UTAH COUNTY PLANNING COMMISSION

Minutes of the February 18, 1997 Meeting

Present: Elaine Englehardt, Chair
Jill Taylor, Member
Bill Ferguson, Member
Don Nebeker, Member
Brent Gordon, Member
Bill Isham, Member
Jeff Mendenhall, Planing Dept. Director
Dave Shawcroft, Attorney
Shirley R. Englund, Secretary

Also present were the following: Commissioner Jerry Grover, Buck Rose & Sherrie Christensen, Planning; Ray Gardiner, Bob Pruitt, Bob Bonar, Fred Wagstaff, Allen Leifson, Bernell Banks, Steve Lewis, Robert Eastman, Brett Davis, Shannon Shirk, Ronald Nelson, Robert F. Bennion, Doug Brimhall, Craig Robbins, Stephen Brendle, Daniel Wagner, Larry Russell, Matt Brown, Michael Dorkas, Brent Orozco, Edward Isaacson, Jack Nielson, Gary Cleveland, Peter Staks

The meeting of the Utah County Planning Commission was called to order by Elaine Englehardt, Chair, at 7:06 p.m. at the County Administration Building, 100 E Center Street, Room 1400. She introduced Bill Isham, a new member to the Board, and asked him to give a short sketch on his background.

APPROVAL OF MINUTES

Motion: Don Nebeker Second: Bill Fergusen

That the minutes of the January 21, 1997 meeting be approved as presented . The motion was approved by a unanimous vote. Jill Taylor abstained from the vote.

JOEY & KRISTY AVINA - Proposed county road deletion and dedication on the official county road map for county road 7550 South with additional 250 foot extension to the east.

Jeff Mendenhall explained that this matter was continued from the last meeting. Upon further investigation, it was realized that the request does not meet county guidelines. He has talked to the Avina's and they are currently looking for other property. It was his recommendation that the Board deny the request.

Motion: Brent Gordon Second: Jill Taylor

That the request of Joey and Kristy Avina be denied based on the recommendation of the staff. The motion passed by unanimous vote.

POWDERBIRD GUIDES FOR PROVO CITY Proposed helicopter landing pad as per Section 5-2-C-10, (South Fork of Provo Canyon on Provo City property ownership, Section 6, T6S, R4E)

Jeff Mendenhall stated that the attorney for Powderbird Guides have asked that this matter be continued to the next meeting. Since that time, he has not heard from them. He recommended further continuance.

Motion: Jill Taylor Second: Don Nebeker

That the matter be continued to the March 18, 1997 meeting. The motion passed by unanimous vote.

UTAH COUNTY COMMISSION - Proposed zone text amendment to Section 5-5-B-25, CE-1 Zone, to allow ski lifts

Jeff Mendenhall explained that this action is for a zone text amendment only. Although Snowbird is interested in this action, they have not brought a request before the Board. He noted that both Snowbird and Alta boarder the Utah County line. There are currently three resorts that could possibly expand into a CE-1 zone. Mr. Mendenhall stated that the recommendation to the Board of County Commissioners could be; (1) the CE-1 zone text amendment could be allowed as a permitted use, (2) allowed as a permitted use with the condition that they have to come before a board for individual requests (3) that no change be made.

Elaine Englehardt stated that during her investigation of the matter, she found Alta did not boarder on Utah County property.

Jill Taylor stated her position which was that a conditional permitted use would be appropriate and in the best interest of the county.

Steve Lewis, a resident of Salt Lake City, cautioned the commission noting that a group called "Citizens Committee to Save the Canyons"(about 30 people) were meeting with the Forest Service concurrent to this meeting and had concerns as to impact both to Salt Lake County and

Utah County. To his knowledge, the Forest Service had not yet received a proposal from Snowbird. He questioned why this hearing was happening prior to a impact statement being received.

Robert Bennion shared his concern noting that he was not in opposition to development, but felt it would be more appropriately zoned CE-2; and that the complete application process would then be required.

Ray Gardiner, the CEO of Snowbird, spoke explaining the intentions of Snowbird; to have lifts that would accommodate the use of the Utah County side of the mountain. There are no plans for access from the Utah County side. He stated that the Environmental Impact Study is now in process, and that the matter is being brought at this time to allow for that study to be discontinued if it is not needed due to a disapproval. As to the question of the CE-2 zone, he explained that much more is allowed in the CE-2 (Recreational Resort) zone than is needed to enhance their facility. He felt that a CE-1 zone would be less objectionable and easier to pass as well as less expensive for the applicant.

