

DANIEL PLANNING COMMISSION MEETING
Wasatch County Services Building, Conference Room B
55 S 500 E, Heber City, UT
Wednesday, September 16th, 2026, at 7 PM

Quorum Present: Gary Weight, Vice Chair Byron Horner, Commissioners Heber Taylor, Scott Long, Pam Skinner.
Commissioners T.J. McGeean and Tim Jones were excused.

Town Officers Present: Planning Director Eric Bunker,
Planning Secretary Jolene Munford.

Members of the Public Present: Chip Polvoorde, Kevan Nilsson, Sherri Nilsson, Drew Reilly, Nathan Mavler, Todd and Jill Bonner, Tom Gordon, Melanie North, Megan Phillips, Scott Bassett, Jalayne Bassett, Jack Rose, Ronda Rose, Rich Martin, Jodi Taylor, Stefanie Grady, Eric Bunker, J. M. Smith, Julian Stemmer, Carol Sonnenburg, and Nate Mitchell.

Chair Gary Weight called the meeting to order at 7:00 pm

1. **Public Comment for items not on this agenda-** Drew Riley, owner of 487 W. Cobble Creek Lane, described a cease and desist issued the previous November after complaints concerning his property. He read from a complaint describing illegal nightly rental, noise, gatherings, traffic, lights, fireworks, and damage to Big Hollow Road. He said the Town Council had affirmed the complaints and cease and desist but had not issued a notice of compliance. He requested an inspection or notice closing the matter and offered access to the property. Chair Weight said enforcement was outside the Planning Commission's jurisdiction and that Riley should take the request to the Town Council.
2. **PUBLIC HEARING:** Changes to P-160 Preservation Zone.

Motion to open the public hearing: Byron Horner made a motion to open the public hearing regarding changes to the P-160 Preservation Zone. Pam Skinner seconded the motion.

Skinner, yes. Long, yes. Taylor, yes. Horner, yes. The chair opened the hearing.

The chair described the proposal as removing code uses 8542, crushed and broken stone quarrying, and 8543 sand and gravel quarrying. He explained the preservation zone and invited testimony, requesting comments of three minutes or less.

Jack Rose: I live on Cobble Creek Lane. It is completely unimaginable that we would have P-160 butting up against neighborhoods because of the potential disruption that can occur. This particular area we're talking about is within yards of my neighborhood, my house, and my property. The devastation to my net worth, property values, and quality of life from the kind of industry that could come in there is unimaginable. Asthma and micro dust are concerns as well. It would make our property uninhabitable for us.

It should not be that close to anybody's house or neighborhood. I strongly encourage us to change this to something that is friendly to people who live there and raise families. Thank you.

Scott Bassett: I am a year-round Daniel resident. To follow on Jack's comments, it was enlightening to learn where our code came from. We're dealing with a relic—something that may have made sense in a larger county. I could be okay with some of these conditional uses if they had the proper permits and were in the right place, rather than on top of somebody's house or within half a mile of fifty houses. I think most people would agree that the code needs to change. These are uses that might apply in a county, but they are currently conditional uses in a town with established residential neighborhoods.

I heard two uses mentioned, but there are two more to consider: oil and gas production, metal ore mining, stone quarrying, and sand and gravel quarrying. We've also heard the word *nuisance*. How one property affects another is where issues arise. The code defines nuisance, yet it also allows conditional uses that could create one. That is a conflict we need to fix.

The purposes of the preservation zone are stated in the first paragraph of the code. Number one is to protect the present and future water supply of Daniel and surrounding areas. Number two is to protect natural features and sensitive environmental areas. Number five is to prevent excessive soil erosion. I'm mentioning those three because they are relevant here.

Some uses that may have been appropriate in the county's 2006 code may not be appropriate in Daniel. I've heard that we've been working on this code, and we need to finish it. We don't want oil and gas wells next to Jack's house. We don't want metal ore mining. We don't want any kind of mining there. Those uses might have an appropriate place in the county, but not in our town. I think today's discussion is a push to finish fixing that code.

Nate Mitchell: Thank you all. My name is Nate Mitchell. I'm a land use attorney. I can't give the town legal advice because I'm not the town's attorney, but a couple of residents asked me to explain an additional reason why this change makes sense and why it is timely.

In 2025 and 2026, the Utah Legislature changed the Utah Code to protect sand, gravel, and rock crushing activities. Essentially, it created a vested right. Once an operator is able to engage in those activities, the statute allows the operator to expand, enlarge, or change their scope unless it can be shown that doing so would endanger public health. To help drive down housing costs and provide construction materials for critical infrastructure, the Legislature made it difficult for towns and cities to regulate those activities once they exist.

