

MINUTES of the Vernal City PLANNING COMMISSION

Vernal City Council Chambers – 447 East Main Street

January 15, 2009

Members Present: Eric Olsen, Shirley Wilkins, Howard Carroll, Sonja Norton, Troy Allred

Alternates Present: Glenn Spencer

Excused Members: Freida Parker, Gordon Seitz

Staff Present: Allen Parker, Assistant City Manager; Dan Nance, Building Official; Janine Shannon, Administrative Clerk

WELCOME AND DESIGNATION OF CHAIR AND MEMBERS: Howard Carroll welcomed everyone and stated that all members and alternates present would be voting.

ACKNOWLEDGMENT AND APPROVAL OF SPECIAL MEETING: Allen Parker explained that this is listed as a special meeting because it was scheduled on a different night than normal.

ELECTION OF PLANNING COMMISSION CHAIR & VICE CHAIR FOR 2009: Eric Olsen nominated Howard Carroll as Planning Commission Chair for 2009. Allen Parker stated that this process is now specified in the bylaws. **Sonja Norton made a motion that nominations cease. Troy Allred seconded the motion.** Allen Parker explained that since there is only one nomination, ballots do not have to be distributed and the Planning Commission may simply vote on the nomination. **The motion to cease nominations passed with Glenn Spencer, Eric Olsen, Howard Carroll, Sonja Norton, and Troy Allred voting in favor.** Howard Carroll stated that Freida Parker would need to be excused from the meeting due to a conflict with another meeting. **Glenn Spencer, Eric Olsen, Howard Carroll, Sonja Norton, and Troy Allred voted in favor of the nomination of Howard Carroll as Planning Commission Chair.** Troy Allred nominated Eric Olsen as Vice Chair. Eric Olsen nominated Gordon Seitz as Vice Chair. **Glenn Spencer made a motion to cease nominations for Vice Chair. Sonja Norton seconded the motion, and the motion passed with Glenn Spencer, Eric Olsen, Howard Carroll, Sonja Norton, and Troy Allred voting in favor.** Allen Parker passed out ballots, and after counting the cast ballots, he announced that Eric Olsen had the majority of votes to serve as Vice Chair for 2009

APPROVAL OF MINUTES FROM DECEMBER 11, 2008: Howard Carroll stated that there are four members present from the December 11 meeting, which is enough to vote. Sonja Norton stated that there is an extra letter “a” on line 29 and asked that it be removed. She also requested that “that information” on line 106 be replaced with “reason for absence,” as a clarification. **Sonja Norton made a motion to approve the minutes from December 11,**

2008, with the corrections noted. Eric Olsen seconded the motion, and the motion passed with

Glenn Spencer, Eric Olsen, Howard Carroll, Sonja Norton, and Troy Allred voting in favor.

Shirley Wilkins arrived at 5:45 p.m.

REQUEST FOR APPROVAL OF AN AMENDMENT TO THE VERNAL CITY PLANNING COMMISSION BYLAWS – SECTION II – CONDUCT OF MEMBERS, ATTENDANCE – RESOLUTION NO. 2009-1 – ALLEN PARKER: Allen Parker stated that this amendment changes the requirement that absences be approved by the Commission to absences be approved by the Chairperson. He added that there are two areas where the language has been changed to reflect this. **Sonja Norton made a motion to approve the Request for Approval of an Amendment to the Vernal City Planning Commission Bylaws – Section II – Conduct of Members, Attendance – Resolution No. 2009-1. Eric Olsen seconded the motion, and the motion passed with Glenn Spencer, Eric Olsen, Shirley Wilkins, Howard Carroll, Sonja Norton, and Troy Allred voting in favor.**

PLANNING COMMISSION – ALTERNATE MEMBER DISCUSSION: Allen Parker explained that he does not have any recommendations for alternates at this time, but he reminded the Commission that there is one vacant position. Howard Carroll stated that alternates are required to live within Vernal City limits, and some experience relating to the endeavors of the Commission is preferred. Allen Parker added that there is no minimum time for residency. He explained that he will keep this item on the agenda until the position is filled. Eric Olsen asked how many total alternates there should be. Allen Parker answered that there should be three alternates, and so one more is needed. Sonja Norton suggested Terry Anderson and said she would contact him. Howard Carroll stated that Mr. Anderson has been on the City Council in the past and has good experience. Allen Parker stated that if Mr. Anderson expresses interest, he will follow up on it.

