

MINUTES of the Vernal City PLANNING COMMISSION

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

November 18, 2014

7:00 pm

Members Present: Chair Mike Drechsel, Vice-Chair Samantha Scott, Rory Taylor, Kathleen Gray, Ken Latham, and Kimball Glazier.

Alternates Present: Adam Ray

Staff Present: Allen Parker, Assistant City Manager; Corey Coleman, Building Official; and Sherri Montgomery, Administrative Clerk.

WELCOME AND DESIGNATION OF CHAIR AND MEMBERS: Chair Mike Drechsel welcomed everyone present to the meeting.

RECOGNITION OF PAST PLANNING COMMISSION MEMBERS: Chair Mike Drechsel welcomes Eric Olsen and his family to the meeting. Mr. Drechsel stated that Vernal City would like to take this time to recognize Eric Olsen for his service of seven years on the Planning Commission addressing issues for the community. Mr. Drechsel tells Mr. Olsen that Vernal City recognizes the sacrifices he has made by giving his time and being away from his family. Eric Olsen stated that it was an honor to serve on the Vernal City Planning Commission, and the way business is conducted at these meetings is very impressive. Mr. Olsen stated that it was his privilege to work with all of the Commissioners and Staff and thanked them for all their hard work as well. Mr. Drechsel also acknowledged Mr. Olsen's wife for her sacrifice, as serving keeps the Commissioner's away from their families.

APPROVAL OF MINUTES OF OCTOBER 14, 2014 REGULAR MEETING: Chair Mike Drechsel asked if there were any changes to the minutes from October 14, 2014. Kimball Glazier noted that on line 229, he had abstained from voting. *Samantha Scott moved to approve the minutes with the correction as noted. Kimball Glazier seconded the motion. The motion passed with Mike Drechsel, Samantha Scott, Rory Taylor, Kathleen Gray, Ken Latham, Kimball Glazier, and Adam Ray voting in favor.*

APPROVAL OF MINUTES OF OCTOBER 28, 2014 SPECIAL MEETING: Chair Mike Drechsel asked if there were any changes to the minutes from October 28, 2014. Kimball Glazier mentioned that on line 59, his concern is not worded properly. He asked to remove his concern with approving all phases, because there was only one. His concern was with approving 60+ lots with only one constructed exit. *Rory Taylor moved to approve the minutes of October 28, 2014 with the correction as noted. Kathleen Gray seconded the motion. The motion passed with Mike Drechsel, Samantha Scott, Rory Taylor, Kathleen Gray, Ken Latham, Kimball Glazier, and Adam Ray voting in favor.*

REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL

CITY MUNICIPAL PLANNING & ZONING CODE – SECTION 16.28.020 – RESIDENTIAL ZONES – ORDINANCE NO. 2014-36 – ALLEN PARKER: Chair Mike Drechsel mentioned that there were new documents handed out to the Commissioners to replace the documents in tab 3 of the meeting binders. Allen Parker explained that the reason for the new documents was to correct a particular type of sign, specifically residential subdivision signs. Mr. Parker stated that in the Code, manufactured home parks were overlooked in the residential zones regarding signs. Mr. Parker explained that this ordinance amendment will allow these types of signs in mobile home parks. The ordinance also changes the wording from “residential subdivision” to “residential development” and “platted subdivision” to “boundary of the development”. Mr. Drechsel asked about placing a sign on personal property. Mr. Parker stated that a sign cannot be placed on personal property, because someone needs to maintain the sign. Kimball Glazier asked if this change was being addressed due to someone requesting to install a sign. Mr. Parker stated yes, there was an application submitted and when Corey reviewed the Code, it was realized that manufactured home parks was accidentally missed. The intent of the ordinance a year ago when it passed was to allow signs in all of the residential developments. Chair Mike Drechsel opened the public hearing for amending section 16.28.020. There being no comments, Mr. Drechsel closed the public hearing. *Kimball Glazier moved to forward a positive recommendation to the City Council to consider amending the Vernal City Municipal Planning and Zoning Code – Section 16.28.020 – Residential Zones – Ordinance No. 2014-36. Adam Ray seconded the motion. The motion passed with Mike Drechsel, Samantha Scott, Rory Taylor, Kathleen Gray, Ken Latham, Kimball Glazier, and Adam Ray voting in favor.*

REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING & ZONING CODE – SECTIONS 16.04, 16.28, 16.36, 16.46, 16.48, 16.50, 16.52, 16.54, AND 16.55 REGARDING BUS SHELTERS – ORDINANCE NO. 2014-38 – ALLEN PARKER: Allen Parker explained that the Basin Transit Association (BTA) has asked the City to address adding bus shelters at bus stops. The Code was reviewed and a new ordinance was drafted to address bus shelters. A definition of a bus shelter was added. Mr. Parker explained that a lot of advertising is usually found on bus shelters to generate revenue; therefore, a section was added to the sign ordinance to accommodate this. Mr. Parker explained that the best place he could find to accommodate this was under the public necessity signs. Kimball Glazier expressed concern for a bus shelter being an obstruction if placed on a corner. Mr. Parker stated that it will still need to meet the setbacks on the side and the rear or provide a clear vision triangle. Mr. Parker stated that he could add that bus shelters cannot obstruct visibility in a corner. Chair Mike Drechsel suggested adding it to the final section. Mr. Drechsel asked if the BTA is affiliated with the government, but owned independently. Mr. Parker explained that they are a 501(c)3. Mr. Drechsel asked why the BTA is not treated like any other commercial business, whether for profit or non-profit. Mr. Parker explained that this is a new class of sign, not a pile or monument sign, or billboard. Mr. Drechsel stated that they operate much more like a mini billboard than a public necessity. Mr. Drechsel stated that he would be curious to know what other communities have done. Mr. Drechsel added that a sign on a bus shelter will always be trying to get a message out, or they want your money. Mr. Parker mentioned that they will have to sell that space to someone. Mr. Drechsel voiced his concern with starting off on the wrong foot with signage and having to

Vernal City Planning Commission Minutes
November 18, 2014

change it later on. Mr. Parker stated that the design should remain consistent.

Mr. Glazier asked if there was already something in the Code to regulate the signs on the sides of buses. Mr. Parker explained that the City cannot regulate vehicles. Transportation is regulated by Utah Department of Transportation (UDOT). Kathleen Gray asked if the Planning Commission needs to address such things as soda machines next to bus shelters. Mr. Parker stated that the City would need to run power to the stops for those types of things, and is not sure if the City needs regulations or not. Mr. Drechsel stated that it is an important consideration once things start expanding. Mr. Parker read the changes to the ADA accessibility and setbacks. Mr. Glazier voiced his concern with the five feet being enough with a mow strip to not interfere with pedestrians. Mr. Parker stated that he could see it both ways, because you want the bus shelter to be within close proximity to get on and off the bus. If the shelter is placed on the other side of the mow strip, it would end up on lawn or private property instead of a public roadway or right-of-way. Mr. Drechsel mentioned that where most of the bus stops are located around town, most of the shelters would end up on private property. Mr. Parker stated that they have proposed to place a bus shelter in front of Walmart, and Walmart wants them to pay them to place it there. Mr. Drechsel stated that private property owners cannot place commercial signs on their property; however, allowing a bus shelter to be in front of their house would allow them to place signage on the bus shelter. Mr. Parker explained that a property owner cannot choose to have a bus stop in front of their house, but if there was one, they could definitely have an agreement to place a sign on the shelter. Mr. Drechsel stated that this is another reason to not treat these signs as public necessity, but as commercially regulated signage. Mr. Parker stated that he was not sure there is much difference in the way commercial signs and public necessity signs are regulated. Mr. Drechsel voiced his concern with the distance required by bus shelters to be setback from the road way and requiring travelers to walk a certain distance to get on and off the bus. This could be a liability for the City, if it is slippery and someone falls, since the City has mandated that distance a traveler has to walk to get on and off the bus. Mr. Drechsel suggested mandating someone to maintain the area around the bus shelter and between the curb and the bus to keep travelers safe. Mr. Parker explained that currently the City requires the property or business owner to maintain the area from their property line to the road. Rory Taylor asked if there should be specific language on having an apron between the bus stop's actual bench and the curb where the bus stops. Mr. Parker mentioned that it is something to think about. Mr. Parker suggested contacting Utah Local Government's Trust (ULGT), the City's liability insurance carrier, to get their guidance on this issue.