One of my clients' concerns is that, once an operator gets a foot in the door through a conditional use, it becomes difficult to change things later. That makes it especially important to consider the purposes of the preservation zone under Section 8.05: protecting sensitive land, preserving the water supply, and protecting the viewshed. Those are the purposes the code is intended to preserve. I was going to read the same provisions already mentioned, so I won't repeat them.

We're talking about more than Jack's property and his health concerns. We're talking about the whole hillside and the entire P-160

zone. I grew up in a small community like this one. What affects one neighbor can easily affect another. That is why my clients urge the town to adopt this change and adopt a recommendation that this is consistent with the purposes of the zone as quickly as possible. Thank you for your time.

Chip Polvoorde: I agree with this use change. I don't think having this use right next to homes was what we intended. We've already been working on it in the general plan. It was discussed and put on the board a few months ago, with the thought that we would fix it through the general plan. Obviously, it needs to move along faster. I think we should approve and vote on this tonight, and I hope everybody does.

Rich Martin: My name is Rich Martin. I live just north of where the quarry is proposed. We're talking about a preservation zone. *Preserve* means to keep something safe from harm, decay, damage, or loss so it stays in good condition. A quarry right on top of our neighborhood is completely incompatible with that. I strongly encourage you to adjust the preservation zone so that it actually preserves. Thank you.

Julian Stemmer: I'm Julian Stemmer, a Daniel resident on Southfield Road. I came to show my support for changing the preservation zone, especially removing the conditional uses that have been discussed. I may be repeating what others have said, but some of the code the town adopted does not fit the purpose of a preservation zone. Adopting existing code may have made sense at the time. As our community grows, though, we need to look more closely at all of our code and align it with our general plan and what we want for Daniel. I'm in favor of removing those uses.

Drew Riley: A couple of things. Metal ore mining was taken out of the P-160 uses in June 2019. I talked about this during the moratorium discussion. At the June Planning Commission meeting, the commission went through the P-160 uses and removed metal ore mining, group camps, and fishing. There is no audio or video of that meeting, but the changes are online. Quarrying remained a conditional use, and people in town were part of that process. I want everyone to be aware of that history.

There has also been confusion about vested rights under Title 10 and Title 17. Maverick Rock did not expand onto bordering land. My understanding is that Title 17 applies when a mineral right existed before zoning and allows expansion within the same mineral tract regardless of the zoning. Removing quarrying as a conditional use would not stop someone with that Title 17 right from expanding. Title 10 addresses expansion onto adjoining land. That is different from what Maverick Rock did. I want people to understand what this moratorium and the proposed code change would—and would not—stop.

As a landowner, I tried to work with the town on another option, but people were not interested. If property owners are given no opportunity to develop or use their land in another way, they may decide their only option is to make a deal with Maverick or Geneva. I'm fine with removing quarrying as a conditional use, but I ask the town to consider replacing it with something that gives these landowners another viable option.

Some of you attended the meeting with Wasatch County. The county initially tried to stop Maverick from having a hearing, but was told the hearing had to go forward. The county later reached a settlement on conditions. As I understood what was said at that meeting, those conditions were the county's 'only bite of the apple'; a conditional use process could have allowed many more conditions.

I disagree with the advice given at the last meeting to hit the brakes, pause, and do nothing. If we do nothing and put no alternative in place, the Title 17 issue remains. I encourage everyone to read about it. I hope we will consider what else landowners on the mountainside could do with their property.

Nate Mitchell: Chairman, may I briefly respond to a comment directed at me? I want to be clear: the Maverick litigation involved Title 17 because that is the land use code that applies to counties. The same provisions are in Title 10, which applies to land use management for cities. That is why I referenced Section 10-20-702. The same problem is presented here. Once a gravel pit is operational, its operator could acquire more land and expand down the hillside. That is why we are asking the town to remove gravel

quarrying as a conditional use—to prevent a Maverick issue under Title 10.

Jack Rose: Can I have my last 15 seconds? In America, we were founded on the principle of doing no harm to our neighbors. That is a basic principle of our inalienable rights. Just because something is legal, it does not always make it moral, and just because something is illegal, it does not always make it immoral.

In a community like this, we depend on our neighbors to act morally, to do no harm, and not to impose harm on our neighbors. If we lived by those principles, we would hardly need laws. In light of what we're discussing tonight, we have to make a change. There is an effort to violate that basic principle, and that effort cannot go forward. It just isn't right.

Jalayne Bassett: My name is Jalayne Bassett. I work in real estate, and I think it's important to do your due diligence when buying property. What you're buying at the time is what you're buying, whether it's zoned RA-5, RA-1, multifamily, or P-160. It is your right and part of your due diligence to know what you can do with that property.

