

**MEETING MINUTES
ALTA PLANNING COMMISSION MEETING
Wednesday, March 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 (joined virtually)
Jeff Niermeyer, Vice-Chair
Rob Voye
David Abraham (joined virtually at 3:09)
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 (joined virtually)

NOT PRESENT:

1. INTRODUCTION AND WELCOME FROM THE CHAIR

Planning Commission Chair Jon Nepstad opened the March 26, 2025 meeting at 3:03 PM.

2. PUBLIC COMMENT

No public comments received.

3. APPROVAL OF MINUTES FROM THE FEBRUARY 26, 2025, MEETING

Jon Nepstad noted that earlier today Molly Austin sent out a few minor clarifying edits to the version of the minutes that were originally sent out in the packet. At the top of page 3, the language was updated to clarify the Shrontz Estate's proposed new width of the Albion Basin Summer Road, and on page 4 the minutes were clarified to read that the Estate received an email, rather than a letter, from Salt Lake City Department of Public Utilities (SLCDPU) demonstrating SLCDPU's consent for the Estate to move forward with the Shrontz Estate's new development concept.

Rob Voye moved to approve the minutes from the February 26, 2025 meeting, as amended. Jeff Niermeyer seconded. All in favor and minutes approved.

4. PRESENTATION AND DISCUSSION: SHALLOW SHAFT REDEVELOPMENT PROPOSAL

Chris Cawley described that the purpose of the meeting is to discuss an updated redevelopment concept from the owners of the Shallow Shaft Restaurant, that was previously discussed in April 2024. The primary topic for discussion is a proposed text amendment to the Base Facilities Zone (BFZ) to increase the minimum lot size and width requirements on properties subject to BFZ Zone C, which would affect the Shallow Shaft and Photohaus properties. Cawley described that with this new proposal, the size of the building and total number of units inside have changed, but he expressed that from the Town's perspective, there are still some concerns with non-compliance issues such as hotel rooms with kitchens, which meet the Town's definition of a "dwelling unit. Dwellings and other residential which are prohibited in the Base Facility Zone. Another issue with the proposed building is that it is within 50 feet of a culvert.

Jon Nepstad requested that the Planning Commission members hold any questions until the very end of the presentation.

Andrina Hougham introduced herself and her husband, Walter Krebsbach, as owners of the Shallow Shaft restaurant. Hougham explained that they are back with a new proposal after taking into consideration the feedback received from the Planning Commission from the previous one presented last year. She said that it is their goal to develop something that both the Town and the owners can feel proud of.

Hougham summarized the key updates to the proposal from the previous one:

- Employee housing added
- Coffee shop added as a community amenity/gathering space
- Reduced the number of rooms from 8 to 5
- Adjusted parking structure entrance and size
- Redesign building for avalanche safety
- Snow melt management system added

Andrina Hougham stated that they are still requesting a text amendment to align lot size and width requirements with the practical constraints of Zone C. She stated that feedback on the revised proposal is requested before proceeding with a formal submission.

Hougham then provided an overview of the refined vision for the Shallow Shaft property, summarizing their goals with the new proposal:

- 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 the restaurant and apartment into transient accommodations consistent with BFZ purpose and permitted hotel use

Hougham provided some background information on the involvement that the Shallow Shaft has had in the Alta Community for the past 38 years. She emphasized that Alta is a part of the fabric of her family, just like it is to many other families.

Proposal Overview

Hougham said that the proposed use for the building would be a hotel, stating that transient accommodation and uses are permitted within the BFZ. Hougham stated that they are not proposing short-term rentals, but they believe their proposal fits under the definition of a hotel as defined in Town of Alta code. The proposed building would not include residential units or condominiums.

Hougham then addressed the inclusion of rooms with kitchens in the proposal, sharing that there is evidence of 3 of the lodges in Alta that are already renting hotel rooms with kitchens.

Hougham described a site survey that Walter Krebsbach had completed to determine the property boundary in 2013. She noted that the results of the survey indicate that there has been parking regulated by the Town of Alta on Shallow Shaft property without formal recognition of the private property boundary.

Roger Bourke inquired about the location of the culvert. Hougham described that the culvert is on their property and runs under the road.

