

Daniel Town Planning Commission Meeting

Wednesday, August 16, 2023, 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, T.J. McGeean, Bridger Wilde, Kipp Bangerter, and Byron Horner were present. Commissioner Pam Skinner was absent. Also present were Planning Director, Eric Bunker, Amelia Pays of Ardurra Engineers, and Clerk/Recorder Kim Crittenden, to take minutes.

Members of the public: Heber and Jodi Taylor, Merry Duggin, Chip Polvoordre, Thomas Sproul, Jennifer Gressmen, Derek Gressmen, and Mark Haroldsen.

Commission Chair Gary Weight called the meeting to order at 7:07 PM

1. Public comments (please limit to 2 minutes)

Heber Taylor addressed the Commission and asked what would be required to build an accessory structure/garage. He was told to contact Amelia Pays with Ardurra, the Town Engineers and she could walk him through the application process.

2. Business Licenses

a. New

i. Palms Property Management Inc -Chip Polvoordre

Mr. Polvoordre was asked if there would be any equipment involved in the home business and he replied that the business would just be a computer in his home to help manage his properties in California.

Commissioner Bangerter moved to approve the new business permit for Palms Property Management Inc. The motion was seconded by Commission Horner. A roll call vote of Bennett yes, Wilde yes, Bangerter yes, McGeean yes, and Horner yes. The motion passed.

3. Town of Daniels Code Changes to 8.02.08 and 8.02.09

Council Member Duggin addressed the Commission and stated that she was acting in her role as acting Daniel Board of Appeals acting secretary. She stated that she was here to report on the findings of the Board of Appeals Hearing that took place on July 11, 2023. She stated that the Board of Appeals upheld the denial of a building permit to the Smith Garage voted on by a vote of 3 to 0 by the Board of Appeals to uphold the decision by the Planning Commission. She noted that the Board of Appeals had only convened three prior times to this hearing, so this was an unusual occurrence for the Town. She then addressed some issues that she thought needed to be updated in the Town Code in regard to the Board of Appeals. These include changing all verbiage of "Board of Adjustments" to Board of Appeals, changing the code to reflect the current State of Utah Code to "a majority of the quorum convened" instead of the current Town of Daniel

Code. She repeatedly referred to the handouts that had been provided Commission with draft changes to the Town Code. She then went on to explain that all code changes would be recommended to the Town Council and after would be subject to a public hearing.

She stated that a set of bylaws had been voted upon and enacted by the Board of Appeals. She then continued to explain the other changes that she would propose including the definition of “hardships” and first the availability of members being considered instead of the current first and/or second Tuesday of a month. She continued that the current code states that four members would have to vote to uphold a decision. She contended that a majority of the quorum of three should be sufficient, but multiple Commissioners expressed concerns that only two of three making a decision was concerning. Those with concerns felt that if only three members were present all three should have to agree.

Planner Bunker expressed some concerns about the “hardships” exclusion discussed under the handouts provided by Council Member Duggin.

4. Ag Building Permit Discussion

Planner Bunker stated that with Ag Buildings there is very limited inspection, if any, unless there is power or water, which raises concerns for unspecified uses to future land owners. It was noted that state code prohibits charging for Ag Building Permits for properties over 5 acres.

It was noted that in the Town of Daniel, 70% are not 5 acres or more. Several Commissioners stated that it would be wise to charge a nominal amount, TBD, with \$350-375 as a suggestion just to cover Town costs, to the permitting costs for Ag Buildings.

It was noted that Town of Daniel Code changes normally take place in November. It was stated that the public hearings for Planning Commission for Code Changes should take place in October.

Commissioner McGeean moved to approve the set a public hearing for the Board of Appeals and Ag Building Code Changes during the October 2023 Planning Commission Meeting. The motion was seconded by Commission Bennett. A roll call vote of Bennett yes, Wilde yes, Bangerter yes, McGeean yes, and Horner yes. The motion passed.

5. Non-Conforming Lots Discussion

The discussion moved to discuss lots that are non-conforming that are now non-buildable because the owner did not continue the “use of the lot” which could mean they did not build on or submit a building permit for it originally, it was subdivided illegally or that they discontinued the use (such as a home burning down). Septic systems were brought up and it was noted that septic systems are handled by the Wasatch County Health Department and they are generally requiring 2.5 acres.

It was further discussed that the 5-acre rule was to keep the Town of Daniel rural with as much green space as possible and that is the purpose of our current zoning. Planner Bunker stated that there could be a possibility of applying strict variances that restrict the square footage of the buildings vs. lot size.

6. Agricultural Protection Zone Discussion

Commission Chair Weight discussed his thinking of perhaps establishing an Agricultural Protection Zone in the Town of Daniel. He stated that this zone would require other agencies, such as UDOT, to consider this when making plans like transportation corridors in the zone. The zone would be in effect for 20 years. He provided information from the State of Utah for the Commissioners to read up on for consideration. He stated that individual property owners could opt out of the zoning at any time if it were enacted. He suggested the area south of 3000 South, including Big Hollow, but that he was open to what the Town Council suggests as well as other citizens of the Town. He suggested that Commissioners read up on this and discuss it during the next meeting.

7. Gressmen Grading and Road Permit

Planner Bunker stated that the permit was just the grading permit for the road. Maps were cited and discussed. It was noted that the purpose was to create frontage for previously subdivided lots, which will be at least 5 acres, and provide enough turn-about for the fire department to access the properties. It was noted that this was only for the grading of the road and that no building permit would be approved until it meets the requirements of the Wasatch Fire District.

Commissioner Horner moved to approve the Gressmen grading permit. The motion was seconded by Commission McGeean. A roll call vote of Bennett yes, Wilde yes, Bangerter yes, McGeean yes, and Horner yes. The motion passed.

8. HWY 40 Storage Concept Change

There was a discussion about the concept plans that had been submitted to the Planning Commission had conflicting information, which was causing confusion about once again changing the concept from two stories to one story. It was stated that the footprint was virtually the same, although it may be a few feet wider. It was clarified he meant narrower.

It was asked if the concept would allow for it to be converted to a two-story concept later. The permit applicant stated no. Concerns about approving the concept was brought up due to the fact the Town of Daniel had enacted a moratorium on all storage facilities. It was noted that this was not a new permit but rather an amended permit.

Commissioner Horner moved to approve the concept changes to the Haroldsen HWY 40 Storage. The motion was seconded by Commissioner McGeean. A roll call vote of Bennett yes, Wilde yes, Bangerter yes, McGeean yes, and Horner yes. The motion passed.

9. 9/9 Day of Service Announcement

The 9/11 Day of Service which will take place on 9/9/2023 to clear brush in Storm Haven was announced. Clerk/Recorder Crittenden discussed the service project.

10. Planner Report

Planner Bunker discussed his report. See attached. There was some discussion about Utah Broad Band installations and their sales.

11. Engineer Report

Amelia Pays discussed some potential upcoming funding options for the Storm Haven Water System. She stated that these were not due until December and she would update the Council in the future.

12. Approve Meeting Minutes July 19, 2023

Commissioner Bennett moved to approve the July 19, 2023 Meeting Minutes. The motion was seconded by Commissioner McGeean. A roll call vote of Bennett yes, Wilde yes, Bangerter yes, McGeean yes, and Horner yes. The motion passed.

13. Adjourn

Commissioner Horner moved to adjourn. The motion was seconded by Commissioner Bangerter. A roll call vote of Bennett yes, Wilde yes, Bangerter yes, McGeean yes, and Horner yes. The motion passed.

The meeting adjourned at 8:30 PM.

Kim Crittenden

Clerk/Recorder
Town of Daniel