

MINUTES of the Vernal City PLANNING COMMISSION

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

October 14, 2014

7:00 pm

Members Present: Mike Drechsel, Kathleen Gray, Kimball Glazier, Samantha Scott, Ken Latham

Members Excused: Rory Taylor

Alternates Present: Adam Ray

Alternates Excused: Isaac Francisco

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 welcomed everyone present to the meeting.

APPROVAL OF MINUTES FROM SEPTEMBER 9, 2014 REGULAR MEETING: Vice Chair Samantha Scott asked if there were any changes to the minutes from **September 9, 2014 Regular Meeting**. There being no corrections, *Kathleen Gray moved to approve the minutes of September 9, 2014 Regular Meeting as presented. Kimball Glazier seconded the motion. The motion passed with Kathleen Gray, Kimball Glazier, Samantha Scott, Ken Latham and Adam Ray voting in favor.*

APPROVAL OF MINUTES FROM SEPTEMBER 23, 2014 SPECIAL MEETING: Chair Mike Drechsel asked if there were any changes to the minutes from **September 23, 2014 Special Meeting**. Ken Latham suggested changing “could sale” to “sale” on line 64 and Kimball Glazier suggested changing “R04” to “R4” on line 27, *Samantha Scott moved to approve the minutes of September 23, 2014 Special Meeting with the correction as presented. Kimball Glazier seconded the motion. The motion passed with Mike Drechsel, Ken Latham, Kimball Glazier, Kathleen Gray and Samantha Scott voting in favor.*

REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING & ZONING CODE – CHAPTER 16.48 – C-2 AND CC-1 COMMERCIAL ZONES – ORDINANCE NO. 2014-34 – ALLEN PARKER: Mike Drechsel asked Allen Parker to introduce the first item on the agenda. Mr. Parker stated that this item is adding two permitted uses to 16.48.050 uses to the Uses Table for the C2 and the CC1 zone which also carries through to the CP2 and CP1 zones. The change will affect all commercial zones.

Allen Parker stated that a caretaker dwelling is defined in the Code. The change will permit the use of a caretaker dwelling in a commercial zone as well as in an industrial zone. Another new

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item to the code is 24 hour animal boarding. Animal boarding is not currently in the Code. There are kennels and dog grooming, but not boarding.

The public hearing states that it is an amendment to 16.48 and does not mention 16.04 which is the definition section of the Code. The definitions are in the following public hearing. Mike Drechsel requested that the Commission look at the definitions for caretaker dwelling and animal boarding. Mr. Drechsel asked if the definitions are from another source or if the definitions were created by Allen Parker. Mr. Parker explained that he had read definitions from several sources and did not particularly like the definitions from those sources. The definitions Mr. Parker created are an amalgam of what he had read.

Mike Drechsel wanted some clarification about the setbacks that are being discussed. Allen Parker explained that he wanted to have a discussion about setbacks in the R4, high density zones and cleaning up the R4 component of the Code. The Code currently refers to the R1 zone setbacks that apply to all zone setbacks. Mr. Parker wondered if the current setbacks in the high density zone areas are appropriate or if they should be amended. Mr. Parker proposed a number of ideas to the Commission for setbacks under agenda item B-2 which were in the Commission's packets. The agenda item also included a definition for animal boarding. The two topics were combined due to the way the agenda was advertised. When the animal boarding amendment is drafted and sent before the City Council, it will look differently and have the definition attached. The setback amendment will stand on its own without the definition.

Mike Drechsel opened the public hearing to amend the Vernal City Municipal Planning & Zoning Code – Chapter 16.48 – C-2 and CC-1 Commercial Zones – Ordinance No. 2014-34 for public comment. Brock Smith stated his address as 251 East Main Street. Mr. Smith stated he went to the September 2013 Planning and Commission meeting where they asked for approval on a Master Site Plan to build a lobby onto the Dinosaur Inn. He is in the process of purchasing the Dinosaur Inn Hotel. Mr. Smith has a home next to Dinosaur Inn that he would like to keep and use as a caretaker home. It will be easier to take care of the hotel with a caretaker close by. He would also like to add a garage and more rooms to the caretaker residence in the future. He is asking that the home be rezoned to allow a caretaker dwelling. Hearing no other public comments, Mr. Drechsel closed the public hearing.

