

MAYOR

ROGER BOURKE

TOWN COUNCIL

CAROLYN ANCTIL

JOHN BYRNE

DAN SCHILLING

ELISE MORGAN



TOWN OF ALTA

P.O. BOX 8016

ALTA, UTAH 84092

TEL (801) 363-5105

(801) 742-3522

FAX (801) 742-1006

TTY 711

Alta Planning Commission Meeting Packet November 19, 2025

Document Tips: The sections below are each hyperlinked to help you navigate straight to a section of interest. Page numbers refer to the header numbers on the top right of the page in blue.

Table of Contents

2	Agenda
3 - 10	Draft Meeting Minutes: October 22 2025
11– 15	Staff Report: Shallow Shaft Zoning Amendment
16 – 37	Shallow Shaft: Zoning Amendment Application and Exhibits

MAYOR

ROGER BOURKE

TOWN COUNCIL

CAROLYN ANCTIL

JOHN BYRNE

ELISE MORGAN

DAN SCHILLING



TOWN OF ALTA

P.O. BOX 8016

ALTA, UTAH 84092

TEL (801) 363-5105

(801) 742-3522

FAX (801) 742-1006

TTY 711

AGENDA

**ALTA PLANNING COMMISSION MEETING
WEDNESDAY, NOVEMBER 19, 2025 @ 3:00 PM
10351 E HWY 210
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.

- 1 Call the Meeting to Order
- 2 Public Comment
- 3 Approval of the minutes of the October 22, 2025 meeting
- 4 Presentation and Discussion: Shallow Shaft Proposed Zoning Text Amendment
- 5 Presentation and Discussion: Priorities for Future Town of Alta General Plan Update
- 6 New business
- 7 Date of next meeting
- 8 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 accommodation (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, October 22, 2025, 3:00 PM
Alta Community Center, 10351 E. Highway 210, Alta, Utah

ALTA PLANNING COMMISSION MEETING – 3:00 PM

PRESENT: Jon Nepstad, Chair (virtual)
Jeff Niermeyer, Vice-Chair (joined at 3:28 - virtual)
Paul Moxley
Maren Askins
David Abraham
Roger Bourke, Town of Alta Mayor (virtual)

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

ALSO PRESENT: John Guldner, Cottonwood Lands Advisory (virtual)
Jay Torgerson, Unified Fire Authority

NOT PRESENT:

1. INTRODUCTION AND WELCOME FROM THE CHAIR

Planning Commission Chair Jon Nepstad opened the October 22, 2025 meeting at 3:00 PM.

2. PUBLIC HEARING: ADOPTION of the WILDLAND URBAN INTERFACE CODE, ESTABLISHING THE WUI BOUNDARY, and ORDINANCE 2025-O-X AMENDMENTS TO MUNICIPAL CODE TITLES 8 and 9

Planning Commission Chair Jon Nepstad opened the public hearing. Molly Austin noted that some members of the public were having difficulty joining the meeting virtually and recommended leaving the public hearing open for a few more minutes. Chris Cawley shared that the Town received two public comments in writing ahead of the meeting regarding the Wildland Urban Interface (WUI) code adoption concerning potential limitations for building on undeveloped lots without year-round access.

Mark Levin introduced himself and shared that he submitted his comments in writing prior to the meeting. Fundamentally, he agrees with the importance of reducing wildfire hazards in Alta, especially by using fire resistant materials during construction. Levin noted his concern about prohibition of construction in areas that do not have year-round vehicular access and requested that an acknowledgment of possible exceptions be made. Levin also expressed concern about the big-picture perspective of emergency planning in the canyon, especially as it relates to cutting

off access to SR-210, preventing both evacuation and emergency response. Lastly, Levin noted concern about the WUI code allowing for authorities to access private homes to ensure code compliance.

Logan Page introduced himself and stated he was calling in on behalf of his parents, Chris and Dawn Page, who submitted comments in writing ahead of the meeting. Page noted concern of year-round access requirements that may prevent development of undeveloped lots. Page noted that he recognizes the International Fire Code (IFC) allows for some exceptions to that provision if there are alternative measures that provide an equivalent level of safety. Page encouraged that the exceptions be clearly stated in Town Code.

3. PUBLIC HEARING: ORDINANCE 2025-O-X AMENDMENTS TO MUNICIPAL CODE TITLE 10, CHAPTER 1, SECTION 8 “AMENDMENTS” and TITLE 10, CHAPTER 1, SECTION 9 “HEARING and PUBLICATION of NOTICE BEFORE AMENDMENT”

Planning Commission Chair Jon Nepstad opened the public hearing. Nepstad noted that no written comments regarding this topic had been received in advance. No comments received.

4. MOTION TO ADJOURN PUBLIC HEARINGS

Paul Moxley moved to adjourn the public hearings. Maren Askins seconded the motion. All were in favor and the public hearing was adjourned.

5. CALL THE REGULAR MEETING TO ORDER

Jon Nepstad called the October 22, 2025 Planning Commission meeting to order at 3:15 PM.

6. PUBLIC COMMENT

No comments received.

7. APPROVAL OF THE MINUTES FROM THE SEPTEMBER 24, 2025 MEETING

Paul Moxley moved to approve the minutes from the September 24, 2025 Planning Commission meeting. David Abraham seconded. All were in favor, and the minutes were approved.

8. DISCUSSION of ALTERNATIVE AMENDMENTS to SECTION 9-3 PRESERVATION OF VEGETATION DURING DEVELOPMENT

Chris Cawley stated that the “low-hanging fruit” to satisfy the Wildland Urban Interface (WUI) code is to simply provide an exception to the current tree removal restrictions in the vegetation management ordinance, which is what the proposed amendment would accomplish. Cawley noted that an alternative option to consider would be a more sophisticated update that would have broader implications across multiple sections of Town Code. Town Staff is working on a

draft update to the ordinance based off the Town of Brighton code, but Cawley noted that it was not ready to present today. Such an update would address topics beyond just tree removal.

Roger Bourke asked if homeowners will be exempt from planting new trees if and only if the Fire Marshal objects to it, or can the homeowner clear trees to provide a fire break if they want to protect their property, regardless of input from the Fire Marshal.

9. DISCUSSION and POSSIBLE ACTION: RECOMMENDATION of ADOPTION of the WILDLAND URBAN INTERFACE CODE, ESTABLISHING THE WUI BOUNDARY, and ORDINANCE 2025-O-X AMENDMENTS TO MUNICIPAL CODE TITLES 8 and 9

Chris Cawley opened the discussion. To address Bourke's previous question, Cawley stated that the current code title is "Preservation of Vegetation During Development". Cawley asked John Gulder to comment on whether it would apply to tree removal outside of an active building permit or construction project. Guldner stated that approval to remove trees is always required, even outside of construction. This approval would come from the mayor for single family homes or from the Planning Commission for conditional use permits. Cawley stated that the intent of the regulation currently is not to allow the removal of trees at a whim without Town approval. Polly McLean stated that we should focus on the agenda item as described. Cawley noted that a rule is needed to regulate tree removal, regardless of if it occurs during construction. Cawley stated that the Town of Brighton code section is titled "Tree and Vegetation Protection" and allows for the removal of trees under defined circumstances. Cawley assumed that the Town's intent was to limit tree removal when the ordinance was adopting circa 1989 – noting that because it is not expressly disallowed does not equate to allowing it.

