

Daniel Town Planning Commission Meeting

Wednesday, June 21, 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, Pam Skinner and Bridger Wilde were present. Commissioners T.J McGeean, Byron Horner, and Kipp Bangerter were 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: Todd Wall, Meike Long, Bob Long, Russell Morgan, Taylor Larson, Jason Binggeli, Cheryl Nicholson, and Ben Hughes.

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

1. Public comments (please limit to 2 minutes)

There was no public comment.

2. Public Hearing for Todd Wall Conditional Use Perm. for an Accessory Structure over 1500 Sq ft.

Commissioner Bennett moved to open the public hearing. The motion was seconded by Commission Wilde. A roll call vote of Bennett yes, Weight yes, Wilde yes, and Skinner yes. The motion passed.

Chair Weight invited Mr. Wall to address the Commission and attendees. Mr. Wall stated that the building would be multi-use but primarily used to store horse trailers and the like. It was explained to Mr. Wall that since he had originally applied for a Conditional Use Permit for the building, he could proceed with that application or change the application to an Agricultural Building which would restrict the uses. Despite stating to staff that he would be perusing an Ag Permit only, once given his options Mr. Wall decided to continue with the original Conditional Use Permit. A picture of the property and site plan was shown to the Planning Commission from the original permit application and Mr. Wall addressed questions.

Commissioner Wilde moved to close the public hearing. The motion was seconded by Commission Bennett. A roll call vote of Bennett yes, Weight yes, Wilde yes, and Skinner yes. The motion passed.

It was noted that a Conditional Use Permit for an accessory building would require more coordination with the Planning and Engineering Staff, but would provide more flexibility in what the building could be used for.

Commissioner Wilde moved to approve the Conditional Use Permit for the accessory structure on the Wall Property based on the site plan and pending final approval from staff. The motion was seconded by Commission Skinner. A roll call vote of Bennett yes, Weight yes, Wilde yes, and Skinner yes. The motion passed.

3. Business License Renewal

a. New

- i. RM Outdoor Adventures- Russell Morgan.**
- ii. The Pretzel Connection- Meike Long**
- iii. Cloudy Owl Farm, LLC.- Rachel Michael**
- iv. CMC Rock- Todd Cusick**

b. Renewal

- i. Action Performance Electric- William Brereton**
- ii. Jolley Electric-Troy Jolley**
- iii. A-1 Roofing DBA Kimball Roofing and Siding- Richard Wayman**
- iv. Computer Nerds- Chris Anderson**
- v. Tee J's Mutt Cutts- Tori Skinner**
- vi. Bart Wilde and Associates- Bart Wilde**
- vii. Timberline Lumber and Distributing – Michael Ashby**
- viii. MVC Construction Co. Inc.- Mark Lloyd**
- ix. StoneCutter Construction Inc.- Eric Bunker**
- x. Coleman Trucking Inc.- Melanie Coleman**
- xi. Jill's Hair Salon- Jill Bonner**
- xii. BMCI Electric Inc. Brent and Mary Waterman**
- xiii. John Glodowski LLC- John Glodowski**
- xiv. Suburban Propane- Karen Huber**
- xv. Simpson Fence- Ryan Simpson**

Chair Weight opted to begin with the Business License Renewals and asked if there had been any complaints about any of the businesses. It was stated that staff had received no complaints about any of the businesses.

Chair Weight then moved on to the New Business License Applications. All Commissioners had been provided with a brief business plan that was provided by the applicants. He invited the applicants to address the Commission.

Mr. Morgan addressed the Commission and explained/approved that his business would provide a hunting and fishing guide service to tourists. He was asked about what accommodations, storage options, and parking he would provide for his customers. He stated that he would allow his customers to tent or trailer camp in his yard or possibly stay in the accessory structure/garage on the lot if they did not opt to stay in a local motel/hotel. There was much discussion about what the bathroom situation would be for those invited to stay on the property if the patrons were "dry camping" and whether porta-potties would be provided to campers. Mr. Morgan was made aware that this type of camping is prohibited in the Daniel Town Code and the Commission expressed concerns about how this practice and the traffic would impact his neighbors.

It was noted that the guide-only portion of the application could be considered as a home-based business at a later date, but the plan as submitted did not fit within the Town Code.

It was also noted that the Planning Commission makes a recommendation for approval, approval with conditions or denial on Business License Applications and renewals to the Town Council, who will then make the final decision.

Next Meike Long from the Pretzel Connection addressed the Planning Commission and discussed the business plan she had submitted. She stated that she was hoping to rent a space for a commercial kitchen to bake her pretzels and would have a small retail/tasting space as well. She stated that most of her business is for special events, local farmers' markets, and a few local businesses. She stated that she would be sharing the space with honey producer Cloudy Owl Farms, Rachael Michaels, who was out of town and could not attend the meeting. She stated that she and Ms. Michaels would list the Town of Daniel address on all of the appropriate documents to ensure that any applicable sales tax would go to the Town.

Ms. Long was told that the location she was applying for did not currently have a Certificate of Occupancy (CO), but the Town had been working with the business owner to correct the one small issue of a trace wire that was holding up the final CO. Ms. Long stated that she had been unaware of this issue. She stated that she would discuss this with the building owner and would attend the Town Council Meeting on July 10th to assure that all of the issues had been addressed and to present her business plan to the Council. Ms. Long asked who she needed to contact about the installation of commercial-grade baking equipment and staff directed her to contact the fire marshal about the equipment and that Ms. Michaels should contact the agriculture department about anything to do with her honey business.

