

UTAH COUNTY BOARD OF ADJUSTMENT

Minutes November 1, 2012

Present: Randy Christiansen
Rose Blakelock
Don Olsen

Excused: Steve White

Bryce Armstrong, Assistant Director, Community Development
Rob Moore, Deputy County Attorney
Christina Sutton, Secretary

OTHERS PRESENT: Dennis Barker, Utah County Fire Marshal; Peggy Kelsey, Brandon Larsen, John Ewing, Utah County Community Development; Jamie Evans, Kristy Meyer, Darlene Batatian, Mary Banks

The meeting was called to order at 5:15 p.m. by Randy Christiansen, Chair of the Utah County Board of Adjustment at 100 East Center Street in Room 1400 of the Utah County Administration Building, Provo, Utah.

APPEAL # 1520 - JAMIE EVANS - who is requesting a conditional use for a free-standing accessory sign with a height of 60' in the Industrial (I-1) Zone located at approximately 361 East 5400 South (I-15), Section 7, T8S R3E, in the Spanish Fork area of Utah County

APPEAL # 1521 - JAMIE EVANS - who is requesting a conditional use for a telecommunication tower attached to a proposed sign with an overall height of 110' in the Industrial (I-1) Zone located at approximately 361 East 5400 South (I-15), Section 7, T8S R3E, in the Spanish Fork area of Utah County

Bryce Armstrong stated that these two appeals would be considered together, however they would require separate motions for approval or disapproval. A slide presentation of the area was given. The applicant would like a 60' sign to advertise the onsite business on the parcel. The tower would be 68' above the driving surface of I-15.

Randy Christiansen inquired if this area was in the Spanish Fork annexation area, if there were other towers at 80', and if the Spanish Fork/Springville Airport overlay zone would require other approvals.

Bryce Armstrong noted that Spanish Fork City had been sent a notice of the appeal; this application would need to meet the requirements of the Spanish Fork/Springville airport.

**Board of Adjustment
November 1, 2012**

Don Olsen inquired about the height of the light poles on I-15 and where the pole would sit in relation to I-15.

Bryce Armstrong replied that the sign would sit right at the property line, as the ordinance allows. It is measured from the ground level.

Jamie Evans, applicant, made a slide presentation and said that the existing sign was previously a billboard and will advertise his current business of recycling concrete. The problem with the current sign is that it is below the state right-of-way and in order to be seen from the freeway, it needs to be 60'. Currently there are signs in the area with a height of 65' to 110' and lights with a height of 80' to 130'. The FFA regulations approve signs under 200' in this area. Current needs for the communication tower are to use the satellite to triangulate through the internet to get corrections so that it can be used as a base station. The height of the communication tower will be 50' above the sign for a total height (sign & tower) of approximately 110'.

There were no public comments

Motion: Don Olsen

Second: Rose Blakelock

Motion to close the public hearing. The motion passed by the following vote: "Aye", Randy Christiansen, Rose Blakelock, Don Olsen; "Nay", none.

Randy Christiansen inquired about the fall zone.

Bryce Armstrong replied that the Building Department would address the issue of wind loads.

Jamie Evans gave measurements of the freeway lanes and said the tower fall zone could only reach the shoulder of the freeway.

Motion: Don Olsen

Second: Rose Blakelock

Motion that the Utah County Board of Adjustment **approve** the request for a conditional use for a free-standing accessory sign with a height of 60 feet based on staff findings and subject to the following conditions:

1. That the Board finds the conditional use meets the standards found in Section 7-20-C(1) through (7) of the Utah County Land Use Ordinance;
2. That a building permit for the sign be approved that meets all applicable zoning, building, and fire-safety requirements;
3. That the height of the sign be no greater than 60 feet, as measured by the 2009 International Building Code;

**Board of Adjustment
November 1, 2012**

4. That the sign only be for the advertisement of a permitted use or permitted conditional use allowed in the zone and which use is currently conducted on the premises;
5. That the sign meet all applicable requirements of Section 3-30 of the Utah County Land Use Ordinance, including no illumination of the sign;
6. That the proposed location of the sign be approved by the Utah Department of Transportation (UDOT);
7. That the sign meet the requirements of the Airport Overlay (APO) Zone, including the approvals required from Spanish Fork City/Springville as per Section 3-37-G of the Utah County Land Use Ordinance.

