

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

Vernal City Council Chambers – 447 East Main Street

January 14, 2010

**Members Present:** Troy Allred, David Brinkerhoff, Sonja Norton, Eric Olsen and Glenn Spencer

**Alternates Present:** Stuart Branham and Ben Mahaffey

**Excused Members:** Vernie Heeney

**Staff Present:** Allen Parker, Assistant City Manager; and Stacy Palmer, Administrative Clerk.

**WELCOME AND DESIGNATION OF CHAIR AND MEMBERS:** As 2009 Vice-Chair, Eric Olsen welcomed everyone present and introduced new alternate member Ben Mahaffey. Mr. Mahaffey was designated to vote in place of Vernie Heeney who was excused for a funeral.

**APPROVAL OF MINUTES FROM DECEMBER 10, 2009:** Eric Olsen asked if there were any corrections to the minutes of December 10, 2009. There being no corrections or changes, **Troy Allred made a motion to approve the minutes of December 10, 2009 as presented. Sonja Norton seconded the motion and the motion passed with Allred, Norton, Olsen and Spencer voting in favor.**

**ADDITIONAL DESIGNATION OF MEMBERS:** Newly appointed alternate Stuart Branham arrived and was introduced to the Commission. Mr. Branham was designated to vote in place of Freida Parker who recently resigned and whose seat is still vacant at this time.

**ELECTION OF PLANNING COMMISSION CHAIR & VICE CHAIR FOR 2010:** Allen Parker reviewed the nomination process per Planning Commission bylaws and noted that if more than one person is nominated for a seat, a secret ballot will be taken of the members. Eric Olsen opened the floor for 2010 Planning Commission Chair nominations and Mr. Olsen nominated Glenn Spencer. Troy Allred seconded the nomination. Glenn Spencer nominated Eric Olsen for 2010 Planning Commission Chair. Sonja Norton seconded the nomination. There being no further nominations, Sonja Norton moved that the nominations cease. Glenn Spencer seconded the motion and the nominations ceased. A secret vote was taken and Eric Olsen was voted 2010 Planning Commission Chair. Mr. Olsen opened the floor for nominations of 2010 Planning Commission Vice-Chair and Mr. Olsen nominated Glenn Spencer. Sonja Norton seconded the nomination. Troy Allred nominated Sonja Norton for 2010 Planning Commission Vice-Chair. Glenn Spencer seconded the nomination. There being no further nominations, Eric Olsen made a motion that the nominations cease. There were no objections and the nominations ceased. A secret vote was taken and Glenn Spencer was voted 2010 Planning Commission Vice-chair.

## **PLANNING & ZONING CODE - CHAPTER 16.28 - SIGN REGULATION DISCUSSION**

**/ TRAINING:** Allen Parker reminded the Commissioners that a few changes were made to the sign ordinance section of the City Code in December, but the City Council has asked that the Planning Commission review the section thoroughly and present further recommended changes. In preparation, and as part of the yearly training required by the Planning Commission bylaws, Mr. Parker explained that he would like to review the current sign ordinance with the Commission, and if they so desired, they could schedule a work session at a later time to make specific changes. Chairman Olsen asked how the City Council acted on their previous recommendation to extend the distance from Highway 40 and North Vernal Avenue that a pole sign could be located. Mr. Parker replied that the Council agreed to allow pole signs 350 feet from these highways, but limited the maximum size of a pole sign to 150 square feet. Sonja Norton explained that the Council wanted to limit the size of pole signs for now, allowing the Planning Commission the opportunity to review the issue and make a reasonable recommendation.

Mr. Parker explained that Section 16.28.010 outlines the reasons for implementation of sign regulations which include the health, safety and welfare of citizens and visitors, as well as encouraging a positive business atmosphere and promoting aesthetically pleasing, compatible signage.

Section 16.28.020 identifies the types of signage allowed in residential zones which includes real estate signs, home occupancy business nameplates, yard sale signage, political signage and monument signs indicating the existence of apartments or professional office buildings, which area allowed as a condition use in R-3 and R-4 zones. Glenn Spencer noted that this section does not address the instance of a resident placing a large stone in their front yard, similar in size to a monument sign, which shows their family name and / or address. Mr. Parker agreed that this is not addressed in the code and because section begins "Only the following signs shall be allowed," these types of signs are technically illegal and may be something that the Planning Commission would recommend changing.

Section 16.28.030 requires that the overhang of any freestanding signs be ten feet off ground.

Section 16.28.040 states in its entirety that "No lighting shall be installed which will permit direct rays of such light to penetrate onto any adjoining property used for residential purposes in such a way as could constitute a nuisance." Allen Parker explained that identifying what "constitutes a nuisance" is very subjective and this language probably needs to be amended.

Section 16. 28.050 addresses off-premises signs and states that they are forbidden in residential zones, while they are allowed in industrial and commercial zones as a conditional use. Allen Parker reviewed separation and height requirements for off-premises signage and noted that the language for both is redundant and could easily be addressed in a "definition" section. Mr. Parker noted that a business in a commercial zone is required to own frontage along the highway where an off-premises sign is located and may be a requirement that the Commission would like to consider amending.

