

# **MINUTES of the Vernal City PLANNING COMMISSION**

Vernal City Council Chambers – 447 East Main Street

June 25, 2009

**Members Present:** Shirley Wilkins, Gordon Seitz, Eric Olsen, Sonja Norton, Troy Allred

**Alternates Present:** Glenn Spencer, David Brinkerhoff

**Excused Members:** Howard Carroll, Freida Parker

**Staff Present:** Allen Parker, Assistant City Manager; Richard Zohner, Building Official; Janine Shannon, Administrative Clerk

**WELCOME & DESIGNATION OF CHAIR & MEMBERS:** Allen Parker stated that Howard Carroll and Freida Parker were absent due to family obligations. Eric Olsen acknowledged that he would be acting as chair in Howard Carroll's place, and he welcomed those present. Allen Parker introduced David Brinkerhoff as the new alternate and stated that he is an engineer. Eric Olsen stated that Glenn Spencer would be voting in place of Howard Carroll, and David Brinkerhoff would be voting in place of Freida Parker.

**APPROVAL OF MINUTES FROM APRIL 9, 2009, APRIL 20, 2009 & MAY 14, 2009:** Gordon Seitz made a motion to approve the minutes from April 9, 2009. Glenn Spencer seconded the motion, and the motion passed with Troy Allred, Gordon Seitz, Eric Olsen, Sonja Norton, and Glenn Spencer voting in favor. Eric Olsen determined that there were not enough members present to vote on the minutes from April 20 & May 14.

**REQUEST FOR APPROVAL OF AMENDMENTS TO THE VERNAL CITY PLANNING & ZONING CODE, CHAPTERS 16.04 – DEFINITIONS, 16.06 – ADMINISTRATION AND PROCEDURES, 16.26 – OFF-STREET PARKING AND VEHICLE ACCESS STANDARDS, 16.44 – R-4 RESIDENTIAL ZONE AND 16.58 – SUBDIVISION CODE WITH THE FOLLOWING ORDINANCES:**

**2009-09 – STORM WATER MANAGEMENT:** Allen Parker stated that the line “or any subdivision creating public or private roadways” has been added to the storm water ordinance in order to eliminate redundancy in the code. He explained that there was a section of the subdivision code addressing storm water that will now simply refer this ordinance. He continued that the next added section clarifies that retention systems cannot legally be allowed to deteriorate and must maintain “original design capacities”; it also specifies that “above ground retention devices and basins shall be landscaped in accordance with Section 16.27” and that they must be fully enclosed by a six foot fence as a safety precaution. Sonja Norton asked where the figures came from. Allen Parker

