

MINUTES of the Vernal City PLANNING COMMISSION

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

September 9, 2014

7:00 pm

Members Present: Samantha Scott, Rory Taylor, Kimball Glazier, Ken Latham, Kathleen Gray

Members Excused: Mike Drechsel

Alternates Present: Isaac Francisco, Adam Ray

Alternates Excused:

Staff Present: Allen Parker, Assistant City Manager; Corey Coleman, Building Official; and Gay Lee Jeffs, Administrative Clerk.

WELCOME AND DESIGNATION OF CHAIR AND MEMBERS: Chair Mike Drechsel asked to be excused. Allen Parker suggested the Commission choose a Chair Pro Tempore. *Kimball Glazier nominated Samantha Scott to be Chair Pro-Tempore. Kathleen Gray seconded the nomination. Samantha Scott, Rory Taylor, Kimball Glazier, Ken Latham, Kathleen Gray, Isaac Francisco and Adam Ray voted in favor of the nomination.* Chair Pro Tempore, Samantha Scott, welcomed everyone present to the meeting.

APPROVAL OF MINUTES FROM AUGUST 12, 2014: Chair Pro Tempore, Samantha Scott, asked if there were any changes to the minutes from August 12, 2014. Rory Taylor suggested changing the word “owner’s” to “owners” on line 71 and on line 72, the sentence “does not allow it to be used commercial” to “does not allow a commercial use”. *Rory Taylor moved to approve the minutes of August 12, 2014 with the correction as noted. Kathleen Gray seconded the motion. The motion passed with Samantha Scott, Rory Taylor, Kimball Glazier, Ken Latham, Kathleen Gray, Isaac Francisco and Adam Ray voting in favor.*

RECOGNITION OF PAST PLANNING COMMISSION MEMBERS: Allen Parker asked to table the recognition of past Planning Commission members as there were no past members in attendance.

ELECT VICE-CHAIR: Chair Pro Tempore Samantha Scott opened nominations for a Vice Chair. Kimball Glazier nominated Samantha Scott as Vice Chair. Samantha Scott nominated Kimball Glazier as Vice Chair. Chair Pro Tempore Samantha Scott closed nominations. Mr. Parker counted five votes for Samantha Scott and two votes for Kimball Glazier. Ms. Scott is the new Vice Chair for the Vernal City Planning Commission.

REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING & ZONING CODE – CHAPTER 16.06 – ADMINISTRATION AND PROCEDURES AND ADDING CHAPTER 16.60 – MASTER SITE PLAN – ORDINANCE NO. 2014-29 – ALLEN PARKER: Allen Parker reminded the

**Vernal City Planning Commission Minutes
September 9, 2014**

Commission that at the conclusion of the last meeting there was discussion of changing procedures for the approval of master site plans. Mr. Parker drafted an ordinance by taking the current master site plan from an awkward section of the Code and created a new master site plan section. Section B of the draft ordinance with procedural changes has the most significant changes compared to the current master site plan ordinance. The most significant change is that the master site plan approval will go before the Planning Director and the variance appeals will go before the Variance and Appeals Hearing Officer. Ms. Scott commented that no one has come before the Variance and Appeals Board for about seven years.

Mr. Parker stated that he added section D-4-n “Storm Water Pollution Prevention Plan”. This is in preparation for an unfunded, but mandated Federal law that will affect the City within the next couple of years. The Environmental Protection Agency (EPA) will mandate a storm water pollution prevention plan. This law manages the storm water on site during construction. It is an actual plan that goes with master site plans. Mr. Parker explained that he also changed some wording in the Code, but left most of the Code the same. It is mostly the process that has changed. Throughout the Code in a number of places, the approving authority for minor changes was the Building Official, but will now be changed to the Planning Director.

Mr. Parker explained that section A-1 is so broad that sometimes it might cause problems and it might need to be changed to something more specific. Mr. Glazier asked if the point was to say “not residential”. Corey Coleman stated that “commercial, institutional or industrial construction” could stay the same, but reconstruction and alteration need to be changed. Mr. Parker stated that the Commission might want to take out alterations and define reconstruction better.

Chair Pro Tempore Samantha Scott opened the public hearing for comments concerning changes to the master site plan ordinance. There were no public comments. Ms. Scott closed the public hearing. Mr. Parker asked the Commission if they were happy with the new proposed ordinance the way it is or if the Commission needs more time. Mr. Parker stated that he could take a recommendation to the City Council. Ms. Scott mentioned that she likes the idea of looking at the reconstruction aspect in more detail. Mr. Parker informed the Commission that the City attorney has looked at the proposed ordinance and did not have many comments about the changes. Mr. Glazier asked if most of the Code was taken from the current Code. Mr. Parker stated that all but section B is taken from the current Code. Section B was completely rewritten and some of the sections were completely eliminated. Mr. Parker also stated he will make reconstruction its own item and go into more detail. Mr. Coleman suggested giving each item its own line and going into more detail with each item. Mr. Parker stated that the intent for section A was to have commercial, institutional or industrial construction along with A-3 as triggers for a master site plan. Mr. Parker also stated that he needed to look at A-3 more closely as well and will make the section more clear. *Kimball Glazier moved to table the master site plan ordinance. Kathleen Gray seconded the motion. The motion passed with Rory Taylor, Kimball Glazier, Kathleen Gray, Samantha Scott, Isaac Francisco, Ken Latham and Adam Ray voting in favor.*

REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING & ZONING CODE – CHAPTER 16.14 –

CONDITIONAL USES – ORDINANCE NO. 2014-30 – ALLEN PARKER: Allen Parker explained that about half of the City Code for conditional uses directly conflicted with State law; therefore he rewrote the conflicting City Code to meet State Code. He cleaned up, shortened and eliminated the public hearing component of the conditional use section of the code. Mr. Parker stated that he will put the changes into a different format so the Commission can see what changes were made.

Chair Pro Tempore Samantha Scott opened the public hearing for comments concerning changes to the conditional use ordinance. There were no public comments. Ms. Scott closed the public hearing. *Adam Ray moved to table changes to the conditional use ordinance. Kimball Glazier seconded the motion. The motion passed with Rory Taylor, Kimball Glazier, Kathleen Gray, Samantha Scott, Isaac Francisco, Ken Latham and Adam Ray voting in favor.*

REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING & ZONING CODE – CHAPTER 16.10 – BOARD OF ADJUSTMENT – ORDINANCE NO. 2014-31 – ALLEN PARKER: Allen Parker explained that this change is important as it eliminates the Board of Adjustment as an appeal board or a board that grants variances and a hearing officer will take the boards place. Other cities have gone this route and really like it. They have been quite successful. The City attorney, Dennis Judd, drafted this Code, and it is in rough draft form at this time.

Mr. Parker explained that the Board of Adjustment convened when someone wanted to appeal the decision made by the Planning Commission or when someone requests a variance. Both of these events are called quasi-judicial. This is the law in a court type setting and applying that law with no real room to make a decision outside of what the Code says. State law for a variance is very specific and tells an individual what they can and cannot have. The law is so strict that most individuals who would like a variance look at the law and realize that they cannot meet the minimum standards under State law to qualify for a variance. The hearing officer would be a legally trained person who has experience in land use law. This person would be able to conduct, in a judicial fashion, reviews based on the laws that are available as an appeal to a decision or as a request for a variance under State and City law.

Mr. Parker explained that the second half of the Code specifies the variance process. The changes to the Code are quite extensive. If an individual wants to appeal a decision or make a request for a variance, an effective process would be in place and the City would have a trained officer who would know that process. Kathleen Gray asked if one individual would be given the authority to make the decision and there would not be any other appeals. Mr. Parker clarified that the next appeal process would be district court. It would be like going in before a judge and pleading a case. Mr. Parker stated that the reason it is important to have a person that is trained and qualified is because some of the Boards of Adjustment in many years past have made decisions illegally based on emotion rather than what the law says, because they do not have the basis and training for what the law says they can and cannot do. The hearing officer would pass judgment not on what would be good for the City or the individual, but on the intent of the law. Ms. Gray voiced her concern that only one individual would be passing judgment who thinks one way rather than five members of a board. Mr. Parker stated that there are others that have had the same concern and it is a valid concern worth discussing. He also stated that other

**Vernal City Planning Commission Minutes
September 9, 2014**

communities have been successful with a hearing officer. Rory Taylor asked if the hearing officer would be a City employee. Mr. Parker explained that the hearing officer would be a contracted employee. On page 2 under F, the rough draft specifies the qualifications of a hearing appeals officer and the employment agreement. Mr. Parker stated that he anticipates that attorneys would apply for the position and it would be a low burden on their time. There would be training requirements that would be specific to the position. Kimball Glazier asked what the requirements are for Board of Adjustment members as the ordinance stands today. Mr. Parker explained that there are no requirements for the members and it is difficult to keep it staffed since they very rarely meet. Mr. Parker stated that he feels that many members of the current Board of Adjustment have forgotten they are even a member of the board. Mr. Glazier stated that a hearing officer would be educated on the process and would make the decisions without emotion. There is concern about one individual making the necessary decisions, but that one individual would know what they are doing. Mr. Parker confirmed that is the hope for the position of the hearing officer.

