

MEETING MINUTES
ALTA PLANNING COMMISSION MEETING
Tuesday, July 15, 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
Paul Moxley
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 (joined virtually)

NOT PRESENT:

1. INTRODUCTION AND WELCOME FROM THE CHAIR

Planning Commission Chair Jon Nepstad opened the July 15, 2025 meeting at 3:05 PM.

Jon Nepstad welcomed the newest Planning Commission Member Paul Moxley to the Commission. He also noted that there was a typo on the originally posted agenda misstating the day of the week of the meeting.

Mayor Roger Bourke disclosed that he lives within the vicinity of the Shrontz Estate (the Estate) development and any position he may take on the matter will be wholly in the interest of the community involved, not his own personal interest.

Maren Askins also disclosed that she lives in employee housing near the Estate parcel and will also be acting in the best interest of the Town and the community.

2. PUBLIC HEARING

Planning Commission Chair Jon Nepstad opened the Public Hearing at 3:07 PM to accept public comment regarding the petition to rezone 6.5 acres of land located on parcel 30-04-101-014-0000 from FR-1 to FM-20

Jon Nepstad reminded participants that they will be allotted 3 minutes each.

Cliff Curry introduced himself as a resident of the Town of Alta and proceeded to read the comments he submitted in writing to the Planning Commission (attached in Exhibit A). In summary, he expressed his opposition to the rezone.

Mark Haik introduced himself as a taxpayer and property owner. He continued to give some additional context to what brought us to this point and noted that there have been 3 legal cases so far involving the Estate and gave his summary of each case. In conclusion, Haik encouraged the Planning Commission to vote in favor of the petition to re-zone.

Mike Maughan introduced himself as the General Manager of Alta Ski Lifts. He started by describing that Alta Ski Lifts is generally supportive in concept of this development, but there are a few concerns. He distributed an email that he had previously sent to the Planning Commission (attached in Exhibit A).

Maughan outlined that we have yet to achieve consensus between the United States Forest Service (USFS), SLC Public Utilities, Town of Alta, Alta Ski Lifts, and the Estate on concerns such as the water usage and road access. Maughan expressed concern in moving forward with a rezone prior to getting those issues resolved and equated it to “putting the cart before the horse”.

Chris Hogle introduced himself as an attorney representing Alta Ski Lifts. He distributed handouts that highlighted certain provisions of the Town of Alta code (attached in Exhibit A). Hogle stated that it is a requirement of the code that the Estate work directly with Alta Ski Area, not simply a request. Alta Ski Lifts is an owner of property in the affected area of the proposed rezone. Utah State Code 10-9a-502(1)(c) requires a Planning Commission to consider any written objections. Hogle shared that despite verbal commitment from the Estate to work directly with Alta Ski Lifts, there has yet to be any direct interaction. Hogle then reviewed elements of the Town of Alta code 10-6C-11 that covers the process of a petition to rezone, including the inclusion of detailed plans, availability of all utility services, and adequate ingress and egress. Hogle stated that since the Estate has not worked with Alta Ski Lifts for the necessary conveyances for the access and the water, that the Estate has not provided a proposal that will work. To conclude, Hogle recommended the Commission deny the request for a rezone due to lack of evidence in the proposal.

Margaret Bourke introduced herself as a Town Resident and expressed her general support for a conservation easement but does not approve of the proposal currently before the commission. There are still too many unknowns about the details of the development. She highlighted that the cap on culinary water usage needs to be enforced and not exceeded. Bourke expressed that the time doesn't seem right for the Commission to make a decision due to outstanding questions on future development.

Del Draper introduced himself as a homeowner and holder of a Town of Alta dog tag. He expressed his support for one larger consolidated building versus the 10 home sites that would be spread more widely across the parcel.

3. MOTION TO ADJOURN PUBLIC HEARING

Planning Commission member Jeff Niermeyer moved to adjourn the Public Hearing. Planning Commission Member Maren Askins seconded the motion, and the motion was carried with unanimous consent of the commission.

4. CALL THE REGULAR MEETING TO ORDER

Planning Commission Chair Jon Nepstad opened the July 15, 2025, meeting at 3:30 PM.