GENERAL PLAN DISCUSSION: In revisiting the general plan, Howard Carroll stated that the Commission met with the general plan executive management committee on Tuesday, January 13th to discuss what the community feels is important. He continued that there was also a public hearing Tuesday evening. He explained that several issues came up at both meetings: a desire for a walking and bike trail system; a concern over water availability, especially with more development; an interest in developing a secondary water source; and a need for affordable housing.

Allen Parker stated that he thought that notification of the public was a problem at that meeting as it was sparsely attended. He added the next meeting will be at 6:30 p.m. February 10, likely at Discovery Elementary again. He encouraged everyone to attend because of the significant impact the general plan will have the future of the community. Eric Olsen suggested having the meeting at 7 p.m. Allen Parker responded that he will work with the management committee. He reiterated the importance of having public input, as the general plan will address the character of the City including transportation, street development, land uses, building heights, etc. He continued that this general plan will encompass the expanded annexation policy boundaries as

well, in order to give guidance in the future regarding annexation requests. Howard Carroll asked if there was a notice in the paper for the last meeting. Allen Parker responded that there were articles in the paper and public service announcements on the radio the day before and the day of the meeting, but the ad in the paper did not get published for some reason. He added that they would work hard to make sure that the community is aware of what is going on. Howard Carroll stated that there was discussion about meeting with high school students and civic classes to get different perspectives. Sonja Norton stressed that input is also needed from those outside Vernal City limits because areas eligible for annexation are included in the plan.

REQUEST FOR APPROVAL OF SUNRISE VENTURES MINOR SUBDIVISION LOCATED AT 379 NORTH 500 WEST – APPLICATION #2008-0041-SUB – JERRY LARSEN: Allen Parker stated that this application has been withdrawn.

REQUEST FOR APPROVAL TO REZONE PROPERTY LOCATED AT 358 NORTH 800 WEST FROM R-1 RESIDENTIAL TO R-2 RESIDENTIAL – APPLICATION #2008-0042-RZ – JOSHUA BAKER: Allen Parker stated that this is a request by Joshua Baker to rezone a parcel of land off of 800 West and approximately 360 North from R-1 to R-2. He continued that this property is abutting an R-2 zone on the north and the east, and an R-1 zone on the south and west. He explained that the general plan indicates that this is a low density residential zone, and so both R-1 and R-2 are appropriate. He continued that R-2 allows for duplexes and twin homes, where R-1 allows only for single family dwellings. He added that there are existing duplexes to the north and east, and so the staff finds the application to be approvable. Sonja Norton asked if Mr. Baker owns the parcel to the south. Mr. Baker responded no. Howard Carroll opened the meeting for public comment.

Norm Pease, 295 North 500 West, asked where the parcel is located in relation to his home. Sonja Norton responded that it is just due east, across from the walking park.

Shane Mayberry, 949 South 2000 East, stated that he owns the acre just south of Basin Clinic and asked for clarification on the location of the parcel. Having arrived late, he asked questions that had already been addressed by the Planning Commission. Mr. Mayberry expressed concern that the zone change would allow for high density. Howard Carroll responded that changing from R-1 to R-2 would not really impact the neighborhood because only one duplex could be built on the property. Glenn Spencer added that the lot is only .22 acres.

Tim Crow, 410 West 500 North, asked if the area that includes Basin Medical Center is zoned commercial. Howard Carroll responded that it is zoned CP-2, planned commercial development. Mr. Crow asked if that was the only place in the area where commercial development would be allowed. Howard Carroll responded that the new master plan will address that issue. He added that a number of commercial businesses already exist along 500 North, which is also a main traffic artery. Mr. Crow stated that he is concerned about 500 North if density increases. Howard Carroll responded that part of the problem is that the City has no control over the north side of 500 North, which is in the county. Allen Parker reiterated that

these types of transportation issues need to be heard at the general plan meetings. Mr. Mayberry asked if a draft of the general plan would be published in the paper. Allen Parker responded that it is too large, but a draft plan will be presented to the City at large in March. Howard Carroll closed the public comment portion of the meeting. **Shirley Wilkins made a motion to forward a positive recommendation to the City Council regarding the request for approval to rezone property located at 358 North 800 West from R-1 Residential to R-2 Residential – Application #2008-0042-RZ. Troy Allred seconded the motion, and the motion passed with Glenn Spencer, Eric Olsen, Shirley Wilkins, Howard Carroll, Sonja Norton, and Troy Allred voting in favor.** Howard Carroll stated that the City Council will consider this recommendation at their next meeting.