Robert Pruitt III, representing Snowbird, explained that a CE-2 zone requires much more of the applicant, and that they are not contemplating expansion of a normal recreational resort nature.

Robert Eastman, District Ranger for the Forest Service, stated that they had met once with Snowbird, but was concerned that the project needed to be better coordinated, and that a decision, in his opinion, was premature. He noted that there are thousands of mining claims that are in the area with water coming out of them. He was also concerned about ground chemicals. Further, he noted the possibility of avalanche. It was also his opinion that any upgrading of the Utah County road in that area (Mineral Basin) would be virtually impossible.

Brett Davis, representing the Utah 4-Wheel Drive Association, spoke in opposition to any action that would impact the current regulations for the use of 4-wheel vehicles in the Mineral Basin area, or the upgrading of any roads in that area.

Edward Isacson, a resident of Utah County, stated that currently the subject area is a 'multiple use' area. It was his position that it continue to be open for that use.

Mr. Gardiner responded that much of the property is private and therefore could be controlled as far as use. The Master Plan is currently being updated, but no changes in roads is being considered. He referred to a related Case in the Federal Court and Judge Sam's closing comments.

Robert Bennion felt that frontage would be an issue relative to the Zoning Ordinance.

Elaine Englehardt, Chair, closed off public comments. However, questions from the commission were allowed for Snowbird. Dr. Fred J. Wagstaff prepared and presented an analysis as to land value. It was his position that there would be a 4.3 million dollar increase in taxable property for Utah County. This did not take into account any adjoining property. Further, he noted that any sales taking place in the ski lift area was not included and would have to addressed by the entities in an interlocal agreement.

Dave Shawcroft answered Commissioner Taylor's question relative to road access in the CE-1 zone stating that any change in zone would require that all requirements of that zone be met. Mr. Shawcroft will review all legislation relative to the issue.

Commissioner Jerry Grover spoke stating that Salt Lake County knows about this issue, but as to their position, not much is known due to the legislation being in session and the lack of time to address it. He didn't feel that they were in opposition to approval. He indicated that this is a jurisdictional issue and that, although it is nice to have their opinion, it is a Utah County matter. Wasatch County has not shown any preference. He explained the county tax rate. He did not know how the taxes would impact the school districts.

Mr. Gardiner stated that Snowbird was not near their SAOT limit (skiers on the mountain) and relative to parking, this would be taken care of with public transportation, etc.

Buck Rose presented maps of the area and answered questions. It was the position of some commission members that there was not enough information available for them to form an opinion. Commissioner Grover offered to write to each county that would be effected and allow them to respond. However, at this point, there was a general feeling that anything that allowed expansion would have to be on a permitted conditional use basis, and that environmental impact would have to be better defined.

Motion: Bill Ferguson

That the request be continued to the March 18, 1997 meeting; and that in addition, a more definitive statement be required from the Forest Service stating exactly where they stand on the issue.

The motion died for lack of a second.

Don Nebeker asked Commissioner Ferguson if he would consider adding 'that Salt Lake County and Wasatch County be asked for a statement also.

Motion: Bill Ferguson Second: Don Nebeker

That the request be continued to March 18, 1997; and that, in addition, a more definitive statement be required from the Forest Service stating exactly where they stand on the issue.

Elaine Englehardt did not feel that Wasatch County needed to be included in this issue. Further, she felt the motion was much to broad.

Don Nebeker stated that he would like to include Wasatch County discussion due to a recent expansion controversy and that it would be reasonable that in the future there might be access through that county and they might have strong interest in that; and as a matter of courtesy, they be asked for their feeling on the issue.

Elaine Englehardt felt that it would be more appropriate to have the County Commissioners interact with Salt Lake County and Wasatch County rather than the Planning Commission. She proposed that that be included in the recommendation. Don Nebeker agreed.

The motion passed by a 3-2 vote with Elaine Englehardt not voting.

Commissioner Grover offered to draft a letter to the Forest Service and County Commissioners requesting their position on the matter.

SARATOGA SPRINGS (PRP CORP) Approval of site plan for 72 units of Saratoga Springs, P.U.D., Plat No. 4, Lot 402

Jeff Mendenhall explained that Lot 402 has 72 units, specifically 36 twin-homes. He has received a letter from the County Engineer stating that there are $318,330.80 in improvements costs. Mr. Mendenhall felt comfortable with the plans. He had not yet received a letter from the Health Department. However, he noted that it will be on the applicants water and sewer system. He also would like to have a letter from the Fire Marshal indicated signage that he would like on the roads. He proposed that the driveway on the bottom portion comes very close to the road. He proposed an emergency entrance that would allow emergency vehicles in at that point. It could be kept closed to normal traffic. Also, that the plat shown be recorded as part of Plat 4 as a recorded document; and that the common area be identified in some manner on those recorded documents.