Polly McLean noted there is suggested language in section G that includes Town approval of a fire protection plan, allowing for Town oversight. McLean then stated that Section F is more expansive and would allow for property owners to cut down trees for the purpose of creating defensible space. McLean suggested the section could be narrowed to say that approval is needed to remove trees to ensure that any removals comply with WUI requirements.

Roger Bourke presented a hypothetical scenario in which someone wants to build a new home and remove a tree that the fire official didn't deem a threat, but the homeowner was concerned about – could the homeowner remove the tree without approval? Cawley shared that he does not believe that removal would be allowed under the proposed amendment. Nepstad stated that the homeowner's assessment of risk could be arbitrary. Paul Moxley shared his concern about a municipality regulating what a homeowner can do with trees on their property. Cawley stated that it is common practice for municipalities to regulate tree removal. Moxley also raised concern about tree removal for aesthetic or economic reasons.

David Abraham stated that as written, Section 9-3-2-A states "it shall be unlawful for any person to proceed with any development *or* remove mature trees within the Town without having first submitted a site plan and obtained approval", implying that approval is required for removal of mature trees, without specifying it applies only during development. Cawley said that a site plan and excavation permit with Unified Fire Authority (UFA) approval would be required for a

defensible space project. McLean stated that it is generally okay for trees to be removed for safety reasons but not for aesthetic ones.

Guldner stated that the vegetation ordinance denotes trees as a valuable resource that need to be protected, which is the foundation for the prohibition of tree removal, especially for aesthetic reasons. Guldner reiterated that it is up to the mayor to approve tree removal for single family homes and up to the Planning Commission to approve in any other instance. Nepstad inquired about diseased or dying trees. Guldner stated that the Town has historically approved removal of such trees without mayoral approval. Cawley stated that there are specific protocols to be followed when removing such trees. Jay Torgerson offered that when it relates to a forest health issue, it would be the Forest Service responsible for overseeing tree removal.

Cawley noted that one of the updates in the proposed amendment is that it would be the Building Official, not the Mayor, to provide such approvals at single family homes. Torgerson shared that he is not sure if it falls under the purview of the fire official to review and approve site plans specific to tree removal as the fire official's role is generally confined to reviewing the fire safety aspects of the building itself. Cawley clarified that UFA would be asked to review plans for WUI code compliance.

Paul Moxley asked about the year-round access issue brought up during the public hearing. Jay Torgerson introduced himself as a battalion chief and Town of Alta liaison with UFA. Torgerson shared that there are allowances within both the WUI code and the IFC that the fire official can make based on access, road grades, and other variables. If it is determined that a site does not have year-round road access, alternative safety measures such as a fire suppression system or water tank may be required. As an example, Torgerson shared that the recently built lodge at the top of Hidden Peak at Snowbird as well as Watson Shelter in Alta Ski Area have on-site tanks. Torgerson stated that UFA will support and help facilitate UFA's member communities' development goals.

Moxley brought up an additional concern expressed by property owners during the public hearing about UFA having authority to access private property and conduct inspections even after construction is complete. Torgerson clarified that would not happen. Residential inspections occur only if they are being rented out, otherwise no inspections will occur after the final inspection at the conclusion of construction. McLean noted that WUI code section 107 allows for inspections during construction or work related to a building permit. After that, reasonable cause is required before an official enters a building for inspection. As an example, McLean shared that if there is reasonable cause to suspect a leaking gas tank, the fire official would have authority to conduct an inspection.

Cawley asked if the Town has the authority to amend the WUI code or International Building Code, noting that recent legislation requires we adopt them. McLean stated that other jurisdictions have amended parts of the WUI code. McLean recommends adopting the WUI code as-is for now and exploring potential amendments in the future. Nepstad noted that there isn't enough time to go back and forth on the nuance between now and the end of the year and encouraged we move forward with recommending adoption as-is. Jeff Niermeyer asked for clarification on whether any potential amendments could only be more restrictive, not less. McLean stated that she will investigate it in more detail and review amendments made by other jurisdictions and could report

back at a future date. Cawley shared that as he understands it, local ordinances can generally be more restrictive than state codes and McLean agreed with that assessment.

Maren Askins asked how adoption of the WUI code would apply to current and existing buildings. Cawley noted that building remodels would be subject to all building codes, including the WUI code, although many interior remodel projects wouldn't likely trigger WUI code compliance. Larger projects, such as expanding the footprint of an existing structure, would likely require compliance, although any such applications would be evaluated on a case-by-case basis. Askins then asked how properties could go about reducing their wildfire risk by creating defensible space as a means to potentially reduce fees. Cawley stated that there is nothing in the WUI code that would prevent a property owner from complying with risk-assessment recommendations.

Cawley turned the conversation to discussion of the designated WUI area, noting that the recommendation is to include the entire Town of Alta boundary as the WUI boundary. He continued that the local WUI boundary is independent from the State risk assessment map, and those assessments will be taking place regardless. Askins asked if the boundary will relate to fire risk level or just where the WUI code is applied. Cawley clarified that the boundary we set is the boundary within which WUI code will be applied.

To summarize, Nepstad said that there is a deadline to meet for WUI code adoption, and any potential adjustments could be addressed in a future amendment, and that the proposed WUI boundary is the entire Town of Alta. He then asked the commissioners if there is any further discussion before moving on to a recommendation.

David Abraham added that like other parts of the building code, the Town can engage with the Authority Having Jurisdiction (AHJ) about potential alternative means and methods to allow for approved fire protection plans for properties without year-round access.

Nepstad asked if there are any other states that require adoption of formal evacuation routes. McLean stated that the Town is required to have a Comprehensive Emergency Management Plan (CEMP), which likely includes evacuation plans. It was agreed that it would be beneficial for these plans to be more accessible to the public.

McLean noted that the only question to discuss before considering a recommendation is related to allowances for creation of defensible space with or without approval from the Town. Nepstad stated he prefers a more official process to define what defensible space is as opposed to leaving it up to the property owner's discretion. Jeff Niermeyer stated his support of that assessment, and the commission was in agreement. After further discussion, it was recommended to amend the proposed ordinance section 9-3-3-F to include the following:

*F. The requirements of this removal and replacement section shall not apply to defensible space requirements of the Wildland Urban Interface Code as adopted by the Town **so long as a site plan indicating trees to be removed is submitted and approved by the Building Official.***

Paul Moxley made a motion to recommend adoption of WUI code, establishing the WUI boundary and adoption of the ordinance update to municipal code Titles 8 & 9, with section 9-3-3-F as amended above, to the Town Council. David Abraham seconded. All were in favor and the motion passed.

