

MINUTES of the Vernal City PLANNING COMMISSION

Vernal City Council Chambers 374 East Main Street

August 9, 2011

7:00 pm

Members Present: Eric Olsen, Sonja Norton, Kathleen Gray, George Bingham, Gary Redden, Ken Latham

Members Excused: Glenn Spencer

Alternates Present: Anders Fillerup, Ben Mahaffey

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

WELCOME AND DESIGNATION OF CHAIR AND MEMBERS: Chair Eric Olsen welcomed everyone present. Mr. Olsen indicated that Ben Mahaffey and Anders Fillerup will be voting members for this meeting.

APPROVAL OF MINUTES FROM JULY 12, 2011: Chair Eric Olsen asked if there were any changes to the minutes. Kathleen Gray mentioned that on Line 40 it should state bermed area, not burned area. There being no further corrections, *Sonja Norton moved to approve the minutes of July 12, 2011 with the corrections as noted. Gary Redden seconded the motion. The motion passed with Olsen, Norton, Gray, Redden, Latham, Fillerup, and Mahaffey voting in favor.*

PRESENTATION TO VERNIE HEENEY: Chair Eric Olsen presented a plaque to Vernie Heeneey to show appreciation for her two years of service serving on the Vernal City Planning Commission.

REQUEST FOR APPROVAL OF A CONDITIONAL USE PERMIT LOCATED AT 25 WEST MAIN, VERNAL, UTAH – APPLICATION# 2011-014-CUP – ANDREW DJUHANA: Allen Parker explained that Andrew Djuhana has made application to convert a space in an existing downtown building from a storage area in a retail space to a one bedroom and one studio apartment. The building is in a mixed use area of commercial and residential. This property and all surrounding properties are zoned CC-1. There is currently a freight elevator and a loading dock that Mr. Djuhana would like to remove. Mr. Parker stated that this request has been reviewed by staff and is in accordance with the requirements of Vernal City; however, there is no additional parking for that particular unit. Mr. Parker explained that the parking is a concern of the property owner to the South whose attorney has sent a letter addressing those concerns. Mr. Parker stated that Mr. Djuhana is aware of the parking issues and plans to make acceptable parking arrangements. Chair Eric Olsen asked if there is a picture available of the site. Mr. Parker explained that it is in the back portion of the building where Uintah Anglers resides. Mr. Olsen asked if the parking is in the back. Mr. Parker stated that there is currently no parking available with this property.

Ben Mahaffey asked what is on the front of the building. Mr. Parker stated a dance studio. Mr. Mahaffey asked if the apartment was going to be in that part of the building. Mr. Parker explained that it would be in the back of that building, and there are several other apartments in the building. Gary Redden asked where those tenants park.

Andrew Djuhana at 54 West Main addressed the Planning Commission to answer questions. Mr. Djuhana explained that he understood that parking was an issue prior to purchasing the building and was aware of the current lawsuits with previous and surrounding property owners. Mr. Djuhana stated that he has written in his rental agreements that there will be no parking in the back. Mr. Djuhana explained that he would be happy to contact Star Investment to see if a solution on the parking could be obtained or approach the other property owner, Dee Dee Johnson. Ben Mahaffey mentioned that the tenants will want to park close to the apartment and not across the street. Mr. Djuhana stated that he usually parks on the property of Dee Dee Johnson. Sonja Norton asked if the entrance for the apartments is in the back or through the front. Mr. Djuhana explained that the tenants can use both entrances 24 hours a day. Ms. Norton asked if the apartments have their own entrance or do they need to enter through the building entrance. Mr. Djuhana answered through the building entrance. Ms. Norton commented that there should be no competing with parking on Main Street with the businesses, because tenants are usually working and gone throughout the day.

Ms. Norton indicated that she is in favor of the idea of mixed uses in the commercial area, because it brings more activity to the downtown area. Chair Eric Olsen asked if it could state in the rental contracts that there is to be no parking in the back. Mr. Mahaffey stated that Star Investment has a legitimate objection and added that Mr. Djuhana does not tell his tenants where to park. Mr. Olsen commented that he could tell his tenants to park on public streets, but how do you enforce it. Kathleen Gray stated that Mr. Djuhana could make it clear to his tenants that they could park in the front, but not in the back. Mr. Parker explained that it would be difficult to enforce. Ms. Norton asked if the right of way was wide enough for parking. Mr. Parker stated that the right of way is 16 feet and not wide enough for parking. Mr. Mahaffey mentioned that the right of way is for emergency services. Ms. Norton commented that the Council has requested that the right of away be repaved and a drain system installed. Gary Redden suggested that the rental contract specify how many vehicles the tenants can have per unit.

7:40 p.m. George Bingham arrives to the meeting.

