

Daniel Town Planning Commission Meeting Minutes
Wednesday, March 16, 2022, at 7:00 PM
Wasatch County Services Building, Conference Room B
55 South 500 East, Heber City, UT 84032

Quorum Present: Planning Commission Chair Gary Weight, Commissioners Eric Bennett, T.J. McGeean, Bridger Wilde and Pam Skinner. Mark McCallister and Byron Horner were not present. Planning Director Eric Bunker was present. Clerk Lynne Shindurling and Deputy Clerk Kim Crittenden were present to take minutes.

Members of the Public: Luke Kohler, Ryan Simpson, Robyn Pearson, and Victor Hanson.

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

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

There were no public comments.

2. LUKE KOHLER CONCEPT INQUIRY ON PROPERTY AT 215 LITTLE SWEDEN RD

Mr. Kohler handed out packets to the Planning Commission containing information about his proposed subdivision of parcel 20-4436, which is owned by his grandparents, Lynn and Linda Luke. The information packets included plat maps of the current parcel, surrounding parcels and his proposed subdivision. Also provided were copies of the Town of Daniel regulations for RA-1 zones (sections 8.08.01 - 8.08.02, 8.08.06 - 8.08.12 and 8.08.14), and regulations for RA-5 zones (sections 8.07.01, 8.07.06 - 8.07.08). Mr. Kohler stated that both of the proposed parcels meet all of the requirements of RA-1 zoning, but acknowledged that the current zoning for both parcels was RA-5. He stated that he would like to subdivide the current 2.97-acre parcel into two parcels. The proposed parcels would be 1.42 acres (with the Luke's current home) and 1.55 acres, on which Mr. Kohler would like to build a home.

Mr. Kohler stated that further development in Daniel is inevitable and asked the Planning Commission to consider his proposal thoughtfully and that he did not expect a decision about his proposal in this meeting.

Mr. Kohler was asked if he had been in contact with the Wasatch County Health Department regarding requirements for an additional septic tank on the proposed new parcel. He agreed to contact the Health Department before the next Planning Commission meeting.

Mr. Kohler was asked about the size of neighboring parcels and he estimated that only 1 in every 6 parcels near the parcel was at least 5 acres and that most of parcels surrounding parcel #20-4436 ranged from .25 to just over 1.0 acres. Required frontage for parcels was discussed, and Mr. Kohler reported that the current parcel has approximately 300 feet, and the proposed subdivided parcels would each have in excess of the required 100 feet of frontage.

3. RICHTER - PERMIT FOR BASEMENT AT 3035 S. BIG HOLLOW RD

There was discussion about a current Conditional Use Permit for parking on the property, but since the permit was for a finished basement for additional family living space only, rather than an apartment, it would not be relevant to the requested permit.

Commissioner Bennett moved to approve the basement permit.

A report from Amelia Pays with T-O stated the 2015 IRC rather than the 2003 IRC must be used.

Commissioner Bennett amended his motion to approve the Richter permit with the updated reference to the 2015 IRC. Commissioner McGeean seconded the motion and it passed with all ayes.

4. RYAN SIMPSON - ACCESSORY BUILDING AT 781 WEST 3000 SOUTH

The permit for the proposed building was originally for an agricultural building and has been amended to an accessory building. The proposed building now falls under Town Code 8.21.08 and requires a Conditional Use Permit which requires a public hearing. Planner Bunker stated that he had discussed this with Mr. Simpson and they agreed that if the Conditional Use Permit was not granted, then Mr. Simpson will revert to the original plan for an agricultural building. Planner Bunker stated that the code does not require a Conditional Use Permit for an agricultural building which is less than 1,500 square feet. The current plans are for a 35' x 64' building with a square footage of approximately 2,240, which is in excess of the allowable size. It was stated that the building meets the requirements for setbacks from adjacent properties and frontage.

Planner Bunker was asked about the requirements necessary for the public hearing on the proposed Conditional Use Permit. He answered that public notices would need to be posted 14 days prior to the meeting and that all neighbors within a 500-foot radius of the Simpson property would need to be notified of the public hearing.

Mr. Simpson stated that he would like to pour the concrete foundation prior to the next Planning Commission meeting and proposed public hearing. Mr. Simpson was told that if he did pour concrete or do any construction on the building before the building had the proper permits and inspections, he was doing so at his own risk. However, Planner Bunker could not foresee an issue. It was confirmed that Mr. Simpson had obtained an agricultural building permit.

Commissioner McGeean moved to hold a public hearing during the next Planning Commission meeting on April 20th. The motion was seconded by Commissioner Wilde, and the motion passed with all ayes.