REQUEST FOR CONDITIONAL USE PERMIT FOR AN OFFICE BUILDING LOCATED AT 277 SOUTH VERNAL AVENUE – APPLICATION #2008-0043-CUP –

KENNETH NIELSON: Allen Parker stated that this is a request for a conditional use permit (CUP) for a small office building at 277 S. Vernal Ave. He continued that it is located in an R-3 Residential zone, which allows for professional office buildings as a conditional use. He added that the Commission can place certain restrictions or conditions on the permit to mitigate any impact this use would have on the surrounding properties. He explained that by State law, the Commission cannot turn down a CUP application without substantial justification. He concluded that the staff finds the request to be in compliance with Vernal City Code section 16.14. Allen Parker displayed the site plan, showing the building, parking to the interior, grassy areas, a depression to contain storm water, bark features, and access at Vernal Avenue. Howard Carroll asked if the existing home had been torn down. Kenneth Nielson responded yes. Howard Carroll opened the meeting for public comment.

Shawn Hawk, 287 S. Vernal Avenue, asked about the parking at the back of the lot and possible overflow. He explained that there is already a business to the north of this property, and customers from that business already park in front of his home sometimes. Susan Nielson responded that they don't anticipate much traffic, and it shouldn't be a problem. She added that the office building will be located on the north side of the property, not against Mr. Hawk's fence. Mr. Hawk stated that he is not opposed to the plan, but he asked about office hours. Mrs. Nielson responded that office hours are normally 9 a.m. to 5 p.m., although people might work late. Allen Parker clarified that retail sales are not a permitted use in this area. Howard Carroll asked if the Nielsons have already secured a tenant. Mrs. Nielson responded, no, but a few people have expressed interest. Howard Carroll closed the meeting to public comment. Eric Olsen asked what is to the north of this property. Howard Carroll responded that it is an outreach program, not a residence, and most of their traffic is early in the morning. Mrs. Nielson added that they also have a CUP, and there is parking to the rear of the building. Eric Olsen asked if lighting for the office building would affect Mr. Hawk's home. Allen Parker stated that lighting had been discussed, but he is not sure that it is shown on the site plan. He added that a six foot site-obscuring fence is required around an office adjacent to a residence. He continued that engineering review is pending on the site plan concerning storm water details, and he will make sure that lighting is also shown on the site plan. He explained that lighting is

required in parking lots after hours for safety purposes. Howard Carroll asked if signage falls under the site plan. Allen Parker responded, yes, and that signage in an R-3 zone is limited to a monument sign. He stated that the Commission needs to look at conditions deemed necessary to mitigate any impact on the residential area. Howard Carroll asked how wide Vernal Avenue is in front of this property. Dan Nance responded that it is a main highway and at least 66 feet wide. Allen Parker added that Vernal Avenue is wider than standard streets. Howard Carroll asked if street widths have been discussed in relation to the general plan update. Allen Parker responded that transportation has not yet been discussed. Howard Carroll clarified that the property in question does not extend into Vernal Avenue like the property to the south. Eric Olsen stated that his only restraint would be on the lighting. Allen Parker stated that they could specify directional lighting. **Eric Olsen made a motion to forward a positive recommendation to the City Council concerning the request for conditional use permit for an office building located at 277 South Vernal Avenue – Application #2008-0043-CUP with the condition that lighting be directional and not impose on any properties, especially to the south. Sonja Norton seconded the motion, and the motion passed with Glenn Spencer, Eric Olsen, Shirley Wilkins, Howard Carroll, Sonja Norton, and Troy Allred voting in favor.**