Hougham described the proposed site location compared to the current building, stating that the new concept would move the building away from the road and open more green space between the surrounding buildings. The new site also optimizes solar exposure for increased energy efficiency. The design is inspired by the current design of the Shallow Shaft building.

Hougham then detailed the proposal concept, highlighting the following features:

- Lower level:
 - Covered parking garage with 5 parking spaces, that incorporates UDOT feedback and includes an EV charging station
 - Coffee shop & bathrooms
 - Lobby and check-in area
 - Hotel support spaces such as laundry and mechanical
- Level 1
 - Employee housing for workforce support
 - 3 hotel units
- Level 2
 - 2 hotel units
- Solar Panels and green roof to enhance insulation and reduce environmental impact

Hougham then compared the size of the proposed new structure to that of the current building, noting that the site coverage would increase from 44% to 51% and the height would increase from 28 feet to 35 feet.

Culvert Management

A conversation then took place regarding the existing culvert and stormwater management. Alta Code 10-6D-14 (G) states that no building may be constructed within 50' of a waterway. There was some discussion and disagreement about responsibility for stormwater management and whether various waterways were natural or artificial. Representatives of the Shallow Shaft believe that the culvert is part of an artificial stormwater management system and that it can be relocated or deemed unnecessary by diverting off-site storm water elsewhere. The Town of Alta asserts that the water that flows through the culvert is part of a natural drainage channel, and water would flow through the property with or without the culvert, maintaining that the waterway would exist naturally on the Shallow Shaft property and the proposed building would not meet the 50' setback requirements.

Hougham presented a few ideas to mitigate the culvert dilemma, but ultimately it was established that the Planning Commission has no authority over the code requirements on this issue, so the culvert is immaterial for the purposes of this meeting. Hougham expressed the desire to work with the Town to find a solution, but it is difficult due to lack of documentation and information on the history of the culvert.

Proposed Text Amendment Change

Andrina Hougham detailed the proposed text amendment, stating that it would reduce the minimum lot size from 1 to less than 0.13 net developable acres in Zone C of the BFZ. This proposed amendment would allow non-conforming properties to become conforming.

Jeff Niermeyer pointed out that “bullet point C” of the proposed text amendment doesn’t specify that it is only applying to Zone C and should be updated. Hougham concurred that this was an error on their part that would be corrected.

Community Benefits

Hougham concluded her presentation by highlighting some of the benefits they feel their proposal would contribute to Alta:

- Affordable employee housing
- Coffee shop as community gathering spot
- An environmentally conscious design with minimal visual impact
- Creation of new transient lodging option with ADA accessible units
- Increased property and sales tax revenue

Discussion

Jeff Niermeyer asked if the culvert and drainage systems were installed before or after they purchased the property. Hougham and Krebsbach noted that to the best of their knowledge that infrastructure had been in place when they purchased it, and further clarified that they don’t believe a culvert of that size is required to manage water on their property.

Roger Bourke asked for some clarification on the culvert alternatives. Hougham described the following options:

1. Relocate the culvert off the Shallow Shaft property
2. Keep the culvert, but stop diverting off-site water through it
3. Explore additional alternatives to meet the 50' setback requirements

Jeff Niermeyer asked if it was known how deep the culvert is under Michigan City Road. Chris Cawley noted it is not very deep, estimated at between 1 and 2 feet. Niermeyer considered the possibility of adding infrastructure under the Michigan City Road to help manage runoff.

Cawley clarified that the area of the road in question is owned by the USFS, so the Town has no authority to do such a project.

Jon Nepstad asked Polly MacLean for her opinion. Polly clarified that this is an inherent issue with the property, and is not something the Planning Commission or Town Council can address. McLean further noted that it is not only the Alta Town code, but SLCDPU also has prohibitions against building within 50 feet of a waterway.

David Abraham agreed that the stormwater management issue is not for the Planning Commission to figure out. He then noted the changes made to the overall proposal that incorporated feedback from previous meetings, which was appreciated. Abraham asked about the presence of a window in the employee housing unit. Hougham confirmed that the design does include an above-grade window.

Polly noted that having an employee housing unit is a requirement for new construction, and this design meets the requirement of 1 employee unit per 5 guest rooms.

