

MINUTES of the Vernal City PLANNING COMMISSION

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

April 10, 2012

7:00 pm

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

Members Excused: Gary Redden

Alternates Present: Adam Ray and Melissa Huber

Staff Present: Allen Parker, Assistant City Manager; Corey Coleman, Building Official; and Becky Richards, Administrative Clerk

WELCOME AND DESIGNATION OF CHAIR AND MEMBERS: Chair Eric Olsen welcomed everyone present to the meeting. Chair Eric Olsen appointed Melissa Huber as a voting member.

APPROVAL OF MINUTES FROM MARCH 13, 2012: Chair Eric Olsen asked if there were any changes to the minutes from March 13, 2012. There being no corrections, *Mike Drechsel moved to approve the minutes of March 13, 2012 as presented. Anders Fillerup seconded the motion. The motion passed with majority voting in favor. Sonja Norton abstained.*

Request from Mike Eskelson for Minor Subdivision located at 1356 South 500 West, Vernal, Utah – Application No. 2012-008-SUB: Allen Parker presented the recommendation for the minor subdivision, referring to pages 7 and 8 in the planning commission packet. Anders Fillerup stated that Uintah Engineering and Land Surveying were the surveyors on this minor subdivision and that he works for the Uintah Engineering and Land Surveying. Chair Eric Olsen asked why there are several corner markers on lot 2. Michael Eskelson explained that the extra markers were placed there because of the asphalt driveway located on lot 2. Mr. Drechsel asked if the property line is in the middle of 500 West. Mr. Parker answered “yes”. Chair Eric Olsen explained that you will see a lot of property lines that way, and there is no set law regarding the easement. Chair Eric Olsen opened the public hearing for this item. There being no comment, Chair Eric Olsen closed the public hearing. Ms. Norton asked Mr. Parker if he verifies that all the proper deeding of land is done. Mr. Parker explained that Uintah County will verify the deeds when it is recorded. *Mr. Drechsel moved to make a positive recommendation to the City Council to approve the minor subdivision request located at 1356 South 500 West – Application No. 2012-008-SUB subject to any changes required by Vernal City Staff and /or engineering. Sonja Norton seconded the motion. The motion passed with Olsen, Fillerup, Gray, Latham, Drechsel, Norton and Huber voting in favor.*

Request for Approval of a Master Site Plan for the Vernal Towne Center for the property located at 2045 West Highway 40, Vernal, Utah – Application No. 2012-009-MSP – Allen

Parker presented the request of a master site plan, referring to pages 9 and 10 in the planning commission packet. Mr. Parker explained that this application appears to be in substantial compliance with Vernal City Code and the requirements contained therein with the addition of the mentioned details on the staff report. Ms. Norton wanted the location of Lowes in relation to the Vernal Towne Center. Mr. Parker clarified that location to her. Mr. Ray asked if there is going to be a fence that runs along Highway 40 and if the back of the building is facing Highway 40. Mr. Scott Gardner explained that the back of the building is facing Highway 40. There will not be a permanent fence; however, during the construction stage, there will be a construction fence. Upon completion of the building there will be 30 feet of landscaping installed along Highway 40. Mr. Drechsel asked what the shortcomings are with the lighting and also the water and sanitary requirements. Mr. Parker replied that the lighting details are solved. However, some of the missing detail requirements on the water and sanitary sewer are as such; detector check valves, vaults and the water lines total length need to be less than 500 feet. The most significant correction involving the culinary water connection is involving the setbacks. The setback needs to be 30 feet off of Highway 40. As it sits now, it is 15 feet off of Highway 40. Chair Eric Olsen asked how many tenants make up the 10,000 square foot building. Mr. Gardner responded that there are 5 tenants. Mr. Drechsel asked if the lighting scheme will be consistent with Lowes. Mr. Gardner replied that the lighting will all be consistent with the Lowes project so it will look nice. Ms. Norton asked if they are still considering this center for a Community Development Area. Mr. Gardner responded yes, it is still in the process. Mr. Drechsel asked if the second means of egress does not get approved through UDOT, will the project still meet Vernal City requirements. Mr. Parker stated that Vernal City has reviewed Gardner Developments proposal for the lot line adjustment, and they have corrected the details that were required of them. *Mr. Drechsel moved to approve the master site plan located at 2045 West Highway 40 – Application No. 2012-009-MSP, contingent upon the appropriate deeds being recorded with corrections from Vernal City staff and engineering and subject to any ongoing corrections required by Vernal City staff and / or engineering. Mr. Fillerup seconded the motion. The motion passed with Olsen, Norton, Gray, Latham, Drechsel, Fillerup and Huber voting in favor.*

Policy & Legislation

Brad and Rula Bullock Rezone Development Agreement – Mr. Parker referred to page 20 – 34 of the planning commission packet and explained that this development agreement has been approved by Vernal City Council and is before the Commission tonight for review. Mr. Parker clarifies that if the intended use becomes different than a floral shop, the zone reverts back to the original zone. The Planning Commission discussed this development agreement and gives a positive review.