REQUEST FOR APPROVAL OF OFFICE BUILDING SITE PLAN LOCATED AT 277 SOUTH VERNAL AVENUE – APPLICATION #2008-0044-MSP – KENNETH NIELSON: Allen Parker stated that this is a request for master site plan approval associated with the previous conditional use permit. He continued that the staff has reviewed the plan and found it to be in accordance with City code with the exception that comments on storm water requirements have not yet been returned by the engineer. Howard Carroll asked where the concrete turns to asphalt. Kenneth Nielson responded that it is asphalt in front of this property. Allen Parker stated that the site plan shows new sidewalk in that area. Howard Carroll asked if the power pole will stay where it is. Allen Parker responded that part of the reason the building will be located to the north is to avoid having to move that power pole. **Sonja Norton made a motion to approve the Site Plan for an office building located at 277 South Vernal Avenue – Application #2008-0044-MSP, subject to any corrections noted by engineering staff. Glenn Spencer seconded the motion, and the motion passed with Glenn Spencer, Eric Olsen, Shirley Wilkins, Howard Carroll, Sonja Norton, and Troy Allred voting in favor.** Sonja Norton stated that she is glad to see this area being improved.

REQUEST FOR APPROVAL OF ASHLEY CREEK VILLAGE CONCEPT PLAN LOCATED AT 600 SOUTH 200 EAST – APPLICATION #2008-0040-SUB – ROBERT SCHMIDT: Allen Parker explained that this is a request for approval of a concept plan for subdivision of land associated with a new apartment complex. He explained that Silver Pines is located to the south and Split Mountain Village to the east of the parcel in question. He continued that roads will eventually connect all three complexes. Allen Parker reminded the Commission that they had instructed Robert Schmidt, representing PEG Development, to contact Lloyd Swain, the owner of the property directly to the west, concerning the continuation of 100 East. Mr. Schmidt explained that since the meeting last month, he has spoken with Mr. Swain

and aligned the roads so as to allow him to plan for development of his property. He continued that due to revisions, there will be 168 units instead of 192. He added that they would like to break ground on this large project this year, but there are several factors that need to fall into place. Allen Parker asked if there are any additional subdivisions of land than what is shown. Mr. Schmidt responded that there are none; there will be just one owner. He continued that they didn't know what else to do with the land to the south of the road but to subdivide it into four lots. Howard Carroll asked what this area is zoned. Allen Parker responded that it is zoned R-4. Mr. Schmidt explained that duplexes would probably be built on the four lots. Eric Olsen commented that he likes the revisions. He asked if there are any plans for the four lots. Mr. Schmidt responded that he has an agreement with Mr. Swain on one, and perhaps the other three would be sold. Howard Carroll asked if Mr. Schmidt knew what Mr. Swain planned to do with his property. Mr. Schmidt responded that Mr. Swain had previously had the property subdivided and installed utilities there, but the plat was vacated. He continued that he thought Mr. Swain would probably build duplexes and 4-plexes there. He added that this development would not be tying into Mr. Swain's utilities, but rather to 600 South. Allen Parker explained that the City does own and maintain the water line, but not the sewer lines installed by Mr. Swain. Howard Carroll asked if the lines would stub to the property line to facilitate future circulation. Mr. Schmidt answered that they agreed to continue lines into Mr. Swain's property to make future connections easier.

Mr. Mayberry, Agent Bishop for the Vernal 2nd and 4th Ward LDS building located adjacent to this development, stated that he is concerned about high density in this area. He explained that the more people living in a small area, the more problems there are, and he gave examples of people who had moved out of his wards due to meth labs and violence in the area. He continued that there needs to be some space in between developments to mitigate density.

Howard Carroll responded that this area is currently zoned R-4, where high density is allowed, and that particular zoning designation is probably the result of the master plan completed in 2001. Allen Parker clarified that this zoning actually existed before even that plan. He explained that according to the 2001 Master Plan, this area is designated as low density, but it was already zoned high density at the time the master plan was created. He continued that the City cannot legally "down-zone," without legal implications and requests for zoning changes must be made by the property owner.

