

MINUTES of the Vernal City PLANNING COMMISSION

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

February 22, 2012

7:00 pm

Members Present: Eric Olsen, Sonja Norton, Ken Latham

Alternates Present: Melissa Huber, Adam Ray

Members Excused: Gary Redden, Kathleen Gray, Mike Drechsel, Anders Fillerup

Staff Present: Allen Parker, Assistant City Manager; and Becky Richards, Administrative Clerk

WELCOME AND DESIGNATION OF CHAIR AND MEMBERS: Chair Eric Olsen welcomed everyone present to the meeting and noted that all Planning Commission members in attendance would be voting members.

APPROVAL OF MINUTES FROM JANUARY 10, 2012: Chair Eric Olsen asked if there were any changes to the minutes from January 10, 2012. There being no corrections, *Sonja Norton moved to approve the minutes of January 10, 2012. Ken Latham seconded the motion. The motion passed with Olsen, Norton, Huber, Ray, and Latham voting in favor.*

REQUEST FOR APPROVAL OF A CONDITIONAL USE PERMIT FOR AN OFFICE LOCATED AT 296 WEST 200 NORTH, VERNAL, UTAH – APPLICATION #2012-003-CUP – TIMBERLINE LAND SURVEYING- ALLEN PARKER: Allen Parker referred to the staff report and presented the request for the conditional use permit. He described the location of the area. One of the concerns is the lights from the vehicular traffic coming and going from the office. The staff recommends a six foot sight obscuring fence along all property lines abutting residential uses. Mr. John Slaugh with Timberline Land Surveying stated that he has plans to move his survey crews and possibly a few draftsmen over to this location. The administration office will stay in its current location across the street. Mr. Slaugh pointed out that the public will not be coming and going to this location at this time. There is a possibility that some day it might be part of the main office. Chair Eric Olsen asked where employees would be parking. Mr. Slaugh answered just to the North. Mr. Slaugh voiced his concerns about the employees talking in the parking lot, sometimes as early as 7 am in the morning, so he thinks the six foot solid fence along the North side might be beneficial to help with the noise. Ms. Norton would like to see a six foot fence along the East side of the house to replace the four foot fence that is there now. Chair Eric Olsen opened this item for public hearing. There being no comments, Chair Eric Olsen closed the public hearing. *Ms. Norton moved to approve the conditional use permit for an office located at 296 West 200 North, Vernal, UT – Application #2012-003-CUP – Timberline Land Surveying, with the condition that a six foot sight obscuring fence be installed, this fence is to start thirty feet from the sidewalk on 300 West and continue East to the East boundary line, then run South until it reaches thirty feet from the sidewalk on the South property boundary. The fence must meet Vernal City Code Section 16.50.050 Fencing*

requirements. Adam Ray seconded the motion. The motion passed with Olsen, Norton, Latham, Ray, and Huber voting in favor.

REQUEST FOR APPROVAL OF A CONDITIONAL USE PERMIT FOR A DRIVE-THRU LOCATED AT 1169 WEST HIGHWAY 40 #D, VERNAL, UTAH – APPLICATION #2012-004-CUP – SIZZLING CAESAR– ALLEN PARKER: Mr. Parker referred to the staff report on pages 9 and 10 as he presented the request for the conditional use permit. The owner is Sizzling Caesar, represented by Richard Forsythe and Kay Barbre. Mr. Parker referred to the site plans on page 11 of the planning commission packet, pointing out the additional curbing and gutter at the bottom of the picture. The box to the right of the building is curbing that will separate the drive-thru. This piece of curbing will help separate the two lanes of traffic. The road will still be 24 feet wide after the drive-thru window is installed and allows 12 foot lanes for each direction of traffic. The drive-thru is going to be 10 feet wide. A small addition will extend out the existing building to accommodate the employees working in the drive-thru. Ms. Norton asked if the drive-thru could be moved towards the back of the building, so there would be more room for the possible back-up of cars waiting to go through the drive-thru. Mr. Barbre explained that it is not feasible to move the drive-thru to the back due to the ovens being located there. The warming ovens for the “Hot and Ready” pizzas are more accessible in the front of the building. Mr. Parker pointed out the arrows on the site plan which indicate the flow of traffic will be painted on the drive. Another line painted in the middle of the two arrows might help separate the traffic and give people more visual cues on which way to go. Ms. Norton asked about the length of the stacking lane for automobiles waiting for service. She feels there might be more than three cars waiting at a time. Mr. Parker explained that with the extension of curbing it meets the Vernal City Code which is fifty feet. Mr. Barbre explained that those coming to the drive-thru will most likely be ordering the “Hot and Ready” pizzas and leaving fairly fast. Mr. Ray voiced his concern about people parking in the fire lane to the right of the building. Mr. Barbre stated that by installing no parking signs and painting the curbing red it will help detour people from parking in the fire lane. Mr. Parker pointed out that this is not a public road. It is a private roadway. Mr. Barbre mentioned that the speed bump located to the South of the building will help slow the traffic. Mr. Forsythe stated that there will be four foot tall lighted signs located on the median at the drive-thru. Ms. Norton verified with Mr. Forsythe that the owners are aware and agree with the drive-thru being added. Chair Eric Olsen opened the public hearing for this item, there being no comments, Chair Eric Olsen closed the public hearing. *Mr. Ray moved to approve a conditional use permit for a drive-thru located at 1169 West Highway 40 #D, Vernal, Utah – Application #2012-004-CUP – Sizzling Caesar LLC with the condition that the painted stripping for the drive-thru be extended North, the curbing for the existing fire lane located West of Little Caesar be painted red with no parking signs installed, and install reflective poles on the concrete barrier for the drive-thru. Sonja Norton seconded the motion. The motion passed with Olsen, Norton, Latham, Ray, and Huber voting in favor.*

