

Alta Planning Commission & Alta Town Council
Joint Working Meeting:
Discussion of Planning Commission Recommendations for the Base Facilities Zone
Our Lady of the Snows, 10189 E. Hwy 210, Alta, Utah
June 2nd, 2014, 1PM

IN ATTENDANCE:

Planning Commissioner Members: Joan Degiorgio, Roger Bourke, Elise Morgan, Skip Branch, Jan Striefel, Rob Voye and Mayor Tom Pollard (ex-officio member).

Town Council Members: Paul Moxley, Cliff Curry, Harris Sondak, Mayor Tom Pollard.

Town of Alta staff: John Guldner, Kate Black, Chris Cawley, Liz Schulte (counsel), Shawn Ferrin (facilitator, Parsons, Behle & Latimer).

Members of the public: Jen Clancy, Onno Wieringa, Mark Haik, Marcus Dippo, Maura Olivos, David Pratt, Robin Cohen, Eddie Rice, Steve Shaefermeyer, Brent Pratt, Todd Collins, and a videographer.

1:05 PM-INTRODUCTION AND WELCOME FROM THE MAYOR

Mayor Tom Pollard prompted introductions from Planning Commission (PC) , Town Council (TC), and staff members.

DISCUSSION:

Joan Degiorgio described the PC's process of considering changes to Base Facility Zone (BFZ) ordinances. The concern was initially raised when commissioners identified an ordinance allowing buildings to be 60' above HWY 210 as problematic. The PC created zones A, B, and C to address unique topographical concerns in each area, and focused on creating both an environmentally appropriate development "envelope," and new ordinances which encouraged development in Alta's commercial core.

Mayor Pollard discussed the TC's response to the PC's recommendations. TC remanded PC's recommendation due to the need to address water availability issues and the potential inclusion of condominiums in lodge expansion plans BFZ. The question of whether building envelope rules can be considered separately from these other issues is complex.

Shawn Ferrin began the group discussion by prompting **Joan** to describe what the PC needs to move forward.

-**Joan** stated it was likely the specific recommendations already proposed are solid and should move forward. The TC should consider the value of allowing condominiums in the BFZ to facilitate lodge expansion financing, and then make specific requests to the PC regarding possible ordinances. The water issue can only be resolved if we finalize our definition of a hotel room.

-**Mayor Pollard** responded that the TC should be able to move forward with the current recommendations soon, and emphasized that past discussion of the condo & water issues should inform current conversation and enable timely resolution of the issues.

Paul Moxley requested a more thorough discussion of the condominium issue.

Roger Bourke suggested that the development envelope issues addressed in the PC recommendations *be considered separately* from the condo & water issues.

Shawn asked for clarification of the notion that BFZ ordinances needed to be changed in order to encourage business development—specifically, more hotel rooms.

-**Harris** stated that the core motivation for this conversation is to bolster the wellbeing of the Town, rather than to specifically enable lodge property build out.

Shawn asked to clarify the notion that the TC did not understand the depth of the PC's process in considering their recommendations.

-**Roger** emphasized that Alta's unique characteristics made developing a formula impossible.

-**Harris** stated that the depth of the PC's process was never in doubt. **Harris** acknowledged that members of the public raised concerns about appearance, aesthetics, and the PC's treatment of specific zones, and stated that the condo & water issues needed to be addressed alongside the envelope issues.

Skip observed that the TC's remand of PC recommendations has prompted a valuable, open discussion between PC and TC. **Skip** described the 2008 discussion of condos in the BFZ as originating in concerns that they did not maximize density, and suggested that using available space for condos instead of hotel rooms could lead to fewer guests, and thus less revenue to the Town.

Shawn asked participants to discuss the urgency of this issue. Do we need to get this done by any time in particular in response to certain external processes like Mountain Accord?

-**Tom** stated that the real need to get this done is to provide clarity to lodge owners regarding density.

-**Joan** observed that the amount of water still available in the Town's surplus water contract with SLC will determine how much development is still possible in total.

0:23: Shawn clarified that the PC considered three factors in their recommendation: HEIGHT, COVERAGE, and SETBACKS (HCS). Why only these three?

-**Joan** stated that the TC had initially requested the PC consider HCS amendments. **Joan** acknowledged that the TC was led to consider the water & condo issues by the PC's HCS recommendations.

-**Harris** added that he was approached by a constituent regarding the possibility of condominiums in the BFZ *after* the PC finalized their recommendations.

