

Daniel Town Planning Commission Meeting

Wednesday, May 18, 2022, at 7:00 PM
Wasatch County Services Building, Conference Room B
55 South 500 East, Heber City, Utah

Meeting Minutes

Quorum Present: Planning Commissioner Chair Gary Weight, Commissioners Eric Bennett, Byron Horner, and Bridger Wilde. Commissioners Mark McCallister, T.J. McGeean and Pam Skinner were absent. Also present were Planning Director, Eric Bunker, Ryan Taylor of T-O Engineers, and Clerk/Recorder Kim Crittenden, to take minutes.

Members of the public: Quincy Magalei, Caden Richens, Gina Williams, Lisa Dinga, Kasey Ketterling, Annalisa Noble, Erin Charchenko.

Commission Chair Gary Weight began the meeting at 7:00 PM

1. Public comments (please limit to 2 minutes)

There were no public comments

2. Momentum Equine, LLC- Erin Charchenko- set Public Hearing for Conditional Use Permit

Erin Charchenko was present to discuss her proposed Conditional Use Permit and Business License for Momentum Equine. She was informed that her Conditional Use Permit would require a public hearing and the purpose. She asked if the Commission had any questions and was told by the Commission that they had reviewed her Conditional Use Application and a description of the proposed business and had no questions.

City Planner Eric Bunker raised a few planning questions that had been addressed in previous similar Conditional Use Permits and associated Business Licensed. He discussed information that was included in the Conditional Use Permit and Business Plan from a similar business that had been approved and submitted by the Richter family approved using the Business Plan from the similar. Suggested additions to the Business Plan included: A plot map showing where activities would be conducted including parking, bathroom access riding, etc., number of animals on site, hours of operation, and liability insurance assurance.

Mrs. Charchenko asked if she needed to submit the additional information ahead of time and was told that she could bring it to the Public Hearing, however it was a good idea to submit it earlier to the Clerk/ Recorder so that the Planning Commission would have the additional information prior to the Public Hearing.

An additional question about the Town Code as to how many large animals are allowed on a property. It was stated that 3 large animals per acre were allowed. Additionally, an inquiry as to how many participants would be allowed and it was stated that this would be addressed in the conditional use and would depend on what would not be disturbing to the neighbors.

Mrs. Charchenko stated that her preference was to have 6 participants and 2-3 staff members per class, but the school would like 10 participants and 2-3 staff. She reiterated that all participants and staff would arrive in one van and so the impact on transportation would be minimal. It was stated that Mrs. Charchenko needed to accurately state the number of participants on the Conditional Use Application so that if the Application was approved it would be accurate as to the use.

Chairman Weight asked for a motion to approve the Public Meeting at the June 15, 2022, Planning Commission Meeting.

Commissioner Bennett moved to set a Public Hearing request on the Conditional Use Permit for the Charchenko residence.

Discussion about the length of time and number of meeting inquiries were discussed and she was informed that for a Public Hearing several Public Notices needed to be published for a minimum of 14 days and letters would need to be sent to all neighbors within 500 ft of her property. Questions were also raised as to what other requirements or ordinances would need to be addressed to move along the process. Planner Bunker stated that he had given out the information about what is required in an RA-5 zone for a prior similar granted Conditional Use Permit and encouraged Mrs. Charchenko and her associate to look over those documents as a guide to make sure all questions about the Conditional Use Permit would be available to the Planning Commission prior to the Public Hearing at the June 15, 2022, Planning Commission Meeting. Frustrations were expressed about the application process and how information about the process was disseminated including required fees. Mrs. Charchenko was assured that she had submitted all necessary documents.

Commissioner Bennett restated his motion to set a Public Hearing request on the Conditional Use Permit for the Charchenko residence at the next Planning Commission Meeting to be held on June 15, 2022. The motion was seconded by Commissioner Wilde. A roll call vote of Bennett- yes, Horner- yes, Wilde- yes, and Bennett yes- and Weight yes, with Commissioners McGeean, Skinner and McAllister absent.