Mike Drechsel stated that creating a caretaker dwelling code for commercial zones make a lot of sense. Allen Parker explained that it is consistent with the concept of mixed use in the area. There could be an opportunity to try to exploit the code and sell the property off separately from the business, however, it is important to note that a caretaker dwelling is considered part of the property and cannot be sold separately. Mr. Drechsel asked if the City has a caretaker dwelling definition. Mr. Parker explained that there is a definition section in the Code. There are also use tables within the specific zones as to where the defined activity can be done. There is a separate section, 16.20, in the Code which is standards for specific uses. The goal over time is to put all of the uses in section 16.20 and have a regulatory description rather than a definition only. Mr. Drechsel expressed concern about the definition for a caretaker dwelling. Not all commercial zones have value for a caretaker dwelling. Mr. Parker stated that a caretaker dwelling must meet a certain criteria to be considered as a dwelling unit. Mr. Parker stated that he could add to the definition of a caretaker dwelling, “only 1 caretaker dwelling per property permanently attached

to a principle use of a property”. *Kimball Glazier moved to forward a positive recommendation to the City Council on amending the Vernal City Municipal Planning & Zoning Code – Chapter 16.48 – C-2 and CC-1 Commercial Zones – Ordinance No. 2014-34. Adam Ray seconded the motion. The motion passed with Mike Drechsel, Ken Latham, Kimball Glazier, Kathleen Gray, Samantha Scott and Adam Ray voting in favor.*

REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING & ZONING CODE – CHAPTER 16.04 – DEFINITIONS AND CHAPTER 16.44 – R-4 RESIDENTIAL ZONE – ORDINANCE NO. 2014-33: Mike Drechsel opened the public hearing to amend the Vernal City Municipal Planning and Zoning Code – Chapter 16.04 – Definitions and Chapter 16.44 –R-4 Residential Zone – Ordinance No. 2014-33 as it pertains to animal boarding and setback provisions. There were 2 people from the public in attendance. There were no public comments. Mr. Drechsel closed the public hearing.

Mr. Drechsel stated that the items were grouped together for convenience rather than coherence. Kimball Glazier asked if an animal boarding business could become a deterrent to another business. Allen Parker stated it could possibly become a deterrent depending on what animal boarding turns out to be. It will be important to get a good definition and regulatory component for animal boarding. Under the animal control ordinance, it would be regulated the same as a kennel. However, as a land use specifically, the Code might set hours of operation and matters that are associated with the land use component rather than the health and welfare of the animals and staffing. Mr. Parker suggested it might be better to write the Code as a permitted use and impose conditions.

Kimball Glazier wondered if the Code had a definition for household pets. If so, it would help with the nuisance issue. Allen Parker explained that there is a definition for household pets. The Code defines the species, how many of each species and in which zones they are allowed.

Mike Drechsel questioned if the intention is to permit this for business purposes, for commercial zones, for commercial activity, then why would the Commission have the definition read “not to exceed 24 hours” compared to “not to exceed a business day”. If the business does not want to be opened 24 hours a day and only opened for a business day, then it could read “not to exceed a business day”. It separates it from kennels. They don’t want to have conflict between what is defined and what is regulated.

