

Wednesday, April 17, 2024, at 7:00 PM  
Wasatch County Services Building, Conference Room B  
55 South 500 East, Heber City, Utah

Quorum Present: Chair Gary Weight, Commissioners Byron Horner, Bridger Wilde, Pam Skinner, Heber Taylor

Members of the Public: Carly and Eric Johnston, Gary and Barbara Walton, Marcia Birch, Mick Kohler, Eric Bennett, Kyle Loveridge, Cal Johnson, Scott Keele, Brittany and Johnathon Case, Julie Givens, Nephi Trunnell, Kim and Barb Norris, Alicia and Rachel Neff, Deb and Jordan Woodbury, Mary and Larry Ward.

Chairperson Weight called the meeting to order at 7:00 pm.

## Meeting Minutes

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

No comment

### 2. Welcome Heber Taylor to the Planning Commission

Mr. Taylor was welcomed to the Planning Commission

### 3. Work Meeting for May 15<sup>th</sup>, 2024 for Planning Commission and Town Council Training

The announcement was made.

### 4. Public Hearing Keele Property Zone Change

***Commissioner Horner moved to open the public hearing. The motion was seconded by Commissioner Skinner. A roll call vote of Horner yes, Wilde yes, Skinner yes, and Taylor yes. The motion passed.***

Cal Johnson for the Keele's spoke for the property owner, Commissioner Skinner read a letter into the record from Myrna Vernon that opposed the zone change. Ms. Vernon stated that she has concerns about increased traffic and lowering property values. Council Member Gary Walton spoke in opposition to the zone change. Mr. Walton also expressed concerns about increased traffic. Brittany Case spoke about increased traffic concerns for her children and also about decreased property values. Jeff Reyes echoed the same concerns. Barbara Norris opposed it due to industrial encroaching on the R-A 5 zone and the small-town feel of the town. Melvin Kohler stated that he was concerned about children on bikes becoming at risk. Johnathon Case stated that he was also opposed due to the danger of children on the road. Julie Givens asked to be shown a map of the area, and Planner Bunker pointed out what the zones were and what would change. Several other audience members stated their opposition to

the zone change. It was asked if anyone was in favor of the zone change and none of the audience members were. Several other audience members stated that they felt like the Keele's bought the property knowing what was zoned and that it was unfair to rezone it now, bringing more industrial traffic onto Daniel Road. Those who expressed being opposed to the zone change included, but were not limited to, Myra Vernon, Marcia Birch, Gary and Barbar Walton, Brittany and Johnathon Case, Kim and Barb, Deb and Jordan Woodbury, Mary and Larry Ward, Allan and Rachel Neff, and Julie Givens.

It was also noted that the property was currently not being used as a residence and that several people were using the home as an apartment-type residence.

A suggestion was made that Mr. Keele should work with Heber City or other neighboring industrial property owners to gain access to the back portion of his property which is currently zoned as industrial.

***Commissioner Wilde moved to close the public hearing. The motion was seconded by Commissioner Horner. A roll call vote of Horner yes, Wilde yes, Skinner yes, and Taylor yes. The motion passed.***

After much discussion, it was noted that the Planning Commission's recommendation was to deny the zone change. Commissioner Wilde stated that any zone change needs to show how it would improve the Town of Daniel. He stated that he could not see how this could improve the Town. Commissioner Horner asked the applicant how this could benefit the Town and Mr. Johnson stated that he could not see how this could currently help the Town but that growth was inevitable. Commissioner Horner stated that he was looking at property rights and that it would make it hard for him to support the change just based on this.

There was further Planning Commission discussion about opening the zone to Daniel Road and what the implications would be for both the Town and for neighboring properties.

***Commissioner Horner moved to not recommend the zone change to the Town Council. The motion was seconded by Commissioner Horner. A roll call vote of Horner yes, Wilde yes, Skinner yes, and Taylor yes. The motion passed.***

## **5. Public Hearing for Proposed Code Change**

***Commissioner Wilde moved to open the public hearing. The motion was seconded by Commissioner Horner. A roll call vote of Horner yes, Wilde yes, Skinner yes, and Taylor yes. The motion passed.***

Mr. Trunnell was invited to discuss his proposal. He stated that he felt that the code change to allow condominiums in the commercial zone would support commercial development in the commercial zone only. It was noted that this would only apply to the commercial zone only and that it would not change the density or other current codes, including parking and other considerations. This would only allow for more than one owner for a commercial property. It was discussed that nothing would change about the building or use, but rather would allow for

separate owners for sections of the building which would be governed by a Home Owners Association, which would be accountable to the Town of Daniel. He stated there would be several individual owners, but there would be one point of contact with the HOA administration. It was noted that this change could and likely would require more administrative work for the Town of Daniel Administrative Staff.

Commissioner Skinner stated that perhaps the property would be better cared for by owners rather than renters. Commissioner Walton asked if this would impact traffic. Chair Weight stated that it would not change allowable traffic patterns, parking requirements, or utilities for the Town.

