

# MINUTES of the Vernal City PLANNING COMMISSION

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

December 17, 2013

7:00 pm

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

**Members Excused:** Gary Redden

**Alternates Present:** Rory Taylor, Adam Ray

**Alternates Excused:**

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

**WELCOME AND DESIGNATION OF CHAIR AND MEMBERS:** Chair Mike Drechsel welcomed everyone present to the meeting. Mike Drechsel designated Rory Taylor as a voting member.

**ACKNOWLEDGEMENT OF THE 2013 MEETING SCHEDULE:** Allen Parker explained that this meeting is not held as per resolution for 2013. This meeting is a special meeting to accommodate conflicting schedules.

**APPROVAL OF MINUTES FROM November 12, 2013:** Chair Mike Drechsel asked if there were any changes to the minutes from November 12, 2013. Mike Drechsel stated that on line 54 the word “designed” should be “defined”. Rory Taylor stated that on line 111 the word “taken” should be “taking”. *Anders Fillerup moved to approve the minutes of November 12, 2013 with corrections as noted. Eric Olsen seconded the motion. The motion passed with Mike Drechsel, Anders Fillerup, Kathleen Gray, Eric Olsen, and Ken Latham voting in favor. Sonja Norton and Rory Taylor were not in attendance of this meeting; therefore, they abstained from voting on the minutes.*

**REQUEST FOR RECOMMENDATION TO CONSIDER A REZONE REQUEST FROM THE GEORGE R MILLER TRUST FOR THE PROPERTY LOCATED AT 1334 EAST 335 SOUTH, VERNAL, UTAH FROM A RA-1 RESIDENTIAL ZONE TO A I-1 ZONE – APPLICATION NO. 2013-033-REZ:** Allen Parker summarized this request for the rezone. Allen Parker explained where the parcel is located and the applicant has indicated that the intended future use of this property will remain as an outdoor storage yard. All of the adjoining parcels to the south, west and north are currently zoned I-1. There are several parcels east of this location that are zoned RA-1. They are located in Uintah County and are pending review for a rezone from a RA-1 to an Industrial zone. Allen Parker explained that Uintah County has tabled these rezones pending the results of Vernal City’s decision regarding this rezone. The principle

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uses of all of the surrounding properties are industrial zone in nature. The Vernal City General Plan indicates future land use for the subject parcel to be “industrial”, a designation that is compatible with the requested I-1 zone. Chair Mike Drechsel opened this rezone for a public hearing. JoAnn Hancock was present and explained that she is representing the property owners. JoAnn Hancock stated that George Miller has owned the property for 40 years and has used it for industrial purposes. Mr. Miller would really like his property to be rezoned as Industrial. JoAnn Hancock stated that all of the area around his property is zoned Industrial. Stephen Pence owns the property directly east of Mr. Miller’s property. Stephen Pence stated that his property is located in Uintah County. He is here because of the pending decision regarding this rezone and explained that it will directly affect what the County will decide to do about the rezone. Mr. Pence stated his concern is by allowing this rezone, it would decrease the value of his property, and he feels it will directly impact him. It will change the setback requirements and what the property can be used for. Mr. Pence stated that he feels it is detrimental in determining his property value. Mike Drechsel asked Mr. Pence how long he has lived there. Mr. Pence explained that he and his wife have lived there for about one year, but are now renting the home. The renters are interested in possibly buying the home, pending the outcome of the rezone. Discussion took place regarding how many residences are in that area currently. Sonja Norton asked Mr. Parker if a development agreement can be recommended to the City Council. Mr. Parker answered that a development agreement is required by City Council, with any recommendations from the Planning Commission. Mike Drechsel asked JoAnn Hancock if the buyers of these parcels intend on unifying the two parcels. (George Miller owns both of the parcels. One is located in the Vernal City limits, and the other parcel is located in Uintah County). JoAnn stated that the buyers have expressed the desire to unify the parcels, and possibly have the parcel that is located in Uintah County annexed into the City. Chair Mike Drechsel closed the public hearing. Mike Drechsel turned the time over for open discussion regarding the rezone. Eric Olsen stated that in reviewing this parcel for a rezone, he feels it is probably best if the rezone is approved for industrial. Discussion took place regarding the process of annexation and rezoning. Further discussion took place about what the value of the Pence’s property, how it stands now, and if it is rezoned to industrial. ***Rory Taylor moved to forward a positive recommendation for the rezone request from the George R. Miller Trust for the property located at 1334 East 335 South Vernal, UT from RA-1 Residential Zone to I-1 Industrial Zone Application No. 2013-033-REZ. Eric Olsen seconded the motion. The motion passed with Mike Drechsel, Anders Fillerup, Kathleen Gray, Eric Olsen, Ken Latham, Rory Taylor, and Sonja Norton voting in favor.***

**REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE – CHAPTER 16.26 –OFF-STREET PARKING & VEHICLE ACCESS STANDARDS – ORDINANCE NO. 2013-31:**

Allen Parker explained that the City Council has asked the Planning Commission to take a look at this ordinance and let them know of any concerns. This ordinance is trying to address the ongoing maintenance and repair for parking lots that serve the public, but are located on private properties. Chair Mike Drechsel opened this item for public hearing. There being no comments Chair Mike Drechsel closed the public hearing. Sonja Norton asked if this is an ordinance where the parking lots would be grandfathered in, and is there a time limit for compliance. Mr. Parker

explained that the way this ordinance is written, it would apply to ongoing maintenance of existing parking lots, not the design of new parking lots. Explanation of how this ordinance would be enforced was explained by Mr. Parker. Eric Olsen suggested that section 16.26.235 Maintenance and Repair of Parking lots; line item number three (3) regarding illuminated requirements, read “The parking lot to be illuminated in accordance with the design of said parking lot”. Mr. Parker explained that he looked on the internet for references in other cities regarding maintenance of existing parking lots and could not find direction of how other cities are dealing with this problem. Mike Drechsel asked Mr. Parker how other cities are dealing with this issue. Mr. Parker explained that at this time, he does not know. He was unable to find the information he was looking for on the internet. He found references to parking lot maintenance, but nothing regarding the ongoing maintenance of parking lot surfaces. Mike Drechsel asked that when you make a law like this for the City, and then fail to enforce the law, are you not opening up the City for lawsuits more frequently than if you did not have the law. Mr. Parker explained that he does feel that anytime the City takes on the responsibility of a regulatory entity, they open themselves up to more lawsuits. Discussion took place regarding current issues with the maintenance of existing parking lots and whether or not the City wants to take on that responsibility. Anders Fillerup mentioned that it seems anytime a parking lot is “public”, it is more regulatory; versus “private”, when it is less regulatory. Therefore, does it make sense to have the number of parking spots determined by the number of people using the parking lot during the day as to whether or not the parking lot is considered “public” or “private”. Mr. Parker received a suggestion from Corey Coleman to look at this problem from a different angle, suggesting incentives or maybe a tax credit for maintaining their parking lots versus the regulatory angle. Sonja Norton agrees that the City does not want to take on more liability than is needed and likes the idea of possible incentives. *Eric Olsen forwarded a negative recommendation for Ordinance No. 2013-3 and forwarding the idea of giving a possible incentive or tax credit. Sonja Norton seconded the motion. The motion passed with Mike Drechsel, Anders Fillerup, Kathleen Gray, Eric Olsen, Ken Latham, Rory Taylor, and Sonja Norton voting in favor.*

**REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING & ZONING CODE – SECTION 16.04.145 CONDOMINIUM PROJECTS, SECTION 16.57.020 DEFINITIONS, AND SECTION 16.57.050 OWNER OCCUPANCY – ORDINANCE NO. 2013-29** – Allen Parker explained that by changing this Code it will allow the current Vernal City Codes to be in harmony with State Code. Chair Mike Drechsel opened this item for public hearing. There being no comments, Chair Mike Drechsel closed this item for public hearing. Mike Drechsel asked Mr. Parker if the definition can be added in one section of the Code and reference the definition to section 16.04.145. Mr. Parker likes the idea of having the definition in one place only. Mr. Parker explained that Section 16.57.050 allows the exceptions to be in accordance with the Condominium Act of the State of Utah. *Sonja Norton moved to forward a positive recommendation for the request for recommendation to consider amending the Vernal City municipal Planning & Zoning Code – Section 16.04.145 Condominium Projects, Section 16.57.020 - Definitions, and Section 16.57.050 Owner Occupancy – Ordinance No. 2013-29, and to include having the definition only once in the ordinance with a reference back to the*

*definition in the all other locations. Eric Olsen seconded the motion. The motion passed with Mike Drechsel, Anders Fillerup, Kathleen Gray, Eric Olsen, Ken Latham, Rory Taylor, and Sonja Norton voting in favor.*

