

**Alta Planning Commission
Minutes
March 17, 2008**

The Alta Planning Commission held a meeting on March 17 2008 at 6:30 pm at the Alta Community Center in Alta. Planning Commission members in attendance included Joan DeGiorgio, Lee Kapaloski, Prescott Muir, and Rob Voyer. Mayor Tom Pollard was present, as well as Alta Town Council members Cliff Curry, Dave Richards, and Gus Gilman. Town of Alta staff members John Guldner, Laura McIndoe, Kate Black, Sam Goedecke, and James Chickvary were present. Town of Alta attorneys Kimberly Chytraus and Katie Lewis were also present. Members of the public present included Bill Hoge, Karen Travis, Charles Livsey, Cynthia Dunham, Pearl Raty, Jen Clancy, Ellza O'Reilly, Loren Kroenke, Cyd Bruns, Frank Perkins, Mark Haik (with a court recorder), and Onno Wieringa. A tape recording of the entire meeting was created and is kept at the Town of Alta office.

Mr. Kapaloski acted as the Chair of this meeting due to the absence of the Commission's Chair and Vice-Chair (Mr. Branch and Ms. Striefel, respectively). Mr. Kapaloski welcomed everyone to the meeting. He stated that this is a discussion meeting, and no decisions or actions are proposed during this meeting. He also stated that this meeting is intended to be a joint discussion meeting between the Alta Town Council and the Planning Commission regarding new and amended zoning ordinances. The Alta Planning Commission acts in an advisory role and will ultimately make recommendations to the Town Council for new and amended zoning ordinances; the Town Council will have the authority to enact these changes to the ordinances.

Introductions of each of the Planning Commission members and Alta Town Council members were made, as well as some of the Town staff and Town attorneys.

Discussion with Possible Approval of the March 4, 2008 Planning Commission Minutes

Discussion and approval of the March 4, 2008 Planning Commission meeting was tabled until the next Planning Commission meeting.

Discussion Regarding Suggested Amendments or Additions to the Existing Uniform Zoning Ordinances and Land Use Ordinances of the Town of Alta

Mr. Kapaloski stated that the Planning Commission would discuss a **Condo-Hotel Ordinance** and a Watershed and Sensitive Area Overlay Zone Ordinance.

Condo-Hotel Ordinance

The first item of discussion was regarding whether a condo-hotel or a condominium type ownership is appropriate for the Base Facilities Zone. Ms. Chytraus explained that currently the Base Facilities Zone is an overlay; the underlying zone is FM-10 which

allows, as a conditional use, condominiums at a density of 20 guest rooms per net developable acre. The Base Facilities Zone allows hotels; the density for hotels is 33 guest rooms per net developable acre. The intent of the Base Facilities Zone was to facilitate hotel development. The first part of the discussion should examine the following questions: (1) should condominiums or condo-hotels be allowed in the Base Facilities Zone; and (2) if allowed, should they be permitted or should they be conditional uses?

Mr. Kapaloski asked about the definitions of condominiums and condo-hotels. Ms. Chytraus explained that a condominium is a residential use. A condo-hotel is a term for a property that is constructed as a condominium for residential purposes but might be operated as a hotel. Usually there might be an optional rental pool. The owners of the condominiums would be individual owners, but would have the option of putting the condo in a rental pool that is operated with nightly rentals like a hotel. Generally that is a voluntary program regulated as a security, so it may not have the same benefits to the Town as a hotel.

Mr. Kapaloski summarized that the Base Facilities Zone has a set of specific rules regarding parking, interlodge, registration, etc... These requirements are aimed at ensuring that the hotels are run like hotels. Mr. Kapaloski feels that the discussion centers around whether there should be different kinds of ownership allowed in the Base Facilities Zone, and whether different kinds of ownership would be required to comply with the same rules and regulations currently existing in the Base Facilities Zone. Mr. Kapaloski also feels that another part of discussion should be determining the definition of a guest room.