-**Roger** reflected concerns of property owners that lodges are "maxed out" under current HCS zoning regulations.

-**Harris** added that the Shrontz estate settlement highlighted the importance of considering available water under the Town's water contract, and that the TC's discussion of HCS recommendations caused constituents to consider the possibility of BFZ condos, demonstrating the importance of considering those issues in accordance with HCS recommendations.

Shawn asked participants to discuss **Roger's** suggestion that HCS recommendations be considered separately from condos & water.

-**Cliff** suggested that whether HCS and condos & water were addressed in a single ordinance or in separate ordinances was perhaps not important, as long as we decide to “do it all,” do it more or less simultaneously, and do it quickly.

-**Harris** feels that establishing new HCS guidelines without simultaneously addressing condos and water would not give property owners all the information they need to move forward with development plans.

-**Roger** suggested that constraints on water, condos, and rooms do not have to be reflected in HCS ordinances—HCS deals with the exterior of buildings, and condos/water deal with what goes on inside the “envelope.”

-**Shawn** asked if it would be helpful to prioritize the issues.

-**Harris** stated that HCS changes will encourage development, and that we will run into the other issues immediately once property owners start planning. **Harris** also stated concern for the possibility that without firm policy on water, a single “well-capitalized” property owner could get a plan approved that would use the remainder of the TOA water contract.

-**Paul** said he would be ready to vote on HCS today, but that whether we allow condos in the BFZ needs to be clarified as soon as possible.

-**Joan** observed the need to decide whether we want an allotment system or simply to allow water on a first-come, first-served basis.

Shawn restated earlier comments from **Harris** and **Joan** regarding possible ramifications of approving HCS changes without considering condos and water.

0:35-Tom described concerns about current ordinance regarding the definition of a hotel room as being tied to square footage, and suggested it could allow lodges to be allocated too large a share of our remaining water, simply by planning smaller rooms. **Tom** feels that designating a hotel room as “a doorway”—meaning that rooms of any size would be required to have 150 gallons per day (GPD)—would be more equitable and realistic.

Shawn observed several important numbers: 600 sq’ is a hotel room, 33 units per net developable acre (NDA), 150 GPD required for a hotel room, 800 GPD for a hotel room...

-**Skip** opined that the PC should revisit HCS given new concerns about water, room size, and condos.

-**Roger** observed that water will not be de-allocated, and that he was surprised that we are now close to the limits of our water contract. **Roger** feels that we need to figure out how to allocate water.

-**Jan** emphasized the need for an equitable allotment scheme—consider square footage per lot, allocate water based on remaining NDA per lot.

-**Joan** asked whether remaining water would be sufficient for property owners to meet 75% percent coverage

-**Harris** stated the advantages of building hotel rooms vs. condos in the BFZ for the TOA: hotel guests buy day tickets, generate more sales tax revenue, whereas condo owners buy season passes and generate only property tax revenue for the TOA.

-**Cliff** suggested the motivation for allowing condos in the BFZ would be to provide property owners a way to finance development.

0:52-Shawn prompted participants to discuss the possibility of setting up an allotment system for our remaining water.

-**Elise** added that we are only talking about the BFZ, and that perhaps we should consider property owners outside the BFZ who've not yet developed.

-**John** clarified the amount of water remaining under TOA's water contract—47,191 GPD—which was calculated in consideration of current facilities and approved plans for new facilities.

-**Harris** asked counsel whether TOA has the right to allocate water. **Liz Schulte** confirmed that the town has the right to allocate water under its contract with SLC.

-**Cliff** stated that TOA should seek a water inventory by a third party/expert, and consider conservation measures. **John** described a program by which the municipalities can provide meter readings to the State and be granted reduced requirements.

-**Paul** suggested that TOA seek additional water from SLC, and that perhaps we might be treated differently if we plan to use the water for a community purpose.

-**Harris** asked whether we can be sure we'll never have new businesses, and thus new water users. **John** suggested that it would be up to the USFS selling land, or deciding to re-zone it, and then coming to the TOA to request water. So, it is possible, but less than likely.

-**Joan** suggested that use of our remaining water be prioritized based on developers considering community benefits in their plans. **Roger** asked what community benefits might be, and **John** added that commercial activity in the commercial core of the TOA—the BFZ—is beneficial to the community.

Shawn asked participants to clarify whether developers building condos in order to finance hotel expansion was beneficial to the TOA or to developers, to which participants answered generally that developers would benefit more from condominium development in the BFZ than would the Town, especially considering that condominiums would take more water, and provide less sales tax revenue, than hotel rooms.