Mr. Mayberry stated that road width is one way to mitigate the undesirability of high density. Allen Parker responded that street widths are already specified in code, but he added that street widths will be addressed with the new general plan. Mr. Mayberry asked if that would affect this development. Allen Parker explained that once a person makes an application, that application freezes the laws so that the applicant is bound only to the laws in place at that time and any changes to the law made afterward do not apply. Howard Carroll stated that there is a lot of vacant land in that area, and those property owners could request a down-zone, but the City cannot. Mr. Mayberry asked if the City could use impact funds to buy development rights or buy some of that vacant property. Howard Carroll responded that there are not enough funds to

purchase property. Allen Parker responded that the purchase of developmental rights would be a possibility, though, if property owners are willing to sell and if funds are available. Allen Parker explained that State law provides protection for individuals who invest a large amount of money based on certain expectations and rights. He concluded that there is little that can be done to undo what exists, but much can be done to shape the future. Mr. Mayberry reiterated that something should be done to prevent these high density areas in Vernal from becoming “ghettos.” Howard Carroll stated that the master plan is really the only tool the Commission has to work with and reiterated the importance of public input in updating it. Glenn Spencer commented that this type of development is the closest thing to affordable housing, which the community needs. Troy Allred agreed and stated that most people just don’t want it in their backyard.

Howard Carroll stated that the plan looks better than it did the last time the Commission looked at it, and he appreciated Mr. Schmidt working with Mr. Swain. Eric Olsen asked if the development would be built in phases. Mr. Schmidt answered that they recently completed a similar project where they finished the site work and infrastructure and then rented out each building as soon as it was finished. He added that they plan to do the same with this project, working on 1 or 2 buildings at a time. Howard Carroll asked if the clubhouse and amenities would be in phase one. Mr. Schmidt responded that phases have not been established. Matt Hansen, construction manager, stated that the clubhouse was built toward the end of the last project they did. Howard Carroll stated that the Commission is concerned about proposals that have amenities in the last phases because some projects never get to the final phases. Mr. Schmidt stated that he agrees and understands and added that they have not yet laid out phasing. He continued that the intent is to start with the first couple of buildings. He explained that a clubhouse typically takes about 60 days to build and an apartment building about 180 to 270 days. Eric Olsen asked how many levels would be in each building. Mr. Schmidt responded that the buildings are 24-plexes, consisting of 3 levels with 8 units per level. Allen Parker stated that the next step will be the master site plan. **Eric Olsen made a motion to approve the Ashley Creek Village Concept Plan located at 600 South 200 East – Application #2008-0040-SUB. Glenn Spencer seconded the motion, and the motion passed with Glenn Spencer, Eric Olsen, Shirley Wilkins, Howard Carroll, Sonja Norton, and Troy Allred voting in favor.** Eric Olsen commented that he has a concern about residents parking along the new road and suggested that “no parking” signage be part of the site plan. Mr. Schmidt agreed to include signage.

MISCELLANEOUS: Howard Carroll stated that he would like a discussion of irrigation water be put on the agenda. Allen Parker recommended that such a discussion be approached through the general plan process and any action be based on guidance from the general plan. Howard Carroll stated that they would need to consult the City attorney. Eric Olsen commented that a secondary water system would be nice but also very expensive due to earth work, right-of-ways, etc. He added that it is basically developing another water system that is not treated. Howard Carroll explained that he did not necessarily mean develop this in retro, but with new developments. Allen Parker stated that if the general plan indicates that the community would

be in support of such an expensive system, then it may be justified. Howard Carroll stated that Esquire Estates currently uses secondary water, and other developments could do the same. He added that the water & sewer districts are in support of it because they say it is too expensive to use culinary water to water lawns. Eric Olsen responded that the districts need to charge more then. Troy Allred stated that requiring a secondary water system would cost developers a lot more money. Allen Parker stated that he thought the reason this is an issue right now is because districts are trying to postpone developing new culinary water sources. Howard Carroll stated that a representative from Maeser Water District said they would run out of culinary water by 2012, based on current growth. The Commission discussed water sources of the various districts. Allen Parker stated that the districts voicing concern were Ashley and Maeser. Howard Carroll asked if water information would be part of master plan. Allen Parker responded it will provide a capital improvements plan for main water lines in the City, but the source of the water will not be addressed. Eric Olsen asked if Vernal has a master water plan. Allen Parker responded no.

There being no further business, **Shirley Wilkins made a motion to adjourn. Eric Olsen seconded the motion, and the motion passed with Glenn Spencer, Eric Olsen, Shirley Wilkins, Howard Carroll, Sonja Norton, and Troy Allred voting in favor.** The meeting adjourned at 7:30 p.m.

Howard Carroll, Chairman