

UTAH COUNTY PLANNING COMMISSION

Minutes July 19, 2011

Present: Helina Carter-Thomas
Janice Reeb
Odell Miner
John Glen Stevens

Excused: Jan Anderson, Chair
Mike Stansfield, Vice-Chair
Kenny Parcell, Alternate

Jeff Mendenhall, Director Community Development Dept.
Dave Shawcroft, Deputy County Attorney
Christina Sutton, Secretary

Others Present: Bryce Armstrong, Peggy Kelsey, Brandon Larsen, John Ewing, Community Development Department; Dennis Barker, Utah County Fire Marshal; Bob Bonar, Darlene Batatian, Allen Sanderson, Dave Fields, Jen Kecor, Robyn Fillmore, Mark Fillmore, Carl Fisher, Tom Jones, Kent Wetzel, Dorothy Wetzel, Allison Mitton, Todd Mitton, Julie Reneer, Roy A., Jeremy Jolly, Steve Painter, Katu Terry, Yune Ja Gardner, Cathie Nielson, Peter Mandlar, Martina Harris, Gene Harris, Chris McKee, Al McKee, Francine Bennion, Joshua Harris, Ash Johnsdottir, Cammie Chatwin, Steve Cazier, Chad Lewis, Duff Gardner, Roy Watson, Junior Bounous, Mark Haight, Katina Philpot, Wade Philpot

The meeting was called to order at 5:45 p.m. by Helina Carter-Thomas, Acting Chairman of the Utah County Planning Commission at 100 East Center Street in Room 1400 of the Utah County Administration Building, Provo, Utah.

Commissioner Helina Carter-Thomas welcomed those present; John Glen Stevens led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion: John Glen Stevens

Second: Odell Miner

Motion to **approve** the minutes of the June 21, 2011, meeting of the Utah County Planning Commission. The motion passed by the following vote: "Aye", Helina Carter-Thomas, Janice Reeb, Odell Miner, John Glen Stevens; "Nay", none.

SNOWBIRD SKI AND SUMMER RESORT - proposed Land Use Ordinance Text Amendment to Section 3-47, Accessory Ski Lifts and Associated Facilities in the CE-1 Zone

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Jeff Mendenhall stated that the applicant proposes to amend Section 3-47, “Accessory Ski Lifts and Associated Facilities in the CE-1 Zone”, to allow facilities for cross-county skiing, snow-cat skiing, hiking, mountain biking and horseback riding trails, as well as mountain resort features such as zip lines, alpine slides, and mountain coasters, which would be integrated into the mountain features. These activities would be in the Mineral Basin on the Utah County Side of the Snowbird Ski Resort. If Snowbird at some time would desire to go into a more total resort with lodges, then the area would need to be re-zoned into the CE-2 Zone. Staff would prefer that the property remain in the CE-1 Zone since the CE-2 Zone would allow for more development that might be detrimental to the mountain. Any permitted uses would still have to be approved by the Board of Adjustment for a Conditional Use permit. A map was presented which outlined Snowbird property in Utah County. Access to Mineral Basin would be over the mountain from Snowbird Resort in Little Cottonwood Canyon in Salt Lake County.

Janice Reeb inquired about acreage.

Odell Miner clarified that there would be no access from American Fork Canyon in Utah County.

Bob Bonar, General Manager of Snowbird, said that currently Snowbird is using 500 acres of their private property within Utah County. He gave a slide presentation showing the geography of the resort and explaining that 65% of the resort property is leased forest land and the remaining is private property. Tunnel access to Mineral Basin began in 1999 for both winter and summer activities. Water quality, revegetation, and mine clean-up have been priority issues for Snowbird on the American Fork side. He described winter and summer activities on the mountain with access to all, including those with disabilities.

Motion: John Glen Stevens

Second: Odell Miner

Motion to open the public hearing. The motion passed by the following vote: “Aye”, Helina Carter-Thomas, Janice Reeb, Odell Miner, John Glen Stevens; “Nay”, none.

