open for a few more minutes. Chris Cawley shared that the Town received two public comments in writing ahead of the meeting regarding the Wildland Urban Interface (WUI) code adoption concerning potential limitations for building on undeveloped lots without year-round access.

Mark Levin introduced himself and shared that he submitted his comments in writing prior to the meeting. Fundamentally, he agrees with the importance of reducing wildfire hazards in Alta, especially by using fire resistant materials during construction. Levin noted his concern about prohibition of construction in areas that do not have year-round vehicular access and requested that an acknowledgment of possible exceptions be made. Levin also expressed concern about the big-picture perspective of emergency planning in the canyon, especially as it relates to cutting

off access to SR-210, preventing both evacuation and emergency response. Lastly, Levin noted concern about the WUI code allowing for authorities to access private homes to ensure code compliance.

Logan Page introduced himself and stated he was calling in on behalf of his parents, Chris and Dawn Page, who submitted comments in writing ahead of the meeting. Page noted concern of year-round access requirements that may prevent development of undeveloped lots. Page noted that he recognizes the International Fire Code (IFC) allows for some exceptions to that provision if there are alternative measures that provide an equivalent level of safety. Page encouraged that the exceptions be clearly stated in Town Code.

3. PUBLIC HEARING: ORDINANCE 2025-O-X AMENDMENTS TO MUNICIPAL CODE TITLE 10, CHAPTER 1, SECTION 8 “AMENDMENTS” and TITLE 10, CHAPTER 1, SECTION 9 “HEARING and PUBLICATION of NOTICE BEFORE AMENDMENT”

Planning Commission Chair Jon Nepstad opened the public hearing. Nepstad noted that no written comments regarding this topic had been received in advance. No comments received.

4. MOTION TO ADJOURN PUBLIC HEARINGS

Paul Moxley moved to adjourn the public hearings. Maren Askins seconded the motion. All were in favor and the public hearing was adjourned.

5. CALL THE REGULAR MEETING TO ORDER

Jon Nepstad called the October 22, 2025 Planning Commission meeting to order at 3:15 PM.

6. PUBLIC COMMENT

No comments received.

7. APPROVAL OF THE MINUTES FROM THE SEPTEMBER 24, 2025 MEETING

Paul Moxley moved to approve the minutes from the September 24, 2025 Planning Commission meeting. David Abraham seconded. All were in favor, and the minutes were approved.

8. DISCUSSION of ALTERNATIVE AMENDMENTS to SECTION 9-3 PRESERVATION OF VEGETATION DURING DEVELOPMENT

Chris Cawley stated that the “low-hanging fruit” to satisfy the Wildland Urban Interface (WUI) code is to simply provide an exception to the current tree removal restrictions in the vegetation management ordinance, which is what the proposed amendment would accomplish. Cawley noted that an alternative option to consider would be a more sophisticated update that would have broader implications across multiple sections of Town Code. Town Staff is working on a

draft update to the ordinance based off the Town of Brighton code, but Cawley noted that it was not ready to present today. Such an update would address topics beyond just tree removal.

Roger Bourke asked if homeowners will be exempt from planting new trees if and only if the Fire Marshal objects to it, or can the homeowner clear trees to provide a fire break if they want to protect their property, regardless of input from the Fire Marshal.

9. DISCUSSION and POSSIBLE ACTION: RECOMMENDATION of ADOPTION of the WILDLAND URBAN INTERFACE CODE, ESTABLISHING THE WUI BOUNDARY, and ORDINANCE 2025-O-X AMENDMENTS TO MUNICIPAL CODE TITLES 8 and 9

Chris Cawley opened the discussion. To address Bourke's previous question, Cawley stated that the current code title is "Preservation of Vegetation During Development". Cawley asked John Gulder to comment on whether it would apply to tree removal outside of an active building permit or construction project. Guldner stated that approval to remove trees is always required, even outside of construction. This approval would come from the mayor for single family homes or from the Planning Commission for conditional use permits. Cawley stated that the intent of the regulation currently is not to allow the removal of trees at a whim without Town approval. Polly McLean stated that we should focus on the agenda item as described. Cawley noted that a rule is needed to regulate tree removal, regardless of if it occurs during construction. Cawley stated that the Town of Brighton code section is titled "Tree and Vegetation Protection" and allows for the removal of trees under defined circumstances. Cawley assumed that the Town's intent was to limit tree removal when the ordinance was adopting circa 1989 – noting that because it is not expressly disallowed does not equate to allowing it.

