

# UTAH COUNTY PLANNING COMMISSION

## Minutes December 18, 2012

Present: Mike Stansfield, Chair  
Helina Carter-Thomas  
Odell Miner  
John Glen Stevens  
Carol Thorne

Excused: Janice Reeb  
Lyle Hillier

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

OTHERS PRESENT: Dennis Barker, Utah County Fire Marshal; Bryce Armstrong, Peggy Kelsey, Brandon Larsen, Utah County Community Development; David Gardner, Larry Ballard, Peter Anderson, Sharon Anderson, Allan Hales, George Bills

The meeting was called to order at 5:35 p.m. by Mike Stansfield, Chair of the Utah County Planning Commission, at 100 East Center Street in Room 1400 of the Utah County Administration Building, Provo, Utah. Commissioner Stansfield welcomed those present. Odell Miner led the Pledge of Allegiance.

### APPROVAL OF MINUTES

Motion: Odell Miner

Second: John Glen Stevens

Motion to **approve** the minutes of the November 20, 2012, meeting of the Utah County Planning Commission. The motion passed by the following vote: "Aye", Mike Stansfield, Helina Carter-Thomas, Odell Miner, John Glen Stevens, Carol Thorne; "Nay", none.

### CRAB CREEK SUBDIVISION, PLAT "B" - proposed one-lot Crab Creek Subdivision, Plat "B", and vacation of Lot 2, Crab Creek Subdivision, Plat "A", Section 5, T10S, R4E, Thistle area

Helina Carter-Thomas recused herself from this agenda item.

Brandon Larsen showed slides of the area and explained the proposed vacation of Lot 2, Crab Creek Subdivision, Plat "A", and the new Plat "B" that is now in the RA-5 Zone.

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John Glen Stevens inquired as to the need for this subdivision vacation and new plat.

Brandon Larsen answered that the applicant intended to appeal to the Board of Adjustment for a Conditional Use permit for a residential treatment center utilizing the existing dwelling and that the new parcel has less area due to the irrigation water requirement.

Motion: Odell Miner

Second: John Glen Stevens

Motion that the Planning Commission recommend approval of the one(1)-lot Crab Creek Estates Subdivision, Plat "B" to the Utah County Commission based on staff findings and with the following conditions:

1. That a cash bond in the amount of \$750.00 be posted with the Utah County Public Works Director or verification that all required improvements have been completed prior to recording the plat;
2. That greenbelt rollback taxes be paid on land dedicated to the County, if required by the County Commission, prior to recording the plat;
3. That the Utah County Public Works inspection fee be paid prior to recording the plat;
4. That the required Declaration and Dedication of Water be signed by all owners of the water and the land, notarized and recorded immediately after the plat is recorded to tie the required water to the proposed development;
5. That the Consent to Record on the plat be signed by the trustee under the trust deed recorded with the Utah County Recorder on September 26, 2008, as Entry No. 106045;2008, and that such Consent to Record be signed by said trustee and notarized prior to the recording of the plat.

The motion passed by the following vote: "Aye", Mike Stansfield, Odell Miner, John Glen Stevens, Carol Thorne; "Nay", none.

**SNOWBIRD, LTD. - proposed Land Use Ordinance Text Amendment to Section 3-47-H(1), Accessory Ski Lifts and Mountain Resort Facilities in the CE-1 Zone, to allow for resort use of lands not in the ownership of the resort**

Jeff Mendenhall said that this item is to provide for accessory ski lifts and other Mountain Resort facilities when the resort owns land that is connected by forest service land or other public land with whom the resort has a contract to utilize as part of the resort recreation facilities.

Motion: John Glen Stevens

Second: Helina Carter-Thomas

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

Peter Anderson agreed with using forest service land for appropriate commercial/recreational use.

Marty Banks, attorney representing Snowbird, asked that the Planning Commission add three additional findings to the staff findings for approval of this application.

Dave Shawcroft concurred with the recommendation for the three additional findings.

