

**Minutes of the Vernal City Planning Commission  
Vernal City Council Chambers, 374 East Main Street  
December 13, 2011  
7:00 p.m.**

**Members Present:** Eric Olsen, Sonja Norton, Anders Fillerup, Gary Redden, Mike Drechsel, Ken Latham

**Alternates Present:** Melissa Huber, Adam Ray

**Member Excused:** Kathleen Gray

**Staff Present:** Allen Parker, Assistant City Manager; Becky Richards, Administrative Secretary and Roxanne Behunin, Deputy Recorder

**Welcome and designation of chair and members:** Chair Eric Olsen welcomed everyone present and introduced the new alternate members that are present; Melissa Huber and Adam Ray. Eric Olsen explained that if Kathleen Gray doesn't come, the board will appoint an alternate.

**Approval of minutes from Minutes from November 08, 2011:** Chair Eric Olsen asked if there were any additions or changes to the minutes. Discussion took place on the parking for Vernal Valley Lodging, on the retention ponds and correcting the spelling & verbiage on the Shivers and Jitters. Mr. Parker asked Sonja Norton if she had noted all of the corrections on the minutes. Sonja Norton said "yes". Mr. Parker suggested tabling the minutes to next month.

**Sonja Norton moved to table the minutes of November 08, 2011 to next month so all the corrections can be made. Gary Redden seconded the motion. The motion passed with Eric Olsen, Anders Fillerup, Mike Drechsel, and Ken Latham, Sonja Norton, Garry Redden voting in favor.**

**SITE PLAN**

**Application# 2011-025-MSP – Request for Approval of a Master Site Plan at 50 South 1000 West, Vernal, Utah – Austin Anderson:**

Allen Parker explained the City received an application from Austin Anderson requesting approval of a site plan for a new 10,152 square foot multi-tenant retail center or "strip mall". The property is south of the new car wash on 1000 East Main. Allen Parker specified that Vernal City can grant a footings and foundation permit, however Vernal City cannot allow a vertical building permit until the site plan is approved. Mr. Anderson has installed the footings and foundation so he would not run into problems due to weather. Mr. Anderson is aware that he is operating at his

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own risk by installing the foundation without approval of the site plan. The CC1 Zone requires no setbacks therefore the only potential problem would be if he violated someone's property line, which he has not. The site plans have a couple of corrections: 1) location of fire hydrants, and 2) More detail regarding the storm water section under the parking lot. Other than the two items as stated above Vernal City finds this application to be in compliance with Vernal City Code. Extensive discussion took place regarding the correct address. Mr. Parker explained that the three parcels Mr. Anderson owns have different parcel ID numbers, but Uintah County has assigned them all the same address. Mike Drechsel thought that an address change will probably be required, so the response team doesn't have to go to three different locations. Mr. Parker noted that corrections have been made to the site plan by the engineers, and their review is close to being finished. Mr. Olsen asked if there will be multiple units in this building. Mr. Parker answered there will be multiple tenants with a maximum of five or six. Mr. Parker said that Mr. Anderson is anticipating more office space verses retail space to be rented. The new building will be setback 19 feet from the property line to allow more space for deliveries. Mr. Parker suggested the vacant chair position of Kathleen Gray be filled with an alternate Planning Commission member. Chair Eric Olsen appointed Adam Ray to fill that position.

**Mike Drechsel moved to approve Application 2011-1025 MSP for Austin Anderson, located at 50 South 1000 West in Vernal City, including any corrections made by the engineers or Vernal City staff. The motion was seconded by Sonja Norton. The motion passed with Anders Fillerup, Eric Olsen, Ken Latham, Gary Redden, Mike Drechsel, Sonja Norton and Adam Ray voting in favor.**

**Application# 2011-027-MSP – Request for Approval of a Master Site Plan at 1045 East Main, Vernal, Utah – Mitch Peel**

Mr. Parker explained that Mitch Peel is requesting approval of a site plan for a new storage building. The site is located in an I-1 Zone at 1045 East Main Street. The exact location of this site was discussed. Mr. Parker stated that he has met with Mr. Peel's engineer and most of the problems, such as the fire hydrant locations, have been corrected. There is still an issue with the location of the lighting. Ms. Norton expressed her opinion that the power point presentation that has previously been done by Mr. Parker helps in locating the site plan in correlation with the surrounding buildings. Mr. Parker stated that he would do a power point presentation on every one of these site plan reviews in the future. Mr. Olsen expressed concern regarding the flow of the storm water from this development over to the neighboring property. Mr. Parker explained that there are some corrections to the plat regarding the elevation and grading that will accommodate the flow of water into the storm water retention pond. Mr. Parker stated that once the excavation starts they will prepare the ground for grading. Mr. Olsen asked which way the gutters flow. Mr. Parker explained that the gutters flow to the North. Mr. Drechsel asked about the location of the fence because on the plat it is shown as being north of the property boundary. Mr. Drechsel stated that in Utah someone could take adverse possession of someone else's land by paying property taxes on the land that are tied to the described property boundary, or someone could gain possession of someone else's land by acquiescence if there is an agreement between both property owners regarding the property boundary. Discussion regarding fencing and property boundaries took place.