REQUEST FOR RECOMMENDATION AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE CHAPTERS 16.04, 16.20, 16.36, 16.38, 16.40, 16.42, AND 16.44 TO REVIEW THE REGULATIONS ON PETS AND

LIVESTOCK – ORDINANCE NO. 2012-04 - ALLEN PARKER: Mr. Parker presented the recommendation. He referred to page 13 & 14 of the planning commission packet which shows the Seattle municipal code for urban farms and community gardens. He explained that he used the Seattle information to write the Code. Ms. Norton expressed concerns about Bee Keeping and making sure the bees are kept under control. Mr. Parker notes that in the Seattle code, bees are allowed outright when registered with the State Department of Agriculture. He explained that if the bees become Africanized, they would have to be destroyed. He also pointed out that this code is written to allow urban livestock in a R-1 & RA-1 zone with a lot over 8,000 square feet and in a R-2 zone with a lot over 8,000 square feet as a conditional use. All other zones do not permit urban livestock. Discussion took place regarding paragraph B, #4 Bee Keeping. Mr. Parker will strike Keeping so it just reads Bees. Ms. Norton asked if roosters were allowed. Mr. Parker answered no. The Commission would like the maximum number of animals that may be kept per parcel to read as follows:

1. Rabbits: Three (3)
2. Hen Chickens: Six (6)
3. Goats: Three (3)
4. Bees: Three (3) hives with not more than one swarm per hive.

The Commission likes the wording in the Seattle ordinance regarding bees “No more than three (3) hives, each with only one (1) swarm allowed. Hives may not be located within 25 feet of any lot line”. Mr. Parker explained that this ordinance is not addressing the keeping of pets. Pets are allowed in any zone. He explained that urban livestock is primarily kept for the production of food. Mr. Ray voiced his concern with keeping male goats. There was a brief discussion regarding the keeping of male goats. The Commission agrees with the wording used in Seattle’s Code regarding goats on page 14 and should be used. “Goats may be kept if they are Miniature, Dwarf or Pygmy. Goats must be dehorned, and male goats must be neutered”. Mr. Parker explained that he will re-write this recommendation for the next commission meeting. Chair Eric Olsen opened the public hearing for this item. There being no comment, Chair Eric Olsen closed the public hearing. *Ms. Norton moved to table the recommendation with the revised version. Ms. Huber seconded the motion. The motion passed with Olsen, Norton, Latham, Ray, and Huber voting in favor.*

REQUEST FOR RECOMMENDATION AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE – CHAPTERS 16.04, 16.20, 16.36 TO REVIEW THE REGULATIONS ON DOMESTIC ABUSE SHELTER ORDINANCE NO 2012-07 – ALLEN PARKER: Mr. Parker explained that as the Vernal City Code stands now, there is nothing that regulates domestic abuse shelters. Vernal City is looking to purchase a building for that purpose. Mr. Parker referred to page 15 of the packet to explain the definition of a domestic abuse shelter and the specific standard for a domestic abuse shelter. By permitting a domestic abuse shelter in an R-1 zone, it essentially cascades to all the other residential zones. There was a brief discussion regarding the specific standards and parking for a shelter. Chair Eric Olsen opened the public hearing for this item. There being no comments Chair Eric Olsen closed the public hearing. *Ms. Huber moved to approve the recommendation as presented by Allen Parker. Mr. Ray seconded the motion. The motion passed with Olsen, Norton, Latham,*

Ray, and Huber voting in favor.

