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Alta Planning Commission Meeting Packet March 26, 2025

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AGENDA
ALTA PLANNING COMMISSION MEETING
WEDNESDAY MARCH 26th, 2025 3:00 PM
ALTA COMMUNITY CENTER
ALTA, UTAH

We encourage you to join us in person. This will be a hybrid meeting. For information about how to view the meeting online, please visit <https://townofalta.utah.gov/events/> or watch live <https://townofalta.utah.gov/live-stream/>

Public comment - please note, each person will be able to speak for up to 3 minutes.
Written public input can be submitted in advance to Chris Cawley via email (ccawley@townofalta.utah.gov)

To make a public comment virtually we recommend notifying Molly Austin via email (molly@townofalta.utah.gov) in advance of the meeting.

3:00 PM Alta Planning Commission Meeting Agenda
Alta Community Center

- 1 Call the meeting to order
- 2 Public comment
- 3 Approval of the minutes of the February 26, 2025 meeting
- 4 Presentation and Discussion: Shallow Shaft Redevelopment Proposal
- 5 New business
- 6 Date of next meeting
- 7 Motion to adjourn

Notice Provisions:

- Motions relating to any of the foregoing including final action may be taken at the meeting.
- One or more members of the Alta Planning Commission may attend by electronic means, including telephonically. Such members may fully participate in the proceedings as if physically present. The anchor location for purposes of the electronic meeting is the ALTA COMMUNITY CENTER, 10361 EAST HWY 210, ALTA, UTAH
- Reasonable accommodations (including auxiliary communicative aids and services) for individuals with disabilities may be provided upon receipt of a request with three (3) working days' notice. For assistance, please call the Alta Town Office at 801-363-5105

MEETING MINUTES
ALTA PLANNING COMMISSION MEETING
Wednesday, February 26, 2025, 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
David Abraham
Maren Askins
Roger Bourke, Town of Alta Mayor

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

ALSO PRESENT: John Guldner, Cottonwood Lands Advisory

NOT PRESENT:

1. INTRODUCTION AND WELCOME FROM THE CHAIR

Planning Commission Chair Jon Nepstad opened the February 26, 2025 meeting at 3:00 PM.

2. PUBLIC COMMENT

No public comments received.

3. APPROVAL OF MINUTES FROM THE JANUARY 22, 2025, MEETING

Jeff Niermeyer moved to approve the minutes from the January 22, 2025 meeting. Maren Askins seconded. All in favor and minutes approved.

**4. PRESENTATION AND DISCUSSION: SHRONTZ ESTATE PROPOSAL to
DEVELOP a CONDOMINIUM PROJECT on PATSEY MARLEY HILL
PROPERTY**

Jon Nepstad introduced this agenda item as a continuation of the conversation of the Estate's proposal to develop a condominium project as an alternative to a 10-lot residential subdivision.

Jeff Niermeyer questioned whether a formal application was up for consideration at this time. Polly Mclean noted that this conversation is considered a work session and no formal action is being taken regarding an application. Wade Budge offered to revisit this question later in the meeting.

Doug Ogilvy introduced himself as representing the Shrantz Estate on the Patsey Marley parcel. He summarized that the question before the Planning Commission is whether they are in favor of building a 10-lot subdivision to include expansion and paving of a portion of the Albion Basin Summer Road, as approved in a 2014 settlement agreement, ("Development Concept A") or the recently proposed concept of one larger condominium building on the southeast corner of the property with a proposed alternative paved access road running parallel (to the west, or downslope, of the summer road) accompanied with a 20-acre conservation easement ("Development Concept B").

Doug noted that after the site visit to the property last month, he noticed that the building renderings showing height and massing compared to the surrounding treetops was inaccurate, and the Estate updated their renderings for accuracy. Doug also stated that another outstanding question from the previous meeting was about water usage, and that they invited a representative from Aqua Engineering to speak on that topic later this evening.

Jon Nepstad asked that the Estate discuss their proposal to access the project. Doug Ogilvy responded by saying that the approved access plan with Development Concept A is shared access along the Albion Basin Summer Road with a parking structure and the alternative proposed in Development Concept B is to build a new access road to run parallel to the Summer Road, thus maintaining the Summer Road as it is in its current form and usage. Doug said he believes both the Estate and the Town prefer this new alternative.

Jeff Niermeyer asked Doug Ogilvy if the estate has approached the USFS about the alternative access route proposed in Development Concept B. Doug stated that they have not engaged with the Forest Service yet on that topic.

Maren Askins asked if Alta Ski Area is in favor of the new road. Doug stated that they haven't gotten into the details of that yet with representatives from Alta Ski Area, but that working closely with them is paramount regardless of which alternative is considered.

Jon Nepstad noted that this new alternative has a greater impact and disturbance in the area and asked why this is the preference. Doug Ogilvy stated that there are some trade-offs, notably that this alternative will provide two roads to accommodate different user groups vs. having all users share one road. Chris Cawley clarified that without the new driveway, there would still be significant disturbance in the area with the widening and extending of the Summer Road.

Jeff Niermeyer asked about the location and access to the public restrooms. Doug noted that after discussion at the last meeting, he understood it to be the Town's preference to keep public restrooms as a separate out-building located closer to the winter access gate.

Polly asked how the current Summer Road would be impacted with Development Concept A. Doug Ogilvy reported that the Summer Road is currently 34' wide and it would be adjusted to 46' in width.

Doug Ogilvy introduced Dan Woodbury from Aqua Engineering to discuss water usage. Mr. Woodbury noted that the Estate established a cap of 8,000 gallons of water usage per day. He continued that the number of units in Development Concept B (estimated at 34 total units) would put that State requirement out of reach (assuming 400 gallons per unit per day), so they have approached the State to request a reduction as State code allows on a case-by-case basis. Mr. Woodbury continued that they gathered data from similar developments in the Deer Valley area to use for comparison. He further noted that the request is for 250 gallons a day, which is significantly higher than the samples they are using for comparison. He continued to make the distinction that the units proposed in Development Concept B would have no outdoor usage (such as irrigation) further reducing the need.

Jeff Niermeyer asked how the square footage of the proposed units compares to the ones they are using as comparable in Deer Valley, to ensure that we are conducting an “apples to apples” comparison. Mr. Woodbury stated that they are factoring in square footage in their comparisons and reiterated that discrepancy in outdoor water usage. Jeff then asked about the time period they are using to measure – whether it was day, peak month, year, etc. Mr. Woodbury noted that they are collecting data for 36 months. Jeff described that per state code, there must be an enforceable mechanism to ensure the monthly cap is not exceeded, which he opined could be a challenge during peak visitor months like the holidays.

Jon Nepstad asked the Estate provide the commission with the data Mr. Woodbury described for the comparable developments. Mr. Woodbury noted that they are currently evaluating 4 other properties and are looking to add a few more, including some in Little Cottonwood Canyon.

Maren Askins asked about how the additional communal facilities (like food and beverage outlets) are being factored into the water usage calculations. Mr. Woodbury noted that would be factored in when considering the total number of connections in the development. Jon Nepstad inquired about the anticipated timing to submit a report to the State and Mr. Woobdury stated they expected to have it ready in 3-4 weeks.

Chris Cawley inquired what the process is like with the State of Utah for review and approval. Dan Woodbury stated the State would ultimately issue a letter of approval that would be submitted to the Town of Alta.

Rob Voye asked about the state-level requirements vs. SLC Department of Public Utilities (SLCDPU). Jeff Niermeyer clarified that the State sets the drinking water requirements and SLCDPU holds the contract for the source of supply. He provided a useful analogy that SLCDPU provides the bucket of water, and the State determines how quickly the bucket can be drained.

Polly Mclean asked about the distinction between connections and fixtures. Mr. Woodbury explained that the State will do a calculation to determine the ERC (equivalent residential

connection) based on predicted usage. Jeff Niermeyer elaborated that the number of bedrooms would factor into the ERC calculation as more bedrooms equate to increased usage through the fixture units.

Wade Budge, legal representative of the Estate, introduced himself. He stated that since the previous Planning Commission meeting, they have conducted additional meetings with representatives from SLCDPU and the Town of Alta. Wade clarified that they have also since submitted an official application to the Town for a re-zone to accommodate Development Concept B.

Wade explained that per the 2014 agreement, the Estate cannot seek any changes to Development Concept A without getting consent from both SLCDPU and the Town of Alta. In October, they received a letter confirming consent from SLCDPU to move forward with Development Concept B and are now working to determine if the Town is also amenable to the new concept. Wade noted that the application they submitted to the Town for a re-zone could easily be terminated if the Town wasn't interested in consenting to the process. He then stated that property owners have certain rights when it comes to land use applications, but that he recognized they are not yet in that category.