**Mr. Drechsel moved to approve application for site plan 2011-027-MSP located at 1045 East Main Street, Vernal Utah subject to any changes recommended by Vernal City staff & or engineers, excluding the northern boundary fence being built North of the property boundary. If the northern fence is relocated it needs to be on the surveyed property boundary. The motion was seconded by Ken Latham. The motion passed with Sonja Norton, Eric Olsen, Anders Fillerup, Gary Redden, Mike Drechsel, Ken Latham and Adam Ray voting in favor.**

**POLICY & LEGISLATION – Resolution prescribing the time and place for holding the regular meeting of the Vernal City Planning Commission for 2012:**

Mr. Parker explained that every year we need to bring a resolution to Vernal City Council regarding the time and place for the regular Planning Commission meetings. Discussion took place regarding the time for the Planning Commission meeting. The resolution that was proposed was to conduct regular meetings on the second Tuesday of each month, such regular meeting to commence at 7:00 pm in the Vernal City Council Chambers at 374 East Main, Vernal , Utah.

**Sonja Norton moved to approve the proposed resolution with Planning Commission meetings to be held on the second Tuesday of each month, such regular meeting to commence at 7:00 pm in the Vernal City Council Chambers at 374 East Main, Vernal, Utah. The motion was seconded by Gary Redden. The motion passed with Mike Drechsel, Eric Olsen, Adam Ray, Ken Latham, Sonja Norton, Gary Redden and Anders Fillerup.**

**DISCUSSION**

**Expiring Planning Commission Terms:**

Mr. Parker explained that there are several members that have expiring terms on the Planning Commission. Mr. Parker advised that Mr. Ben Mahaffey does not want to continue on as a member of the Planning Commission, this makes one alternate position vacant that will need to be filled for next year. Mr. Parker also stated there are two more positions that will be expiring, Gary Redden and Eric Olsen. Mr. Parker asked if Mr. Redden and Mr. Olsen were interested in continuing as members of the Planning Commission and advised that a recommendation is needed to present to the City Council. Mr. Olsen and Mr. Redden both expressed desire to continue as members.

**Mr. Redden moved to approve the recommendation for Gary Redden and Eric Olsen to serve a new term on the Planning Commission. The motion was seconded by Adam Ray. The motion passed with Sonja Norton, Eric Olsen, Mike Drechsel, Anders Fillerup, Gary Redden, Adam Ray and Ken Latham voting all in favor.**

**Sonja Norton was excused from the remainder of the meeting.**

**Composition of Board of Adjustment:**

Chair Eric Olsen opened discussion regarding the composition of the Board of Adjustment. Mr.

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Parker explained that the Board of Adjustments is an appellate board for the Planning Commission who can also grant variances to codes. Vernal City has not had a Board of Adjustment meeting in approximately six years. Most of the current members terms are expiring and it's hard to find people to serve because there is almost nothing for them to do. The Legal Counsel made a presentation to the League of Cities and Towns at the last meeting regarding Board of Adjustments. It was recommended to have a very small board or have a single hearing officer. When the Board of Adjustments meet they sit down and review the actions of the Planning Commission and make a judgment as to whether or not that decision should be reversed based on its legal merits. It's not the same as voting. The City Attorney is present and conducts the process. The Board functions similar to an appeal in a court of law. Mr. Parker stated that if the Planning Commission wants to change the number of members on the board it is under Title 16 which means an ordinance will have to go in front of the Vernal City Council with a recommendation. Mr. Parker noted a potential problem with staffing a 5 member board and suggested cutting the board to 3 members or going to a single hearing officer. Doing this would simplify the process and training. Mr. Parker clarified that after the process of appeal to the Board of Adjustments the next appeal would be filed in District Court. Mr. Drechsel recommend going to a 3 panel board, because this would give you more opinions, and it would give a better balance. Mr. Parker asked the Commissioners if they want to have alternates for the board. Mr. Drechsel expressed that he would like at least 1 alternate. Ms. Behunin pronounced that there could be a conflict of interest so having an alternate might be beneficial. Chair Olsen asked if the Commission can change the stewardship of the Board of Adjustments so they are not under the City Council. Mr. Parker explained that is not really the way it is designed to work as far as due process, but it possibly could be changed. Mr. Parker stated that not every appeal goes to the Board of Adjustments; it depends on the type of appeal. Most of what will go before the Board of Adjustments are appeals against decision that have been made regarding granting or not granting variances. The Board will assess to see if it meets the criteria or not. Mr. Olsen agrees with Mr. Drechsel that we should have 3 members with 1 alternate. Mr. Parker stated that the Commission cannot make a recommendation tonight, but he will draw up an ordinance for the next meeting and have a public hearing on it. More discussion was recounted by Mr. Parker to help clarify exactly what the Board of Adjustments is and the appeal process to Vernal City. The consensus of the Planning Commission was to review a new ordinance defining the composition of the Board of Adjustment.

**ADJOURN: There being no further business; Chair Eric Olsen thanked everyone for a great year. Mike Drechsel moved to adjourn the meeting. The motion was seconded by Anders Fillerup. The motion passed with Eric Olsen, Gary Redden, Ken Latham, Mike Drechsel, Anders Fillerup and Adam Ray voting all in favor and the meeting adjourned.**

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Eric Olsen, Planning Commission Chair