Mr. Wieringa asked whether there could be a requirement that a condo-hotel would have to be rented if it is not being used. Ms. Chytraus answered that she has found that some jurisdictions have ordinances for condo-hotel-like properties that put a requirement on restricting the number of days the owner could stay at the property, and would allow for the property to be put into a voluntary rental pool for the time it is not being used by the owner.

Mr. Kapaloski asked what the Town envisions for the future for the Base Facilities Zone. He recalled that when the zone was adopted, there was consideration with what made sense – one issue was parking, one issue was traffic (e.g., how much traffic generated per hotel room versus how much traffic generated with a privately owned structure). Another issue was interlodge and public safety from the Town's operational perspective. At the time the Town was considering the Base Facilities Zone, the Town was not considering condo-hotels, only the existing lodges.

Mr. Pollard recalled that when the Council was originally considering the Base Facilities Zone, the hotels were felt to be better suited to operational considerations such as parking and public safety. Mr. Pollard further stated that from an economic view, the more people that rent on a nightly basis, the better the economic viability of the community.

Ms. DeGiorgio wondered whether there is a demand for a provision for a condo-hotel ordinance at this time.

Mr. Wieringa spoke about the concept of capacity. Mr. Wieringa stated that capacity, during the winter is based on the capacity of the road. If more people stay at Alta overnight, particularly for multiple days, that decreases the amount of people traveling the road.

Mr. Guldner stated that we currently have a way of addressing condominiums in the Base Facilities Zone; it is a conditional use permit. He feels that the question we are dealing with boils down to density and the definition of a "guest room". When the Town enacted the Base Facilities Zone, it was trying to give a boost to the hotels that had artificial restrictions for expansion because of the historical Forest Service special use permits (and land exchange).

Ms. Travis stated that although the available rooms are not always filled to capacity, during holidays, the Town could probably double the available rooms and fill them with guests. Ms. Travis had difficulty understanding what the objection would be to condominiums since they provide more rooms to fill. Mr. Gilman stated that a condominium would be owned by a private entity and may only be used a limited time during the season, and could remain empty the rest of the time. Mr. Gilman further stated that in this type of situation, the community could lose out on sales of items such as lift tickets, meals, ski lessons, etc... He stated that nightly turnover is what makes money for a resort.

Ms. Lewis clarified that the question before the Planning Commission is whether the Commission envisions that a condominium would be a permitted use, a conditional use, or not allowed at all in the Base Facilities Zone. Additionally, if condominiums are allowed, how would the Town envision the allowable density. Ms. Chytraus said that the question also focuses on use; a condominium is a residential use and a hotel is a commercial use. Currently the Base Facilities Zone focuses on commercial use but does not prohibit residential use.

Mr. Muir asked whether a condominium could be allowed but be required to implement certain management mechanisms, such as renting nightly rooms during the peak times of the year. Mr. Kapaloski said that in his mind ownership structures and financing are not the issue; a tradeoff for the higher density (allowed to hotels) would be that the management structure would be required to meet certain conditions.

Ms. Dunham asked whether changes contemplated in the Base Facilities Zone would allow the Town to address the need for affordable housing. Ms. Chytraus answered that the question of affordable housing probably does not fall under the Base Facilities Zone. Mayor Pollard stated that it might be affected because hotel guidelines require that for every guest room built, employee housing needs to be addressed.

Mr. Perkins stated that his goal with the Snowpine Lodge is more density, and that he is trying to figure out what to do with the Snowpine. Mr. Perkins said that two examples of condo-hotels in the canyon are the Lodge at Snowbird and the Inn, and both are run like a hotel with a front desk, a concierge service, with Snowbird maintaining complete control of the guests during interlodge. His goal for the Snowpine is a total rental situation with a front desk and underground parking. Mr. Perkins stated that there is a catch-22; if the Town requires rental, then it becomes a security, and financing becomes more difficult. He cited a situation where the Town of Telluride (Colorado) had to change its requirements for rentals because the businesses could not get financing and projects could not move forward. He stated that he would be willing to do what the Town might require, but is concerned that his options might be limited if the Town has a rental requirement.