3. Richen building plans in Storm Haven

Commission Chair Weight discussed the building application submitted by Mr. Richens for a residence in Storm Haven. Town Engineer Taylor stated that the permit and associated plans had been recently submitted and he had not had the opportunity to thoroughly review them. Site plans and a preliminary review were handed out to the Commission by Planner Bunker. It was stated that the Commission had in the past Permits had been granted with stipulations and it was suggested that if the Planning Commission would move forward

tonight that this would be advised. Issues raised included septic system approval from Wasatch County.

Commissioner Horner moved to approve the Richens Building Permit Applications with approval from T-O Engineering after review and the five stated stipulations.

Commission Chair Weight asked if there were questions for discussion. It was asked if there had been a complete application submitted and it was answered in the affirmative. A question about the septic system was raised and it was stated that the septic system approval is the responsibility of the Wasatch County Health Department that this had been addressed and resolved and relevant testing had been included in the email packet that had been submitted.

The motion was seconded by Commission Bennett. A roll call vote of Bennett- yes, Horner- yes, Wilde- yes, and Bennett yes- and Weight yes, with Commissioners McGeean, Skinner and McAllister absent.

4. Business Licenses

- a. New
- b. Renewals:
 - i. Adam Knight Plumbing
 - ii. Bush Family Farm
 - iii. Bart Wilde and Associates
 - iv. Full Scope Sewing
 - v. Action Performance Electric

It was asked if any complaints had been received about any of the businesses seeking renewal. It was stated that no complaints had been received.

Commissioner Bennett moved to recommend approval of all five business applications. The motion was seconded by Commission Wilde. A roll call vote of Bennett- yes, Horner- yes, Wilde- yes, and Bennett yes- and Weight yes, with Commissioners McGeean, Skinner and McAllister absent.

5. Planner report

Planner Bunker handed out his Planning Report for May. He was asked about the Westenskow application and where it currently stands. It was stated that it had originally been on the agenda for this meeting but had been removed and moved to the next meeting as requested by the attorney representing the Westenskows.

Questions were raised about the status of the Reeder and Charchenko properties and Planner Bunker stated that he had been asked to remove these from his report as those letters had been received and accepted by both parties.

6. Minutes approval from April 20, 2022 Planning Commission Meeting

It was stated that not all Commissioners had had time to thoroughly review the minutes from the previous meeting and it was suggested to postpone approval to the next Commission Meeting.

Commissioner Horner moved to recommend approval of the minutes at the next Commission Meeting. The motion was seconded by Commission Bennett. A roll call vote of Bennett- yes, Horner- yes, Wilde- yes, and Bennett yes- and Weight yes, with Commissioners McGeean, Skinner and McAllister absent.

7. Informational overview of Town of Daniel Water System- Ryan Taylor

Town Engineer Taylor began a presentation of the Town of Daniel Water System which included a PowerPoint presentation projected for the Commission and the public that was present. Town Engineer Taylor was thanked for the time and effort put into updating several maps of the Town.

He discussed the history and current make-up of all of the Town water systems. He pointed out the Town tank, spring tunnels, wells, and other relevant structures. He noted that the springs produce about 100 gallons per minute. He continued his discussion to include water tanks, in-flow, and out-flow, pressure zones, size of water lines. He continued with historical data about 4 million dollars in grant funding received by the Town, the matching funds the Town is currently paying off at zero interest, and how the funding was used to update and upgrade the current water system.

He continued his discussion by stating that the Town well produces about 400 gallons per minute due to the springs not meeting the use needs of the town. He stated that the Town then constructed a pump house to regulate water pressure along with an 80,000-gallon tank to store water. The current water system has the capacity to produce about 500 gallons per minute from all sources. He reported that additional funding became available and this was used to replace and upgrade several of the 4-inch water lines with 10-inch water lines throughout the town. Other areas were upgraded to an 8-inch water line. He further stated that by the end of the project all lines had been replaced and upgrade to 8-inch or larger pipes. It was stated that this occurred about 10 years ago and was a significant improvement of the aging system. Finally, he stated with the remainder of the funding the Town upgraded existing water meters from a manually read system to a drive-by system.