10. DISCUSSION and POSSIBLE ACTION: RECOMMENDATION of ADOPTION OF ORDINANCE 2025-O-X AMENDMENTS to MUNICIPAL CODE TITLE 10, CHAPTER 1, SECTION 8 “AMENDMENTS” and TITLE 10, CHAPTER 1, SECTION 9 “HEARING and PUBLICATION of NOTICE BEOFRE AMENDMENT”

Cawley noted that this topic had been previewed with the Town Council but may not have been introduced to the Planning Commission yet. He explained that the current Town Code requires that the Town Council hold a public hearing for land use regulations and post a public notice of such a hearing 15 days in advance and to post that notice in a newspaper in general circulation within the Town. Cawley commented that none of these provisions are required by state code. The update proposes to shorten the notice time period deadline from 15 to 10 days to match the Planning Commission notice timeline and to remove the requirement to post a notice in a newspaper. Cawley described the administrative burden of the newspaper postings and that we do not have a newspaper in general circulation in Alta.

Nepstad noted that the public hearing on this topic received no comments.

Cawley pointed out there is an additional provision (10-1-8-B) that is inconsistent with what state statute says about who has what authority when it comes to land use applications. Cawley clarified that the Planning Commission doesn't make decisions on these applications, but they simply send a *recommendation* to the Town Council, so the proposed amendment would strike out section B. McLean noted that county codes and state land use statutes were quite different when the Town of Alta incorporated in 1970 and adopted Salt Lake County ordinances, so these types of updates are required from time to time to stay up-to-date.

David Abraham asked how this change would relate to section 10-1-8-A, which states that “any such amendment shall not be made or become effective unless the same shall have been proposed by or be first submitted for the *approval, disapproval or suggestions of the planning commission*.” McLean clarified that state code requires the planning commission to make a recommendation, but they do not have the authority to approve or disapprove. After a brief discussion, the following edit to the ordinance update was proposed.

*10-1-8: AMENDMENTS: A. Authorized; Submit To Planning Commission: The town council may, from time to time, amend the number, shape, boundaries or area of any zone, or any regulation of or within any district or districts or zones or any other provisions of this title. Any such amendment shall not be made or become **effective unless the same shall have been proposed by or be first submitted for the review and recommendation to the council by the planning commission.** ~~the approval, disapproval or suggestions of the planning commission~~*

Abraham noted this edit feels like a major change to the land use code. McLean stated that it is to make town code accurately reflect state code, noting a major revision to land use code that occurred in 2006. Cawley elaborated that ultimately these land use regulations are legislative decisions, and the Town Council is the legislative body tasked with making informed decisions with input from the Planning Commission.

Maren Askins made a motion to recommend adoption of amendments to municipal code Title 10 sections 8 and 9 with section 10-1-8-A as amended above, to the Town Council. Jeff Niermeyer seconded. Before voting, David Abraham asked for clarification on whether the proposed edits would have any impact on the current process for considering land use or zoning changes. McLean verified, stating that state code requires any land use applications to come to the Planning Commission for a recommendation (either positive, negative, or neutral) to the Town Council – the proposed amendments do not change that process. After the discussion, all were in favor and the motion passed.

11. NEW BUSINESS

Molly Austin asked if the minutes from this meeting need to be adopted prior to Town Council taking official action at their next scheduled meeting in November. McLean stated that no, they do not need to be formally adopted, and a draft version will be sufficient.

A discussion ensued on whether it is the minutes or the recording that are the official record of the meeting, with McLean stating that state code defines the minutes as the record, but technology for capturing audio recordings has advanced significantly and if there was ever a discrepancy or dispute, the audio recording would be consulted.

12. DATE OF NEXT MEETING

Jon Nepstad stated the next scheduled meeting is November 19, 2025, and inquired if there are any known agenda items for November. Cawley stated that there are currently no known items, but it is too soon to tell for sure.

The December meeting is scheduled for December 17, 2025 with a potential site review with Mike Maughan from Alta Ski Area.

McLean highlighted that at the upcoming Town Council meeting on November 12 at 4:00 PM there will be a vote on the Shrontz Estate petition to rezone, noting that the Town Council has taken the recommendations from the Planning Commission into consideration.

13. MOTION TO ADJOURN

Planning Commission Vice-Chair Jeff Niermeyer motioned to adjourn the meeting. Planning Commission member Maren Askins seconded the motion, and the motion was passed unanimously. The meeting was adjourned.

Minutes Approved on *November 19, 2025*

Chris Cawley, Town Manager

DRAFT

Alta Planning Commission

Staff Report



To: Alta Planning Commission

From: Chris Cawley, Town Manager

Date: November 13, 2025

Re: Shallow Shaft, LLC, Proposed Base Facilities Zone Ordinance Text Amendment Work Session (No action)

Attachments: Application, exhibits, text amendment redlines

Introduction

The owners of the building at 10199 E Little Cottonwood Road known as the Shallow Shaft propose an amendment to the text of the Town's Base Facilities Zone Ordinance. The proposal, as well as the development concept, is similar to the text amendment the Shallow Shaft presented to the Alta Planning Commission during meetings in March of 2025 and May of 2024.

On November 10, the Shallow Shaft submitted a formal application to amend the zoning ordinance and paid the fee provided in the Town of Alta Fee Schedule for a "zoning change," and staff is processing the application as provided for in Town of Alta Code and Utah Law. At this current meeting, the owners would like to get the Commissions initial thoughts on the formal application.

For more background on the prior submittals, please see below:

[May 22, 2024 Planning Commission Meeting Packet](#)

[May 22, 2024 Planning Commission Meeting Minutes](#)

[March 26, 2025 Planning Commission Meeting Packet](#)

[March 26, 2025 Planning Commission Meeting Minutes](#)

Summary of Existing Conditions on Shallow Shaft Property

Up until the shutdown for the COVID-19 pandemic in March 2020, the land use on the property was 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% coverage. The Shallow Shaft parcel is .21 acres and was owned by the US Forest Service until 1985, when the parcel was transferred to a private owner. The dwelling unit in the basement is sometimes occupied although it appears to be vacant during most of the year. The building was originally constructed as the Deep Powder House ski shop in about 1960 and is believed to have first become "The Shallow Shaft" restaurant in the 1970s.

The parcel 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 Nonconformity and Redevelopment Potential

The existing parcel is noncompliant with Town of Alta Land Use Regulations, highlights of which include the following:

- 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.
- Under the current code the applicants could demolish and rebuild a 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](#). A new structure could provide any of the permitted uses in the BFZ ordinance under this provision.

The November 2025 Application

The Shallow Shaft submitted a formal application to the Town to amend the Town's land use regulations. The Town does not have a clear pathway in our code for the public to submit such an application. But the public generally has a right to make such proposals to a municipality so long as they follow whatever process the municipality requires including payment of applicable fees. Because Alta's code does not have a clear application process for the public, staff directed the Shallow Shaft to use the "petition to rezone" process provided in 10-6A-11 as an application template. Even this is not a perfect template, as "rezone" typically refers to the designation of a different, existing zoning district regulation. 10-6A is Alta's Forestry and Recreation Zone, rather than the BFZ; however, the BFZ itself does not, as written, have its own petition to rezone language. Once again, however, the public has a right to propose changes in zoning to the Town's decision makers, and staff will facilitate the process when it receives a complete application. Utah State Code addressed land use regulation amendments and allows the legislative body to make amendments so long as the amendment is first submitted to the Planning Commission for the planning commission's recommendation. The decision to make an amendment to a land use regulation is legislative and allows for discretion by the Council and the standard of review is whether it is reasonably debatable that the land use regulation is consistent with the State Land Use chapter (10-20).

