

Planning Commission Meeting

Wednesday, August 21, 2024, at 7:00 PM
Wasatch County Services Building, Conference Room B
55 South 500 East, Heber City, Utah

Meeting Minutes

Quorum Present: Chair Gary Weight, Commissioners, Bridger Wilde, Pam Skinner, Kipp Bangerter, Heber Taylor, and Byron Horner. Commissioner McGeean was excused.

Members of the Public: Chip Polvoorde, Kathryn Steffy, Bill King, Bill Gammell, Nate Orton, Jordan Rood, Aaron Wall, Nate Orton, Rowdy Thompson, McKay Murdoch, Emily and Jess Smith.

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

1. Public comments (please limit to 2 minutes)

Mr. Polvoorde addressed the Planning Commission asking about a lot line adjustment between himself and two neighbors. The Commissioners listened to his concerns and suggested he submit an application so that they could review it further.

2. Possible closed session for legal issues

At approximately 7:05 Chairperson Weight excused the Planning Commission from the meeting and moved into a closed session in a private conference room down the hall to discuss legal issues with the Town Attorney, Kathryn Steffy.

The closed session lasted 25 minutes and the meeting began again at approximately 7:35

3. Smith Garage Addition Building Permit Application

Chairperson Weight called the meeting back to order.

The Smith's Attorney, Mr. Murdoch from Gordon Law Group, began with a summary of the case that he brought to court regarding the denial of the Smith's Garage Addition Application. The Smith's live in the Storm Haven Subdivision and submitted an application to expand their garage in February of 2023. The judge in the court case overruled the Town of Daniel denial for the Smith Garage Addition Application based on issues she found with the annexation and zoning. The judge remanded the matter back to the Town with her ruling. The judge did state that the application could be denied based on specific issues related public safety including fire, health and safety. Mr. Murdoch stated that their contention is that the Smith Garage Addition does not violate any of the Town Code that defines public safety for building(s) including, but not limited to, fire, water, utilities, health, and safety.

Chairperson Weight stated that the after reviewing the application again plans do in

fact violate the Town Code because the submitted documents show that the waterline would run underneath the garage addition and thus would be a health and safety issues. He stated that the application is incomplete because no documentation had been provided that conclusively identified where the waterline runs on the property.

Mr. Smith discussed his frustration with being unable to locate the line or documentation that could definitively show where the water and other utilities are located. He asked if he could dig it up himself and was cautioned about this since any break to the line that he caused he would be liable for. He asked why it was not the Town's responsibility to find the line and was informed that this was his responsibility since he was the one asking to expand his garage.

He further stated that he had been informed that the water system was insufficient for fire flow. It was acknowledged by Planner Bunker that this was indeed the case and the Town was actively seeking grants and other funding to upgrade the Storm Haven Water System, but the alternative would be to drastically raise the water rates to the residents of the Storm Haven Subdivision.

Commissioner Wilde moved to continue the matter of the Smith Garage Addition Application until a site plan is submitted that properly indicate where all utilities and setbacks are located in relation to the garage addition. The motion was seconded by Commissioner Horner. A roll call vote of Skinner yes, Wilde yes, Bangerter yes, Horner yes, and Taylor yes. The motion passed.

4. Public hearing on Adopting the Town of Daniel Zoning Map

Commissioner Wilde moved to open the public hearing for the Zoning Map Adoption Public Hearing. The motion was seconded by Commissioner Taylor. A roll call vote of Skinner yes, Wilde yes, Bangerter yes, Horner yes, and Taylor yes. The motion passed.

The proposed zone map was presented and discussed. It was noted that the zone map had not changed and only been updated to include any zoning changes that had been approved since the last printing.

There was additional discussion about the previous issue(s) regarding the Smith Garage Addition Application it was reiterated that the issue had been continued and not denied to give the applicants time to submit an appropriate and complete site map for consideration.

Commissioner Wilde moved to close the public hearing for the Zoning Map Adoption Public Hearing. The motion was seconded by Commissioner Taylor. A roll call vote of Skinner yes, Wilde yes, Bangerter yes, Horner yes, and Taylor yes. The motion passed.

Commissioner Wilde moved recommend adoption of the August 2024 Town of Daniel Zoning Map to the Town Council. Hearing. The motion was seconded by Commissioner Skinner. A roll call vote of Skinner yes, Wilde yes, Bangerter yes, Horner yes, and Taylor yes. The motion passed.

5. Public Hearing for Zone Change Application from RL Land

Commissioner Bangerter moved to open the public hearing for the RL Land Zone Change. The motion was seconded by Commissioner Taylor. A roll call vote of Skinner yes, Wilde yes, Bangerter yes, Horner yes, and Taylor yes. The motion passed.

Rowdy Thompson was invited to discuss what he hoped to do with the parcel that he was looking to change the zoning from RA-5 to Commercial. Mr. Thompson stated he was looking to sell the land to a commercial developer and was not planning on developing himself. He stated that he had run into some issues with the first mylar and had been collecting neighbors' signatures as instructed to confirm fence-line agreement. He addressed some rumors about a tiny home development and stated that whoever purchases the property will have to come to the Planning Commission with their plans for review. There was much discussion about the impact of this on neighbors and it was noted that Daniel Town Code addresses these concerns and provides for mitigation to reduce impact on residential neighbors.

