

MINUTES of the Vernal City PLANNING COMMISSION

Vernal City Council Chambers - 374 East Main Street, Vernal, Utah

April 12, 2022

7:00 pm

Members Present: Brandon Parker, Stephen Lytle, Corey Foley, Troy Allred, Brian Eades

Members Excused: Kimball Glazier

Alternates Present: Randel Mills

Alternates Excused: [Click here to enter text.](#)

Staff Present: Allen Parker, Assistant City Manager; and Gay Lee Jeffs, Administrative Secretary.

WELCOME AND DESIGNATION OF CHAIR AND MEMBERS: Chair Brandon Parker welcomed everyone present to the meeting.

APPROVAL OF MINUTES FROM March 15, 2022: Chair Brandon Parker asked if there were any changes to the minutes from March 15, 2022. There being no corrections, Corey Foley *moved to approve the minutes of March 15, 2022 as presented. Stephen Lytle seconded the motion. The motion passed with Brandon Parker, Stephen Lytle, Corey Foley, Troy Allred and Brian Eades voting in favor.*

RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE TO CONSIDER CHANGES TO HOUSEHOLD PETS IN CHAPTERS 16.20 – SPECIFIC USE REGULATIONS, CHAPTER 16.45 – MIXED USE ZONE AND CHAPTER 16.48 – C-2 AND CC-1 PLANNED COMMERCIAL ZONES, ORDINANCE NO. 2022-05

Allen Parker explained that ordinance 2022-02 concerning pets was passed in February and since then he has had a chance to talk to people and look at the impact on property owners and feels there is a better way to address the ordinance. Mr. Parker reminded the Commission that Sections 16.45.080 – Special Provisions and 16.48.045 were added to the Code. There is nothing in the City currently that is zoned MX, so by adding that provision to the MX zone, no property was affected. Mr. Parker read the addition to the Code, “Except in single family dwellings as defined herein, all household pets must be kept indoors”. The CC-1 zone is the downtown commercial zone. Apartments are allowed in that area and then there are some grandfathered homes in that area as well. The MX zone is intended to have predominantly residential characteristics but with a fair amount of other mixed uses in there such as retail and office space. The reason for the ordinance is because it creates a conflict between the other uses in the area and that specific use. The purpose of zoning is to try to mitigate conflicts in uses when they exist. The proposed change might be more effective at mitigating the conflicts between the uses of household pets outdoors and the other uses that exist in that zone. The new proposal reads as follows, “Section 16.20.410 – Household Pets A. Household pets shall be for family use only and not raised for commercial purposes. B. In the CC-1, CCP-1, C-2, CP-2 and MX zones, household pets may be kept with the following condition(s): 1. Outdoor kennels must be screened from adjacent properties by a solid wall a

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minimum of six (6) feet in height.” Commercial operation is not the intention for household pets. A single family dwelling is not a permitted use in a commercial zone, neither are duplexes, triplexes, etc., but there are still some that exist in those commercial zones that are grandfathered in and they can continue to be used as residences even though they are not one of the permitted uses within those zones until someone changes that use to something else. The ordinance change would allow a pet to be kept outside with a level of screening between their property and the adjacent properties. Brian Eades asked what the original impetus was for these changes. Mr. Parker explained that in the commercial downtown zone there was a pet being kept outdoors that was creating a perceived conflict between that property and the adjoining properties. There were reports of barking and uncomfortableness with people trying to get into and out of businesses. Mr. Eades asked if the City Council has heard about this conflict. Mr. Parker stated that they have and they passed the original ordinance a couple of months ago that did not allow household pets to be kept outdoors. Mr. Parker explained that the City is trying to find a way to relax the requirements. Mr. Parker reiterated that this ordinance is only for commercial zones. Mr. Parker explained which living spaces are allowed in commercial zones. Brandon Parker had heard from several residents of Vernal City that their problem was with the downtown plan and eating outside on a patio with a dog barking or with the odor from the dog even with a screen. Mr. Parker explained that the City has a nuisance ordinance that would govern smells and noise. Corey Foley stated that a dog kennel would have to be on the property owners own property and would need to have the correct setbacks.. Mr. Foley also felt that the word “screening” is too vague and would prefer specifics. Mr. Parker explained that was the reason the “solid wall” was put into the ordinance. Commissioner Parker said that he would like to have the same material as the exterior of building. Mr. Foley asked if the zone for apartments above businesses is already considered to be the MX zone. Mr. Parker answered that the Commission is talking about zones and not the uses, but it is considered to be a mixed use configuration. There was discussion about where a pet could be on a Commercial outdoor property. Mr. Parker stated that it would be very hard for the City to tell a pet owner that their pet could not go out on their balcony and that is not the intention of the ordinance.

Brandon Parker opened the public hearing to receive comment from the public.

Richard Case, 317 North 1250 West, inquired about a separate application that was not on the agenda and was told to contact the office later.