Proposed Text Amendments

The Shallow Shaft proposes to amend certain provisions of the Base Facilities Zone ordinance to mitigate key nonconformities and impediments to their redevelopment goals. The proposed amendments have the following goals:

- Create an exception to minimum lot size, width and net developable acreage requirements for lots or parcels legally existing as of January 1, 2025, in Base Facilities Zone, Subzone C only.
- Introduce a new definition of a “boutique hotel” with rooms that include kitchens and kitchenettes, which would only be permitted in Zone C of the BFZ. In other words, it only be allowed on the very small Shallow Shaft and Photohaus parcels.

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 property lines. The proposed use is to provide a “boutique hotel” per the proposed new definition described above and in the application exhibits. The development would include an employee dwelling unit and a retail space described as a café or coffee shop.

The Town of Alta General Plan and the Redevelopment Concept

The Town of Alta General Plan contains very few directly relevant policy statements. Section 4.2 RESIDENTIAL DEVELOPMENT says “future residential development should be limited to those areas currently zoned for such uses.” The proposed units are dwelling units even if the Shallow Shaft proposes to rent them on a transient basis and to permit their development via a new allowed use.

Section 4.3 TOWN CENTER COMMERCIAL was adopted in 2013 and establishes the Town’s intent to create an “identifiable center of town for residents and visitors alike” and pursue a year-round economy. While it doesn’t say so explicitly, this section of the general plan is generally construed to support “activating” the center of Alta by encouraging commercial activity that is accessible to the community and literally appears to be socially active. The proposed use of a boutique hotel or short-term rentals would not support many jobs nor offer services accessible to locals, although the proposed cafe or coffee shop would stand out in the corridor as a commercial opportunity accessible to community members.

Section 4.5 states that “employee housing is a useful component of any commercial development and [...] therefore we encourage it to be a feature of commercial development.” The Shallow Shaft proposes to include an employee dwelling unit, which would be required depending on the number of rooms.

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 BFZ-Zone C, like the Shallow Shaft. The Town considers 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 the footprint, dimensions, coverage, or uses of the building changed.

Comments, Analysis, and Prompts for Planning Commission Discussion

Previous discussion of the Shallow Shaft's proposal have focused on various areas of noncompliance on the existing property and apparent issues with the redevelopment concept such as waterway setbacks and avalanche exposure. *Staff requests the commission focus its discussion in the 11/19/25 meeting on the proposed amendments to Alta's code and whether they are in the public interest.*

The Shallow Shaft has options to redevelop the property under existing zoning. The proposed text amendments are necessary to pursue the project the Shallow Shaft desires to develop. *Should the Town amend its land use regulations when landowners seek to do projects that are not permitted under current regulations?*

The proposed use is generally the same as what's been presented in the past. The units would be dwelling units per the [definition in Alta Code 10-1-6](#), which are prohibited in the Base Facilities Zone. The Town does not and has not in the past permitted hotel rooms to include kitchens, partially in order to maintain a clear distinction between hotel use and residential uses.

The Shallow Shaft's goal in proposing a new use "boutique hotel" to be allowed only on Zone C properties is to create a use that may provide a more economically viable commercial use on the very small lots than other commercial uses permitted in the BFZ. A hotel without in-room cooking facilities may not be economically viable as there are limited opportunities for evening dining in Alta, especially with the ongoing closure of the existing Shallow Shaft Restaurant. *Should the Town maintain its current prohibition against residential uses, or should it allow them in a limited area as the Shallow Shaft proposes allowing in a limited area? Does the Commission think stand-alone food service or other retail establishments, or very small "pure hotels" are viable in Alta? If the Town allows hotel rooms with kitchens in BFZ-Zone C, should it allow them throughout the BFZ? (If this amendment is allowed, the purpose statement for the BFZ should also be amended to reflect this change). It may not be legal for the Town to attempt to require a lodging property to be "separately owned and independent from any larger resort, hotel, or lodging facility" as proposed in the definition of "Boutique Hotel."*

The existing minimum lot area and width regulations in the BFZ render the structures on the Shallow Shaft and Photohaus properties (and also the very small Deep Powder House property which is in BFZ- Zone B) nonconforming and limited to their present mass and footprint. Amending the minimum lot area designation on these two parcels within the existing Zone C designation would allow for larger footprints and massing on these parcels; in other words, buildings on the parcels could get bigger. However, there are other properties in Alta that are below the minimum lot area in their respective zoning districts, and making this change in BFZ-Zone C could set a precedent leading to changes to other minimum lot area requirements. *What is the justification for taking this step in BFZ-Zone C when there are property owners in other zoning districts who may desire to reduce or change their own minimum lot size designations? Is the commission concerned about the visual impacts of the buildings increasing in size?*

The redevelopment concept includes a 215 square foot coffee shop, café, or other retail space. The community generally desires to have more activity in the Town's "commercial core" and there are

presently limited opportunities for food and beverage in the center of Alta along SR 210 outside of what is available to paying guests at the existing hotels. *Is the proposed coffee shop “better than nothing” and should it affect the Town’s consideration of the proposed “boutique hotel” use? If the Town allows “boutique hotels” or some alternative to it that would allow a similar outcome to the Shallow Shaft’s concept, should it consider requiring some amount of retail or service commercial space in order to permit the new use?*

Other Nonconformities

The Shallow Shaft has presented to the commission twice in recent years on similar proposed text amendments and a similar development concept. The development concept still seems to exhibit areas of noncompliance with Alta’s code and other regulations. One problem is the large culvert opening on the southwest corner of the property, which no longer appears on the exhibits. The culvert manages stormwater and spring runoff from large slopes above the Town of Alta and may be connected to other culverts that drain directly into Little Cottonwood Creek. The culvert also manages drainage off the Michigan City Road, the Lower Guard Station Road, and SR 210. The culvert may not be altered or covered without permission from the Salt Lake County Health Department and Salt Lake City Department of Public Utilities. Under existing watershed regulations, no improvements may be constructed within 50 feet of the culvert. This and any other noncompliance would affect a future application for development, and known issues with the development concept may be considered by the commission and ultimately the town council in reviewing the proposed amendments. *How should the Town consider nonconformities in a future development application when considering the Shallow Shaft’s proposed text amendments?*

Next Steps

The commission should discuss the issues outlined in the staff report and any other topics raised by the presentation and proposal. Staff requests the commission focus on whether the Shallow Shaft’s proposed text amendments are in the public interest. No action can be taken in the 11/19 meeting. For the proposed amendments to be adopted, the commission must eventually hold a public hearing and vote on a positive, negative, or neutral recommendation to the town council, and the town council must then vote to formally adopt the amendments. The commission can recommend changes or conditions of approval to the council.

