

Daniel Town Planning Commission Meeting

Wednesday, April 20, 2022, at 7:00 PM
Wasatch County Services Building, Conference Room B
55 South 500 East, Heber City, Utah

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

Members of the public: Ryan and Amanda Simpson, Frank Houston, Merry Duggin, Erin Charchenko, Victor Hanson, Quincy Magali, and Mick Kohler

1. Public comments (please limit to 2 minutes)

Erin Charchenko discussed submitting an application for an Equine Therapy program. She was informed that she had not submitted a business plan with the application. She asked for clarification on the difference between a home business and a commercial business and was informed that a home business would take place and be contained in one's home, such as a home office, and that a commercial business would require different zoning to accommodate the business. She was instructed to submit a business plan and that she would likely need a Conditional Use Permit. She agreed to do this and asked to be on the next month's agenda.

Frank Huston with Geneva Rock stated that they were interested in acquiring property for a concrete batch plant in Daniel. The lot they are considering borders the industrial zone near the airport and he stated that they have already approached the airport and have been given preliminary approval to proceed.

He stated the lot was about 7.5 acres. He stated that they realized that a Conditional Use Permit would be required. He was asked about traffic patterns and stated that most traffic would come and go on Airport Road. Concerns were expressed about heavy traffic on an unimproved road and that it might drive traffic onto South Field Road and 3000 South. He was asked how many trucks would be accessing the road daily and he responded between 6-8 trucks would be stationed at this location. It was pointed out that an additional 6-8 trucks would be required for the aggregate. He stated that this would be a satellite lot and would primarily be used in the summer.

He was asked about how dust would be contained and he stated that water would be sprinkled on the dust to contain it. He was asked about estimated water usage and whether the water would be culinary. He estimated about 50 gallons per yard or about 3 million gallons annually. He stated that there was a well and secondary use water on the property. He was asked about where the sales and thus sales tax would be generated and he stated in Daniel.

Mick Kohler stated that Heber City has not been improving Airport Road to dissuade traffic.

2. Ryan Simpson Public Hearing for Conditional Use Permit

Chairperson Weight asked for a motion to begin the public hearing for the Ryan Simpson Conditional Use Permit.

Commissioner Bennett moved to open the Public Hearing on the Ryan Simpson Conditional Use Permit. Commissioner Horner Seconded it. The motion was approved with a roll call vote of Bennett- yes, Horner- yes, Skinner- yes, Horner- yes, Wilde- yes, McCallister- yes with McGeean absent and Weight nonvoting as chair.

Chair Weight asked if there were any comments and an email from neighbor Joe Witt was read into the record in support the Conditional Use Permit being granted.

Commissioner Bennett moved to close the Public Hearing. Commissioner McCallister seconded the motion. The motion was approved with a roll call vote of Bennett- yes, Horner- yes, Skinner- yes, Horner- yes, Wilde- yes, McCallister- yes with McGeean absent and Weight nonvoting as chair.

Commissioner Wilde moved to approve the Conditional Use Permit. The motion was seconded by Commissioner Horner. The motion was approved with a roll call vote of Bennett- yes, Horner- yes, Skinner- yes, Horner- yes, Wilde- yes, McCallister- yes with McGeean absent and Weight nonvoting as chair.

3. Approval of March 16, 2022 Planning Commission Minutes

Commissioner Horner motioned to approve the March 16, 2022 Planning Commission Meeting Minutes. The motion was seconded by Commissioner Skinner. The motion was approved with a roll call vote of Bennett- yes, Horner- yes, Skinner- yes, Horner- yes, Wilde- yes, McCallister- yes with McGeean absent and Weight nonvoting as chair.

4. Nephi Trunnell development plan

Mr. Trunnell handed out a packet to the commissioners which included renderings of his proposed development. Mr. Trunnell and Town Engineer, Taylor discussed that while his original development plan had been approved approximately one year previously, it contained some conditions that would need to be met before construction could begin.

Mr. Trunnell stated that he had obtained permission for a septic system from Wasatch County that would accommodate an office bathroom in the development, which he identified as "Phase 1". He stated that eventually developers on the other side of HWY 40 would be bringing in a sewer line and he intends at that time to bring the sewer under the HWY for the other two phases of the development.

Mr. Trunnell introduced Rex Sorenson who owns Swags Detailing, who will be the primary renter. Mr. Trunnell proposed that Phase 1 would contain a car vault for high-end cars and they would be detailed by Mr. Sorenson. He further stated that the second level of Phase 1 would contain climate-controlled, interior access storage. It was stated that there would be a freight elevator for access. It was discussed that the prior conditions were sewer access, which has been addressed, and two-point access for fire and EMS from Little Sweden and HWY 40, which has also been addressed. He also stated that the property is already commercially zoned. He stated that all storage customers would have key-code 24-hour access and that the entire premises, inside and out, would have video surveillance.

Commissioner Horner moved to extend the prior preliminary approval to the updated concept for an additional year. Commissioner Skinner seconded the motion. The motion was approved with a roll call vote of Bennett- yes, Horner- yes, Skinner- yes, Horner- yes, Wilde- yes, McCallister- yes with McGeean absent and Weight nonvoting as chair.