MINIMUM PARKING REQUIREMENTS FOR HOTELS – ALLEN PARKER: Mr. Parker referred to Page 18 of the packet to explain the hotel / motel parking requirements of other cities. Chair Eric Olsen referenced page 18 and stated that he likes the St. George Code. “One space for each living or sleeping unit, plus two spaces for a resident manager or owner”. Mr. Parker pointed out that even though some hotels / motels have 100% occupancy they still keep a couple of rooms open. Chair Eric Olsen stated that he feels the current Code is sufficient. Ms. Norton suggested that Mr. Parker research motel / hotels around the City and neighboring businesses to see if there have been any issues with their parking. Chair Eric Olsen explained that the City needs to look into the future. Mr. Parker pointed out that a lot of the big chain motels / hotels have their own parking standards. Most problems are with the smaller motels / hotels. If there are no issues found, the recommendation will be to keep the current Code for minimum parking requirements as it stands now. If there are parking problems found in the research, then a public hearing will be scheduled.

FINANCIAL GUARANTEE FOR PRIVATELY OWNED UTILITIES IN SUBDIVISIONS – ALLEN PARKER: Mr. Parker explained that the City Council discussed this item, and recommended it to be brought to the Planning Commission for discussion. This financial guarantee would help insure that privately owned utilities would be installed in new subdivisions and not abandoned such as in the Haven Estates Subdivision. This guarantee would require the developer to either place a bond with Vernal City or provide a receipt to Vernal City showing that the utilities have been paid. This would help insure that these types of utilities would be completed; therefore, protecting the public from having to possibly pay for the utilities twice. Chair Eric Olsen asked why it is the City’s responsibility. Mr. Parker explained that it is only the City’s responsibility if the City assumes that responsibility. The City would have to specify what utilities would be required. Ms. Norton believes it is important that the City help insure these utilities are complete to protect the public that are buying these lots. As a result making less road construction and tearing up of the roads. Ms. Norton suggested the responsibility be placed on the developer to insure these utilities are complete. Mr. Parker explained that there is a potential liability that can fall onto the City. There have been cases in the Courts where the responsibility was placed back onto the City for the completion of utilities, because the City approved the final plat of the subdivision. Once the final plat is approved and recorded, there is nothing to stop the developer from selling individual lots. Another way to help guarantee the utilities is by having the developer get the preliminary plat approved through the City. The developer would then install the specified required utilities, so when the plat was brought to the City for final approval of the subdivision, all of the required infrastructures were already in place. Chair Eric Olsen asked who designates the amount of the bond. Mr. Parker explained that it is an estimate from the developer’s engineers and verified with Vernal City engineers. It is 150% of the value of the bond. Ms. Norton would like the amount of the bond set at 100% of the value for privately owned utilities. Chair Eric Olsen asked if there was a set time frame that the developer has to complete the infrastructures. Mr. Parker added that there is a set time in the escrow agreement. If the infrastructures are not completed in that time frame the City receives the money, thus completing the infrastructures. Mr. Latham agrees that there

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should be a Code in place by either a bond or a receipt showing the payment of public utilities. Ms. Huber asked if there is an example of another City's Code, in regards to this issue. Mr. Parker was not sure. There was a brief discussion regarding cutting into the roads to get the utilities installed. Mr. Parker explained that there is a two year warranty on the roads currently it is controlled by the City Council. Chair Eric Olsen asked about requiring a pipe casing under the road. Mr. Parker explained that the mechanism being talked about tonight is in regards to the time the final plat is approved and recorded. He explained that if the Commission would like to require pipe casing it would have to be looked at in a different angle. Ms. Norton suggested requiring power as the only utility specified in the Code. Mr. Parker stated that he will write a new section of the Code to be reviewed next month.

PLANNING COMMISSION ALTERNATE VACANCY – ALLEN PARKER: Mr. Parker reminded the Commission that there is still an alternate vacancy on the Planning Commission alternate.

ADJOURN: There being no further business, *Sonja Norton moved to adjourn. Adam Ray seconded the motion. The motion passed with a unanimous vote, and the meeting was adjourned.*

Eric Olsen, Planning Commission Chair