stated that a 3:1 ratio for the slope is what he has seen in his career, and 31 inches is standard for the depth, so he just rounded it up to 36 inches or three feet. He added that the numbers are up for discussion. Sonja Norton asked if the entities in the added section should be listed more generically in case the names change or an entity is added. She mentioned that this had been a problem with the airport and the FAA. Allen Parker answered that agencies listed will more than likely not change, but it could be reworded to read "all applicable government agencies as directed by the City." Sonja Norton responded that those that are already listed could remain, but she asked that a clause be added that would include those not specifically listed. Allen Parker suggested it read "in accordance with City, State, and Federal guidelines." Sonja Norton agreed that would cover any entity that might have jurisdiction. Glenn Spencer asked if the Planning Commission should go with 31 inches since that is the standard. Allen Parker responded that the Planning Commission could do that. Eric Olsen stated that he understands the liability issue, but there will be a lot of six-foot fences around town with either 31 inches or 36 inches. He concluded that in his opinion, this would not look very attractive. Allen Parker stated that Walgreens fenced its retention area to protect the store from liability. Sonja Norton suggested that the City require the water to be pumped out by a truck if the depth exceeds 31 inches. Eric Olsen and David Brinkerhoff expressed concern about this occurring in a timely manner. Allen Parker stated that other cities have required that water dissipate within a specified amount of time like 24 hours, 12 hours, or even an hour. Glenn Spencer stated that he likes that idea because standing water can breed mosquitoes. Allen Parker explained that this would require a seepage bed. Sonja Norton stated that water table testing should be required for above ground retention systems like ponds. Eric Olsen responded that is part of the engineering of a project. They agreed that a time limit for standing water should be added to the ordinance so that engineers can design to that standard. Allen Parker asked how long the Planning Commission would like to allow for water dissipation and suggested that 24 hours would be adequate. Glenn Spencer agreed. Sonja Norton asked how this would be enforced. Allen Parker stated that the design drawings are stamped by a Professional Engineer (PE), so the engineer would be responsible if not designed to standard. He added that in the future, City Manager Ken Bassett will be proposing that the City eliminate above ground retention systems altogether. He continued that the requirement that water dissipate in 24 hours may force some designs to go underground anyway. Troy Allred asked how much more this will cost a developer. Sonja Norton answered that it will be a lot. Shirley Wilkins asked if the current systems will be grand-fathered in. Allen Parker answered, yes, that this will only apply to new development. Glenn Spencer stated that 24 hours is reasonable. Eric Olsen suggested 48 hours to 72 hours because no one will be able to get a truck out to have the water pumped if a storm hits on a weekend. Allen Parker asked if the Planning Commission then wanted to eliminate the fencing requirement. Eric Olsen responded that if safety is the issue, children can drown in six inches of water, which would require fencing around pretty much any catch basin. He concluded that liability should fall on the store, not the City. He pointed out that fencing will not even be an issue if the idea is to require underground retention in the future. Ed Peterson, Uintah County Attorney, suggested that the Planning Commission

call mosquito abatement and find out how long mosquitoes take to breed. He explained that any argument against the new restrictions could not be considered arbitrary or capricious if the reasoning is to protect against West Nile Virus. Glenn Spencer commented that the time frame for mosquitoes to begin breeding is probably shorter than they think. Eric Olsen asked Allen Parker to call mosquito abatement. Glenn Spencer stated that a requirement for water dissipation would eliminate the need to require fencing. Gordon Seitz asked if other communities are beginning to require retention systems to be underground. Allen Parker responded, no, but that he has seen some communities incorporate storm water into the utility system; for example, a business pays a fee for its storm water to be flushed through the sewer system. Eric Olsen pointed out that underground designs are expensive and will push businesses to build where the requirements are less restrictive, like the County. Mr. Peterson stated that ideally the City and County would work together to collect this water and deposit it back into the aquifer. He explained that other cities in the desert are spending lots of money to develop such systems. Eric Olsen opened and closed the meeting to public comment. **Sonja Norton made a motion to table Ordinance 2009-09 – Storm Water Management. Gordon Seitz seconded it, and the motion passed with Glenn Spencer, Shirley Wilkins, Gordon Seitz, Eric Olsen, Sonja Norton, Troy Allred, and David Brinkerhoff voting in favor.**

**2009-10 – DEFINITION OF AFFECTED ENTITIES:** Allen Parker stated that this relates to what Sonja Norton was talking about earlier. He explained that rather than define “affected entity” by listing specific agencies, the code now refers to Utah Code. Eric Olsen opened and closed the meeting to public comment. **Sonja Norton made a motion to forward a positive recommendation to the City Council regarding Ordinance 2009-10 – Definition of Affected Entities. Gordon Seitz seconded it, and the motion passed with Glenn Spencer, Shirley Wilkins, Gordon Seitz, Eric Olsen, Sonja Norton, Troy Allred, and David Brinkerhoff voting in favor.**

