

Daniel Town Planning Commission Meeting

Wednesday, December 18, 2024 at 7:00 PM

Wasatch County Services Building, Conference Room B

55 South 500 East, Heber City, UT

Meeting Minutes

Quorum present: Planning Commissioner Chair Gary Weight, Commissioners Bridger Wilde, Byron Horner, Kipp Bangarter, Heber Taylor, and Pam Skinner. Also present were Town Planner Eric Bunker, and Clerk/Recorder Kim Crittenden. Commissioner T.J. McGeean was absent.

Members of the Public: Bill King, Joe Witt, Scott Coleman, Chip Polvoorde, Melanie North, Megan Phillips, Reggie Kohler, Curt Clyde, Rowdy, Brook Rose, Drew Reilly, Jason Beveridge, Dennis Ellis, Spence Christison, Christopher Holzer, Scott Bassett.

Chair Gary Weight opened the meeting at 7:04 PM.

1) Public Comments: There were no public comments.

2) Public Hearing for Geneva Rock small Subdivision Application for Parcel #09-6276

The motion to open the public hearing was made by Commissioner Bridger Wilde and seconded by Commissioner Byron Horner. The commissioners voted as follows: Skinner, yes; Wilde, yes; Bangarter, yes; Taylor, yes; Horner, yes.

Mr. Bill King representing Geneva Rock discussed 2 options for access to the subdivision in the industrial zone. It is a 70+ acre piece of property, and they would like to place a concrete batch plant on 13 acres. They would be entering the property from Airport Road.

Mr. Joe Witt asked if we want Heber City and Wasatch County dictating to us about where the access will be, but Chair Weight indicated that we don't control Heber City or Wasatch County.

Mr. Scott Coleman asked what Geneva Rock was doing with this property. The response from Bill King was that Geneva would like a concrete batch plant on 13 acres of the property. This is not a residential subdivision.

Chip Polvoorde is in favor of the plant as it is good for the town. He wanted the Planning Commission to consider traffic, dust and noise issues and make sure that these items are covered in any agreement with Geneva Rock.

Commission Bridger Wilde moved to close the public hearing and Commissioner Pam Skinner seconded the motion. The motion passed with the following vote: Skinner, yes; Wilde, yes; Bangarter, yes; Horner, yes; Taylor, yes.

3) Action on the Geneva Rock Small Subdivision Application for Parcel #09-6276

Commissioner Horner moved to send a recommendation to the Daniel Town Council to approve this small subdivision, and the motion was seconded by Commissioner Kipp Bangerter. The motion passed with the following vote: Skinner, yes; Wilde, yes; Bangerter, yes; Horner, yes.

4) Public Hearing for Geneva Rock Conditional Use Permit Application for Parcel #09-6276

Commissioner Skinner moved to open the public hearing. The motion was seconded by Commissioner Heber Taylor, and the motion passed with the following vote: Skinner, yes; Wilde, yes; Bangerter, yes; Horner, yes; Taylor, yes.

Mr. Bill King discussed a letter that had been sent to Daniel describing the conditions that Geneva Rock would propose. They want to be a good steward and neighbor working together to create a plant to provide service in harmony with the Town and its citizens. He discussed some of the conditions: minimize noise; using low pitch alarms for back up, limiting non essential lighting, berm, landscaping, dust mitigation, noise reduction, 7AM to 7PM work hours, and not using the roads in Daniel to transport materials and concrete.

Mr. Reggie King asked how this would be an advantage to Daniel as Geneva is already in Park City, just 14 miles away. We don't need more traffic in Heber City and Daniel, and we have other concrete options already.

Mr. Scott Coleman questioned if Daniel has enough water to supply the plant without harming residents of Daniel. He doesn't think we need another plant and is concerned about traffic in Daniel and causing harm to our roads.

Joe Witt is concerned that Daniel does not have resources to enforce conditions of a CUP and vehemently opposes this application.

Scott Bassett was concerned about nighttime operation and that conditions are not enforceable. He believed that this batch plant would be too close to residential.

