

MEETING MINUTES
ALTA PLANNING COMMISSION MEETING
Wednesday, December 18, 2024, 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
Dave Abraham
Maren Askins
Roger Bourke, Town of Alta Mayor (Ex-officio) (Virtual)

STAFF PRESENT: Chris Cawley, Town Manager
Molly Austin, Assistant Town Manager
Polly McLean, Town Attorney
Jen Clancy, Town Clerk (Virtual)

ALSO PRESENT: John Guldner, Cottonwood Lands Advisory (Virtual)

NOT PRESENT:

1. INTRODUCTION AND WELCOME FROM THE CHAIR

Planning Commission Chair Jon Nepstad opened the December 18, 2024 meeting at 3:00 PM and noted the change of seasons.

2. PUBLIC COMMENT

No public comments received.

3. APPROVAL OF MINUTES FROM THE AUGUST 28, 2024, MEETING

Molly Austin noted that a typo on the minutes indicated they were being approved on September 25, 2024 – which was the next scheduled meeting date after the August meeting. This will be corrected, and the approved version will include today's date. Jon Nepstad noted the change for the record.

Jeff Niermeyer entertained a motion to approve the minutes from the August 28, 2024 meeting with the noted date correction. Planning Commission member Rob Voye seconded the motion, and it was carried out with unanimous consent of the commission.

4. STAFF UPDATES REGARDING NEW TOWN WEBSITE AND EMAIL ADDRESSES

Chris started off by alerting the commission that the Town Council passed the amended subdivision ordinance discussed at the previous commission meeting, thus meeting the legislative requirement to do so by January 1, 2025.

Molly provided the commission with a brief overview of the new Town of Alta municipal website, highlighting the changes to the Agendas & Minutes page. Agendas and Minutes are now sorted by public body and searchable via a few different parameters. Meeting materials are now consolidated into one packet versus sharing individual documents. She also brought attention to the updated URL: townofalta.utah.gov. This change was motivated by recent legislation (2023 SB 127) that requires all Utah government websites to use an authorized top-level domain by January 1, 2025. In conjunction with the website, all Town of Alta email addresses will also be updated to the townofalta.utah.gov domain. All new email addresses have been created. Staff have already transitioned to using these new email addresses. Any members of the Planning Commission with TOA issued email addresses should expect an update before the new year.

Chris reiterated the change that affects how meeting materials are shared and posted as one comprehensive packet rather than individual files.

5. PRESENTATION AND DISCUSSION: SHRONTZ ESTATE PROPOSAL FOR PATSEY MARLEY PROPERTY

Jon Nepstad introduced the agenda item and brought attention to the comprehensive staff report that Chris provided to give background and context to the project.

Chris introduced Doug Ogilvy, Zach Hartman, and Wade Budge who were present in the meeting to represent the Shrontz Estate. Chris highlighted elements of background history on the Estate's property, including that Duane and Jody Shrontz had initially been in conversation with the Town about building a hotel on the parcel below the Summer Road. After Mr. and Mrs. Shrontz passed away, the Estate applied to subdivide the property in 2009. The Town denied the application, leading to litigation and a legal settlement in 2014 in which SLC, TOA, and the Shrontz Estate entered into agreements. The development agreement allows for a 10-lot subdivision. In the meantime, the Estate and the Town have discussed a few different concepts that would replace the 10 lot subdivision with a project to develop a single building below the Summer Road roughly in the location where a hotel was proposed 20 to 30 years ago. The proposal before the commission today is along those lines, with the distinction that it would require a re-zone to FM-20 (Forestry Multi-Family zone) that is a higher density residential zoning district.

The Town has been discussing this with the Estate for the last several months, and the Estate asked to present their concept in a public meeting to bring the conversation into the open and begin gauging public reaction. Chris emphasized that the presentation does not constitute a complete application for a re-zone but is just a first step to get the perspective and feedback of

the commission on the land use implications of this proposal. He continued to describe that we will have to think about how this concept fits in with the Town of Alta General Plan.

Jon Nepstad reiterated that this is just a presentation and discussion with no decision or action to be made, but rather an opportunity for the commission to have a conversation and ask questions.

Doug Ogilvy introduced himself as being involved with this project for the past 5 years, and then he provided a brief presentation on the history of the Estate and the settlement agreement from 2014. After the agreement was made, the Estate wanted to recognize the Town's interest in preserving open space, leading them to consider alternatives that might be more favorable. He continued to summarize what has transpired between the Town and the Estate since 2019, leading us to where we are today with the consideration of rezoning 6.5 acres of the site into the FM-20 zone creating the opportunity for the Estate to create saleable real estate in the area below the Summer Road while preserving open space above. Doug reported the Estate had held a preliminary meeting with SLC Public Utilities, and that SLC is willing to discuss the concept as it would preserve 20 acres of open space which could otherwise be developed into a subdivision.