**SUPPLEMENT TO
REQUEST AND PROPOSAL TO THE TOWN OF ALTA
FOR REZONING AND/OR ZONING TEXT AMENDMENT**

To: Jen Clancy, Town Clerk, Alta, Utah

Applicant: Walter Krebsbach

Re: Supplemental Information for Shallow Shaft Property Text Amendment and/or Rezone

Date Submitted: November 12, 2025

Via Email (jclancy@townofalta.utah.gov)

Petitioners Walter Krebsbach and Shallow Shaft, LLC, a Utah limited liability company (together, the “**Owner**”), hereby respectfully supplement the Request and Proposal to the Town of Alta for Rezoning and/or Zoning Text Amendment dated November 10, 2025 (“**Request**”), as follows:

**I. SUPPLEMENTAL NARRATIVE ON THE COMPLIANCE OF THE PLANS
SUBMITTED AS EXHIBIT C TO THE REQUEST**

Along with the Request, Owner submitted renderings and plans as “Exhibit C” to the Request that have recently been discussed with the Town staff and the Planning Commission (referred to herein as the “**Plans**”). The plain barriers to *any development* on the Property are those addressed in the code amendment. We believe that with those obstacles removed, Owner will be able to submit a complete application and site plan fully compliant with all applicable sections of the Alta Town Code, specifically all of Article 10-6D. This supplement addresses specific substantive requirements.

Generally, the Plans are compliant with Alta Code to the extent they have been developed. A complete application will of course be more robust and include elements that are not available or reasonable to obtain at this stage before an application may even be submitted.

A. Addressed in Request:

The proposed amendments address the substantive requirements in Alta Code Sections 10-6D-3 (guestroom, through unit cap and size), 10-6D-4 (uses, through the introduction of the Boutique Hotel use), and 10-6D-8 (lot area and width).

It does not appear that there are substantive requirements to address in the context of the potential plans in Alta Code Sections 10-6D-1 (Introduction) or 10-6D-15 (construction document approvals), though any subsequent application.

B. Specific requirements and descriptions:

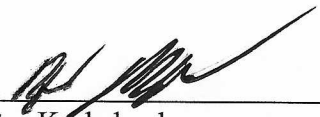
- a. 10-6D-2 Purpose. The project will comply with the purpose of the base facilities zone as the new use of a boutique hotel provides transient accommodations.

Walter Krebsbach / Shallow Shaft Request for Rezoning and/or Zoning Code Text Amendment
Page 2 of 2

- b. 10-6D-5 Density regulations. The proposed amendment will allow up to 8 guest rooms for boutique hotels in the Base Facilities Zone C. The proposed Plan includes 5 guest rooms.
- c. 10-6D-6 Parking requirements. The proposed Plan provides 5 internal parking spaces and 2 external parking spaces. The parking exceeds the requirements of the Alta Town Code.
- d. 10-6D-7 Employee housing. The proposed Plan for the Shallow Shaft property includes 5 guest rooms and provides living accommodations for 1 employee.
- e. 10-6D-9 Yard regulations. The proposed plan for the Shallow Shaft Property will comply with the yard regulations determined by the land use authority.
- f. 10-6D-10 Height Requirements. The height of the Shallow Shaft building in the proposed Plan is estimated to be 35 feet, and the maximum is set on a case-by-case basis.
- g. 10-6D-11 Maximum Coverage. The Plan shows coverage at 51% following the calculation in the Code, which is less than the 65% coverage maximum coverage allowed.
- h. 10-6D-12 Step Back (Building). This section does not apply as the proposed height of the Shallow Shaft is well under the 48 foot height restriction.
- i. 10-6D-13 Mechanical Screening: The proposed plan for the Shallow Shaft Property will meet all mechanical screening requirements.
- j. 10-6D-14 Special Regulations: The proposed plan for the Shallow Shaft Property will meet all special regulation requirements.


Respectfully Submitted by the Owner on the date listed above.

Shallow Shaft, LLC, a Utah limited liability company



By: Walter Krebsbach
Its: Manager

and



Walter Krebsbach, an individual

REQUEST AND PROPOSAL TO THE TOWN OF ALTA FOR REZONING AND/OR ZONING TEXT AMENDMENT

To: Jen Clancy, Town Clerk, Alta, Utah

Applicant: Walter Krebsbach

Re: Shallow Shaft Property Text Amendment and/or Rezone

Date Submitted: November 10, 2025

Via Email (jclancy@townofalta.utah.gov)

Pursuant to Alta Code § 10-6A-11, Petitioners Walter Krebsbach and Shallow Shaft, LLC, a Utah limited liability company (together, the “**Owner**”), the undersigned owner of certain private real property described and depicted in **Exhibit A (“Applicable Property”)**, hereby respectfully requests the Town of Alta to amend code provisions and/or rezone property within the Base Facilities, Subzone C, including provisions providing for lot area, lot width, and uses.

I. PROPOSED REZONE AND CONDITIONS

- A. Applicability: Owner requests amendment of Alta Town Code provisions that apply to the Applicable Property within the Base Facilities Zone and Subzone C (“**BFZ**” and “**BFZ-C**,” respectively) as follows, subject to all provisions generally applicable to the BFZ currently in effect, except to the extent conflicting or more specific amendments applicable to the BFZ-C are adopted.
- B. Lot Width and Area: Owner proposes the following specific amendments applicable to only the BFZ-C be adopted as an ordinance and land use regulation for lot width and area, each of which are material to the Owner’s submission of this request:
- a. Alta Code § 10-6D-8 LOT AREA, LOT WIDTH AND SLOPE REQUIREMENTS is amended from the current ordinance¹ to read in its entirety:

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

A. Construction of any building, structure or improvements in Zones A and B shall not be permitted where any of the following conditions exist.

- 1. The lot area is less than one net developable acre in size; or*

¹ The current code as of October 2025 reads as follows:

§ 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).

Walter Krebsbach / Shallow Shaft Request for Rezoning and/or Zoning Code Text Amendment
Page 2 of 18

2. *The slope exceeds thirty percent (30%); or*
3. *The width of the lot shall be less than one hundred feet (100').*

B. Any lot or parcel in Zone C that existed as a separate legal lot or parcel prior to January 1, 2025, and has not been subdivided or otherwise modified since that date, shall be deemed to meet the minimum lot area and width requirements of this Code, despite net developable area being less than one acre, for purposes of any development application. Such lots shall be developed in accordance with all other applicable zoning regulations, including lot coverage and height, regardless of whether the lot meets current dimensional standards for lot size, width, or frontage.

C. Permitted Uses: To better facilitate the narrow scope intended by this request, the Owner also proposes specific amendments applicable to only the BFZ-C be adopted as an ordinance and land use regulation for permitted uses and related definitions to be adopted along with the proposed lot area and width amendments, as follows:

- a. Alta Code § 10-6D-4 PERMITTED, PROHIBITED USES is amended from the current ordinance² to repeal and replace Subsection B and add a new Subsection C.:

B. The following are additional permitted uses only in the base facilities zone C (and not Zones A and B): Boutique Hotel; living quarters for persons employed on the premises of any Main Use.

C. All uses not identified in Subsection A, above, are prohibited in base facilities zones A and B. All uses not identified in Subsection A or B, above, are prohibited in the base facilities zone, including Zone C.