Mr. Bennett stated that he was frustrated that this was coming to the Town Planning Commission after many years of development plans being reviewed seemingly just as the building was almost finished. He noted that this would not just be merely a change for this building but would impact all Commercial Zone buildings in the Town.

***Commissioner Skinner moved to close the public hearing. The motion was seconded by Commissioner Wilde. A roll call vote of Horner yes, Wilde yes, Skinner yes, and Taylor yes. The motion passed.***

Commissioner Horner asked what enforcement issues could be for the Town with individual owners. Chair Weight stated that the Town looks to the property owners rather than renters for any Town Code enforcement issues, but noted that any Code change recommendations need to reflect these concerns. Commissioner Wilde asked if it would be appropriate to recommend anything to the Town Council prior to significant review of the current Town Code, State of Utah Code and neighboring town and city codes.

Planner Bunker stated his concerns with the draft of the potential Code change submitted by Mr. Trunnell. He continued by stating that this would be similar to a small subdivision change Code change. He specifically asked for a draft copy or template Mr. Trunnell would have in mind to present to potential buyers so this could also be considered.

***Commissioner Wilde moved to continue the Code change issue for further consideration and discussion. The motion was seconded by Commissioner Skinner. A roll call vote of Horner yes, Wilde yes, Skinner yes, and Taylor yes. The motion passed.***

## **6. Micro-School Application to Set Public Hearing for Conditional Use**

It was stated that Mrs. Charchenko had submitted relinquishing her Conditional Use Permit for her business that had been approved last year and agreed to allow the Micro-School on her property.

***Commissioner Wilde moved to set a public hearing for a Conditional Use Permit for Skyriver to have a Micro-School on the Charchenko property located on Big Hollow Road. The motion was seconded by Commissioner Skinner. A roll call vote of Horner yes, Wilde yes Skinner yes, and Taylor yes. The motion passed.***

## 7. T and H Small Scale Subdivision Application

The submitted small subdivision application and accompanying documents were thoroughly reviewed. It was noted that the 20 acres will be split into one 10-acre property next to HWY 40 and two 5-acre properties which will be accessed from Little Sweden Road. It was asked if there was to be an access road put in if it would drop below the 5-acre minimum. It was noted that if a road was put in after it is subdivided the requirement would be 4.87 acres to allow for any necessary road and utilities. Planner Bunker stated that once an access road was put in, it would also meet the frontage requirements of the Town.

***Commissioner Horner moved to approve the Small-Scale Subdivision Application for T and H Land. The motion was seconded by Commissioner Wilde. A roll call vote of Horner yes, Wilde yes, Skinner yes, and Taylor yes. The motion passed.***

## 8. Me and Sunny LLC

Andrew Langton discussed the upcoming filming planned for the Nelson ranch at the end of Southfield Road. It was noted that filming would last for approximately 6 weeks and they had adjusted their plans so that crew parking could happen on the property so it would not impact Southfield Road.

## 9. Business Licenses

### a. New

#### i. The Peak Adventure Park (Trunnell Property)

#### ii. Me and Sunny LLC Filming for Hallmark Movie

Carly Johnston discussed their submitted business plan to place an indoor family fun space to occupy the entire lower level of the Trunnell building on Little Sweden and HWY 40. She further stated that they planned on renting the space but would be interested in buying the building should Town Code change and allow condominiums in the Commercial Zone. She was asked about their proposed operating hours and she stated that it would likely be after school, except for some toddler time day hours until 9 PM on weekdays and 10-11 PM on weekends. She stated that it might be rented or occupied for additional hours for large parties or for after events such as prom. Planner Bunker stated that they would meet all parking codes for the Town.

***Commissioner Horner moved to approve New Business Licenses for The Peak Adventure Park and Me and Sonny LLC. The motion was seconded by Commissioner Skinner. A roll call vote of Horner yes, Wilde yes, Skinner yes, and Taylor yes. The motion passed.***

## 10. Planner Report

Planner Bunker presented his report. See attached. He additionally answered questions about pending litigation on the Smith property in Storm Haven and how a complaint against a property owner could be lodged with the Town. He stated that a ruling for the court had not come down yet and that the Town is complaint-driven for compliance issues. He continued that all

complaints need to be submitted in writing and signed before the Town would investigate for any potential action. He noted that complaints could be submitted by email as long as they were signed.

### **11. Engineer Report**

Planner Bunker stated that there was no report except to update the Planning Commission that the Town had not received any news from the grants submitted for the lead and copper inventory/testing.

### **12. March 20, 2024 Planning Commission Minutes Approval**

Planner Bunker pointed out a few errors on the minutes in regards to voting. Clerk Crittenden agreed to make suggest changes.

***Commissioner Skinner moved to approve Planning Commission Minutes with noted changes for March 20, 2024. The motion was seconded by Commissioner Wilde. A roll call vote of Horner yes, Wilde yes, Skinner yes, and Taylor yes. The motion passed.***

### **13. Adjourn**

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

*Kim Crittenden*

Kim Crittenden, Clerk/Recorder