He stated in 2014 the Town began discussing incorporating the Storm Haven Water System, which had been privately held. The well that served the Storm Haven subdivision produced 30 gallons per minute. Concerns about Storm Haven being served by 2–4-inch PVC pipes were expressed as inadequate. He stated that the system was originally designed for a trailer park and then upgraded to serve cabins and now serves full-time residents He further stated that after the Town acquired the Storm Haven Water System, they received a grant for a new well. Additionally, water meters were upgraded to the same meters as the Daniel Water System for ease of billing. He reported that upgrades triggered a review from the State and it was found that the system did not meet standards and had not been in compliance with some regulations since 1972 Due to this complication grant money was sought and received and a new well was dug on Town property, while the original well was located on an easement on private property. He reported that this was a

great improvement and that the well is producing approximately 130 gallons per minute. He stated that there are currently no water storage tanks serving Storm Haven currently and that use is accommodated by the pump.

He stated that the Master Plan was last updated in 2014 and that it called for significant changes including the replacement of all remaining 2–4-inch pipes, a large water tank relocating some of the lines so they are easier to access, and eventually joining the two water systems. He further discussed funding that had been declined to the necessity of a substantial rate increase for both water systems. He pointed out a third water system called Twin Creeks which is a private system. In 2014 Twin Creek was asked to join the other two Town water systems and declined. Since then, there have been discussions and they may now be willing to join this system with the two other ones the Town operates. This would give the Town access to an 8-inch pipe through an area that would be beneficial to the Town. This would bring the Town 14 additional customers. He stated that there are several options for joining the systems.

He continued his presentation by stating that the Town of Daniel is about 2000 acres which with an RA-5 zone throughout would accommodate 400 homes. He estimated that the potential was 500 homes realistically since there are several homes that are built on plots that are less than 5 acres and were accepted when the Town was incorporated, as well as some commercial and industrial zones. He stated that we are currently using about 172-acre feet of water and we have 218-acre feet of water we have rights to access. We have storage of 800,000 gallons on the Daniel system as well as 20,000 gallons at Storm Haven. We are currently using 420,000 gallons of storage. The overall capacity is 650-675 gallons per minute with use at about 119 gallons per minute at the peak of the day.

Build-out options were discussed and all were stated to be over capacity for both the water rights and the storage capacity needed, however, the production of the springs and wells exceed the estimated usage needed of more than 600 gallons per minute. It was asked what the capacity of just the well was and it was stated that they were near or in excess of the 600 gallons needed. He stated that he counts the springs to an average of 100 gallons per minute. It was asked how many homes use their own well and it was stated that it was roughly half of the residences. He acknowledged that his previous buildout analysis did not take into account residences on wells and just looked at all residences using or having access to Daniel or Storm Haven culinary water. It was clarified that the Town has 224 water customers, with a few commercial and the LDS Church property.

He stated that although we have adequate storage this storage might not be in the correct places to guarantee flow for a fire emergency. He explained that the Town has a potential shortfall and this was the reason previous administrations purchased irrigation shares. Calculations for the water rights that are required for building permits were discussed which basically equated to one share of Daniel water. He stated that besides Daniel Irrigation shares well water rights shares are also accepted as well as various other water right sources that would be considered adequate.

The question was raised about what would happen if the 100-200 homes that are on well systems were suddenly unable to access this water. It was discussed if the Town has pipes that could be utilized by these homes. Planner Bunker stated that the Town had about a

dozen wells that had gone dry and these homes had connected to the Daniel system. It was acknowledged that some residences would be more difficult than others to hook up to the system. Engineer Taylor stated that our Master Plan includes plans to extend lines through roads to nearly all residences. Grant options were explored to cover these costs but had been unsuccessful, but the TO Grant Specialist would be exploring additional grant funding.