5. Heather Westenskow Lot Determination Application

It was noted that proper noticing had been inadvertently overlooked and so the discussion would be premature since Ms. Westenskow nor her attorney were present. It was acknowledged that the application had been received in the Town Office and that the packet had been forwarded to Commissioners. Planner Bunker recommended postponing any further discussion until the next meeting so that the Town would be compliant with noticing rules.

Chair Weight asked for a motion to continue the discussion after the appropriate noticing had been done.

Commissioner Bennett motioned to continue the item at the next meeting. The motion was seconded by Commissioner Wilde.

Chair Weight asked if there was any discussion. Commissioner Skinner stated that the Town should have a process for non-conforming lots and other land use issues that existed prior to the Town being incorporated. It was agreed that this should be a topic for a future meeting.

The motion was approved with a roll call vote of Bennett- yes, Horner- yes, Skinner- yes, Horner- yes, Wilde- yes, McCallister- yes with McGeean absent and Weight nonvoting as chair.

6. Joe Gordon lot recording extension

Planner Bunker stated that Mr. Gordon had recorded the lot with Wasatch County, but the County recording office had an issue that had not yet been clarified. Planner Bunker stated that the issue was not with the applicant, but coordination between the Town and the County needed to happen prior to further discussion. Planner Bunker also stated that proper notice had not been given to Mr. Gordon and so it would be better to continue this agenda item.

Councilmember Duggin stated that what was likely at issue was a lot line that was in dispute. She stated that Mr. Gordon would like to change the lot line so that the parcel in question would conform to the 6 acres required to be on the Green Belt. She stated that she had taken around the appropriate documents to the neighbors and that it now should meet all qualifications. Councilmember Duggin stated that the change in the lot line would still conform to the current RA-5 zoning for the parcel in question as well as the one that is being adjusted. She recommended that the item be extended until all relevant information is available.

Commissioner Skinner motioned to extend the Joe Gordon lot recording extension. Commissioner Bennett seconded the motion.

Chair Weight asked if there was a discussion. Urban farming was brought up and Councilmember Duggin stated that the requirements for 6 acres did not apply to urban farming.

The motion was approved with a roll call vote of Bennett- yes, Horner- yes, Skinner- yes, Horner- yes, Wilde- yes, McCallister- yes with McGeean absent and Weight nonvoting as chair.

A question was asked about setbacks and what was required of commercial businesses to maintain fencing for livestock. Planner Bunker stated that setbacks increase with the number of stories in a commercial business. He further stated that commercial businesses were required to work with agricultural neighbors to make sure there is adequate fencing for livestock.

7. Planner report

Planner Bunker handed out the Planner Report and explained that the report is the same report that is submitted at the Town Council Meeting.

Commissioner Skinner asked about the Charchenko flood plain issue and Town Engineer Taylor stated that it was nearly finalized.

A question was raised about the Haroldsen Zone Change and it was stated that all of the appropriate public hearings and notice had been done and it just needed to be finalized with any ordinance at the next Town Council Meeting. Council Member Duggin stated that the Town will be granting the zone change at the next Council Meeting and that all stipulations for the ordinance had been met.

8. General Plan update

Chair Weight discussed the need to update the plan and referred to the three-part General Plan that was submitted to the commission. A question about the Moderate-Income Housing aspect was brought up. Planner Bunker stated that MAG helped draft this section of the General Plan and that all elements that are necessary to address this are in the current Moderate-Income Housing. Planner Bunker noted that the “mother-in-law” apartments were specifically cited and

allowed by the Town Code. The trailer court on 3000 was also mentioned and all of the General Plan documents are evolving documents to meet changing needs.

It was discussed that this would need to be addressed in later meetings over the next year and suggested that all Commissioners study the issue and bring questions to the next meeting. It was suggested that a work session be scheduled for the next Planning Commission Meeting if the agenda was not too lengthy.

Planner Bunker Stated that the General Plan would need to be updated this year and that the current document had been re-approved although it is still dated from 2009.

9. Discussion of planning implications of Charleston water/sewer exchange

Town Engineer Taylor stated that he would be prepared to discuss the Town “water situation” at the next meeting. Concerns about Town growth, increasing density, and potential growth in the proposed Commercial and Industrial Zones, as well as the capacity of the Town well, and water pressure were expressed. Sewer systems and how they may play a part in zoning were discussed since Daniel does not currently have a sewer system. It was noted that Charleston is part of the Special Services District that allows for a tie-in with the County sewer system. Daniel is not a part of the Special Service District.

10. Discussion of how far into Daniel Commercial zones should exist

Town Engineer Taylor stated that the Town should move forward with plans that are in the best interest of the Town since the Airport expansion has been an ongoing discussion for many years and ultimately the Town only has so much say or control of the situation. He acknowledged that there may be a need to annex some land along HWY 189 depending on the type of commercial business that was approved. Concerns about not driving any additional commercial traffic along 3000 South and Little Sweden were expressed. It was noted that Google Maps might be driving some additional traffic through Daniel as a by-way.

11. Possible scheduling of public hearing

No need for a public hearing was noted.

12. Adjourn

Commissioner Bennett moved to adjourn. The motion was seconded by Commissioner Wilde. The motion was approved with a roll call vote of Bennett- yes, Horner- yes, Skinner- yes, Horner- yes, Wilde- yes, McCallister- yes with McGeean absent and Weight nonvoting as chair.