

MINUTES of the Vernal City PLANNING COMMISSION

Vernal City Council Chambers 447 East Main Street

May 13, 2010

Members Present: Troy Allred, Sonja Norton, Glenn Spencer, Vernie Heeney

Alternates Present: None

Excused Members: Eric Olsen, David Brinkerhoff

Staff Present: Allen Parker, Assistant City Manager; Richard Zohner, Building Official; Stacy Palmer, Administrative Clerk; Mariel Davis, Administrative Clerk

WELCOME AND DESIGNATION OF CHAIR AND MEMBERS: Glenn Spencer welcomed everyone present and stated that he would be acting as Chair in Eric Olsen's absence.

APPROVAL OF MINUTES FROM APRIL 8, 2010: Glenn Spencer stated that there was not quorum present from the April 8, 2010 meeting to approve the minutes. He advised that with any corrections noted, the minutes would be deemed as approved in compliance with Vernal City Code, Section 2.12.080. Allen Parker stated that line 116 states "Allen Parker explained showed a depiction..." and that the word "explained" would need to be removed to read "Allen Parker showed a depiction..." Glenn Spencer recommended changing the word "exiting" on line 38 to "existing" so it would read "Mr. Schmidt stated that the restaurant would be accessible through existing driveways only." Mr. Spencer requested the word "or" on line 132 be changed to "of". Mr. Spencer explained that on line 134 it says "Main Street/Highway 40 traffic" and that he was not suggesting Main Street/Highway 40 but rather secondary streets. He intended it as a traffic calming method and not to designate specific streets. There being no other corrections noted, the minutes of the Vernal City Planning Commission meeting held on April 8, 2010 stand as proposed.

APPROVAL OF MINUTES FROM MAY 5, 2010: Glenn Spencer stated that there was not a quorum present from the May 5, 2010 meeting to approve the minutes but advised that with any corrections noted, the minutes would be deemed as approved in compliance with Vernal City Code, Section 2.12.080. Mr. Spencer asked if there were any changes from the Commissioners present at the May 5, 2010 meeting. There being no corrections, the minutes of the Vernal City Planning Commission meeting held May 5, 2010 stand as proposed.

REQUEST FOR RECOMMENDATION REGARDING A MINOR SUBDIVISION OF PROPERTY LOCATED AT 732 SOUTH 500 WEST – APPLICATION # 2010-0006-SUB- JOANNE TIMOTHY: Allen Parker explained that this is a request to split one 4.66 acre lot located at 732 South 500 West into two separate parcels. Mr. Parker explained that this piece of land is south of Escalante Drive and currently contains a single family dwelling. Mr. Parker advised that the Vernal City Staff has reviewed this request and found it to be in compliance with Vernal City Code. Mr. Parker stated that this property is

currently R-4 zoned and most of the surrounding properties are zoned RA-1. Mr. Parker explained that this split would encompass the house with approximately 137 foot frontage while the rest will be left as an undeveloped parcel with approximately 100 foot frontage. Glenn Spencer questioned if the parcels had been surveyed. Mr. Parker explained that the parcel containing the home had been surveyed and property corners set, but the remaining land did not require a survey because the boundary is not being changed.

Glenn Spencer opened the public portion of the meeting for this item. James H. Stewart, 681 West Escalante Drive #3, Vernal, Utah, stated that he is currently living in Anchorage Alaska and his mother-in-law lives in the residence at 681 West Escalante Drive which is part of the Hidden Hollow Planned Residential Unit Development (PRUD). Mr. Stewart explained that his concern comes from previous experience with the Planning Commission allowing Hidden Hollow PRUD to be platted and recorded without Covenants Conditions and Restrictions being recorded. He continued that the building department then issued building permits without this document and now they have a lot of problems in the subdivision. Mr. Stewart explained that he is concerned that a new subdivision involving the same family may have the same result. Allen Parker stated that this incident occurred approximately eight years previous and there was different staff and Commissioners at that time. He stated that he is in the process of reviewing the documents and ordinances from that time to determine what took place. He explained that the homeowners don't have a set of CCR'S to delineate their rights in this PRUD, it was just divided and sold. Mr. Parker stated that at this point the PRUD process is quite thorough to prevent this type of situation again. He commented that all documents have to be returned to him in the recorded version and stamped before the application process is closed and the building begins.

Jennie Burgess, 539 West Escalante Drive #2, Vernal, Utah, inquired if the property is going to be developed at this time and noticed that the house is currently for sale. Mr. Parker stated that as far as he was aware they were just splitting the house from the property and stated that Vernal City has received no other applications associated with this parcel. Mr. Parker explained that the parcel is zoned R-4 which is a higher density residential zone and a developer would be able to develop the land based on the zoning ordinance. Mr. Parker stated that this is only a request for a minor subdivision, which is the division of property without the creation of a development.

Sonja Norton inquired if City Ordinances require CCR's with a subdivision or a development. Mr. Parker stated that a PRUD requires CCR's and that subdivisions do not require CCR's because there are no common areas to be governed.