Motion: John Glen Stevens

Second: Helina Carter-Thomas

Motion that the Utah County Planning Commission recommend to the Utah County Commission **approval** of the Land Use Ordinance amendment to Section 3-47-H(1), Accessory Ski Lifts and Associated Mountain Resort Facilities, Standards, based on staff findings and the three additional findings recommended by Mr. Banks:

1. That the amendment allows for the use of intervening federal, state or other public lands to combine with private ownership for mountain resort use.
2. That an authorized connection for lands not in the ownership of the mountain resort is required for resort use.
3. That the amendment is consistent with the Utah County General Plan, 2006, Objective 9, “Establish recreational areas for the general public which encourage a sense of community and are pleasant and relaxing, “Policy D, Additional mountain recreation areas should be developed due to the increased public demand.”
4. That the amendment conforms to the general plan and is consistent with the other provisions of the Land Use Ordinance.
5. That the amendment will avoid causing additional adverse conditions.
6. That the amendment promotes the health, safety, convenience, and general welfare of the public.

The motion passed by the following vote: “Aye”, Mike Stansfield, Helina Carter-Thomas, Odell Miner, John Glen Stevens, Carol Thorne; “Nay”, none.

**UTAH COUNTY PLANNING COMMISSION - proposed Land Use Ordinance Text Amendment to Chapter 3, Supplementary Requirements and Procedures Applicable Within Zones, to add a new Subsection 3-17.5, Setback from Utah Lake Settlement**

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**Boundary, to require a 100 foot setback from the Utah Lake settlement boundary to provide a buffer as indicated by the Utah Lake Study**

**UTAH COUNTY PLANNING COMMISSION - proposed amendment to the Utah County General Plan, 2006, to include the “Utah Lake Master Plan” of June 26, 2009, by the Utah Lake Commission**

Helina Carter-Thomas recused herself from these agenda items.

Brandon Larsen stated that the Utah Lake Commission has adopted a model ordinance to protect the Utah Lake shoreline. Staff has used this as a guide in drafting two versions of a proposed shoreline overlay zone. Those versions have been presented to the Planning Commission and no action has been taken to date. Staff is now proposing a third option which is a development buffer between the sovereign lands associated with Utah Lake and adjoining properties; this would be 100 feet inland from the settlement boundary of Utah Lake.

Odell Miner felt that cities and unincorporated Utah County properties have different issues when properties abut Utah Lake.

Brandon Larsen replied that the Flood Plain Overlay Zone is working well for the unincorporated county and that the general plan encourages development within a city which can also provide water systems; the county has no water systems near Utah Lake.

Mike Stansfield commented that he felt like the earlier proposed restrictions were overreaching.

Larry Ballard commented that he had concerns with the Utah Lake Commission. The proposed 1/4 mile easement around the lake comes from federal monies used for roads and would give access for a trail for bicycle and pedestrian access. He felt the general public should have a voice in what happens to the lakeshore. He passed out information to the Planning Commission which explains some of the items in Agenda 21.

Sharon Anderson said she was reading the Utah Lake Master Plan document and had many concerns about their proposals.

Helina Carter-Thomas mentioned that personal property rights need to be considered. She is concerned about the Utah Lake Commission having control. The boundary is not known on each piece of property and there are natural restrictions that may limit use of specific properties; the government already owns a lot of land around Utah Lake.

Mike Stansfield clarified with Ms. Carter-Thomas that she would be more comfortable with each property being considered individually for development uses rather than an arbitrary rule being

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set for all properties.

Allan Hales was concerned about encroachment on private property rights by governments.

Tom Mower feels setting the same boundary for everyone is inappropriate and that the Utah Lake Commission is taking away the rights of the individual property owner. We need to be concerned about the ecology and drainage of Utah Lake but not take away personal property rights.

Peter Anderson thinks planning is needed but personal property rights must be maintained.

Larry Ballard is concerned that people are not aware that Agenda 21 is coming into play with this bike lane around Utah Lake. His research intent is to educate the public about government intervention.

John Glen Stevens clarified that this Planning Commission is only concerned with unincorporated county property.

Jeff Mendenhall mentioned that we currently have 15 ft. setback for any structure from the lake property line.

Brandon Larsen mentioned that Commissioner Ellertson is on the Utah Lake Commission Committee; however there is no mandate to act on this proposal at the present time.

Carol Thorne inquired about postponing or not acting on this item.

