

Daniel Town Planning Meeting Minutes

Wednesday August 18, 2021@ 7 PM
Wasatch County Service Complex,
55 S 500 E, Conference Room B
Heber City, UT 84032

Planning Quorum: Chairman Eric Bunker, Commissioners: Mark McAlister, Pam Skinner, Gary Weight, Kim Norris, and Eric Bennett

Council Quorum: Mayor Chip Turner, Council members: Merry Duggin, Stefanie Grady, Eric Bunker, Mary Snyder- Clerk present for minutes. Council member Glodowski absent.

Member of public: Ryan Taylor (T-O Engineer), Jess Bedingfield (MAG), Jana Bush, Wyatt Bush, Lyndsey LaFay, Jessica McNair, Victor Hansen, Mark Haroldsen

The meeting was called to order at 7:00 PM by Mayor Turner

- 1) **CANVAS CERTIFICATION:** Mayor Turner introduced the Canvass Certification and turned the time over to Clerk Mary Snyder to present the Primary Election final ballot count. Mayor Candidates: Scott Kohler and Michael Duggin will be moving forward to the General Election, as well as Council Candidates: Robyn Pearson, Jon Blotter, Stefaine Grady and John Glodowski. Special thanks to the Poll Workers Amanda Simpson, Chambrea Onley, and Monica Bonner. Mayor Turner read the Canvass Certification Resolution DR 2021-08-18.

Council member Duggin motion to approve the DR 2021-08-18 Canvass Certification revising the final numbers, seconded by Council member Grady. FOR: Mayor Turner, Council members: Bunker, Duggin, Grady. Council member Glodowski absent.

Mayor Turner closed session at 7:08 PM.

Planning Chairman opened the Planning session at 7:10 PM

1) PUBLIC COMMENT:

Jess Bedingfield from Mountainland Association of Government (MAG) presented a packet of upcoming grants that are available. There will be a mandatory CDBG workshop held on October 13, 2021, at 6:00 PM, held at the Wasatch County Building and will be required for those that plan to submit applications. The application deadline is January 2022. She also provided an outline for projects.

2) Bush Family Farm: 4611 Cove Lane: Conditional Use for education classes, Agriculture Building:

There was a brief discussion of the community concerns that were addressed in the public hearing that was held during Council session on August 2, 2021. Some of the concerns that were discussed are potential fire risk, congestion with the narrow bridge, access to mailboxes, school bus zone and children in the area.

Commissioner Weight thanked the applicants for applying in a timely manner to provide a full review of the full plan as there are many moving parts. Commissioner Bennett stated that with

all application processes, the public comment and concerns must be addressed. Chairman Bunker handed out additional emails that were received.

Chairman Bunker stated that the education experience is the conditional use issue. Selling produce falls under the current zoning as an approved use of RA-5 (Residential-Agriculture, 5 acres) and falls under the home-based business for licensing. He provided the Bush family a red line of their proposed business plan.

Jana Bush stated that per one of the emails that there was a concern of commercial use of the property and stated that she is not applying for a commercial zone change.

Commission Bennett asked about the number of students on premises as part of her plan. Jana Bush stated that there will be no more than 8 students per class as her table will only allow that many.

Commissioner Skinner addressed the issue of the entrances. Jana Bush stated that she was looking at an access from the north end of the property. However, Chairman Bunker stated that the second entrance would more than likely not be an option as they may not be granted access from Utah Department of Transportation. Also, the option for a parking lot is not an option as per Town Code. Applicant will need to use their driveway or park on the street. Ryan Taylor stated that he is in support of applicant using their driveway for parking. Jana Bush stated that she has a two-car driveway as well as a large gravel park strip on the side of the house to accommodate parking issue.

Commissioner Weight stated that he feels that the fire mitigation could be revised to show that the applicant will keep the area in question mowed, as they will not be allowed to use for parking. It was addressed again that no parking lot area shall be granted and should be revised per the business plan in section D. He asked the applicants if they were good with the red-line changes that were suggested. Jana Bush stated that she had no issues with the changes.

