

MINUTES of the Vernal City PLANNING COMMISSION

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

March 13, 2012

7:00 p.m.

Members Present: Chair Eric Olsen, Mike Drechsel, Anders Fillerup, Kathleen Gray, and Ken Latham

Members Excused: Sonja Norton and Gary Redden were excused.

Alternates Present: Adam Ray and Melissa Huber

Staff Present: Allen Parker, Assistant City Manager; and Sherri Montgomery, Administrative Clerk

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

APPROVAL OF MINUTES FROM February 22, 2012: Chair Eric Olsen asked if there were any changes to the minutes from February 22, 2012. Anders Fillerup mentioned that on line 76, the word medium should be median. Mr. Olsen stated that he thought there was a more in depth discussion about the bond issue under the financial guarantee for privately owned utilities in subdivisions that was not included in the minutes. Allen Parker explained that the minutes are a summary of the meeting and not verbatim from the recording. Mr. Olsen stated that on line 174, it should read “privately owned utilities” and the verbiage “and 150% for a developer” be struck from the minutes. *Melissa Huber moved to approve the minutes of February 22, 2012 with the corrections as noted. Adam Ray seconded the motion. The motion passed with Olsen, Drechsel, Fillerup, Gray, Latham, Ray, and Huber voting in favor.*

REQUEST FROM BRAD AND RULA BULLOCK TO REZONE THE PROPERTY LOCATED AT 197 EAST 100 NORTH, VERNAL, UTAH- APPLICATION NO. 2012-006-RZ – ALLEN PARKER: Allen Parker referred to pages 7 and 8 of the meeting packet to discuss a request from Brad and Rula Bullock to rezone the property located at 197 East 100 North from R-4 zone to a C-2 zone. Mr. Parker explained that the Vernal City General Plan indicates future land use for the subject parcel to be high density residential, a designation not compatible with the C-2 zone. However, the General Plan also indicates that this parcel is in an area that is designated for mixed uses. Mixed use areas incorporate a variety of residential housing types with light commercial, office, and retail uses. The C-2 zone is being requested instead of the CC-1 zone, which adjoins the subject property to the south, because the C-2 zone requires setbacks from public streets and is more compatible with the areas off of Main Street. Mr. Parker stated that the staff finds this application to be approvable.

Mike Drechsel pointed out that being rezoned to C-2 means that any permitted use for the C-2

**Vernal City Planning Commission Minutes
March 13, 2012**

zone could be entitled to do business at that location. Mr. Parker explained that one provision of the Code is that the City Council at its discretion requires a development agreement at that particular rezone. He added that the Commission could make a recommendation to consider applying a development agreement to restrict certain uses. Chair Eric Olsen asked what the applicant has planned for the property. Mr. Parker stated that they are anticipating using the property for light retail purposes as a floral shop. Mr. Olsen opened the public hearing for this request. There being no public comments, Mr. Olsen closed the public hearing. *Kathleen Gray moved to forward a positive recommendation to the City Council to approve the rezone request from Brad and Rula Bullock for the property located at 197 East 100 North from a R-4 zone to a C-2 zone – Application No. 2012-006-RZ. Melissa Huber seconded the motion. The motion passed with Olsen, Drechsel, Fillerup, Gray, Latham, Ray, and Huber voting in favor.*

REQUEST FROM HAROLD IRVING TO APPROVE THE AMENDMENT TO THE PREVIOUSLY APPROVED PRELIMINARY PLAT FOR THE SILVER PINES CONDOMINIUMS LOCATED AT 860 SOUTH 160 EAST, VERNAL, UTAH – APPLICATION NO. 2012-002-SUB – ALLEN PARKER: Mike Drechsel asked why the request to approve the preliminary and final plat for Silver Pines Condominiums is all in the same night. Allen Parker explained that historically this has not been a problem. If the Commission approves the amendment to the preliminary plat, there usually is no reason not to address the final plat for approval unless it is complex or there are concerns. Mr. Parker explained that this is an application from Harold Irving amending the preliminary plat for the property located at 860 South 160 East. The applicant proposes to change phase 4 from the current seven 12-plex structures totaling 84 dwelling units to four 24-plexes and one 12-plex totaling 108 dwelling units and change its name from phase 4 to phase 3. This property is located in an R-4 zone on 19.18 acres. Staff has conducted a full review and found that the submittal is in substantial compliance with Vernal City requirements. An engineering review has been conducted by Engineering Services Inc. and only minor errors have been noted. Mike Drechsel asked if the parking layout has changed since it was previously approved. Mr. Parker answered yes. Mr. Drechsel asked if there is enough egress along the right half of the plat drawing with only one way in and out. Mr. Parker stated yes, with the exception of the small parking lot to the left. He added that the property needs to be accessed by two different points according to the current Code; however, this plat was originally approved in 2008 when that requirement was not in place. Chair Eric Olsen opened the public hearing for this request. There being no public comments, Mr. Olsen closed the public hearing. *Mike Drechsel moved to approve the amended preliminary plat for the Silver Pines Condominiums located at 860 South 160 East – Application No. 2012-002-SUB subject to the errors found being corrected. Anders Fillerup seconded the motion. The motion passed with Olsen, Drechsel, Fillerup, Gray, Latham, Ray, and Huber voting in favor.*