Hougham pointed out that the Town Office is located within 19' of a culvert, not 50' and that the building was built after the culvert was installed. Polly McLean noted that the existing Shallow Shaft building is also not 50' away from the waterway and they would be allowed to rebuild on the current footprint with up to a 250 square foot expansion.

Maren Askins asked if the use would have to remain the same, and McLean noted that they could apply any allowed use in that zone.

John Guldner emphasized that culvert installation occurred prior to ownership of current properties by either Town of Alta or the Shallow Shaft, and it was all USFS property. He reiterated the Town's belief that this is a natural water drainage pathway, and the culverts were installed to mitigate erosion of what is now known as the Michigan City Road as well as SR 210.

David Abraham noted that, in his mind, the only remaining question to be discussed is understanding the definition of a hotel.

Jeff Niermeyer highlighted the three constraints that need to be resolved before moving forward, given current Town of Alta ordinances:

1. Proximity to a waterway
2. Kitchens in a hotel room
3. Minimum lot size requirement

Polly McLean noted that the Town is looking into whether hotels in Alta are renting rooms with kitchens which may qualify as residential uses, but that none have been approved under the current code which specifies that no residential uses are permitted. By definition in Town Code, a residential use is defined as a “dwelling” that includes a kitchen. McLean offered the comparison of a speed limit, stating that if one gets pulled over for speeding and the next car drives by going faster, it doesn’t resolve one’s violation of the speed limit. She thanked Hougham for bringing this issue to the Town and reiterated that they are looking into it.

Hougham emphasized that she feels like their proposal fits under the definition of a hotel – as nothing in the provided definition prohibits kitchens explicitly. McLean disagreed with that assessment and recognized that this is not the appropriate arena to dive into those specifics.

Jeff Niermeyer inquired about the intended ownership of the building. Hougham clarified that there is no intent to sell any portion of the building, and it will remain family owned.

Maren Askins asked about the management plan for the proposed building. Hougham stated that they are in conversation with Alta Chalets to provide management services, with the included employee unit intended to house an on-site employee, although the details have yet to be determined. Askins noted that a hotel requires a number of employees and departments to provide the level of service she would expect at a hotel, while recognizing that is not a legal requirement.

Jon Nepstad noted that perhaps we could use some clarification on what defines a kitchen – as there is a wide range of kitchen amenities that could be provided. David Abraham believes that the design as presented constitutes a kitchen, and he is more concerned about ensuring that the entire parcel will remain under single ownership and units won’t be subdivided.

Nepstad noted that another characteristic to consider is laundry facilities, noting that he has never stayed in a hotel that includes in-room laundry. Hougham clarified that there is one shared laundry facility in the proposed building that is intended to be used primarily for hotel housekeeping use, but didn’t rule out the possibility of allowing guests to use it for personal use.

Niermeyer noted the need to conduct an avalanche study to ensure the proposed building would be designed appropriately. This need has been acknowledged by Shallow Shaft ownership, and it was noted that they would conduct such a study once the intended use and design of the building was finalized. Chris Cawley noted the high risk of avalanches in that area and clarified that the use of the building doesn’t have an impact on the design requirements; the building would have to be designed to protect human occupants from a 100-year avalanche event whether it is a single-family home or a larger hotel building.

Rob Voye inquired if the conversation could realistically proceed without addressing the culvert issue. Jay Springer introduced himself as legal counsel for Shallow Shaft. He clarified that the application that would come before the commission would be for a proposed text amendment to allow properties in Zone C to do something other than tear down and rebuild. The Town requires that a building plan is provided along with the request for the text amendment, so they have done so, but it is not mandatory for the plan presented at this juncture to meet all the technical issues that the Planning Commission is discussing

Rob Voye asked how long the building has been out of operation and it was determined that it has been 5 years - since March of 2020. Voye expressed that the vacant building is a bit of an eye-sore in the middle of town and conveyed a desire to work within the existing rules to solve the problem.

Chris Cawley acknowledged that an avalanche design is not required for the Town to consider a text amendment, but strongly encouraged the Shallow Shaft to take that requirement into consideration as they continue down this path, noting potentially significant financial impacts.

