

## UTAH COUNTY PLANNING COMMISSION

### Minutes of the January 21, 1997 Meeting

Present: Elaine Englehardt, Chair  
Bill Ferguson, Member  
Don Nebeker, Member  
Brent Gordon, Member  
Jeff Mendenhall, Planning Dept. Director  
Dave Shawcroft, Attorney  
Shirley R. Englund, Secretary

Also present were the following: Paul Hawker, Public Works; Commissioner Jerry D. Grover; Peggy Kelsey and Trisha Kelsey, Planning Department; Josephine Zimmerman, The Daily Herald; Diane Miller, Kristy & Joey Avina, Scott & Cheryl Schauerhamer, Bob Bonar, Bob Pruitt, Richard Godfrey, Janey Krueger, Roger Williams, Earl Williams, Dodd Greer, Jan Roberts, Matt King, Paul Conrad, Robert Bennion, Tim Daniels, Michael Dortch, Peter Staks, Matt Brown, Lawrence Russell, Stan Roass, Dan Cary, Amos & Marion Cook.

The meeting of the Utah County Planning Commission, held in Room 1400 of the Utah County Administration Building, was called to order at 7:10 by Elaine Englehardt.

#### **APPROVAL OF MINUTES OF DECEMBER 17, 1997 MEETING**

Motion: Don Nebeker

Second: Brent Gordon

That the minutes be approved as corrected. The motion passed by a 4-0 vote.

#### **SPECIAL BUSINESS OF THE BOARD**

Motion: Don Nebeker

Second: Bill Ferguson

That the meeting adjourn at 10:30 p.m. and the remainder of the agenda, if any, be continued to the next regularly scheduled meeting. The motion passed by a 4-0 vote.

#### **H-2 REPORT FROM PAUL HAWKER, PUBLIC WORKS**

Mr. Hawker addressed the railroad crossing issue brought up in the December 17, 1996 meeting by Mr. Ferguson. He noted that federal funding comes to areas at 80% federal funding, with the rest being contributed by the state and county. So far 11 crossing in the county have been upgraded with 5 more scheduled to be upgraded. He explained that since 1984 the accident trend has not proven that warning devices being installed has necessarily saved lives. This was discussed by the Board and differences of opinion were shared. Mr. Hawker stated statistics to

back up his position and that of UDOT. In 1993 UDOT met with officials to discuss what could be done. A study was requested. In 1994 a bid was opened to employ an engineering firm for the study. Horrocks Engineering of American Fork was hired and completed their study in June, 1996. The study concluded that 22 crossing could be upgraded as well as the closing of some. UDOT agreed with the findings of the firm. The bid for the work will come before the public in October of 1997, with the work taking approximately 15 months to complete. Mr. Hawker noted that this is the first corridor study performed in the state and only the third in the nation to be done.

Bill Ferguson asked if the decision to close nine crossings had already been made. Mr. Hawker answered in the affirmative. Mr. Ferguson suggested more stop signs at crossings. Mr. Hawker stated that records have not determined that stop signs minimize accidents. Mr. Ferguson stated that he felt that the closing of some crossings placed an undue hardship on property owners, and in particular the farmers having property on both sides of the railroad. He further questioned the public hearing process. It was determined that opinion were not allowed in an open forum which did not allow public to hear comments made.

Elaine Englehardt questioned the possibility of future public hearings. Mr. Hawker was not aware of any requirements that had not been satisfied, and felt the matter was closed. Contracts have already been entered into relative to the work. He did note that letters had been sent to property owners along the tracks. A member of the UDOT Commission was present at the public meeting to answer questions. Approximately 17-18 families were represented. Mr. Hawker stated that 4 of the 9 crossings were in the Santaquin area and would not be a hardship to the Santaquin people.

Jeff Mendenhall, for public information, stated that the river trails will be discussed at a future meeting.

Robert Bennion questioned whether a traffic study had been done on the crossings and whether the public had been properly notified. It was determined that compliance had been met.

Commissioner Grover spoke relative to the matter indicating that the County Commission had been kept informed of the status of this issue by Clyde Naylor. He explained that federal funding has strict guidelines and the county does not have much leeway in the matter. Funding usually comes with 'strings' attached and that this one contract where the commission did not have much discretion.

No action was required on the matter.