5. PUBLIC COMMENT

Nion McEvoy Jr. introduced himself as a new property owner in Albion Basin. He wanted to take the chance to introduce himself to the Planning Commission and greater Alta Community.

Mike Maughan introduced himself as the General Manager of Alta Ski Lifts. He expressed appreciation for the Planning Commission and the Town of Alta as a whole for their support for current and previous projects conducted by Alta Ski Area. Maughan noted the cooperation, transparency, and collaboration between the agencies is what makes a strong community.

6. APPROVAL OF THE MINUTES FROM THE MARCH 26, 2025, MEETING

Jeff Niermeyer made one amendment to the draft minutes. On page 5 the “no” was omitted:

“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.”

Planning Commission member Jeff Niermeyer moved to approve the minutes from the March 26, 2025, meeting with the above-mentioned amendment. Planning Commission Member David Abraham seconded the motion, and the motion was carried out with unanimous consent of the commission.

7. DISCUSSION AND POSSIBLE ACTION ON THE PETITION TO REZONE 6.5 ACRES OF LAND LOCATED ON PARCEL 30-01-101-014-0000 FROM FR-1 TO FM-20

Chris Cawley addressed the commission with a few opening remarks. December 2024 was the first time this topic came before the Planning Commission and there have been a series of meetings between now and then on this topic, including a site visit. He noted that not included in the packet was the results from the public survey that the Town facilitated in March. The results had been shared previously with the Planning Commission, Town Council, and on the Town of Alta website. In summary, the comments expressed a preference for consolidating development to a smaller portion of land with a conservation easement applied to the majority of the parcel. Cawley highlighted the complexity of this topic, particularly as it pertains to the provision of water and year-round access.

Cawley recommended the Planning Commission focus on the core land use proposal that is at the central to the petition – to allow the development of a condominium project instead of single-family homes. He also encouraged discussion on the mass and scale of the proposed building as well as the access alternatives included in the proposal. Any remaining details will have to be determined and finalized before the rezone is approved by the Town Council in the process of renegotiating the development agreement, if it gets to that point. Cawley reiterated that this is the first step in what could turn into a long process before any development takes place.

Roger Bourke shared that page 51 of the packet states “overwhelming public support” of the condominium concept, but he wanted to clarify that is with the caveat that the survey only gave two options (“none of the above” wasn’t an option). Bourke believes that the results mischaracterize public sentiment.

Paul Moxley asked the Town’s perspective on the issues Hogle brought up as not having been addressed. Polly McLean, Town Attorney, said that we can move forward since we have accepted the petition. She acknowledged that the points have been received but we can move forward because the Estate has access and an easement on the property as well as a report from Aqua Engineering and a letter from the Department of Environmental Quality (DEQ), which have put them past the threshold of submitting a complete application. She reminded the Commission that ultimately it is a legislative decision to come from the Town Council on whether or not to approve the rezone. The Planning Commission is asked to pass along a recommendation to the Town Council and may consider any public clamor related to the issue.

Moxley then asked for clarification on whether the details regarding the size of the building and water usage are material at this point or not, as those details would have to be worked out in a future development agreement. McLean stated that the rezone cannot happen without an amendment to the development agreement, they will go hand in hand.

Paul Moxley then stated that at the conclusion of the 2014 settlement agreement, the Town got three things: the end of the lawsuit, the water tank, and access. He then asked if we go ahead with this rezone, does the Estate have an additional legal right that they could sue the Town again if we can’t come to a new development agreement?

McLean highlighted that any amendment to the 2014 settlement agreement would have to be agreed upon by all signatories (Town of Alta, the Estate, and Salt Lake City). McLean explained that there is no protection from ever getting sued but she doesn’t believe that the Town is opening itself up to any additional lawsuit at this time.

Jeff Niermeyer stated that one of the questions to consider is a fundamental change to the character of Alta. Currently, there are distinct residential neighborhoods separate from commercial development. This proposal would blend the two. Is that what is best for the community? In exchange, there is the preservation of 19+ acres, which aligns with the Town’s values, although we don’t have a clear picture of what that conservation looks like. Niermeyer encouraged focusing on that fundamental question with the understanding that any of the other specific details around any future development would be sorted out in the development agreement.

