

UTAH COUNTY PLANNING COMMISSION

Minutes of the October 21, 1997 meeting

Present:	Elaine Englehardt, Chair	Absent:	Gary Robison, Member
	Jill Taylor, Member		Bill Isham, Member
	Brent Gordon, Member		Don Nebeker, Member
	Bill Ferguson, Member		
	Jeff Mendenhall, Community Development		
	Mark Brady, Deputy County Attorney		
	Shirley Englund, Secretary		

Also present were the following: Grant Crowell and Buck Rose, Planning Dept; Tom Wroe, Fire Marshall; Josephine Zimmerman, The Daily Herald; Bob Pruitt, Jim Baker, Bob Bonar, Ray Gardiner, Mark Longhurst, Glen parker, Neal Artz, Rebecca Clement, Kendell Clement, Ava Stewart, Brad Mellor, Barbara Stewart Uibel, Rand Curtis, Leslie Curtis, Robert Easton, Dr. Glen Ovard, Tim Usher, Julie Mack, Mike Washburn, Gary Chapman, Louis Erickson, Don Acheson, Matthew Miller, Shirrel Young

The meeting of the Utah County Planning Commission was called to order by Elaine Englehardt, Chair, at 7:10 p.m. with a quorum present. The following are minutes of that proceeding.

APPROVAL OF MINUTES - August 19 and September 16, 1997

Motion: Bill Ferguson	Second: Jill Taylor
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That the minutes of the August 19, 1997 meeting be approved as presented. The motion passed by unanimous vote.

Motion: Brent Gordon	Second: Jill Taylor
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That the minutes of the September 16, 1997 meeting be approved as presented. The motion passed by unanimous vote.

SCAPO - Proposed text amendment to the CE-2, Critical Environment Zone, to allow private property owners to lease or rent residential units to unrelated individuals

This matter was withdrawn at the request of the applicant.

Snowbird Corporation Expansion of ski runs and ski lifts into Utah County, Mineral Basin area of American Fork Canyon

Jeff Mendenhall explained that this matter came before the board to allow the expansion of existing ski resorts into the CE-1 Zone as per Section 5-5-C-10 and Section 3-56. This expansion requires the approval of a Conditional Use Permit by the Utah County Planning Commission. The application is for the expansion of the Snowbird Ski Resort into the Mineral Basin area of Utah County. Mr. Mendenhall referred to the seven standards taken from Section 3-56 and listed in the staff report. Each standard was addressed by the applicant. It was the recommendation of Mr. Mendenhall that the commissioners take no action until a deed of ownership is shown in the name of Snowbird Corp. with a Utah County Tax Parcel Number, and that the commission is satisfied that all seven standards have been met.

Bob Bonar, representing Snowbird, reported that since they approached the Planning Commission last winter, they have worked toward satisfying all concerns. He noted that there are no major wetlands in the area and he felt that approval would not cause a negative impact to the area. Mr. Bonar also explained that it was Snowbird's initial plan to access from the American Fork Canyon side, however, they now will be accessing from the Salt Lake side. This will cause even less impact to the area and should calm concerns relative to future traffic impact to the canyon. As to the issue of fire suppression, Snowbird has a fire station right at Snowbird and Salt Lake County is agreeable to approval of this request. A letter from the Salt Lake County Fire Marshall was determined to be appropriate.

Ray Gardiner, representing Snowbird, spoke of a letter from the Salt Lake County Commissioners that had been faxed to the Utah County Commissioners relative to their support. There was no one present at the meeting to confirm receipt of that fax.

Bob Bonar stated that the 26 year old operating plan would be in effect in this matter as well as the rest of the report. He noted that Snowbird has many years in avalanche control and he didn't see any problems. In many areas, he felt that the area would be better off.

Bob Pruitt addressed standard #5, negative property value impact, stating that no specific study had been done. He did explain that mining property cannot be taxed. If the use is changed to skiing, they expect that to change. Surrounding property could be changed. However, that would be a matter for the Utah County Assessor to address. As to the site plan, the proposal has not changed with the exception of the road coming in from the Salt Lake County side. They will have two ski runs, ski lifts, and possibly a warming hut. However, the warming hut will have no lodging or food services. Relative to the Geological Engineer brought in by the Forest Service, there did not seem to be a concern regarding the materials being stable. They were more concerned about the visibility of the road, noting that the elevation difference is between the tunnel and the top of the ridge is approximately 150-200 feet. Although it would be cheaper for

PLANNING COMMISSION MINUTES

October 21, 1997

Snowbird, they felt that coming in from the Salt Lake side would keep scaring of the mountainside at a minimum, and this would alleviate the concerns of the Forest Service. Snowbird was not opposed to getting an impact study, but would like to know if Utah County will grant the needed permit before that expense is incurred. Capacity has not reached the limit and should not be an issue. Public transportation is also a large part of the Snowbird program, along with their parking on site.