**2009-11 – ADDITIONAL PARKING:** Allen Parker stated that as per the direction of the Planning Commission, language has been added to Section 16.26.110, parking space requirements for dwellings, to require multiple-family developments to provide additional parking spaces for recreational vehicles (RV’s). He explained that standard parking spots are 9’ x 18’, so this specifies that one additional parking space, 10’ x 25’, will be required for every two units in a building of nine or more units. He added that the numbers are arbitrary and open for discussion. Gordon Seitz asked if any other cities require this. Allen Parker responded that he does not know. Sonja Norton stated that developers will balk at this, and the Planning Commission should be careful not to require RV parking out of personal preference, but rather for safety reasons. Allen Parker stated that there is an issue in some areas with RV’s being parked on the streets. He added that some developers, like Ashley Creek, have decided on their own to provide RV parking to make their properties more marketable. Sonja Norton stated that she feels the current requirement of two parking spaces per unit is sufficient, and it is not the

City's place to require additional parking. David Brinkerhoff stated that he lives in Pheasant Glen condos and keeps his boat at another location. He explained that the complex would not look as nice if cluttered with RV's. Allen Parker concluded that the City would be restricting the ability of a developer to design a product; however, state law allows regulation of such things, including aesthetics. David Brinkerhoff reiterated that RV's should be parked elsewhere. Troy Allred disagreed, stating that parking is an issue for a family with teenagers living in a 3-bedroom unit. Sonja Norton suggested just increasing the number of standard parking spaces per unit to 3. Allen Parker explained that this amendment will increase the requirement to 2.5 parking spaces per unit, and the dimensions of these additional spaces can be standard or RV-sized. Sonja Norton asked if on-street parking could be required. Allen Parker responded that requirement would be difficult to implement. Troy Allred asked if the number of parking spaces could increase as the size of the development increases. Allen Parker responded that this is what this amendment does in effect. Sonja Norton commented that parking is an issue no matter the size of the complex. Mr. Peterson stated that additional parking requirements limit a developer's ability to build low cost housing because it decreases the amount of living space that will see a return. Glenn Spencer agreed and stated that additional RV parking is probably unnecessary for those looking for low cost housing. Allen Parker stated that as a point of reference, the City has estimated the cost to build a parking space in downtown as \$3,900. Glenn Spencer asked if the purpose for this amendment is to get people to stop parking on the streets. Allen Parker responded that the City Council directed this, given the nature of the community, in response to concerns over the lack of parking for RV's in high density developments. Eric Olsen opened and closed the meeting to public comment. **Sonja Norton made a motion to forward a negative recommendation to the City Council regarding Ordinance 2009-11 – Additional Parking. Troy Allred seconded it, and the motion passed with Glenn Spencer, Shirley Wilkins, Gordon Seitz, Eric Olsen, Sonja Norton, Troy Allred, and David Brinkerhoff voting in favor.**

**2009-12 – LOT WIDTH IN AN R-4 ZONE:** Allen Parker stated that Section 16.44.050 should refer to any parcel, not any building; the code currently and erroneously reads that the minimum width for any building is 65'. Eric Olsen opened and closed the meeting to public comment. **Gordon Seitz made a motion to forward a positive recommendation to the City Council regarding Ordinance 2009-12. Shirley Wilkins seconded the motion, and the motion passed with Glenn Spencer, Shirley Wilkins, Gordon Seitz, Eric Olsen, Sonja Norton, Troy Allred, and David Brinkerhoff voting in favor.**

**REQUEST FOR APPROVAL OF SITE PLAN FOR CHILDREN'S JUSTICE CENTER – LOCATED AT 190 SOUTH 200 EAST – APPLICATION #2009-0014-MSP – UINTAH & DAGGETT COUNTIES:** Allen Parker stated that this is a request by Uintah & Daggett Counties, represented by Uintah County Attorney Ed Peterson, to build a new Children's Justice Center on 1.99 acres zoned R-3 and C-2,

