

# MINUTES of the Vernal City PLANNING COMMISSION

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

May 10, 2022

7:00 pm

**Members Present:** Brandon Parker, Brian Eades, Troy Allred & Kimball Glazier

**Members Excused:** Corey Foley & Stephen Lytle

**Alternates Present:**

**Alternates Excused:** Randel Mills

**Staff Present:** Allen Parker, Assistant City Manager; Matthew Tate, Building Official; 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 April 19, 2022:** Chair Brandon Parker asked if there were any changes to the minutes from April 19, 2022. There being no corrections, *Troy Allred moved to approve the minutes of April 19, 2022 as presented. Kimball Glazier seconded the motion. The motion passed with Brandon Parker, Troy Allred, Kimball Glazier and Brian Eades voting in favor.*

**RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE TO CONSIDER CHANGES TO THE CODE FOR REGULATIONS OF TINY HOMES, AMENDING DEFINITIONS, CHAPTER 16.04, 16.46 MANUFACTURED HOME ZONE (MH) AND CHAPTER 16.56 CHANGE MANUFACTURED HOME AND MANUFACTURED HOME PARK AND TRAVEL TRAILER COURT REGULATIONS, - ORDINANCE NO. 2022-03.**

Allen Parker stated that this item addresses these particular zones in the code. The City is trying to adapt lot sizes to accommodate tiny homes. Tiny homes are permitted in every zone, as currently defined, except for the RA 1 and R1 zones which have a minimal single dimension of twenty-four (24) feet. This proposed amendment is adding a definition. Tiny homes will be added as a use under Section 16.46.020 which is the MH zone. In Section 16.46.040, which defines the subdivision, the lot size and width will be smaller and there are a few things that will be cleaned up. This is to provide for a little more accommodating space for a tiny home. There is some more cleanup work clarifying side setbacks and replacing “manufactured home” with “main building”. In the Manufactured Home Park Regulations, Section 16.56.080, if it is a manufactured home park, the density would be changed. Brandon Parker asked for clarification on how public hearings are advertised. Mr. Parker explained that it public hearings are advertised on the State’s Public Notice website, the City’s website and three (3) physical locations throughout the City. The State law changed and the City is no longer required to advertise in the local newspaper.

Brandon Parker opened the public hearing to receive comment from the public. There being no public comment, Brandon Parker closed the public hearing.

Kimball Glazier asked if a tiny home would need a permanent foundation. Matt Tate explained that with any habitable space, a foundation is required. There is no way to be exempt from that code.

*Brian Eades moved to forward a positive recommendation to the City Council to amend the Vernal City Municipal Planning and Zoning Code to consider changes to the Code for regulations of Tiny Homes, amending definitions, Chapter 16.04, 16.46 Manufactured Home Zone (MH) and Chapter 16.56 change Manufactured Home and Manufactured Home Park and Travel Trailer Court regulations, - Ordinance No. 2022-03. Troy Allred seconded the motion. The motion passed with Brandon Parker, Troy Allred, Brian Eades and Kimball Glazier voting in favor.*

**RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE TO CONSIDER CHANGES TO THE CODE TO PROVIDE A BETTER TRANSITION BETWEEN ZONES. PROPOSED AMENDMENTS TO CHAPTER 16.42 – R-3 RESIDENTIAL ZONE AND CHAPTER 16.44 R-4 RESIDENTIAL ZONE - ORDINANCE NO. 2022-04.**

Allen Parker stated that the R-1, R-2, R-3 and R-4 zones have different designations that reflect different densities. The R-1 zone is the low density zone that allows single family homes. The R-2 zone allows a duplex and is a little higher density. The R-3 zone allows a four-plex and is an even higher density. The R-4 is the highest density zone and allows things like apartment complexes and condo complexes. The City would like to scale a little bit better between the R-1 and the R-2 zones, the R-3 and the R-4 zones so that the density from zone to zone and the amount of lot space, width and setbacks scale down commensurate with the intended densities that are reflected in each zone. In Section 16.42.040, which references the R-3 zone, reduces the square footage of a lot. Section 16.42.050 addresses the minimum widths. In Section 16.44.040, which addresses the R-4 zone, reduces the square footage of a lot. Section 16.44.050 addresses the minimum widths. This is an adjustment that will facilitate the development within the City that is being proposed right now in a way that appropriately adjusts from zone to zone.

Brandon Parker opened the public hearing to receive comment from the public. There being no public comment, Brandon Parker closed the public hearing.

Kimball Glazier asked if Mr. Parker used any other jurisdiction as a template for these changes. Mr. Parker answered that he did not use any other jurisdiction as a template for the changes. Mr. Parker explained that the City is looking at the direction of different concepts that have been discussed by the City and what way those concepts may go and what results that may have with that kind of building and what that kind of density would be accomplished. There are not enough options being presented as far as the progression through the zones. The City is trying to adjust it so there is a smoother transition without significantly changing how the City is laid out, designed and built.