Wade then led a high-level overview discussion of the process and the roles of the Planning Commission versus the Town Council. At this point, they are seeking a recommendation for a re-zone from the Planning Commission to the Town Council. The Planning Commission cannot approve a re-zone, but they can offer a recommendation in favor of, against, or in favor of with conditions or comments, to the Town Council. Wade continued that ultimately it is the Town Council that the Estate will have to work with to get this project approved, with the following asks:

- A re-zone of the property from FR-1 to FM-20
- Amendments to the development agreement currently in force

If the Estate and the Town Council agree to those terms, the Estate would return to the Planning Commission with a land use application consisting of a conditional use permit and a condominium plat. Wade emphasized that if they get to that point, they will come back to the Planning Commission with all of the outstanding details that are currently in question (like total number of water fixtures, how they would mitigate some of the detrimental impacts of the project, accounting for the rights of Alta Ski Lifts that are already in place, etc.). At this point, they are presenting the Planning Commission with the general outline of Development Concept B and are seeking comments, but recognize it is not a complete project plan as many of those details would be sorted out further along in the process.

Jeff Niermeyer noted that the wetlands should be added to their list of items for consideration.

Wade Budge then continued to describe what details would be required in a conditional use permit application, such as:

- Compliance with set-back requirements
- Avoiding unlawful impacts on wetlands

Wade once again stated that this is a voluntary process and that if the Town withdraw from it or declines to approve the Estate's proposal, the Estate would revert to Development Concept A as agreed upon in 2014. The conversation for today is to offer comments on the consideration of a re-zone.

Jeff Niermeyer noted that the dialogue on this topic thus far has been restricted to the Planning Commission and he expressed interest in opening up the conversation to the greater Town of Alta community. Wade noted that his preference would be to have a formal public hearing in conjunction with the March Planning Commission meeting that would include an overview of the project details the Estate has shared to-date. Jon Nepstad highlighted the importance of providing community members with visual representations of the impacts of Development Concept B and proposed holding an open-house style meeting to allow for broader community input in a more informal setting.

The Estate and the Commission discussed possible details for how an open house meeting would be conducted and the Planning Commission came to a consensus to move in the direction of getting one scheduled.

Polly Mclean asked for clarification on the revised development agreement to go along with the re-zone as well as the current settlement/development agreement. Wade clarified that the development agreement from February 14, 2014 was an administrative development agreement, meaning that it did not seek a variation in zoning. He noted that the choice to re-zone is legislative, meaning it would come from the Town Council. Wade then emphasized that a re-zone would not be pursued without being accompanied by an updated development agreement that included the conservation easement terms, the alternative access route, and a "host of other items", one of which is a stipulation about the water usage, noting that element would require cooperation from SLCDPU.

Jon Nepstad asked for clarification on who would hold the conservation easement. Wade stated that the Estate would pick a qualified donee that is acceptable to all parties and added that the Estate had informal conversations with Friends of Alta as an interested and qualified party.

Wade then stated that a mutual water company would be formed to manage and enforce the requirements related to water usage.

Rob Voye asked about the inclusion of Alta Ski Lifts in the conversation and if they are comfortable with the proposal as it stands. Wade stated he could not speak on their behalf but that he understands that including and working with them is essential, especially in regard to obtaining approvals from the USFS and evaluating the impacts to skiers in the development area.

David Abraham clarified that the re-zone request is for the FM-20 zone and then asked about the developable acreage. Doug Ogilvy explained that the total lot size is approximately 6 acres, but since the uphill portion of the lot is designated for conservation, the developable acreage is closer to 2.5 acres. David Abraham then asked for clarification that the building height is a standard

that will be determined by the Planning Commission and not something that would be included in a recommendation to the Town Council, which Polly McLean confirmed.

The commission discussed a summary of next steps:

- Estate representatives to coordinate with TOA staff to host an Open House for community input for some time in March
- Estate requests to be on the agenda for the March Planning Commission meeting, assuming the timing allows with the Open House
- Planning Commission gets to a position to be ready to make a recommendation to the Town Council with any comments they may have
- Town Council weighs comments from the Planning Commission along with a draft Development Agreement
- Development Agreement to outline what process would be followed should the application for a re-zone be approved
- Estate to return to the Planning Commission with an application for a Conditional Use Permit as early as this summer
- The conservation benefits get transferred to the qualified donee as soon as practicable

Jeff Niermeyer asked Polly Mclean how the Planning Commission can make their recommendation to the Town Council. Polly noted that the application for a re-zone was officially submitted to the Town recently and the Town is still evaluating whether it is a complete application. If the Town determines the application is complete, the next step would be to bring that application before the Planning Commission for a formal recommendation.

Rob Voye noted that with the addition of an Open House meeting, there may be a need to push back the regularly scheduled Planning Commission to allow for enough time to advertise the event and then synthesize the information gathered from the public. A discussion then followed on the logistics of the Open House meeting, with an emphasis on the fact that it is an informational meeting for the public to gather comments and feedback.

5. OPEN AND PUBLIC MEETINGS ACT TRAINING

Polly McLean introduced the Open and Public Meetings Act and summarized that the basis of the Act is to ensure that public business is conducted transparently and in the public. The Act applies to any public body of two or more individuals supported by tax money or with decision-making authority. A meeting is defined as a quorum of a public body, which for the Alta Planning Commission means three or more members convening to discuss, receive comments, or act on town-related matters.

Polly clarified that casual social interactions among members do not constitute a meeting unless town business is discussed. Polly addressed potential issues with electronic communications (such as email chains and group text messages), explaining that if a quorum participates and town business is discussed, such exchanges could qualify as meetings and must comply with the Act. Polly urged avoiding actions that could be perceived as circumventing the law.

Examples were provided to illustrate acceptable practices, such as communicating directly one-on-one with Town staff. Social events and casual interactions, such as meeting on a chairlift or having dinner, are permissible if town business is not discussed. However, Polly cautioned against post-meeting discussions or private deliberations that could undermine the transparency of decision-making. It was noted that any decision must be discussed openly in meetings to ensure public awareness and participation.

Polly also touched on the importance of preserving government records, such as emails and messages, and recommended using official town email accounts to ensure compliance with GRAMA requests. She then reviewed requirements for meeting locations, including anchor locations for electronic meetings and exceptions during emergencies. She also discussed the requirement that all meetings are recorded and have minutes published. Polly briefly discussed the topic of closed meetings, explaining they are allowed for specific purposes, but that it is unlikely for the Planning Commission to convene a closed meeting.

Meeting notices and agendas must be posted at least 24 hours in advance and include sufficient detail for the public to understand the topics. Emergency meetings require the maximum possible notice under the circumstances. Polly highlighted that public comments are welcomed on any topic, but decisions can only be made on agenda-listed items. Jon Nepstad asked if the Planning Commission could request that people giving public comments provide their zip code or address before providing a public comment. Polly clarified that while it is something the Commission can ask for, they could not limit someone's ability to speak based on where they reside.

Polly noted that the minutes are considered the official record of the meeting, but that audio recordings must also be retained indefinitely. Chris Cawley and Polly noted that Town staff tends to strike a nice balance between a full transcript and a very general summary of the meeting proceedings in how the minutes are presented. As members of the public body, the Planning Commission can request the minutes be either more or less comprehensive to meet their preference.

Polly warned of serious consequences for knowingly violating the Act, including potential legal ramifications. Polly provided additional training resources, including a link to receive a certificate of having completed the annual training requirement.

6. NEW BUSINESS

No new business.

7. DATE OF NEXT MEETING

The next meeting is scheduled for March 26, 2025, at 3:00 PM.

Planning Commission members and staff discussed potential details of an open-house style meeting in March, but the date has not been determined. It was noted that the regular meeting scheduled for March 26 may have to be rescheduled due to the timing of the open house. Conversation continued about the logistics of an open house and how public feedback will be received.

