BOARD OF UTAH COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES

Tuesday, April 22, 1997

PRESENT: COMMISSIONER DAVID J. GARDNER, CHAIRMAN
COMMISSIONER GARY R. HERBERT, VICE-CHAIRMAN
COMMISSIONER JERRY D. GROVER

OTHERS PRESENT: Kent Sundberg, Deputy County Attorney
Jeff Mendenhall, Planning Department
Bary Bounous
Steve Bounous
Dave Jarvis
Robert Bennion
Ray Gardiner
Russell W. Park
Jerry Park
Carol Bills
Robert Bills
Chris Mason
Natalie Pope
MaryAnn Q. Wood
Kay Blumforth
William J. Brady
John C. Van Wagoner
Jerry Larson
Andy Holdaway
Robert Holdstrom
James Peterson
Kelly Jorgensen
Geraldine Holdstrom
Ed Carter, Reporter, The Deseret News

The public meeting of the Utah County Commission was called to order by Commissioner David J. Gardner at 5:30 p.m. in room 1400 of the Utah County Administration Building. The following matters were discussed:

PUBLIC HEARING TO CONSIDER AMENDING THE CE-1 ZONE OF THE UTAH COUNTY ZONING ORDINANCE TO ALLOW SKI FACILITIES AS A PERMITTED CONDITIONAL USE

Commissioner Gardner introduced the matter, saying that the purpose of this public hearing was to get input regarding the planning commission's recommendation to amend the CE-1 zone to allow ski facilities as a permitted conditional use.

Robert Bennion stated that he was very much in favor of having ski facilities in this area, but he had concerns about the method being used to accomplish that end. He felt that zoning should not be modified to accommodate a particular use, but rather the territory should be modified to a CE-2 zone

and then the standard for recreational resorts applied to that. He saw it as a "dichotomy" to allow lifts in a CE-1 zone but no natural open space. He gave some historical background on the division of the CE-1 and CE-2 zones and stated that the CE-1 zone was therefore, not an appropriate general location because it did not have the protections for recreational resorts contained in the CE-2 zones. He was concerned that future development and other activities might not receive protections such as fire breaks, fire accesses and easements which were now contained in the CE-1 zone. He clarified that for this site, he was absolutely in favor of what was being proposed but he was opposed to amending the CE-1 zone to allow ski facilities anywhere and called it a "backdoor approach."

Dr.Barry Bounous, representing both his father, Junior Bounous, and himself, stated that in his association with Snowbird since the early 70's, he had found them to be very cognizant of the environment and careful in the improvements they made. They fully supported what was being proposed. Commissioner Grover clarified that the board realized Snowbird had a principle interest in this, but what was actually needed were recommendations on modifications to the language of the ordinance.

Steve Bounous, agreed with his brother, saying that he was in full favor of the proposal as it would open up the area to a lot of "young athletes."

Dave Jarvis, Land Use Officer for Utah/Provo Drive Association, said that he had real concerns with putting a ski resort in this area. He preferred an "accurate identification of current uses and what impact that's going to have." There were property ownership issues which the public was unaware of and which he saw as inevitable obstacles when it came to development. He also cited water quality and existing recreation uses as other problems and preferred that human waste be piped to the Snowbird side, if the development occurred. He added that he had recommendations for a management plan for Mineral Basin and asked that Parks and Recreation be consulted.

Russell Park, Park's Sportsman in Orem, said that he was proud of what Snowbird had done. He told the board that if we were fortunate enough to have them as the developer here, then set whatever provisions they saw necessary as a conditional use, evaluate them for the community, and then the people of Snowbird would abide by the recommendations.

Carol Bills, said that she had heard there were concerns as to deterioration of wild flowers in Mineral Basin if ski areas were developed. She assured the board that there was no deterioration she had seen in her frequent summer hikes along the ski trails in the Alta and Snowbird areas. She felt that the damage to the area and any accidents which might occur would come from four-wheel drive vehicles and snowmobiles.

Robert Bills, U.S. Speed Skating Board of Directors, agreed with modifying the CE-1 zone as changing to CE-2 would open the area up to more development which he did not feel was Snowbird's intent. Modifying but maintaining the CE-1 zone would hold Snowbird to certain environmental standards and limit development to the present plan. He felt that, with the advent of the new super-powered snowmobile engines, there would eventually be people killed in the avalanche area of Mineral Basin if that area was not controlled. This development, he said, would "hopefully save a life."

Chris Mason, said that he came from a strong environmental background but after a moral debate with himself, he concluded that he was in support of Snowbird. He felt that their development would control activity but provide recreation for many. Avalanche control would help to regrow vegetation lost in past slides.

Natalie Pope, Timpview High School, felt that decisions the board made regarding this development would have a long term affect, especially for people her age, and that the resort "would only improve the area." She fully supported it.

MaryAnn Wood stated that she was speaking in behalf of the change to the zoning ordinance as skiing was an appropriate use for the CE-1 zone. She felt that it was "overall appropriate and consistent" with the other permitted uses and would provide the added benefits of monitoring the development of the area, protecting it environmentally, opening it up for skiers and making it accessible for more residents of both the county and the state.

Kay Blumforth, Orem, said that the debate here seemed to be whether the area would be skied in conformance with the desires of owners of the property or used for motorized recreation as it was currently being used. Under those circumstances, she felt that the change was fully justified and would result in improvement of the area.