-**Skip** observed that an influx of capital to businesses in the TOA would be tremendously beneficial and if condos in the BFZ are a means to that end than we should seriously consider it.

Shawn asked participants to discuss allotment strategies.

-**Joan** added that it would be unfair to allot remaining water proportionally to property owners based on how much net developable acreage in each property; can't we somehow tie allocation to a qualitative assessment of community benefits in development plans?

-**Cliff** added that the default water allotment method is "first-come, first-served."

-**Harris** asked whether the TOA could somehow be allotted less water than it currently is, to which **John** and **Liz** responded that SLC can modify or rescind our contract altogether with a 30-day notice.

-**Joan** suggested a mechanism by which property owners could "trade" water allotments—or development/coverage rights—with each other.

-**Harris** asked if the TOA could be liable if its zoning ordinances allow development that would require more water than the town has available, or which require more water than the town chooses to allocate to such a development.

-**Rob Voyer** stated that we should set HCS parameters, and move onto water, to which **Sean** responded that we want to avoid people taking advantage of HCS upgrades before water allotment is decided.

Shawn asked whether, if water is our most important consideration, it matters how we define a room? **Jan** and other participants agree.

-**Joan** sought to clarify whether participants wanted to change the current definition of a room, which currently states that a hotel is 600 sq'. Again, agreement was strong between participants. **Cliff** stated that it's the people who use the water, regardless of whether they are in a large room, a small room, or a room with a shared bathroom.

Shawn asked if there is a way to incentivize sales tax-maximizing development.

Shawn suggested participants consider a way to allocate water to uses such as commercial, residential, municipal, etc.

Break from Discussion

Meeting Resumes: 3:10 PM

Shawn summarized points from the earlier discussion, which included: consensus that economic growth should be encouraged; the amount of water available under our current surplus water contract given existing development is a primary constraint to economic growth; local ordinance regarding specific facilities is based on state code regarding water requirements; our current definition of a room as being 600 sq' "doesn't work." If we can decide how to clarify and allocate our remaining water, it should clarify HCS recommendations, and that should allow us a way forward.

Shawn then prompted a period of public comment.

-**David Pratt** of the Snowpine Lodge observed that the goal is to encourage development, and stated that even if ordinance allows for it, development will only occur if it is economically feasible for developers. **David** cited his background in finance and asserted that acquiring financing for expansion of current Alta properties is very difficult, given the sporadic nature of year-round business in Alta. **David** added that condominiums added to the Snowpine Lodge property would not be "dark windows," because of their ski-in, ski-out location. The Snowpine is eager to develop and looks forward to the resolution of these issues.

-**Onno Wieringa** of Alta Ski Area suggested that the Town Council consider how to ask Salt Lake City Public Utilities for an expanded water contract, and added that Alta Ski Area will submit water requests to the Town for projects already approved by the USFS.

-**Mark Haik** suggested that the participants consider their individual opinions on development in the Town of Alta in light of both the historical conversation about such issues and recent events. **Mark** asked participants to consider whether development proceeding under any new ordinance will be truly viable on the marketplace, suggested that without expanding our water contract, the Town of Alta will not remain economically sound, and added that we need to consider ski area expansion plans and the possibility that the ski area could be under different ownership in the future. **Mark** observed that the Town is very quiet most of the year, and that we are a long way from a healthy economic climate.

0:12-Joan summarized the conversation to this point: Let's change the definition of a hotel room; **Joan** is not sure we will abandon a first-come, first served standard of water allocation, but we recognize that we control the quality of development through the ordinances we are considering, and if developers meet those requirements then we will approve their requests; **Joan** restated the concept of providing some kind of allotment bonus for developers who can demonstrate a community benefit in expansion plans. It is possible that developers may not reach an expanded coverage ordinance if our water contract does not change. The BFZ condominium issue is our biggest challenge.

Shawn asked **Joan** to clarify whether she meant to state that we should *not* allot water to individual developers, and **Joan** confirmed that she felt that we should focus on developers observing our ordinances.

-**Jan** added that we could make *bonus* allotments for developers who include community benefits in their plans, such as public spaces, recreational facilities, etc. **Jan** observed that such bonuses are commonplace elsewhere.

Tom discussed the issue of a bonus allotment scheme, and **Jan** clarified her earlier comment.