Doug then described the proposal in more detail along with the presentation slides:

- The proposal divides the property into 2 primary areas or lots: a development area and a conservation easement.
- The development area was determined by addressing the following development constraints:
 - Slopes over 30%
 - Wetlands
 - 50-foot setback from water source
- The FM-20 zone allows for 20 dwelling units per net developable acre or 40 guest rooms per net developable acre
 - Dwelling Units: The development lot outlined in the Estate's conceptual plat includes just over 3 acres of land, which would allow for up to 66 dwelling units, although a maximum of 29 are proposed.
 - Guest Rooms: The net developable acreage would allow for up to 132 guest rooms
 - Workforce Housing: Proposal includes a minimum of three (3) workforce housing units
- The Estate is considering two alternatives for driveway access to the site :
 - Alternative 1: Pave and widen the Summer Road until it hits the parcel line, and then add an driveway below the road to access the building. Additional widening of the road would allow for snow cat parking which may be displaced from its current location by the proposed paving of the Summer Road.
 - Alternative 2: Build a new driveway that parallels the Summer Road to the west or downslope. This alternative would require cooperation from TOA, USFS, and Alta Ski Lifts. This alternative would have no impact on the current Summer Road and would separate all roadway vehicles from over-snow vehicles.
- The proposed condominium building would be comprised of 8 stories
 - Level 1: Fitness center, hot tubs, MEP

- Level 2: Workforce housing, garage, services, 1 condo unit
- Level 3: Arrival court, condo amenities (skier lounge, restaurant, bar, etc.), storage, 1 condo unit
- Levels 4 - 8: Condo units
- The top of the building is designed to be 25-feet above the level of the Summer Road or less
 - Jeff Niermeyer inquired if HVAC units would be on the roof. Doug couldn't say for sure but imagined there would have to be some elements on the roof, but reassured they would comply with requirements for screening of rooftop appurtenances.

In conclusion, Doug summarized that the Estate aims to provide a proposal that preserves the 20 acres of land on the upper side of Patsey Marley hill and allows for a development lot in the lower section of the parcel. He acknowledged that this would require a revision of the 2014 settlement and development agreement.

Doug presented slides showing updated massing renderings comparing the potential visual impact of the 10-lot subdivision with that of the proposed condominium building. After a question raised by Jon Nepstad, Doug Ogilvy clarified that the 10 building sites depicted in the rendering represent the building pads that were approved in the 2014 agreement.

Before the commission began their discussion of the presentation, Town Attorney Polly McClean clarified a comment from Chris Cawley by stating that Estate developed the concept it was presenting to the Planning Commission and that the concept was not a recommendation from the Town.

Rob Voyer asked for clarification on where the grade was defined as in determining the overall building height. Doug Ogilvy stated that they understood they could build up to 25' above the height of the Albion Basin Summer Road, which is similar to the height restriction outlined in the Base Facilities Zone, Subzone A. Chris Cawley observed that in the Town's FM zones, building height is individually determined by the Planning Commission.

Mayor Bourke asked again about the proposed parking area for over snow vehicles, and Doug shared that the idea with this proposal would be to widen the Summer Road immediately after where it would drop down to the building to allow for parking of such vehicles. This new position is several hundred feet beyond where snow cats currently park and would be in conjunction with expanding pavement of the Summer Road up until that point. Doug continued that with the second access alternative they have in mind, a new road would be built that would have no impact to current snow vehicle parking.

Next, there was another conversation about building height requirements. Chris Cawley summarized that in the Base Facilities Zone, regulations for buildings on the south side of HWY 210 set a maximum of 2 stories above the height of the roadway. He went on to reiterate that the proposal for consideration would be assuming a rezone to FM-20, and that it would be up to the discretion of the commission to determine allowable building height. Doug Ogilvy expressed

that they felt the proposal of 25' above grade was consistent with other buildings in the area and thought it was a number the commission would find reasonable.

Rob Voye inquired about the width of the proposed structure so he could try to get a better sense of the visual impact of such a building. Doug said that there is 320 feet across the bottom of the property line, so a good guess is that the building itself would be close to 200 feet wide.

Maren Askins asked if this would impact the current skiers access route from the Summer Road to the ski area. Doug observed that the project would not affect Alta Ski Area's Patsy Marley ski run, which is outside the property boundary.

Dave Abraham asked about how the wetland data that was included in the exhibits was acquired. Doug referenced that they completed a new wetland study in the summer of 2022. Dave continued to share that he would prefer to see an option that wouldn't expand pavement of the current Summer Road due to the popularity of that route for skiers. Further discussion of the two driveway alternatives ensued. During this discussion, we heard from Zach Hartman from Land Advisors, who introduced himself as a representative of the Estate. Wade Budge was also introduced as an attorney representing the Estate.