- b. Alta Code § 10-1-6 DEFINITIONS is amended to add the following definition of "Boutique Hotel" following the same format as other definitions currently in the code, with no changes to any other definitions:

² The current code as of October 2025 reads as follows:

§ 10-6D-4 PERMITTED, PROHIBITED USES:

A. Permitted uses:

1. Hotels.
2. Conferences.
3. Retail commercial services, limited to the following and similar uses: retail shops, art galleries, bakeries, bars, bookstores, liquor stores, clothing stores, drugstores, food markets, gift shops, restaurants, sporting goods stores, ski shops and variety stores.
4. Storage of materials accessory to permitted uses in subsections A1 and A2 of this section, provided all such storage is located within a structure.
5. Parking of motor vehicles accessory to other uses permitted herein.
6. Parks, open spaces and recreational uses.
7. Designated employee housing units, as described in section 10-6D-7 of this article.

B. Prohibited: All other uses are not permitted in the base facilities zone.

Walter Krebsbach / Shallow Shaft Request for Rezoning and/or Zoning Code Text Amendment
Page 3 of 18

Boutique Hotel: A small, independently operated lodging facility located only within the Zone C of the Base Facilities Zone, containing no more than eight (8) guest-rooms, including any on-site worker housing units as may be required by Alta Code. A Boutique Hotel shall be separately owned and independent from any larger resort, hotel, or lodging facility. Notwithstanding anything to the contrary in Alta Code, guest-rooms in a Boutique Hotel may include in-room or shared kitchens and kitchenettes for guest use.

II. REQUIRED AND ADDITIONAL INFORMATION PURSUANT TO ALTA CODE

Based on direction from the Town to follow the process generally described in the Forestry Zone section of Alta's Code for rezoning and code text amendments, Owner provides the following information in accordance with the requirements of Alta Code § 10-6A-11:

A. The full name and address of the Petitioner:

Walter Krebsbach
Shallow Shaft, LLC
2 Ridge Road
North Oaks, MN 55127

B. A statement of all legal, contractual, and equitable interest in the property as to which zoning amendment or change is sought, including the names and addresses of all such individuals:

All legal, contractual, and equitable interest in the Applicable Property is held by:

[Shallow Shaft Property]
Walter Krebsbach
Shallow Shaft, LLC
2 Ridge Road
North Oaks, MN 55127

[Photohaus Property, last known publicly available information]
LCC Photohaus, LLC, a Wisconsin limited liability company
1740 Eisenhower Dr.
De Pere, WI 54301

C. A legal description of the property as to which zoning amendment or change is sought:

That real property identified as Salt Lake County Parcel Nos.:

Shallow Shaft Property: Parcel No. 30-05-126-001
Photohaus Property: Parcel No. 30-05-126-002

Walter Krebsbach / Shallow Shaft Request for Rezoning and/or Zoning Code Text Amendment
Page 4 of 18

- D. A statement as to the reasons and basis for the amendment or change to any zoning ordinance or land use classification:

Current Alta code does not permit the redevelopment of the Shallow Shaft site as envisioned by the Owner. This is primarily because of the code's lot area and width requirements which limit options for the structure itself. Additionally, a new proposed definition tailored to the project provides additional clarity to the Town and the Owner consistent with the small scope and boutique nature of the project compared to other hotels in Alta. Owner has consulted with the town staff on possible procedures and options³ and presented plans for discussion purposes to the Town's planning commission which gave helpful feedback in formulating this formal application and request. Accordingly, Owner is requesting a zone ordinance text amendment and/or rezone for BFZ-C, affecting only the Applicable Property (Shallow Shaft) and the Photohaus.

It is the Owner's understanding in consultation with the Town that the Photohaus, the only other property in BFZ-C, was grandfathered to continue to allow dwelling units at the time of the remodel in 2018. The proposed amendment is not specifically tailored to account for Photohaus, its plans, future, or current uses except as it is necessary to meet Owner's goals.

- E. Based on direction from the Town to use follow the process generally described in the Forestry Zone section of Alta's Code for rezoning and code text amendments, Owner includes a statement in detail of the plans and documents relating to a proposed or possible development made possible by the proposed action. These plans, specifications and other documents describe in detail the nature, character and extent of the proposed development as to which the petition relates:

See attached **Exhibit C**.

- F. A statement as to the availability of all utility services:

All utility services are available as the Applicable Property was previously developed and operated with all applicable utilities.


³ For example, previously, Owner inquired if a variance was the appropriate procedure to allow expansion of the structure on the Applicable Property. This request was reviewed by the Town's legal counsel who stated: "After reviewing the background sent by John and looking into the Town Code and Utah Code, it appears the only option available to allow for the Shallow Shaft [Applicable Property] to expand . . . is to amend the Town Code (the best option would probably be to change the Base Facilities Zone C only, which only applies to the Shallow Shaft and Photohaus). Furthermore, there are not (to our knowledge) special circumstances attached to the Shallow Shaft property [Applicable Property] that deprive the property privileges granted to other properties in the same zone. Because of this, a variance does not seem like a viable option for addressing this issue." A copy of this email is attached as **Exhibit B**.

Walter Krebsbach / Shallow Shaft Request for Rezoning and/or Zoning Code Text Amendment
Page 5 of 18

G. Owner shall pay fees upon confirmation by the Town Clerk.


Respectfully Submitted by the Owner on the date listed above.

Shallow Shaft, LLC, a Utah limited
liability company



By: Walter Krebsbach
Its: Manager

and



Walter Krebsbach, an individual

SHALLOW SHAFT (code amendment references are omitted for ease of reading)

10-1-6 DEFINITIONS

New Definition Added (no other changes):

***Boutique Hotel:** A small, independently operated lodging facility located only within the Zone C of the Base Facilities Zone, containing no more than eight (8) guest-rooms, including any on-site worker housing units as may be required by Alta Code. A Boutique Hotel shall be separately owned and independent from any larger resort, hotel, or lodging facility. Notwithstanding anything to the contrary in Alta Code, guest-rooms in a Boutique Hotel may include in-room or shared kitchens and kitchenettes for guest use.*

10-6D-4: PERMITTED, PROHIBITED USES:

A. Permitted uses:

1. Hotels.
2. Conferences.
3. Retail commercial services, limited to the following and similar uses: retail shops, art galleries, bakeries, bars, bookstores, liquor stores, clothing stores, drugstores, food markets, gift shops, restaurants, sporting goods stores, ski shops and variety stores.
4. Storage of materials accessory to permitted uses in subsections A1 and A2 of this section, provided all such storage is located within a structure.
5. Parking of motor vehicles accessory to other uses permitted herein.
6. Parks, open spaces and recreational uses.
7. Designated employee housing units, as described in section 10-6D-7 of this article.

~~—B. —Prohibited: All other uses—~~ *The following are ~~not~~ additional permitted uses only in the base facilities zone C (and not Zones A and B): Boutique Hotel; living quarters for persons employed on the premises of any Main Use.*

C. All uses not identified in Subsection A, above, are prohibited in base facilities zones A and B. All uses not identified in Subsection A or B, above, are prohibited in the base facilities zone, including Zone C.

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

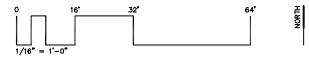
A. Construction of any building, structure or improvements in Zones A and B shall not be permitted where any of the following conditions exist:

- ~~—A.—~~ 1. *The lot area is less than one net developable acre in size; or*
- ~~—B.—~~ 2. *The slope exceeds thirty percent (30%); or*
- ~~—C.—~~ 3. *The width of the lot shall be less than one hundred feet (100').*

B. Any lot or parcel in Zone C that existed as a separate legal lot or parcel prior to January 1, 2025, and has not been subdivided or otherwise modified since that date, shall be deemed to meet the minimum lot area and width requirements of this Code, despite net developable area being less than one acre, for purposes of any development application. Such lots shall be developed in accordance with all other applicable zoning regulations, including lot coverage and height, regardless of whether the lot meets current dimensional standards for lot size, width, or frontage.