Jeff Mendenhall explained his concern relative to the property not being in the name of the applicant. There were, however, copies of patents and mining claims indicating that the matter could be resolved with Randy Covington of the Recorder's office and the records be updated.

Buck Rose went on record opposing approval based on the problem with the recorded property owner name. Mr. Bonar indicated that he had been instructed by the Commission office to wait until the Planning Commission ruled on the matter before making changes in the Recorder's office. Mr. Bonar felt there was a conflict and Snowbird was caught in the middle. Mr. Rose also noted that there may be an issue of roll-back taxes.

Bill Ferguson stated that he appreciated how cooperative Snowbird had been and had no problem with their request. However, he didn't think it should be approved until the property is in the right name based on precedence.

Jill Taylor stated that she would normally agree with that, however she felt that there was not a question of ownership, but just getting title transferred.

Jeff Mendenhall interjected that this matter does not go to the County Commission, and the decision of the Planning Commission is final. However, no building permit can be issued until all conditions have been met and everything is in order. He stated that before any Forest Service property is used, Forest Service approval should be received by the county.

Motion: Jill Taylor

Second: Brent Gordon

That the request of Snowbird for a Conditional Use Permit be approved with the following conditions, and that the following conditions be met prior to any construction:

1. Prior to any work beginning, that the ownership be shown on the records of the Utah County Recorder, and any taxes be paid which are determined owing by the Utah County Assessor, and it is clear that land is on the Utah County tax rolls.
2. That any use of Forest Service land is at their approval and in order.
3. That the county receive, in writing, the services agreement between Snowbird and the various agencies who will be providing the services.

PLANNING COMMISSION MINUTES
October 21, 1997

The motion passed by a 2-1 vote with Bill Ferguson voting in opposition.

(THERE WAS A FIVE MINUTE RECESS AT THE REQUEST OF THE CHAIR)

BYU Alumni Association

**Amendment of the Aspen Grove Family Camp, Section
10, T5S, R3E, Provo Canyon**

Jeff Mendenhall explained that Aspen Grove has been in place for many years, and that this amendment will be the fourth amendment to the Aspen Grove Family Camp. Approval of the request will allow for upgrade of the facility but keep the bed maximum at 410, which will not be an increase in the current count. There is a new water tank that will serve the North Fork Special Service District. Also, the road easement has been taken care of. It was the feeling of the staff that this is an upgrade and an improvement to the existing plat and recommended approval.

Glen Parker and Mark Longhurst represented Aspen Grove stating that they were looking toward an upgrade and expansion. Some of the facilities were built in 1920 and need to be removed. This will increase safety and efficiency for the facility. They have proposed a foot bridge and UDOT has approved their proposal. Parking was expanded three years ago and is paved.

Mark Brady agreed that, technically Buck Rose was correct in his interpretation of the ordinance. The question was whether this could be varied by the commission based on precedence set as well as the overall intention of the applicant. Buck suggested that the ordinance could be amended to cover this situation.

Motion: Bill Ferguson

Second: Jill Taylor

That the matter be continued to the November meeting to allow for investigation into alternative solutions to the question of transferring the beds and the appropriate maximum number; and that the focus at the November meeting would be on this issue. The motion passed by unanimous vote.

As to public comments, the following were allowed:

Mathew Miller, a resident in the area, represented approximately 10 land owners addressing concerns relative to future growth and the esthetic impact of the proposed bridge. It was noted

that FFKR is being brought in by Aspen Grove to deal with architectural efforts.

Mike Washburn, CFO of Sundance, stated that Sundance was generally in favor of safety

PLANNING COMMISSION MINUTES

October 21, 1997

improvements. However, there was some concern voiced regarding the impact on fire flow issues due to the proposed three and four story buildings. Glen Parker responded that he has been meeting with Cory Child and Tom Wroe and considering alternative access to the building, etc. Because of the topography, some sides of the buildings are only the equivalent of two stories.

Grant Crowell of the Planning Department question the need for more parking if no increase in patronage is expected. He further questioned buffer areas next to the stream.