Curt Clyde is not against the batch plant, but he is very against early hour operations and water is a huge concern.

Chip Polvoorde advocated for adequate noise and dust control.

Commissioner moved to close the public hearing, and the second came from Commissioner Kipp Bangerter. The motion passed with the following vote: Skinner, yes; Wilde, yes; Bangerter, yes; Taylor, yes; Horner, yes.

5) Action on Geneva rock Conditional Use Permit Application for Parcel #09-6276

Commissioner Byron Horner would like to take some time to get more feedback on conditions needed and specifically mentioned noise. Commissioner Bangerter would like to see a traffic plan.

Commissioner Bridger Wilde is concerned about dust control as the town does not have controls to monitor dust. He mentioned a berm and trees.

Mr. King spoke to noise abatement that Geneva Rock has used in other plants and offered that the size of landscaping is a factor, but noise cannot be eliminated.

Commissioner Horner moved to continue this application for the Geneva Rock CUP until the town receives engineer plans for light, dust, noise and a traffic plan. Commissioner Heber Taylor seconded the motion. It passed: Skinner, yes; Wilde, yes; Bangerter, yes; Taylor, yes; Horner, yes.

6) Public Hearing, Zone Change, Ed and Lisa Houston, Parcel #20-4498

Commissioner Wilde moved to open the Public Hearing for a Zone Change for Ed and Lisa Houston Parcel #20-4498. The motion seconded by Commissioner Bangerter passed. Vote: Skinner, yes; Wilde, yes; Bangerter, yes; Taylor, yes; Horner, yes.

Rowdy (speaking for the Houstons) described the property on Hwy 40 as currently RA-5 and would like to rezone to commercial, as it lies between commercial properties on both sides. There will be a stoplight at mile marker 20 in the future that will be used by this property, and there will be no traffic on Little Sweden Road. The current house would be demolished once commercial development occurs.

Ms. Brook Rose wondered if someone is buying this property. Rowdy does not know at this point what the development will be once it is zoned commercial, but it makes sense.

Mr. Chip Polvoorde asked about a road, and Rowdy described a 25 foot gravel easement that is an emergency access only and too small to be a road.

Commissioner Wilde moved to close the public hearing, and the motion was seconded by Commissioner Bangerter. It passed with the following vote: Skinner, yes; Wilde, yes; Bangerter, yes; Taylor, yes; Horner, yes.

7) Action on the Zone Change Application on Parcel #20-4498

Chair Gary Weight mentioned that the General Plan supports commercial development which strengthens the economic base of the town and desires commercial development along HWY 40 to minimize impact to the town residents. Twin Creek sewer and water are available there. Planner Eric Bunker mentioned a future stoplight will be at mile marker 20 as agreed to in our interlocal agreement with UDOT.

Commissioner Wilde moved to recommend to the Daniel Town Council that they approve the zone change for parcel #20-4498 from RA-5 to Commercial. The motion was seconded by Commissioner Skinner and passed with the following vote: Skinner, yes; Wilde, yes; Bangerter, yes; Taylor, yes; Horner, yes.

8) Public Hearing for Zone Change Application Drew Reilly Parcel #20-4484

Commissioner Wilde moved to open the public hearing, and the motion was seconded by Commissioner Bangerter. The motion passed with the following vote: Skinner, yes; Wilde, yes; Bangerter, yes; Taylor, yes; Horner, yes.

Mr. Drew Reilly explained that he has purchased a home on this parcel and would like to rezone from P-160 to RA-5 because the allowed uses on RA-5 are different and so many more. Part of the property is RA-5 while part of it appears to be zoned P-160. (Chair Weight mentioned that the zoning map does not exactly show where the boundary is.)

Mr. Joe Witt stated that Wasatch County zoned the Daniel area prior to Daniel incorporation, but the use does not always match. He wondered what Daniel's attitude is for cleaning up all of these situations because there are a good number of them. Chair Weight mentioned that the Planning Commission can do some things, but the Town Council must do others and there are many factors to be considered.