8. MOTION TO ADJOURN

Planning Commission member Jeff Niermeyer 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 *March 26, 2025*

Chris Cawley, Town Manager

DRAFT

Alta Planning Commission

Staff Report



To: Alta Planning Commission

From: Chris Cawley, Town Manager

Date: March 19, 2025

Re: Shallow Shaft Restaurant Proposed Base Facilities Zone Ordinance Text Amendment and
Redevelopment Vision – March 2025 Update

Attachments: *The Shallow Shaft Property Redevelopment PowerPoint/.pdf*

Introduction

The owners of the Shallow Shaft restaurant are requesting a text amendment to the Base Facilities zoning district that would apply to their property. They would demolish the existing structure to pursue a redevelopment on the property. Both the existing structure and the proposed future structure and land uses exhibit nonconformity and noncompliance issues under Town of Alta Code even with the proposed text amendment. The owners of the Shallow Shaft presented a previous version of this concept to the Alta Planning Commission in April 2024 and request another opportunity to discuss their vision for the Shallow Shaft property with the commission. Much of the content of this document mirrors the report staff provided for last year's presentation as the revised proposal still does not address the concerns and noncompliance.

The minutes of the April 24, 2024 meeting included the following:

Planning commission members then engaged in the discussion and raised questions about various aspects of the proposal and the shallow shaft parcel, including parking arrangements, concerns about short term rentals, the loss of a restaurant, possible considerations for employee housing, potential impacts on traffic, and other compliance issues with the current zoning regulations. The planning commission discussed whether the Shallow Shaft's proposal to amend the zoning ordinance to reduce lot minimum size in Base Facilities Zone C would set an undesirable precedent. They provided feedback and suggestions for further consideration.

David Abraham commended their efforts in managing constraints and mentioned the desire for additional uses like restaurants. Concerns were raised about the aesthetics of the building and the delineation of zoning areas. The discussion touched upon parking, management structure, and the potential number of units. The importance of sustainability, electric car charging, and avalanche safety measures were also highlighted. Mayor Bourke inquired about the distinction between transient accommodations and short-term rentals, with clarification provided regarding the presence of kitchens in the units. Polly McLean explained the difference between residential and hotel use based on the presence of kitchens. Andrina Hougham emphasized that despite kitchen amenities, the proposal aligns with the hotel definition in the town code.

The planning commission agreed to revisit the general plan in the next meeting to ensure alignment with current community needs and address concerns about zoning changes. They emphasized the importance of community input and collaboration in shaping the project's future direction. Overall, the meeting focused on gathering feedback and exploring options for the

proposed development while considering its potential impacts on the town. Andrina Hougham concluded the presentation by emphasizing their commitment to working with the town and seeking feedback before proceeding to the next steps, which may include a public hearing.

Existing Property, Applicable Zoning

The existing land use is an 80-seat restaurant, with an apartment in the basement used by employees or facility caretakers. The existing structure is 28 feet tall above the lowest adjacent finished grade, with at least 44 % lot coverage. The Shallow Shaft parcel is .21 acres and was owned by the US Forest Service until 1985, when the parcel became privately owned either through an exchange with the Forest Service or a sale by the Forest Service to a private buyer.

The Shallow Shaft lot is zoned Base Facilities under [Town of Alta Code 10-6D](#), and further defined as Zone C of the Base Facilities Zone (BFZ). The adjacent "Photohaus" property is the only other property in BFZ Zone C. The following are relevant provisions of the BFZ:

Purpose: *The purpose of the base facilities zone is to allow land to be used for retail and service commercial establishments and uses, together with transient accommodations uses. The base facilities zone is the commercial hub of the town and, as a result, no residential uses, including, but not limited to, condominiums and single-family residences shall be permitted within the base facilities zone*

Permitted Uses: Hotels, conferences, retail commercial services, storage of materials accessory to permitted uses, parking, parks and open spaces, and designated employee housing

Prohibited Uses: All other uses not permitted in the BFZ (including residential uses as stated in 10-6D-2 Purpose)

Minimum Lot Size: 1 acre

Minimum Lot Width: 100 feet

Maximum Coverage: 65%

Yard Regulations (Setbacks): Individually determined by the land use authority

Maximum Height, Zone C: Individually determined by the land use authority

The BFZ was last updated substantially in 2014, when provisions related to lot coverage, height, and other elements were amended.

Existing Zoning Noncompliance and Nonconformity Issues

- The .21 acre, 95.5 foot wide Shallow Shaft parcel does not comply with the BFZ minimum lot size and width requirements under [10-6D-8](#). The adjacent Photohaus parcel is also below the minimum lot size and width requirement in the BFZ. The proposed text amendment would address this noncompliance.
- Public or quasi public parking has occurred on the Shallow Shaft parcel for many years and presumably before the property was privately owned, with up to 8 vehicles parking partially on private property, and partially on land within the UDOT right-of-way easement for SR 210. Under Town Code [10-6D-6-A](#), parking "as is" is allowed for existing uses.
- If the property is enlarged or increased in capacity, if there is a new land use, or if new construction takes place on the property, then parking requirements in the Code apply. As an example, [Alta Town Code Chapter 10-12](#) requires 1 parking space per 2.5 seats or 3 spaces per 100 feet of gross floor area; under this requirement, the 80-seat Shallow

Shaft restaurant would require at least 30 parking spaces to comply with the ordinance. Hotel use requires 1 space per 8 guestrooms (a guest room in the BFZ is every six hundred (600) square feet of total floor area within a structure, and the remainder thereof.) and ½ a space for every employee living accommodation (rounded up). Alternatively, the BFZ parking regulation [10-6D-6-A](#) allows for the land use authority to approve a parking management plan taking into consideration factors such as the number of guests, employees, parking space quantities and locations, etc. Current parking on site is included in the northside parking permit program or in the Alta Marshals Office “official zone.” The Town of Alta and UDOT manage snow removal in the parking area.

- Under the current code the applicants could demolish and rebuild or expand the structure with the same footprint, with the option to add an additional 250 gross square feet of floor area, per updates to ordinance [10-8-4 adopted in 2021](#). The Shallow Shaft would be permitted to tear down and rebuild a new structure with any of the permitted uses in the BFZ ordinance under this provision.
- The culvert opening on the southwest corner of the lot may be within 50' of the current shallow shaft building, which would render the building noncompliant under [Alta Code 10-6D-14-G Stream Regulations](#).

Revised Redevelopment Proposal

The owners propose to develop a two-story building on top of a 5-stall parking garage in the basement. The proposed structure would have 51% coverage, stand 36' above the lowest adjacent finished grade, and have setbacks between 5' and 30' from various lot lines. The proposed use is short-term rentals (STR) because what is being proposed are dwellings with kitchens, although the owners take the position that the use is consistent with the Town’s definition of a hotel.

Changes to the updated proposal include:

- One employee housing unit added
- Small commercial outlet added on the ground floor, described as a coffee shop in the presentation
- 5 units, whereas the previous version had somewhere between 4 and 8, depending on lock-out configurations
- Off street parking reduced from 7 to 5 (all in parking garage)

Proposed Zoning Ordinance Text Amendment

The property owners propose a text amendment to Town of Alta Code 10-6D-8 to reduce the minimum lot size in Zone C to .13 acres, and to reduce the minimum lot width to 70 feet, in order to mitigate both Zone C properties’ noncompliance with 10-6D-8. *See page 27 “Proposed Text Amendment Change” in the attached presentation.* The proposed text amendment would allow for a larger new building on a different footprint, because the parcel would meet the lot size and width requirements under the amended zoning ordinance.

Problems with the Redevelopment Vision: Short-Term Rentals (not addressed)

The owners of the Shallow Shaft argue that their development meets the Town of Alta Code definition of a hotel:

Any building containing guestrooms intended or designed to be used, or which are used, rented or hired out to be occupied on a nightly basis, or which are occupied for sleeping purposes by guests, and which may include accessory facilities such as a lobby, meeting rooms, recreation facilities, group dining facilities and other facilities customarily associated with hotels. A 'hotel' shall not include any building used for residential purposes, including, but not limited to, condominiums and single-family residences."

However, the proposed rooms include kitchens, and as such they meet the definition of a dwelling unit:

Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by this title, for not more than one family. For purposes of determining maximum density of dwelling units for all uses in any FM zone, two (2) guestrooms shall be equivalent to one dwelling unit.

Short-term rentals are defined by the State of Utah under [10-8-85.4](#) as follows:

'Short-term rental' means any residential unit or any portion of a residential unit that the owner of record or the lessee of the residential unit offers for occupancy for fewer than 30 consecutive days.

The owners of the Shallow Shaft point out that a few of Alta's hotels appear to be renting units with kitchens. Staff does not believe the Town has ever permitted the construction of hotel rooms with kitchens or kitchenettes; when the Town reviews construction plans for any development proposal, it analyzes floor plans and other exhibits for compliance with Town Code. In a hotel development proposal, rooms with kitchens would not be permitted. The Town has permitted employee accommodations with kitchen facilities, but these units are not counted toward density under the BFZ ordinance and are illegal to rent. In the meantime, short-term rental of dwelling units is prohibited in the BFZ under the BFZ Purpose Statement, which is listed above in this staff report and states explicitly that *"no residential uses, including, but not limited to, condominiums and single-family residences shall be permitted within the base facilities zone."*

For more information on STR as a land-use topic, [click here to read a white paper on STR from the Utah Land Use Institute](#).