REQUEST FROM HAROLD IRVING TO APPROVE THE FINAL PLAT FOR THE SILVER PINES CONDOMINIUMS LOCATED AT 860 SOUTH 160 EAST, VERNAL, UTAH – APPLICATION NO. 2012-002-SUB – ALLEN PARKER: Allen Parker referred to pages 11 and 12 of the meeting packet to review the request from Harold Irving to approve the final plat for the Silver Pines Condominiums located at 860 South 160 East. The applicant

**Vernal City Planning Commission Minutes
March 13, 2012**

proposes to divide an existing parcel of land into 108 condominium units. The plat will be recorded under the name of “Silver Pines Condominiums 2 Phase 2” for purposes of maintaining continuity with the existing condominium declaration that will govern this development. Anders Fillerup asked if they are platted under different names due to the different homeowner’s associations. Mr. Parker answered yes. Mike Drechsel asked what is depicted by the line that is angling in from the northwest. Mr. Parker explained that the easement through there is owned by the Bureau of Reclamation. *Mike Drechsel moved to forward a positive recommendation to the City Council to approve the final plat for the “Silver Pines Condominiums 2 Phase 2” located at 860 South 160 East – Application No. 2012-002-SUB subject to minor changes by staff. Adam Ray seconded the motion. The motion passed with Olsen, Drechsel, Fillerup, Gray, 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 URBAN LIVESTOCK – ORDINANCE NO. 2012-04 – ALLEN PARKER: Allen Parker referred to page 13 of the meeting packet which represents changes made since the last meeting on this ordinance. Mr. Parker stated that there are two more items to add for discussion that are not on this document (C4 and C5). Chair Eric Olsen asked if this ordinance would be referred for public comment and then forwarded to the City Council with a recommendation. Mr. Parker explained that this ordinance has already had public comment and can be recommended to the City Council at any time. Mike Drechsel asked if it should go back for public comment, if the Commission is going to amend the ordinance to add C4 and C5. Mr. Parker stated that he did not think that was the case, since the major items that were to be changed were labeled for public comment. Mr. Drechsel suggested hearing what C4 and C5 addressed. Mr. Parker explained that C4 would read “should a hive become populated by Africanized bees, it must be destroyed”. If we do allow bees and bee keeping, it makes it clear that if we end up with so called killer bees in the hives, our ordinance requires that they be eliminated. Mr. Drechsel asked who makes the decision on whether a hive has become Africanized. Mr. Parker explained that he discussed this issue with the Director of Animal Control, and she stated that an expert who can identify bees as Africanized would be brought in to examine the situation. He added that the Director of Animal Control also agreed to provide a definition of Africanized bees. Mr. Drechsel asked if the Director was Tina Williams from the Special Service District. Mr. Parker answered yes.

Mr. Parker explained that C5 would read “except for bees, animals should be kept in a fashion that keeps them from exiting the property at any time”. Mr. Drechsel asked if that was addressed anywhere else in the Code. Mr. Parker explained that it is for pets, but it is not addressed under urban livestock. He added that it is also addressed under the nuisance ordinance. Mr. Drechsel mentioned that anytime there is an overlap in the Code, it ends up causing confusion and not solving problems. Mr. Drechsel read the nuisance section of the Code, and in his opinion, believes that it is sufficiently covered in that ordinance. Mr. Olsen asked if the Commission is in agreement on the definition of urban livestock. He also mentioned that in the Seattle Code, they do not spell out chickens, but instead use domestic fowl. Kathleen Gray agreed with using domestic fowl instead of chickens and asked if the Commission would then have to define

domestic fowl. Mr. Parker answered yes. The Commission briefly discussed the options for defining domestic fowl.

Mr. Drechsel stated that the current definition is a good start, and the Commission could always make changes in the future to accommodate or restrict if it becomes an issue. He added that it typically takes a complaint to trigger the zoning or ordinance violation. Ms. Gray also agreed with Mr. Drechsel that it is a good start. Anders Fillerup stated that he would go for a little more inclusive, but agrees that it is a good starting point. Mr. Olsen mentioned that if the City is not experiencing any problems with this issue, maybe the Commission could broaden the list and add to it later. Mr. Parker stated that what the Commission recommends will be sent to the City Council for approval. Ms. Gray expressed her concern over pets being treated like rabbits where they can have so many. Mr. Parker explained that you can only have four pets, and then it becomes an Animal Control issue. Ms. Gray stated that she has been told in the past by animal control that there was no ordinance on the number of pets allowed. Mr. Parker stated that they are mistaken. Ms. Gray asked if Animal Control can go to a house and take the pets. Mr. Parker explained only with a court order.