SUNDANCE Expansion of the Sundance Village Cottages Condominium Plat, part of Sundance Recreational Resort, Section 11, T5S, R3E, Provo Canyon

Jeff Mendenhall explained that this request is based on an agreement and court settlement between Bruce Jimmerson and Sundance, wherein Mr. Jimmerson will retain ownership of the one new unit of the Sundance Cottages. This will increase the density by one unit. Staff recommended approval of the proposal based on the finding listed in the staff report, and the condition that, at the time a building permit is issued, all urban interface fire requirements have been met. Further, he noted that the applicant is not close to maximum capacity of units. Don Acheson, an engineer for the applicant, provided a survey report.

Shirrel Young spoke in opposition based on the loose use of the name "Sundance". The chair responded that she would take that under advisement.

Motion: Bill Ferguson

Second: Jill Taylor

That the request of Sundance Village Partners, LTD for expansion of the Sundance Village Cottages Condominium Plat, part of Sundance Recreational Resort, be approved based on the findings of staff with no conditions. The motion passed by a 3-0 vote.

E. HENDRICKSON, PLAT "A" Proposed four lot subdivision in the RA-5 Zone, Section 24, T9S, R1E, West Mountain area

Jeff Mendenhall introduced this request stating that it is a proposal for a subdivision located on 5600 West. There is one existing house on lot two. The applicant has met all of the qualifications. There were just a few conditions of approval needing to be met as explained in a letter from Dave Shawcroft dated September 16, 1997.

Bill Ferguson questioned the number of access onto the state highway. Mr. Mendenhall

PLANNING COMMISSION MINUTES
October 21, 1997

responded noting that the issue of access is addressed by UDOT solely.

Leslie Curtis clarified some of the concerns relative to irrigation and referred to documents that had been turned in and were part of the file.

Motion: Jill Taylor

Second: Bill Ferguson

That the request by S. Rand and Leslie Curtis for a four lot subdivision, E. Hendrickson, Plat "A", be recommended for approval to the County Commission based on the findings of staff and with the following conditions:

1. That the rollback taxes be paid, if owing.
2. That the items advised by the County Attorney's office be completed.

The motion passed by a 3-0 vote.

**CLEMENT, PLAT "A" Proposed three lot subdivision in the RA-5 Zone; Section 15,
T8S, R2E, Palmyra area**

Jeff Mendenhall explained that the applicant has submitted all the required plans, plats, and documents for a subdivision application. This subdivision is adjacent to the Spanish Fork River floodway, but is not within any flood plain overlay zone and no underground drains are within the boundary of the plat. Mr. Mendenhall recommended approval subject to the conditions listed in the staff report as well as the Developmental Impact Statement, and a letter from Mr. Cole regarding the encroachment into riparian area.

Rebecca Clements stated that, as to concerns of enough water, her father has rented Central Utah Water for many years but has never needed to use it. He uses Strawberry Water and that has always been sufficient.

Motion: Brent Gordon

Second: Jill Taylor

That the request of Rebecca Clements to approve the proposed Clement Subdivision, Plat "A", be recommended to the County Commission for approval based on findings of the staff and following conditions:

1. That the items indicated in the attorney's letter have been corrected.
2. Greenbelt rollback taxes are to be paid if required by the Utah County Commission.

PLANNING COMMISSION MINUTES

October 21, 1997

3. An improvement bond of \$41,052.50 be posted.
4. That Exception No. 2 be granted for Lot No. 1 (0.05 ac. ft.) and Lot No. 3 (2.24 ac. ft.).
5. That the Developmental Impact Statement be received.
6. A letter from Mr. Cole regarding the encroachment into riparian area be received.

The motion passed by a 3-0 vote.

WEST LAKE SOUTH RANCHES, PLAT "A" Proposed seven lot subdivision in the RA-5 Zone, Section T8S, R1E, Lincoln Beach area

Jeff Mendenhall explained that this property was re-zoned over a year ago from M&G-1 Zone to the A-1 Zone (which is now the RA-5 Zone), based on its historical irrigation and production of crops. This plat is the southern seven lot development, with four lots approved by a separate owner to the north. There are no underground drains on the property. Mr. Mendenhall referred to the letter of concerns from Mr. Shawcroft dated September 3, 1997. Items #2, #21, and #22 were taken care of prior to the prepared packet. After discussion, it was determined that the major problems were that the required road grade could not be met, and water coverage needed to be resolved. It was not within the power of the commission to waive those requirements.

Gary Chapman, the applicant, asked for approval with conditions. Mrs. Taylor did not feel this could be done under the circumstances.

Dr. Ovard, a neighboring resident, was not against the development but did share his concern regarding irrigation pipes, their close proximity to his property, and possible impact.

