

Daniel Town Planning Commission Meeting

Wednesday, April 19, 2023, at 7:00 PM
Wasatch County Services Building, Conference Room B
55 South 500 East, Heber City, Utah

Meeting Minutes

Quorum Present: Planning Commissioner Chair Gary Weight, Commissioners Eric Bennett, T.J. McGeean, Pam Skinner, Byron Horner, and Kipp Bangerter. Commissioner Bridger Wilde as absent. Also present were Town Planner, Eric Bunker, Amelia Pays representing Ardurra Engineers, and Clerk/Recorder Kim Crittenden, to take minutes.

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Members of the Public: No members of the public in attendance

Chairperson Weight called the meeting to order at 7:10 pm.

1. Public comments (please limit to 2 minutes)

Clerk/Recorder Kim Crittenden mentioned that there will be an upcoming election for two (2) Town Council Seats. Ms. Crittenden was asked which Town Council Member Seats were up for election and she stated that Council Members Duggin and Dixon were up for election. She pointed out that both Council Members could choose to run again, along with any other interested member of the public who meets the lawful criteria.

2. Business License Renewal

a. Wes's Auto Shop

Commissioner Horner made a motion to recommend approval for the Business License Renewal Application for Wes's Auto Shop. Commissioner McGeean seconded the motion. The motion was approved with a roll call vote of Bennett yes, Horner yes, Bangerter yes, McGeean yes, and Skinner yes. The motion passed.

3. Recommendations to the Town Council for Section 8 of the Daniel Town Code

The discussion moved on to what recommended changes to the Daniel Code that the Planning Commission would like to make based on previous discussions from prior meetings including the last month's work sessions. It was noted that the Planning Commission felt that the best first step was to better define storage allowances in the Commercial Zone. The commissioners began referring to handouts in their packets.

They moved to Daniel Town Code Section 8.10.02 Permitted Principle Uses. It was discussed that the word "incidental" be changed to "nexus" as recommended by Eric Bunker, Town Planner based on his experience with defending Town legal issues.

The discussion then moved to the defined percentage of storage that could be part of any Commercial Property. It was asked why the Town could not just change the Town Code to say that no storage properties would be permitted. Planner Bunker noted that each municipality must contain or allow a business enterprise to exist in one of their zones. It was noted that storage is a permitted use in the Industrial Zone and so it did not need to be included as a permitted use in the Commercial, RA-5, or other zones. Storage in the Industrial Zone was

discussed at length and the Daniel Town Code that allowed it was found under 8.13.02-6370 Warehouse or Storage Services. It was noted that 8.13.02-6372 is not allowed and Planner Bunker noted that 8.13.02-6372 referred to “stockyards” which had been disallowed in the Town but now is now allowed due to an override by the State of Utah Legislature.

After much discussion it was decided that the best course of action would be to change the wording in 8.10.02-(3) Permitted Accessory Uses. **FROM** Accessory uses and structures are permitted in the (C) Commercial Zone provided they are **incidental to**, and do not substantially alter the character of the principal use of the structure **TO** Accessory uses and structures are permitted in the (C) Commercial Zone provided they are **in conjunction with and in nexus to**, and do not substantially alter the character of the principal use of the structure.

It was discussed that adding a (D)- to specify that any storage rented to a 3rd party would be prohibited was discussed.

There was a discussion about whether conditional uses would or could be allowed in any potential issues that were offered as examples and the pros and cons of allowing more or less conditional uses on commercial properties. It was noted that Conditional Use Permits must be renewed annually if that is a condition of approval and that this becomes something that the Planning Commission would need to monitor and reapprove every year. After much discussion, the Planning Commission generally agreed that changing the Town Code to better reflect the intended uses of property in the Commercial, and Industrial Zones, was better practice and would then lead to fewer Conditional Use Permit applications and considerations.

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Commissioner McGeean made a motion to recommend changes to the Daniel Town Council in the Daniel Town Code(s) 8.10.02(3) FROM Accessory uses and structures are permitted in the (C) Commercial Zone provided they are incidental to, and do not substantially alter the character of the principal use of the structure TO Accessory uses and structures are permitted in the (C) Commercial Zone provided they are in conjunction with and in nexus to, and do not substantially alter the character of the principal use of the structure AND add 8.10.02(3)(d) Storage structures to be rented by 3rd parties tenants are prohibited. Commissioner Bennett seconded the motion. The motion was approved with a roll call vote of Bennett yes, Horner yes, Bangerter yes, McGeean yes, and Skinner yes. The motion passed.

4. Planner Report

Planner Bunker presented his report. He discussed the road cuts that had been allowed over the winter on Mill Road and in Storm Haven and stated that the permanent repairs would be happening shortly. He stated that fiber would be installed by Utah Broad Band (UBB) lines along Ranch Drive to serve Daniel Elementary School, per the franchise agreement signed with the Town. He turned some over to Amelia Pays from Ardurra to discuss the excavation permit and process. She discussed that the permit had been turned into the Town of Daniel Engineers, Ardurra, and that the lines would be bored rather than dug to cause the least disruption possible. There was discussion about where power lines, gas lines, and irrigation lines ran with respect to the new fiber lines being run and Planner Bunker and Ms. Pays answered the Commissioners' questions to assure them that all of these issues had been addressed to the best of their knowledge.

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A question about the conversion of Daniel Irrigation water to Daniel Culinary water was asked. He stated that this was an issue that was being currently addressed. He continued by stating that generally, a 2:1 conversion irrigation to culinary water had been the standard but that this year the State of Utah is requesting that each municipality come up with their own, court defensible, rate of conversion.

5. Engineer Report

Amelia Pays from Ardurra stated that the previous conversations she participated in addressed everything that she had to report to the Planning Commission.

6. Adjourn

Commissioner Bangerter made a motion to adjourn. Commissioner Skinner seconded the motion. The motion was approved with a roll call vote of Bennett yes, Horner yes, Bangerter yes, McGeean yes, and Skinner yes. The motion passed.

The meeting adjourned at 8:20 PM

Kim Crittenden

Kim Crittenden
Clerk/Recorder

Approved May 17, 2023