

**DANIEL TOWN PLANNING COMMISSION MEETING MINUTES**

**Wednesday, May 21, 2025 at 7:00 PM**

**Wasatch County Services Building, Conference Room B**

**55 South 500 East, Heber City, UT**

Quorum present: Chair Gary Weight, Commissioners Byron Horner, Kipp Bangerter, T.J. McGeean, Heber Taylor. Excused: Commissioners Pam Skinner and Bridger Wilde.

Members of the public present: Joe Witt, Brooke Rose, Marcia Birch, Chip Polvoorde, Bill King, Jalyne Bassett, Cody Luke, Scott Bassett, Grant Ensign, Cole Leesnitzer, Wim de Jager, Rich Martin, Brian Myers, Eric Bennett, Larry Ward, Jack Rose, Jennifer Whaler, Jason Whaley, Jennifer Gressman, Derek Gressmen.

Town officers present: Planning Director Eric Bunker and Clerk/Recorder Merry Duggin.

Chair Weight called the meeting to order at 7:00 PM.

**1)Public Comment (Please limit to 2 minutes)**

There was no public comment.

**2)Public hearing for Polvoorde/Grace Chubb accessory structure condition use permit at 3151 Poppy Lane**

***Commissioner Byron Horner moved to open the public hearing, and Commissioner T.J. McGeean seconded the motion. The motion passed with the following vote: Horner, yes; McGeean; yes; Bangerter; yes. Commissioner Heber Taylor joined the meeting at 7:05.***

Commissioner Horner asked to verify the setbacks of the proposed structure, and Mr. Bunker responded that the setbacks would be looked at after a CUP was granted.

Mr. Polvoorde stated that he was in the process of purchasing the Grace Chubb property and wished to increase the size of an existing structure so that he could store a motor home inside.

Mr. Scott Bassett commented that the structure will look great and offered no opposition to the proposed CUP.

***Commissioner Kipp Bangerter moved to close the public hearing, with Commissioner Horner seconding the motion. The motion passed: Horner, yes; Taylor, yes; Bangerter, yes; McGeean, yes.***

***Commissioner Horner moved to approve the CUP for an accessory structure on the Grace Chubb/ Polvoorde property and was seconded by Commissioner Bangerter. The motion was approved with the following vote: Horner, yes; Bangerter, yes; McGeean, yes; Taylor, yes. The CUP is granted.***

**3)Public hearing for Brian Myers application for rezone of Victor Hanson property at 1705 E 3600 S from RA-5 to Commercial (Parcels #20-4489 and 20-4491)**

***Commissioner McGeean moved to open the public hearing, and the motion was seconded by Commissioner Bangerter. Vote: Horner, yes; Bangerter, yes; Taylor, yes; McGeean, yes.***

Mr. Brian Myers stated that he has completed the purchase of the parcels and wants to rezone as commercial as the properties on both sides of these parcels is already zoned commercial.

Planning director Bunker stated that 500' from HWY 40 is already commercial, but the entirety of the parcels is not. There are residential lots on Little Sweden.

***There was no comment from the public, and Commissioner McGeean moved to close the public hearing. Commissioner Horner seconded the motion, and the motion passed: Horner, yes; McGeean, yes; Bangerter, yes; Taylor, yes.***

Chair Weight asked Planning Director Bunker if he would like to comment, and Mr. Bunker stated that he could not determine when parcels #20-4490 and 20-4488 (residential lots) were created and legally created at the time of creation.

The applicant is being asked to prove that these are legal lots of record and when this was done.

***In order to allow the applicant time to provide additional information, Commissioner McGeean moved to continue this issue to the next Planning Commission meeting. Commissioner Bangerter seconded the motion which passed with a unanimous vote. Horner, yes; Bangerter, yes; Taylor, yes; McGeean, yes.***

**4)Discussion and possible action regarding Geneva Rock Conditional Use Permit application for Parcel #09-6276**

Mr. Bill King, representing Geneva Rock stated his opinion that each time the Town of Daniel has requested something, Geneva Rock has complied. But he felt that “things are getting crossed over” as different processes are occurring at the same time. Arranging for boundary agreements may be impeding the process, but there are 2 different processes. He would have liked to receive a letter from Jones and DeMille earlier. He stated that Geneva Rock is seeking approval of a CUP so that they can proceed with a building permit and answer the questions in the Jones and DeMille letter.

Commissioner Horner stated that he did not believe that the process was “crossed over” as the requested subdivision has been recommended for approval to the Town Council. The CUP is the issue that the Planning Commission is currently working on.

Commissioner McGeean stated that sound and traffic are still very important issues for him.

Mr. King responded that the Geneva Rock trucks will use Airport Rd and not come south to 3000 S in Daniel. However, he admitted that Geneva Rock has not yet received access to Airport Rd.

Commissioner McGeean suggested that other Geneva Rock locations might be comparable to gauge sound issues, but Commissioner Horner felt that this might not be relevant since each location has local factors to consider. It was determined that the Wasatch County code

ordinance allows 50 dB(A) at the property line (See Wasatch County code 16.27.35, 16.13.13, and 16.28.02).

After reading through the Geneva Rock CUP conditions offer of March 26, 2025, Commissioner Weight asked if the Commissioners had any items that they wanted to discuss. A question of a 15' berm (berm and solid vinyl fence combination) was a topic of discussion by Commissioner Taylor. He suggested that a concrete fence on the berm would block the view and also mitigate noise. He also questioned whether landscaping would be effective unless it was done properly by licensed landscapers and maintained properly with watering, weeding, etc.