Next Taylor Larson from CMC addressed the Commission and introduced their area manager, Jason Binggeli. Mr. Larson noted that the CMC batch plant building was in transit currently and expected around the end of July to mid-August. He asked if the Commission had any questions and it was asked if CMC had taken the proper steps to ensure that tax revenue would be received in the Town of Daniel. He stated that they had, and that they had even made sure their mailing address was in the Town of Daniel.

The Commission then moved the discussion on to voting on the recommendations for Business License renewals and New Business License applications.

Commissioner Bennett moved to recommend all Business License renewals to the Town Council. The motion was seconded by Commission Wilde. A roll call vote of Bennett yes, Weight yes, Wilde yes, and Skinner yes. The motion passed.

Commissioner Bennett moved to recommend the Business License Applications for the Pretzel Connection and Cloudy Owl to the Town Council pending a CO being provided by the building owner. The motion was seconded by Commission Wilde. A roll call vote of Bennett yes, Weight yes, Wilde yes, and Skinner yes. The motion passed.

Commissioner Skinner moved to recommend the Business License Applications for the CMC Ready Mix LLC to the Town Council. The motion was seconded by Commission Bennett. A roll call vote of Bennett yes, Weight yes, Wilde yes, and Skinner yes. The motion passed.

Commissioner Wilde moved to deny a recommend the Business License Applications for the RM Outdoor Adventures to the Town Council. The motion was seconded by Commission Bennett. A roll call vote of Bennett yes, Weight yes, Wilde yes, and Skinner yes. The motion passed.

There was a brief discussion about the steps that the building owner would have to do in order to have the CO that would be required for the Pretzel Connection and Cloudy Own Farms to have their business licenses approved at the next Town Council meeting and Planner Bunker stated that he would follow up on this.

4. Probst Ag Building Permit

Planner Bunker stated that normally this would be approved by staff, but it came in close to the meeting, so he decided to bring it to the Planning Commission. He stated that meets all of the setbacks for no animals and the owner is aware of this. It was stated that this is a hay barn that is being relocated from another property. It was noted that the property already has a pig-barn. It was also noted that there is no square footage limit for an Ag Building aside from making sure the percentage of property to buildings required in the Town Code is met. It was further noted that the building is 140 x 40 or 5,600 Sq Ft.

Commissioner Wilde moved to approve the Probst Ag Building Permit. The motion was seconded by Commission Bennett. A roll call vote of Bennett yes, Weight yes, Wilde yes, and Skinner yes. The motion passed.

5. Haroldsen Change in Site Plan

It was asked if Mr. Haroldsen had been notified that his property would be on the agenda. It was noted that he had. The plans presented are actually the original plans that had been approved and would have no apartments and were only one story. It was noted that the setbacks are still the ones that were required for the two-story concept. It was noted that engineering had not received all of the plans. Chair Weight discussed that approving this latest concept/site plan would preclude the property from reverting back to the two-story previously approved concept/site plan.

Commissioner Bennett moved to approve the new, updated June 2023 Haroldsen Property site plan. The motion was seconded by Commission Skinner. A roll call vote of Bennett yes, Weight yes, Wilde yes, and Skinner yes. The motion passed.

6. Charles Shultz Property Update

Not discussed due to pending litigation

7. Code Change Recommendations for July 10, 2023, Public Hearing and Council Vote

The code change recommendations were reviewed. It was noted that the wording code changes would occur RA-5 Zone and the Commercial Zone, but would remain the same in the Industrial Zone.

8. Board of Appeals Hearing Set for July 11, 2023, and Announcement of New BOA Commissioners

It was noted that Heber Taylor, Jordan Woodbury, and David Hilton had been appointed to the Town of Daniel Board of Appeals and that Merry Duggin would be following up with the new BOA commissioners for training. It was noted that in addition Ryan Simpson and Adam Knight were also on the Board of Appeals.

9. Planner Report

Planner Bunker presented his report. The Reggie Kohler Building permit was discussed. It was noted that what was originally thought to be an addition was actually a new build after the existing building was demolished. Set-back concerns were discussed and the site plans were reviewed. Engineering and planning will follow up on this issue. It was noted that Addition Permits are handled by staff but that New Building Permits are presented to the Commission. It was noted that footings were poured today, which caused concerns if the inspectors were not on site. Engineering and planning staff will follow up.

It was noted that Ingel's pole barn construction was not permitted, but that Planner Bunker had not received a written complaint yet to act upon.

10. Engineer Report

Amelia Pays with Ardurra reported that she had been working with Clerk/Recorder Crittenden on a BRIC grant funding opportunity for the Storm Haven Water System. She further noted that she was also working with Nancy from MAG to find other grant opportunities to pay for the Towns portion of the BRIC grant.

11. Meeting Minutes May 17, 2023

Commissioner Bennett moved to approve the May 17, 2023, Planning Commission Meeting Minutes. The motion was seconded by Commission Wilde. A roll call vote of Bennett yes, Weight yes, Wilde yes, and Skinner yes. The motion passed.

12. Adjourn

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

The meeting adjourned at 8:05 PM.

Kim Crittenden

Kim Crittenden
Clerk/Recorder