The motion passed by the following vote: “Aye”, Randy Christiansen, Rose Blakelock, Don Olsen; “Nay”, none.

Motion: Rose Blakelock

Second: Don Olsen

Motion that the Utah County Board of Adjustment **approve** the request for a conditional use for the height of a proposed telecommunication tower attached to a proposed sign to exceed 40 feet based on staff findings and subject to the following conditions:

1. That the Board finds that the conditional use meets the standards found in Section 7-20-C(1) through (7) of the Utah County Land Use Ordinance;
2. That a building permit for the tower be approved that meets all applicable zoning, building, and fire-safety requirements;
3. That the height of the tower be no greater than 110 feet, as measured by the 2009 International Building Code;
4. That the tower be constructed and operated in compliance with all applicable requirements of the Federal Aviation Administration (FAA);
5. That the tower be licensed from the Federal Communication Commission or its successor agency;
6. That the tower meet the requirements of the Airport Overlay (APO) Zone, including the approvals required from Spanish Fork/Springville as per Section 3-37-G of the Utah County Land Use Ordinance;
7. That the tower be removed from the property if the site’s use as a transmission facility is ever abandoned.

The motion passed by the following vote: “Aye”, Randy Christiansen, Rose Blakelock, Don Olsen; “Nay”, none.

APPEAL # 1522 - SNOWBIRD SKI & SUMMER RESORT - who is requesting a conditional use for various accessory mountain resort facilities in the CE-1 Zone, various Sections 15 through 34, T3S R3E in the American Fork Canyon area of Utah County

**Board of Adjustment
November 1, 2012**

Bryce Armstrong gave some background information on the property and expanded uses by Snowbird in the American Fork Canyon area. The LUO was amended a year ago to allow for certain ancillary mountain resort facilities as a permitted conditional uses associated with an existing ski resort. Slides of the area were presented. There are concerns that the property does not meet the requirements concerning zoning lots which abut an existing ski resort in an adjoining county; also that the land on which the facilities are located, along with the land on which the existing ski resort is located, are not in the same ownership. Also, there is one parcel that is owned by an individual (Nash).

Rob Moore remarked that parcel #38 is not owned by Snowbird; they have an easement but not ownership, so that needs to be amended. The intent of the ordinance allows for additional uses to be on an accessory zoning lot which is one contiguous lot. The affidavit of Robert G. Pruitt, III dated 30th December 2004 was submitted by Mr. Moore.

Randy Christiansen inquired about the ability of the Board if the application fails to meet the requirements, or if partial approval could be given. He also asked for clarification on the ordinance being drafted with the specific projects in mind.

Rob Moore replied that the Board may interpret the ordinance but not modify it. The ordinance was drafted to benefit Snowbird, and provide accessory uses, but there are some specific issues that need to be addressed.

Bryce Armstrong noted that the bulk of the application meets the requirements of the ordinance.

Rose Blakelock asked if it would be a disadvantage to Snowbird to consider only part of the application and reserve a part.

Rob Moore replied that the Board cannot re-hear old applications. There seems to be a definite division in the land concerning the area that needs an ordinance amendment and the area that meets the current ordinance. If a text amendment change is made, there is still a requirement to come back to the Board of Adjustment.

Don Olsen inquired if approval with conditions would meet the requirements of the code.

Marty Banks, attorney representing Snowbird, stated that there is a difference as to how the ordinance is interpreted relating to the issue of the summer uses which could be fixed by a text amendment. As to the issue concerning abutting properties, the eastern block of property is composed of multiple small mineral parcels controlled by Snowbird. All parcels in the western block of property would be used for winter activities and can be under the same controlling company. The eastern block of property for summer uses, has one very large segment and five

**Board of Adjustment
November 1, 2012**

smaller segments which would need to be fixed by a text amendment. Snowbird would like approval now on the western block of property.

Darlene Battian, zoning consultant for Snowbird, passed out a new site plan map of the area. She noted that all the requested uses were approved uses such as a ski warming hut, roads and trails.