Chad Lewis expressed his satisfaction with the Wasatch Adaptive Sports program at Snowbird for those with limited mobility. He felt Snowbird was a great steward of the mountain.

Katy Terry said that she approved of the Snowbird expansion. She had been in an car accident and previously skied, and now participates in the summer and winter adaptive programs which are very important to the disabled community.

Mark Haight mentioned that there are other private property owners in American Fork Canyon, including the Federal Government which has condemned private property specifically for winter sports. He is concerned about private property owners and their rights, as well as road access.

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Katina Philpot is concerned about access for free that a vast number of people use on public lands. If there is continued development, public lands become private parcels and access is not available.

Helina Carter-Thomas asked for clarification if this development would cut people off from using public land.

Jeff Mendenhall replied that any access that is now in use, would still be available. Access to the ski resort would not be available from the Utah County side. Snowbird Resort property is private and it would be up to them as to public use into or through their property.

Steve Cazier commented that members of his family have physical challenges and greatly enjoy the facilities Snowbird provides for everyone to enjoy the mountains together.

Ash Johnsdottir is concerned about the amount of development in the wilderness areas; she was concerned about environmental impact.

Jennifer Kecor, representing the Save Our Canyons organization, presented concerns about the further development of Snowbird. Her concerns included abiding by the Utah County General Plan objectives to preserve natural resources; mountain resort adventure features not contributing to the activity of skiing; Utah County not having slope protection standards; development on the top of American Fork Twin Peaks; and limiting development in the CE-1 Zone. The group is not opposed to cross-country skiing, hiking, mountain biking or horseback riding trails, since several of these uses are already available on public lands in the area.

A copy of the Save Our Canyons presentation was accepted into record.

Wade Philpot is concerned about the water shed areas and about electrical usage. There are additional mercury deposits in the water because of the electrical production needed by large developments. He is concerned that the tourist industry in Utah will dwindle when the water sources become unsafe.

Allison Minton is supportive of Snowbird expansion that has been so supportive of her and her handicapped children who have been able to use Snowbird facilities in all seasons.

Jeremy Jolly feels that this area can be responsibly developed and is not going to have any more impact than the current motor vehicle use in the canyon.

Francine Bennion thinks that the purpose of an application should fit the code; she would like to see more specific information about facilities that are being added—why we need more, what benefits would the changes bring to Utah County residents. If new development has to be

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adjoining, then if the forest service leases more property to Snowbird, the development of the mountain goes on and on.

Allen Sanderson was concerned that ‘mountain resort’ was a term that did not really identify what could be included and what might it include in the future; he felt there would be a lot of travel for Utah County residents to access the Utah County side of Snowbird; and development of this type would not be good for the CE-1 Zone. He felt Utah County should have some slope standards. Undeveloped recreation is good for everyone but amusement rides seem unnecessary. He also pointed out that this application was being brought to Utah County, because Snowbird tried to put a mountain coaster in Salt Lake County and it was denied because it was not consistent with a ski and snow related activity, it was not similar to a ski lift, and it violated Salt Lake County slope standards.

Duff Gardner appreciates the Wasatch Adaptive Sports program at Snowbird that his son has participated in, and is in favor of expansion with responsible use.

Janice Reeb wanted to know if a zip line and alpine slide would be part of the adaptive sports program.

Pete Mandlar noted that most families were on scholarship for the Adaptive Sports program. Most of the participants use all of the facilities.

Helina Carter-Thomas inquired about services that would be in the new area and how they would be utilized. She also asked about what kind of revenue the additions would create for Utah County, as well as if there was a need for an environmental impact study.

Jeff Mendenhall remarked that an environmental study would be required for the Board of Adjustment for approval of new facilities.

John Glen Stevens inquired about how much land is Forest Service land and how much is private land.

Bob Bonar said that many of the current activities in use are old and need updating; with a growing population new activities become more popular and more are needed. This is planning to accommodate activities and take care of flora and fauna. Previously emergency services have been worked out with Utah County and an environmental study would be done before changes were implemented. All of the 500 acres currently in use in Utah County are private property in the ownership of Snowbird Resort.