Jenny Thompson, 54 West 200 North, stated that this ordinance does not directly affect her but she does have some thoughts on the ordinance. Ms. Thompson asked if the resident with the dog was there prior to the restaurant that was complaining about the barking. Mr. Parker answered that the restaurant is not in place yet and that it is currently under construction. Ms. Thompson said that she thought that it was an existing problem and that people were eating with the dog right there barking. Mr. Parker reiterated that the restaurant does not exist yet, but the dog is there. Mr. Foley asked if Ms. Thompson had seen the new downtown revitalization plan for that area. Ms. Thompson replied that she always goes to the City Council meetings and so she has probably seen the plan. Mr. Foley stated that there will be a walking boulevard across the back of the property and the dog is in the kennel which makes people uncomfortable. Mr. Foley said that he was told that the dog was growling at a family which made them uncomfortable and made the children scared. Ms. Thompson commented that the rights of both parties matter and then asked, does a business matter more than private property rights of an individual because property rights are one of our constitutional rights that cannot be taken away unless a crime has been committed. Ms. Thompson stated that she does have concerns for the resident being able to have their dog outside, but she can also see that it can be alarming and uncomfortable if the dog is out of control. Ms. Thompson was wondering if there had been a group of people complaining and then asked, what kind of

government do we have, are we a democracy or are we a theocracy? Commissioner Parker replied that we have a democracy, a republic really. Ms. Thompson explained to the Commission that we have a constitutional republic and that it means we are not a pure democracy because a pure democracy can be evil. Under a pure democracy the majority always rules and the individual has no rights, we have individual rights and private property rights Ms. Thompson expressed that she likes the idea of the property owners being able to have their dog outside with a wall. Ms. Thompson stressed bringing in both sides.

Chair, Brandon Parker closed the public hearing.

Mr. Foley asked if there were setbacks for the commercial area. Mr. Parker answered that there are no setbacks in the downtown area for the structures. Mr. Foley asked if the structure could be built to the property line. Mr. Parker replied that a structure could be built on the property line and that is one of the problems with the downtown area because there is no room for parking. Commissioner Parker asked if the City attorney thought it was unlawful to pass the original ordinance or if there was public concern and why is the Commission revisiting the ordinance. Mr. Parker answered that he had not received any feedback from the City attorney only anecdotal feedback from the State. Mr. Parker stated that the question that has been asked is if this is a grandfathered property right. The City is definitely not attempting to eliminate a use but trying to mitigate the conflict that arises when it comes directly up against other people's property rights. The point is to try to preserve as many rights as possible and still mitigate the conflict. Commissioner Parker said that he would entertain a motion on this ordinance. Mr. Eades stated that felt he needed more information and would have to abstain from voting. Mr. Parker showed the downtown plan for the area in question and pointed out where a dog kennel is located in the same area. Mr. Parker informed the Commission that people are will be allowed to walk their pets on a leash in that area. Mr. Parker reminded the Commission that the public hearing has been conducted and that the Commission can forward a positive or negative recommendation or it can be tabled..

Troy Allred moved to table the ordinance. Randel Mills seconded the motion. The motion passed with Brandon Parker, Stephen Lytle, Corey Foley, Troy Allred, Brian Eades and Randel Mills voting in favor.

ASHLEY MEADOWS CONDOS PLAT VACATION LOCATED AT 575 NORTH 175 EAST, VERNAL, UTAH- 2022-004-VAC

Allen Parker explained the applicant is requesting their property located at 575 North 175 East, that has been created as a plat, be vacated and returned to the original piece of land. This is a condominium plat and the condominiums are all owned by a mother and son. Brandon Parker mentioned that some of the condominiums were sold within the last six (6) years. Mr. Parker stated that the applicant has bought back all of the condominiums and have included warrantee deeds for all of the units, but he will verify the ownership. Mr. Parker informed the Commission that no public hearing is needed for the vacation of a plat. The State requires that the land use authority, if there are no easements or public right of ways, can act to vacate the plat. The owners would like to continue to rent the existing buildings and build more buildings to the south and complete the project as apartments instead of condominiums. Corey Foley clarified that the property would have one (1) owner and would not have individual owners for each unit. Mr. Parker confirmed there would be one (1) owner and the property is zoned R-4 and could be re-platted in the future but would have to go through the whole planning process again. Commissioner Parker commented that there was a church conducting services in the clubhouse at one time. Mr. Parker informed that church services could continue. Commissioner Parker voiced concern about ownership for all units. Mr. Foley asked if there were any code changes for infrastructure from

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the original plat. Mr. Parker stated that there have been Code changes but when the master site plan is submitted for any new building, all new construction will have to meet current Code. Allen there are utility easements around the perimeter of the development, so with the vacation of the plat, they will have to reestablish the public utility easements. Randel Mills asked what negative or positive effects this will create on that area. Mr. Parker answered that the only significant change would be that the configuration of the new construction will be different. They will also own all of the units and will not be able to sell them independently. Mr. Parker is not sure that it will make much of a difference. Mr. Mills asked what kind of border will go around the property. Mr. Parker stated that any kind of fencing, if needed, will be determined during the master site plan process. Mr. Parker reiterated that the only action the Planning Commission is considering at this time is changing the division of land that exists. When the owner is ready to develop, they will bring a new master site plan into the office where it will be reviewed for approval. Mr. Parker commented that the plat will be changing completely but the southern two-thirds (2/3) of the lot will be configured differently and available for development. The private drive has been maintained by the owner. Mr. Mills asked how many new units will be built. Mr. Parker stated that he does not know yet, but the City is not changing the zones or the allowed density.

Brian Eades moved to forward a positive recommendation to the City Council to vacate the Ashley Meadows Condos, located at 575 North 175 East – 2022-004-VAC. Stephen Lytle seconded the motion. The motion passed with Brandon Parker, Stephen Lytle, Corey Foley, Troy Allred, Brian Eades and Randel Mills voting in favor. Troy Allred added that the deeds need to be verified.

ADJOURN: There being no further business, *Corey Foley moved to adjourn. Troy Allred seconded the motion. The motion passed with a unanimous vote, and the meeting was adjourned.*

Brandon Parker, Planning Commission Chair