Polly McLean explained that a plan is required to request a text amendment to prove that the amendment is worthwhile. It wouldn't be productive for the Town to approve an amendment if nothing were to come of it afterward. This part of the process is beneficial for the Town to provide feedback on the plan proposal to work towards finding a workable solution down the road.

Maren Askins asked if there was still a possibility of operating a restaurant in the current building as is. Andrina Hougham stated that they are not willing to operate a restaurant in the current building as it exists.

There was a brief conversation about the concern of "spot zoning." Jay Springer disagreed that his client's proposed text amendment would be spot zoning, observed that there have been very few if any spot zoning cases argued in the Utah courts, and stated they are proposing a change for a defined zone.

Maren Askins asked how the Phothaus property would be affected if the text amendment was approved, since it is also in BFZ C. Chris Cawley clarified that, as written, the proposed text amendment would alleviate the current substandard nature of the Photohaus lot and might allow them to alter their building footprint, but may not allow for a building expansion due to lot coverage requirements.

Rob Voye reiterated that for now, the focus should be on the inclusion of kitchens. Jon Nepstad noted that was not a question that could be resolved today. Polly McLean stated that the Town's interpretation is that any unit that has a kitchen is considered a "dwelling", and a "dwelling" is defined as a residential use, which is currently prohibited in the BFZ. A hotel with no kitchens would be allowed. While it was not on the agenda for this meeting, the concept of updating the Town's purpose statement, or General Plan, to allow such uses could be considered, but that is a bigger topic that cannot be addressed in a single meeting. Chris Cawley noted that the Planning

Commission authors the General Plan and is in the position make recommendations on land use regulations to the Town Council. He continued that the Town has not deliberately permitted hotel rooms with kitchens, but that employee accommodations, or “owner’s units”, have been approved with kitchen amenities and that some of the rental activity noted by the Shallow Shaft may involve these owners units or other employee accommodations. Those types of rooms were never counted towards hotel room density, so rental of them as hotel rooms would be a zoning violation, and the Town is looking into these concerns. He continued that while the Town doesn’t currently allow hotel rooms to have kitchens, the Town could consider updating regulations to permit them, perhaps through an update to the General Plan.

David Abraham explained that without the proposed text amendment, options would be very limited for the Shallow Shaft building to improve as they would be confined to the existing footprint.

A conversation then took place about the history of the acreage requirements. The owners of the Shallow Shaft believe that the minimum lot size was half an acre at the time they purchased the property, siting that the change came in 2008 setting the 1-acre requirement. John Guldner expressed that the Town asserts the requirement has always been 1 net-developable acre for commercial properties, clarifying that the half-acre lot size has always applied to residential buildings. Polly McLean noted that the Shallow Shaft may have to conduct an analysis to determine the net-developable acreage of the parcel, as the .21 acres they are requesting in the text amendment reflects the total lot size and may not result in any change to what they can build if the net-developable acreage is less than that.

To conclude, the conversation turned once again to the inclusion of kitchens in hotel rooms, with commissioners questioning if a precedent would be set if such use was allowed in this instance. Chris Cawley clarified that it is something that must be regulated and will not be permitted without the Town’s zoning regulations being updated. As one example of why the Town would need to carefully consider allowing hotel rooms with kitchens, Cawley described that such uses may require more culinary water source supply than hotel rooms, which could strain the Town of Alta’s culinary water supply if they were to proliferate as hotel properties redevelop in the future.

5. NEW BUSINESS

No new business was discussed.

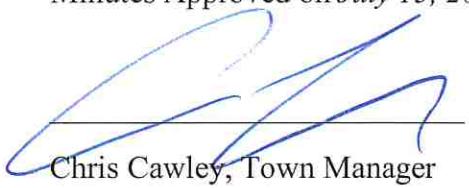
6. DATE OF NEXT MEETING

The next meeting is scheduled for April 23, 2025, at 3:00 PM.

7. MOTION TO ADJOURN

Planning Commission member Rob Voye moved to adjourn the meeting. Planning Commission Member Jeff Niermeyer seconded the motion, and the motion was carried with unanimous consent of the commission.

Minutes Approved on *July 15, 2025*

A handwritten signature in blue ink, appearing to read "CC".

Chris Cawley, Town Manager