Now, if you're coming in saying, 'I'm going to buy P-160 and change it to RA-1,' that is a game changer. I think we need to go back to those principles: What did we buy, and what was the property's zoning? Or did we buy it with the intention of changing it into something that financially benefits the landowner?

Drew Riley: When I bought the property, mining was legal. Mining has been a legal conditional use for 20 years, since the town was incorporated. It has never been removed. It wasn't added later. There was an opportunity to remove it, but it was kept.

You all bought property next to land that could have been mined as well. The same due diligence applies. I came in saying I was willing to walk away from mining and obtain residential zoning, and I was told, 'No, we don't want that.'

I always knew the property could be mined. That was the last and worst choice. Other people also bought land next to P-160 property

that could be mined. When I tried to move away from that use, people who bought right next to it fought against me.

So, I agree about due diligence. I've known mining was allowed since day one, and it has been in the original code since the town incorporated in 2014.

Pam Skinner made a motion to close the public hearing. Heber Taylor seconded the motion. Skinner, yes. Long, yes. Taylor, yes. Horner, yes. The motion passed.

3. Recommendation to Town Council on P-160 Zone change

Chair Weight discussed the proposal and the possibility of removing crude petroleum and natural gas as a conditional use. He explained that the commission was recommending changes to the P-160 zone and that the council would consider the ordinance.

Pam Skinner motion: I'll make a recommendation to the town council on the ordinance amending the P-160 preservation zone to remove mining and quarrying as conditional uses and to repeal related application and review requirements. Also add to that to remove crude petroleum and natural gas as a conditional use option. Scott Long seconded the motion. Skinner, yes. Long, yes. Taylor, yes. Horner, yes. Motion carried.

7. Set Public Hearing for recommended changes to town code

The commission discussed a future hearing on code enforcement, public meeting notice provisions, the RA 5 zone, and Title Three. Planner Eric Bunker said a new code enforcement ordinance and changes to existing ordinances were under consideration.

Scott Long: I'll make a motion that we set a public hearing for recommended changes to town code, including but not limited to code enforcement, changes in notifications for public hearings, RA-5 zone changes and Title Three to be scheduled for the Planning Commission meeting on October 21, 2026

Pam Skinner seconded the motion. Skinner, yes. Long, yes. Taylor, yes. Horner, yes.

8. Discussion on completing the General Plan update

The commission discussed the proposed annexation area map. Members expressed differing views about including a broad contiguous area and future annexation options. Planner Eric Bunker explained notice obligations for areas in the 20-year plan. Council members voiced that they thought they had come to a conclusion on what to include on the Annexation Map. Chair Weight wanted the council to consider what they want the town to be and cautioned that allowing some areas to be annexed could change the character of the town. He recommended only having areas with the same character as our town as potential annexation areas. Vice Chair Byron Horner disagreed and said it was just giving the town options for the future. Commissioner Scott Long said he didn't want to limit something that might be advantageous to the town and its future.

Planner Eric Bunker reported that draft maps were being prepared, including a zone map and the adopted wildland interface, and that a public open house and later hearings would follow.

Chip Polvoorde suggested examining the industrial area near Heber for potential revenue and protections for nearby residents. No motion was recorded on this item.

9. Planner Report for August 2026

In response to a question, Eric Bunker explained that the applicant contacts the town inspector for final inspection of an agricultural building, and the inspector checks the approved site plan and setbacks before signing off on the building.

10. Approval of Minutes – Daniel Planning Commission August 19th

Commissioner Heber Taylor identified an attendance error in the prior minutes.

Motion: Commissioner Pam Skinner made a motion to approve the minutes of August 19th, 2026, with the removal of Heber Taylor's name from the quorum present, accepting the rest of it. Scott Long Second the motion. Skinner, yes. Long, yes. Taylor, yes. Horner, yes.

Byron Horner raised a question about wording in a redlined draft of the Geneva conditional use permit addressing a 20-foot berm and

sound wall combination and a minimum 10-foot concrete wall. The chair and Eric Bunker said a final document had been issued; the chair suggested reviewing the final language.

11. Training as needed

The training was focused on meeting notification requirements in Daniel vs. State.

Planner Eric Bunker distributed and discussed state and town requirements on hearing notices and state requirements on conditional uses. Members discussed the relationship between state law and town code, reasonable conditions, mitigation of detrimental effects, appeals, and documenting reasons for land use decisions. We can be more restrictive, but we can't be less restrictive than the State on land use.

12. Adjourn: Commissioner Horner made a motion to adjourn the meeting at 8:06 pm, Commissioner Long 2nd the motion.

Jolene Munfrord- Planning Secretary