Mr. Jason Beveridge stated that he moved to Daniel to keep the open space and agriculture, but Daniel needs to decide what we want to be and master plan for it.

Mr. Dennis Ellis sees no reason to rezone just to rezone. The hillside is very steep to be developed and the flood plain is also in this area. What would be the end result?

Mr. Reilly stated that Daniel has lots of houses on 1 acre, but he is not asking to rezone to 1 acre.

Mr. Witt asked, "Doesn't a house on 4.9 acres seem more conforming to 5 acres than P-160?"

Commissioner Wilde brought up Daniel Code 8.22 covering non conforming lots and structures which are allowed to continue to exist. Chair Weight stated that the General Plan discusses geologic hazards and considerations such as steep slopes where development should be limited. The Planning Commission has not seen any slope maps on this property.

Commissioner Horner moved to close the public hearing, and the motion seconded by Commissioner Wilde passed with the following vote: Skinner, yes; Wilde, yes; Bangerter, yes; Taylor, yes; Horner, yes.

9) Action on the Zone Change Application Drew Reilly Parcel #4484

Commissioner Byron Horner moved to recommend that the Daniel Town Council deny the zone change from RA-5 to P-160. The motion was seconded by Commissioner Wilde and passed with the following vote: Skinner, no; Taylor, no; Wilde, yes; Bangerter, yes; Horner, yes.

10) Public Hearing for Zone Change Application for Drew Reilly Parcel #4385

Commissioner Bangerter moved to open the public hearing with Commissioner Byron Horner making the second. The motion passed with the following vote: Skinner, yes; Wilde, yes; Bangerter, yes; Horner, yes; Taylor, yes.

Mr. Drew Reilly explained that he would like to build a house on this 30 acre parcel, but he can't because it is zoned P-160 and he doesn't have 160 acres.

There was no public comment.

Commissioner Skinner moved to close the public hearing, and the second was made by Commissioner Bangerter. The motion passed with the following vote: Skinner, yes; Wilde, yes; Bangerter, yes; Taylor, yes; Horner, yes.

11) Action on Zone Change Application for Drew Reilly Parcel#4385

Chair Weight estimated that only 7 acres of this parcel were flat, but if it were zoned RA-5, it would allow 6 lots. A slope map is needed to see how much land is buildable. Mr. Reilly estimated 12 acres are flat.

Commissioner Wilde stated that the General Plan wants us to preserve the watershed area along the southern border of our town. The PC should have a slope map and statement from Mr. Reilly stating how his plan promotes the General Plan. This rezone could potentially create smaller lots which would not promote the General Plan.

Planner Bunker pointed out that the flood plain is in this area.

Commissioner Wilde moved to recommend to the Town Council that they deny this application for zone change to RA-5 on parcel #4385. The motion seconded by Commissioner Bangerter passed with the following vote: Skinner, yes; Wilde, yes; Bangerter, yes; Taylor, yes; Horner, yes.

The motion to go out of agenda order was made by Commissioner Horner and seconded by Commissioner Bangerter. The motion passed with the following vote: Skinner, yes; Wilde, yes; Bangerter, yes; Taylor, yes; Horner, yes.

18) New Business Licenses

Spence Transportation LLC—Spencer Christison –Commissioner Bangerter moved to approve this license. The second came from Commissioner Horner, and the motion passed with this vote: Skinner, yes; Wilde, yes; Bangerter, yes; Taylor, yes; Horner, yes.

Holzer Performance LLC—Christopher Holzer—Diesel repair shop--2887 S Mill Rd—Commissioner Bangerter moved to approve this license, and Commissioner Wilde seconded the motion. The motion passed with the following vote: Skinner, yes; Wilde, yes; Bangerter, yes; Taylor, yes; Horner, yes.

