

MINUTES of the Vernal City PLANNING COMMISSION

Vernal City Council Chambers - 374 East Main Street, Vernal, Utah

September 13, 2011

7:00 pm

Members Present: Eric Olsen, Kathleen Gray, Gary Redden, Ken Latham

Members Excused: Glenn Spencer, Sonja Norton

Alternates Present: Anders Fillerup

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 Anders Fillerup will be a voting member for this meeting.

APPROVAL OF MINUTES FROM AUGUST 9, 2011: Chair Eric Olsen asked if there were any changes to the minutes. Kathleen Gray asked if on Page 5, Line 48 it should say gaps instead gas. There being no further corrections, *Kathleen Gray moved to approve the minutes of August 9, 2011 with the corrections as noted. Anders Fillerup seconded the motion. The motion passed with Olsen, Gray, Redden, Latham, and Fillerup voting in favor.*

REQUEST FOR RECOMMENDATION AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE – SECTION 16.14.030 – PERMIT—APPLICATION—HEARING—ORDINANCE NO. 2011-17 – ALLEN PARKER: Allen Parker referenced page 7 in the meeting packets to explain the reason for requesting a recommendation to change Section 16.14.030 of the Vernal City Municipal Code. The current Vernal City Municipal Code states that there must be a 14 calendar day notice given to the public on conditional use permits, but the current State Code allows for a 10 calendar day notice. This item has been discussed in previous meetings, but is scheduled for a public hearing at this time. Chair Eric Olsen opened the public hearing for this item. There being no comments, Mr. Olsen closed the public hearing. *Gary Redden moved to approve a positive recommendation to the City Council to change the Vernal City Municipal Planning and Zoning Code – Section 16.14.030 – Ordinance No. 2011-17 to correlate with State Code in allowing for a 10 day notice on conditional use permits. Kathleen Gray seconded the motion. The motion passed with Olsen, Gray, Redden, Latham, and Fillerup voting in favor.*

REQUEST FOR RECOMMENDATION AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE – SECTION 16.58.050 – PLATTING AND RECORDING REQUIREMENTS—ORDINANCE NO. 2011-20 – ALLEN PARKER: Allen Parker referenced page 11 of the meeting packets to explain the recommendation for amending Section 16.58.050 of the Vernal City Municipal Code. The changes are adding Uintah County Treasurer and Surveyor to the signature block. Mr. Parker stated that John Slaugh, Uintah County Surveyor, is in attendance to answer any questions on this issue. Chair Eric Olsen confirmed with the Commissioners that they were

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in agreement with adding the County Treasurer to the signature block, but had some questions relating to adding the County Surveyor.

John Slaugh at 9987 East 8000 North, Lapoint, Utah. Chair Eric Olsen explained that he had questions with the logistics of how the County Surveyor's budget works with plat correction and then with recording, and added that the biggest concern is double charging for services. He added that he has no issue with who corrects the survey plats, but currently it is hired out and to do it again seems redundant. Mr. Olsen asked Mr. Slaugh to explain what he does for other plats, the county, how the budget is billed, and how the fees would come into this block. Mr. Slaugh explained that everything right now comes out of the County's annual budget. Mr. Olsen asked what the budget was for 2011. Mr. Slaugh indicated that it was \$45,000. He reported that Uintah County is the only place where he is reviewing subdivision plats, and fees are collected from the developers or the owner of the subdivision. Mr. Slaugh indicated that he is reimbursed from Uintah County for his services. Mr. Olsen asked about the County fees. Mr. Slaugh stated that the base fee is around \$100 plus \$10 per lot. Mr. Olsen asked if that fee covers Mr. Slaugh's fees or if it is subsidized with the budget. Mr. Slaugh confirmed that it does cover his professional fee.

Mr. Slaugh stated that he does not think it is appropriate to have the engineers approving the land surveyor's work on subdivisions, because they are not trained in that area. He added that it is up to the City if they would like a review process and if so, he recommends it is reviewed by his peers. Mr. Olsen asked if the City is having them reviewed for survey. Mr. Parker explained that they are typically reviewed by a contract engineering firm, usually Engineering Services, for closure and the mathematics on the plat. Mr. Olsen asked if their fees were comparable. Mr. Parker stated that it has not been broken out, and it would be interesting to see what portion of the fee is for the review of the land surveyor's work. Mr. Olsen stated that it would be important to check. Mr. Parker asked Mr. Slaugh what legal responsibility a land surveyor takes on by being added to the signature block. Mr. Slaugh explained that if any of the items that a surveyor signs off as being checked have errors, the surveyor is going to have some liability. Mr. Olsen asked how the engineer block is written up. Mr. Parker stated that the way it currently reads in the Code is Registered Professional Engineer and/or land surveyor's certificate of survey.

Mr. Olsen asked if the City engineer is a designated entity or hired on a case by case basis. Mr. Parker stated the latter was correct. Anders Fillerup asked if the City has an engineers and a surveyor's block from the preparing firm. Mr. Parker explained that from the preparing firm, the City has a block. Mr. Olsen asked if the preparing firms sign the block. Mr. Parker answered yes. Mr. Olsen stated that the City needs to have a land surveyor block as well. Mr. Parker explained that currently it is either one or the other. Mr. Olsen asked how an engineer is setting corners on a subdivision and signing off. Mr. Parker stated that maybe they do use a surveyor, but the surveyor does not sign off on the plat, because the City does not require it. Mr. Fillerup indicated that if they both had to sign off on the plat, there would be someone liable. Mr. Parker mentioned that this is specifically for a subdivision of land. Mr. Fillerup stated that you still must have a professional surveyor on there. Mr. Olsen suggested removing the or from and/or in the wording of the code. He added that if they are subdividing, they will be setting corners and an engineer cannot set corners. Mr. Slaugh explained that regardless if they

set the corners or not, they have established a boundary line which falls under the jurisdiction of a land surveyor. Mr. Olsen stated that for subdividing property, they should both be on there. He added that the question is does the City hire the County Surveyor or do they hire someone else.