an approved use in both zones. He continued that the staff has reviewed the plan and found it to be in substantial compliance with City code. He added that he has received additional detail on landscaping and storm water, which the City engineer is currently reviewing for capacities. He continued that the facility will be built on part of one parcel and on all of another, both owned by the County. Eric Olsen asked if there were two homes south of this. Mr. Peterson responded that there is one home there now, the other has been demolished. Gordon Seitz asked if the facility would have a basement. Mr. Peterson responded, yes, and that the basement will be used for storage, but they could occupy it in the future if an elevator were installed to meet ADA standards. He stated that the Children's Justice Center was put together about 10 to 12 years ago, spearheaded by the attorney general's office, in order to assist in the investigation of child abuse or neglect. Before the Children's Justice Center was established, children were taken to the police department along with the perpetrator, which was not an ideal situation. He continued that the center is not a residential dwelling, but it does create a homelike setting where children are interviewed and recorded using state of the art sound and video technology. He added that medical professionals are onsite so that families are not dragged all over town, and this has proven to help prevent re-traumatization of the children. He continued that the Children's Justice Center has been operating in a house across from the hospital, but it is now falling apart and is inadequate. He explained that this property has been sold for a substantial amount of money, the County has donated the land where the new facility will be located, the project has received funding from the CIB, and a friends board has raised more than \$80,000 over a period of five years. He concluded that this project will not have an impact on taxes. He stated that there will be an enclosed parking lot that will help to provide anonymity, a fully enclosed play area, and two interview rooms. He concluded that this is built to handle the needs of Uintah and Daggett counties for the next 20 years. Allen Parker asked about fencing. Wesley Baker, representing the architect Babcock Design, stated that the drawings do not exactly match the site plan. Eric Olsen asked if the retention basin will be under the pavement. Mr. Baker responded that it is an underground system. Allen Parker clarified that a sump will be built. David Brinkerhoff asked how high the building will be. Mr. Baker responded that it will be 17 feet high. Eric Olsen asked if there will be a sign out front or if they would try to keep it more low key. Mr. Peterson responded that issue is up to the County Commissioners and the director, but he prefers to keep it more low key. Allen Parker asked what hours the center will keep. Mr. Peterson responded that the center will be staffed from 8 to 5, but will be available 24/7 in case of emergency. He added that the facility may only be accessed by a pass card for security purposes. **Gordon Seitz made a motion to approve the Request for Approval of Site Plan for Children's Justice Center – Located at 190 South 200 East – Application #2009-0014-MSP – Uintah & Daggett Counties, with changes as directed by staff. Glenn Spencer seconded the motion, and the motion passed with Glenn Spencer, Shirley Wilkins, Gordon Seitz, Eric Olsen, Sonja Norton, Troy Allred, and David Brinkerhoff voting in favor.**

**OPENING MEETINGS TRAINING – DVD PRESENTATION:** Allen Parker explained that this is the last half of a DVD the Planning Commission watched about a month ago. Troy Allred was excused from the meeting at about 7 p.m. Eric Olsen asked that Richard Zohner introduce himself. Richard Zohner stated that he is the new Building Official, now that Dan Nance has retired. He explained that he has worked as a building inspector for Vernal City for 3 years and has lived in Manila for the last 37 years. Allen Parker stated that Richard Zohner has done a good job for the City, and he is excited to have him as the Building Official.

The Planning Commission watched the last half of the DVD.

Gordon Seitz asked if there would ever be a time when the Planning Commission would need to have a closed meeting. Allen Parker answered, no, that the Planning Commission does not generally discuss the value of land. Eric Olsen asked if there needs to be a motion to open and close public meetings. Allen Parker responded that a motion is needed to open and close the closed sessions of public meetings. Sonja Norton asked if there has been any new legislation since 2007, the time of the DVD. Allen Parker responded that he is not aware of any. **Gordon Seitz made a motion to adjourn. Sonja Norton seconded the motion, and the motion passed with Glenn Spencer, Shirley Wilkins, Gordon Seitz, Eric Olsen, Sonja Norton, Troy Allred, and David Brinkerhoff voting in favor. The meeting adjourned at 7:05 p.m.**

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Eric Olsen, Vice-Chairman