Polly McLean noted there is suggested language in section G that includes Town approval of a fire protection plan, allowing for Town oversight. McLean then stated that Section F is more expansive and would allow for property owners to cut down trees for the purpose of creating defensible space. McLean suggested the section could be narrowed to say that approval is needed to remove trees to ensure that any removals comply with WUI requirements.

Roger Bourke presented a hypothetical scenario in which someone wants to build a new home and remove a tree that the fire official didn't deem a threat, but the homeowner was concerned about – could the homeowner remove the tree without approval? Cawley shared that he does not believe that removal would be allowed under the proposed amendment. Nepstad stated that the homeowner's assessment of risk could be arbitrary. Paul Moxley shared his concern about a municipality regulating what a homeowner can do with trees on their property. Cawley stated that it is common practice for municipalities to regulate tree removal. Moxley also raised concern about tree removal for aesthetic or economic reasons.

David Abraham stated that as written, Section 9-3-2-A states "it shall be unlawful for any person to proceed with any development *or* remove mature trees within the Town without having first submitted a site plan and obtained approval", implying that approval is required for removal of mature trees, without specifying it applies only during development. Cawley said that a site plan and excavation permit with Unified Fire Authority (UFA) approval would be required for a

defensible space project. McLean stated that it is generally okay for trees to be removed for safety reasons but not for aesthetic ones.

Guldner stated that the vegetation ordinance denotes trees as a valuable resource that need to be protected, which is the foundation for the prohibition of tree removal, especially for aesthetic reasons. Guldner reiterated that it is up to the mayor to approve tree removal for single family homes and up to the Planning Commission to approve in any other instance. Nepstad inquired about diseased or dying trees. Guldner stated that the Town has historically approved removal of such trees without mayoral approval. Cawley stated that there are specific protocols to be followed when removing such trees. Jay Torgerson offered that when it relates to a forest health issue, it would be the Forest Service responsible for overseeing tree removal.

Cawley noted that one of the updates in the proposed amendment is that it would be the Building Official, not the Mayor, to provide such approvals at single family homes. Torgerson shared that he is not sure if it falls under the purview of the fire official to review and approve site plans specific to tree removal as the fire official's role is generally confined to reviewing the fire safety aspects of the building itself. Cawley clarified that UFA would be asked to review plans for WUI code compliance.

Paul Moxley asked about the year-round access issue brought up during the public hearing. Jay Torgerson introduced himself as a battalion chief and Town of Alta liaison with UFA. Torgerson shared that there are allowances within both the WUI code and the IFC that the fire official can make based on access, road grades, and other variables. If it is determined that a site does not have year-round road access, alternative safety measures such as a fire suppression system or water tank may be required. As an example, Torgerson shared that the recently built lodge at the top of Hidden Peak at Snowbird as well as Watson Shelter in Alta Ski Area have on-site tanks. Torgerson stated that UFA will support and help facilitate UFA's member communities' development goals.

Moxley brought up an additional concern expressed by property owners during the public hearing about UFA having authority to access private property and conduct inspections even after construction is complete. Torgerson clarified that would not happen. Residential inspections occur only if they are being rented out, otherwise no inspections will occur after the final inspection at the conclusion of construction. McLean noted that WUI code section 107 allows for inspections during construction or work related to a building permit. After that, reasonable cause is required before an official enters a building for inspection. As an example, McLean shared that if there is reasonable cause to suspect a leaking gas tank, the fire official would have authority to conduct an inspection.