Maren Askins stated her agreement with Niermeyer in understanding the tradeoff between development and conservation.

Planning Commission Chair Jon Nepstad welcomed representatives of the Estate to address the Commission.

Wade Budge introduced himself as an attorney representing the Estate. He noted the new faces on the commission and in the audience and apologized for covering any material that had been discussed at previous meetings but wanted to make sure all in attendance were on the same page.

Budge reported that the Open House was well attended, and the Estate had the opportunity to speak with almost everyone. They were left with the perception that there was 90 – 95% support of the condominium concept. Budge agreed with McLean's stance that there is no impediment in moving forward. This is a step in a much larger process, at this point the Estate is just asking for a recommendation from the Commission – whether it be negative, positive, or neutral – with any conditions, comments, or concerns. Budge reiterated that this process only proceeds if everyone involved (Town of Alta, the Estate, and Salt Lake City Public Utilities) is willing to do so. Without consent from all parties involved, the process cannot proceed. Budge stated that today the request is for a zone change that, if granted, would facilitate a *future* application for development to be conditioned on an amendment to the stipulation agreement, development agreement, and new donation agreement. In broad strokes, this would be a donation of the land above summer road to Salt Lake City with a conservation easement on top of it, meaning it would be double-protected. Term sheets outlining the details of the conservation terms have already been shared publicly.

To address the concerns of Alta Ski Lifts (ASL), Budge noted that ASL would be involved if and when the Estate came back before the Planning Commission with a conditional use permit application. Budge continued that even if the Town Council does approve a rezone, the project still cannot move forward until the Planning Commission is satisfied with a condominium building meeting all the requirements in the existing code.

Budge referred to a new State Law that came into effect in May: 10-9a-804, which gives the Town Council the ability to enter into this sort of amendment.

Budge noted that if this process doesn't move forward, the Estate would revert to the 10-lot subdivision as outlined in the 2014 agreement and then detailed some of what has been accomplished since the settlement agreement in 2014.

- Signatures have been obtained by all jurisdictions except for Salt Lake City Health Department and the Town of Alta
- Marketing the individual units for sale hasn't occurred because that cannot happen until the plat is recorded
- Funded litigation against Mr. Haik that got resolved in the favor of the water providers
- Installed waterline improvements that have been connected to the Town water supply
- Working on the feasibility of an alternative concept

Budge stated that some of the benefits of the condominium concept include consolidating development density, providing an active use, and, perhaps most importantly, the conservation of land above the Summer Road. He concluded that a recommendation tonight would not mean the end of the process and the Estate expects to be “put through the paces” in developing the site plan and satisfying the Planning Commission on all their concerns.

Doug Ogilvy introduced himself as an assistant on this project to the Estate. He reiterated that the focus today is on making a land use decision. He explained that the Estate has been thinking about an alternative to the 10-lot subdivision for at least 5 years. He summarized the Open House meeting that took place in March and reiterated that the new concept would consolidate development and put a conservation easement in place. Since the last meeting, the Estate has met with Salt Lake City Public Utilities and received their support for the conservation easement. Ogilvy discussed the question of water usage and demand and noted the study that was completed by Aqua Engineering that pulled empirical data from other similar properties in similar settings. The study concluded that those comparable properties use well below the current water allocation. Aqua Engineering sent the results to the DEQ who concluded there was sufficient information to support the rezoning application. Ogilvy stated that they would have to go back to the DEQ with more detailed design plans as part of a conditional use permit application. Ogilvy stated another benefit of this project is reducing conflict between multiple types of users on the Summer Road with the addition of a new road to run parallel to it.

Ogilvy summarized that today they are asking to rezone approximately 6.5 acres to FM-20 – and clarified that FM-20 was the appropriate rezone request (as opposed to FM-10 as suggested by Cliff Curry earlier in the meeting) due to requirements related to site coverage. He proceeded to review the condominium building plan concept, highlighting the preference for an alternative access driveway. The building concept is capped at 25' above the Summer Road and steps down twice so the visual impacts from the ski area are reduced. Jeff Niermeyer stated that the final height of the building would be determined in a future stage with a conditional use permit application. Ogilvy countered that they are presenting the building today that they want to include in the development agreement and if, during a conditional use permit application, it is requested that they reduce the height of the building, that would not be a favorable outcome, and the applicant would revert back to developing 10 single-family homes.