Discussion:

Some of the items discussed by the Board, Staff, and Mr. Banks included the following: mineral claims ownership, easement, and surface rights; amending the application and possibly dividing it into two applications; preserving the grandfathering of current ordinances; no new physical structures are being requested; uses requested; slightly adjusting the LUO text amendment to link abutting lots; consolidating ownership rather than actually having all parcels in one lot; needing one lot in the same ownership that abuts the Salt Lake County parcel; possible exclusion of the Nash property; definition of zoning lots and abutting lots; legal description of zoning lots.

There were no public comments

Bryce Armstrong remarked that the ordinance in question was created to provide the resort the ability to keep control so that there is one consolidated lot that is accessory to the main resort.

Rob Moore remarked that the issue for the county is if the lots abut, there is one zoning lot, and the ownership is the same. Lots owned in fee title were discussed.

Marty Banks said that Snowbird would be happy to look at those lots not owned in fee, but they did not want to create islands. He interpreted abutment as links in a chain, rather than each parcel being combined into one parcel. Snowbird would like to have approval now for the winter activities and that part of the property, and would apply for a text amendment change for the other part of the property that would mainly be used for summer activities.

Rob Moore did not think that links could be interpreted as one zoning lot. It is possible that the zoning amendments may not be addressed to Snowbird's satisfaction.

Rose Blakelock remarked that the Board should act in accordance with the ordinance, not redefine it.

Don Olsen was in favor of solving the immediate issue of winter activity use.

Randy Christiansen felt that there was enough land in compliance that approval on that portion could be given until a new text amendment was approved.

**Board of Adjustment
November 1, 2012**

Bryce Armstrong responded that parcel #39 of approximately 500 acres does meet the requirements. A condition could be added for parcel #38.

Motion: Don Olsen

Second: Rose Blakelock

Motion that the Utah County Board of Adjustment **approve** the request for a conditional use for various accessory mountain resort facilities in the CE-1 Zone, based on staff findings that all requirements for the western block of property meets the standards of Section 3-47 and Section 7-20-C. The western block and the eastern block of properties are as shown on the new site map incorporated into record during this meeting and defined by Mr. Marty Banks. This approval is subject to the following conditions:

1. That the application meet all the criteria for approving a conditional use as per Section 7-20-C(1) through (7) of the Utah County Land Use Ordinance, to the extent required in Section 7-20-D;
2. That all applicable permits be issued for any structures and uses associated with the proposed accessory mountain resort facilities to be constructed or utilized on the property that meet all applicable building, zoning, health, and fire-safety requirements;
3. That all requirements and standards of Section 3-47 for accessory mountain resort facilities be met;
4. That all property to be utilized for the accessory mountain resort facilities be consolidated into a single zoning lot which abuts the existing Snowbird Ski Resort in Salt Lake County. The zoning lot must be in the same ownership as the existing ski resort;
5. That parcel 11:058:0038 be combined with the above-referenced zoning lot if the proposed facilities or uses, or existing accessory ski lift and facilities, are to be located on any portion of parcel 11:058:0038;
6. That the use of the property be consistent with those uses outlined in the new site plan, incorporated into record during the Board of Adjustment meeting on November 1, 2012;
7. As it relates to the eastern block of property, the item is continued for a maximum of 120 days, or until the March 7, 2013, meeting of the Utah County Board of Adjustment.

The motion passed by the following vote: “Aye”, Randy Christiansen, Rose Blakelock, Don Olsen; “Nay”, none.

Motion: Randy Christiansen

Second: Rose Blakelock

Board of Adjustment
November 1, 2012

Motion to close the public hearing. The motion passed by the following vote: “Aye”, Randy Christiansen, Rose Blakelock, Don Olsen; “Nay”, none.

APPROVAL OF MINUTES

Motion: Rose Blakelock Second: Don Olsen

Motion to **approve** the minutes of the October 4, 2012, meeting of the Utah County Board of Adjustment. The motion passed by the following vote: “Aye”, Randy Christiansen, Rose Blakelock, Don Olsen; “Nay”, none.

ADJOURN

Motion: Don Olsen Second: Rose Blakelock

Motion to adjourn. The motion passed by the following vote: “Aye”, Randy Christiansen, Rose Blakelock, Don Olsen; “Nay”, none. The meeting adjourned at 7:45 p.m.

Minutes respectfully submitted by:

Christina Sutton, Secretary

APPROVED BY:

RANDY CHRISTIANSEN, CHAIR

ROSE BLAKELOCK, VICE-CHAIR

DON OLSEN