Cawley asked if the Town has the authority to amend the WUI code or International Building Code, noting that recent legislation requires we adopt them. McLean stated that other jurisdictions have amended parts of the WUI code. McLean recommends adopting the WUI code as-is for now and exploring potential amendments in the future. Nepstad noted that there isn't enough time to go back and forth on the nuance between now and the end of the year and encouraged we move forward with recommending adoption as-is. Jeff Niermeyer asked for clarification on whether any potential amendments could only be more restrictive, not less. McLean stated that she will investigate it in more detail and review amendments made by other jurisdictions and could report

back at a future date. Cawley shared that as he understands it, local ordinances can generally be more restrictive than state codes and McLean agreed with that assessment.

Maren Askins asked how adoption of the WUI code would apply to current and existing buildings. Cawley noted that building remodels would be subject to all building codes, including the WUI code, although many interior remodel projects wouldn't likely trigger WUI code compliance. Larger projects, such as expanding the footprint of an existing structure, would likely require compliance, although any such applications would be evaluated on a case-by-case basis. Askins then asked how properties could go about reducing their wildfire risk by creating defensible space as a means to potentially reduce fees. Cawley stated that there is nothing in the WUI code that would prevent a property owner from complying with risk-assessment recommendations.

Cawley turned the conversation to discussion of the designated WUI area, noting that the recommendation is to include the entire Town of Alta boundary as the WUI boundary. He continued that the local WUI boundary is independent from the State risk assessment map, and those assessments will be taking place regardless. Askins asked if the boundary will relate to fire risk level or just where the WUI code is applied. Cawley clarified that the boundary we set is the boundary within which WUI code will be applied.

To summarize, Nepstad said that there is a deadline to meet for WUI code adoption, and any potential adjustments could be addressed in a future amendment, and that the proposed WUI boundary is the entire Town of Alta. He then asked the commissioners if there is any further discussion before moving on to a recommendation.

David Abraham added that like other parts of the building code, the Town can engage with the Authority Having Jurisdiction (AHJ) about potential alternative means and methods to allow for approved fire protection plans for properties without year-round access.

Nepstad asked if there are any other states that require adoption of formal evacuation routes. McLean stated that the Town is required to have a Comprehensive Emergency Management Plan (CEMP), which likely includes evacuation plans. It was agreed that it would be beneficial for these plans to be more accessible to the public.

McLean noted that the only question to discuss before considering a recommendation is related to allowances for creation of defensible space with or without approval from the Town. Nepstad stated he prefers a more official process to define what defensible space is as opposed to leaving it up to the property owner's discretion. Jeff Niermeyer stated his support of that assessment, and the commission was in agreement. After further discussion, it was recommended to amend the proposed ordinance section 9-3-3-F to include the following:

F. The requirements of this removal and replacement section shall not apply to defensible space requirements of the Wildland Urban Interface Code as adopted by the Town so long as a site plan indicating trees to be removed is submitted and approved by the Building Official.

Paul Moxley made a motion to recommend adoption of WUI code, establishing the WUI boundary and adoption of the ordinance update to municipal code Titles 8 & 9, with section 9-3-3-F as amended above, to the Town Council. David Abraham seconded. All were in favor and the motion passed.

10. DISCUSSION and POSSIBLE ACTION: RECOMMENDATION of ADOPTION OF ORDINANCE 2025-O-X AMENDMENTS to MUNICIPAL CODE TITLE 10, CHAPTER 1, SECTION 8 “AMENDMENTS” and TITLE 10, CHAPTER 1, SECTION 9 “HEARING and PUBLICATION of NOTICE BEFORE AMENDMENT”

Cawley noted that this topic had been previewed with the Town Council but may not have been introduced to the Planning Commission yet. He explained that the current Town Code requires that the Town Council hold a public hearing for land use regulations and post a public notice of such a hearing 15 days in advance and to post that notice in a newspaper in general circulation within the Town. Cawley commented that none of these provisions are required by state code. The update proposes to shorten the notice time period deadline from 15 to 10 days to match the Planning Commission notice timeline and to remove the requirement to post a notice in a newspaper. Cawley described the administrative burden of the newspaper postings and that we do not have a newspaper in general circulation in Alta.