Additional Problems with the Redevelopment Vision and Staff Comments on the Presentation

Lot Size: As described above, the Shallow Shaft parcel is below the 1-acre minimum lot size and 100-foot minimum lot width requirements in the BFZ. The proposed redevelopment substantially changes the footprint of the structure and appears to increase the floor area by more than 250 gross square feet. *The purpose of the proposed text amendment addresses this noncompliance.*

Drainage and Waterway Setback: A large culvert exists on the southeast corner of the Shallow Shaft parcel. The culvert helps manage heavy runoff from spring melt and rainstorms that would otherwise flood or undermine SR 210. A series of additional drainage features directs water into the culvert from above. The culvert appears to have been installed long ago, presumably when the property was owned by the US Forest Service and may have been installed as early as when the canyon road was built. The Town has not installed any culverts and has no stormwater

management program nor any responsibility for stormwater runoff from SR 210 or the steep mountain slopes above Alta.

The plan and renderings contained in the Shallow Shaft's proposal appears to show improvements within 50 feet of the culvert. Town Code Section [10-6D-14-G Stream Regulations](#) provides that *no building, structure, improvement, or appurtenance shall be constructed, raised or established, the nearest point of which is within fifty feet (50') of the high-water line of any Waterway*, and 10-1-6 Definitions defines a culvert as a "Waterway." Development within 50' of a waterway is also prohibited under [Salt Lake County Health Department Regulation 14](#). The presence of the culvert renders any area within 50' of it non-developable, which reduces the density and lot coverage that would be allowed on the property if the proposed text amendment were adopted. The Shallow Shaft may be able to pursue relocation or modification of the culvert with relevant jurisdictions or property owners, but until they do so, areas within 50' of the culvert are not developable and the size and lot coverage of any development would have to be reduced. The plans provided do not reflect this noncompliance. We cannot provide further analysis of the site without addressing this setback.

Text Amendment Impacts on Building Massing: [10-6D-11](#) provides that "Maximum Coverage" *for the aggregate of all buildings, structures, graded surfaces, paved areas, overhangs, driveways, decks, parking areas and walkways shall be 65% of the gross lot area.* If the text amendment was approved, any new proposal would be permitted so long as it covered 65% of the gross lot area or less. This would allow for larger or more massive buildings on those properties which would affect the look, feel, and social dynamics of the neighborhood, which is not necessarily positive or negative.

Minimum Lot Size and Width Requirements in General and in Alta: Lot size and width requirements are common regulations in municipal zoning ordinances. They are a primary mechanism to regulate density, the look and feel of neighborhoods and communities, and the social intensity of a given land use, which can affect demand for municipal services and parking, vehicular and pedestrian traffic and circulation, environmental impacts, and other factors.

The smallest minimum lot size allowed in any Town of Alta Zoning District is ½ acre, in the Peruvian Estates Zone. The minimum lot size in Alta's commercial zone has always been 1 contiguous acre, which the Town of Alta inherited from Salt Lake County upon incorporation in 1970.

Changing the minimum lot size in BFZ Zone C could be considered "spot zoning," which is when zoning regulations are narrowly tailored to a single property or other small number of properties.

If the proposed text amendment were granted it would apply to both properties in the "C" zone of the BFZ. Therefore, the adjacent Photohaus property, which is a lot less than 2. acres, would also be permitted to expand to 65% lot coverage of the lot under this amendment.

Building Frontage Along SR 210: The front of the building including the parking garage entrance appears to directly abut UDOT's easement for SR 210. The presentation indicates UDOT has reviewed the proposal and provided feedback. The Town will need a more formal indication of UDOT permission for this frontage plan if the proposal moves forward.

Employee Housing: Page 29 of the presentation describes that “affordable employee housing” supports “workforce stability and retention.” The employee unit included in the proposal would be required to be used for onsite employees of the facility and not otherwise rented on a long-term basis. Having this unit would meet the requirement of the code for employee housing 10-6D-7 which requires living accommodations for one employee.

Coffee Shop: The proposed coffee shop or café would add a food and beverage opportunity in the SR-210 corridor and the center of Alta’s Commercial Core, where such opportunities are limited. Such a use would maintain some of the public-facing character of the Shallow Shaft restaurant. Parking would need to be added on-site for however many seats are available in the coffee shop, unless an exception is granted under [10-12-2 B](#) or [10-6D-6](#).

Drainage: The presentation makes various claims about responsibility for stormwater management and the placement of various stormwater management infrastructure. To be clear, the Town has no responsibility for storm water management along SR 210. The Town has never installed culverts. The Town assumes the culverts on and near the Shallow Shaft property were installed by UDOT or the US Forest Service to manage erosion and stormwater impacts to SR 210 and the lowest segment of the Michigan City Road, which intersects with SR 210 adjacent to the Shallow Shaft and crosses between the Shallow Shaft and the Town Office/Alta Central complex before switchbacking to the north and east behind Alta Central. The Town considers UDOT to be responsible for storm water management along SR 210. The property is required to manage the storm water which runs on to, from and through the property.

Avalanche Hazard Design Challenges: [10-7-22 Avalanche Hazard Review](#) requires building permit applicants to define and analyze a “100-year avalanche” event and design the building to withstand and protect human life from such an event. On properties with significant exposure to avalanches, designing to this requirement is a primary driver of design strategy and construction costs and can render projects infeasible, and the Town encourages property owners to evaluate avalanche hazard early in any design process. Various avalanche studies have shown significant avalanches originating on Flagstaff Shoulder and Flagstaff face affecting nearby properties. The presentation refers to building design features related to avalanche hazard. However, the building appears to be significantly above-grade, which other nearby buildings designed to satisfy 10-7-22 are generally not, because studies indicate the flow of a design avalanche in the vicinity the Shallow Shaft can exert thousands of pounds per square foot of impact pressure and loading. Building elements that can resist these forces are extremely expensive or even technically infeasible in some locations. This is not a zoning issue, but avalanche hazard on the site could render the proposed building undesirable or technically infeasible for any owner to develop. The proposal will be required to have an avalanche study and meet structural requirements based on that study.

Additional Note on the Photohaus

The Photohaus was originally built as a mixed residential and commercial property on a US Forest Service special use permit, prior to the Town of Alta’s incorporation. Both the Shallow Shaft and the Photohaus either purchased their land from the US Forest Service or participated in a land exchange with the agency. The owners of the Photohaus rent the residential dwellings in the building as short-term rentals. The Photohaus is zoned Base Facilities Zone C, like the Shallow Shaft. The Town has found the residential uses in the Photohaus grandfathered

nonconforming uses. The Photohaus was substantially remodeled in the past decade, but prior to the recent amendment to the Town of Alta nonconforming use and noncomplying structure ordinance allowing limited tear-down and rebuild, and neither dimensions, coverage, or uses of the building changed.

Next Steps

Staff does not recommend consideration of the proposed text amendment until the owners of the Shallow Shaft return with a proposal that complies with the allowed uses and requirements of the BFZ. They need to either remove area within 50' of the culvert from the developable area on their property and meet the requirements related to the mass and density of the proposed building with that setback, or work with relevant jurisdictions and landowners to identify an alternative stormwater management plan that resolves the need for a culvert opening in that location. Staff does not recommend permitting short-term rentals or hotel rooms with kitchens without deliberate analysis and public process most likely in the context of an update to the Town of Alta General Plan and any amendments to Town Code that would be required to regulate these uses. Although the current proposal is closer to meeting the code than the proposal a year ago, it still does not comply and due to the failure to address the setbacks from the waterway/culvert and the room configuration (i.e. apartments), Staff cannot give any further meaningful analysis.

The Shallow Shaft Property Redevelopment

March 26, 2024 APC Meeting Packet

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Meeting Purpose & Key Updates

Purpose of the Meeting:

- **Review modifications** made in response to Planning Commission (PC) feedback from March 2024 and from November 2024 meeting with Town.
- **Present an updated proposal** that aligns with Zone C's practical realities.
- **Obtain additional feedback** before a formal submission.

Key Updates Based on PC and Town Feedback:

- **Employee housing added** – affordable workforce housing.
- **Coffee shop added** to enhance community amenities.
- **Room count reduced** from 8 to 5 for a more compact design.
- **Parking entrance adjusted** to meet **UDOT requirements**; interior parking reduced from 8 to 5 spaces.
- **Snow melt water management solution** to ensure environmental sustainability.

