

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

Vernal City Council Chambers 447 East Main Street  
February 8, 2011  
7:00 pm

**Members Present:** Eric Olsen, Glenn Spencer, Sonja Norton, Kathleen Gray, George Bingham, Gary Redden

**Alternates Present:** Ken Latham

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

**WELCOME AND DESIGNATION OF CHAIR AND MEMBERS:** Chair Eric Olsen welcomed everyone present and noted that all Commissioners attending would be voting.

**APPROVAL OF MINUTES FROM JANUARY 11, 2011** Chair Eric Olsen stated that there was a quorum present from the January 11, 2011 meeting and asked if there were any corrections to the minutes. Sonja Norton stated that on page 4, line 107 which states alphabetical order should state numerical order and questioned if she had actually stated alphabetic rather than numeric. George Bingham recalled that she had used the word alphabetical, and Ms. Norton wanted it noted that she meant to say “numerical order.” Glenn Spencer stated that on page 4, lines 130-132 it states “sells alcohol” three times in that sentence. He stated this seems redundant and questioned if it should actually refer to any business or if it is particular to a business that sells alcohol. Allen Parker commented that it is his understanding that this section is specific to another establishment that sells alcohol, but advised that he would check it. Mr. Spencer stated that on page 7, line 239-240 where it states “find a replacement” is unclear who the replacement is referring to and wants Ms. Heeney’s name added for clarification. Mr. Parker noted that there were a few grammatical errors that would be corrected but that it would not change the context. **There being no further corrections requested, Sonja Norton moved to approve the minutes of January 11, 2011 as corrected. Gary Redden seconded the motion and the motion passed with Olsen, Spencer, Norton, Gray, Bingham, Redden and Latham voting in favor.**

**DISCUSSION - VERNIE HEENEY RESIGNATION:** Allen Parker notified the Planning Commission of Vernie Heeney’s resignation. He also mentioned that Stuart Branham has moved to Farmington, which disqualifies him from serving on the Commission. Mr. Parker stated that there are currently two vacancies, and a list of previous recommendations has been included in the packets. Mr. Parker asked Glenn Spencer if Mike Weber was still interested in serving on the Commission. Mr. Spencer mentioned that he had a discussion with Mr. Weber, who indicated he would have to think about it. Mr. Parker reported that Brenda Erkwine may still be interested, but was not appointed by the City Council during the last selection. Sonja Norton suggested inviting interested individuals to introduce themselves to the Commission and explain why they are interested in serving. Mr. Parker explained that the Commission could meet the individuals to make a recommendation to the City Council, but would not be the appointing body.

**PUBLIC HEARING: REQUEST FOR RECOMMENDATION AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE - CHAPTER 16.26 - OFF STREET PARKING AND VEHICLE ACCESS STANDARDS - ORDINANCE NO. 2011-01:** Mr. Parker stated that this is the final draft of the recommendations presented by the Planning Commission. Eric Olsen stated that he would like the word “minimum” added to 16-26-230 Section “D” to state “24 foot minimum backing space.” Mr. Parker stated that Ken Bassett has reviewed the revised Code and will address this with the City Council. Mr. Olsen asked new Commissioners, Ken Latham and Gary Redden, if they would like to comment on this issue. Sonja Norton stated that the City Council feels very strongly about doing away with the in-lieu of parking fee. In the twenty plus years the fee has been in place, it has only been used once. Ms. Norton stated that the Council also felt that the in-lieu of parking fund did not benefit the owners of the business that paid the fee. Mr. Parker explained that the in-lieu of fee has been changed to be quite restrictive as to when the City Council could use it, and it was left in case a large developer moved in and wanted to participate. It would give the City the opportunity to participate in a public/private partnership that is defined in the Code rather than preventing a cooperative agreement. Mr. Olsen stated that the way the Code is written now; it will alleviate the problem that occurred a few months ago. Ms. Norton asked if the Commission has to make a recommendation to the City Council for a parking plan or have it put on the agenda for consideration. Mr. Parker commented that Ken Bassett stated that he had not been directed to execute a parking plan at this point. Ms. Norton asked that it be added to the agenda next month to enable the Commission to make a recommendation to the City Council. Mr. Olsen asked if she was talking about a parking study of the City and how much parking is needed. Ms. Norton confirmed that the requested study is to show if the City has adequate downtown parking and the needs of the City and not a plan of where the City wants to put parking. **There being no further questions or comments, Sonja Norton moved to forward a positive recommendation to the City Council with the minor corrections to amend the Vernal City Municipal Planning and Zoning Code – Chapter 16.26 – Off Street Parking and Vehicle Access Standards – Ordinance No.2011-01. Kathleen Gray seconded the motion. The motion passed with Olsen, Spencer, Norton, Gray, Bingham, Redden, and Latham voting in favor.**