Commissioner Weight asked for public comment.

Mr. Chip Polvoorde spoke as a proponent of the batch plant, but a group of neighbors had collected 52 signatures from their neighbors. Ms. Jalayne Bassett and Mr. Scott Bassett produced the petition and map showing the location of those Daniel residents who had signed the petition. They asked for a sound study to be produced that should be brought to Daniel Planning for approval. He advocated for serious landscaping by a professional contractor and suggested the berm should extend around the "corner" to protect the neighbors on the west. "Do it right from the beginning so neighbors can live with this."

Mr. Bassett stated that a vinyl fence doesn't hold up here.

Mr. Jack Rose stated that it's important that the Town has a real sound study, but he does not think that Geneva Rock should be authorizing the study. He mentioned that he can hear the noise from a currently operating batch plant on a cold morning from over a mile away at his home. "Let's really do this right."

Mr. Joe Witt suggested that Daniel Town should not approve this plant for "money" as he does not see one thing that the Town has improved with funding from the currently operating batch plant sales tax funding. He felt that the sound study would not be necessary if the plant were sunk into the ground (like in Richardson Flats—Park City area) or limited the hours of operation to 8am-5pm. "Make these conditions."

Ms. Marcia Birch asked why Daniel Town cannot make everyone control all that dirt?

***At the end of the comment period, Commissioner Horner moved to approve the CUP for the Geneva Rock batch plant based on the conditions of the Geneva Rock offer for CUP conditions in their proposal dated March 26, 2025, conditions in the Jones and DeMille letter dated May 6, 2025 including traffic flow, ingress and egress (specifically not onto 3000 S) all need to be approved prior to construction. A sound study must be performed (with models of equipment that will be used) prior to construction, and landscaping requirements must be approved by the Planning Commission, which will be installed under contract by professional landscapers. A follow-up sound study must be performed to verify that mitigation has been achieved, and additional mitigation must be performed, if necessary. Geneva Rock will be responsible for the sound study. The motion was seconded by Commissioner Taylor. The motion passed by the following vote: Horner, yes; Taylor, yes; Bangerter, yes; McGeean, yes. The CUP is approved with multiple conditions.***

**5)Mangum-Whaley permit application for new single-family dwelling construction at 984 W Valley View Rd**

Planning Director Bunker distributed to the Commissioners a letter from Jones and DeMille regarding this application that he had received just before the meeting.

***Commissioner Bangerter moved to approve the Mangum-Whaley permit application for a single-family dwelling contingent on completion of the conditions in the Jones and Demille Engineering firm. Commissioner McGeean seconded the motion, and it passed with the following vote: Horner, yes; Bangerter, yes; Taylor, yes; McGeean, yes.***

**6)Gressmen permit application for a new single-family dwelling at 1800 E Little Sweden Rd**

Planner Bunker commented that many of the requirements had already been completed by the Gressmens, and that they are waiting for the structural conditions to be completed.

***Commissioner McGeean moved to approve the Gressmen permit contingent upon completion of the Jones and DeMille conditions. Commissioner Bangerter seconded the motion. The permit was approved by the following vote: Taylor, yes; Horner, yes; Bangerter, yes; McGeean, yes.***

**7)New Business license: HOWMZ represented by Cole Leesnitzer**

Mr. Wim de Jager spoke for the new business, which is a premium quality home construction business that will build their first 6 homes in Midway and use the Daniel location as a training factory. They currently employ 6 people and hope to grow to 12, including engineers and architects. They are located in the Trunnell building on Hwy 40, and all work will be done inside the building from 8am-6pm.

***Commissioner Taylor moved to recommend approval of this new business license to the Town Council, and the motion was seconded by Commissioner Horner. The motion passed: Horner, yes; Bangerter, yes; Taylor, yes; McGeean, yes.***

**8)Continued discussion regarding non-conforming lots in Daniel**

Clerk/Recorder Merry Duggin informed the Planning Commission that the Town Council is considering a town hall meeting as recommended by the Planning Commission at their April meeting to receive public comment regarding issues dealing with non-conforming lots in Daniel. The dates being considered are August 11 and August 18, 2025.

**9)Planner report**

Planning Director Bunker informed the PC that Hadco (construction company) has purchased a property on Daniels Rd that is zoned part residential and part industrial. The Town expects that Hadco will apply for a zone change. The PC was informed that the Daniel Municipal Code allows the Planning Commission to determine what zoning is applied to a parcel if the parcel is split.

Also, Mr. Bunker informed the PC that Heber City is in the process of annexing the Hicken property on the north edge of Daniel. Heber City would like to install sidewalks on the east side of Daniels Rd if the property owners are willing to allow it.

**10) Approval of minutes for April 16, 2025 Planning Commission meeting**

***Commissioner Bangerter moved to approve the minutes as presented. Commissioner Horner seconded the motion. The minutes were approved: Horner, yes; Bangerter, yes; McGeean, yes; Taylor, yes.***

**11)Adjourn**

***Commissioner Bangerter moved to adjourn. The second came from Commissioner Horner. Vote: Horner, yes; Bangerter, yes; Taylor, yes; McGeean, yes.***

The meeting was adjourned at 8:38 PM.

Merry Duggin,  
Clerk/Recorder

APPROVED June 18, 2025