Sections 16.28.060 and 16.28.063 address pole signs and multi-tenant signs respectively and are the sections which were recently amended by the City Council. Pole signs are allowed in commercial zones, while multi-tenant signs are allowed in commercial and industrial zones. Once again height, size and separation issues are addressed in both sections and may be better addressed in a “definitions” section. Allen Parker noted that the recent amendment approved by the City Council also allowed for pole signs within 150 feet of an existing residential use or zone as a conditional use. Mr. Parker stated that multi-tenant signs are an exception to the off-premises regulations previously discussed and should probably be listed as an exception in that section. Glenn Spencer stated that he would like to discuss the possibility of increasing the required separation for pole and multi-tenant signs.

Section 16.28.065 addresses the restrictions for monument signs which are allowed in commercial, industrial, healthcare and park zones. Monument signs are also allowed as a conditional use in RA-1, R-3 and R-4 zones as a conditional use, which is inconsistent with the previous section on signs in residential zones. Mr. Parker reviewed the size and separation requirements for monument signs and noted that nowhere does the code address how signs are measured. Mr. Parker cited the new monument sign at the UBATC building, located outside of the City limits, on 500 North which is triangular and noted that the “definitions” section needs to address how the size of a sign is calculated.

Section 16.28.070 covers flat or wall signs which are allowed in commercial, industrial, healthcare and R-4 and R-3 residential zones. Allen Parker noted that the allowed use of wall signs in these two residential zones is not included in the “residential” section. Mr. Parker explained that wall signs are allowed to cover 25 percent of the overall building or facade that it covers. Mr. Parker also noted that the Code does not currently address whether or not wall signs are restricted to only one side of the business. David Brinkerhoff asked if a mural would be considered a wall sign. Mr. Parker replied that if the mural advertises something, it would probably be considered a sign, but the issue of what constitutes a sign should also be addressed in a “definitions” section. Mr. Parker noted that reader boards, with changeable electronic or mechanical text, are currently regulated depending on their use as a wall sign or a pole sign, and neither section regulates maximum wattage or decibel output of these signs. Sonja Norton noted the new sign at the Vernal Cinemas is rather bright and right at eye level of passing motorists and could present a safety hazard.

Section 16.28.075 states that awning signs are allowed in commercial, industrial and health care zones. Allen Parker noted that this section does not address any size restrictions for awning signs or how brightly they can be illuminated.

Section 16.28.080 addresses temporary signs in commercial and industrial zones even though only commercial zones are included in the section title. These signs are not permanently affixed in any way and cannot be placed in the right-of-way which would create a safety hazard to the public. Allen Parker noted that the size of temporary banners, A-frame signs and reader boards

are regulated in this section, as well as political signs and banner signs advertising a governmental purpose or a recreational event. Glenn Spencer asked how long a temporary sign can be used and still be temporary. Mr. Parker responded that “temporary” is not objectively defined and currently left open to interpretation.

Section 16.28.090 addresses non-conforming signs, meaning those which were in place before regulations were adopted regulating its size, location or separation. This section further states that in the case of a conforming sign that does not meet current code requirements or is deemed unsafe in its construction or use, the “City Building Official shall proceed in any matter he deems necessary to cause the removal of the sign.” Allen Parker stated that this particular language probably needs to be clarified to be more specific as to how the Building Official is permitted to enforce compliance.

Section 16.28.100 states that a building permit is required for all signs within Vernal City with the exception of temporary window and political posters, temporary real estate signs, and nameplates or identification signs indicating the existence of an approved home occupation or professional office. This section also requires that all signs along State-maintained highways must also be in compliance with State code. Eric Olsen asked why a separate building permit is required for a sign rather than being included in the building permit for the business itself. Allen Parker explained that there are separate engineering and safety questions that have to be addressed for various types of signs and it is the industry standard to have a separate building permit for signage. Eric Olsen noted that the language in the final sentence of this section is redundant and needs to be clarified in the draft amendment.

Having reached the end of the current sign ordinance, Chairman Eric Olsen asked when the City Council was expecting a draft amendment from the Planning Commission. Sonja Norton replied that the Council was expecting an amendment as soon as possible. After further discussion, it was decided to hold a work session for the Planning Commission to discuss revisions to the sign ordinance on Thursday, January 28, 2010 at 7:00 p.m. After the work session, Allen Parker will present a draft amendment to the Planning Commission on February 11, 2010 during a public hearing. A final draft will then be presented during a public hearing before the City Council on February 17, 2010. Mr. Parker recommended that the Commissioners take the copy of the sign ordinance that was provided to them and mark the sections or changes they would like to see before they convene for the work session in two weeks.

**BOARD OF ADJUSTMENT & PLANNING COMMISSION VACANCY DISCUSSION:**

Allen Parker explained that the Board of Adjustment is the appellate board for some applications that are denied by the Planning Commission and also reviews and grants variances. Mr. Parker stated that no variances have been requested in the recent past, partly because State law has made it difficult to qualify for a variance. The terms for regular member Nick Eaton and alternate member Karen Sisneros have expired, but both are willing to be reappointed, and there is still one alternate position which is vacant at this time. Mr. Parker stated that there are

currently two vacancies (one regular member and one alternate) on the Planning Commission, and the City Council plans to consider recommendations at their next meeting.

There being no further business, **Glenn Spencer made a motion to adjourn. David Brinkerhoff seconded the motion and the motion passed with Allred, Branham, Brinkerhoff, Mahaffey, Norton, Olsen, and Spencer voting in favor.** The meeting adjourned at 6:45 p.m.

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Eric Olsen , Planning Commission Chair

