

HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting Amended
February 11, 2025

Approved 04.08.2025

6:00 p.m. – Regular Meeting

1. Regular Meeting:

I. Call to Order

Chairman Jordan called the Planning Commission Meeting to order at 6:00 p.m. and welcomed everyone present.

II. Roll Call

Planning Commission Present:

Chairman Phil Jordan
Vice-Chair Tori Broughton
Commissioner Dennis Gunn
Commissioner Dave Richard
Commissioner Darek Slagowski
Commissioner Robert Wilson
Commissioner Robert Mckinley

Planning Commission Absent:

Commissioner Josh Knight
Commissioner Greg Royall

Staff Present

Planning Manager Jamie Baron
Planner Jacob Roberts
City Engineer Ross Hansen
Deputy Recorder Robin Raines

Staff Participating Remotely:

Anthon Beales

Also Present:

Also Attending Remotely:

Mr. Garner, Grace Doerfler

III. Pledge of Allegiance: By Invitation

Commissioner Gunn led the recitation of the Pledge of Allegiance.

IV. Prayer/Thought by Invitation N/A ()

none

V. Recuse for Conflict of Interest N/A

2. Consent Agenda:

I. 01.14.2025 PC Draft Minutes for Approval

Motion: Commissioner Gunn moved to approve the items on the Consent Agenda. Commissioner Slagowski made the second.

Discussion: N/A

Voting Yes: Commissioner Gunn, Planning Commission Vice-Chair Richards, Commissioner Slagowski, Commissioner Jordan, Commissioner Wilson, Board Member Broughton. **Voting No:** None. The Motion Passed 5-0 Commissioner Wilson Abstained.

3. Action Items:

- I. ~~*Public Hearing to Consider an Atlas Telecommunications Tower MDA Proposal (Jacob Roberts)~~

Moved to next agenda.

4. Work Meeting:

- I. Discuss Body Art Facilities in Commercial Zones (Planner Jacob Roberts)

Planner Jacob Roberts led this portion of the meeting. Planner Roberts said he was recently approached by some citizens looking to own and operate a body art facility within a salon that already existed. Planner Roberts reported that the citizens had already gone through the health code protocol and were then referred to him. Planner Roberts said he informed them that body art businesses otherwise known as tattoo parlors are not permitted in any zone. Planner Roberts said they could only have a business like this in home occupation, which was not an ideal situation for a tattoo shop.

Planner Roberts explained that no decisions would be made that evening and the purpose of the meeting was to gather the Commissioner's opinions on the matter. Chairman Jordan once again clarified that this item was on the agenda strictly for discussion.

The citizens came forward. They identified themselves as Julie and Oakley Franklin and stated that they lived in Heber City. Ms. Julie Franklin said she and her partner had spent thousands on permits for their business before they were informed that tattoo shops were prohibited, and opined that there was a communication issue between departments. She added that she had researched the Code extensively and did not see anything prohibiting body art facilities although she had been told that there were statues against it by Planner Roberts. Ms. Franklin said the State legislature had health regulations for body art facilities which she had followed and felt frustrated that she had followed these statewide codes only to be turned down at the local level. Ms. Franklin advocated for body art as a profession and stressed the lucrative and creative nature of the tattoo industry. Ms. Franklin said body art should be considered its own entity totally separate from cosmetology. Ms. Franklin noted that the rules on body art were

inconsistent as many salons and cosmetology businesses have permanent makeup services which are technically tattoos but are not designated as such by the state. Commissioner Gunn asked why these regulations were in place. Ms. Franklin said many of these regulations are similar to food preparation, such as that there must be a sink, and all other existing regulations are incredibly thorough. Ms. Franklin said the industry was heavily regulated by the health department. Commissioner Gunn acknowledged her comments but again expressed confusion about the reason for the regulations.

Ms. Franklin said there was still a huge stigma surrounding body art. Commissioner Broughton said tattoo shops were still lumped in with pawn shops and could attract other seedier businesses. Commissioner Gunn still questioned why the City banned body art.

Commissioner McKinley asked about licensing and how the regulators checked in on body art businesses. Ms. Franklin said Code Enforcement Officers often did not have the time and effort to check-in, so businesses got away with illegal activities until someone turned them in.

Commissioner McKinley asked if there was a groundswell for these businesses in the community. Ms. Franklin said yes - particularly for residents under the age of 35. Commissioner McKinley asked the applicants not to oversell how many people were actually interested in tattoos in their area. Ms. Franklin said there were several body art places nearby which booked out well in advance.

Chairman Jordan confirmed that working a business from home required a business license from the City and asked if there are any additional licenses required. Planning Manager Baron said these requirements depended on the business type. Planning Manager Baron said these requirements varied across the State as well, and added that he was not aware of any requests to have a tattoo business in the owner's home. Planning Manager Baron said every business needs to have a sign-off and routine inspections regardless.

Chairman Jordan said he understood the residential business parameters via his experience in homeowner's associations. Chairman Jordan opined that they needed to review their zoning code updates from the last few years. Chairman Jordan said they had previously recommended to prohibit body art businesses and noted that, as of 2022, the public had no interest in tattooing.

Commissioner Broughton asked for the zoning map. Commissioner Broughton said most people were under the impression that tattooing was allowed somewhere.

Commissioner Richards noted that tattooing was associated with sexually oriented businesses and was given conditional uses in industrial areas, per his recollection. Chairman Jordan this was conditional in that business owners needed to apply for permission.