Chair Pro Tempore Samantha Scott opened the public hearing for comments concerning changes to the Board of Adjustment ordinance. There were no public comments. Ms. Scott closed the public hearing. *Kimball Glazier moved to table changes to the board of adjustment ordinance. Kathleen Gray seconded the motion. The motion passed with Rory Taylor, Kimball Glazier, Kathleen Gray, Samantha Scott, Isaac Francisco, Ken Latham and Adam Ray voting in favor.*

REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING & ZONING CODE – CHAPTER 16.36 – R-1

RESIDENTIAL ZONE – ORDINANCE NO. 2014-23 – ALLEN PARKER: Allen Parker reminded the Commission that this item was tabled last meeting due to time constraints. Mr. Parker explained that the Mayor expressed concern on how the City handles setbacks for oversized trailers and accessories structures. Accessory structures have setbacks, in some cases zero setbacks, from the rear property line and side property line and in other cases, it is different. The setbacks for oversized trailers that are being stored are different from the setbacks for accessory structures. Mr. Parker explained that the Mayor feels the Code for these setbacks are inconsistent and would like the Commission to look at the Code and make a recommendation to the City Council. Mr. Parker stated that there is a substantial difference between an oversized trailer, which is a tall object, and an accessory structure that is a permanent structure. Mr. Parker stated that he feels they should be treated differently, since one is mobile and the other is a permanent structure. Kimball Glazier asked if there was a difference between an accessory that is built directly on the ground that can be moved and one that is built on a foundation. Mr. Parker answered that the City does not differentiate between the two. They are both permanent structures regardless of the way they are attached to the ground. Rory Taylor asked for the City's definition of an oversized trailer. Mr. Parker explained that in the definition section of the Code, it explains that an oversized trailer is defined as over six feet in height, is opaque and cannot be seen through. It would be anything that obscures visibility. Mr. Taylor mentioned that section B for accessory buildings could apply to oversized trailers as well. Mr. Parker stated that most RV pads are on the side of a home with no side setbacks and front setbacks are ten feet, but if the Code for oversized trailers was the same as section B for accessory structures, then the side setback would be a minimum of ten feet or no setbacks if located twelve feet behind a dwelling. Mr. Glazier commented that maybe a clear vision triangle could be set as a standard rather than

**Vernal City Planning Commission Minutes
September 9, 2014**

dictating a setback on a lot. Mr. Parker explained that there are several factors for a clear vision triangle such as does it create an obstacle to visibility, is it aesthetically pleasing, trying to measure the correct distance, and a clear vision triangle could create a problem for the Code Enforcement Officer. Mr. Glazier commented that a ten foot setback would be more enforceable. Kathleen Gray asked if the property line is measured from the edge of the street. Mr. Parker explained that it is measured from the edge of the public right-of-way. Mr. Glazier stated that he feels that section C could become an issue as well, because of the twenty foot setback, unless it is adjacent to an undeveloped lot, but what happens if the lot becomes developed, there would be a conflict. Mr. Parker stated that section C-1 was recently added to the side setback Code, and if that scenario happened, the property owner would have grandfather status. The Code is more simplified for oversized trailers than for accessory structures.

Corey Coleman stated that there could be a fire hazard with accessory structures due to the fact that gasoline, lawn mowers, and other flammable items are typically stored in accessory structures, where trailers do not have that much fire hazard concern. Mr. Glazier commented that some trailers are toy haulers or have propane tanks attached to them. Mr. Coleman explained that trailers are able to be pulled out quickly because they have wheels attached. Mr. Coleman asked if the City has a defined size of an accessory structure. Mr. Parker explained that the defined size of an accessory structure can be a 60x60 feet metal structure. It is an accessory to the principle use. Mr. Glazier stated that he feels it makes sense to have the oversized trailer and the accessory structure setbacks different from one another. Mr. Coleman stated he would not be opposed to an accessory structure to the side of the dwelling with side setbacks because there are times when a lot does not have the footage they need to the rear of the dwelling.

Mr. Glazier asked if a variance would be needed if there was an accessory structure on the side of a dwelling. Mr. Parker explained that a variance would not be needed in that case. Mr. Glazier asked how the distance is measured for an accessory structure. Is it a straight access or on a diagonal? Mr. Parker explained that what has worked so far is to look at the plane formed by the back wall of the structure and draw a line extended from each side of it and then go twelve feet back from it. Mr. Glazier suggested allowing more of an arcing 12 feet, but never come in front of the back of the house. A property owner would still be allowed to have an accessory structure. Mr. Parker stated that the property owner would still have to meet fire Codes and that it would still need to be separate from the dwelling. Mr. Glazier stated that they would still meet the requirement issues. Mr. Parker stated that the Code could read something like “in no case will it be closer to the front property line than 40 feet”. Mr. Glazier suggested it read “from the rear of the home and never allow it to go beyond the back of the home”. Mr. Parker asked the Commission if they would like him to come up with something different and bring it back to the next meeting. The Commission agreed they would like to treat oversized trailers and accessory structures differently and would like Mr. Parker to make the discussed changes to the setback Code. This topic will be discussed again next month. *Kathleen Gray moved to table changes to the R-1 Residential Zone ordinance. Kimball Glazier seconded the motion. The motion passed with Rory Taylor, Kimball Glazier, Kathleen Gray, Samantha Scott, Isaac Francisco, Ken Latham and Adam Ray voting in favor.*

PLANNING COMMISSION VACANCIES – ALLEN PARKER: Everyone was encouraged to explore options for volunteers to fill the vacant positions on the Planning Commission.

Vernal City Planning Commission Minutes
September 9, 2014

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

Samantha Scott, Planning Commission Vice-Chair