Text Amendment & Request to the PC

Proposal Still Includes:

- **Text amendment** to align lot size and width requirements with the practical constraints of Zone C properties.
- A solution for **better utilization of the property while maintaining the integrity of Zone C** and preserving Alta's unique environment.

Request to the Planning Commission:

- **Consideration of a fair, problem-solving approach**, similar to past solutions provided for other Alta properties in residential and base facility zones.
- **Feedback on the revised proposal** before proceeding with formal submission.

Our Community Presence

Our Longstanding Presence in Alta

- **The Shallow Shaft – A Part of Alta Since 1956**
 - Originally built as a ski shop, now restaurant and apartment.
- **38 Years of Family Investment in Alta**
 - Purchased by Walter Krebsbach in 1986.
 - Ongoing support for local organizations and lodges (Alta Historical Society, Alta Art Council, Friends of Alta, Snowpine, Alta and Rustler Lodges).
- **Why We're Here Today:**
 - Alta has changed significantly over the past 38 years.
 - Stand-alone dining is no longer economically viable.
 - Our proposal aims to adapt to these changes while preserving the character of Alta.



Agenda

Goal: Present our refined vision for the Shallow Shaft property based on Planning Commission / Town feedback.

Overview:

- Replace outdated structure with a modern, sustainable design.
- Reorient the building to better utilize the site.
- Ensure full code compliance.
- Focus on health, safety, and sustainability.
- Repurpose restaurant and apartment into transient accommodations consistent with Base Facilities Zone purpose and permitted hotel use.

Visuals: Site maps, updated exterior view, and interior design concepts.

Text Amendment Recommendation

Respond to relevant items cited in the March X, 2025, Staff Report to the Alta Planning Commission.

Next Steps: Discuss final refinements before moving forward with a formal application.

Base Facilities Zone & Hotel Use Compliance

Purpose: 10-6D-2 Alta Town Code

The purpose of the base facilities zone is to allow land to be **used for retail and service commercial establishments and uses, together with transient accommodations uses**. The base facilities zone is the commercial hub of the town and, as a result, no residential uses, including, but not limited to, condominiums and single-family residences shall be permitted within the base facilities zone. (Ord. 2008-O-7, 6-12-2008)

Permitted use Hotel: 10-6D-4 Alta Town Code

Definitions: 10-1-6 Alta Town Code

Hotel: Any building containing guestrooms intended or designed to be used, or which are used, **rented** or hired out to be **occupied on a nightly basis**, or which are occupied for sleeping purposes by guests, and which may include accessory facilities such as a lobby, meeting rooms, recreation facilities, group dining facilities and other facilities customarily associated with hotels. A “hotel” shall not include any building for residential purposes, including but not limited to, condominiums and single-family residences.

Our proposed redevelopment is fully aligned with the purpose and permitted uses of the Base Facilities Zone

Hotels suites with kitchens are ubiquitous including in Alta

Snowpine Lodge <https://www.snowpine.com/lodging/rooms-suites/?accommodation=penthouse>

- **2 Bedroom Penthouse**
- **Kitchen with dining area** – “The penthouse features a fully equipped gourmet kitchen, perfect for those who love to indulge in their culinary desires.”

Snowpine Penthouse Kitchen



Rustler Lodge https://www.rustlerlodge.com/rooms_owners_studio.php

Owner's Studio

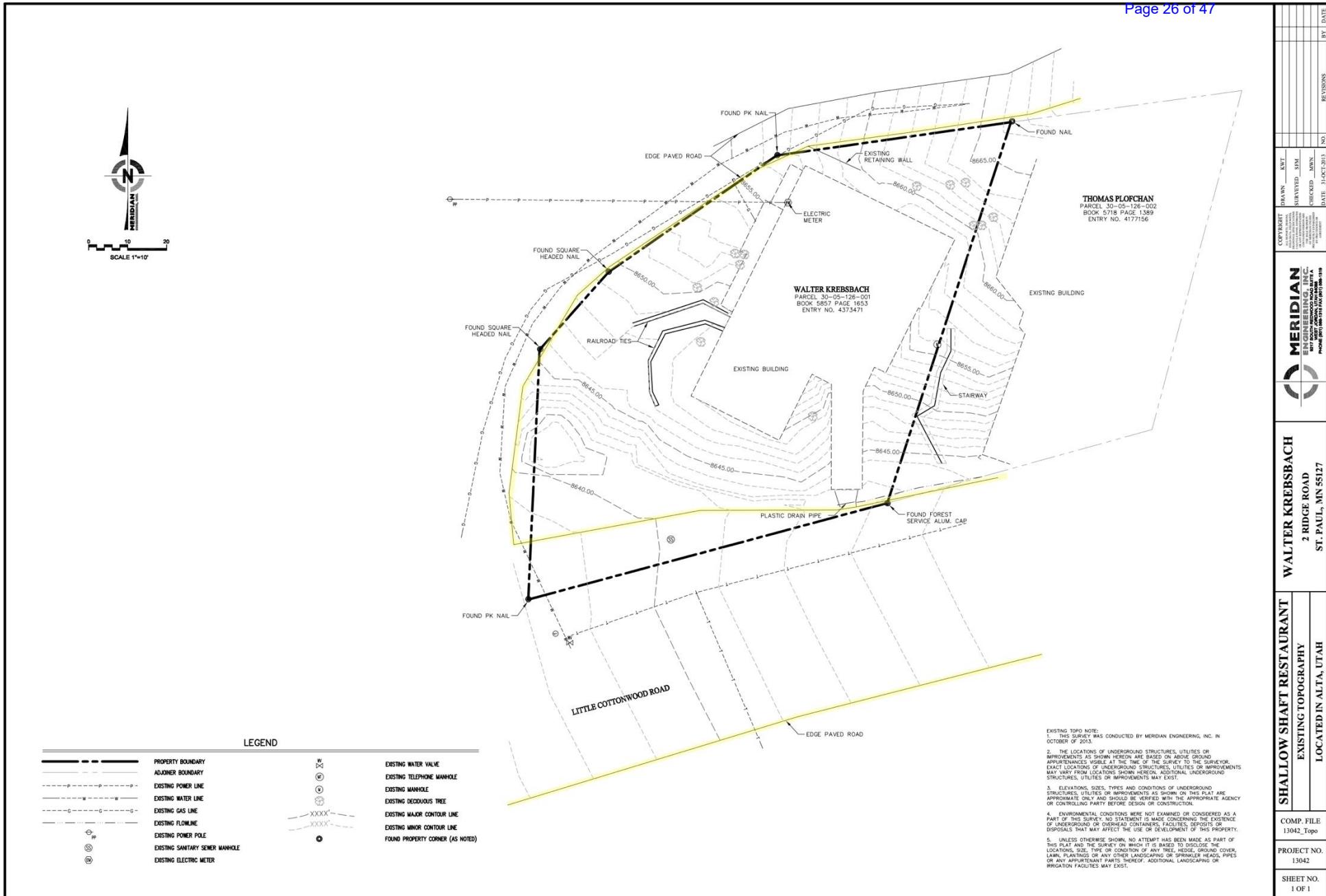
- **King Bed and Queen Sofa Bed**
- **Kitchen and dining area**



Site Maps

Site Survey

- Property surveyed
31 October 2013
- Property boundary
lines extend to the
shoulder of Hwy
210



Overlay of site survey on aerial view

Parking / Northwest back corner

- **Survey confirms** that 4–5 full spaces and 3 partial spaces are located on the Shallow Shaft property.
- Historically, this area has been used for parking **without formal recognition** of private property boundaries.
- **Town signage ("Authorized Vehicle Only")** was placed on our property, indicating that the town has regulated parking in this area.
- **Winter North Side parking** is also within Shallow Shaft property boundaries.



Proposal Concept

Site View of New Structure

Improved Location:

- Moved away from forest road for improved safety.
- Opens green space between buildings, reducing crowding.

Efficient Land Use:

- Building **oriented to fit lot shape** efficiently.
- Optimized **solar exposure** for better energy efficiency.
- Includes **covered parking** for functionality and safety.

Architectural Alignment:

- **Design inspired by** existing Shallow Shaft building
- **Blends seamlessly** with the natural beauty of Alta.



Proposal Concept

Thoughtful Design & Land Use

- **Lower level:** Covered parking garage.
- **Second & third levels:** Five hotel units.
- Roof designed to support **safe snow storage & runoff management**.