### **C. CONTINUED ITEMS FROM DECEMBER 17, 1996 MEETING**

Sundance Plat "A" PDG - Lot line adjustment between lots 11 and 23, Section 15, T5S, R3E, (Provo Canyon area)

Motion: Don Nebeker

Second: Bill Ferguson

Based on the recommendation of Jeff Mendenhall, that the request be denied, without prejudice, rather than continued. That motion passed by a 4-0 vote.

Ethington/Richardson "A" - Two lots in the A-1 Zone, Section 15, T8S, R2E, (Palmyra area)

Motion: Bill Ferguson

Second: Don Nebeker

Based on the recommendation of Jeff Mendenhall, that the request be denied, without prejudice, rather than continued. That motion passed by a 4-0 vote.

Lake View Acres "C" - One lot in the A-1 Zone, Section 15, T5S, R1W, (west Lehi area)

Motion: Bill Ferguson

Second: Don Nebeker

Based on the recommendation of Jeff Mendenhall, that the request be denied, without prejudice, rather than continued. That motion passed by a 4-0 vote.

#### **D. SUBDIVISIONS & LARGE SCALE DEVELOPMENTS**

Saratoga Springs - Approval of site plan for 72 units of Saratoga Springs, P.U.D., plat No. 4, Lot 402

Jeff Mendenhall explained that this is Lot 402 of the fourth plat, with a density of 72 units. A fifth plat is not being addressed tonight. He was concerned about the lack of design available to the Board and planning staff.

David Shawcroft stated that it was not clear to him what the intentions of the applicant was.

Peter Staks represented the developer and was available to address questions. He explained that the project is on 11 acres. He was agreeable to staff conditions. He noted the location of a park as well as other amenities i.e. garages, extra parking, etc.

It was the position of Jeff Mendenhall and Dave Shawcroft that other documents and plats

needed to be submitted for consideration. Mr. Shawcroft further noted that it is not the responsibility of the county to enforce the CC&R's. Members of the Board were concerned about approving a plan that had not actually been submitted. There was also concern as to infrastructure. It was determined that a site plan was needed as well as something showing what was in place currently. Mr. Mendenhall noted that the applicant would bond for improvements.

The meeting was opening to public comment:

Dick Beuler, representing the state lands, stated that his department has worked with the applicant for the past few years and they are agreeable and are not in opposition to the request. He noted that all boundary issues have been settled. He further explained that the trail will be on state property, but will be maintained by the developer.

Robert Bennion was not opposed to the development, but objected to action being taken without all documents being in place and available to the public as well as the Board.

Dave Shawcroft's legal opinion was that the Board could approve this matter with conditions. However, he encouraged the Board to use caution if they chose to do so. It was also noted that Tom Wroe, the County Fire Marshal, has reviewed the request.

Motion: Don Nebeker

To approve the request based on the findings and conditions, adding the condition of approval of counsel of the required documents. The motion died for lack of a second.

Motion: Bill Ferguson

Second: Brent Gordon

To deny the request until such time as the applicant and engineering firm have submitted all necessary documents and plans to the staff. The motion passed by 4-0 vote.

It was noted for the record that there will not be an application charge when this matter is brought before the Board a second time.

Lake Mountain Estates, Plat "A" Amended - Amendment to Lake Mountain Estates, Plat "A", Sec 18, T6S, R1E (northwest Utah Lake area)

Jeff Mendenhall explained the location of the subject property noting that originally Plat "A" had not been recommended by the Board. Plat "A" has, however, been approved by the County Commission and recorded. This request involves 4 additional lots on the south end of the property (shown by map). Mr. Mendenhall stated that the previous water problem has not

yet been solved. Further, there is a need for an updated title report.

Dave Shawcroft stated that it was his understanding that the request was only for interior lot line adjustment. If this is not the case, the complete process should be required. Also the issue of bonding needs to be addressed, as well as the water requirements satisfied.

John Roberts represented the appeal stating that originally the four lots were included in Plat "A". However, as the project progressed, the need for additional well rights held them up. Improvements are in place. The road has been completed, with the rest being done in the spring. There was a right of way problem relative to the gravel pit at the adjoining property line that needed to be solved.

Motion: Don Nebeker

Second: Bill Ferguson

That the request of Lake Mountain Estates, Plat "A" Amended be denied. The motion passed by a 4-0 vote.