Mr. Drechsel asked if there was any other section of the Code, besides public necessity, where signs are regulated for bus shelters. Mr. Glazier suggested looking at how other cities deal with this issue. Mr. Parker explained that he has looked at other cities, and their sign ordinances are not structured the same as Vernal City's. Adam Ray suggested allowing advertisement signs only on public property and not private property. Mr. Parker explained that it is almost expected by the bus shelters to have advertisement. Mr. Drechsel suggested that the City create a new category in the Code for rules and regulations for bus shelter signage, because they are unique, and they need governed across all the different areas consistently. Mr. Parker confirmed the two additions to this ordinance from the Planning Commission. First, the clear vision triangle must

be maintained with the placement of the bus shelter, and two, maintenance of the structure itself and all of the associated facilities falls onto BTA or the owner of the bus system. Mr. Parker stated that the Planning Commission could simplify the ordinance by striking 16.28.085 (A) and not allowing any commercial signage on bus shelters for now. Mr. Drechsel added, except for signage showing the bus times. Chair Mike Drechsel opened the public hearing for the bus shelter ordinance. There being no comments, Mr. Drechsel closed the public hearing. *Kimball Glazier moved to forward a positive recommendation to the City Council to consider Ordinance No. 2014-38 striking 16.28.085 (A) until it has been addressed more appropriately and adding the other two items as noted above by Mr. Parker. Adam Ray seconded the motion. The motion passed with Mike Drechsel, Samantha Scott, Rory Taylor, Kathleen Gray, Ken Latham, Kimball Glazier, and Adam Ray voting in favor.*

REQUEST FOR APPROVAL OF A CONDITIONAL USE PERMIT FROM WES SORENSEN FOR AN OUTDOOR STORAGE AREA LOCATED AT APPROXIMATELY 252 WEST 100 NORTH, VERNAL, UTAH – APPLICATION# 2014-033-CUP – ALLEN PARKER: Allen Parker explained that this is a request for a conditional use permit for an outdoor storage yard located at 252 West 100 North on .47 acres. Vernal City Code requires a conditional use permit be obtained for an outdoor storage yard when one is proposed in a C-2 zone. This property has been used as an outdoor storage yard for a couple of years. Vernal City staff noticed this and approached Wes Sorensen to tell him that he needed a conditional use permit. Mr. Parker stated that there is an existing chain link fence around the property; however, the Code requires a six foot sight obscuring fence. Most of Mr. Sorensen's chain link fence has sight obscuring slats, but there is a portion that does not. Mr. Sorensen understands that he needs to meet the fence requirements. Chair Mike Drechsel asked what other uses this property has had there. Mr. Parker explained that the only one he was aware of was back in 1997 and was used to store three trees. Mr. Drechsel asked what Mr. Sorensen is storing. Mr. Parker explained that he is storing building materials and construction equipment for his construction business. Kimball Glazier stated that he thinks he also stores Carpets by Cal inventory. Mr. Drechsel asked if there have ever been any complaints from this lot. Mr. Parker stated no, only the staff started noticing that items were starting to be stored there. Kathleen Gray voiced her concern with it becoming like other areas in the City that eventually start piling brick cinder block on the property. Mr. Parker stated that it would be permitted. Ms. Gray asked if the City wanted that kind of stuff stored in town. Mr. Parker explained that if a conditional use permit is approved, and there is a significant negative impact to surrounding properties, certain conditions can be added to the conditional use permit to mitigate the issues such as noise, lighting, odors, etc. As per State law, the only way the Planning Commission can say no to a conditional use permit is if the impact of that use is so significant that no conditions can reasonably mitigate those impacts. Rory Taylor asked if there was anything to prevent Mr. Sorensen from piling up recycled asphalt 70 feet high in an outdoor storage yard. Mr. Parker explained that there is nothing in the Code that prevents that from happening, unless it is a restricted item such as hazardous material. Chair Mike Drechsel opened the public hearing for the conditional use permit. There being no comments, Mr. Drechsel closed the public hearing. *Kimball Glazier moved to approve the conditional use permit for Wes Sorensen for an outdoor storage area located at 252 West 100 North, Vernal, Utah – Application No. 2014-033-CUP*

with the condition that Mr. Sorensen meets the requirements of the six foot sight obscuring fence. Rory Taylor seconded the motion. The motion passed with Mike Drechsel, Samantha Scott, Rory Taylor, Kathleen Gray, Ken Latham, Kimball Glazier, and Adam Ray voting in favor.