**DISCUSSION: TEMPORARY AND/OR MOBILE BUSINESS:** Allen Parker informed the Commissioners that this item was added to the agenda for review at the City Council’s request. Mr. Parker stated that he has included all of the Vernal City Ordinances that deal with temporary businesses. He stated that most regulations that govern temporary businesses are in the business licensing section and are outside the Planning Commissions purview to change. He added that page 12; section 16.24.150, temporary uses and structures is all that is in the Planning and Zoning Code where changes can be made. He clarified that this refers to temporary businesses such as mobile food vendors or coffee kiosks that are in a specific location, but not permanently attached to the ground and not a mobile business such as glass repair. Mr. Parker advised that right now, temporary businesses don’t have to comply with aesthetics standards, setbacks, or additional parking. He stated that the problem is that some businesses are operating for several years as a temporary business without complying with the same standards as surrounding businesses. Mr. Parker asked the Commissioners to come up with suggestions for a starting point, if they plan to revise this section of the Code.

Sonja Norton stated that she strongly recommends this item be on the next agenda for revision. These businesses need to be limited to a certain time frame and anything over one year should not be considered temporary. Eric Olsen agreed that a business over twelve months should have to meet all the requirements of a regular business. Glenn Spencer suggested that a business that plans to be around for more than a couple months be required to find a more permanent place. Mr. Spencer stated that if these temporary businesses are a positive thing for the City, then they need to be given every consideration. Gary Redden asked what is considered temporary and if the places on wheels, like the ice shack, are temporary businesses. Mr. Parker advised that the ice shack operates as a temporary business, but is not on its own parcel. This business has added a nice deck area and has been there for years. Mr. Parker stated that temporary uses need to be defined, because it does not currently have a strong definition. Mr. Redden stated that a temporary business needs to be a business that comes in on wheels. Mr. Redden suggested that businesses like the ice shack, which have come in and stayed, should be required to have a regular business license. Ms. Norton agreed stating that they have been given an unfair advantage in many aspects. Mr. Parker stated these businesses are usually placed in the parking lot of another business and may displace required parking causing the existing business to no longer meet parking requirements. Mr. Parker stated that it needs to be defined in the Code that a temporary business cannot displace more than the required amount of parking for that particular use. Ms. Norton suggested that the temporary business could also require additional parking and asked that this be addressed. Mr. Parker stated that there are events such as Holly Days and the County Fair that the Commissioners need to be cautious not to dually restrict those sorts of activities. Mr. Parker pointed out that businesses that operate for six months rather than two days would have more impact and demand on the City. Mr. Parker suggested that if a business is going to be there for more than 7 or 14 days, they could be required to have a zoning approval. The business would then be required to have a site drawing, provide parking and show its proximity to a fire hydrant to make sure they do not impact the public safety and aesthetics of the town in a negative way. Mr. Spencer stated that the craft fair every year is a good thing for the City, but suggested that parking be of key importance in making definitions, because of the impact it has. Mr. Parker pointed out that special events always create an undue burden to the infrastructure and is never adequate for special events like the 4<sup>th</sup> of July Parade.

Eric Olsen suggested that Mr. Parker create a list of what temporary licenses the City has now and start building standards from there on what will fall under a temporary business and what is allowed. Mr. Parker stated that the way it is currently written, any use can be a temporary use, but only the ones defined are regulated. Ms. Norton questioned if an existing business would be grandfathered in if requirements change. Mr. Parker explained that temporary permits are issued as temporary, and if they are renewed, the business will have to comply with the City Code and fire code that is in place at the time of renewal. Kevin Ashby, 1066 North 1500 East, Vernal, Utah 84078, with Vernal Express, stated that the City Council is concerned with the appearance of businesses, but maybe should consider not allowing them in certain parts of downtown due to lack of parking and set a standard of appearance. He stated that if temporary businesses are restricted from properties that do not have parking; it may eliminate some of the current problems and may encourage the use of the vacant lots in the downtown area. Mr. Ashby stated that other cities have tried to outlaw street vendors and have lost lawsuits. He does not feel Vernal City

can stop these temporary businesses. Glenn Spencer asked if the businesses can be restricted from certain zones and pointed out that these businesses do fill a niche and can be beneficial to the City. He suggested that they be encouraged, after a certain time frame, to find a more permanent location if the business is succeeding. Ms. Norton stated to Mr. Ashby for clarification that the City is not trying to force the temporary businesses out, but just trying to set standards and guidelines to keep downtown appealing.

Allen Parker confirmed with the Commissioners that the areas they would like to see revised are to define the uses, sizes, parking requirements, time limits, fee structures, aesthetics, and zones. He will prepare a list of current temporary business licenses in Vernal City for the next meeting. Eric Olsen asked if there were any further questions or comments. There being none, **Glenn Spencer moved to adjourn. Gary Redden seconded the motion. The motion passed with Olsen, Spencer, Norton, Gray, Bingham, Redden, and Latham voting in favor.**

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Eric Olsen, Planning Commission Chair