Allen Parker interjected and told the Commission that Corey Coleman went to planning.ut.gov on the internet and found a definition for a caretaker dwelling. He read the definition. “Caretaker dwellings may be permitted upon approval by the Site Plan Review Committee following receipt of an application, and upon a finding that a proposed dwelling complies with all of the following conditions: A. The primary use for which the dwelling is requested is permitted within the zone. B. In the opinion of the Planning Commission or Site Plan Review Committee, a caretaker dwelling is reasonably necessary for the successful operation of the primary use. C. The caretaker dwelling will be located on the same site as the primary use. D. The dwelling will be occupied only by individuals or families employed at the site in the capacity of a caretaker or watchman”. There are ideas in the definition that can help with the way the Commission approaches the caretaker dwelling definition in Chapter 16.20 with regulations

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attached to it. Mr. Parker stated that he would bring back to the Commission the new complete definitions.

Samantha Scott stated she thinks a “business day” would be better for the animal boarding definition than “24 hours”. Kimball Glazier stated that he would like to see more definition to keep from having a nuisance problem.

Mike Drechsel asked Allen Parker to clarify which setbacks were being discussed. Mr. Parker stated that one of the things that is lacking in the R4 Zone that is allowed in the R3 and R2 Zones are twin homes or homes using a zero lot line setback. There is high density in that Zone, but if someone wants to put up a twin home, using a method other than a condominium process, it would not be possible. He stated that in Chapter 16.44.040 and Chapter 16.44.050, he would like to bring forward from the R3 Zone to the R4 Zone and allow the use of a 0 lot line setback. It is 45 feet wide rather than the 30 feet that was discussed previously. However, it would allow something that would be consistent with the R2 and R3 Zone that would proceed into the R4 Zone. Mr. Parker stated he thought it inconsistent not to have that in the high density zone, but to allow it in the medium density zone.

Allen Parker stated that Chapter 16.44.060, setback width requirements, which right now says refer to the R2 Zone and the R2 Zone refers to the R1 Zone. To change the setbacks in the R4 Zone the only way, without completely modifying the Code, would be to go to the R1 Zone and change the R1 Zone setbacks which would cascade through all the other zones. He created a section in where the setbacks are addressed specifically for that zone without tying them to other zones. However, when Mr. Parker created the section, he changed the setbacks. For instance, under Chapter 16.44.060 the front setback section states that “all buildings and structures shall be set back at least 20 feet from the front lot line”. It was reduced from 30 feet to 20 feet. That applies to all structures in the zone.

Allen Parker addressed section B-1, side setbacks, it states that “All dwellings and other main buildings shall be set back from the side property line a distance of at least five feet”. It is currently 10 feet or 8 feet and 12 feet. He decreased the spacing so there can be a 10 foot separation between buildings in the R4 Zone rather than the 20 foot separation currently in all other zones. Mike Drechsel questioned if that is in keeping with the fire code and best practices for building standards. Mr. Parker stated that the Fire Code is specific. When separations decrease, the ratings of the firewalls increase. That is for main structures in their principle uses. Section B-2 states that “The minimum side setback for accessory buildings shall be the same as for main buildings except that no side setback shall be required for accessory buildings located twelve feet or more in back of the dwelling”. That is consistent with the rest of the zones. Section B-3 for Corner lots side setbacks states “On corner lots, the side setback from the street along the exterior lot line for any dwelling, accessory building or other main building shall not be less than fifteen feet, unless; a. the exterior lot line is directly adjacent to an unimproved, undeveloped section of public right-of-way. If this is the case, the side setback for accessory buildings shall be ten feet”. It was changed from 20 feet which is standard to 15 feet for the R4 Zone. All of the numbers have been changed, but not dramatically. There will be a difference between the side setback and the front setback in the R4 zone if the front set back is changed to 20 feet and the side setback on a corner lot to 15 feet. It creates a differential and maintains it.