Shawn asked if we could begin a larger inquiry into what might best spur economic growth in the Town, and then offer some kind of intermediate decision to allow businesses to begin to plan for expansion. Can we decide how much water we have, assume a hotel room is a door, consider remaining net developable acreage and then allocate water based on how many rooms each property can build?

-**Joan** added that we should reserve a portion of our remaining water and figure out how to incentivize community investment.

Tom stated that we need to discuss density limits as well as water limits. Particularly if we consider a hotel room a door, we will probably run into limits based on our net developable acreage ordinance before we exhaust our current water contract. Discussion of this point ensued and some consensus developed on this point.

Jan asked if we should be considering other uses/developments than hotel rooms.

Cliff stated that we should consider increased density as a means of reducing impact.

Tom reiterated that we should clarify the definition of a hotel room, because that will change the number of rooms we can build given other restrictions.

Discussion returned to the question of increasing coverage, and **Roger** stated that when the PC recommended an increase to 75% coverage, that they assumed that much of the open space in the BFZ—which belongs to the USFS—would remain public land, and would thus remain open. If the public land were to become private and thus developable, 75% coverage would be too much.

-**Harris** stated that he didn't feel it was reliable to assume that the public land in the BFZ would remain public.

Discussion returned to the question of setbacks, and participants asked **Liz** to clarify what was legally required in a setback ordinance, given that ordinance states that setbacks will be determined on an individual basis.

Liz stated that as long as the purposes for defining setbacks were enumerated in the ordinance, the land use authority can make such determinations individually. TC members requested that the PC consider setting minimum setback requirements. Participants discussed cases in which existing structures could violate future setback ordinances.

Discussion returned once again to coverage, more specifically to the justification for increasing coverage from 25% to 75%, and it was mentioned that coverage was increased partially because new ordinances were going to shorten height restrictions, and it was considered a trade-off of sorts, while still allowing property owners to expand.

John, Cliff and others discussed the nature of coverage, specifically whether the definition of coverage included graded but unpaved surfaces such as access roads, driveways or parking areas. Cliff feels that permeable access roads, driveways, etc. should not be considered coverage.

-**Elise** opined that to the public and passers-by, graded gravel surface appears to be an artificial, man-made surface, detracting from the natural appearance of the area, and should hence be considered coverage.

1:05-Tom, Harris and **Joan** discussed how to proceed with new ordinance recommendations. Does the BFZ condominium issue need to be addressed before anything moves forward, or can HCS be clarified before that question is approached?

-**Tom** feels strongly that the definition of a hotel room needs to be considered first.

-**Harris** feels the condominium concern, HCS, and hotel room definition need to be addressed at once.

-**Liz** observed that physical step-backs and mechanical screening have not been discussed today, but were considered in this process, and could possibly be included in an initial “package” of ordinance recommendations regarding HCS.

Cliff mentioned the issue of step-backs and design considerations in the Alta Peruvian Lodge area (BFZ Zone “B”). Initial PC recommendations were for a 25’ physical step-back to be required after four stories.

-**David Pratt** added that requiring builders to include a physical step-back made utility design very expensive.

Shawn added that staff needs to clarify the amount of water remaining in the TOA water contract before recommendations are finalized. **Shawn** observed that participants had not reached consensus on BFZ condos, and **Elise** added that the PC needs significant input from TC prior to making formal recommendations so that PC can make a recommendation the TC will not remand.

-**Tom** suggested that the amount of property tax revenue to the Town generated annually by a two-million-dollar condominium is equivalent to or slightly more than what the Rustler Lodge pays in sales taxes per hotel room.

-**Harris** and **Paul** observed that Blackjack condo owners are increasingly unlikely to include their condos in a rental pool, and that Snowbird condo prices will be difficult to compete with.

- **Tom** clarified that a condo requires as much water as 5 hotel rooms, and would “eat up” available density.

-**David Pratt** added that condos in the BFZ would be unique compared to Blackjack and Hellgate condos because they are ski-in, ski-out, and connected to a full service hotel offering food, amenities, etc.

-**Jan** asked whether it would be appropriate to require a business plan, and **John** suggested that we limit our considerations to possible land-use ordinances. **John** and **Harris** observed that the Town could be left with whatever development new ordinances allow for a long time, and that we should not be overly influenced by the requests of individual property owners, because properties occasionally change hands, and for other reasons.

1:36-Working Meeting closed.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a general overview of what occurred at the meeting.

These minutes were passed and approved on June 23rd, 2014.

Chris Cawley
Assistant Town Administrator

*Audio Recordings are available on <https://soundcloud.com/townofalta>.