Mr. Djuhana stated that he would make a commitment for parking to be on Main Street. Mr. Olsen explained that the Commission applies the conditions to the conditional use permit, but the property owner needs to find the solution. Mr. Parker mentioned that Mr. Djuhana can require certain things on his property only, and not on public streets. Mr. Olsen suggested that the condition be that without a written agreement from the private landowner, tenants will not be allowed to park on private property. Mr. Parker stated that the condition is reasonable and sustainable. Mr. Olsen explained that the tenants could park on public parking or Mr. Djuhana could possibly come up with an agreement with the private landowners to rent parking stalls from them. Mr. Djuhana agreed and added that the worst case scenario would be for tenants to park on Main Street. Mr. Olsen stated that Mr. Bingham has arrived to the meeting and as a regular member is entitled to vote or he can defer the voting to the alternate currently

sitting in his place. Mr. Bingham agreed to defer the voting to the alternate. Mr. Olsen opened the public hearing portion of the meeting. There being no public comments, Mr. Olsen closed the public hearing. On behalf of the City, Ms. Norton thanked Mr. Djuhana for everything he has done to improve the building and hopes surrounding property owners will follow his lead. There being no further comments, *Kathleen Gray moved to approve Application# 2011-014-CUP for a conditional use permit located at 25 West Main with the condition that without a written agreement from the private landowner, tenants will not be allowed to park on private property. Gary Redden seconded the motion. The motion passed with Olsen, Norton, Gray, Redden, Latham, Fillerup, and Mahaffey voting in favor.*

REQUEST FOR APPROVAL OF A MASTER SITE PLAN LOCATED AT 496 EAST MAIN STREET, VERNAL, UTAH – APPLICATION# 2011-015-MSP – UTAH COUNTY (KELLY HAYS): Allen Parker explained that Uintah County is requesting approval of a master site plan for an addition to the Utah Field House which is in adjacent to that building at 496 East Main Street. This addition will be a wing attached to the existing museum to be used for storage, work space, research, etc. Mr. Parker reported that there is currently an engineering review underway, and there are two items in question at this time. There is a question of storm water retention from the impervious surface area off of the roof of this addition. The parking lot already exists in that location; therefore, there was very little storm water data submitted to fully analyze, because the association was made with the parking lot versus the storm water. The second item is the specific square footage data that is needed to calculate the parking requirement. Other than the two items mentioned, this is an approvable application. Commissioner Burns is here representing the County to answer any questions with the exception of the storm water system.

Chair Eric Olsen asked if this was a County project. Commissioner Burns stated that it is a combination project between the County, the State, and the Impact Mitigation District. Mr. Olsen asked what is happening with the funds and is the project remaining opened. Ms. Burns explained that despite the article in the newspaper, this project was discussed in length at the building board meeting last month, and they are not anticipating closing this project. There will be one more State building board meeting in September to make the final decision. The project did pass, but there were questions on how DNR is going to fund renting it back. There were no issues with the structure or the funding. Mr. Olsen asked if the project was solid. Ms. Burns stated that it is as solid as the State legislature. Ben Mahaffey asked if the funds have been appropriated for this building. Ms. Burns stated that the funds are coming from the Impact Mitigation District, and 1.5 million dollars has been set aside for this project. Mr. Mahaffey asked if the money will come from the County. Ms. Burns explained that it is funded by the Impact Mitigation District which comes from mineral lease money. The DNR will lease it from the County at \$25,000 per year for 50 years.

Mr. Olsen asked if this was a single story or double story building. Ms. Burns explained that it is a tall one story building with a balcony area inside. Mr. Olsen asked if the architecture ties in with the other building. Ms. Burns answered yes, and it will have the same architecture and finish on the outside as the other building. Ms. Burns mentioned that the main purpose of this new addition is for storing bones and artifacts. The old museum was in need of a new roof and boiler, and the County was not willing to spend \$50,000 to repair the building. Ms. Norton asked if this project is the same size that was originally

planned. Ms. Burns explained that the federal government was going to build a 9 million dollar separate building where the public could tour the facility and attend workshops. This project is a much smaller version of what was previously planned and will be strictly used for storage with a small workshop area. There will be glass, so the public can view the workshop area. Ms. Norton asked if there were any plans for expansion in the future. Ms. Burns mentioned that at this time there are no plans for expansion. There being no further comments, *Sonja Norton moved to approve Application No. 2011-015-MSP for the master site plan for the addition to the Utah Field House with the corrections noted by staff. Anders Fillerup seconded the motion. The motion passed with Olsen, Norton, Gray, Redden, Latham, Fillerup, and Mahaffey voting in favor.*

DISCUSSION ON AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE – SECTION 16.58.050 – SUBDIVISION CODE – PLATTING AND RECORDING REQUIREMENTS – ORDINANCE NO. 2011-20 – ALLEN PARKER:

Allen Parker explained that the Planning Commission requested the County Surveyor attend a Planning Commission meeting to discuss the possibility of adding his signature line to the final plat. John Slaugh was going to be in attendance at this meeting, but was called away on a church assignment. Mr. Parker reported that the public hearing on this item has been scheduled for next month's meeting and suggested inviting Mr. Slaugh at this time. Sonja Norton asked why it says County Assessor instead of County Treasurer. Mr. Parker indicated that it is the County Treasurer, but the copies in the packet were the older version, before the change took place. Anders Fillerup stated that he told the Commission last month that it was a common practice along the Wasatch Front for the County Surveyor to sign off on the final plat, but indicated that he was wrong. He checked into this issue and reported that they do not require the Surveyor to sign off on the final plat in any of the cities along the Wasatch Front, but they do in all cities in Wasatch County. The Utah County Recorder's office used to check all plats during the recordation process and then check for gaps and overlaps for closure. However, the professional surveying community did not appreciate the mapping department checking plats, so they have since stopped.