5. APPROVAL OF FEBRUARY 16, 2022 PLANNING COMMISSION MEETING MINUTES

Commissioner McGeean moved to approve the February Planning Commission Minutes. The motion was seconded by Commissioner Bennett and the motion passed with all ayes.

6. GENERAL PLAN UPDATE

Commission Chair Weight stated that the General Plan needed to be updated this year. He referred to the Town Code that was distributed in the packet and the Town General Plan that is posted on the Daniel website. He asked that the General Plan be on next month's agenda and encouraged all commissioners to look over the current plan and be prepared to discuss it. It was noted that the distributed copy of the plan was dated 2009, but that it had been updated, and adopted, with no changes in 2018. Planner Bunker handed out a copy of the General Plan which included the Moderate Income and the Land Use Plan. Planner Bunker stated that the Commission should be using all three documents when considering zoning and guidance for the Town.

7. HEBER VALLEY CORRIDOR UPDATE

Planner Bunker handed out copies of The Heber Valley Corridor Environmental Impact Statement. The impact statement included Alternatives 40 A-F. These alternatives included widening U.S. 40, installing roundabouts, improving intersections, tunnelling/bridging, reversible lanes, and a one-way couplet.

Planner Bunker's updates included a bussing option not listed in the plan handout. He referred commissioners to the website (<https://hebervalleyeis.udot.utah.gov/>) for more information and to submit public comments. He further discussed how some options had been adjusted by public input.

8. PLANNING UPDATE FROM PLANNING DIRECTOR BUNKER

Planner Bunker submitted his Planning Report for March. He handed out Utah Code 10-9a-302 in answer to a previous question about why building permits go to the City Planner rather than straight to the Planning Commission.

The Chair asked for questions. The Ron Plummer subdivision was discussed. Planner Bunker stated that the subdivision is located at the end of Mill Road and contains three lots, with the middle lot being the one in question. One lot has been built on. All of the lots are narrow, raising concerns about the possibility of having the 200 feet between septic tanks as required.

Planner Bunker reported that he had delivered a Stop Work Order to the Jeremy Keele property, which is currently unpermitted, although believed to be occupied. It was reported that a Cease-and-Desist Order had previously been issued and that Mayor Kohler had spoken to the owner of the property about concerns.

Failing water meters were discussed. Planner Bunker reported that the Town is at the end of the warranty period and that upwards of a 50% failure rate transmitting data is occurring.

Meters that are failing to read are currently being charged the minimum billing rate of \$35. It was reported that Ryan Taylor from T-O would be presenting a report on chlorination and the water meter options at the next Council meeting.

9. DISCUSSION OF PLANNING IMPLICATIONS OF CHARLESTON WATER/SEWER EXCHANGE

Information from the Charleston water/sewer exchange presentation at the March Town Council meeting was discussed. The synopsis was that Daniel would be trading 100 ERUs Daniel water for 100 ERUs Charleston sewer. Questions as to where the sewer connections would be used, what potential costs/gains would be incurred, where along HWY 189 would the water be pumped, and how would this impact any potential Commercial zone for Daniel were discussed. The potential for a Commercial zone in Daniel near the proposed airport expansion is in question at this time.

Planner Bunker reported that he had been in a meeting with the developer and that it would be a large project that they would only be interested in if they had the water pressure necessary. Additionally, Planner Bunker reported that negotiations are ongoing and that issues/considerations for the proposal are up in the air at this time. Advantages to resource sharing and cooperation between Daniel and Charleston were also discussed.

Ryan Taylor had been asked to provide a report of water need projections for current zoning as well for zoning that accounts for increased residency and growth at the April 2022 Town Council meeting. It was acknowledged that this was the beginning of discussions, water is a valuable resource, and that there were many considerations that needed to be vetted prior to any agreement with Charleston. It was summarized in the exchange that Daniel would gain paying water customers by supplying the 100 sewer ERUs necessary for the proposed development in Charleston to move ahead.

10. DISCUSSION OF HOW FAR INTO DANIEL COMMERCIAL ZONES SHOULD EXIST

The Commission looked at a map of the current zoning in Daniel and was asked to consider where the future Commercial zoning be located. The current map does not contain all of the Commercial zones within Daniel

The Chair requested that the Commissioners study and be prepared to discuss the agenda items 6, 9 and 10 at the next Planning Commission meeting.

11. ADJOURN

Commissioner McGeean moved to adjourn. Commissioner Skinner seconded and the motion passed with all ayes. The meeting was adjourned at 8:13 PM.

Kim Crittenden
Deputy Clerk/Recorder