

**DANIEL TOWN PLANNING COMMISSION MEETING MINUTES  
WEDNESDAY, FEBRUARY 16, 2022 AT 7:00 PM  
WASATCH COUNTY SERVICES BUILDING  
55 SOUTH 500 EAST, CONFERENCE ROOM B  
HEBER CITY, UTAH 84032**

Quorum Present: Planning Commission Chair Gary Weight, Eric Bennett, Pam Skinner, T.J. McGeean, Mark McAllister, and Byron Horner. Planning Director Eric Bunker, Ryan Taylor of T-O Engineers, and Clerk Lynne Shindurling to take the minutes.

Chair Gary Weight called the meeting to order at 7:00 PM.

Members of the Public: Mayor Scott Kohler, Merry Duggin, Robyn Pearson, Jaq Shindurling, Ryan and Amanda Simpson, Lisa Dinga, Doug Crittenden, Victor Hanson, Luke Kohler, Jeremy and Whitney Keele.

**1) PUBLIC COMMENT (PLEASE LIMIT TO 2 MINUTES PER PERSON)**

Mark McAllister came forward as a newly appointed Planning Commissioner and stated he had bought property outside of Wasatch County and was planning to leave Daniel in 12-18 months. He is still willing to serve on the Planning Commission until he relocates, and the Commission agreed to have him serve.

**2) SWEARING IN OF MARK McALLISTER, PLANNING COMMISSIONER**

Clerk Lynne Shindurling swore Mr. McAllister in as a Planning Commissioner, to serve until such time as he leaves the Heber Valley.

**3) CHARCHENKO AG BUILDING PERMIT PROCESS, 3400 S. BIG HOLLOW**

Planning Director Bunker explained this item is not to be voted on today, but he wanted to make the Commission aware that the building under construction is in the floodplain and has restrictions attached to it. The permit is still in progress. There is a map attached to materials provided showing how much of the property is located in the floodplain. Ryan Taylor stated he is in touch with the floodplain coordinator to make sure all requirements have been met when approving the permit.

**4) RICHTER PERMIT FOR BASEMENT REMODEL, 3035 S. BIG HOLLOW ROAD**

Planning Director Bunker stated blueprints from 2004 were turned in by the

Richters. They will have to be updated before a permit can be issued to meet the current International Building Codes. Mr. Bunker explained there is a conditional use on the property which needs to be taken into consideration in approving the permit. The conditional use is a therapeutic animal interaction which was previously granted, but the change in the structure requires looking into the additional parking and other aspects of the conditional use to make sure it has not been modified. If it has, another public hearing will have to be held and the conditional use reapproved.

#### **5) LUKE KOHLER – SUBDIVISION REQUIREMENTS INQUIRY**

Mr. Kohler presented to the Commissioners a map of property located at 215 Little Sweden Road in Daniel. The property is owned by his grandparents, Lynn and Linda Luke. The total acreage is 2.97 acres, and he would like to divide off 1.55 acres, creating two lots. He is planning to get the ground surveyed for exact acreages. If divided, it would leave the Lukes with 1.42 acres. He explained to the Commission this would create a parcel with 177 feet of frontage running from west to east.

Commissioner Bennett asked if he was planning to build a home on the 1.55 acres, or what is the purpose. Mr. Kohler explained his intention is to build a home, possibly build a barn and horse arena, and have pasture land for growing hay and pasturing horses.

Mr. Horner stated he has a home and horses on 2.5 acres, and horses cannot be boarded there for long or the feed is gone. He asks that Mr. Kohler consider this when planning his home and facilities. Commissioner Skinner asked for clarification on the lot division. Are you taking the 2.97 acres and creating two lots with approximately 1.55 and 1.42 acres? Mr. Kohler answered affirmatively. He further stated his grandparents would continue living in the home already on the property.

Planning Director Bunker stated the effect would essentially be taking an already nonconforming lot, meaning less than five acres in RA-5, and splitting it into two smaller lots, thereby creating an illegal lot. Mr. McGeean pointed out there are many other smaller lots there along Little Sweden. Commissioner Weight said these lots existed in the County prior to the incorporation of Daniel Town, and the Town adopted the County zoning there. He said under the current zoning code in Daniel, the proposed lot division is not possible.

Commissioner Bennett stated as he sees it, Mr. Kohler would need to go before the Council and ask for a zone change; that the Planning Commission cannot authorize a change outside of the current zoning code.