It was asked that hypothetically if the Town added an additional 250 connections on a full build-out, what would be the impact on the water systems. It was then asked if the estimated 250-acre feet that would be required would be adequate. It was acknowledged that with the current RA-5 zoning the potential new home build-out would accommodate about 50 homes and so the other connections would be from current homes that have previously used wells. It was acknowledged that there are several properties that are over 5 acres but less than 10 and so would not be allowed to be subdivided in addition, there are many properties that are under the 5 acres and were accepted when the Town was created. He further stated that additional commercial water needs should be added into the equation and had not been adequately explored to date. He noted, however, that any commercial endeavors also require adequate water shares to be turned over to the Town, but the storage and the source would likely need to change. Impact fees were discussed as to their adequacy with the proposed development. A question that if the Town designated an area as high-density housing, how would this impact the water systems it was acknowledged that this would require a significant change in the current calculation of capacity. He acknowledged that the Town commercial zones are at the end of the water lines and that depending on the type of commercial enterprise the flow may be inadequate to meet both the needs and the fire hazard mitigation requirements. He stated that an update to the system may be required. Various commercial development locations and enterprises were discussed.

Planner Bunker noted that the springs were currently producing 133 gallons per minute. He acknowledged that this changes seasonally but was surprising for current conditions. It was stated that the lowest recorded reading was 96 gallons per minute. It was stated that the lowest time of the year was October/November. It was noted that any overflow goes into the Daniel Irrigation Pond and is sold to them during irrigation season. Daniel Irrigation sources were discussed.

Engineer Taylor was asked to send out the information presented and thanked for his effort and time.

8. Adjourn

Commissioner Horner moved to recommend to adjourn the Commission Meeting. The motion was seconded by Commission Bennett. A roll call vote of Bennett- yes, Horner- yes, Wilde- yes, and Bennett yes- and Weight yes, with Commissioners McGeean, Skinner and McAllister absent.

9. Work Session on Town of Daniel General Plan

Chairperson Weight called to order the work session at 8:18 PM.

General Plan documents had been distributed to the Commission and other attendees as a reference. As part of the General Plan, build-out was discussed as to how many homes the Town currently has in regards to the potential homes that would be allowed with current zoning. It was noted that the documents handed out had been readopted but the date of readoption had not been recorded, which was simply a clerical error and the Town is in compliance. However, the Town is required to update the General Plan within a year to remain in compliance.

The Commission reviewed the plan. A question was raised about the statement of fostering commercial and light industrial to increase the tax base for the town. It was noted that repeatedly citizens had opposed this in individual cases which had been presented to the Planning Commission and Town Council. The difference between sales tax and property tax was discussed. Valuations on private property vs commercial property were discussed and it was noted that commercial property taxes would ease the burden of private property taxes. Planner Bunker stated that the cost of administering commercial properties was significant because the Town would be obligated to regulate compliance with Town Code. Engineer Taylor noted that other towns which have had water system capacity issues have turned off water during the day when most consumers are not using water but that would not work for any commercial enterprises. He just brought this up as an example of unintended consequences.

It was stated that the Vision Statement needed to be updated to meet the Town's current needs and desires. Planner Bunker referred to the Land Use Map as the document that had driving this discussion. Questions about what businesses the Town wants were put forward including which types of businesses, potential tax revenue from different types of businesses, and the overall impact of the rural nature of the Town. It was also noted that the Town does not have a sewer system which limits some businesses. Additionally, the impact on the roads and traffic in Town were discussed.

Maps were displayed and the conversation referred to several different maps including zoning inherited from the County when the Town was created. A plat/parcel map was presented and discussed. A map that included estimations from MAG was discussed.

Discussions continued for the rest of the meeting referring to maps that were presented and how the General Plan should or could be updated to bring all of the Town's priorities into the Plan. Several questions were raised including property lines, right of ways, adjoining County or Heber City properties, subdivisions, density, the need to maintain the RA-5 zone, potential commercial and industrial development, lack of sewer access, the transfer or sale of property, how other similar towns had handled similar issues and the success and/or failure of these endeavors, annexations and access, road and traffic impact, and land use.

Commissioner Wilde moved to recommend to adjourn the work session. The motion was seconded by Commissioner Horner. A roll call vote of Bennett- yes, Horner- yes, Wilde- yes, and Bennett yes- and Weight yes, with Commissioners McGeean, Skinner and McAllister absent.