Jeff Mendenhall said that the Utah Lake Commission has adopted their master plan, but are asking the counties and cities to enforce it.

Sharon Anderson felt there was a lack of common sense manifested in the Utah Lake Master Plan and would like the Planning Commission to consider the issues and the flip-side of the issues.

Odell Miner was concerned about the Planning Commission understanding the issues in the Utah Lake Master Plan. He is also concerned about the public interest.

Motion: John Glen Stevens

Second: Carol Thorne

Motion that the Utah County Planning Commission **continue** the proposed setback from the Settlement Boundary of Utah Lake and the proposed amendment to include the Utah Lake Master Plan in the Utah County General Plan until the January 15, 2013, meeting, and also

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continue the public hearing.

The motion passed by the following vote: “Aye”, Mike Stansfield, Odell Miner, John Glen Stevens, Carol Thorne; “Nay”, none.

**PACIFIC STATES CAST IRON PIPE CO. - proposed General Plan Amendment from the Agricultural/Watershed designation to the Manufacturing designation, and Zone Map Amendment from the RA-5, Residential Agricultural Zone to the I-1, Industrial Zone, Sections 17, 18, 19 and 20, T7S, R3E, Provo City area**

Jeff Mendenhall stated that this proposed general plan and zone map amendment is to maintain and expand the long existing cast iron pipe plant and appurtenant facilities on the property. This amendment would connect the north and south areas of the I-1, Industrial Zone, to allow the current uses that are now on the property and for any future uses that may be needed in conjunction with the pipe plant operation. A portion of the designated area for the general plan and zone map amendment to the “manufacturing” designation and the I-1 Zone are currently within this designation and zone, but are included in the overall boundary of the general plan/zone map amendment to make sure that there is not a gap in the zone boundary.

There were no public comments.

Motion: Helina Carter-Thomas

Second: Carol Thorne

Motion that the Utah County Planning Commission recommend **approval** of the proposed General Plan Amendment from the “Watershed/Agricultural” designation, to the “Manufacturing” designation, and Zone Map amendment from the RA-5, Residential Agricultural Zone, to the I-1, Industrial Zone to the Utah County Commission, based on staff findings.

The motion passed by the following vote: “Aye”, Mike Stansfield, Helina Carter-Thomas, Odell Miner, John Glen Stevens, Carol Thorne; “Nay”, none.

**UTAH COUNTY ATTORNEY’S OFFICE - Adopt a Resolution establishing the Utah County Planning Commission’s meeting schedule for the calendar year 2013**

\_\_\_\_\_ Motion: John Glen Stevens

Second: Odell Miner

Motion that the Utah County Planning Commission **adopt** the Resolution establishing the Utah County Planning Commission meeting schedule for the calendar year 2013. The motion passed by the following vote: “Aye”, Mike Stansfield, Helina Carter-Thomas, Odell Miner, John Glen Stevens, Carol Thorne; “Nay”, none.

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**UTAH COUNTY PLANNING COMMISSION - Elect a Chair and Vice Chair for the 2013  
calendar year 2013 Utah County Planning Commission**

\_\_\_\_\_ Motion: Odell Miner

Second: Helina Carter-Thomas

Motion that the Utah County Planning Commission **continue** the Election of a Chair and Vice Chair for the 2013 calendar year until the January 15, 2013, meeting. The motion passed by the following vote: “Aye”, Mike Stansfield, Helina Carter-Thomas, Odell Miner, John Glen Stevens, Carol Thorne; “Nay”, none.

**OTHER BUSINESS**

Mike Stansfield recognized Jeff Mendenhall for his 35 years of service to the community and the Planning Commission. He will be retiring the end of the year.

**ADJOURN**

\_\_\_\_\_ Motion: Helina Carter-Thomas

Second: Odell Miner

Motion to adjourn. The motion passed by the following vote: “Aye”, Mike Stansfield, Helina Carter-Thomas, Odell Miner, John Glen Stevens, Carol Thorne; “Nay”, none.  
The meeting adjourned at 7 p.m.

Minutes respectfully submitted by:

**APPROVED BY:**

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Christina Sutton, Secretary

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**MIKE STANSFIELD, CHAIR**