#### **6) JEREMY KEELE – SUBDIVISION REQUIREMENTS INQUIRY**

Mr. Keele stated he owns property on Little Sweden Road and has recently purchased the property of Blain Webster next to his, at 1385 Little Sweden Road, which is currently two parcels, combined totaling a little over 9 acres. He would like to build a home on the back parcel, which is approximately 6.8 acres. The Commissioners stated they would like to see a plat map of the properties to have a better idea of the make-up. Commissioner Weight suggested that Mr. Keele go to the Town Planner and engineer so he better understands requirements for access and frontage. Mr. Horner asked Ryan Taylor the requirements for fire truck access, as it sounds like this may result in creating a flag lot to access the back property. Mr. Taylor stated he needs much more information before he can give any specifics, such as access, frontage, septic, how and when the parcels were created, to make sure it was a legal division. He suggested Mr. Keele meet with him at T-O Engineers to get his questions answered.

Next Mr. Keele inquired about a property located at 2530 South Daniels Road in Daniel, which is one lot in two zones, the front part containing a home in the RA-5 zone and the back part in the industrial zone. He stated the home is located on approximately one-half acre, and the rear portion is a little over four acres. He wants to use the rear portion in the industrial zone and wants to know the process for doing so. Commissioner Weight said this was a parcel which the county put into two different zones, and suggested he go to the Planner and engineer on this as well.

#### **7) STEINER BUILDING PERMIT EXTENSION, 2987 S. MILL ROAD**

Commissioner Weight stated the Steiners were having difficulty getting a contractor to work on this home. The permit for an addition onto the home was taken out a year ago, and the Steiners are wanting to extend the permit for another year to get a contractor lined up.

***Commissioner Horner made a motion to approve the one-year extension, seconded by Commissioner Bennett.***

Planning Director Bunker stated the code allows an extension of two years and would like the motion to contain the time frame of the extension.

***Commission Horner amended his motion to be extending the time frame of the permit for one year, as requested. Commissioner Bennett said the second stands. The vote was: Skinner aye, McGeean aye, McAllister aye, Horner aye, Bennett aye. The motion carried.***

#### **8) APPROVAL OF NOVEMBER 17, 2021 MINUTES**

Part of the Commission took a few minutes to review the minutes in question.

***Commissioner Horner moved to approve the minutes of November 17, 2021, seconded by Commissioner McGeean. The vote was: Skinner aye, McGeean aye, McAllister aye, Horner aye, Bennett aye. The motion passed.***

#### **9) APPROVAL OF JANUARY 19, 2022 JOINT MEETING WITH TOWN COUNCIL MINUTES**

***Commissioner McGeean moved to approve the minutes of the joint meeting of January 19, 2022, seconded by Commissioner Skinner. The vote was: Skinner aye, McGeean aye, McAllister aye, Horner aye, Bennett aye. The motion carried.***

#### **10) DISASTER MITIGATION PLAN**

Commissioner Weight explained this document is very large and the written pages provided pertain to Daniel, but he asked the Commissioners to peruse the entire document to become familiar with its contents. He asked the Commissioners to bring to the next meeting comments if they see things that need updating. Planning Director Bunker stated the review is past the update stage, and in prior meetings changes to the document were made. The Planning Commission needs to send a recommendation to the Town Council for adoption of the plan. It must be done at the March meeting. Mr. Bunker said the plan is updated every 5 years now; however, the State legislature may pass legislation which would make the required review sooner than that. People from each municipality who attend the MAG meetings make lists pertaining to their entity to take to their Boards or Councils for update and approval. Mr. Bunker also stated

federally controlled items, such as canals, cannot be added to mitigation lists but are, instead, handled on a federal level.

***Commissioner Bennett moved to push making a recommendation to the Council to the next Planning Commission meeting, seconded by Commissioner McGeean. The vote was Skinner aye, McGeean aye, Mark aye, Byron aye, Eric aye. The motion passed.***

## **11) PLANNING COMMISSION PROJECTS FOR 2022**

Commissioner Weight listed some projects the Planning Commission will be discussing this year. The first mentioned was the Town Floodplain Ordinance to see if it needs updating; code discrepancies for frontage and road standards, Section 8.27; water requirements for commercial properties where Town code conflicts with Utah State Code; changes in code made by ordinance which have not been incorporated into Town Code; annexation boundaries review and update; management of traffic within Daniel; possibly supplying water to areas outside of the Daniel boundaries. He asked if the Planning Commission would like to research and provide input in some of these areas. Commissioner Bennett stated he would like to have them prioritized. Commissioner Horner said water should be number 1 on the list.