Kimball Glazier voiced a concern he had that if someone decides to go with a side entry on a dwelling that it could become an issue. The Commission might decide that a 20 foot minimum might be desired. Mr. Parker stated that it may be best to stay with 20 feet against any street in the R4 Zone. Mike Drechsel stated he felt there was a lot of value in Mr. Parker's statement, not just for the issues, but for uniformity in terms of visual lines along streets. Mr. Parker stated he would change to document to read "20 feet" instead of "15 feet". Mr. Parker detailed the changes in C-1. It was changed from 30 feet to 20 feet for rear setbacks and C-2 was changed from 30 feet to 20 feet as well. Mr. Glazier inquired why there are substantial rear setbacks. Mr. Parker explained they are creating rear yard space and a separation between buildings. It creates uniformity and consistency. In higher density zones it creates places for people to have possessions stored. It is a separation between where people dwell and where they conduct other matters outside. Mr. Glazier stated he thought it could become prohibitive to design and can be restrictive of footage on a dwelling. He suggested reducing the rear setback to 10 feet. He felt that would be adequate. Mr. Parker suggested adding "if it is over 3 stories then it extends to 15 feet" or it could read "10 feet". *Kimball Glazier moved to forward a positive recommendation to the City Council on amending the Vernal City Municipal Planning & Zoning Code – Chapter 16.04 – Definitions and Chapter 16.44 – R-4 Residential Zone – Ordinance No. 2014-33 with the corrections that have been discussed – Chapter 16.14.022 - the "24 hour" period to be changed to "business hours". Chapter 16.44.060 - Section B-3, Side Setbacks-Corner lots-change to "20 feet". Chapter 16.44.060 - Section C change the rear setbacks from "20 feet" to "10 feet" and add caretaker dwelling. Samantha Scott seconded the motion. The motion passed with Mike Drechsel, Ken Latham, Kimball Glazier, Kathleen Gray, Samantha Scott and Adam Ray voting in favor.*

REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE FINAL PLAT FOR KIMBALL GLAZIER FOR THE ASHLEY ESTATES PHASE II SUBDIVISION – APPLICATION NO. 2014-029-SUB – ALLEN PARKER: Mike Drechsel asked Allen Parker to note the changes of the final plat. Mr. Parker explained that this is phase II of the Ashley Estates Subdivision. Large lots on the original phase II plat that were located to the east. This created a cul de sac that extends down to the southeast then turns and goes directly east to give frontage in the large lots so they could be further divided and create more lots. Lots 21, 24 and 25 are flag lots. The remaining are traditional lots. This is an amendment to a recorded plat. The subdivision is located at 400 West 1070 South and is in a RA1 zone. It is extending an existing subdivision. It has been reviewed by the staff and by the contract engineer and found to be in substantial compliance with the requirements of the Vernal City Code. There were a couple of corrections that were submitted by the engineer that did the review. Mr. Parker and Kimball Glazier are reviewing to see whether the changes were even asked for or appropriate. It is approvable as is and is recommended by the staff as an approvable subdivision. Mr. Glazier stated that the final plat was different than the plat from last fall. Mr. Parker stated that Mr. Glazier built the road through the subdivision. Now that the infrastructure is completed it is now ready to accept the subdivision and create the lots. Mr. Drechsel asked what the nature of the right of way easement would be for lots 24 and 25 and the upkeep of the private road. Mr. Glazier stated that the right of way easement is attached to lot 21 and the private road will be maintained by the owner of lot 21. *Kathleen Gray moved to approve the recommendation. Ken Latham seconded the motion. The motion passed with Mike Drechsel,*

Ken Latham, Kathleen Gray, Samantha Scott and Adam Ray voting in favor. Kimball Glazier abstained from voting.

REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE FINAL PLAT FOR GREG COCHRAN FOR THE CROWN ESTATES SUBDIVISION – APPLICATION NO. 2014-032-SUB – ALLEN PARKER: Allen Parker informed the Commission that a copy of the proposed plat was in their book and also on the monitor. This is a minor amendment or adjustment to an existing subdivision known as Crown Estates that was recorded in 1973 as a plat. It is located at 1387 West 210 South in a RA1 Zone. Lots 8, 9, and 11 are existing lots within the subdivision. They are not creating any new lots; they are shifting lot lines to match existing fence lines. They are adjusting this because they are getting ready to sell the lots and they want to make sure the lot lines match the existing fence lines. Staff has reviewed this and found it to be in compliance with the requirements of Vernal City Code as have engineering services and would like to forward it as an approvable amendment to a subdivision. Lots 8 and 9 are under common ownership and lot 11 is under a different owner. All parties involved have signed the application and are on board with the amendment. *Kimball Glazier moved to forward a positive recommendation to the City Council on amending the final plat for Greg Cochran for the Crown Estates Subdivision – Application No. 2014-032-SUB Adam Ray seconded the motion. The motion passed with Mike Drechsel, Ken Latham, Kimball Glazier, Kathleen Gray, Samantha Scott and Adam Ray voting in favor.*

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 stated that a public hearing was held September 9, 2014 for the following two action items on the current agenda. The current item changes the process for the approval of master site plans within the City. The master site plan is an administrative action rather than a legislative action. There was discussion at a previous meeting of having a staff member doing the approvals for a master site plan in place of the Planning Commission. The master site plans would not need to come before the Planning Commission. Mr. Parker would be the staff member to approve the master site plans. If there was an appeal to Mr. Parker’s decision, it would go before the appeals and variance hearing officer.

Chapter 16.06.050 sections A through G have designated the authority for each process. Allen Parker stated that he drew heavily from the process that was in place at a previous county in Idaho when he wrote Chapter 16.60. He liked the process and made reference to certain points throughout the section as to the steps that need to be taken to make sure that the applicant would have a fair process for action, but still give staff enough time for a review. The section specifies what is required to be in a master site plan, the process for an approval and the appeals process. Section B indicates the process. Mike Drechsel stated that the process the City currently has in place is similar to what happens now with the exception that one person would issue a denial or approval.

Mr. Drechsel questioned section B-4, which states “The applicant shall have ninety days from the date of the initial staff report to make any required corrections and resubmit the application to

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the Planning Department”, about the consequence if the applicant does not meet the ninety day requirement. Mr. Parker suggested adding “deemed denied due to non-compliance” as a consequence if the applicant does not meet the ninety day requirement. Mr. Drechsel stated that he would like the process to be clearly defined. Mr. Drechsel stated that section C has a 14 day denial period which can trigger an appeal time. He is concerned about the date of notification of a denial and the applicant having enough time to go through the appeals process. Mr. Parker suggested adding “14 days from the date a certified letter is mailed to the address on the application”. Kimball Glazier suggested clarifying section C - “14 calendar days” also to section B-4 “90 calendar days”.

Mike Drechsel asked for the name of the Appeals and Variance Hearing Officer. Mr. Parker stated the position does not currently exist. The ordinance was discussed at the September 9, 2014 meeting and was not added to the October 14, 2014 agenda. There were changes that were made and the ordinance was not ready for review. Mr. Parker stated he would put a hold on a recommendation to the City Council for section D-1 on the Planning and Commission meeting agenda until there is a companion ordinance to go with it concerning an Appeals and Variance Hearing Officer. Kathleen Gray expressed concern about one person as the Appeals and Variance Hearing Officer making the decision and that one person basing their judgment off of emotions and feelings. Mr. Parker reiterated that one trained person acting as a judge would make the decision there would be no room for opinion in the process. Ms. Gray voiced her disapproval of one person making important decisions. Mr. Parker stated he would bring the Appeals and Variance Hearing ordinance to the Commission for discussion at a later date. Mr. Drechsel stated the language in ordinance 2014-029 will reflect either an Appeal and Variance Hearing Officer or an Appeal and Variance Hearing Board depending on what the Commission decides.