Commissioner Weight motioned to approve the Bush Family Farm.

Council member Duggin stated that the only issue that she had was the secondary access that was proposed and was not comfortable with it. Council member Grady stated that as part of the conditional use, that there be an annual review of the application.

Commissioner Weight restated his motion to approval of Bush Family Farm revising number 2 condition of the business plan to read fire mitigation- mowing of parking and access, seconded by Commission Bennett.

Commissioner Norris stated that he would like to have further review of legal counsel. Chairman Bunker stated that it will be sent for review to make sure that it is defensible in the event of a lawsuit.

Motion stands, Chairman Bunker called for the vote. FOR: Commissioner McAlister, Bennett, Skinner, Norris, and Weight. Motion passes subject to annual review and Legal Counsel review.

Chairman Bunker address the second part of the application for the Agricultural Building. The structure will be for the selling produce and other products as well as storage. The structure will be approximately 280 square feet, will not have utilities such as power or water.

Commissioner Skinner made a motion to approve the agricultural building, seconded by Commissioner Norris. FOR: Commissioners: McAlister, Bennett, Skinner, Norris, and Weight.

3) Mark Haroldsen: (Parcel 20-4498) Highway 40, Zone Change

Chairman Bunker stated that the 400–450-foot boundary for the commercial zoning needs to be determined. The Commissioners and applicant review the map to address the issue.

Commissioner Norris indicated that a deed restriction would need to be in place for the rear property if zoning is changed. Chairman Bunker stated that it should be issued prior to approval and recorded with the Wasatch County Recorder's Office. The applicant is in agreeance of the deed restriction requirements.

Commissioner Bennett made a motion approve with recommendation to Council for final approval subject to deed restriction for rear half of property, seconded by Commissioner McAlister.

Commissioner Weight request to change rear half of property to rear portion.

Commissioner Bennett revised motion to approve with recommendation to Council for final approval subject to deed restriction of the rear portion of the parcel, seconded by Commissioner McAlister stands.

Commissioner Weight inquired who would review the deed restriction to make sure it meets requirements. Chairman Bunker stated that the Council would have final review, as well as the Legal Counsel with proper wording of the deed restriction. Council members Duggin and Grady stated that they were both clear of the intent of the motion. Victor Hansen expressed concern on the footage that would need to be indicated. Mark Haroldsen asked if T-O Engineer would need to be included to help make that determination. Chairman Bunker stated that the Legal Counsel will have final say and will have to sign on the plat map. Council member Duggin stated that the plat map should include the notation of such deed restriction.

Chairman Bunker called for the vote: FOR: Commissioners: McAlister, Bennett, Skinner and Weight. Against: Commissioner Norris. Motion passes with recommendation to Council

4) Jacob Freeman: 3075 S Big Hollow RD: Remodel Permit:

The General Contractor listed per the application listed a Daniel Town address and currently does not have a business license issued and should obtain one prior to approving the remodel building permit.

5) Chub: Poppy Lane: Deck Permit

Chairman Bunker stated this application is for a deck permit. The deck is a covered and connected to the structure that will require further review.

6) Planner Report:

The Town of Daniel prevailed in the Rex Reeder lawsuit. The Town will begin a legal draft of the right-of-way.

7) Minutes Approval: July 21, 2021:

Chairman Bunker stated that the Mr. Shauna Mecham should be changed to Mrs.

Commissioner Weight made a motion to approve the minutes revising Chairman Bunker's change, seconded by Commissioner Bennett.

Commissioner Bennett stated that the date should reflect July 21, 2021.

Commission Weight revised to motion to include the date change as well, seconded by Commissioner Bennett. FOR: Commissioners: Weight, Norris, Bennett, McAlister; Abstain: Skinner. Motion passes.

8) Adjourn:

Commission Norris made a motion to adjourn at 8:46 PM, seconded by Commissioner Skinner. All members in favor.

Mary Snyder

Clerk/Recorder