Having recently completed training on Open and Public Meetings, Commissioner Horner asked if emails between Commission members is a violation of the law. Council member Duggin stated communications amongst the Planning Commissioners is allowed because no decisions are being made. Commissioner Weight emphasized use of the Town email accounts for Town business discussion and not personal email accounts. These communications could be subject to a GRAMA request.

Council member Duggin stated that at the upcoming March 7<sup>th</sup> Council meeting Charleston is giving a presentation on development in their Town and perhaps making a proposal on their usage of Daniel water, so it would be a good idea for Planning Commissioners to attend that meeting. Mr. Taylor said the presentation will be a discussion of previous conversations and not looking for a decision at that meeting. Mayor Kohler further explained the Mayor of Charleston asked to be put on the Daniel Council agenda to initiate conversation, enabling the Daniel Town Council and Planning Commission to discuss the pros and cons, the overall effect in Daniel. Commissioner Weight asked that the Commissioners research and think about the effect of outsourcing water from a Planning perspective.

Mr. Horner commented that the amount of water Daniel has must also supply build-out of new homes in the future. Is it wise to give up some water to facilities outside of Daniel. On the other hand, Joe Witt pointed out if Daniel currently has an abundance of water for which it cannot show beneficial use, the State could possibly take it for use elsewhere. Council member Pearson stated Mr. Witt was correct in stating individuals and corporate users must show beneficial use of water, but that cities and towns are exempt from that; that a Town may even purchase water shares for future development and the State cannot take the water, although the water must be assigned for use within a 7-year period.

Commissioner Weight reiterated he would like volunteers from the Planning Commission to review if there are land use impacts to Daniel Town if they were to supply water to sites outside of the Town, advantages or detriments. Commissioner Horner requested that the Planner and Engineer give a presentation about the whole water system within Daniel to help the new members better understand how it operates. Commissioner McGeean would like to get the data from the March 7<sup>th</sup> discussion and meet with Planning Director Bunker to gather additional information. Commissioner Weight said he does not want to redo work that's already been done, but rather would like the Commissioners to consider aspects like if Daniel supplies water to a high density development in an area bordering Daniel Town, this would in turn increase traffic on our roads. Think about all areas of land use planning that an action may impact.

Mr. Taylor stated water is a very complex issue and a lot of time needs to be spent thinking about how growth impacts an area. He doesn't anticipate a decision being made on the Charleston proposal in March or even April. He recommends asking a lot of questions and getting answers to help in the decisions to be made.

Council member Duggin suggested a field trip to the well house to gain a better understanding of the system, springs and the well. The facilities were built between 2009 and 2011. Council member Pearson stated he wants the Planning Commission to take an active role in issues relating to water and transportation, as both are important to the main infrastructure of Daniel. What happens outside of our boundaries will have an effect on Daniel as well, as far as master planning in Wasatch County. The Planning Commissioners need to know how many homes are in Daniel, how many of them are on the Daniel Municipal Water or Storm Haven water system, how many are on wells, and how does this data affect future decisions to be made regarding water.

## **12) PLANNING UPDATE FROM PLANNING DIRECTOR BUNKER**

Planning Director Bunker passed out his monthly planning report to the Commissioners. The list includes permits in process approved by the prior Commission members. He also passed out a document produced by FEMA regarding studies they will be conducting using grant monies approved by the State legislature in regards to floodplain mapping which could affect community development throughout Utah. He then referred to a document from the Central Utah Water Conservancy District regarding grants available to properties which switch to waterwise landscapes, and stated each municipality must pass an ordinance referring to this in order to apply for the grant money. This program is only available through the end of 2022.

Commissioner McAllister inquired about the Gebo hearing on the report, and Mr. Bunker stated there will be a new public hearing on March 7<sup>th</sup> before the Town Council for the zone change from RA-5 to Commercial at 1680 West 3000 South. When the matter went before the Planning Commission previously, the Commission had a tied vote and, therefore, no recommendation was made to the Council and the Council denied the zone change. Mr. Bunker reiterated to the Planning Commission how important it is for them to be proactive in events occurring in and around Daniel with so much growth occurring in the county.

Next Director Bunker listed a number of House and Senate bills before the Utah State legislature currently, which he follows each year, as many of them will affect all towns including Daniel. However, they are not final until the Governor signs them into law. He suggested contacting your local representative on bills being discussed which interest you and may alter how the Town operates.

## **13) ADJOURN**

***Commissioner Bennett moved to adjourn the meeting, seconded by Commissioner McAllister. The vote passed unanimously. The meeting was adjourned at 8:28 PM.***

Lynne Shindurling  
Clerk/Recorder