Mr. Parker asked Mr. Slauch what fees he would charge the City based on the items specified earlier. Mr. Slauch explained it would be \$100 base fee plus \$10 per lot on a subdivision. Mr. Parker stated that the City's fees that are charged to the applicant are slightly higher for a final plat, but still not sufficient enough to cover all the costs the City incurs. The City Council may want to look at changing the fee structure. Mr. Olsen suggested keeping the wording consistent such as City engineer's certificate of approval and City surveyor's certificate of approval. Mr. Parker mentioned that there is no "City engineer", but there could possibly be one in the future. Mr. Olsen recommended that the City has Engineering Services separate their fees and not charge the City for the reviewing of the survey, so there is not duplication of fees. He also asked if the City has the approval of the County Fire Marshall. Mr. Parker explained that the City's Deputy Fire Marshall reviews them, but is not required to sign off on the plat. The water department, sewer department, Assistant City Manager, all complete staff reviews to check for compliance. Mr. Olsen asked Mr. Parker if he was okay with the Fire Marshall not signing off on the plats. Mr. Parker confirmed that the review is sufficient.

Mr. Olsen asked why the City water and sewer certificates are on the signature block. Mr. Parker stated that he does not know the specifics, because it was that way when he started working for the City. Mr. Olsen asked what departments review the plats. Mr. Parker explained that the street department, fire marshall, water department, sewer department, Assistant City Manager, Planning Commission, and Building Compliance Officer. He also indicated that if it is a full size subdivision, he sends it out to the school district, utility companies, City engineer, and also the City surveyor if approved. Mr. Olsen stated that in his opinion if the water and sewer departments are required to sign off on the plats for recordation, then so should the street and fire departments. Mr. Parker voiced his concern in having too many signatures sign off on the plat. He added that the City is looking for the set of legal signatures that are required to cover the basis. Mr. Redden asked if the departments go to Mr. Parker if they find a problem in their review. Mr. Parker answered yes. They are redlined and sent back for corrections. Kathleen Gray stated that the Commissioners are here to help the City, and do not want to make it harder for staff by adding more signatures.

After lengthy discussion, the Commissioners agreed upon the following changes to the signature block.

- i. Boundary description of land to be included in subdivision, total area and basis of bearing,
- ii. Professional engineer's certificate of engineering as required,
- iii. Professional land surveyor's certificate of survey,
- iv. City Engineer's certificate of approval,
- v. City Surveyor's certificate of approval,
- vi. Owner's dedication,
- vii. Notary public's acknowledgement of dedication,

- viii. Local public health department's certificate of approval,
- ix. Vernal City Water and Sewer certificate of acceptance and approval,
- x. The Uintah County Treasurer's certificate of approval,
- xi. Planning Commission's certificate of approval,
- xii. Vernal City Council's certificate of acceptance and approval attested by the City Recorder.

Chair Eric Olsen opened the public hearing for this item. John Slaugh suggested that the wording for the signature block be professional land surveyor. There being no further comments, Mr. Olsen closed the public hearing.

Ken Latham moved to approve a positive recommendation to the City Council for Ordinance No. 2011-20 with the corrections as noted. Kathleen Gray seconded the motion. The motion passed with Olsen, Gray, Redden, Latham, and Fillerup voting in favor.

MISCELLANEOUS: Allen Parker prepared the Planning Commission to discuss at the next meeting a few ordinance changes governing household pets. He explained that there has been interest in allowing four hens in a residential zone as well as how it relates to rabbits. Chair Eric Olsen asked what the current policy is on this item. Mr. Parker stated that they are not permitted, because they are not designated as household pets. If these animals are added to the household pet category, they would be governed by the same requirements such as the nuisance ordinance, keeping them pinned up, etc. Mr. Olsen asked how the City would control four rabbits if approved as a household pet. Mr. Parker stated that it would be the property owner's responsibility. Gary Redden asked how other cities regulate this same issue. Mr. Parker indicated that most cities did not allow them in the past, but the trend nationwide is allowing them again with the downturn in the economy. He further explained that another individual has shown interest in opening an industrial style breeding and production facility for rats and mice to be sold to pet stores as part of a food product for reptiles. This type of business exists in a lot of areas throughout the nation. Vernal City currently has nothing in the Code to address this request. Mr. Parker asked the Commissioners to think about these items and be ready to address them at the next meeting. He added that he would have a few sample ordinances prepared for the meeting.

Chair Eric Olsen asked for an update on the current vacancies on the Planning Commission. Allen Parker explained that this item would be on the agenda for the next meeting. The purpose of this meeting was to focus exclusively on the two items scheduled for public hearing. Mr. Olsen asked about changing the public hearings to 7:00 p.m. Mr. Parker explained that the public hearings will be scheduled for 7:05 p.m. in the future, but this public hearing was already scheduled and public notified.

ADJOURN: There being no further business, ***Kathleen Gray moved to adjourn. Anders Fillerup seconded the motion. The motion passed with a unanimous vote, and the meeting was adjourned.***

Eric Olsen, Planning Commission Chair