Jeff Niermeyer asked for clarification on if the decision before the Commission today to approve a rezone of 6.5 acres would also “lock-in” the current building proposal. Polly McLean stated that the decision is intertwined with a development agreement, and the applicant is asking for a specific building, and it wouldn’t be worthwhile if the end result was not a building that would be satisfactory to the Town. She reminded that a conditional use is an allowed use with conditions, and that now is the appropriate time to express concerns and make recommendations about potential impacts of the proposed building. Paul Moxley expressed confusion and requested clarification on whether or not the Commission should be focusing on just the rezone request or the specifics of the building proposal. McLean stated that while the rezone request is indeed just the first step, it is important to keep the whole picture in mind to avoid gaining too much momentum before expressing concerns about a future building.

Doug Ogilvy stated that they are presenting a specific building concept now to protect both parties from unexpected changes down the line. The Estate wants to stipulate through the development agreement to cap the building to 29 condominium units for sale at market and 3 workforce housing units. In exchange for offering this cap, they want defined parameters (such as building height and volume) to work with.

Paul Moxley asked if any common areas or potential food and beverage outlets are factored into the water usage. Ogilvy stated that the water allocation applies to the building as a whole but inferred that any major food outlet inside the building is unlikely. Maren Askins then stated that since that additional common area is included in the water calculation, then each individual dwelling condominium unit would actually be restricted to even less than 242 gallons a day. Ogilvy noted that all buildings used for water consumption comparables included any back-of-house water usage (such as for restaurants and pools) and stated that the Estate is not proposing either a restaurant or a pool or any irrigated landscaping.

Ogilvy reiterated that the proposed rezone would include the preservation of approximately 20 acres of land on the Patsey Marley Hill. The request today is for the Commission to extend a recommendation (either positive, negative, or neutral) to the Town Council. It has already been determined that the Town Council will only consider the rezone if it goes hand in hand with a development agreement and an amendment to the agreement with Salt Lake City Public Utilities.

Paul Moxley asked if the Commission were to express dissatisfaction with the proposed parameters, if the Estate would be done with this project. Ogilvy confirmed that stance, stating that they have been working on this alternative for 5 years and if they can't come to a consensus with the Town, they would go back to building out the 10 individual home sites as outlined in the 2014 agreement.

Polly McLean requested clarification on the number of saleable units, workforce housing units, and ADA units. It was clarified that the proposal is for 29 saleable units, 1 ADA unit, and 3 workforce housing units, totalling 33 units.

Maren Askins asked if the workforce/affordable units were intended for employees of the condominium specifically. Ogilvy stated that is not necessarily the case, although one unit would likely be dedicated for a live-in caretaker or employee of the condominium, the other 2 units could be available to other members of the Alta community seeking more affordable accommodations. Askins then asked where the employees were expected to shelter during an Interlodge event. Ogilvy said they would be confined to the common areas in both the front and back of house within the building.

Polly McLean encouraged the Commission to review the letter provided by Salt Lake City Public Utilities as their support may have been overrepresented in the presentation.

Jon Nepstad asked if the predicted tax revenue was property tax. Ogilvy clarified it is a combination of property tax as well as sales tax from renting out the units. Chris Cawley stated that FM-20 zone allows short-term rentals as a conditional use (defined as rental for less than 30

days) and encouraged the Commission to consider the use of the building in addition to the size of building, as there are concerns allowing such a use in that area could set a precedent.

Jon Nepstad asked why there hasn't been more direct communication between the Estate and Alta Ski Lifts. Ogilvy stated that they want confirmation on the land use decision before expending the time and resources necessary to sort out any additional details.