*Troy Allred moved to forward a positive recommendation to the City Council to amend the Vernal City Municipal Planning and Zoning Code to consider changes to the Code to provide a better transition between zones. Proposed amendments to Chapter 16.42 – R-3 Residential Zone and Chapter 16.44 R-4 Residential Zone - Ordinance No. 2022-04. Brian Eades seconded the motion. The motion passed with Brandon Parker, Troy Allred, Brian Eades and Kimball Glazier 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 reminded the commission that this item had a public hearing at a previous meeting and was tabled for discussion. A public hearing was also conducted before the City Council and was also tabled due to no recommendation from the Planning Commission. The first change is to capitalize the word “Vietnamese” in the first paragraph. The second change is on the last portion of the ordinance under Sections 16.45 and 16.48 where portions of the code will be removed. Section 16.45 is a Mixed Use zone and Section 16.48 is the CC-1 zone within the City. Both zones are focused intently on commercial and high density activity. One of the regulations the City adopted a few months ago specified that if you lived in one of these commercial zones and you were in a residence that was not a grandfathered type single family residence and you had a household pet, that pet had to be an indoor pet. In looking at this ordinance, perhaps it was not being accommodating to people who actually had some outdoor space and still lived in an apartment. The proposed change addresses the CC-1 zone but also addresses all the other commercial zones and the MX zone. Section 16.20 is the City’s Specific Use Regulations section which specifies that household pets may be kept within those zones and adds a condition. Rather than specifying that they have to be kept indoors, it says that outdoor kennels must be screened from adjoining properties by a solid wall a minimum of six (6) feet in height. Brandon Parker asked if all the new downtown area going to be zoned MX. Mr. Parker responded that it would only happen if the property owner requests it. Commissioner Parker explained that he, Troy Allred and Councilman Corey Foley visited with some of the affected business owners in the commercial zone. One of the affected property owners contacted the State Ombudsman’s office and consulted them about the previous ordinance. An affected property owner felt he should be grandfathered in. There was concern from another property owner about the smell, flies and noise that would come from allowing pets outside. Health violations could also be a concern. Commissioner Parker informed that the property owners he had visited with were invited to the meeting. Commissioner Parker also stated that the public was allowed to speak if they so desired even though it is not a public hearing. Brian Eades asked if there had been any public feedback at the City Council public hearing. Mr. Parker explained that he had anticipated more feedback and more people to attend but there was not. There were a few comments made especially on the role of government in relation to private property rights. The City Council’s feedback was that the City needs to be careful about how heavy handed they act as a government. Kimball Glazier asked what the definition is, by code, of a solid wall. Mr. Parker stated that it was left kind of

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open. It is not a fence with slats or a vinyl fence; it is a solid structural item. The materials were not specified but it must be completely sight obscuring like a brick wall or a concrete wall. Mr. Parker explained that the word screening used within planning code means to obscure. There was discussion on changing the wording “screen”. It was suggested that the word “screen” be replaced with the word “separated” and add “...properties by a completely sight obscuring...”. Brian Eades asked about grandfathering status. Mr. Parker explained the concept of grandfathering. Grandfathering is a legal non-conforming use. In order to have an established legal non-conforming use, under State law and under Vernal City Code, the burden of proof is upon the person who is requesting the use and to demonstrate that that use was legal at one time and then the code changed but they did not modify their use. In this case the use, household pets, has not in any way been eliminated from any of these zones. There was a modification made to keeping the pets outdoors. Mr. Parker clarified that no use has ever been denied, the parameters involving that use were modified, with one part of that use, of household pets. There was discussion on a current pet owner and another business owner in the commercial area that the Commission thought would be amenable to the current proposed ordinance change. Troy Allred is concerned that allowing an outside kennel might affect other businesses in the Commercial and Mixed Use zones. Mr. Parker stated that the City has to find the fine line when it comes to property rights. Mr. Eades asked what a balcony would be classified as. Mr. Parker answered that it would be classified as occupiable space. Mr. Parker reminded the Commission that a pet owner in these zones would have to build their kennel on their own private property; it cannot be built on City property. There is also a public nuisance code that would address any other problems such as odor and barking.

***Brian Eades moved to forward a positive recommendation to the City Council to amend the Vernal City Municipal Planning and Zoning Code to consider changes to the 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 with the change of “Outdoor kennels must be separated from adjacent properties by a completely sight obscuring solid wall a minimum of six (6) feet in height”. Kimball Glazier seconded the motion. The motion passed with Brandon Parker, Brian Eades and Kimball Glazier voting in favor. Troy Allred opposed.***

### **DOWNTOWN UPDATE**

Allen Parker states that downtown is moving along very well. The grants that were sought are being obtained. The City is preparing to go to bid for the parking lot. A lot of the design work and engineering is in place and the funding has been secured for that as well as in the future for the re-development of Vernal Avenue. Development agreements are being solidified with the developer of the downtown parcel. There are other projects around the City that will have an impact on infrastructure, on housing, on potential City boundaries that are happening very rapidly. There will be more projects happening over the summer.

Allen Parker reminded the Planning Commissioners about completing their training and asked if all commission members had received their Land Use books. Mr. Parker mentioned that there will be some code changes for parking and how it is managed within the city.

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

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Brandon Parker, Planning Commission Chair