

Sides point fingers in Alta lawsuit

Albion Basin » Family's estate sues to build subdivision, but town says changes are needed first.

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An Alta lawsuit has both sides saying that the other's actions are -- like skiing in August -- premature.

The JoAnne Shrontz estate is suing the tiny mountain town, along with big burg Salt Lake City -- for the right to build, and supply water to, 10 luxury homes at the gateway to scenic Albion Basin.

The estate accuses Alta of acting too hastily in denying its subdivision application for the 25-acre Patsey Marley Hill.

But Alta and Salt Lake City argue that the estate could have filled in the missing pieces to its plan and reapplied -- rather than litigate.

"They have been asked to go through certain steps that the estate has just refused to do," says Jeff Niermeyer, Salt Lake City's public utilities director. "This lawsuit seems a little premature."

Last month, the Alta Town Council -- backed by a Planning Commission recommendation -- denied the estate's subdivision application for the 25-acre Patsey Marley Hill. The council said the plans failed to comply with the town's ordinances, including water and sewer service, emergency-vehicle access, winter parking and setbacks from natural waterways.

Culinary water has been the big sticking point in the development. The estate has tried to gain access to the town water supply -- a pipeline crosses the property. But Salt Lake City holds the water rights to that supply and, by ordinance, does not allow new connections in Albion Basin or the nearby Patsey Marley Hill.

Albion Basin landowners challenged the Salt Lake City policy in the 1990s but a federal court upheld it.

The Shrontz estate does have rights to water in a mine near Alta Ski Area's Wildcat chair. But building a private pipeline not only is costly, it also requires OKs from the U.S. Forest Service, the Utah Division of Drinking Water and the Unified Fire Authority. The estate is pursuing that route but had asked Alta to keep the application open during the lengthy process -- possibly as long as two years.

"It's very difficult to get approval of what is, in essence, a private water system when we don't have a subdivision application pending," explains estate attorney Alan Sullivan. "That is one of the reasons why we think the Town Council acted prematurely."

Sullivan said the lawsuit was filed in 3rd District Court to meet a statutory deadline that would have expired this week.

The suit asks the court to require Alta to give the application further consideration. It also seeks access to the town water supply. If not, the estate wants "reasonable compensation" for the undeveloped property's loss in value.

"We have not denied their ability to develop this property," says Alta Mayor Tom Pollard. "We have denied them to develop under this application."

The estate argues it has contractual rights to hook into the town supply. Salt Lake City disagrees. Both point to documents that date to the 1970s.

If the case goes to trial, a judge would decide.

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