Conversation then turned to the proposed size of the building – Roger Bourke noted that the description of 85,000 saleable square footage doesn't encapsulate the full size of the building. Polly McLean stated that from a legal perspective, the term "saleable space" is meaningless to the Town because it is not a defined term and encouraged that we focus on above vs. below grade square footage when discussing the size of the building.

David Abraham noted that looking at the building cross section, the proposed building is 9 stories tall because Town Ordinance defines the empty space at the front of the building as a story because it is more than 12 feet. In terms of the height of the building, Ogilvy stated that it is proposed to be capped at 25' above the Summer Road, and that figure was based off the height requirements of the Snowpine Lodge, although it was accepted that the Snowpine is in a different zoning district (Base Facilities Zone). In the FM-20 zone, it is ultimately up to the Planning Commission to determine the acceptable height of a new building. Abraham expressed his preference for a reduced building height, resolution of the water usage issue, the alternative driveway, and a dedicated live-in caretaker unit as conditions to any recommendation to the Town Council.

Zach Hartman introduced himself as a representative of the Estate and stated that they are trying to accomplish two competing goals with the workforce housing:

1. Provide living quarters for employees.
2. Provide the opportunity for ownership to community members with a long-term commitment to Alta.

David Abraham requested a minimum of 650 square feet be considered for a live-in caretaker unit.

Maren Askins expressed that her biggest concern is the size of the building. She asked if the square footage included in the report with the comparable properties was total square footage or saleable square footage. Doug Ogilvy stated that it was an "apples to apples" comparison of condominiumized square footage only (any back of house or common area square footage was additional to the square footage listed in the report). Jeff Niermeyer stated his disagreement with the Aqua Engineering report because it took an annualized water usage amount and spread it out over a year versus looking at real-time or peak usage throughout the year. Niermeyer also clarified that Salt Lake City Public Utilities is not serving water directly to this development, rather they are providing the water rights to the Town of Alta to provide the water to a private water company. Niermeyer stated that the development would be limited to 240,000 gallons a month and shared concern that there is not currently a mechanism in place to enforce that restriction as individual condo owners are not party to the agreement. Maren Askins noted that

they are missing the required data for the anticipated water demand on the day of the highest water consumption and that she feels the buildings used as comparables are much smaller than what the Estate is proposing to build. She concluded that instead of trying to make the water fit the building that they want, the building should be made to fit the water that they have.

Jeff Niermeyer said that the State has only issued a temporary permit for 3 years and inquired what would happen if in the end it turns out the water use is higher than the supply that is available.

Ogilvy stated that based on the empirical data they have collected, the Estate believes they have sufficient water available for the building they are proposing. Nepstad expressed that the Town doesn't want to end up in position of policing the water usage and being made into the "bad guy" if the building exceeds its allowable water usage. Ogilvy suggested that the development agreement include specifics to avoid this outcome. Nepstad noted that it would take up to 3 years to get enough data to really understand the water demands of the building and suggested that occupancy may have to be limited to less than what the building can accommodate. It was recognized the Town would be remiss to not address the question of water usage early on in the process, while acknowledging that it cannot be answered today.

Jeff Niermeyer expressed concerns about the management of the conservation easement. He then stated that he would like to see an ALTA (American Land Title Association) title report for that land, noting that there may be some encumbrances by Alta Ski Lifts that are not properly recorded. Wade Budge noted that the term sheet for the donation agreement contains a list of all the existing encumbrances from an ALTA-level title report, including encumbrances to Alta Ski Lifts.

Jeff Niermeyer brought the conversation back to the fundamental tradeoff of potentially changing the character of Alta by developing one area into condominiums in exchange for preserving another. He asked the Commission to consider any potential ramifications that may occur as a result of this decision, citing the possibility of condominiums at the Goldminer's Daughter as an example. Cawley stated that there is no way to know what impacts this will have in the future, noting that the makeup and opinions of the Planning Commission and Town Council are always subject to change.

David Abraham noted that on page 57 of the packet, the "total built footprint" is listed as just over 60,000 square feet. He noted his appreciation for the step backs included in the building design. It was determined that the "built footprint" refers to the total coverage including asphalt, driveway, hot tub decks, etc.