Kyune LLC—Tyson Munford—3500 S Hwy 40—Commissioner Wilde moved to approve this license, and Commissioner Bangerter seconded the motion. Motion passed with the following vote: Skinner, yes; Wilde, yes; Bangerter, yes; Taylor, yes; Horner, yes.

14) Lot of Record Application—Melanie North/Megan Phillips (Continued)

Megan Phillips outlined her documentation for the Planning Commission. She is seeking a lot of record as she does not have a lot of record certificate from Wasatch County.

Planner Bunker stated that the County should have issued a lot of record when the lot was created. He also stated that this lot does not have the required 200 feet of frontage on the road.

Commissioner Wilde read the Daniel Code 8.22.08 that has 3 criteria to determine a lot of record. 1) created prior to zoning and has not decreased in size since creation, 2) created legally under the standards existing at the time of creation, 3) a document provided by Wasatch County planning staff (or Daniel planning commission) stating that the lot is a lot of record.

Commissioner Horner stated that he can't necessarily approve if the lot doesn't meet the current requirements.

Melanie North opened a discussion of non conforming lots in our town without 200 feet of frontage.

15) Action on Lot of Record Application—Melanie North and Megan Phillips

Commissioner Horner moved to forward to the Daniel Town Council a neutral recommendation on the determination of this lot of record. Commissioner Wilde seconded the motion, and it passed with the following vote: Skinner, yes; Wilde, yes; Bangerter, yes; Taylor, yes; Horner, yes.

16) Lot of Record Application—Joe Witt

Mr. Witt stated that his lot was created in 1983 under Wasatch County.

Commissioner Wilde asked what the county code was in effect at that time. If the lot conforms to all of the legal requirements, then we have a good option. We have to see the code.

Chair Weight explained that in the past many people just split off 1 acre lots without doing it properly. The Planning Commission needs to see the County Code in place at the time of creation and more documentation to recommend a determination.

17) Action on Lot of Record Application—Joe Witt

Commissioner Horner moved to continue this application pending presentation by the applicant of documentation to satisfy the 3 criteria for lot of record determination. The motion was seconded by Commissioner Taylor and passed with the following vote: Skinner, yes; Wilde, yes; Bangerter, yes; Taylor, yes; Horner, yes.

12) Public Hearing for Recommendation to Town Council to Adopt State-Mandated Subdivision Ordinance

Commissioner Horner moved to open the public hearing and was seconded by Commissioner Bangerter. The motion passed with the following vote: Skinner, yes; Wilde, yes; Bangerter, yes; Horner, yes; Taylor, yes.

There were no public comments.

Commissioner Skinner moved to close the public hearing, and the motion was seconded by Commissioner Bangerter. It passed with the following vote: Skinner, yes; Wilde, yes; Bangerter, yes; Taylor, yes; Horner, yes.

13) Action on Recommendation to Town Council to Adopt State-Mandated Subdivision Ordinance

Commissioner Horner moved to recommend that the Town Council adopt the state mandated Subdivision Ordinance, and the motion seconded by Commissioner Bangerter passed with the following vote: Skinner, yes; Wilde, yes; Bangerter, yes; Horner, yes; Taylor, yes.

19) Smith Garage Application

Commissioner Horner moved to continue this application until new information has been submitted. The motion was seconded by Commissioner Bangerter and passed by the following vote: Skinner, yes; Wilde, yes; Bangerter, yes; Horner, yes; Taylor, yes.

20) Planner Report

Planner Bunker presented his report to the Commission, and there were no questions.

21) November 20, 2024 Planning Commission Minutes Approval

Commissioner Bangerter moved to continue this approval of minutes. The motion was seconded by Commissioner Taylor. The motion passed: Skinner, yes; Wilde, yes; Bangerter, yes; Horner, yes, Taylor, yes.

22) Adjourn

Commissioner Horner moved to adjourn, seconded by Commissioner Bangerter, the motion passed: Skinner, yes; Wilde, yes; Horner, yes; Bangerter; yes; Taylor.

The meeting adjourned at 10:33 PM.

Merry Duggin

Acting Recorder