

Daniel Town Planning Commission Meeting

Wednesday, July 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, Bridger Wilde, Byron Horner and T.J. McGeean. Commissioner Pam Skinner joined the meeting late, and Kipp Bangerter was absent. Also present were Planning Director Eric Bunker, Amelia Pays of Ardurra Engineers, and Clerk/Recorder Kim Crittenden, to take minutes.

Members of the public: Ben and Cheramie Hughes, Mathew and Anna Sullivan

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

1. Public comments (please limit to 2 minutes)

No Comment

2. Business License Renewal

a. New

i. Hungry Bunny Bakery

Anna Sullivan addressed the Planning Commission and stated that the Hungry Bunny had been in business for 4 years, making custom cakes. She stated the business would be sharing a space with the Pretzel Maker and Cloudy Owl, which had been approved previously.

b. Renewal

i. Givens Grooming

ii. Givens Gravel and Dumping Services

Commissioner McGeean moved to approve both business licenses. The motion was seconded by Commissioner Wilde. A roll call vote of Bennett yes, Horner yes, Wilde yes, and McGeean yes. The motion passed.

3. Ag Building Discussion

It was stated that state code does not allow a municipality to change for an Agricultural Building Permit for a property over five acres but a municipality is allowed to charge for properties under 5 acres that are not in a legal subdivision. Planner Bunker stated that the Town generally costs about \$375 to issue an Agricultural Building Permit. There was much discussion about what constitutes an "ag building" and what is an accessory building. It was

also stated that if there is electrical or plumbing on the plans, then there is a \$200 inspection fee that the Town does charge for. It was further stated that the Town has designated the Town Engineering firm to take care of all permitting, including ag buildings.

Commissioner Skinner moved to recommend that the Town council begin to charge a nominal fee, TBD, for ag permits where permissible by State law. The motion was seconded by Commissioner McGeean. A roll call vote of Bennett yes, Horner yes, Wilde yes, Skinner yes, and McGeean yes. The motion passed.

4. Ingels Ag Building

Planner Bunker stated that he had issued a stop work order to the homeowner, who had since come into compliance, and a permit was in process.

5. Non-Conforming Lots and Non-Conforming Use Discussion

The discussion included the difference between non-conforming lots and illegal lots. It was noted that illegal lots include those that were not properly recorded or were part of “quick-claim deeds” that were not properly subdivided. It was stated that non-conforming lots, which were established legally prior to Wasatch County’s 5-acre lot minimum and prior to the Town being formed with the current 5-acre zoning, are legal lots. Non-conforming lots are still subject to the same setbacks and other zoning requirements as all other properties.

It was further stated that the non-conforming use comes into question when a lot is being used in a way that it is not zoned for, for instance, commercial use in a residential zone. However, it was noted that “continued use” on a property is taken into account and land owners are allowed to continue the use that it was being used for prior to the Town’s formation.

Cheramie Hughes brought up the issue of a “lot of record”. She was informed repeatedly that the lot in question is under litigation and could not be discussed. It was noted that following the current litigation, it would be good to have a work session to work on this issue.

6. Planner Report

Planner Bunker presented his report as attached.

7. Engineer Report

No report.

8. Approve Meeting Minutes June 21, 2023

Commissioner Bennett moved to approve the minutes. The motion was seconded by Commissioner Wilde. A roll call vote of Bennett yes, Horner yes, Skinner yes, and McGeean yes. The motion passed.

9. Adjourn

Commissioner Wilde moved to adjourn. The motion was seconded by Commissioner McGeean. A roll call vote of Bennett yes, Horner yes, Wilde yes, Skinner yes, and McGeean yes. The motion passed.

The meeting ended at 8:05 PM.

Kim Crittenden

Town of Daniel Clerk/Recorder

APPROVED Aug 16, 2023