Motion: Jill Taylor

Second: Bill Ferguson

That the Planning Commission recommend approval subject to the following:

Findings:

1. We find that they have sufficient water to meet the minimum requirement.
2. That the applicant will find a way to meet the county's road grade requirement.

PLANNING COMMISSION MINUTES

October 21, 1997

Conditions:

1. That the applicant must meet the 8% road grade or any exceptions to that requirement.
2. The pipeline and irrigation easements must be shown on plat.
3. That the improvement bond, as required by the county engineer, must be posted prior to the recording of the plat.
4. That the rollback taxes be paid if required by the County Commission.
5. The mineral right note must be placed on the plat.
6. The water declaration must be signed.

Buck Rose stated that there is an additional requirement other than those listed and that is that you cannot exceed the critical angle of repose with the cuts. So, with the 8% grade, they cannot over steepen the side roads.

Amended motion: Jill Taylor

To add that it meets the county ordinance, and that also the angle of repose also meets the requirement. And that all deeds of partial reconveyance be satisfied.

Elaine Englehardt stated that this type of motion, with so many conditions, would not normally go through and that she was uncomfortable with it.

The motion was denied based on a 1-2 vote with Jill Taylor and Brent Gordon voting in opposition.

Buck Rose questioned whether a new motion should have been made when the motion to approve failed.

Elaine Englehardt concurred and called the applicant back into the room indicated that there was no action on the matter.

Jill Taylor stated that she felt that the applicant should be given the option to continue the application to allow them a chance to come back, or for the recommendation of disapproval.

Elaine Englehardt advised the applicant of their options stating that if the request was recommended for disapproval, the request could be taken to the County Commission for

PLANNING COMMISSION MINUTES
October 21, 1997

consideration. Second, if the matter was continued, then in November they could return with an alternative plan that would resolve the road grade problems.

Motion: Jill Taylor

That the matter be continued to the November meeting.

At this point, the applicant stated that he would rather go to the County Commission to see if they would give approval.

Bill Ferguson questioned the applicant explaining that if the County Commission denied the request, they would have to start over with a new application if they wanted to come before this board with a new plan. He stated that he understood. Jeff Mendenhall indicated that a new fee would also be required.

Motion: Brent Gordon

Second: Jill Taylor

That the motion be denied based on the grade not meeting the county requirements as well as there being to conditions. The motion passed by a 3-0 vote.

MELLOR ESTATES, LAT "A" Proposed two lot subdivision in the RA-5 Zone, Section 21, T8S, R2E, Benjamin area

Jeff Mendenhall explained that this is a two lot subdivision in the Benjamin area with a house on Lot No. 1. They have submitted all of the required information. The only condition would be that on the title report there is one bearing that doesn't match the bearing in the boundary on the plat. This would need to be resolved. Mr. Shawcroft also indicated that the new title report has some limits on it as to time periods. This would need to be changed to allow the report to be 'up to date'. Mr. Mendenhall stated that he felt that the lot that did not have the home on it would have to get the Noxious Weed Certificate before a building permit could be issued.

Motion: Jill Taylor

Second: Brent Gordon

That the commission recommend approval of the Mellor Estates, Plat "A" to the County Commission subject to the following conditions:

1. That the bond be posted for improvements.
2. That greenbelt rollback taxes be paid if required by the Utah County Commission.

PLANNING COMMISSION MINUTES

October 21, 1997

3. That the appropriate corrections be made to the title report.
4. That the Noxious Weed Certificate for Lot 2 be provided before a building permit is issued.

The motion passed by a 3-0 vote.

ADDITIONAL PLANNING COMMISSION BUSINESS AT THE DISCRETION OF THE CHAIR

Jeff Mendenhall presented the Proposed 1998 Budget for the Community Development Department for their information. He explained that it shows, along with other information, that the department is revenue neutral. He was complimented by the commission.

Buck Rose briefly spoke of the General Plan. Since the last meeting, the County Commission has given written notice to the consultants to cease work on the plan and submit all data relative to their work to date. The Commissioners will evaluate the materials and determine payment.

Elaine Englehardt asked that all committee members be listed in the report and thanked for their service. Mr. Rose did note that minutes were not taken at all committee meetings, and therefore ending reports would have to be addressed by him to the committees where there was not notes taken at the closure meetings. Mr. Mendenhall stated that there are still funds available for the completion of the General Plan.

Motion: Jill Taylor

That the meeting be adjourned.

APPROVAL OF MINUTES

Elaine Englehardt, Chair