Health, Safety & Sustainability Focus

- Meets up-to-date code requirements.
- Safe egress from living quarters.
- Renewable energy sources (solar panels)—aiming for **zero external energy consumption**.



Proposal Concept

Parking Solutions & Community Benefits

- **Parking garage** incorporates UDOT feedback.
- **Electric vehicle (EV) charging stations** to support sustainability.
- **Potential dedicated parking for town use**, improving community access.

Sustainable & Resilient Design

- **Green roof** to enhance insulation and reduce environmental impact.
- **High-performance building envelope**—exceeds energy code requirements for insulation and sealing.
- **Designed to resist avalanches** – can be used during inter-lodge



Interior Designs / Set Backs

Basement Floor Plan

Key Features of the Basement Floor Plan

Parking & Accessibility:

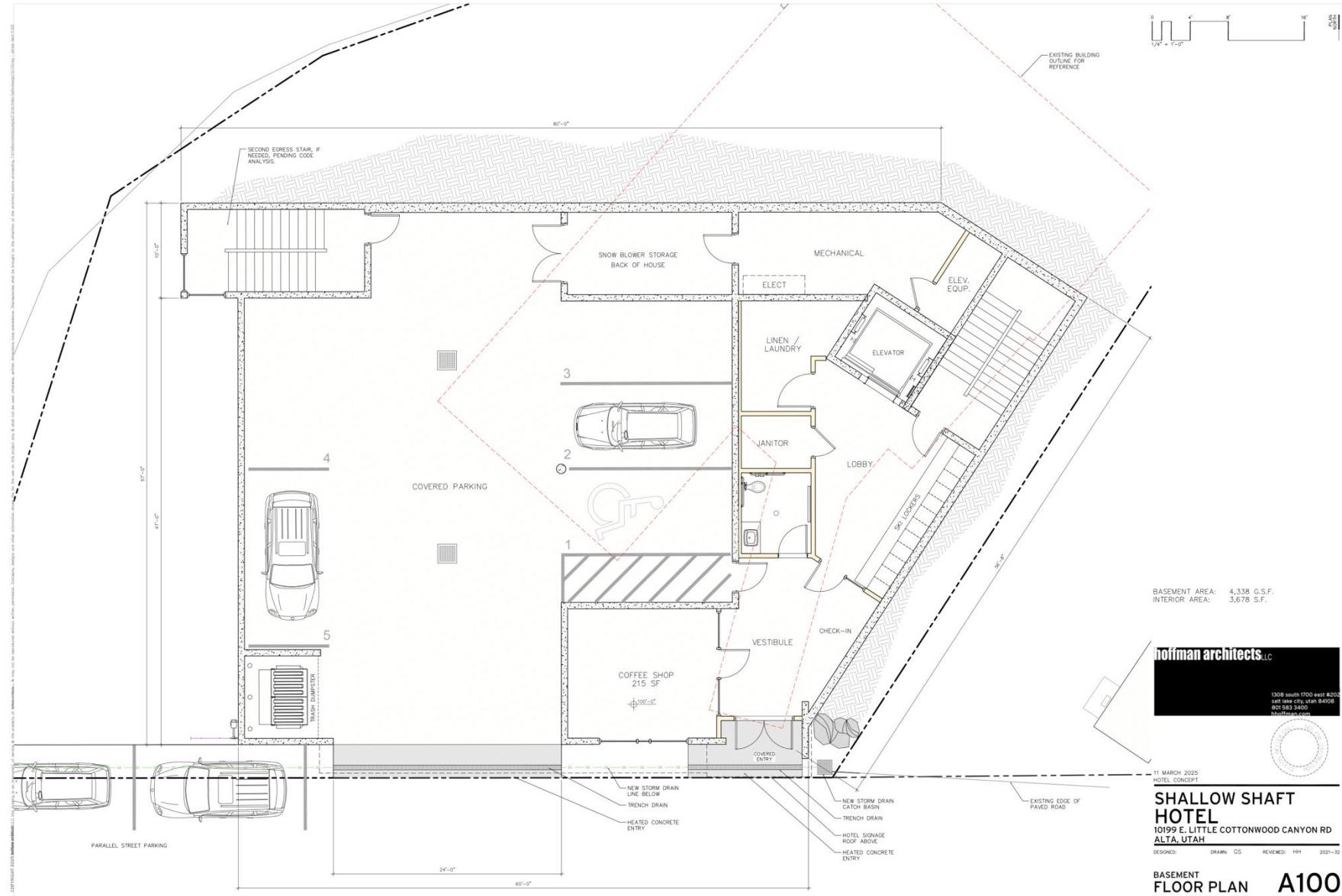
- Garage entrance with 5 covered parking spaces**
- Elevator** – ensures ADA room access
- Stairs** for alternate access

Guest & Operational Spaces:

- Check-in/Lobby** area for arrivals
- Coffee Shop**
- Ski Storage Area** for guest convenience
- Laundry Room** for housekeeping operations

Support & Infrastructure:

- Mechanical Room** for essential building systems
- Bathroom** for staff/guest use



Level One Floor Plan – Key Features

Employee Housing included for workforce support.

Three hotel units designed for flexibility and guest convenience.

- **King Suite:** Bedroom, Bathroom, Kitchen / Living Area.
- **Standard Room:** Bedroom, Bathroom (can be adjoined to King Suite).
- **Standard Room:** Bedroom, Bathroom.



Level Two Floor Plan – Key Features

Two hotel units designed for guest flexibility

- **King Suite:** Bedroom, Bathroom, Kitchen / Living Area
- **Standard Room:** Bedroom, Bathroom (can be adjoined to King Suite)



Coverage/Setback of New Structure

Existing Building

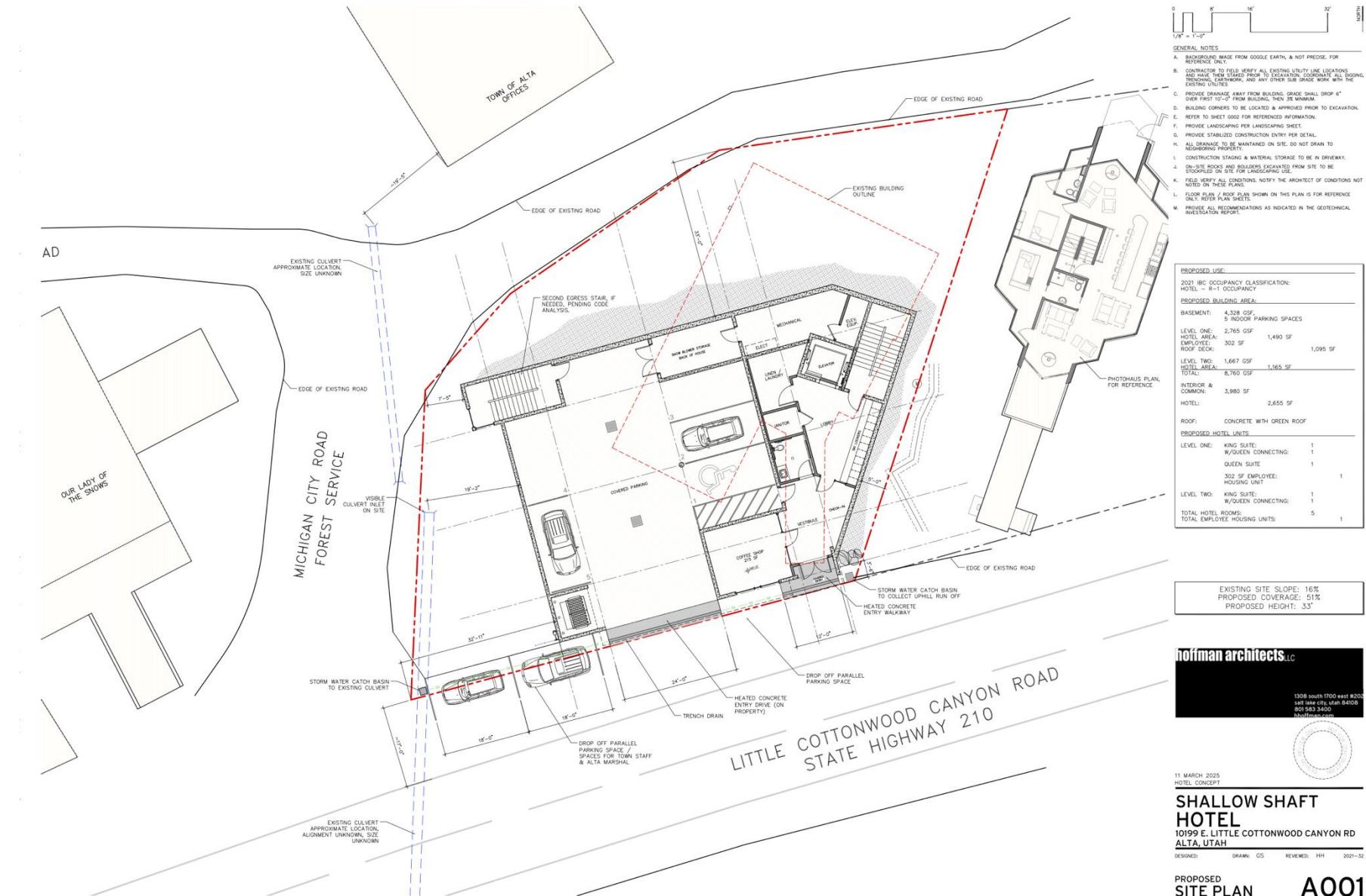
- Slope – 16%
- Coverage – 44%
- Height ~ 28 ft