Paul Moxley noted his confusion with the process, acknowledging that it was his first meeting as a member of the Planning Commission. He then expressed dissatisfaction with the size of the proposed building and his concern about water availability. Ogilvy stated it is the Town Council's responsibility to negotiate the terms of the development agreement, and it is the responsibility of the Planning Commission to indicate their level of support to the Town Council regarding the rezone. Moxley reiterated that while he is generally supportive of the concept, he is not happy with the proposed size of the building, contributing to his dilemma in how to proceed.

Abraham reminded the Commission that it can include a list of conditions on any recommendation they pass to the Council, even if it is a neutral recommendation. McLean stated that this is the time for the Planning Commission to look at the details of what they are proposing (like the size of the building envelope) and not just the big picture concept of a condo vs. 10 lots.

Paul Moxley disclosed he represented the Town during the 2014 settlement agreement and that during that time he and the former Mayor, Tom Pollard, didn't believe the Estate would ever accomplish building the 10-lots outlined in the agreement. He then noted that it is now 11 years later, and so far, nothing has been built. Wade Budge explained that the Estate had previously designed a much larger hotel building for the site, but the Town made some good points against a building of that size. He noted that the proposal today was meant to be a middle ground in both size and building use. Budge expressed his desire to get to the point of the process where the Estate can negotiate specific terms with the Council upon recommendation from the Planning Commission. He reiterated that if they can't come to an agreement on new terms with the Council, that they will go forward with the approved settlement agreement and offered that there would be no hard feelings towards the Commission regardless of what decision is made.

Moxley stated his concerns about a condominium building detracting from the sense of community, noting that it would likely consist of unoccupied units for much of the year. He stated concern that this decision might set the stage for other properties in Alta to also develop condos, and he expressed his discomfort with going in that direction. Budge stated that it is the role of the Planning Commission to guide and define the General Plan, which dictates land use.

Niermeyer asked Polly McLean if the Planning Commission needed to make a decision on a recommendation today. McLean said it would be preferable to make a decision at this meeting and, while she didn't want to speak for the Estate, they have expressed a strong interest to get this before the Town Council. McLean also stated that unless the Commission felt like any necessary documentation was missing or still needed, it would be unadvisable to table the decision simply because it is a difficult decision to make.

Jeff Niermeyer highlighted that conservation is a distinct goal of the Town that is well documented. In this scenario, the tradeoff to conserving land is building condos adjacent to the base facilities zone, which could have trickle down effects into the base facilities zone. He noted that the proposed building is bigger than anything currently in the Town of Alta.

Maren Askins asked the estate if they are willing to reduce the size of the building if that was a condition of the recommendation. Doug Ogilvy discussed reducing the common area of the building would be appropriate if requested by the Council. Niermeyer stated that the height of the building is of more concern than the overall mass. Maren Askins said that it may be more beneficial to focus on the number of units and square footage as those factors will have the greatest impact on the water usage. Ogilvy stated that they know they will have to work with the established restrictions on water usage and if it is proven that they must reduce the number of units to meet the requirement, they would be willing to do so.

David Abraham summarized the list of conditions discussed so far:

- Conservation easement

- Building height
- Water
- Existing easements
- Caretaking unit

Niermeyer added additional conditions:

- Public Restroom
- Utility approvals for a condo (not the 10-lot subdivision)

Jeff Niermeyer moved that the Alta Planning Commission send either a positive, negative or neutral recommendation to the Town Council to consider a rezoning of 6.52 acres from Forest and Recreation Zone (FR-0.5) to Forest Multifamily Zone (FM-20), subject to the following conditions:

- 1) Town Council reviews a Donation Agreement for a conservation easement on 19.98 acres, including an ALTA title report, easement terms, identification of the qualified easement holder and fee title property owner, and a summary of any unrecorded agreements or encumbrances.
- 2) Modification of the 2014 Development Agreement to permit a multifamily condo building, with a legally enforceable protocol to limit water use to the amount specified in the 2014 Stipulation, detailing how the Estate will assign responsibility to a proposed Water Company and future condominium owners.
- 3) Amendment of the 2014 Stipulation Agreement among the Estate, the Town, and Salt Lake City.
- 4) Consideration of joint support from the Town and Estate for alternative year-round access via a Forest Service application.
- 5) Agreement regarding the construction, operation, and maintenance of public restrooms, to be provided by the Estate as a public benefit associated with the project.
- 6) Receiving updated utility will-serve letters for the proposed condominium project.