Jon Nepstad asked what has changed since the 2014 agreement that prompted the Estate to consider this alternative now. Zach Hartman addressed the commission and detailed the importance of hearing from all potential stakeholders that would be affected by development in the area, highlighting how passionate people are about Little Cottonwood Canyon and this project. One big takeaway from those conversations was the interest in reducing the footprint of any development and lessening the impact on the upper portion of the parcel. The Estate weighed that feedback with their desire to monetize the development, ultimately landing on the proposal that is before the commission today. Zach stated that while there is probably more profit to be made with the 10-lot subdivision concept, they wanted to find a reasonable solution that paired humanity with logic, hoping they could come to a new compromise that might face less resistance and be more favorable to the Town. The Estate is tasked with balancing their own economic interests with doing what is best for the community. A lot of thought and planning went into the current proposal to address the wants of all parties, understanding that minimal visual impact was paramount.

Jon Nepstad inquired about what types of public amenities would be included in this proposal. Zach and Doug expressed that those details are yet to be determined, but that they imagined it would include public restrooms at a minimum and perhaps a food and beverage outlet.

Maren Askins asked if the lots depicted in the subdivision concept are ready to sell today. Representatives of the Estate stated that two more signatures are needed on the subdivision plat before that could happen: the Town of Alta and Salt Lake County Health Department, but that all other jurisdictions have signed the plat. The Estate's representatives continued to express that they did not intend to push the 10-lot subdivision concept forward in the meeting but rather want to explore alternatives that might work better for all parties.

Maren revisited the topic of public amenities and access. Doug Ogilvy reiterated that right now the concept is really a blank slate, and they are open to receiving input from the community on what they would like to see included.

Jeff Niermeyer stated for the record his familiarity with the current settlement agreement as he was the Director of Salt Lake City Public Utilities at the time it was negotiated. Jeff expressed that this new concept would require a new agreement, especially as it relates to water usage. The Estate's representatives stated they were aware the parties would need to enter into a new agreement and have already held preliminary meetings with SLC Public Utilities to gauge their support. Wade Budge noted that they have conducted studies that indicate that this type of project wouldn't necessarily result in increased water usage, but that this hypothesis would have to be confirmed with a more specific analysis of the exact proposal. Regarding the massing of the proposed building, the approach taken was to consolidate the 8,500 square feet allocated for each of the 10 homes in the subdivision concept and consolidate it into one building, acknowledging that with the condominium concept there will inevitably be the need for additional square footage for things like storage, elevators, mechanical and electrical, as well as shared amenity space – resulting in a total footprint of over 100,000 square feet. Both parties acknowledged that there is still plenty of room for dialogue and negotiations before anything would be finalized.

Wade Budge spoke to how water would be delivered to the parcel. Wade Budge described that they have already laid a pipe from the Bay City Mine under SR 210 as well as another one that goes up the hill and almost reaches the Town of Alta water tank, so there is currently infrastructure in place, although it is inactive at this time. The Estate has engineered two alternative drinking water systems to serve the subdivision and had received approval from the Division of Drinking Water for both. For the condominium proposal, the Estate would have to work with Alta Ski Lifts to allow a water tank on Ski Area land or find a place for the tank within the conservation easement.

Jeff Niermeyer asked how the conservation easement would accommodate the encumbrances that Alta Ski Lifts has in place across that land. Wade noted that the conservation easement would be subject to any pre-existing rights held by Alta Ski Lifts.

Jeff Niermeyer stated that the parties are essentially at a standstill for now – the Estate is asking the Planning Commission what they think of this new concept, knowing that any changes to the 2014 agreement will have to be negotiated by all involved parties. He expressed the need to keep an open dialogue and move forward to see if there is a potential consensus on this new proposal. Zach Hartman detailed that while speaking with the Planning Commission is the first step, it would ultimately be up to the commission to issue a recommendation to the Town Council, which would no doubt have some conditions. He went on to emphasize that it would be the Estate's preference to explore the proposed new driveway alternative of building a new road rather than making any modifications to the existing Albion Basin Summer Road.

Jon Nepstad was curious about how the day-to-day comings and goings would impact traffic in the area. Doug Ogilvy suggested that with workforce housing and condominium units, the occupants would be more likely to travel up and down the canyon once or twice a week versus

every day. It was also discussed that the interest they have seen so far has been from ski-focused families, so it is anticipated that summertime impacts would be nominal.