REQUEST FOR APPROVAL OF A CONDITIONAL USE PERMIT FROM TONI GRAHAM FOR A BED & BREAKFAST LOCATED AT APPROXIMATELY 220 WEST MAIN STREET, VERNAL, UTAH – APPLICATION# 2014-030-CUP – ALLEN PARKER: Allen Parker explained that this is a request from Toni Graham for a conditional use permit for a bed and breakfast located at 220 West Main Street, Vernal. The property is located in a CC-1 zone and requires a conditional use permit for this use. The parking is to the east. There is a grass area out front. The property was previously a rental property. There are apartments to the north, a check cashing store to the southeast, and a church to the west. There was an analysis done on the impact to adjoining properties. Mr. Parker stated that he is recommending that this conditional use permit be approved without any conditions. Chair Mike Drechsel opened the public hearing for the conditional use permit. There being no comments, Mr. Drechsel closed the public hearing. Mr. Drechsel asked what the current or most previous use was at this location. Mr. Parker stated that it was a residential rental property.

Toni Graham reported that the property is currently vacant. Mr. Drechsel asked when it was being rented out, how many people were living there. Ms. Graham stated that there was a single family of six there. Mr. Drechsel asked Ms. Graham if she was anticipating the same number of people at the bed and breakfast or more parties. Ms. Graham explained that there are only three bedrooms upstairs, and the living quarters downstairs for the onsite manager. Ms. Graham stated that the most she anticipates is two people per room with a total of eight including two for the onsite manager. Kimball Glazier asked where the parking was located. Mr. Parker explained that the existing parking is to the east behind the check cashing location. The Code does not require existing structures to change the parking. Rory Taylor asked about the ADA requirements. Mr. Parker explained that the building department is working with Ms. Graham right now on a few issues with potential expenses. If the modifications are too expensive, Ms. Graham may continue to use it as a single family rental property. Mr. Drechsel asked if there is enough parking to accommodate four vehicles. Ms. Graham stated that there are four parking spots, one for each room, as well as a parking spot to the side for onsite management. Pete Richardson, Ms. Graham's father, stated that where there was a grass area, it has been removed and four parking spaces installed for the bed and breakfast.

Mr. Drechsel explained that as members of the Planning Commission, they have the ability to place conditions upon approval of a conditional use permit to protect adjacent properties and the public welfare; however, in this case, it is hard to imagine that a bed and breakfast is much different than how it has been used as a rental property. He added that there may be some wisdom in placing a reasonable cap on the number of occupants allowed. Ms. Graham explained that she has placed restrictions on the bed and breakfast by allowing only two people per room with eight maximum. Mr. Glazier asked Ms. Graham if it would cause an issue if there was a couple with an infant who was staying in one room. Ms. Graham stated that she has placed

restrictions on the bed and breakfast, such as no pets allowed and no children under the age of 18. She added that she would like the place to be quiet and feel like home. Mr. Drechsel asked Corey Coleman, Building Inspector, if there was a maximum occupancy for fire purposes. Mr. Coleman that the requirements are one person for every 100 square feet, and this building could have 10+. The Fire Marshall has looked at it, and they are continuing in the review process. Mr. Taylor asked if there would be any conflict with the length of stay with the current zoning. Mr. Parker stated no, it would be the same as a hotel. Mr. Drechsel asked if this would fall under a care taker dwelling. Mr. Parker explained that a bed and breakfast has its care taker occupying the property as per definition of the Code. *Adam Ray moved to approve the conditional use permit for Toni Graham for a bed and breakfast located at 220 West Main Street, Vernal, Utah with no conditions – Application No. 2014-030-CUP. Rory Taylor seconded the motion. The motion passed with Mike Drechsel, Samantha Scott, Rory Taylor, Kathleen Gray, Ken Latham, Kimball Glazier, and Adam Ray voting in favor.*

REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING & ZONING CODE – CHAPTERS 16.04, 16.20, 16.34, 16.36, 16.38, 16.40, 16.42, 16.44, 16.46 & 16.48 – GROUP HOMES – ORDINANCE NO. 2014-21 – ALLEN PARKER: Allen Parker explained that group homes has been discussed several times including holding a public hearing, but was tabled. This ordinance addresses group homes which has been litigated quite a bit in the state of Utah. Vernal City Council and Utah League of Cities and Town’s (ULCT) Council has reviewed the ordinance. There have been a lot of changes since the original ordinance; therefore, the Planning Commission and City Council may want to consider holding a second public hearing considering the amount of changes, since the first public hearing. There are some deficiencies in the Code in the use tables that are redundant, as well as uses that have conflicts with other sections of the Code. Mr. Parker reviewed with the Planning Commission all the highlighted sections of the Code that need addressed due to discriminatory or problematic Code. Reasonable accommodations were added to the Code according to State and Federal law. Federal law states that you cannot discriminate against any protected class of individuals such as the handicapped individuals. The Code was changed from disabled to handicap to coordinate with State Code. Therefore, if you have a zone in which you allow any person to live in a residence, you have to allow those who are in protective classes to live there also with no restrictions. When there are certain types of disabilities, some people have to live in a group setting; you cannot exclude group homes from residential zones. They are entitled to live in residential zones like anyone else.

Mr. Parker stated that if you look in the R-1 or RA-1 zone, single family dwellings are allowed only, not apartments. In those cases, four non-related people are allowed in any building. The courts say that is a form of discrimination, if you apply it to group homes. Some group homes have to have 10-20 people to function financially in a viable way. Mr. Parker explained that reasonable accommodation is required by the City. The City needs to look at the situation and requirements of the Code, as well as the requirements the applicant presents to the City, for being able to function properly in that zone. The City must make accommodations to the zoning ordinance to allow them to conduct business in that area beyond what the zoning ordinance allows. Therefore, if they need 20 people to be in that group home to function financially, the

**Vernal City Planning Commission Minutes
November 18, 2014**

City must grant them reasonable accommodation. Kimball Glazier asked what the class is for reasonable accommodation. Mr. Parker explained that it is a protective class. Mr. Parker explained that these changes to the Code need to be made to make sure the City is protected from lawsuits. Mr. Drechsel stated that the City wants to make sure that people who are legitimately seeking to live life are able to do so on a level playing field in despite of the fact that they may have something out of their control such as age, race, gender, etc. Mr. Drechsel reminded the Planning Commission that when Federal and State law are discussed, the Commission is not expected to act as lawyers for Vernal City and understand the legal consequences of the Code. The Planning Commission is here to make sure we are abiding by Vernal City land use ordinances and meet the present Code and make recommendations and provide suggestions. Ultimately, Vernal City has an attorney that is responsible for making sure that the City is legally compliant. *Rory Taylor moved to table group homes. Kimball Glazier seconded the motion. The motion passed with Mike Drechsel, Samantha Scott, Rory Taylor, Kathleen Gray, Ken Latham, Kimball Glazier, 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 items has been discussed and a public hearing held; however, it was tabled. At that time, there were changes discussed that are not all reflected in this ordinance. This has been brought back to this meeting as a discussion item rather than an ordinance for further refinement. Kimball Glazier recalls Kathleen Gray’s concern with going from a group of people, the Board of Adjustment, to only one person making the decisions. There were some members who liked the idea of going with one person who is more educated. Mr. Glazier asked when the last time the Board of Adjustment met. Mr. Parker stated more than eight years ago. Mr. Glazier mentioned that the Planning Commission had some concerns on how well trained the Board of Adjustment is, and do they have the qualifications to handle the job. Mr. Parker stated that another one of Ms. Gray’s concerns was do you get a more professional answer from a hearing officer, a better decision from a group of three people that have perhaps been trained, or a larger group of seven people that are not as trained. The type of decision that the Board of Adjustment makes is not the same type of decision that the Planning Commission makes. It is not a subjective decision that is supposed to be made by a hearing officer or a Board of Adjustment. A hearing officer or Board of Adjustment is like going to a court of law and having a judge hear the arguments that were previously presented to the Planning Commission. If someone appeals the decision of the Planning Commission to a hearing officer or Board of Adjustment, they do not take new testimony. They look over the records of the Planning Commission meeting, and they look at the law to determine if an error was made by the Planning Commission in interrupting the law, and did they do it erroneously.