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 – Discussion took place regarding how liberal the ordinance should be, and how it might be easier to give permission than to take permission away from somebody. The Commission asked questions regarding the grandfathering of animal

rights. Mr. Parker explained that if animal rights existed prior to the zoning ordinance change, and the person can provide proof of continued use, they have that grandfathered right. It is up to that person to provide incumbent proof that they have that right. Mr. Parker explained that in the planning commission packet C 4 is missing. It should read that if a colony becomes Africanized it must be destroyed by the Department of Agriculture. Chair Eric Olsen feels like B 2 should include domestic fowl and not limit it to read only hen chickens. Mr. Parker expressed that you might want to include ducks, chickens and pigeons with the same quantity. Chair Eric Olsen asked if there is a way to incorporate emus in the definition. Mr. Parker stated that you can if you provide them in a class all of their own. Discussion took place about the size of the emus, and weather the Commission should restrict the ordinance to read domestic fowl or name what is classified as domestic fowl. Ms. Norton expressed her concern allowing pigeons. Mr. Parker explained that what the Commission recommends will be presented to the Vernal City Council for final approval. The Commission must give clear direction and be very specific in the code so the Vernal City code enforcing office can act. *Mr. Drechsel moved to make a positive recommendation to Vernal City Council with the correction in paragraph B line 2 to include ducks, and paragraph C; add line 4. To read if the colony becomes Africanized, it must be destroyed by proper authorities, Mrs. Norton seconded the motion. The motion passed with the following roll call vote:*

Chair Eric Olsen.....nay;
Anders Fillerup.....aye;
Kathleen Gray.....aye;
Ken Latham.....nay;
Melissa Huber.....aye;
Sonja Norton.....aye;
Mike Drechsel.....aye;

Discussion on Amending the Vernal City Municipal Planning and Zoning Code – Section 16.58.450 - Financial Guarantee for Privately Owned Utilities in Subdivisions – Allen Parker referred to pg. 13 of the planning commission packet and explained that everything highlighted is to be added to the Code. This change in Code, will add a financial guarantee for the cost of installation of privately owned utilities including electrical and natural gas. 100% of the financial guarantee or obligation can be released in full to the developer at such time as the developer provides appropriate documentation verifying that such utilities have been installed in their entirety. Discussion took place about the difference in surety bonds, escrow accounts and a dedicated letter of credit. The Commission agreed that the dedicated letter of credit should read irrevocable letter of credit. Mr. Parker explained two important points. First; a surety bond is getting more difficult to get, especially now that Vernal City requires 150% of the value. Second; by Vernal City Code, Mr. Bassett and the Vernal City Attorney are required to review the form of guarantee. Chair Eric Olsen asked if telecommunications should be included as one of the privately owned utilities. Chair Eric Olsen expressed that if it was The Commissions intent to protect the roads as one of one of the reasons behind including this financial guarantee, why not include telecommunications as part of the guarantee. Discussion took place regarding if telecommunications should be included or not. Mr. Parker explained to the Commission that

when he was considering which utilities to include as a requirement in this Code, he was looking at the long term outcome of the development and whether it can be occupied or not.

Discussion on Amending the Vernal City Municipal Planning and Zoning Code – Section 16.58.055 – Minor Subdivision Regulations – Allen Parker explained that as the Code stands now, the Commission shall hold a public hearing and provide notice seven (7) days prior to such hearing:

1. To a newspaper of general circulation within the City and
2. To property owners within three hundred (300) feet of the proposed subdivision.
3. By posting the notice on the City's webpage.

Mr. Parker explained that the seven (7) day notice can be problematic in getting the proper notice out to the public. If we strike seven (7) to five (5) days, it gives the applicant one week more flexibility in getting the application to the City. Mr. Parker would also like to strike line #2. Mr. Parker continued to explain that when notice goes out to the adjacent property owners, it gives them the impression that if they are opposed to the minor subdivision it can be denied; however, in reality, if the property owner meets all the requirements for a minor subdivision they are entitled to the division of land. Chair Eric Olsen commented that sometimes the property owner being notified of the subdivision does not realize that it is just a small division of land. The Commission agrees to change seven (7) days to five (5) days and to remove line #2.

