

**Vernal City Planning Commission Minutes**  
**March 29, 2011**

**MINUTES of the Vernal City PLANNING COMMISSION**

Vernal City Council Chambers – 447 East Main Street

March 29, 2011

7:00 p.m.

**Members Present:** Eric Olsen – Chair, Gary Redden, George Bingham, Sonja Norton

**Alternates Present:** Ken Latham

**Excused Members:** Kathleen Gray, Ben Mahaffey, Glenn Spencer

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

**ACKNOWLEDGMENT AND APPROVAL OF SPECIAL MEETING:** Sonja Norton moved to approve the special meeting of March 29, 2011 at 7:00 p.m. George Bingham seconded the motion. The motion passed with Olsen, Redden, Bingham, Norton, and Latham voting in favor.

**WELCOME AND DESIGNATION OF CHAIR AND MEMBERS:** Chair Eric Olsen called the meeting to order and welcomed everyone present.

**WORK SESSION FOR TEMPORARY AND/OR MOBILE BUSINESS ORDINANCE:**

Allen Parker explained the procedures of the special meeting. This is a public meeting where all guests need to be acknowledged and recognized to participate. The Chairman must solicit input. This will be a round table session in a casual environment to work on the temporary and/or mobile business ordinance. Mr. Parker noted that all the information gathered from this meeting will be put in the format of an ordinance and presented at the next Planning Commission meeting. Chair Eric Olsen asked what regulations are currently in place to cover this issue. Mr. Parker explained that the business licensing section covers most of this topic, but the Planning Commission does not review or make recommendations on the business licensing. The Planning Commission can review and make recommendations to the land use component defining temporary uses. Mr. Parker explained that the City currently has a 30 day or a one year temporary business license. Gary Redden asked about the pricing difference between the two licenses. Mr. Parker stated that a 30 day temporary business license costs \$250.00. Temporary merchants selling food, agricultural products, or forestry raw products, the cost is \$50.00 for one year. Mr. Olsen asked the guests to introduce themselves and explain why they are in attendance. Kenneth and Susan Nelson stated that they were in attendance to see how the moratorium would affect their obtaining a temporary business license. Sonja Norton suggested there be guidelines and definitions set for temporary businesses, so temporary licenses are not continually renewed year after year. Mr. Parker explained that a temporary business can renew their license for a year, but after the first renewal, businesses need to be in compliance with the current ordinances. Standard business licenses have a different set of requirements than temporary business licenses. Ms. Norton stated that a regular business has more expenses than a temporary business, yet the City is allowing temporary businesses to act like a regular business by continually renewing their temporary license. Ken Latham mentioned that temporary businesses would never be in business if they had to

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comply with the regular business regulations. Mr. Parker explained that most of the temporary businesses do not generate enough revenue to meet the standard business licensing regulations. Ms. Norton stated that a business cannot be there permanently, but be called temporary. Mr. Parker explained that the Planning Commission can only make recommendations to Title 16 Planning and Zoning on land uses, not Title 5 Business Licenses. To regulate the land use, decisions can be made on parking, esthetic requirements, lighting, etc. Ms. Norton suggested the Planning Commission make a recommendation to the City Council to review Title 5 on Business Licenses. Mr. Redden asked if temporary businesses have requirements for parking. Mr. Parker explained that temporary businesses must comply with the parking regulations under Title 5 which includes one parking space for each employee and five spaces for customers. Mr. Latham asked about the mobile food vending restrictions to not be parked within 30 feet of an intersection, stop sign, or crosswalk. Mr. Parker stated that temporary businesses are not required to submit a site plan; therefore, it is tough to enforce this issue. Ms. Norton asked if this topic falls under code enforcement. Mr. Parker explained that it falls under Title 16. Mr. Olsen asked why this section is not under land use. Mr. Bingham suggested altering or eliminating this section and placing it under Planning and Zoning.

George Bingham asked the definition of a temporary business. Allen Parker asked the Commissioners to start the discussion by defining both long term and short term temporary businesses. He also suggested focusing on adding new definitions for mobile vending. Mr. Bingham suggested short term be two weeks and long term be six months. Sonja Norton recommended setting regulations for temporary businesses that plan to be there for awhile without forcing them out of business. Mr. Parker stated that the City Council could review Title 5 on how long a temporary license is issued. Gary Redden suggested any temporary use for longer than three years need to apply for a regular business license. Mr. Parker explained there needs to be a clear definition between temporary and permanent. Ms. Norton asked why there are temporary businesses getting their license renewed every year, but not complying with the 30 foot rule from an intersection, stop sign, or crosswalk. She also asked who is in charge of making sure those requirements are being met. Mr. Parker explained that the City has not hired anyone to physically check those businesses. Chair Eric Olsen suggested any business that plans to be there longer than 30 days provide a site plan. Mr. Olsen recommended having three terms for light, medium, and heavy temporary businesses. Any business that stays longer than one year would be considered heavy and needs to have parking. Mr. Parker suggested short term be less than 28 days. Mr. Olsen stated that medium could be 29 days to 365 days. Mr. Bingham suggested medium be from 1 day to 365 days and long term be anything over one year. Mr. Olsen stated that any business in place more than a year, the standards should get higher such as parking, exterior lighting, etc. Ms. Norton asked if different standards are allowed, would this have an effect on the esthetics of the City. She also asked if the City wants a bunch of temporary businesses. Mr. Parker explained that the sign ordinance allows two per block. Mr. Redden asked why a business would choose temporary over a regular business license. Ms. Norton stated that it is cheaper for those businesses who cannot afford to buy a building. Mr. Parker mentioned that some individuals truly want a mobile business, so it can be moved to other places easily. Mr. Redden asked Kenneth and Susan Nelson why they want to be a temporary business. Ms. Nelson explained that they want to keep their business small and simple without having to use a permanent facility and pay for site plans. Ms. Nelson also indicated that if the business does not do well, she could shut it down and move it. Mr. Nelson stated that they would like to start the business inexpensively to see if it will be successful. Mr. Redden suggested a temporary use be 28 days or less. Mr. Olsen suggested anything longer than a month be considered permanent. Mr. Bingham suggested