New Structure

- Slope – 16%
- Coverage - 51%
- Height – 35 ft

New Structure Setbacks

- Back – 35'
- West – 7'-5"
- East – 5'
- Front – 3'- 6"

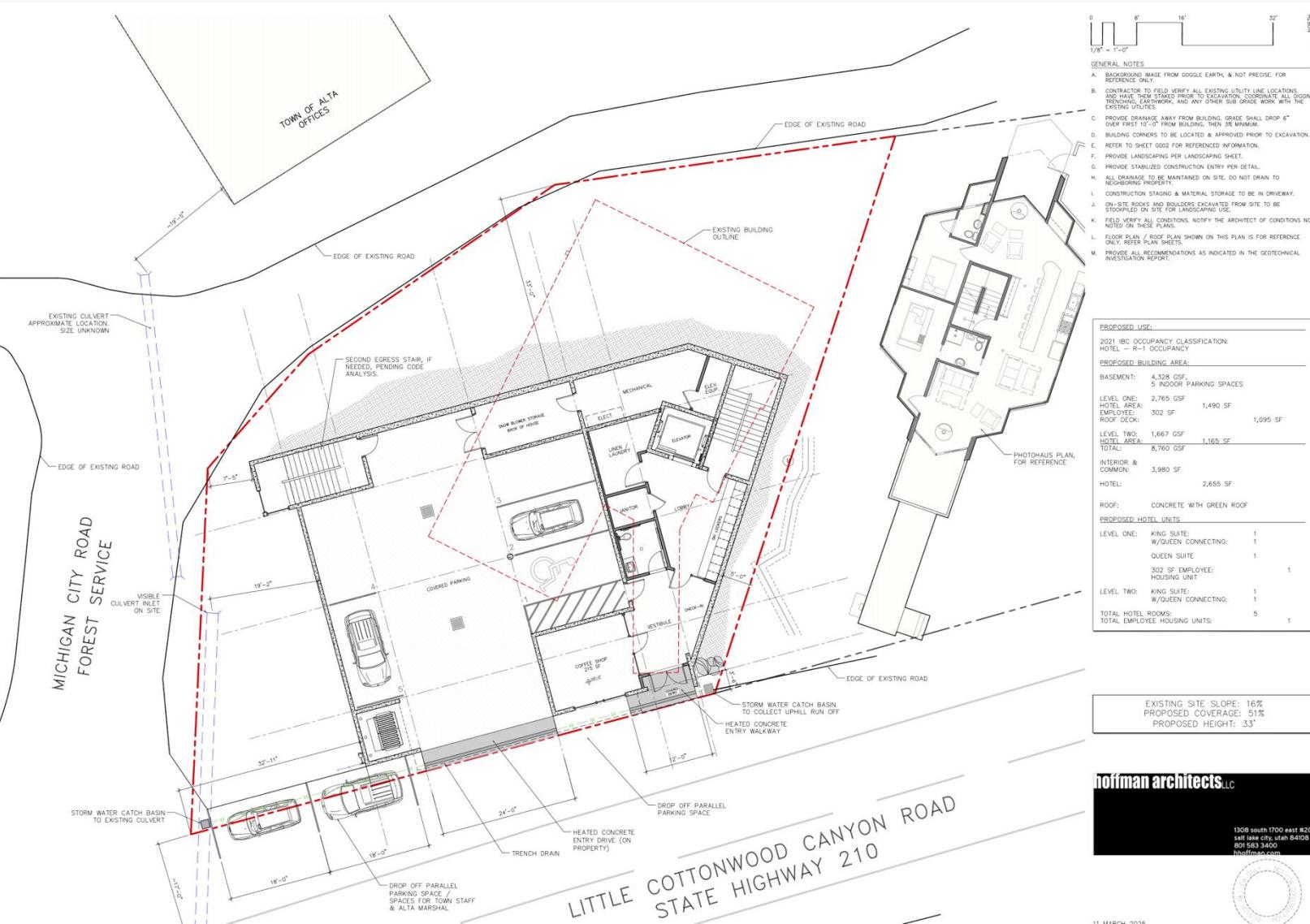


Culvert Management

Current stormwater flow issues

How water reaches the Shallow Shaft property

- Stormwater from surrounding infrastructure:** Upper Guard Road, the Alta Town Office and near by areas flows toward **culvert inlet approximately 19' from town office.**
- Water is carried underground to a culvert outlet and sandbags route** water to the culvert inlet on the **Shallow Shaft property.**
- Additional surface runoff from Hwy 210,** is directed by sandbags **into the culvert on Shallow Shaft property.**
- Water flows under the highway and exits** on the **south side of the road.**



Culvert Discussion Points

Stormwater outside of the Shallow Shaft Property is being diverted onto Shallow Shaft property

- From culvert outlet below the Town Office
- From the Highway 210

Unaware of recorded easement granting the town the right to manage / direct stormwater onto Shallow Shaft property.

Discussions with Salt Lake County Public Works indicated that stormwater management is the responsibility of the Town of Alta.

Potential solutions:

- Relocate the culvert off Shallow Shaft property since it is not required for on-site stormwater management. Would eliminate the 50-ft set back restriction on the property.
- Keep the culvert but stop diverting water onto Shallow Shaft Property. Eliminate the 50-ft set back restriction on the property as culvert is no longer a waterway.
- Collaborate with the Town of Alta on a revised stormwater solutions.
- Other potential options?

Proposed Stormwater Management Solution

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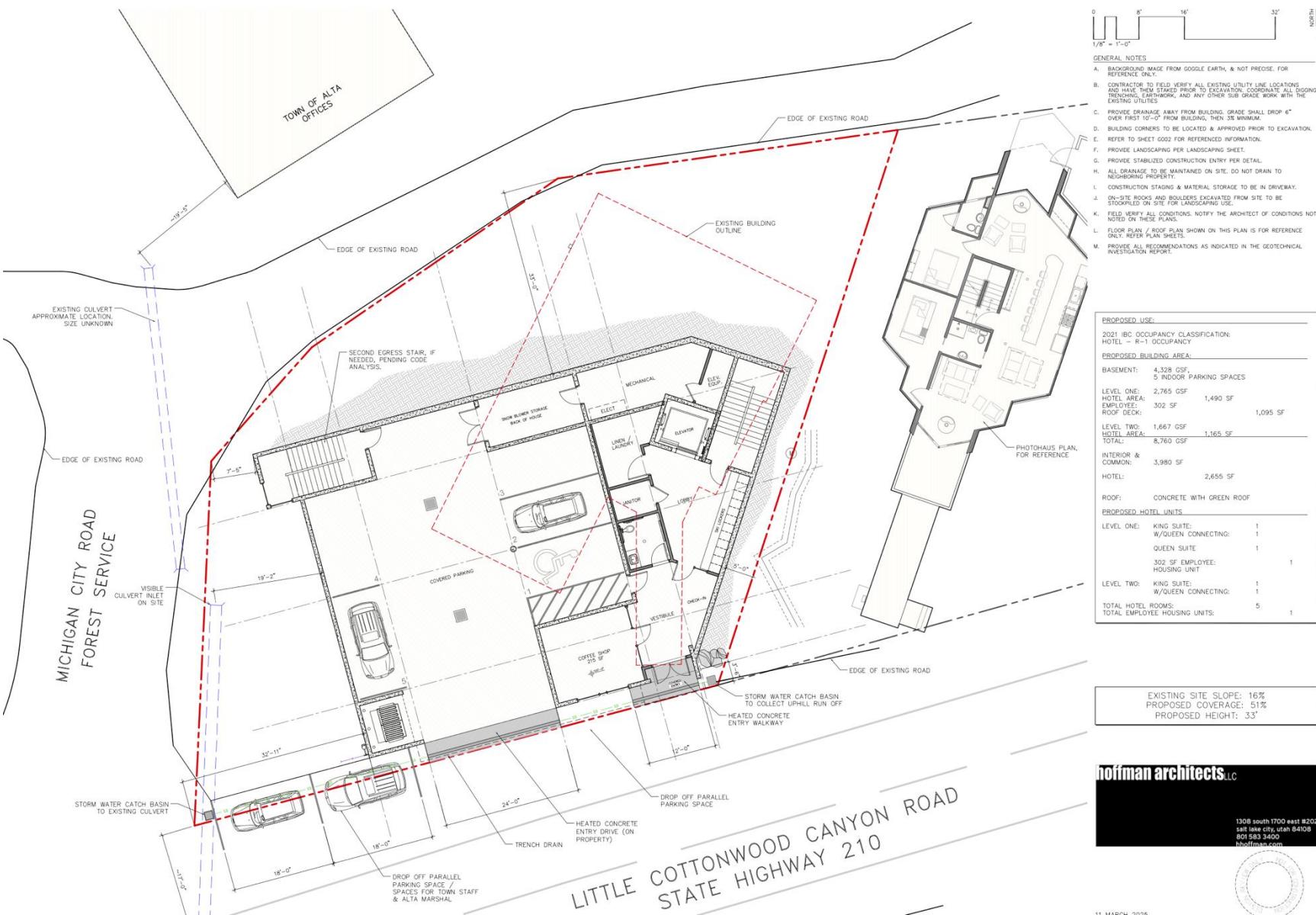
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A better approach to storm water control

