

Daniel Town Planning Commission
15th Jan 2014

There is a quorum present: Chairman Eric Bunker, Norris, Smith, Binkerd, Skinner, and Weight Ryan Taylor of Epic Engineering

Public in attendance: Bill Fairbanks, Jalayne Bassett, Sandy Plummer, Scot Binkerd, Melanie North, Stephanie Woolstenhulme, Cheryl Thacker, Mike Petersen, Merry Duggin, Lynne Shindurling, John Glodowski, Carolina Moreno, Ivan Moreno, Spencer (Weems?), Kaitlin Walker, Matt McDonald, Dylan Muir.

Chairman Bunker called the meeting to order at 7:02 p.m.

1- Public comment (2 minutes please)

For any item of concern from the public not listed on the agenda.

Mike Peterson: He made a minor adjustment to the plans and wanted to make the board aware.

His commercial property was changed from 3 acres to 2 acres. He will return with a new plan in a couple of months.

2- Welcome reappointed Planning Commission Members

Election of chairman and vice chair

Commissioner Norris moved to keep Eric Bunker as Chairman and Gary Weight as vice-chairman with Commissioner Binkerd seconding. The vote was unanimous and the motion carried.

3- Plumber property Little Sweden Rd. and Mill Rd.
(small sub.)

All the Commissioners received a packet with information on the Plummer property showing the 6.53 acres divided into 4 parcels. The division into four (4) lots was approved by the Wasatch County Commissioners in 1996. The packet included the minutes recorded by the Wasatch County Commissioners dated 14 December 1998 showing the ratification of the original 1996 application approval. The family would like to sell the four lots separately. Perc tests for a septic system has already been approved. The family has been paying greenbelt taxes on each of the four separate lots. If any lot is sold the greenbelt taxes rollback. All four lots meet the required one-hundred foot frontage.

The real-estate company working for the Plummer's wish to sell each lot separately as a buildable lot. Bill Fairbanks, representing the Plummer family, stated that he has personally known the father and original owner of the property (deceased) and his children for many years. He explained that Mr. Plummer did all that was required by the county to make this property a small lot subdivision. There are many non-conforming lots in Daniel that already have homes built on them.

Commissioner Weight feels that this property has shown due diligence and completed all that was required and have proved the County Commission approvals dated 1996 and 1998.

Scott Binkerd commented that he lives next door to the Plummer property and approximately a year ago he looked at the GIS system showed only three lots, not four. It was explained that the GIS was probably incorrect. Scott is worried that a septic system would not be able to support four homes. It was explained to him that the County Health Department is very strict about the size of a septic system being able to support whatever sized load is required.

Chairman Bunker explained that there were two motions to consider. One: are these legal lots of records and two: are they buildable lots? They can be considered legal lots but not necessarily buildable lots.

Commissioner Weight moved to recommend to the Town Council that they recognize that the Plummer subdivision was legally created before the Town was created. No second. Motion dies.

Commissioner Norris moved to not approve this subdivision with Commissioner Smith seconding. Discussion: Commissioner Weight would like to make a motion that all the other lots in town that are less than five (5) acres be re-examined. Commissioner Binkerd would like to know the definition of “legal” lot before making an informed decision. Chairman Bunker distributed a paper to all the Commissioners and others containing Town Codes (8.01.18, 8.21.20, and 8.22.05-.10) explaining prior ordinance, prior created lots, lots of record, non-conforming lot of record, non-conforming subdivision, etc. hoping this would help explain “legal” lots. The motion stands and the vote was as follows: Commissioners Norris – aye, Smith – aye, Skinner – aye. Commissioners Binkerd – nay, and Weight – nay. Motion failed. Commissioner Weight moved to recommend to the Town Council that they recognize that the Plummer subdivision was legally created before the Town was created with Commissioner Binkerd seconding. There was no discussion and the vote was as follows: Commissioners Weight – aye, Binkerd – aye, Skinner – aye, Smith – nay. Commissioner Norris asked for a revote. The vote was as follows: Commissioners Weight – aye, Binkerd – aye, Skinner – aye, Norris – aye. Commissioner Smith – abstained. The motion carried for a recommendation letter to the Town Council that these are legal lots.

Commissioner Norris asked if it was necessary to pass this on to the Town Council or could the Planning Commission make the final decision. Chairman Bunker explained that the Town Council wanted to make the final decision. Commissioner Weight pointed out that it is the Planning Commission’s job to *recommend* to the Town council and he sees no reason why it won’t be done correctly.

Chairman Bunker asked that they now look at a recommendation about if the lots are “buildable” lots.

Ryan Taylor of Epic Engineering explained that the town has many non-conforming lots. One of the Plummer lots already has a home on it but the others do not. You could argue that the other three lots that have never had a home built on them would be expanding the non-conforming use. The Town’s general plan has specified that five acre lots are required for building on. There are many other non-conforming lots in the Town that are not buildable lots.

Commissioner Weight moved to recommend to the Town Council that they follow the town code when determining if these four lots are “buildable” lots with Commissioner Norris seconding. The vote was as follows: Commissioners Weight-aye, Norris-aye, Skinner-aye, Binkerd –aye. Commissioner Smith abstained. The motion carried.

4- County wide trail system.

There has been some discussion about creating a County wide trail system. 3000 South is already on a bike/trail system which involves the town, on a limited basis, concerning a county wide trail system.

5- Council actions report/Director report: Report on actions of Town council, reasonable accommodations req. annexation, etc.

Eric read a letter, sent to the applicant, concerning the property at the end of 3000 South. The Town has not received any information on whether or not the property has been closed on.

Excavation has begun on the Witt property as Mr. Witt posted the bond.

6- Staff items: Agri. Buildings, dwelling updates, commercial, agricultural, Etc.

Commissioner Weight and Chairman Bunker created letters concerning criteria that needs to be met by those applying for an Agricultural building permit. All the Commissioners need to review these letters and decide on a finalized letter to sign and then submit a recommendation to the Town Council. The Commissioners asked that this be added to a future meeting.

There was a complaint about a car on blocks on the Smith property. Eric talked to Jake and the blocks were removed for safety purposes. The entrance to this property from the Heber City road has been closed.

The Weyandt property located at the west end of 3000 south was changed back to RA5. Concerning the changes to be made in the Town's Commercial use code the following comments were made: Commissioner Norris would like to keep all commercial requests in the enterprise zones of Daniel. Commissioner Skinner feels there are too many "allowable" uses in the town code. Commissioner Weight would like to see all of them made as conditional uses. Chairman Bunker explained that every CUP could be appealed. Commissioner Weight recommended that all the Commissioners review the commercial uses again, decide what they want to keep and/or eliminate and discuss these at the next meeting.

7- Approval of minutes of 16 Oct 2013

Commissioner Skinner moved to approve the minutes of 16 Oct 2013 with Commissioner Smith seconding. The vote was unanimous and the motion passed.

8- Motion to adjourn.

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

Meeting adjourned at 8:42 p.m.

Kathy-Jo Percy: Secretary

APPROVED