William Brady, Provo, expressed that he was in favor of this amendment to the zoning ordinance, and that its conditions would hold Snowbird to a "higher level" than opening it up to a broader use. In his profession, he explained that he brought people from all over the world to Snowbird, and one question that was asked was why the back of the basin was not opened from Snowbird. He felt that the development would be a positive use.

John VanWagoner, American Fork, stated that he was not against Snowbird or skiing, but he was against putting "a lift in that valley." He saw it as opening it up to unwanted expansion and wanted to see it remain a pristine area. He brought up the point that taxes were collected at point of sale, and Utah County would not realize any revenue if tickets were sold on the other side of the mountain. In answer to Commissioner Herbert's question Mr. VanWagoner did not know how much property in the area was privately owned. There was some discussion on whether property owners' rights would be interfered with or whether, in fact, they already were. Commissioner Grover clarified that, in reference to fiscal impact, the board recognized that sales tax would be collected on the other side and there had been considerable debate on that issue. Presumably, there would be some type of interlocal agreement between Utah County and Salt Lake County, before approval was given, to see that the cost of search and rescue and other items would be covered by that or some other mechanism.

Jerry Larson, President of Tibble Fork Association, suggested that certain things needed to be resolved before this amendment was approved. He discussed mineral rights versus surface rights. He spoke in defense of snowmobiles and said that more skiers than snowmobilers were lost in avalanches. Also, he pointed out that taxes were paid on cabins, snowmobiles and four-wheelers, but the tubers, cross-county skiers and snowshoers, who paid no property taxes, had "taken over everything." Needed tax money for grooming and re-vegetation was lost. He stated that he was "not for or against this issue" but felt there should be conditions attached, including the stipulation that any revenue that was collected should be put back into it. Commissioner Herbert briefly discussed private property ownership in the area with Mr. Larson.

Andy Holdaway, Provo, commented on the increased need for expansion of this type of development especially in light of the coming Olympics. He said that the area was already developed to some degree and the proposed skiing facilities would assist in controlling avalanches. Kelly Jorgensen, employee of Snowbird, agreed that Snowbird would help control the avalanche situation as well as clean-up and maintain the entire area. He also felt that ski facilities should be allowed as a permitted conditional use in any CE-1 area.

James Peterson, Provo, said that he had become convinced that Snowbird should be allowed to develop this area and agreed that there was an increasing need for ski facilities.

Robert Holdstrom, American Fork, stated that the growth of Utah County had "outraced us." He saw the biggest problem in Utah County as its water source. He suggested more control of skiers, both snow and water.

Geraldine Holdstrom, American Fork, also stressed the importance of preserving the water supply. Commissioner Grover told the Holdstroms and those present that these concerns had been included in the language of this amendment as the criteria by which the planning commission would evaluate any proposal. It could be reevaluated if necessary.

Ray Gardiner, President and CEO of Snowbird, addressed concerns that were raised. He said that all Snowbird was doing was installing two top-driven lifts. Toilet facilities would be served from the top of Hidden Peak, not down through American Fork Canyon. There were no additional toilets near the lifts. The snow-cats would also be on the top of Hidden Peak. The area that was being discussed, he pointed out, totaled 400 acres which Snowbird owned and which they had kindly allowed skiers to use. The claims were patented mining claims, the same as fee land - they owned the surface as well as the minerals in it. The property did not go near Pittsburg Lake. The only impact for summer use would be hikers, and Snowbird had already contracted with Tree Utah to help with the planting of over 1,000 seedling trees. In response to Commissioner Herbert's question as to further expansion that might be planned by Snowbird, Mr. Gardiner explained that any expansion would require permits from the planning commission and approval (of any change) by the Utah County Commission. Also, with the private property that "checkerboarded" Mineral Basin and the several Wilderness Areas, there was "not much more that could be done." He estimated Snowbird's property at only about 1/4 of the total area. Mr. Larson asked Mr. Gardiner what change he foresaw in cross country skiing or snowboarding activity when lifts were installed. Mr. Gardiner said that the object was to increase activity "on top." Apparently, there was already some activity down further which might or might not be affected.

Commissioner Grover referred to "F" of the proposed document, saying that the actual report was "developmental impact," not "environmental impact." Other corrections included the typographical error in "B - Scope," "for accessory ski lifts" should be added to the agenda item, and additional work on "G 6 - Fiscal Impact" was needed. In "Part 5," there was a question as to the number of days until passed and in "H 7 - Standards for Adequate Parking," Commissioner Grover asked for clarification on a "transit situation." He recommended addition of "or other methods providing access."

Commissioner Gardner explained that all comments would be taken into consideration and no action would be taken until the next week's regular commission meeting. He invited further comment - either written or phone call - especially pertaining to specific language which should be included in the text change. These were needed before Thursday, April 24th.

The motion to close the public hearing was made by Commissioner Grover. It was seconded by Commissioner Herbert and carried by the following vote:

AYE: David J. Gardner
Gary R. Herbert
Jerry D. Grover

NAY: None

As there were no further matters to be discussed and no other public comments, the meeting was adjourned.

Minutes of the commission meeting held on April 22, 1997 read and approved.

David J. Gardner, Chairman
UTAH COUNTY COMMISSION

ATTEST:
Arlin V. Kuhni
UTAH COUNTY CLERK-AUDITOR

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REPORTED BY: Lee Ann Orton