Allen Parker explained that he had refined the master site plan process. He did not add anything more functionally, just delineated them more clearly. Mr. Parker informed the Commission that section D-4-n, SWPPP, was added. It will bring the City into conformance with the requirements that will be forth coming from the Environmental Protection Agency (EPA). Mr. Parker stated that section D-4-h is different. It will now read, “The location of exterior existing and proposed lighting standards and devices, along with a photometric analysis if the proposed development is adjacent to an existing residential zone or use. Mr. Parker realized there was an omission to the ordinance. He stated that there should be an addition to section D-4. It should be section D-4-o “A traffic study as deemed necessary by the city engineer”. Not every Commission member liked the “as deemed necessary” language. The Commission discussed having a traffic study conducted for commercial developments. However, there are residential areas that might need a traffic study. It was discussed having the traffic study attached to parking stalls, the amount of parking. Mr. Parker stated that a traffic study could drive the requirements for street improvements. Mike Drechsel suggested section D-4-o read “A traffic study is required unless the city engineer issues a letter explaining why it is not required under the circumstances”. That way there would be a document for an appeals officer or a district court. Mr. Parker reminded that there would have to be a determination in every case for a master site plan. Mr. Drechsel asked Mr. Parker if there were any changes in section E or F. Mr. Parker stated that section E does not change any of the City practices, however, the expiration date changes from 180 days to 1 year and refined the section. Section F is also part of the Code. It has never been used, but it is

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good to have in the Code. Mr. Drechsel suggested that on Section E, “no alterations shall be made without first obtaining approval from the Planning Department” it should read “no alterations shall be made without first obtaining ‘written’ approval from the Planning Department”. Mr. Parker stated that the financial guarantee in section F could be used in certain cases if it is not a life safety issue. Mr. Drechsel questioned the language in section F “improvements are installed at no cost to the City” could change to read “improvements are installed to protect and incur no liability against the City for unfinished projects” or something along those lines. Kathleen Gray suggested changing it to “improvements are installed at no financial burden to the City”. Mr. Parker stated that he would work on the wording to make the City’s intent more clear to the public.

Mr. Parker clarified the changes that would be made to Chapter 16.06 and Chapter 16.60. Section B-4 - “90 days” to “90 calendar days” and adding “deemed denied due to non-compliance” as a consequence if the applicant does not meet the ninety day requirement. Section C - “14 days” to “14 calendar days from the date a certified letter is mailed to the address on the application”. Section D - “A traffic study as deemed necessary by the city engineer” to “A traffic study as deemed necessary by the city engineer unless a letter of waiver is issued outlining the reason it is not necessary”. Section E - “no alterations shall be made without first obtaining approval from the Planning Department” to “no alterations shall be made without first obtaining ‘written’ approval from the Planning Department”. Section F - “improvements are installed at no cost to the City” work on the wording to make the City’s intent more clear to the public.

Kathleen Gray stated she is concerned about section C “An appeal shall be applied for within the specified time at Vernal City Offices” and “Appeals shall be heard by the Appeals and Variances Hearing Officer” and having it recommended to the City Council when she was not comfortable with the section. Mike Drechsel stated section C could say something to the effect of “The appeals and variances hearing officer may become a board of adjustment or a group of people depending upon what the Commission decides to do with the ordinance that addresses that group or person specifically”. Allen Parker stated he would not take the ordinance to the City Council until a recommendation had been made by the Commission concerning the Appeals and Variance Hearing Officer and then he would take both ordinances to the council. Mr. Drechsel stated he would like the decision to be made at the current meeting if the Commission was comfortable with the way it had been outlined with the idea there needs to be further conversation about the Appeals and Variance Hearing Officer or board of individuals and that it would reflect whatever the outcome of the discussion. *Kimball Glazier moved to forward a positive recommendation to the City Council on 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 with noted changes made to Chapter 16.06 and Chapter 16.60. Section B-4 - “90 days” to “90 calendar days” and adding “deemed denied due to non-compliance” as a consequence if the applicant does not meet the ninety day requirement. Section C - “14 days” to “14 calendar days from the date a certified letter is mailed to the address on the application”. Section D - “A traffic study as deemed necessary by the city engineer” to “A traffic study as deemed necessary by the city engineer unless a letter of waiver is issued outlining the reason it is not necessary”. Section E - “no alterations shall be made without first obtaining approval from the Planning Department” to “no alterations shall be made without first obtaining ‘written’ approval from the Planning*