Exhibit A

Map of the Entire Area of the Proposed Rezone



GENERAL NOTES

- A. BACKGROUND IMAGE FROM GOOGLE EARTH, & NOT PRECISE, FOR REFERENCE ONLY.
- B. CONTRACTOR TO FIELD VERIFY ALL EXISTING UTILITY LINE LOCATIONS AND HAVE THEM STAKED PRIOR TO EXCAVATION. COORDINATE ALL DIGGING, TRENCHING, EARTHWORK, AND ANY OTHER SUB GRADE WORK WITH THE EXISTING UTILITIES.
- C. PROVIDE DRAINAGE AWAY FROM BUILDING. GRADE SHALL DROP 6" OVER FIRST 10'-0" FROM BUILDING, THEN 3% MINIMUM.
- D. BUILDING CORNERS TO BE LOCATED & APPROVED PRIOR TO EXCAVATION.
- E. REFER TO SHEET 0002 FOR REFERENCED INFORMATION.
- F. PROVIDE LANDSCAPING PER LANDSCAPING SHEET.
- G. PROVIDE STABILIZED CONSTRUCTION ENTRY PER DETAIL.
- H. ALL DRAINAGE TO BE MAINTAINED ON SITE. DO NOT DRAIN TO NEIGHBORING PROPERTY.
- I. CONSTRUCTION STAGING & MATERIAL STORAGE TO BE IN DRIVEWAY.
- J. ON-SITE ROCKS AND BOULDERS EXCAVATED FROM SITE TO BE STOCKPILED ON SITE FOR LANDSCAPING USE.
- K. CONTRACTOR SHALL PROTECT EXISTING VEGETATION. NO EXCAVATION ALLOWED UNDER DRIP LINE OF TREES TO REMAIN, U.O.N.
- L. FIELD VERIFY ALL CONDITIONS. NOTIFY THE ARCHITECT OF CONDITIONS NOT NOTED ON THESE PLANS.
- M. FLOOR PLAN / ROOF PLAN SHOWN ON THIS PLAN IS FOR REFERENCE ONLY. REFER PLAN SHEETS.
- N. PROVIDE ALL RECOMMENDATIONS AS INDICATED IN THE GEOTECHNICAL INVESTIGATION REPORT.

hoffman architects, LLC

1308 south 1700 east #202
 salt lake city, utah 84108
 801 583 3400
 hhoffman.com



14 MAY 2021
 CONCEPTS

SHALLOW SHAFT RENOVATION

10199 E. LITTLE COTTONWOOD CANYON RD
 ALTA, UTAH

DESIGNED: DRAWN: GS REVIEWED: HH 2021-32

OVERALL
SITE PLAN

A001

Exhibit B

Email from Alta's Attorney

Page 9 of 18

From: "Harris Sondak" <hsondak@townofalta.com>
Subject: Re: planning commission
Date: December 21, 2018 at 11:22:15 AM CST
To: "Walter Krebsbach" <Walter1200@comcast.net>

Dear Walter,

Here is the explanation from our attorney as to why a variance is not the correct procedure for Shallowshaft but that a change in zoning is the correct procedure.

Sincerely,
Harris

After reviewing the background sent by John and looking into the Town Code and Utah Code, it appears the only option available to allow for the Shallow Shaft to expand or change its use is to amend the Town Code (the best option would probably be to change the Base Facilities Zone C only, which only applies to the Shallow Shaft and Photohaus). We looked into whether a variance would be an option and found that the standard for a variance would not be met in this situation (both the Alta Code variance section and Utah Code variance section are copied below). The Alta Code requires compliance with the requirements of the Utah Code Annotated Section 10-9a-702, which limits the appeal authority to granting a variance only if:

- *literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;*
- *there are special circumstances attached to the property that do not generally apply to other properties in the same zone;*
- *granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;*
- *the variance will not substantially affect the general plan and will not be contrary to the public interest; **and***
- *the spirit of the land use ordinance is observed and substantial justice done.*

The appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic. In determining whether or not there are special circumstances attached to the property, the appeal authority may find that special circumstances exist only if the special circumstances deprive the property of privileges granted to other properties in the same zone. The appeal authority may not grant a use variance.

As we understand the circumstances, the hardship at issue is economic and likely self-imposed. Furthermore, there are not (to our knowledge) special circumstances attached to the Shallow Shaft property that deprive the property privileges granted to other properties in the same zone. Because of this, a variance does not seem like a viable option for addressing this issue.

From: Walter Krebsbach <Walter1200@comcast.net>
Sent: Friday, December 21, 2018 9:24:36 AM
To: Harris Sondak
Subject: RE: planning commission

Harris,

Thank you for your assistance. When you get a chance please call me. I need about 10 minutes of your time to clarify some issues

Walter Krebsbach
651-983-8387

Krebsbach & Associates Real Estate Services
www.krebsbachrealestate.com
North Oaks, Minnesota 55127

Page 10 of 18

Shallow Shaft Restaurant
www.shallowshaft.com
Alta, Utah 84092

-----Original Message-----

From: Harris Sondak <hsondak@townofalta.com>
Sent: Thursday, December 20, 2018 11:31 PM
To: Walter Krebsbach <walter1200@comcast.net>
Subject: planning commission

Dear Walter,

I have directed John to work with you to get you in front of the planning commission and have asked the planning commission to develop a set schedule of meetings. Here's one of the things I requested of Jon Nepstad:

> And I request that Walter be given a fair chance to have a dialogue with the Commission, which should have an open mind.

You need to have a fairly clear concept to present to them. You do not need drawings etc, but if you come to the commission and say, "what can I do with my building" you will not get what you need.

Hope this helps.

Sincerely,

Harris

Walter Krebsbach J.D.
651-983-8387
Krebsbach & Associates
Real Estate Services
www.krebsbachrealestate.com

Shallow Shaft Restaurant, Owner
Alta, Utah
www.shallowshaft.com

Exhibit C

Plans for potential development

Proposal Concept (1)

Thoughtful Design & Land Use

- **Lower level:** Covered parking garage, Cafe.
- **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 (2)