- **Stormwater catch basin** at the **Southeast corner** to collect **uphill runoff from Hwy 210.**
- **Trench drain** at the **building and garage entrance**
- **New stormwater catch basin** added to **existing culvert**

Water flow path:

- Water moves from the **catch basin (32'-11" from the Southwest corner of Shallow Shaft)** under the highway.
- Redirected flow eliminates reliance on **sandbags** and unmanaged run off.
- **This solution removes the 50ft set back requirement**, while also improving stormwater control.

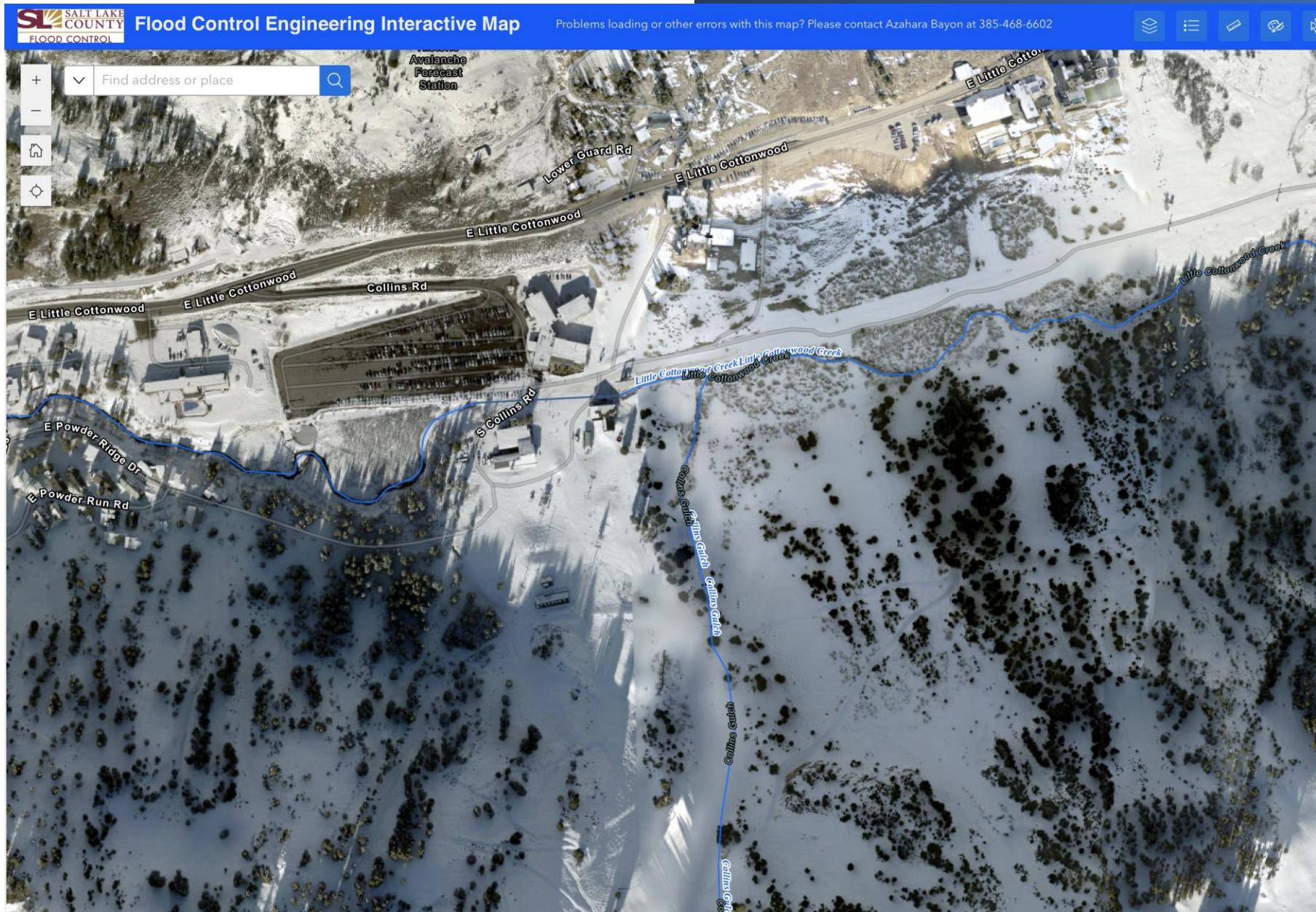


Proposed Culvert Management

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Flood Control Engineering map
received from Salt Lake County
shows **no flood control concerns**
around the Alta Town office or
the Shallow Shaft



Zone C Text Amendment

Proposed Text Amendment Change

Current Code

10-6D-8: LOT AREA, LOT WIDTH AND SLOPE REQUIREMENTS:

Construction of any building, structure or improvements shall not be permitted where any of the following conditions exist:

- A. The lot area is less than one net developable acre in size; or
- B. The slope exceeds thirty percent (30%); or
- C. The width of the lot shall be less than one hundred feet (100'). (Ord. 2008-O-7, 6-12-2008)

Proposed Code Change

10-6D-8: LOT AREA, LOT WIDTH AND SLOPE REQUIREMENTS:

Construction of any building, structure or improvements shall not be permitted where any of the following conditions exist:

- A. The lot area is less than one net developable acre in size for Zone A and Zone B; or less than 0.13 net developable acre in size for Zone C
- B. The slope exceeds thirty percent (30%); or
- C. The width of the lot shall be less than seventy feet (70').

This code change applies only to Zone C and allows non-conforming properties to become conforming.

Zone C Properties

- Shallow Shaft
Acres: 0.21
Lot width: 95.5 ft
- Photohaus
Acres: 0.13
Lot width: 70.65 ft

How This Proposal Supports Alta

Addressing Town Needs & Community Priorities

Incorporating Planning Commission & Community Feedback

- **Affordable employee housing** to support workforce stability and retention.
- **Café space** adds a valuable community gathering spot.
- **Culvert management plan** improves stormwater control & safety.

Environmentally Conscious Development

- **Designed to blend with Alta's natural beauty** for minimal visual impact.
- **Energy-efficient insulation & solar panels** to promote sustainability.

Improved Snow & Traffic Management

- **Covered parking reduces congestion**, making snow removal more efficient.
- **Potential to provide a designated parking space** for the **Town of Alta Sheriff**, improving emergency response access.

Economic & Community Benefits for Alta

Expanding Visitor Accommodations

- **Creates new transient lodging options** that fit Alta's tourism-driven economy.
- **ADA accessibility ensures inclusivity** for all visitors.

Economic Growth & Increased Revenue

- **Increases property tax and sales revenue**, helping fund town infrastructure and services.
- **Boosts tourist spending**, including:
 - a) **Lift ticket sales** from guests staying in Alta.
 - b) **On-mountain dining and retail purchases** at ski resorts.
 - c) **Local business support** for ski rentals and gear shops

Next Steps: Formal application