Department”. Section F - “improvements are installed at no cost to the City” work on the wording to make the City’s intent more clear to the public. And that it will be held until there is clarification of whether there is an Appeal and Variance Hearing Officer or Board of Appeals. Samantha Scott seconded the motion. The motion passed with Mike Drechsel, Ken Latham, Kimball Glazier, Kathleen Gray, Samantha Scott 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 referred to tab 8 in the Commission packets. It was discussed previously about removing the requirements for holding a public hearing for a conditional use permit. As Mr. Parker went through the ordinance he discovered the City had an ordinance that conflicted with State Code on conditional use permits. Mike Drechsel questioned if Chapter 16.14.010, 16.14.020, 16.14.030, 16.14.040, 16.14.050 and 16.14.060 are collapsed into one section. Mr. Parker confirmed that it would be underneath one section. The new ordinance will correspond with the existing State Code. The ordinance removed the requirement for a public hearing, it specifies that appeals will be heard by the Appeal and Variance Officer or Board and adds a different set of requirements for analysis. Half of the items in the ordinance reflect what is currently in the Code and the other half is in accordance with State Code. Section C- Application – items that are required to be in the application for a conditional use permit. Section C-3 was added – “A written description of the proposed use shall be provided”. Section C had not been significantly changed. Section D had been changed significantly as far as its substance. The current Code is not consistent with State Code. Mr. Parker stated he changed the wording in section D to reflect State Code. The State Code is 10.9A.507.2A and states “A conditional use permit shall be approved if reasonable conditions are proposed, or can be imposed”. Section E items have been enumerated the items that need to be considered in the process of issuing any conditional use permit. According to State Code and the City attorneys the City should list the things that have to be considered and how the uses relate to the Vernal City general plan. Section F has the same problem of “14 days” it should change to “14 calendar days from the date a certified letter is mailed to the address on the application”. Mr. Drechsel noted that the process would take place in a public meeting. Therefore, the decision will be made at that time which gives the applicant their notification. It could be changed to say “within 14 calendar days of the regularly noted public meeting”. The time period in Section G had been changed from “6 months” to “1 year” and the last line was added to the section. The Commission discussed the word “substantial” in section G and decided that the Commission would decide whether “substantial action” had been taken on a conditional use permit or not. There is a process in place for an appeal if the applicant is not satisfied with the Commission’s decision. *Kimball Glazier moved to forward a positive recommendation to the City Council on amending the Vernal City Municipal Planning & Zoning Code – Chapter 16.14 – Conditional Uses - Ordinance No. 2014-30 with noted changes made to Section F – “14 days” to “within 14 calendar days of the regularly noted public meeting”. And that it will be held until there is clarification of whether there is an Appeal and Variance Hearing Officer or Board of Appeals. Samantha Scott seconded the motion. The motion passed with Mike Drechsel, Ken Latham, Kimball Glazier, Kathleen Gray, Samantha Scott and Adam Ray voting in favor.*

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PLANNING COMMISSION VACANCIES – ALLEN PARKER: Allen Parker reminded the Commission there is a member vacancy and an alternate vacancy on the Planning & Zoning Commission board.

SCHEDULE GENERAL PLAN WORK SESSION – ALLEN PARKER: Allen Parker stated that the Commission made it approximately 70 % - 80 % through the land use map. The Commission needs to refine the map and add the areas that would be considered for mixed use. Mr. Parker stated that he would like to add one public hearing for a preliminary final plat for Split Mountain subdivision. The Commission decided to schedule the meeting on October 28, 6:00.

ADJOURN: There being no further business, *Samantha Scott moved to adjourn. Kimball Glazier seconded the motion. The motion passed with a unanimous vote, and the meeting was adjourned.*

Mike Drechsel, Planning Commission Chair