Peter Staks , representing Saratoga Development, stated that he does not have a problem with the staff requests. He explained that a hard surface (which looks like a grass area) be used. This can be moved to allow access in the event of an emergency.

Dave Shawcroft had no opposition. He did, however, recommend that they ask for approval specific to the plans that are being proposed by the developer. This would address any setback issues that might arise with any changes.

Motion: Don Nebeker Second: Brent Gordon

That the Board recommend approval of the site to the County Commission based on the density of lot 402 as approved subject to the following conditions:

1. A letter of approval from the Utah County Health Department on the water system and sewer system that will serve the 72 units.

2. A letter from the Utah County Engineer on engineering of the two new cul-de-sacs, utilities, and additional improvement costs.

3. That the requirements of Utah County Fire Marshal as per his letter dated Feb. 6, 1997 be met.

4. That the emergency entrance to private drive at building site No. 2 be required.

5. That the common area be identified by a shaded area or some other means on the site plan to conform to the existing open space maintenance agreement.

6. That approval applies to the plats submitted on this date, February 18, 1997.

The motion passed by a unanimous vote.

Robert Bennion questioned the motion, specifically on the conditional items. He objected to the Board acting on items where everything is not right before the application is submitted. Further, he suggested that oft times changes are made to the plans after the meeting and challenged the practice of 'approval with conditions' and the lack of opportunity for the public to view the complete package.

SARATOGA SPRINGS (SUNSTONE CORP) Approval of site plan for 43 multiple units of Saratoga Springs, P.U.D., Plat No.4, Lot 403

Jeff Mendenhall explained that this is directly across the street from the 72 units previously approved. In this instance there was a density of 45 units approved. Based on arrangement around trees, etc., it is actually 43 multiple units; some being twin-homes and some tri-plexs. The general drawings were shown. This is on 4.5 acres and meets cul-de-sac requirements. The letter from Utah County Engineer has been received. Mr. Mendenhall proposed that the common area be identified more specifically. The letter from the Health Department is still outstanding.

Dave Shawcroft had a concern, as before, that the approval carry the specific site plan which has been submitted for the structures.

It was noted that the letter from the fire marshal had been received.

Motion: Don Nebeker Second: Bill Isham

That the Planning Commission recommend approval of Plat No. 4, Lot 403 to the County Commission subject to the following conditions:

1. That a letter of approval from the Utah County Health Department on sewer and water be received.

2. That development will be as to the plan submitted to the Planning Commission on this date, February 18, 1997.

The motion passed by a unanimous vote.

SARATOGA SPRINGS - Saratoga Springs, Planned Unit Development, Plat No. 5, 17 one-family lots, section 35, T5S, R1W, Northwest Utah Lake area

Jeff Mendenhall explained that this plat attaches to Plat 3 and Plat 4. It is an additional 17 lots to the overall plan. Staff concern was to the Parkway Blvd which dead-ends. According to the plat, there is not a secondary access. Second, the County Commission has passed a resolution on large scale developments stating that anything over 115 lots will be looked on to incorporate to a community or annex to an adjacent community. Based on that resolution, this plat cannot be approved without an exception, since over 115 lots have been approved within plats one through four.

Dave Shawcroft raised issues as stated in his letter to the Board. He felt those issues still existed.

Peter Staks asked about the larger issues, those being; (1) whether the 17 more lots were a possibility, and (2) the street configuration.

Elaine Englehardt, speaking for the commission, indicated that they felt that anything larger than 115 lots should be incorporated.

Peter Staks stated that the original approval of the Planning Commission for the first phase was 340 lots. That recommendation went to the County Commissioners and it was adjusted downward to 320 lots. Approvals today are at 287 lots. He felt that he was under the approval amount. Including the request 17 lots, they are still at about 305 total. As to the incorporation issue, this plat, as well as other plats have had parallel reviews by Lehi City. An annexation petition is before Lehi City. Due to the annual review process of Lehi City, the applicant is trying to take care of both county and city requirements in a parallel manner. Mr. Staks indicated that Lehi City has had no objections to his proposals thus far. The annexation meeting with Lehi City is scheduled for Feb. 25, 1997.