Polly McLean stated that the water amount is non-negotiable and capped at 8,000 gallons per day. The Commission will have to reach a level of comfort that the amount will not be exceeded with any future development. She provided a helpful analogy of having a finite amount of gas and needing to drive a certain distance – one would have to choose to drive a more fuel-efficient vehicle to ensure reaching the desired destination. The vehicle in this instance is the proposed building that absolutely cannot exceed the established 8,000 gallons a day maximum. Jeff Niermeyer stated there are still details to sort out regarding to who would manage the water usage and how – noting that the Town of Alta doesn't want to get in the middle of the water company and the HOA.

Planning commissioners noted the preference for an alternative access driveway that has yet to receive approval from the USFS. Doug Ogilvy noted that approval process would have to happen in conjunction with an updated development agreement. David Abraham specified that including approval of an alternative access driveway as a condition of any recommendation is desired, and

Polly McLean verified that it could be a recommendation. It was agreed that the alternative access driveway is the preferred solution of both the Town and the Estate.

Planning commissioners discussed the conditions of the recommendation including defining the height and size of the building, the desire for public restrooms accessible via the Summer Road, and the inclusion of a caretaker unit, and ultimately the Commission agreed on the following 11 conditions:

- 1) Town Council reviews a Donation Agreement for a conservation easement on 19.98 acres, including an ALTA title report, easement terms, identification of the qualified easement holder and fee title property owner, and a summary of any unrecorded agreements or encumbrances.
- 2) Modification of the 2014 Development Agreement to permit a multifamily condo building, with a legally enforceable protocol to limit water use to the amount specified in the 2014 Stipulation (8,000 gallons per day), detailing how the Estate will assign responsibility to a proposed Water Company and future condominium owners.
- 3) Amendment of the 2014 Stipulation Agreement among the Estate, the Town, and Salt Lake City.
- 4) Approval of alternative year-round access for a separate parallel driveway. The Town and the Estate will jointly support the Forest Service Special Use Permit application for a separate parallel driveway
- 5) Agreement regarding the construction, operation, and maintenance of public restrooms accessible via the Summer Road, to be provided by the Estate as a public benefit associated with the project.
- 6) Receiving updated utility will serve letters for the proposed condominium project.
- 7) Working out agreements with Alta Ski Lifts.
- 8) Height of the building is not to exceed 8 stories and will step-back two times within the top 3 stories.
- 9) Height of the building is not to exceed the height of the summer road, as represented by the applicant to be 8,850' in elevation.
- 10) One of the three workforce housing units will be a dedicated live-in caretaker unit built to a minimum size of 650 square feet.
- 11). Water tank will gravity-feed the water system as agreed in the 2014 stipulation

Planning Commission chair Jon Nepstad expressed his trust in the conditional use permit process. Planning Commissioner Jeff Niermeyer moved to issue a positive recommendation to the Town Council to consider a rezoning of 6.52 acres from Forest and Recreation Zone (FR-0.5) to Forest Multifamily Zone (FM-20), subject to the above-listed conditions.

Dave Abraham amended the motion to a neutral recommendation with the same conditions as previously stated. The amendment was accepted, and Paul Moxley seconded the motion. The Planning Commission then held a roll-call vote:

Maren Askins: Yes

Jeff Niermeyer: Yes

Paul Moxley: Yes

Jon Nepstad: No
David Abraham: Yes

The motion passed.

8. NEW BUSINESS

No new business was discussed.

9. DATE OF NEXT MEETING

The next meeting is scheduled for August 27, 2025 at 3:00 PM.

10. MOTION TO ADJOURN

Planning Commission member Paul Moxley moved to adjourn the meeting. Planning Commission Chair Jon Nepstad seconded the motion, and the motion was carried with unanimous consent of the commission.

Minutes Approved by Planning Commission on *August 27, 2025*


Chris Cawley, Town Manager