Mr. Muir asked Mr. Perkins why he is leaning toward a condo-hotel rather than a hotel. Mr. Perkins stated that a condo-hotel helps to better finance the project with less risk.

Mr. Richards stated that bed space needs to be built that turns over the base of the community.

Ms. Chytraus stated that the discussion should also focus on how a guest room is defined when counting for density purposes.

Mr. Kapaloski said that he is hearing from three Council members that the goal is to maximize the number of "hot beds" (nightly rentals).

Mr. Hoge was called upon to clarify conditions at the Lodge at Snowbird, as an example of a condo-hotel.

Mr. Curry agreed that it would be in the Town's interest to promote nightly turnover and economic activity in the Town. He stated that the Town does not want to see empty units. He feels we are grappling with how nightly room rentals might be incentivized in the zoning.

Mr. Wieringa asked Mr. Hoge about the fractional ownership model at Snowbird. This model might allow for more turn over in guests than a single owner of a condominium. Mr. Perkins did not think the potential buyer of property in Alta would be interested in a fractional ownership situation.

Discussion followed regarding the relationship between density, hotels, residential uses, and traffic. According to a survey that was conducted when the Base Facilities Zone was originally contemplated, there was a distinction in how hotel use generated traffic and impacted parking compared to residential use; this was part of the consideration when determining the higher density for hotels.

Mr. Curry stated that one other difference between a condominium and a hotel is whether the structure has a restaurant; this could have an impact on the road because guests might be more likely to rent a car than take a shuttle if they had to cook for themselves.

Mr. Haik recommended certain types of data that could be collected that could help establish a definition for density. Mr. Kapaloski stated that much of that data was considered during the original drafting of the Base Facilities Zone. Mr. Haik also asked a general question regarding the type of characteristics of the community that the Town of Alta envisions protecting. Mr. Kapaloski answered that this is a broad question and the Planning Commission is focusing more narrowly on the zoning ordinances in this discussion meeting.

Mr. Kapaloski would like research done on the legal issues associated with the Town requiring rental units in a condominium project. He also stated that it was good to hear the Town Council's input. Mr. Kapaloski stated that any comments to the Planning Commission regarding the process for discussing and recommending new and amended ordinances be sent to the Town of Alta office, and those comments will be distributed to members of the Planning Commission by Town staff.

Watershed and Sensitive Land Overlay Zone

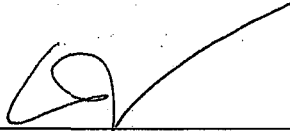
Ms. Lewis explained that a Watershed and Sensitive Land Overlay Zone would provide additional protections to sensitive areas of the Town. One question for the Commission to consider is where this zone might be located. One option is that the overlay could be within the entire town boundary because the entire town is located within Salt Lake City's watershed. Other items to consider are areas that are already developed or mine reclamation areas. Another question is how a Watershed and Sensitive Land Overlay would integrate with the Salt Lake Valley Health Department watershed regulations. These regulations are generally at the building permit and construction phase of a project. A Watershed and Sensitive Land Overlay Zone could be more extensive and add protections that come into place at earlier phases of a project than the construction phase.

After brief dialogue, it was determined that the Commission needs more information to continue the discussion.

Ms. DeGiorgio asked whether an ordinance could include consideration of viewsheds.

After hearing no more business before the Planning Commission, Mr. Muir moved to adjourn the meeting. Ms. DeGiorgio seconded the motion, and all Planning Commissioners voted in the affirmative. The meeting was adjourned at 8:20 pm.

These minutes were passed and approved on the first day of April, 2008.



Laura J. McIndoe
Assistant Town Administrator