Junior Bounous explained that he had been associated with Sundance and Snowbird resorts through the years. During this time things have changed, and as a result of customer demands

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things do change, and there has to be planning prior to changes.

Julie Reneer was in favor of Snowbird preserving the outdoors so that everyone could enjoy our mountains. She and her disabled child have used the zip line and alpine slide and appreciate accessibility to the mountains.

Janice Reeb was hesitant to add specific items to the code that might set a precedent that they are pre-approved when brought before the Board of Adjustment. She was concerned about the master planning process.

Motion: Odell Miner

Second: John Glen Stevens

Motion to close the public hearing. The motion passed by the following vote: “Aye”, Helina Carter-Thomas, Janice Reeb, Odell Miner, John Glen Stevens; “Nay”, none.

Discussion:

The Planning Commissioners, Staff and Mr. Shawcroft discussed eliminating specific activities, what activities and uses should be permitted. Mr. Shawcroft noted that if an activity is not listed it could not be permitted. Other concerns were: who makes determination of how much development is allowed, what guidelines could be developed, impact on the county and county budget, private vs. forest owned lands, responsible economic development, protecting open space lands, slope protection, and water source protection areas.

Motion: Janice Reeb

Second: John Glen Stevens

Motion to **continue** the Snowbird Ski and Summer Resort proposal until the September 20, 2011, meeting of the Planning Commission. Staff is asked to consider additions or inclusions to permitted facilities and give suggestions for slope standards and density that would also be guidelines for the Board of Adjustment to follow. The motion passed by the following vote: “Aye”, Helina Carter-Thomas, Janice Reeb, Odell Miner, John Glen Stevens; “Nay”, none.

ROBYN FILLMORE -proposed Land Use Ordinance Text Amendment to Section 5-5-B, Permitted Uses in the CE-1 Zone, to add “home occupations” the same as now permitted in the CE-2 Zone

Jeff Mendenhall stated that currently home occupations are not a permitted use or a permitted conditional use in the CE-1, Critical Environment Zone. With the use of internet, many individuals can run their businesses from their own residence. The proposed wording eliminates the use of a garage for a home occupation and eliminates visiting clientele, and is the same

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wording found in the CE-2 Zone. Section 3-29 gives conditions for approval of all home occupations.

Motion: Odell Miner

Second: John Glen Stevens

Motion to open the public hearing. The motion passed by the following vote: "Aye", Helina Carter-Thomas, Janice Reeb, Odell Miner, John Glen Stevens; "Nay", none.

Janice Reeb inquired about restrictions for types of public business in a home occupation.

Jeff Mendenhall replied that all requests for businesses go through the business licensing process. In the CE-2 and now in the CE-1 Zone, no visiting clientele are allowed.

Motion: Odell Miner

Second: Janice Reeb

Motion that the Utah County Planning Commission recommend **approval** to the Utah County Commission the Land Use Ordinance amendment to Section 5-5-B, to add a new subsection 21, based on staff findings. The motion passed by the following vote: "Aye", Helina Carter-Thomas, Janice Reeb, Odell Miner, John Glen Stevens; "Nay", none.

**WEST MOUNTAIN WIND AND SOLAR -proposed Land Use Ordinance Text
Amendment to the RA-5 Zone (5-2-G-1), M&G-1 Zone (5-7-G-1), I-1 Zone (5-10-G-1), A-40
Zone (5-13-G-1) and the PF Zone (5-15-G-1) to amend "Exception 2" to "Exception 3" and
to add a new "Exception 2" to allow the height of windmills from 40 feet to 55 feet**

Jeff Mendenhall stated that the manufacturers of windmills for individual use indicate that windmills are more productive at 55 feet. Without this exception, each application for a windmill to be taller than 40 feet would need a conditional use permit granted by the Utah County Board of Adjustment before a building permit could be issued.

Steve Painter, applicant, noted that other cities and counties do allow for the 55 foot height. Wind power is becoming more popular; there are increased sales and manufacturers recommend 55 feet for better production. The 55 feet is measured from finished grade to the highest point of the windmill blade.