Frieda Parker, 686 West Escalante Drive #11, Vernal, Utah, informed that the Timothy's plan is for their son to live in the existing house and the father plans to build one residence on the remaining property.

Virginia Corbett, 681 Escalante Drive #2, Vernal, Utah, asked for clarification on property line shown on plat map. Mr. Parker explained that the plat map is based on the warranty deed. There being no further comment, Glenn Spencer closed meeting to public comment. **Sonja Norton made a motion to forward a positive recommendation to the Vernal City Council approving the minor subdivision of the property located at 732 South 500 West**

– **Application # 2010-0006-SUB. Vernie Heeney seconded the motion and the motion passed with Sonja Norton, Vernie Heeney, Glenn Spencer and Troy Allred voting in favor.**

REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING & ZONING CODE – SECTION 16.54.015 – CONDITIONAL USE REQUIREMENTS – ORDINANCE 2010-08- ALLEN BENNION / STRATA: Allen Parker stated that this is a request by Strata Networks to change Vernal City Ordinance 16.54.015 to allow a maximum low powered radio antenna height of ninety-five (95') feet instead of a fifty (50') foot in zones F-1 and P-1, fairgrounds and parks. Mr. Parker explained this request stems from Strata Networks need for a ninety-five (95') foot cell tower to be located at Western Park and advised the existing light poles are ninety-five (95') feet.

Allen Bennion with Strata Networks, 1815 North 1450 East, Vernal, Utah, commented that due to the growth in Vernal, Strata Networks needs to add a cell tower to provide better cellular coverage. Mr. Bennion explained that this additional tower would accommodate the downtown area including the new Uintah County Public Safety Complex, Vernal City Municipal Offices and Western Park. Mr. Bennion explained that they would locate the tower at the east end of the main grand stand. He advised that there is underground power and a cement pad already in place next to the small grand stand on the east end of the arena and they plan to use this. Mr. Bennion stated that Strata Networks had already received approval with the FAA and that due to proximity of the airport the tower would not be a hazard and would not have to be lighted, painted or protected by strobe light. Sonja Norton asked if anyone would be able to climb the tower or access it from another structure. Mr. Bennion explained that the tower would be fenced and the first step would be located at twenty (20') feet so nobody would be able to climb the structure without the equipment to do so.

Glenn Spencer opened this portion of the meeting for public comment. There being no public input, the meeting was closed to public comment. **Troy Allred made a motion to forward a positive recommendation to the City Council regarding the approval of an amendment to the Vernal City Municipal Planning & Zoning Code – Section 16.54.015 – Conditional Use Requirements – Ordinance 2010-08, Sonja Norton seconded the motion, and the motion passed with Troy Allred, Sonja Norton, Glenn Spencer and Vernie Heeney voting in favor.**

GREEN SPACE DRAFT ORDINANCE – ALLEN PARKER: Allen Parker informed the Planning Commission that he had researched different green space ordinances and has included a copy of Naples City Green Space Ordinance and a few notes from his research. Mr. Parker stated that Naples City PRUD Ordinance requires 5% of the PRUD be dedicated for the use of green space which includes parks or storm water control. Sandy City PRUD Ordinance requires 45% of the development be open space. Sonja Norton commented that she has seen many Home Owners Associations (HOA) that do not maintain the common areas

of a PRUD, as agreed, and would like to see an escrow set aside so Vernal City would have funds to take care of this. Mr. Parker explained that many cities are going away from this but instead are requiring park impact fees be paid per dwelling unit at the time of development. This allows for the creation of public parks that are not tied directly to the development and are maintained and operated by the City rather than the HOA.

Allen Parker stated that he included two sentences addressing Transferable Development Rights (TDR) which designates areas of the city as receiving or granting areas. This does not transfer ownership of the land to the city, only the right to develop that land from one area of the city to another. Mr. Parker stated that the TDR is not really used to create open space and parks but more to preserve land. Mr. Parker explained the section included on Sensitive Lands and Natural Systems will allow for more open space in subdivision developments and noted that this will be part of new Vernal City General Plan. Mr. Parker asked the Commissioners if they want to make a decision or put it back on the agenda to discuss when Eric Olsen is back. After some discussion, it was decided to put this item back on the agenda for next month.

PLANNING COMMISSION TRAINING DATES – ALLEN PARKER: Allen Parker stated that the Effective Land Use and Decision Making Training is scheduled for May 26 from 6-8 p.m. and encouraged everyone to attend that could.

PLANNING COMMISSION VACANCIES – ALLEN PARKER: Allen Parker stated that currently there are two Planning Commission vacancies and asked that the Commissioners come up with recommendations to fill these vacancies.

Troy Allred left at 6:35 p.m.

Allen Parker advised that with Troy Allred gone, the Planning Commission cannot conduct business because they no longer have a quorum present. The meeting adjourned at approximately 6:35 p.m. by default.