He further discussed his meetings with the Town Engineer, Planner Bunker, and UDOT about access to the property from HWY 40. There was much discussion about what if any impact this would have on traffic on Little Sweden.

Commissioner Wilde moved to close the public hearing for the RL Land Zone Change. The motion was seconded by Commissioner Bangerter. A roll call vote of Skinner yes, Wilde yes, Bangerter yes, Horner yes, and Taylor yes. The motion passed.

Commissioner Horner moved recommend the Zone Change for RL Land once the mylar has been approved by Wasatch County. The motion was seconded by Commissioner Bangerter. A roll call vote of Skinner yes, Wilde yes, Bangerter yes, Horner yes, and Taylor yes. The motion passed.

6. Set Public Hearing Nater Enterprise Zone Change

Mr. Orton discussed his application for a zone change and was informed that currently the Planning Commission was setting a public hearing which would be need to be noticed by sending all property owners within 500 ft as well as the other public notice publications. Mr. Orton stated that he currently did not have any plans for the property but since the Town only considers these applications once a year, he was trying to make sure it was in process this year.

Commissioner Wilde moved to set the public hearing for the Nater Enterprises Zone Change Application for September 18, 2024. The motion was seconded by Commissioner Bangerter. A roll call vote of Skinner yes, Wilde yes, Bangerter yes, Horner yes, and Taylor yes. The motion passed.

7. **Aaron Wall Farm Preservation Concept Application Plat # 20-7674**

The Planning Commission reviewed a map of 28.18 acres that the application proposes be put into a Farm Preservation. It was noted that the parcel has both RA-5 and P-160 designations and would likely need a zone change to make all of the land RA-5. It was clarified that the plan would put 5 homes on the 28 acres and the small home that is on 2.11 acres at the front of the property is separate from the Concept Plan Application.

Mr. Wall stated that he would like to have an area for his family where they could have their individual homes but some common area as well. He stated that the Farm Preservation responsibilities would be shared but would legally be attached to one of the parcels. It further noted that perhaps a development agreement would be an option to maintain the Farm Preservation status since the parcels would have the deed restriction. He further stated that he was looking to discuss the application with the Planning Commission to see how difficult the process might be or how receptive the Town would likely be the concept plan.

Planner Bunker noted that the frontage requirements would be 100 ft. and other requirements could be found in Town Code 8.24.08.

8. **Business Licenses**

- a. **New**
- b. **Townsend Construction**
- c. **Renew**
 - i. **Pretzel Company**

Townsend Construction was not present and efforts to contact them had been unsuccessful.

Commissioner Skinner moved to continue the Business License Application from Townsend Construction. The motion was seconded by Commissioner Bangerter. A roll call vote of Skinner yes, Wilde yes, Bangerter yes, Horner yes, and Taylor yes. The motion passed.

It was noted that the Town had had no complaints in regard to Pretzel Company and that the location in Daniel was for production for outside events and not a retail location.

Commissioner Skinner moved approve the Business License Renewal for Pretzel Connection. The motion was seconded by Commissioner Bangerter. A roll call vote of Skinner yes, Wilde yes, Bangerter yes, Horner yes, and Taylor yes. The motion passed.

9. **Discussion of a change to the Town Code in regards to Commercial Condominiums**

Planner Bunker passed out copies of the draft of the Commercial Condominium Town Code changes that he had been asked to compile. It was noted that the Commissioners have received the proposal to look over and make any notes on or changes too.

The discussion moved to potential concerns over parking and traffic. It was noted that the Town Code addresses mandatory parking requirements and that the Town would have to work with the Home Owners Association instead of the property owner, but the requirements would not change. Other issues would have to be dealt with in the business licensing process.

There were concerns expressed that this may make more work for Town administration, however Planner Bunker stated that he would fine with any decision of the Commission and Council as to the code change.

It was noted that a business license had already been approved for potential tenants for the Trunnell property for a trampoline family fun space on the bottom floor.

Commissioner Wilde moved to continue the consideration of changing the Town of Daniel Code to include Commercial Condominiums. The motion was seconded by Commissioner Bangerter. A roll call vote of Skinner yes, Wilde yes, Bangerter yes, Horner yes, and Taylor yes. The motion passed.

10. Planner Report

Planner Bunker informed the Commission that Arudurra would shortly no longer be the Town of Daniel Engineering firm. He also briefly went over his report as it was not in the printed packet.

11. Engineer Report

Planner Bunker stated that after reviewing the plan for water for the Haroldsen storage property that the Town had decided to not indemnify the water as had been requested by the applicant.

12. July 17, 2024 Planning Commission Minutes Approval

Chair Weight asked that Clerk/Recorder Crittenden look over the July minutes again as he recalled a motion about a public hearing for TH Land that he was not seeing and was only noted as continued. Clerk/Recorder Crittenden said she would compare the minutes to the recording and make any adjustments or additions.

Commissioner Bangerter moved to continue the July 17, 2024 Planning Commission Minutes. The motion was seconded by Commissioner Horner. A roll call vote of Skinner yes, Wilde yes, Bangerter yes, Horner yes, and Taylor yes. The motion passed

13. Adjourn

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

The meeting adjourned at 9:10 pm.

Kim Crittenden
Clerk/Recorder