Mr. Olsen asked the Commission for a formal recommendation. ***Mr. Drechsel moved to recommend forwarding the current ordinance to the City Council with the addition of C4, but not C5 and let the Council discuss the issue to see if they have any specific concerns. Melissa Huber seconded the motion. The motion failed with the following roll call vote:***

<i>Chair Eric Olsen</i>	<i>..... nay;</i>
<i>Mike Drechsel</i>	<i>.....aye;</i>
<i>Anders Fillerup</i>	<i>..... abstained;</i>
<i>Kathleen Gray</i>	<i>.....aye;</i>
<i>Ken Latham</i>	<i>..... nay;</i>
<i>Adam Ray</i>	<i>..... abstained;</i>
<i>Melissa Huber</i>	<i>..... aye.</i>

The Commission briefly discussed the pros and cons for broadening or tightening up the ordinance. Mr. Parker reminded the Commission that the clearer the Code is, the easier it is for staff to enforce. ***Mike Drechsel moved to table this issue until next month. Adam Ray seconded the motion. The motion passed with Olsen, Drechsel, Fillerup, Gray, Latham, Ray, and Huber voting in favor.***

PUBLIC HEARING / MINOR SUBDIVISION – SEC. 16.58.055 (C) – ALLEN PARKER:

Allen Parker explained that in Section 16.58.055 (C) of the Code, it requires minor subdivisions to go through a full final plat process, which is more extensive than the County and State requirements. Currently, a public hearing is required for minor subdivisions which are not creating any more than four lots or any dedicated lands to the public. Mr. Parker asked the Commission to consider removing the requirement of holding a public hearing for a minor subdivision. He added that it becomes problematic when advertising and sending letters to the neighbors who panic thinking that a subdivision is coming in next door, when in fact, it is just a parcel being split. Anders Fillerup stated that if a person comes in with a minor subdivision,

Vernal City Planning Commission Minutes
March 13, 2012

they should have the right to subdivide the land if they meet the zoning requirements, already have the utilities, and are not impacting any public right of way. He added that the only issue could be parking. Mr. Parker explained that a division of land does not create a parking issue. He added that there are some rules in place that if you have to create publicly dedicated lands, then it kicks into a standard subdivision.

Mike Drechsel asked what other options are there for land owners to voice their concerns. Mr. Parker stated that the public hearing is all there is at this time. Mr. Drechsel explained that he is comfortable eliminating a public hearing for a minor subdivision if the surrounding property owners can be heard in another way. Mr. Parker mentioned that the easiest way would be through a public hearing. Mr. Drechsel stated that if a public hearing is too problematic, then maybe we can achieve the same result with a modification to the application process. Mr. Parker explained that another option would be to change the notice requirement from seven days to five days. This allows more time for notification to the newspaper. Chair Eric Olsen asked how much impact does the public hearing really have on the decision to approve or not approve a minor subdivision, if they have met the requirements of the Code. Mr. Parker explained that a minor subdivision cannot be denied based on public input. Mr. Olsen stated that in the past five years, he could not recall any issues with minor subdivisions. The Commission agreed to discuss this potential ordinance next month. Mr. Parker added that he would advertise this ordinance for public hearing in the event it is ready for a formal recommendation.

SECOND MEETING IN MARCH – ALLEN PARKER: Allen Parker explained that the current work load would justify holding a special meeting, before the next regular meeting. Chair Eric Olsen asked Mr. Parker what items he would like to see on the agenda. Mr. Parker stated that there is a minor subdivision with a public hearing, a site plan amendment for the brewery, three different ordinance changes, and a potential site plan for the first building of the Lowes project. The Commission discussed the options for scheduling a special meeting. Mr. Olsen voiced his opinion on holding another meeting if there is an urgent need, but not for the lack of planning and scheduling. The Commission agreed to continue with the next regular meeting scheduled for April 10, 2012.

PLANNING COMMISSION ALTERNATE VACANCY – ALLEN PARKER: Allen Parker reminded the Commission that there is still an alternate vacancy on the Planning Commission. Anders Fillerup asked the minimum age limit to sit on the Commission. Mr. Parker stated that he was not sure of the age limit and would have to read the ordinance.

MISCELLANEOUS: Chair Eric Olsen asked if the meeting binders could be delivered on Friday as required by the Bylaws; therefore, giving the members more time to go through all of the information. Allen Parker explained that the goal each month is to have the meeting packets delivered on Friday, but sometimes there are time constraints.

Mr. Olsen voiced his concern over the preliminary and final plat being presented at the same meeting giving the Commission time to work through any issues. Allen Parker explained that the Commission does not have to make a decision just because it is on the agenda. He added that

Vernal City Planning Commission Minutes
March 13, 2012

the applicant needs to understand that a decision on the final plat is conditional as long as there are no issues with the preliminary plat. Mr. Olsen mentioned that approving the final plat later gives the applicant time to incorporate any changes recommended by the Commission.

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

Eric Olsen, Planning Commission Chair