Nepstad noted that the public hearing on this topic received no comments.

Cawley pointed out there is an additional provision (10-1-8-B) that is inconsistent with what state statute says about who has what authority when it comes to land use applications. Cawley clarified that the Planning Commission doesn't make decisions on these applications, but they simply send a *recommendation* to the Town Council, so the proposed amendment would strike out section B. McLean noted that county codes and state land use statutes were quite different when the Town of Alta incorporated in 1970 and adopted Salt Lake County ordinances, so these types of updates are required from time to time to stay up-to-date.

David Abraham asked how this change would relate to section 10-1-8-A, which states that “any such amendment shall not be made or become effective unless the same shall have been proposed by or be first submitted for the *approval, disapproval or suggestions of the planning commission.*” McLean clarified that state code requires the planning commission to make a recommendation, but they do not have the authority to approve or disapprove. After a brief discussion, the following edit to the ordinance update was proposed.

10-1-8: AMENDMENTS: A. Authorized; Submit To Planning Commission: The town council may, from time to time, amend the number, shape, boundaries or area of any zone, or any regulation of or within any district or districts or zones or any other provisions of this title. Any such amendment shall not be made or become effective unless the same shall have been proposed by or be first submitted for the review and recommendation to the council by the planning commission. ~~the approval, disapproval or suggestions of the planning commission~~

Abraham noted this edit feels like a major change to the land use code. McLean stated that it is to make town code accurately reflect state code, noting a major revision to land use code that occurred in 2006. Cawley elaborated that ultimately these land use regulations are legislative decisions, and the Town Council is the legislative body tasked with making informed decisions with input from the Planning Commission.

Maren Askins made a motion to recommend adoption of amendments to municipal code Title 10 sections 8 and 9 with section 10-1-8-A as amended above, to the Town Council. Jeff Niermeyer seconded. Before voting, David Abraham asked for clarification on whether the proposed edits would have any impact on the current process for considering land use or zoning changes. McLean verified, stating that state code requires any land use applications to come to the Planning Commission for a recommendation (either positive, negative, or neutral) to the Town Council – the proposed amendments do not change that process. After the discussion, all were in favor and the motion passed.

11. NEW BUSINESS

Molly Austin asked if the minutes from this meeting need to be adopted prior to Town Council taking official action at their next scheduled meeting in November. McLean stated that no, they do not need to be formally adopted, and a draft version will be sufficient.

A discussion ensued on whether it is the minutes or the recording that are the official record of the meeting, with McLean stating that state code defines the minutes as the record, but technology for capturing audio recordings has advanced significantly and if there was ever a discrepancy or dispute, the audio recording would be consulted.

12. DATE OF NEXT MEETING

Jon Nepstad stated the next scheduled meeting is November 19, 2025, and inquired if there are any known agenda items for November. Cawley stated that there are currently no known items, but it is too soon to tell for sure.

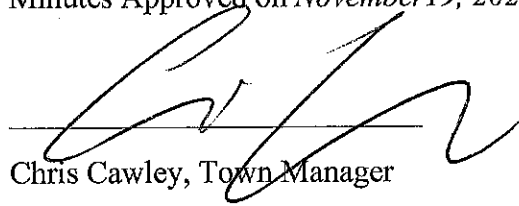
The December meeting is scheduled for December 17, 2025 with a potential site review with Mike Maughan from Alta Ski Area.

McLean highlighted that at the upcoming Town Council meeting on November 12 at 4:00 PM there will be a vote on the Shrontz Estate petition to rezone, noting that the Town Council has taken the recommendations from the Planning Commission into consideration.

13. MOTION TO ADJOURN

Planning Commission Vice-Chair Jeff Niermeyer motioned to adjourn the meeting. Planning Commission member Maren Askins seconded the motion, and the motion was passed unanimously. The meeting was adjourned.

Minutes Approved on *November 19, 2025*


Chris Cawley, Town Manager