Buck Rose explained the history of this project for the Board's information.

Elaine Englehardt recommended the Board go with staff recommendation relative to the road issue. Mr. Mendenhall felt that perhaps something could be done on a temporary basis.

Motion: Jill Taylor Second: Don Nebeker

That the matter be continued to allow for the concerns of Dave Shawcroft to be addressed. The motion passed a 4-1 vote with Bill Fergusen voting against the motion and Elaine Englehardt abstaining.

Bill Fergusen stated for the record that he felt that the night the development was approved, it was approved on a non-binding condition that when it gets to be 115 they have to incorporated. The County Commission made that condition binding. I think that needs to be addressed and the request should not be addressed until that issue is resolved.

Jeff Mendenhall will research minutes that will show the position of the Planning Commission board. Elaine asked for a work session meeting to be scheduled for the Snowbird issue and felt this matter could, if appropriate, be reviewed at that meeting if time permitted.

Commissioner Grover indicated his desire to work with City of Lehi on the annexation time frame and indicated that Saratoga had worked within the spirit of the resolution. He offered to contact Lehi City before the work session meeting.

It was determined that the work session meeting would be held on March 11, 1997 at 12:00 noon in Room 1500, if possible, with Room 1400 being the backup.

UTAH COUNTY COMMISSION - Addition of county road 12,800 South, from Highway 89 West to Utah County Property, to the official county road map, Section 28 & 33, T9S, R4E, (Thistle area)

Jeff Mendenhall explained that this is the old Highway 6 & 89, or what is left of that portion that runs over to the county property. T existing access is requested to be placed back on the county road system even though the state indicated that the county had the right to use that road. This will provide official access to Hwy 89 from the county shooting range on the official county map.

Robert Bennion presented the matter passing out a written account of his claim. He felt that the request was a fraud noting that the road has not been constructed according to Utah County standards. He feels it violates the 600' cul-de-sac rule. He further felt that the county is running this shooting range in violation of their own Zoning Ordinance. He presented those issues listed on the handout. He requested that the violators be prosecuted.

A fax from the Fire Marshal was brought in by a member of the planning staff and presented to the Board.

Jill Taylor raised the issue of the 600' road requirement for a cul-de-sac. Dave Shawcroft responded that this requirement deals specifically with subdivisions, and does not apply relative to this matter. As to the provision of the fire code, he had not read the letter. She proposed a continuance to allow for this matter to be investigated. As to the letter from UDOT, Jill Taylor asked for clarification as to why this matter is being heard if the state road is legal access?

Jeff Mendenhall stated that this matter comes before the Board at the insistence of Mr. Young and Mr. Bennion that there be official county access.

Shirrel Young stated that he did not receive notice of this meeting. It was confirmed that, in fact, notice had properly been sent to Mr. Young. He then claimed that the notice was deficient in its content.

Motion: Jill Taylor Second: Don Nebeker

That the matter of the addition of the county road be continued for one month to allow the questions to be investigated. The motion passed by a unanimous vote.

UTAH COUNTY GENERAL PLAN UPDATE CONSULTANTS

Buck Rose introduced the recipients of the contract for consulting on the Utah County General Plan. The contract has come before the County Commission for approval and there have been proposed changes. Odell Miner and Neil Lindberg answered questions as to their approach with this assignment. They proposed that a citizens group be formed and general public input solicited. It was determined that mayors of cities might be a good resource for possibilities for that committee. He would like for Planning Commission members to be active in these citizens groups and public meetings. MAG and COG was suggested as other possibilities. Commissioner Grover will carry this message back to the other commissioners. It was noted that the Goals and Policies were currently in place. Robert Bennion suggested that the old study of 25 years ago to be used as a resource.

Elaine Englehardt proposed that a work session meeting be held at noon on March 4 at the County Administration Building, Room 1500 to discuss names for the citizens committee. Lunch will be provided.

SOUTH UTAH COUNTY REGIONAL PLAN COMMITTEE RECOMMENDATION

Commissioner Grover stated that all entities are asked to have three individuals sit on a group which is funded by MAG monies. The group will be participating in a visioning or scoping statement. A consultant has been hired. It was presumed that a Commissioner, a member of the Planning Commission and a citizen at large be considered for these appointments. The meeting times have not been set. Commissioner Grover asked that the Board consider who would represent them and make a recommendation to the Commission at a future meeting.

The meeting was adjourned by Elaine Englehardt, Chair.

SUBMITTED BY:

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Secretary

APPROVED BY:

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Chair