Janice Reeb inquired about industry standards.

Odell Miner inquired about feasibility for homeowners.

Steve Painter remarked that there are State and Federal incentive programs to encourage

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homeowners to put in windmills. The number of windmills in a certain area is regulated by the power company. Individual windmills are basically designed to help reduce electrical cost for a individual residence or business, and are not a money-making business.

Jeff Mendenhall remarked that building permits are required for all windmills.

Motion: John Glen Stevens

Second: Odell Miner

Motion that the Utah County Planning Commission recommend **approval** to the Utah County Commission the Land Use Ordinance Text Amendment to the RA-5 Zone (5-2-G-1), M&G-1 Zone (5-7-G-1), I-1 Zone (5-10-G-1), A-40 Zone (5-13-G-1) and the PF Zone (5-15-G-1) to amend "Exception 2" to "Exception 3" and to add a new "Exception 2" to allow the height of windmills from 40 feet to 55 feet based on staff findings. The motion passed by the following vote: "Aye", Helina Carter-Thomas, Janice Reeb, Odell Miner, John Glen Stevens; "Nay", none.

The public hearing was closed.

AL MCKEE, OMAG, LLC & MOUNTAIN SHORES DEVELOPMENT, LLC - proposed Zone Map Amendment from the RA-5 Zone to the M&G-1 Zone, in Section 29, T8S, R1E, West Mountain area

Jeff Mendenhall presented the staff report stating that this area had recently been zoned from the M&G-1 Zone to the RA-5 Zone on application by Mountain Shores Development, LLC, after a recommendation for disapproval by the Planning Commission with approval granted approximately two years later by the County Commission based on water rights being obtained for culinary and irrigation use for development. To date, no development or irrigation has occurred. The applicant, Al McKee, OMAG, LLC, has leased a portion of this RA-5 zone for the extraction of sand and gravel for development of the I-15 Freeway construction and needs to have it zoned to the M&G-1 Zone to allow the mining operation. The staff recommendation to the Planning Commission is for the zone amendment back to M&G-1 since this is more of the true nature of the property since no irrigation, crops or dwellings have been developed.

Al McKee, OMAG, LLC indicated that this area contained an alluvial bar that contained excellent material needed for the construction of I-15. Their plan is to mine the sand and gravel from this natural bar until it is even with the contour of the surrounding land. They would be taking the material to the North around Lincoln Beach Road then East on County Road 7300 South. They would be improving Lincoln Beach Road with culverts, patching of the asphalt and a resurfacing at some point, under the direction of the Utah County Public Works Department.

Kent Wetzel, a resident on Lincoln Beach Road near the marina, stated his concerns for safety

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that this would bring to those traveling on Lincoln Beach Road, especially near the marina, with the large gravel trucks and trailers on a narrow road .

Discussion:

The planning commissioners discussed the safety issues among themselves and Mr. Al McKee expressed what was currently being done to help the situation at certain locations along the route that is being taken by the trucks from the existing pit and this future pit.

Since this was a public meeting and not a public hearing, no motion was necessary to open or close a public hearing on this agenda item.

Motion: Odell Miner

Second: Janice Reeb

Motion that the Utah County Planning Commission recommend **disapproval** to the Utah County Commission the zone map amendment from the RA-5 Zone to the M&G-1 Zone until the Lincoln Beach Road is widened and all safety issues are rectified. The motion passed by the following vote: "Aye", Odell Miner, Janice Reeb, John Glen Stevens, Helina Carter-Thomas; "Nay", none.

ADJOURN

_____ Motion: Janice Reeb

Second: John Glen Stevens

Motion to adjourn. The motion passed by the following vote: "Aye", Odell Miner, Janice Reeb, John Glen Stevens, Helina Carter-Thomas; "Nay", none. The meeting adjourned at 8:05 p.m.

Minutes respectfully submitted by:

APPROVED BY:

Christina Sutton, Secretary

**HELINA CARTER-THOMAS,
ACTING CHAIR**