Discussion on Amending the Vernal City Municipal Planning and Zoning Code – Section 16.06.010 – Development Agreements – Allen Parker explained that he met with Ken Bassett, and they feel that the original intent of the Code was to have development agreements be reviewed by the City Council, not The Planning Commission. In result the City would like Paragraph B, line 1 to read; The City Council shall review the development agreement concurrently with the application for a zoning map amendment. Mr. Parker continues to explain that the problem in line 5 (a), is it gives the City Council no power to keep the zone from reverting to the original zone. If the wording is added to read (Unless otherwise directed by the City Council), it gives the City Council the power to either leave the zone or revert it back to the zone in effect prior to approval of the development agreement. Mr. Drechsel suggested the verbiage be changed to read (At the discretion of the City Council). The Commission agrees with that change in verbiage. Mr. Drechsel questioned the intent of line 3. Is the intent of the agreement to allow both parties the power to terminate the agreement and or amend the agreement if necessary to comply with the new State or Federal Laws or regulations? Discussion took place on how line 3 should read. Commission agrees if such agreement is to be amended, both parties have to agree, and either party have the right to terminate the agreement at which time it is necessary to comply with the new State or Federal Laws or regulations. Mr. Parker will re-write the amendment and bring back to the Commission for review and public comment.

Discussion on Amending the Vernal City Municipal Planning and Zoning Code – Section 16.52.040 – Junkyard – Allen Parker is proposing to add junkyard as a permitted use in the industrial zone. Mr. Drechsel suggested it be permitted as a conditional use and not a permitted use. Mr. Parker will add a section under the code 16.20 to include junkyards as a conditional use. The Commission agrees to add junkyard as a conditional use in an industrial zone.

Discussion on Amending the Vernal City Municipal Planning and Zoning Code – Section 16.48.030 – Schools in Commercial Zones – Allen Parker is proposing adding schools, public or private, as a use in a commercial zone. The Commission is in agreement with adding schools as a use in a commercial zone.

Discussion on Amending the Vernal City Municipal Planning and Zoning Code – Section 16.28.060 – Pole Signs – Allen Parker referred to page 18 in the planning commission packet. Everything highlighted in yellow are the suggested additions to the Code that will help define the height requirements for pole signs that project over an area designated for pedestrian or automotive use. Incidentally, if you have a sign that sits back from the road and is not over an area designated for pedestrian or automotive use, there is not height restriction on the portion of the sign that overhangs. The Commission agrees with Mr. Parker’s proposal.

Discussion on Amending the Vernal City Municipal Planning and Zoning Code – Section 16.58.500 – Amended Plats – Allen Parker referred to page 19 of the packet. The highlighted sections represent the changes to be added. One of the changes to the Code is the clarification of which body is to hold the public hearing. If it reads “The City Council has held” it will be consistent with the minor subdivision portion of the Vernal City Code. It also adds the wording “filing of a record of survey and the”. Mr. Parker would like to strike paragraph B completely. Mr. Parker feels that it is a bit excessive to have to notify the adjoining property owners of a lot line adjustment, when as a rule the property owner is only reconfiguring their own personal property boundaries. Furthermore, Paragraph D you notice a change in which a party is to be notified of the lot line adjustment. The revision will exclude the property owners and clarify that notice is to be sent to the general circulation and posted on the City’s website. It strikes the wording “recommendation to the City Council”. Which defines that if an objection is filed, the lot line adjustment will be heard at the next Planning Commission meeting for their review and decision, it will not be forwarded to the City Council. Mrs. Huber asked if in the first paragraph, the number of days for a notice should be changed from seven (7) day notice to a newspaper, to five (5) day notice. Mr. Parker agrees with the change in the number of days required for a notice. Mr. Drechsel asked for clarification from Mr. Parker regarding proper consent received from both parties involved in the lot line adjustment. Mr. Parker discussed the procedure after he approves the application, then explained that the record of survey still has to be legally recorded at the County and the proper deeds filed from each property owner. Discussion took place about possibly adding an abandonment clause section to the Code at the preliminary plat stage. In correlation with the abandonment clause, a time frame would need to be specified so if work ceases for a certain amount of time, the preliminary plat is now null or void. Mr. Parker will

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explore what other cities are using and furnish some ideas for the allotted time period for the abandonment clause.

A. DISCUSSION

1. Chair Eric Olsen will not be at the next Planning Commission meeting on May 08th, 2012, Mike Drechsel will fill in as Chair for that meeting.

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

Eric Olsen, Planning Commission Chair