The Commission then discussed what the implications would be in terms of setting a precedent if they were to consider this parcel for a re-zone to allow condominiums instead of 10 single-family homes. Polly described that the Town could approve a rezone if it was “reasonably debatable” and the decision would uphold the purpose of the Municipal Land Use, Development, and Management Act, and didn’t think it would set a legal precedent, as the decision would be specific to this site. Further, she clarified that it would ultimately be up to the discretion of the Town Council to approve a re-zone, not the Planning Commission. Chris Cawley quoted Mayor Bourke in observing that one definition of precedent is something that happened in the past, which would necessarily make the decision a precedent. Chris encouraged the Commission to weigh the trade-offs of this proposal and consider that condominiums have been a hot button issue before, and whether approving this re-zone would obligate the Town to consider other potential rezoning applications in the future. Doug Ogilvy pointed out that its unlikely any future re-zone applications would also come with such a generous open space conservation opportunity, so that distinction should be taken into consideration.

Dave Abraham inquired about the electrical infrastructure that would be required to power the proposed building. Doug stated that his had not been explored thoroughly, but the thought was that power would be brought to the property underground.

Planning Commission Chair Jon Nepstad wrapped up the conversation by highlighting written comments the Town received leading up to the meeting, and encouraged more comments to be submitted in writing, for now, until the commission is able to schedule time to invite the public in for a more open discussion.

Mayor Bourke asked a few more clarifying questions about the proposed footprint of the 10-lot subdivision and parking structure, as well as the new proposal to move OSV parking.

Mike Maughan from Alta Ski Area approached the podium to share that, generally, Alta Ski Area is supportive of the concept being proposed today and is willing to work with the Estate to find an agreeable solution to some of the outstanding aspects that would need to be addressed.

As a next step, Jon Nepstad suggested that the Planning Commission would need to gather more details and might compile a list of questions for a future meeting. He also expressed interest in doing a visual exercise that would help demonstrate the size of the proposed building, referencing the balloon exercise that was done several years ago when the Snowpine Lodge was being rebuilt. The Estate expressed support and offered resources to help facilitate such an exercise.

Jon Nepstad and Jeff Niermeyer went on to discuss some other implications of this proposal, including what effect it would have on the character of the neighborhood and community to consider condos (that would most likely house a more transient community) over single family homes (that might be more likely to attract year-round residents). Dave Abraham offered that those components are not as important to consider compared to whether consolidating

development into a more concentrated area is beneficial from a Town planning and design perspective.

Polly McLean stated that a strength of this proposal is that it doesn't request any variance to the current Town Code in terms of allowable uses within the FM-20 zoning district. She discouraged the practice of making exceptions to allowable uses per development agreement.

John Guldner spoke to the water usage issue, clarifying that the Estate only has water allocations for 10 houses, which appears to translate to 10 condos under Utah Division of Drinking Water standards. John observed that while the Estate did not anticipate additional water consumption under this proposal, he reiterated that only the State of Utah could make that determination. If it were decided that more water was needed to accommodate the condo development, Salt Lake City Public Utilities would have to approve the additional allocation.

Wade Budge detailed a list of follow-up items that they would be prepared to bring before the commission at a future meeting:

- Details about the conservation easement and how an easement would work with existing rights
- More details on the potential community benefits opportunities
- Details on access options and operations and what the USFS has already approved
- A site visit
- Analysis of water systems alternatives and what they already have approval from the State to do
- Anything else that the commission might request so the Estate can provide a more complete presentation

Rob Voyer expressed some of the logistical and operational challenges that might come with the condominium concept and wanted to ensure that there would be a plan in place in terms of the day-to-day management of the building. Chris observed that the Town already has several requirements in place for any new or existing development, such as requirements for communication during periods of Interlodge travel restriction.

6. DISCUSSION AND POSSIBLE ACTION: 2025 CALENDAR YEAR MEETING SCHEDULE

Chris admitted this was a last-minute agenda item, but he reminded the commission that it is required to adopt a meeting schedule every calendar year, so he suggested that the commission stick with the current meeting schedule convention of the 4th Wednesday of each month at 3:00 PM. All members of the commission agreed.

Staff offered to bring a formal resolution to the next meeting that will include specific meeting dates.

7. NEW BUSINESS

The next meeting is scheduled for January 22, 2025, at 3:00 PM assuming there is business to bring before the commission. It was also suggested that we use that opportunity to complete the annual Open and Public Meeting Acts training.

Jon Nepstad inquired with representatives from the Estate if they would be prepared by January 22nd to come back to the Commission with their follow-up items mentioned previously.

Mike Maughan, representing Alta Ski Area, offered to provide an update on ongoing or upcoming capital projects, as it is customary to do at least once a year.

8. MOTION TO ADJOURN

Planning Commission member Rob Voye 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 *January 22, 2025.*



Chris Cawley, Town Manager