**REQUEST TO VACATE A PORTION OF PUBLIC RIGHT OF WAY AT 500 NORTH VERNAL AVE, VERNAL, UT FROM BURT STAGG :** Allen Parker explained the location of the request to vacate. The owner of the property is Burt Stagg, and the right of way is measured in front of his house at seventy four (74) feet. Eric Olsen asked if all of the right-of-way along 500 North is measured at seventy four (74) feet. Mr. Parker explained that all of the right-of-ways are different widths, but does not know why. Discussion took place regarding how wide the right-of-ways are in the City. Mike Drechsel asked why Burt Stagg is requesting the request to vacate. Allen Parker stated that Burt Stagg has been maintaining this property, therefore, would like to own it. Eric Olsen asked Mr. Parker if the vacate was approved, how wide would the right-of-way be in front of Mr. Staggs house. Mr. Parker explained that it has not been surveyed out yet, so he does not know. Mike Drechsel mentioned that there needs to be some purpose and plan for a request of this nature. The applicant is asking the City to give something up, so there needs to be legitimate information gathered with a reason why. Mr. Parker stated that Mr. Stagg has completed the process. Eric Olsen would like more information about this request before a decision is made, such as the width of the right-of-way starting from North Vernal Avenue to 500 West on 500 North. Mr. Parker stated that there is not a compelling reason for the City to vacate this property. Chair Mike Drechsel stated that the Commission would like more information regarding this request to vacate, and asked Mr. Parker to gather information on how wide the right-of-ways are and why Mr. Stagg is requesting the City to vacate this property. The Commission would like to have some uniformity in the width of the right-of-ways in Vernal City.

**APPOINT 3 NEW 4 YEAR TERM FOR EXPIRING PLANNING COMMISSION SEATS AND ONE VACANCY SEAT STILL UNFILLED :** Allen Parker explained that there are three (3) four (4) year terms that are expiring on the Planning Commission. The City Council will have final approval, but they would like to know if the expiring seats are willing to serve for another term. The expiring sears are Mike Drechsel, Anders Fillerup, and Ken Latham. All Commissioners agreed to stay on for another four year term. Mr. Parker stated that he will forward these names to the City Council for final approval of the new four year terms. Mr. Parker explained that he still has a name for a possible alternate and will check on that possibility.

**2014 PLANNING COMMISSION MEETING SCHEDULING – RESOLUTION NO. 2013-26-** Allen Parker explained that this is a resolution to prescribe the time and place for holding the regular meeting of the Vernal City Planning Commission for the year 2014. The Planning Commission of Vernal City will conduct its regular meetings for 2014 on the second Tuesday of each month, such regular meetings to commence at 7:00 p.m. in the Vernal City Council Chambers at 374 East Main St. Vernal, Utah. *It was the consensus of the Planning Commission to forward a positive recommendation on resolution No. 2013-26.*

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**DISCUSSION:** Allen Parker explained that Bert Clark, City Council member, has received several complaints from Vernal City residents regarding snow removal complaints from neighbors. Some of the private citizens are mistreating adjoining property owners. Mr. Parker explained that as the Code stands now; the Code enforcing officer has no authority to deal with items like this. Mr. Clark would like the Planning Commission to come up with some ideas to help establish some authority on matters like this. Sonja Norton expressed that she really likes the idea of enticing the citizens with a positive enforcement, possibly getting the information out to the public before the issues happen. This way it can hopefully become a positive interaction verses a negative interaction. Mike Drechsel stated that there are legal actions that the citizens can take through the court system to help with items such as this. Mike Drechsel expressed his concern that when residents shovel or blow snow from their driveways into the public streets, it can cause a safety issue. Mr. Parker explained that the snow plow drivers take action on this issue. Also the City's Zoning Officer is out on these snow days to help with solving this problem. Vernal City's Code does address this issue. Mr. Parker stated that Mr. Clark also has a concern about the snow melting and going onto adjacent properties. The snow in essence is frozen storm water, and certain types of entities are required to retain their storm water. Mr. Parker mentioned that if Vernal City gets involved, it places an extra burden on the Code enforcer in handling these sticky situations between separate property owners.

**DISCUSSION:** A discussion took place regarding the need for a work session and what date and times would the Commission prefer. The next Planning Commission meeting is scheduled for January 14, 2014. It was the consensus of the Commission to hold the work session after the regularly scheduled meeting on January 14, 2014.

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

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Mike Drechsel, Planning Commission Chair