

## **Daniel Town Planning Commission**

Wednesday, September 20, 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, Pam Skinner, and Byron Horner were present. Also present were Planning Director Eric Bunker, and Clerk/Recorder Kim Crittenden, to take minutes.

Members of the public: No members of the public were present.

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

#### **1. Public comments (please limit to 2 minutes)**

There were no public comments.

#### **2. Town of Daniel Code Changes Recommendations**

Commissioner Chair Gary Weight turned over time to Planner Bunker to discuss the water conservancy handout that was in the packet. Planner Bunker stated that it would be wise for the Town to adopt all applicable. It was noted that an ordinance for water conservancy is necessary to qualify for some of the grants that are being explored to upgrade the Storm Haven Water system. It was asked why this had not originally been adopted by the Town Council and Planner Bunker stated that the Town Council did not feel it was necessary because very little of the document presented applied to the Town of Daniel. It was noted that adopting the applicable components of the Central Utah Conservancy recommendations would help with grant applications administered by the state of Utah.

It was noted that there just needed to be a recommendation to the Town council for the November Public Hearings which will address changes to the Town Code and other issues. It was noted that this will apply to the entire Town of Daniel for a new construction only. There was much discussion about how this would apply to the different zones and it was agreed that further consideration would be needed prior to a recommendation to the Town Council. Concerns were expressed specifically about the allowance for only 35% of yards being allowed to have lawns. It was noted that larger 5+ acre lots are generally used mostly for agricultural endeavors rather than having lawns. It was ultimately decided to continue the discussion at the next Planning Commission Meeting because it would require some additional consideration and research, since currently, most items do not apply. Planner Bunker stated that he would prepare additional information for the October Meeting.

The discussion moved to discuss changes to the Board of Appeals quorum requirements. It was noted that the Town Code currently requires the Town Council to have a quorum of three for any vote, but that at least three votes are required for any vote on a resolution or ordinance. It was stated by several members that the current code requires four votes to overturn or reverse a decision by the Planning Commission. It had previously been discussed that it had been proposed that a majority, meaning only two members present, could overturn or reverse a decision by the Planning Commission. It was ultimately decided to wait until Council member Merry Duggin could attend the next meeting to finalize discussions and/or recommendations to the Town Council.

There was a brief update and discussion about the current litigation on the Smith Garage Appeal. It was noted that Attorney Matt Church now had all the documents about the Appeals Hearing.

### **3. Ag Building Permit Discussion**

Discussions about the costs of doing inspections included noting that any water, electricity, or sewer is independent of any regular costs of Ag Building permitting. After much discussion, it was noted that a recommendation of \$350 for a permit would be appropriate for the Town of Daniel to recoup the costs of assisting citizens in the permitting process for Ag Building. Commissioner Horner expressed some concerns about the citizens not coming to the permitting meetings prepared. It was noted that for many Ag Buildings citizens look to the Town and Ardurra for guidance and assistance. It was noted that not all citizens are computer literate and it would be better for the Town to offer the assistance and have all buildings permitted.

***Commissioner Bennett moved to recommend a charge of \$350 for Ag Buildings on properties that are less than five acres, as allowed by the State of Utah Code. The motion was seconded by Commissioner Horner. A roll call vote of Bennett yes, Wilde yes, Bangerter yes, McGeean yes, Skinner yes, and Horner yes. The motion passed.***

### **4. Non-Conforming Lots Discussion**

The Commission Chair discussed an email that was in the packet about non-conforming lots. He discussed impact fees being charged by Heber City and other Towns. It was noted that 60% of the lots in the Town of Daniel are non-conforming lots. He also noted that the code he was citing referred to the property owners being required to provide documentation that any lot within the Town was properly subdivided and/or that it is a legally created non-conforming lot. Chair Weight stated that he had found this resource and encouraged the Planning Commission to look up this resource to influence their thoughts and decisions. The Westenskow property was used as an example. Planner Bunker stated that he had had several verbal complaints about a family now living in an RV on the property but had yet to receive a written complaint. It was stated that Planner

Bunker had been directed to only enforce codes with a written complaint because the Town does not have a compliance officer.

## **5. Agricultural Protection Area Discussion**

Planning Commission Chair discussed handouts that were provided about perhaps adopting agricultural Protection Area(s). He stated that it would prevent Wasatch County from condemning the land for eminent domain as well as require state agencies such as UDOT to have many more steps to do any type of transportation or other expansion in the agricultural Protection Area. It was generally thought to be a good idea by all Commissioners and was worth further consideration for changes to the Town of Daniel Land Use Plan. There was also discussion about Code 8.12.14 which contains the Farm Protection Act, which allows for extended hours for agricultural/farming and allows for clustering homes on at least 20-acre parcels. Chair Weight agreed to present the concept to the Town Council.

***Commissioner McGeean moved to recommend the exploration of establishing an Agricultural Protection Area to the Town Council. The motion was seconded by Commissioner Bangerter. A roll call vote of Bennett yes, Wilde yes, Bangerter yes, McGeean yes, Skinner yes, and Horner yes. The motion passed.***

## **6. Planner Report**

Planner Bunker presented his report. See Attached. Commissioner asked about setback requirements with Planner Bunker. It was discussed that many structures built before the Town was incorporated are legally grandfathered in. It was noted that setbacks are different if you have animals.

## **7. Engineer Report**

Clerk/Recorder Crittenden reported that the original grant that was being explored now looked like it would be a 50/50 rather than a 90/10 loan which would make it unaffordable for the Town to proceed and stated that she would keep them updated.

## **8. Approve Meeting Minutes August 16, 2023**

***Commissioner Bangerter moved to approve the August 16, 2023 Minutes. The motion was seconded by Commissioner McGeean. A roll call vote of Bennett yes, Wilde yes, Bangerter yes, McGeean yes, Skinner yes, and Horner yes. The motion passed.***

## **9. Adjourn**

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

The meeting was adjourned at 8:39 PM.

Kim Crittenden

Town of Daniel Clerk/Recorder

APPROVED Oct 18, 2023