

**DANIEL TOWN PLANNING COMMISSION MEETING  
WEDNESDAY, 20 MAY 2015 AT 7 PM**

A Quorum is present: Chairman Eric Bunker, Commissioner Gary Weight, Commissioner Jaye Binkerd, Commissioner Blaine Smith and Commissioner Kim Norris are present. Commissioner Pam Skinner was excused.

Ryan Taylor of Epic Engineering is present.

Public in attendance: Wayne Mair, Lisa Christen, Gloria Montgomery, and Mark Rounds.

Chairman Bunker called the meeting to order at 7:00 p.m.

**1-Public comment concerning any issue not on the agenda (limit 2 minutes please)**

None

**2-Wayne Mair – Plat approval for Storm Haven lot #18**

The lot number was incorrectly listed as lot 18. The correct lot number in question is lot #17. Gloria Montgomery stated she lived on the property in a trailer house for 16 years. She purchased the lot from Jim Pedersen, who she was told was the second person to buy into the Storm Haven subdivision on Haven Estates Drive in 1960. She produced a copy of a variance given to her by Wasatch County for a front setback of forty-five feet (45') instead of the sixty-five feet (65') required under the Daniel Code. She also spent \$1,200 on a flood study. Wayne Mair would like to purchase the lot provided it is buildable. The variance in the front of 45' is a necessity or the building of a house on the lot would be nearly impossible due to the slope of the back of the lot toward the creek. Mr. Taylor reported the rear setback outside of the floodplain is about 45'.

Commissioner Norris inquired if water and sewer hookups are present on the lot. Ms. Montgomery stated they are present and she still pays the minimum monthly billing to stay current. The lot size is just under half an acre.

Commissioner Weight inquired of Ryan Taylor regarding road widths in the area. Mr. Taylor stated most are a thirty foot (30') right-of-way. Commissioner Binkerd asked whether the lot is on sewer or septic, and Ms. Montgomery stated she was told it was sewer. Mr. Norris reported Storm Haven has two septic tanks and a drain field with the tanks being pumped about every three years. Mr. Taylor stated there are three tanks in the area.

At this point Chairman Bunker turned the Commission's attention to Daniel Code 8.22 Nonconforming Uses and Structures. In particular 8.22.03 and 8.22.05 were reviewed. After discussion of the specifics cited therein, Mr. Mair explained he would like to build a home with a garage, further stating a 40' setback would work better than a 45' setback. But since the Commission is held to equally restrictive or more restrictive, as cited in the code, a 45' setback is considered the appropriate action. Chairman Bunker stated any action taken by the Commission would be good only for 12 months and should be acted upon ASAP.

***Commissioner Weight moved to approve a change in status of a nonconforming use for Storm Haven Lot 17 allowing a forty-five (45') foot front setback from the center of the road and a rear setback on the boundaries of the floodplain.*** Discussion: Commissioner Norris asked if the boundary of

the floodplain should be identified. It can change but probably not within the next two years.

**Commissioner Binkerd seconded the motion.** Discussion: Commissioner Norris inquired about including Storm Haven Plat A in specific in the motion. **Commissioner Weight amended his motion to include Storm Haven Plat A Lot 17. Commissioner Binkerd's second of the motion stands. The vote was unanimous and the motion carried.**

Mr. Mair inquired whether the issue must now go before the Town Council and was informed by Chairman Bunker that the Commission was the deciding body on the issue and he could go forward with purchase of the lot if that was his desire.

**Commissioner Binkerd moved to adjust the agenda by moving to item 5, which was seconded by Commissioner Norris. The vote was unanimous and item 5 was taken out of order.**

### **5-Storm Haven – update on culinary issues**

Chairman Bunker explained the Town of Daniel has applied for a grant through CDBG and a walk-through of the Storm Haven water system had taken place with Susanne Goodfellow. However, the funds have not yet been received. Mr. Taylor used his GPS instrument to get coordinates on where all the valves and meters are located for the Town records. Questions were asked regarding the location of water and sewer lines throughout Storm Haven, and Chairman Bunker explained the whereabouts of some lines would be unknown until excavation takes place in the future. Cameras aren't always helpful.

### **3-Wilde – Lot line adjustment update on items requested**

Commissioner Weight indicated he had researched the Wilde deeds and found there exists a 25' easement across the back of the property which has not been shown on the plat produced. Chairman Bunker has been working with Cory Neerings at Legend Engineering in trying to resolve the issue of the easement in order to have a new plat recorded.

Chairman Bunker opened discussion on the Gerald Smith property where the 100' frontage is in question. Mr. Smith owns two lots between 3000 South and Teancum Road, and the 9-acre parcel on 3000 South is the one in question. Attorney Mark Smedley is working with Chairman Bunker to come up with a solution to the dispute. Chairman Bunker opined the lot does not qualify for a variance, but several other options are cited in a letter written by Chairman Bunker to Mr. Smedley which was given to the Planning Commission for review.

Next agenda item discussed was taken out of order, #6 regarding flag lots.

### **6-Flag lots – council initiated looking at the inclusion of flag lots in the Town code**

Chairman Bunker produced documents from Murray City and others to show examples of flag lots, also used the white board for illustrative purposes. He explained the Town Council had requested the Planning Commission once again review the possibility of creating flag lots in Daniel Town as there is acreage within the town which is hard to access with no frontage. Some issues which need to be addressed in considering this concept are pole standards, flag lot size, access for emergency vehicles, location of trash cans, potential of negative impacts. He asks that the Planning Commission begin consideration of this to make a recommendation to the Town Council in the future.

### **4-Corridor preservation agreement – discussion and possible action**

There is a meeting scheduled on May 21<sup>st</sup> at Mountainland Association of Governments to discuss issues in the current version of the corridor preservation agreement. Chairman Bunker will attend and report on the progress. The plans for the bypass road through Heber will also be discussed.

**7-Planning Director Report – TDR, riding arenas, demolishing and rebuild, etc.**

Chairman Bunker reported he has had a request for TDR (transfer development rights); a request to build a riding arena on 3000 South west of 1200 West for the Hing family; a demolish and rebuild of a home on Little Sweden and Mill Road. The new owner, Dustin Lasenby, was inquiring about impact fees, which are a wash because the impact doesn't change. Diane Grose, whose home burned down on Little Sweden, asked about living in a trailer on the property during the reconstruction of the home. Daniel code stating a 20-day camping stay was cited for reference.

Commissioner Norris inquired about the school district making an offer on property on North Ranch Drive to build an elementary school in Daniel. Chairman Bunker confirmed he had attended a meeting in regards to that property. One option is that Daniel Town could disconnect the property, have it go back to the county, and Heber City could annex it, or the district could build in Daniel. Municipality hands are often tied when it comes to building schools. The HOA of Daniel Estates is fighting with the school district as they do not want the school in their subdivision.

**8-Approval of April 15, 2015 minutes**

**Commissioner Smith moved to approve the minutes of April 15, 2015 with Commissioner Weight seconding.** Discussion: Commissioner Norris stated he would abstain as he was not present at the meeting. Commissioner Weight stated he wouldn't have to abstain, but state he looked at them and, as far as he knew, they are correct. **The vote was unanimous and the motion carried.**

**9-Adjourn**

**Commissioner Smith moved to adjourn with Commissioner Binkerd seconding. The vote was unanimous and the motion carried.**

The meeting was adjourned at 8:27 p.m.  
Lynne Shindurling, Clerk/Recorder