Chair Eric Olsen asked who reviews the survey. Mr. Fillerup stated that they leave it to the professional surveyor, and the engineer who checks it. Ms. Norton asked if the City has checked with State Code on having the Treasurer and the Surveyor sign off on final plats. Mr. Parker indicated that the State Code enables the Treasurer to not approve a plat to be recorded even without the signature block, but due to the lack of clarity in the State Code, suggests adding the County Treasurer's signature. Ms. Norton stated that she did not want to see the State come in and say that the City cannot require those signature blocks. Mr. Parker mentioned that the City can be more restrictive than State Code. Ms. Norton asked if this issue should be reviewed with the City attorney. Mr. Parker stated that he did not think it was necessary, because adding the Surveyor to the signature block is at the City's discretion. Mr. Olsen asked the Commission if there were any opposition to adding the County Treasurer to the signature block. There were no objections from the Commission. Mr. Olsen stated that he did have an issue with adding the Surveyor to the signature block, because of the double checking and double fees. He added that if the County Surveyor is going to do the work, then remove the engineer. Mr. Parker explained that since the last Planning Commission meeting, he has evaluated the fees with the reviewing engineer. The fee is around \$400 per document, but could be less or more depending on the document. Ms. Norton asked if that was the total fee. Mr. Parker stated yes, and added that the average cost is around \$500. Ms. Norton

asked what the City charges. Mr. Parker answered \$250, but the City subsidizes that cost. The fee schedule was increased 400% a few years ago, because the City was only charging \$50 at one time. Ms. Norton asked if there was any way the City could charge based on a range of the square footage. Mr. Parker explained that the City has done that by site plan. The more acreage in a site plan, the more it will cost. The final plat is charged based on the number of lots plus a base fee.

Ms. Norton asked if there is a need for an engineer on a final plat. Mr. Parker confirmed that any engineering document that the City takes in as part of the application process, must be reviewed by a peer engineering firm to verify that the documents submitted to the City are accurate. Mr. Olsen stated that anything the City reviews is going to have an engineer design it. Ms. Norton asked why an engineer has to be involved during a final plat, like a subdivision. Mr. Olsen explained that the engineer is actually checking ordinances, roads, etc. Ms. Norton stated that it is not to build them, but just to divide the ground. Mr. Parker explained that if you have a two lot subdivision where they are only required to provide the City the final plat, because they are not building a road or dedicating utilities to the City as part of the subdivision, then it is just reviewed for closure and to make sure it meets the legal requirements. If there is a large subdivision, like Haven Estates or larger, and they are building infrastructure for the City, such as sewer lines, water lines, street grades, etc., it has to be reviewed by the engineering firm.

Ms. Norton asked if the City just charges a flat fee. Mr. Parker answered no, it is proportion based on the number of lots that are in the subdivision. Gary Redden asked if it is a \$250 minimum. Mr. Parker stated that \$250 is for a site plan review, and the final plat review is \$150 plus \$25 a lot. Ms. Norton asked how long it has been since the City has reviewed all of the fees. Mr. Parker stated about 3 years ago. Ms. Norton asked Mr. Parker if he feels like the fees are where they should be. Mr. Parker mentioned that Vernal City is one of the more expensive municipalities in the Basin. The original concern when reviewing the fees is that Vernal City will charge as much as some of the other entities. Roosevelt City's fee structure subsidizes almost entirely the application process. Mr. Parker stated that the spectrum is broad, and when the City reviewed the fees the last time, they were slightly lower than many entities along the Wasatch Front, but not significantly. The City did not want to go too far out of the range of what the expectations were in the Basin. Mr. Olsen suggested that this issue be tabled until the next meeting when John Slaugh can be in attendance to address these questions and concerns.

DISCUSSION ON PLANNING COMMISSION VACANCIES: Allen Parker explained that there is still an alternate vacancy on the Planning Commission. Sonja Norton asked if there were any suggestions. Mr. Parker mentioned that there have been a few names suggested in the past that he will contact.

ADJOURN: There being no further business, *Ben Mahaffey moved to adjourn. Gary Redden seconded the motion. The motion passed with a unanimous vote, and the meeting was adjourned.*

Eric Olsen, Planning Commission Chair