Commissioner Slagowski said tattooing should be allowed in commercial zones and stressed that the market will decide if a tattoo parlor belongs in Heber.

Planning Manager Baron said they wanted to better understand where these types of businesses could be permitted, both in terms of land use laws and in terms of business traffic. Chairman Jordan said he was interested in learning where these businesses thrived elsewhere. Chairman Jordan added that the business designation of "sexually oriented business" came from a biased place and asked the Commission to investigate

this further.

Ms. Julie Franklin chimed in and said her daughter had a studio near the clock tower. Ms. Franklin said they had already been paying rent for their business and insisted that they could bring in money.

Chairman Jordan asked Planning Manager Baron to look into other City permits for these businesses. Planning Manager Baron said they try to keep up with the businesses which opened in the Valley.

Commissioner Robert Wilson implored the Commission to think of what could happen next if they approved the idea. Commissioner Wilson said they need to consider what happens after they permitted these kinds of businesses. Ms. Franklin said she foresaw more good than bad.

Commissioner Richards asked if the State regulated the privacy Code. Ms. Franklin said yes. Commissioner Richards asked for elaboration. Ms. Franklin said the Code stipulated having a separate area for body art in all salons which featured either partitions or took place in an entirely separate room.

Commissioner Richards asked if they did scar work. Ms. Franklin said they did not and added that scarification was a relatively new thing in body art.

Chairman Jordan said they had areas where they specifically zone certain activity based on how it impacts the community. Chairman Jordan brought up welding as an example, noting that they had to consider the flow of materials into the zone along with the noise and foot traffic. Chairman Jordan said this was an extreme comparison but illustrated his larger point.

Chairman Jordan asked what came next. Planning Manager Baron said they could do the research, have a work meeting, then come back for a public hearing. Planning Manager Baron said the Planning office was most concerned with upholding the Health Code.

Commissioner Gunn asked about language for the ordinance. Planning Manager Baron said this language would be worked out as they investigated. Commissioner Slagoski reminded the Commission that these businesses occurred anyway and said they operated best under some degree of regulation.

5. Administrative Items:

I. City Council Communication Item

Planning Manager Baron overviewed the most recent Council meeting. He reported that there had a termination of agreement between the City and the Wasatch Water Efficiency team. Planning Manager Baron said the Council had determined the agreement to be redundant. Planning Manager Baron went through a review of parking strategies for downtown. He then shared that Roger Brooks had presented his ideas for parking efficiency, particularly at 100 West and between 300 South and 2300 North.

Planning Manager Baron said most improvements involved street parking.

Planning Manager Baron then went through the Council retreat. He said most of the issues discussed pertained to downtown overlays. Planning Manager Baron said the Kroger had approved by the Council and the trail adjoining the property was public.

Chairman Jordan asked if there was parking for the trail. Planning Manager Baron

said there was no trailhead parking, but Jordan Park had public parking spaces. Planning Manager Baron then reported that the Arts Committee presented on the amphitheater. Planning Manager Baron said they also approved a transfer of funds to the CRA for purchase for the old Heber Light & Power Building, and added that they were still working on a lease agreement.

Chairman Jordan asked that the documents pertaining to the retreat be emailed to the Commission. Chairman Jordan said it would be important for the commission to be aware of what they discussed more in-depth.

Chairman Jordan said they have been asked to review the Central Heber Overlay Zone documents. Chairman Jordan said the retreat documents could inform this. Planning Manager Baron said the retreat document is public, though he doubted it would help them much.

Commissioner Broughton said she had looked through the email they had received and said it did not include enough information about the open house.

Chairman Jordan said he would like to engage with the public in a workshop before the public hearing. Planning Manager Baron said the open house could not take place on February 25th because of a Planning Commission meeting.

Commissioner Broughton asked about the meeting on Wednesday for the City and County with SITLA. Planner Baron did not have details on it.

Chairman Gunn said he would not be able to attend the next two meetings. Chairman Slagowski said he would have to miss the next two meetings as well.

II. 2025 PC Training:

Planning Office Admin Kijanen reminded the Planning Commissioners that they will need one hour of training from the link below to fulfill four hours for 2025. She requested that the Commissioners email her with the Code or Codes from where they took their training:

https://le.utah.gov/xcode/Title10/Chapter9A/10-9a.html?v=C10-9a_1800010118000101

Planning Manager Baron said one training had been done during the latest Council retreat, the Utah Open Meetings Act training, and said the Commission also needed to have this training. Planning Manager Baron said this training addresses conflict of interest and said he would keep the Commission posted on training dates.

II. 2025 PC Training:

The Planning Commissioners will need one hour of training from the link below to fulfill four hours for 2025.

As you complete your training please email Meshelle Kijanen with the Code or Codes where you took your training from:

Any Parts 3 through 6:

https://le.utah.gov/xcode/Title10/Chapter9A/10-9a.html?v=C10-9a_1800010118000101

Mr. Baron explained the training that was needed for the Planning Commission. OMPA Training was done during the retreat. Mr. Jordan talked about the conflict of interest disclosures.

6. Adjournment:

Commissioner Gunn motioned to adjourn. Commissioner Broughton seconded the motion. All voted aye and the meeting was adjourned at 7:10 PM.

Meshelle Kijanen
Meshelle Kijanen, Administrative Assistant