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that anything over 28 days require a site plan. Mr. Olsen stated it does not have to be an engineered site plan, but something simple to enforce. Mr. Parker explained that it would basically be a contract with the City outlining their business plans. Mr. Parker confirmed with the Commissioners that a short term temporary business would be considered less than 28 days. Mr. Olsen suggested anything longer than 28 days require parking. Mr. Redden asked how much parking would be required. Mr. Parker explained that after 28 days, a business would be required to have enough parking spaces for their customers. The Commissioners discussed parking and agreed upon three total parking spaces including one for employees and two for customers. Mr. Parker suggested they include parking in their site plan. Mr. Redden asked if they need to discuss the size. Mr. Parker explained that with 200 square feet, a building permit is not required. Mr. Nelson suggested giving a business at least 18 feet, so there can be a decent bathroom. Ms. Norton asked if the City currently has any mobile businesses over 20 feet. Mr. Parker stated no. Richard Zohner asked about firework stands. Ms. Norton stated that firework stands fall under 18 days. Mr. Zohner mentioned that 28 days will be short for firework vendors. Mr. Parker recommended having a separate section for firework stands. Mr. Parker confirmed with the Commissioners that a long term temporary business over 28 days must have three parking spaces and not be over 200 square feet.

Sonja Norton asked to address esthetics. Allen Parker suggested looking at zone types, types of foundations, types of skids, etc. Richard Zohner suggested there be some kind of requirement to secure the trailer to the ground. Ms. Norton asked what kind of requirement. Mr. Parker suggested using the IBC specifications. Ms. Norton voiced her concern over leaving the axles and skids exposed. Gary Redden suggested skirting be required. Ms. Norton also suggested skirting for safety reasons. Mr. Zohner indicated that without skirting, there could be wind issues. Ms. Norton suggested that skirting be required, but not allowing plywood. Mr. Redden recommended that the skirting match the trailer. George Bingham asked if they should require hard skirting or fabric. Mr. Parker confirmed with the Commissioners that trailers should be skirted and will find a definition to implement. Ms. Bascom, with the local radio station, asked how the City would regulate paint colors. Mr. Parker explained that there could be a requirement for the skirting to match the structure. Ms. Norton asked about the hanging propane tank that was brought up in a previous meeting. Mr. Zohner indicated that issue would fall under the fire code. Mr. Parker asked how the Commissioners would like to handle equipment placed on the outside. Ms. Norton suggested that any equipment on the outside be closed in or covered. Mr. Parker agreed to write a draft on esthetics for the Commissioners to review. Mr. Olsen noted that placing a fridge on the inside would generate heat. Mr. Redden asked if having equipment placed on the outside would add to the square footage. Mr. Parker stated that items outside taking up parking spaces which are allocated to other businesses needs to be addressed. Ms. Norton suggested in addition to the 200 square feet, a temporary business cannot take up more than the parking spaces allowed and need to leave enough parking for the existing business. Mr. Parker stated that hours of operation were discussed in previous meetings and asked the Commissioners if this is something they would like to address. Ms. Norton asked how that can be enforced. Mr. Parker explained that the City would have the authority to enforce it. Ms. Norton asked about the zoning. Renee Bangerter with the Vernal Express asked if a new business is grandfathered in. Mr. Redden stated yes, when they renew their license. Mr. Parker stated that the business licensing still needs to be addressed. Ms. Norton suggested that the City Council review and make changes to Title 5 Business Licenses. Mr. Parker explained that the City Council could write a grandfathered component. Ms. Norton asked if the City would only allow temporary businesses in a commercial zone. Mr. Olsen suggested commercial and industrial. Mr. Parker asked

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about hospitals, parks, and residential zones. Ms. Norton stated that you have to allow parks. Mr. Parker stated that you could place parks under short term. Ms. Norton suggested commercial and industrial be placed under long term and parks under short term. Mr. Zohner asked about tent structures. Mr. Parker suggested that tents be placed under short term. Ms. Nelson asked how long the moratorium will last. Mr. Parker explained that the City Council will determine the time when they pass the ordinance at the next meeting. Once the new ordinance is adopted, the moratorium automatically expires.

**ADJOURN:** There being no further business; **Sonja Norton moved to adjourn the meeting. Gary Redden seconded the motion. The motion passed with Olsen, Redden, Bingham, Norton, and Latham voting in favor.**

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Eric Olsen, Planning Commission Chair