

Daniel Town Planning Commission Meeting

Wednesday, October 18, 2023

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, Pam Skinner, T. J. McGeean, and Bridger Wilde were present. Commissioners Kipp Bangerter, and Byron Horner were absent. Also present were Planning Director Eric Bunker and Clerk/Recorder Kim Crittenden to take minutes.

Members of the public: Merry Duggin, Robyn Pearson, Sam and Phil Mattingly, Julie Givens, Chip Poolvorde, and Christopher Poolvorde.

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

1. Public Comments

Merry Duggin asked to address the Planning Commission and stated that one of the candidates had withdrawn and thus the election would be canceled and the remaining two candidates, Matt McMillen and Gary Walton would replace her and Barry Dixon's Town Council seats. She continued her comments by stating there would be a ballot issue, which she supported, to have a .5% increase in sales tax to support EMS Services in Wasatch County. She disclosed that she was on the advisory board, but she was speaking as a member of the public, not a Town Council Member in this discussion.

Chip Poolvorde asked if the Planning Commission would consider changing the RA-5 designation. It was noted that the Town of Daniel does not have a sewer system that would facilitate the possibility of a change of zones. He continued by stating that he moved to Daniel due to the RA-5 designation and seemed pleased that no changes were likely to occur in the near future.

Chairperson Weight stated that the Commission is also looking into an agricultural protection zone to ensure that the Town could maintain its current zoning without other jurisdictions encroaching on the Town.

2. Public Hearing for Changes to Town of Daniel Codes 1, 3, and 8

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

There was a discussion about the water conservation standards that would need to be updated in the Town Code to apply for grants. It was agreed that the document provided by Planner Bunker should be recommended. Planner Bunker stated that he

had made adjustments from the State of Utah recommendations that were more suitable for the Town of Daniel.

There was discussion about changing the Town Code to coincide with the State Code to only require 10 days of notification as well as accepting email as an additional appropriate form of contact.

It was noted that some of the wording of the current code posted online conflicted with official documents and should be corrected.

The comments moved to the Board of Adjustments and it was discussed that “adjustments” should be changed throughout the code to “appeals”. Documents that Merry Duggin submitted were discussed regarding a quorum and how many of the members would need to vote to overturn or uphold and Planning Commission decision. Ultimately, it was decided that the Planning Commission would recommend that 3 of 5 members would make up a quorum and could hold a meeting. It was further recommended that it would take 3 votes, rather than a majority, to overturn any Planning Commission decision, regardless of the number of the quorum in attendance.

The discussion moved to long-term camping. It was noted again that the current posted Code differed from the official code that several of the Planning Commission were working from. The word “consecutive” had been changed. It was also noted that the numbering of the code had changed and needed to be corrected as well. It was recommended that “consecutive” be removed since it was not in the official code. Planner Bunker stated that he was concerned it may become a legal issue for the Town. Several of the commissioners stated that the point was to ensure that trailers were not becoming residences in the town. It is recommended that the Town Code stay at 20 days of occupied trailer use during any calendar year.

It was further discussed that the word “structure” should be changed to “dwelling” to align with the Town Code as well as the State Code.

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

Chairperson Weight moved to the next item before voting to accommodate the community members in attendance.

3. Business Licenses

a. New

i. Westlayne Designs (Julie Givens)

b. Renew

i. ION Solar

Julie Givens discussed her business and stated that her business was mostly shipping-based, but some customers pick up items at her home.

Planner Bunker stated that while he had several complaints about business practices, ION had not violated any Town Codes.

Commissioner Wilde moved to approve the new and renewed business licenses. Commissioner McGeean seconded the motion. A roll call vote of Bennett yes, Wilde yes, Skinner yes, and McGeean yes. The motion passed.

4. Polvorde Conditional Use for Accessory Structure and Possibly Setting a Public Hearing.

Commissioner McGeean moved to approve a public hearing for a conditional use permit for the Poolvorde Accessory Structure on December 20, 2023. Bennett seconded the motion. A roll call vote of Bennett yes, Wilde yes, Skinner yes, and McGeean yes. The motion passed.

5. Updated Water Efficiency Standard Recommendations.

It was noted that the motion would be taken from the recording, and it was noted that it would have to be prepared for the Town Council meeting. The discussions was to approve what had been discussed during the public hearing.

Commissioner Bennett moved to recommend addition of the water efficiency standards discussions, and public hearing discussions Town Code 3-1-2, 3-1-8, 2-09 (noticing), 8-21-33b (numbering and wording), 8-21-33b (changing "structure" to "dwelling"). Commissioner Wilde seconded the motion. A roll call of Bennett yes, Wilde yes, Skinner yes, and McGeean yes, The motion passed.

6. Ag Building and Procedures Recommendations

There was a short discussion about the current \$350 application fee for an Ag building on lots less than 5 acres. The Commission decided to go with the original recommendation.

7. Agricultural Protection Area

It was discussed and decided that more information would be helpful before a recommendation to the Town Council.

Commissioner Wilde moved to continue the discussion. McGeean seconded the motion. A roll call vote of Bennett yes, Wilde yes, Skinner yes, and McGeean yes. The motion passed.

8. Non-Conforming Lot Use Recommendation

Information was presented that Chairman Weight had researched to the Commission about other jurisdictions handling and applying Town Code to non-conforming lots.

Commissioner Wilde moved to continue the discussion. McGeean seconded the motion. A roll call vote of Bennett yes, Wilde yes, Skinner yes, and McGeean yes. The motion passed.

9. Planner Report

Planner Bunker presented his report, see attached. He was asked if there was anything to report on the litigation following the Board of Appeals hearing. He stated that he thought it was being taken care of by the Town. It was noted that the mattresses that had been abandoned by the trailer court at 3000 Daniels Road had been removed after complaints.

10. Engineer Report

The Town Engineers were excused from the meeting. It was noted that Planner Bunker, Clerk/Recorder Crittenden, and several others were at meetings with Ardurra, MAG, and several members from State of Utah agencies were in attendance for discussions about grants to improve the Storm Haven water system.

11. Approved Meeting Minutes September 20, 2023

Commissioner McGeean moved to approve the September 20, 2023 Meeting Minutes. The motion was seconded by Commissioner Bennett. A roll call vote of Bennet yes, Wilde yes, Skinner yes, and McGeean yes. The motion passed.

12. Adjourn

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

The meeting adjourned at 8:30 PM.

Kim Crittenden

Clerk/Recorder

Town of Daniel