UTAH COUNTY BOARD OF ADJUSTMENT

Minutes
September 4, 2014

Present:	Randy Christiansen, Chair	Excused:	Rose Blakelock
	James A Dain		Greg Graves
	Larry Ballard, Alternate		Kelly Ercanbrack

Bryce Armstrong, Associate Director, Community Development
Robert Moore, Deputy County Attorney
Joshua Ivie, Secretary

OTHERS PRESENT: Peggy Kelsey, Utah County Community Development; Marty Banks, Van King, Applicants.

The meeting was called to order at 5:32 PM by Randy Christiansen, Chairman of the Utah County Board of Adjustment at 100 E Center St, Room 1400, of the Utah County Administration Building, located in Provo, Utah.

APPEAL #1540 – SNOWBIRD RESORT, LLC – who is requesting a conditional use for a man-made, uncovered water reservoir over ten(10) acre-feet in capacity in the Critical Environment (CE-1) Zone, located in Section 17, T3S R3E, in the Mineral Basin area of American Fork Canyon in Utah County.

Bryce Armstrong, staff, began by clarifying that there has been a change of ownership for the applicant since the appeal was made (Snowbird, Ltd. is now officially referred to as Snowbird Resort, LLC). Armstrong noted that a manmade reservoir is a permitted use in the CE-1 zone unless it exceeds ten acre feet; a manmade reservoir in excess of the ten acre feet allowance requires conditional use approval. The applicant would like to construct a manmade reservoir for snowmaking purposes with a maximum storage capacity of twenty-five acre feet.

Armstrong added that the application indicated that the proposed reservoir would have some fringe benefits, such as delaying spring runoff and improving historic depletion rate of some of the water rights that would be associated with proposed reservoir.

Armstrong stated that in light of the extensive technical report provided by the applicant, a site visit, and the involvement of the county engineer, that staff feels the application can be shown to meet the Land Use Ordinance requirements and would recommend that this application be approved subject to findings and conditions listed in the staff report, including the prescribed mitigation strategies included in the application.

Marty Banks for Snowbird Resort, LLC stated that the proposed manmade reservoir has been a drawing board concept at Snowbird for several years and has been studied at length with the assistance of an engineering firm and a dam expert and that the location of the proposed reservoir is suitable for its intended purposes.

With regard to the benefits mentioned by Mr. Armstrong, Mr. Banks explained that snowpack resulting from the proposed reservoir brings with it the incidental benefit of delaying water runoff out of American Fork Canyon which in turn provides enhanced water uses for all users downstream.

Mr. Banks also stated that he is confident that any safety concerns can be mitigated through the steps that Mr. Armstrong referenced in the staff report.

James A Dain asked about the proposed reservoir's liner and the water rights associated with filling the proposed reservoir.

Marty Banks for Snowbird Resort, LLC explained that all related water will all be used in the immediate drainage mineral basin (which funnels into American Fork Canyon). Mr. Banks also clarified that the required water shares will come primarily from groundwater wells located in the canyon and the irrigation district. Mr. Banks explained that there has been an effort to accumulate the required number of water shares to fill the reservoir; presently, Snowbird Resort, LLC has acquired about two-thirds of the required shares.

James A Dain raised a concern about the stagnation of water in the reservoir over the summer.

Marty Banks for Snowbird Resort, LLC explained that the water in the reservoir is not static and that the water will be sourced and exit the reservoir on a regular basis.

Van King for Snowbird Resort, LLC addressed Dain's question about the reservoir liner. Mr. King explained that several different layers of liner would be used for purposes such as seepage prevention, cushioning (to protect the liner itself), and to allow the egress of animals. Mr. King further explained that the liner is sub-surface and protected using native rocks, etc.

There was brief general discussion about the water level of the proposed reservoir over the summer. In this discussion, Mr. King explained that the water level of the reservoir will decline due to evaporation and that there are maintenance procedures that can mitigate stagnating water in event that this occurs.

Larry Ballard inquired as to how deep the reservoir would be at its fullest point.

Van King for Snowbird Resort, LLC stated that it was almost twelve feet deep at its fullest point.

Larry Ballard asked how the water would be moved from the reservoir to the snow blowing equipment, and also inquired as to the source of the fuel required to do this.

Marty Banks for Snowbird Resort, LLC explained that there is a pipeline system attached to the reservoir that facilitates this, and that this pipeline system is powered by an electrical source that does not require portable generators.

There was additional discussion with regard to the proximity of the proposed reservoir to pedestrians (skiers, snowboarders, etc.) and how the terrain may prevent pedestrian access to the reservoir. Mr. Banks stated that the area in question is not accessible via ski lift and difficult to access by the nature of the location. Mr. Banks expanded on Mr. King's earlier explanation about the liner layer that serves to

provide access out of the reservoir. It was discussed whether or not the reservoir should be capped, and Mr. King noted that capping the reservoir would prevent it from operating as intended and that it's typical that these types of reservoirs are exposed.

There were no public comments and no other discussion.

Motion: James A Dain Second: Larry Ballard

Motion that the Utah County Board of Adjustment **approve** the request for a conditional use for an uncovered man-made reservoir with a capacity over 10 acre-feet, subject to the following:

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 building and land use permits for the reservoir and all applicable associated facilities be obtained from Utah County that meet all applicable zoning, building, health, and fire-safety requirements;
3. That construction and operation of the reservoir comply with all applicable mitigation strategies of the "Potential Impacts and Mitigation Strategies from Reservoir Construction and Operation" included as part of this application by the applicant;
4. That construction and operation of the reservoir comply with all applicable recommendations of the "Mineral Basin Snowmaking Reservoir Summary Predesign Report" dated June 2014 and was included as part of this application;
5. That the proposed source(s) of water for the reservoir be approved for such use by all applicable agencies;
6. That approval of a "Low Hazard Dam" application by the Office of the State Engineer of Utah be obtained prior to construction of the reservoir;
7. That the overall capacity of the reservoir be limited to a maximum of 25 acre-feet.

The motion passed by the following vote: "Aye", Randy Christiansen, James A Dain, Larry Ballard; "Nay", none.

APPROVAL OF MINUTES

Motion: James A Dain Second: Larry Ballard

Motion to **approve** the minutes of the July 10, 2014 meeting of the Utah County Board of Adjustment. The motion passed by the following vote: "Aye", Randy Christiansen, James A Dain, Larry Ballard; "Nay", none.

ADJOURN

Motion: Larry Ballard Second: James A Dain

Motion to adjourn. The motion passed by the following vote: "Aye", Randy Christiansen, James A Dain, Larry Ballard; "Nay", none. The meeting adjourned at 6:10 PM.

Minutes respectfully submitted by:

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Joshua Ivie, Secretary

APPROVED BY:

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RANDY CHRISTIANSEN, CHAIR

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ROSE BLAKELOCK

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GREG GRAVES

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KELLY ERCANBRACK

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JAMES A DAIN