#### **E. ZONE TEXT AMENDMENTS**

Utah County Planning - Proposed zone text amendment to reduce the minimum area for churches from 2.5 acres to 2.0 acres in all zones that allow churches as a permitted use

Jeff Mendenhall explained that a work session had been held after the initial request was made. At that session two possibilities were proposed; first, change the ordinance to allow all churches on less than 2.5 acres to expand; second, reduce the required acres to 2.0 minimum and allow them to build on that 2 acres; third, to make no change at all.

Dave Shawcroft suggested that the Planning Commission could make their recommendation specific, inclusive of landscaping. Further, he suggested that the change, if there is one, be applicable to all zones.

Elaine Englehardt stated that Brent Gordon could comment and vote on this matter with no issue of conflict. She also noted that the general feeling of commission members at the work session meeting was toward a 'non-conforming' text amendment.

Motion: Bill Ferguson

Second: Don Nebeker

That churches wanting to expand be handled as a non-conforming use. The motion passed by a 4-0 vote. Dave Shawcroft noted that Section C needs clarification relative to the 15% landscaping and should be added to the wording of the amendment.

Utah County Commission - Proposed zone text amendment to Section 5-5-B-25, CE-1 Zone, to allow ski lifts

Jeff Mendenhall explained that rather than rezone to CE-2, it is proposed that the lift area be allowed to go into a CE-1 Zone. Representatives of Snowbird were present to explain that they are hoping to use the Utah County side of the mountain for skiing and snowboarding. It will allow for a safer environment and more control of the area. They would like a pre-packaged food and warming area as well. Commissioner Grover, as well as the staff, had concerns relative to the food issue.

Bob Pruitt, III and Bob Bonar represented Snowbird were available to answer questions. They felt it would be advantageous to both Snowbird and Utah County. It was determined that there were many questions, some of which might involve the response of other interested entities, that needed to be explored. An invitation to the Board was made by Bob Pruitt and Bob Bonar to come to the site. A date will be worked out.

The general feeling of the Board was that more information was needed. On its face, it seemed to be okay. A work session meeting was set for Monday, February 10, 1997 at 12:30 p.m. in Room 3800 of the County Administration Building.

Motion: Bill Ferguson

Second: Don Nebeker

That the matter be continued for 30 days to allow further investigation and a work session meeting. The motion passed by a 4-0 vote.

The secretary will schedule Room 1500 for the work session meeting, to be held Monday, February 10, 1997, at 12:30 p.m.

**F. CONDITIONAL USES**

Powderbird Guides for Provo City Corp - Proposed helicopter landing pad as per Section 5-2-C-10, (South Fork of Provo Canyon on Provo City property ownership, Section 6, T6S, R4E)

Jeff Mendenhall stated that the applicant has asked that this matter be continued due to a conflict with Provo City.

Motion: Don Nebeker

Second: Brent Gordon

That the matter be continued for 30 days. The motion passed by a 4-0 vote.

**G. ROAD DEDICATION AND DELETION**

Joey & Kristy Avina - Proposed county road deletion and dedication on the official county road map for county road 7550 South with additional 250 foot extension to the east.

Jeff Mendenhall explained that the subject property is owned by Glen Hawkins who deeded property to the county for a road to make his lot buildable and a "T" at the end of the road. The applicant would like a change in the road to allow them to build two dwellings. However their cul-de-sac would exceed the 600' county standard. Dave Shawcroft felt that the county could not allow the request based on code.

Kristy Avina represented the request noting that others in the area have similar situations and she is desirous of raising her family in this area.

Janet Kruger, Ruland Butta and Sid Godfrey spoke in opposition to the request. It was their understanding that no more homes would be built.

Motion: Don Nebeker

Second: Bill Ferguson

That the matter be continued for one month. The motion passed by a 4-0 vote.

**H. PLANNING COMMISSION ITEMS**

Appointment of Chair and Vice-Chair for 1997

Motion: Bill Ferguson

Second: Don Nebeker

That the current Chair and Vice-Chair continue for another year. The motion passed by 4-0 vote.

Approve Annual Meeting Schedule for Planning Commission

\_\_\_\_\_ Motion: Bill Ferguson

Second: Don Nebeker

That the Annual Meeting Schedule be approved as presented. The motion passed by a unanimous.

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The meeting was adjourned at 10:00 p.m.

Minutes approved:

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Elaine Englehardt, Chair

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Shirley Englund, Secretary