If there is a request for a variance, the variance is presented in the same legalistic way that the Code is presented and the requirements are presented and a judgment is made based on whether the request complies with State and local laws as to whether variances should be granted. Mr. Parker stated that he does not think that the current Board of Adjustment process is a good process, because it is a large Board that is hard to keep staffed and trained in a way that it can

**Vernal City Planning Commission Minutes
November 18, 2014**

make very particular legal decisions that are outside the realm of subjectivity. Does the Board of Adjustment need to be one trained individual, such as an attorney, or a Board of three people trained specifically to make decisions on land use? The Board of Adjustment is the last step in City government, before going to District Court. The Board of Adjustment needs objectivity and professionalism. The City will also have an attorney there for legal questions by the Board of Adjustment. The attorney will present the City's side, while the complainant will present however they choose. Mr. Parker reported that using a hearing officer has been tried in other cities across the State and has been very successful. The current process with such a large Board, which used to have the authority to make subjective decisions and used to be able to grant variance with such a broad range of authority; however, they do not have that discretion anymore. Mr. Parker stated that it is an awkward Board right now that is difficult to maintain.

Mr. Drechsel asked what other suggestions were made during the previous discussions on this issue. Mr. Parker stated that qualifications were discussed, the process of hiring someone to do the job, how to compensate them for their service, and whether one individual or more should be making these determinations. Kathleen Gray stated that she still feels that there should be more than one person with that kind of authority and suggested at least three. Ms. Gray asked what if the person with the complaint has a problem with that one person who is making the decision. Mr. Glazier mentioned that it is important that the person or persons are trained with professionalism to remove themselves if an applicant feels there is a conflict of interest. Mr. Glazier added that this person is reviewing the law, not the item itself, and feels that one person is more than capable of making a decision. Mr. Glazier asked if under section 16.10.010 (C), where it refers to a two year term and being able to be reappointed for succeeding two-year terms, if there should be a limit, so there can be new people every so often. Rory Taylor stated that he agree that it is more efficient for one person, such as a hearing officer, to review the decision of the Planning Commission rather than have another committee reviewing it. If someone feels that the hearing officer has not been fair, they still have other options such as district court. Ms. Gray stated that there might be a reason for a variance, and maybe it had not been presented to the Planning Commission for years and all of sudden it needs to because of a situation. Ms. Gray voiced her concern with one person making that decision on a law that was done a long time ago.

Mr. Drechsel asked Ms. Gray if she had the same concern at a district court level with judges who are appointed to the bench. Ms. Gray stated that a judge can remove himself due to conflict of interest. Mr. Drechsel explained that a district court judge can remove themselves from a case if they know there is a problem or conflict of interest or a defendant or the State can make a request to have a judge removed. Those requests to have a judge removed do not go to that judge; they go to the presiding judge in the district. Mr. Drechsel stated that in regards to a hearing officer, the same process could be applied for a biased issue. A concerned party with a conflict of interest could make a request to the City Council that a certain public hearing officer not be allowed on their case. The City Council could make a decision on whether there is a true conflict of interest. Mr. Parker explained that in the current Code an appeals hearing officer shall not participate in any appeal in which the appeals hearing officer has a conflict of interest; however, there is no process outlined in the Code on how to go about it. Mr. Drechsel stated that it would be good to specify to both parties that they can ask for the hearing officer not to hear