Parking Solutions & Community Benefits

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

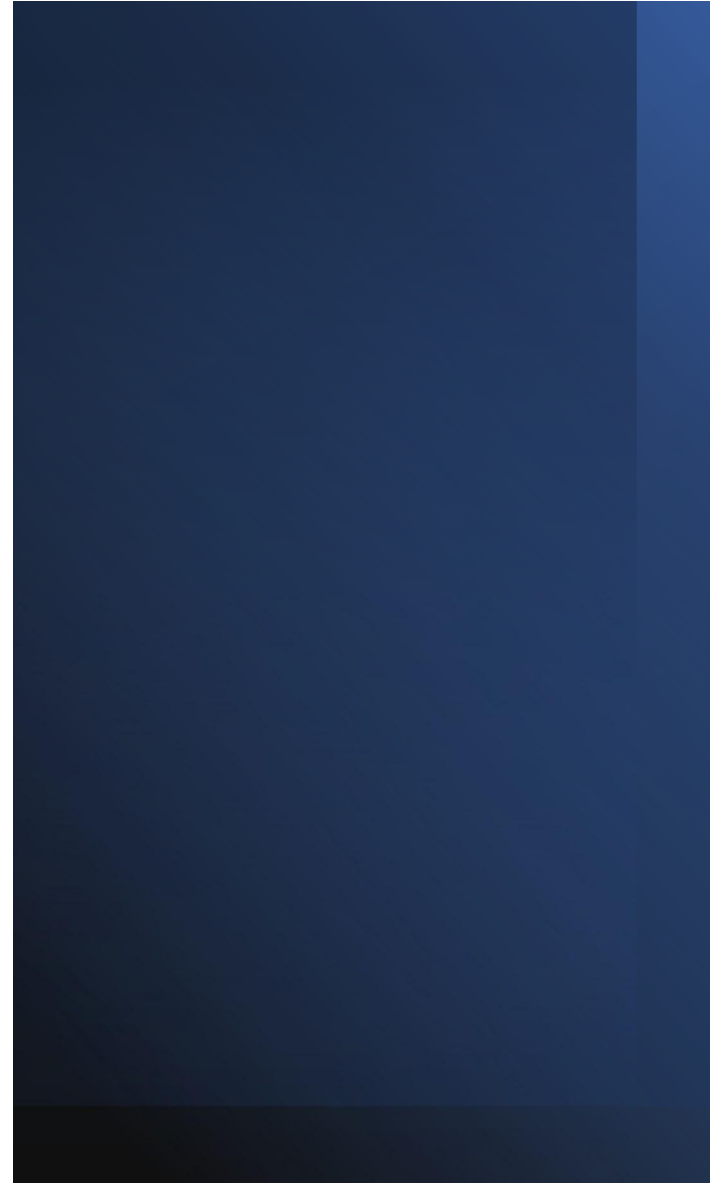
Sustainable & Resilient Design

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



Page 14 of 18

Interior Designs / Set Backs



Basement Floor Plan

Key Features of the Basement Floor Plan

Parking & Accessibility:

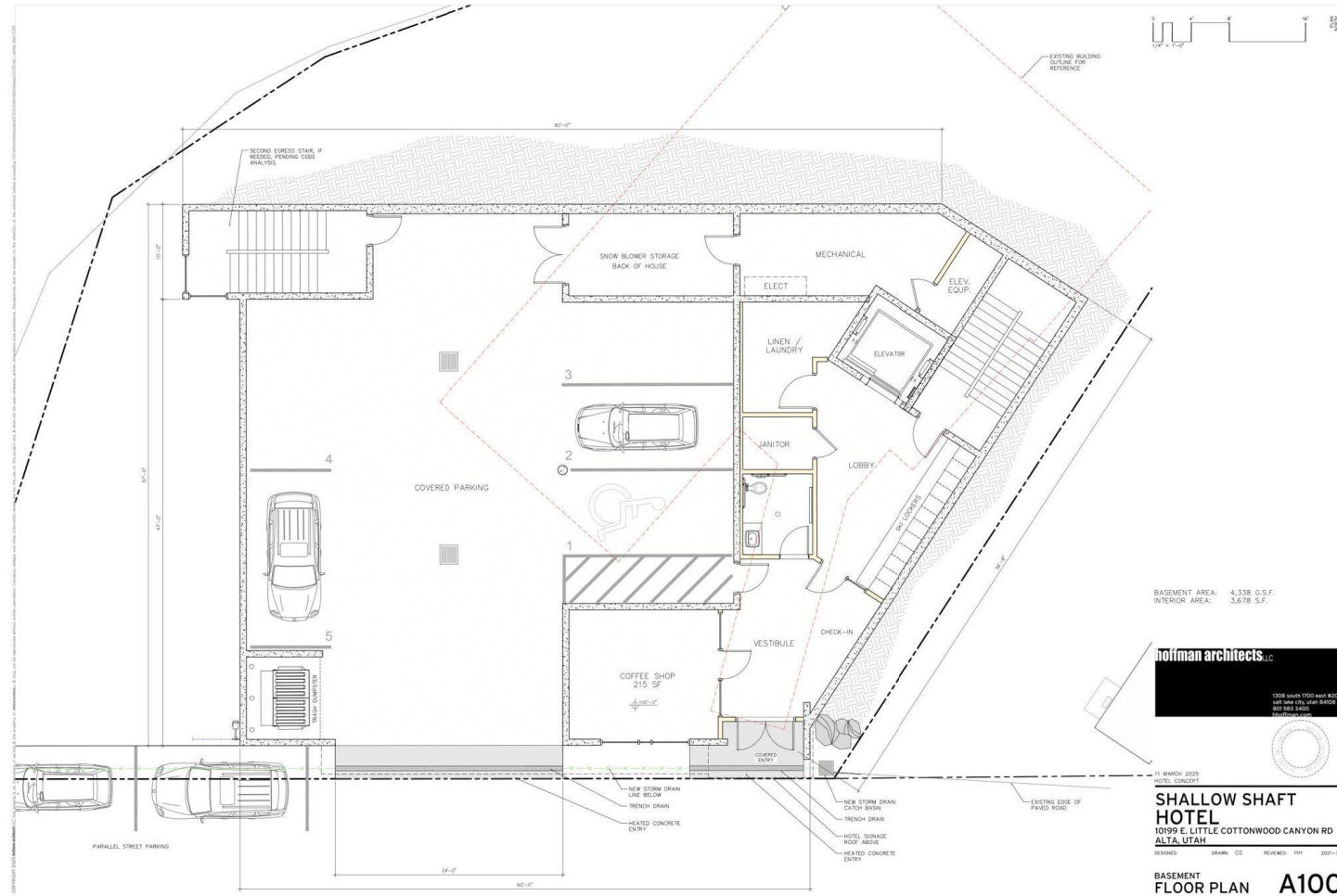
- **Garage entrance with 5 covered parking spaces**
- **Elevator** – ensures **ADA room access**
- **Stairs** for alternate access

Guest & Operational Spaces:

- **Check-in/Lobby** area for arrivals
- **Ski Storage Area** for guest convenience
- **Laundry Room** for housekeeping operations
- **Mechanical Room** for essential building systems
- **Snow Blower** storage, etc

Support & Infrastructure:

- **Coffee Shop**
- **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)



LEVEL TWO AREA: 1,667 G.S.F.
HOTEL AREA: 1,165 S.F.

hoffman architects, llc
1008 SOUTH 1750 WEST ROAD
SALT LAKE CITY, UTAH 84108
801.463.7400
www.hoffmanarchitects.com

11 MARCH 2025
HOTEL CONCEPT
**SHALLOW SHAFT
HOTEL**
10199 E. LITTLE COTTONWOOD CANYON RD
ALTA, UTAH

DESIGNED: DRAWN: CS REVIEWED: HPH 2025-11-19

UPPER LEVEL
FLOOR PLAN **A102**

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"