**Vernal City Planning Commission Minutes
November 18, 2014**

their case, and it also needs addressed in the Code that if there is a conflict of interest, the hearing officer can be removed. Mr. Drechsel suggested having a backup hearing officer. Mr. Parker explained that this is a rough draft ordinance based on consultation with the City's legal counsel, attorneys from the Wasatch Front, and a hearing officer from Salt Lake City who tried to take the best laws and practices from within the State. Mr. Drechsel suggested that anywhere in the Code where you are giving authority to that one person or group of people should be grouped together under one section for clarity. Mr. Parker stated that a separate section could be created under (B. Jurisdiction and Authority). Mr. Drechsel stated that it will let parties know that they have exhausted all of the administrative remedies at the City level and will trigger their ability to file a petition with district court. Mr. Parker stated that is a good point; if you do not like something that the City has done, you cannot just take it to district court. You have to go through every step of the appeals process that exists within the City, before you are qualified to take it before the district court. Mr. Parker stated it is important that the process is clear when they have reached their appeals limit in the City. Mr. Drechsel refers to section 16.10.030 and voiced his concern with giving anyone the right to appeal, because it is at odds with what was discussed earlier. If this section is going to remain in the Code, it needs to be tempered with people who are adversely affected for the types of things that a hearing officer has the authority to hear. Mr. Drechsel asked why there is a public hearing required under section 16.10.040 (D). Mr. Parker explained that the word "public hearing" means something different to us than the intent in this section. It is a hearing before the public where the public can observe, but not speak. Mr. Drechsel referred to section 16.10.040 (G) and stated that it does not specify when the decision will be made. He added that "rendered" needs to mean something, such as "the decision shall become effective on the date the written decision is signed by the hearing officer". Mr. Parker explained that this could be abused if someone holds the signature for weeks. Mr. Drechsel stated that a clear time and date of the decision with notification by certified mail to all parties is important for the appeal process to the district court. Mr. Parker stated that there is not a specific time limit on how long a hearing officer or Board of Adjustment has to make a decision. Mr. Drechsel suggested 14 calendar days. This gives enough time to part-time contractors that may have other issues to attend to in life, as well as time to do legal research. Mr. Parker stated that there needs to be a way to harmonize (G) and (H) with the dates, so they cannot sign it and then hold it for days before getting it mailed to all of the parties. Mr. Drechsel stated that certified mail works really well for that, because you can tie the dates to the date the certified mail was post marked. Mr. Parker added that as part of the appeal process, the applicant would be responsible to designate a contact method by either email or a mailing address.

Mr. Drechsel referred to section 10.10.040 (I) as it relates to retaining the audio records for a minimum of sixty (60) days and asked if that was different from other retention policies in the City, since it is a government record. Mr. Parker stated that he would need to look at the retention schedule for the City. Mr. Drechsel suggested retaining those records longer than sixty (60) days. Those audio recordings could be helpful in cases being heard in district court and those cannot be done in that short amount of time. Mr. Parker stated that he has never seen an audio recording have such a short time on the retention schedule. Mr. Parker stated that he will find out why it was set at sixty (60) days, and suggested it be changed to at least a couple of years. Mr. Drechsel stated that the records should be kept at least during the appeal rights, so

there is an accurate record to rely on. Mr. Drechsel referred to section 10.10.040 (K) and asked Mr. Parker if his position should be the one setting the policies and procedures for processing appeals, the conduct of an appeal hearing, and for any other purpose considered necessary to property consider an appeal. Mr. Parker stated that the City Council and Mayor have hired this individual, and the policies should be set in stone so much that you would have to go through a public process to change it. Mr. Drechsel referred to section 16.10.060 (G) and section 16.10.190 and mentioned that these items are already addressed in State Code and could create a conflict when one changes and the other does not. He suggested removing those sections or at least referencing State Code in those sections. Mr. Drechsel referred to section 16.10.260 and stated that there is no reason the City should be telling the district court what it is authorized to do when the standards are set in the State Code. Mr. Parker agreed to take all of the proposed changes and bring back to the Planning Commission next month. *Kimball Glazier moved to table the Board of Adjustment ordinance. Ken Latham seconded the motion. The motion passed with Mike Drechsel, Samantha Scott, Rory Taylor, Kathleen Gray, Ken Latham, Kimball Glazier, 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 explained that setbacks in regards to travel trailers versus permanent structures have been discussed several times in the past without a recommendation made to the City Council. The item was tabled and that is why it is back on the agenda. Mr. Parker explained that the Planning Commission needs to decide to leave it the way it stands or change the ordinance. Accessory structures have setbacks different from storage trailers, horse trailers, etc. Chair Mike Drechsel stated that there are some differences, such as in accessory buildings, you can run power with the right permits and the right inspections, but you cannot run power to a travel trailer without being in violation of City Code. Kimball Glazier mentioned that the Code is more restrictive on travel trailers than fixed buildings. Mr. Parker stated that fixed buildings can be built right up to the property line and travel trailers have to be setback a certain distance. Mr. Glazier stated that he thought the consensus in the past was to keep them similar. Mr. Drechsel asked why travel trailers that move would be more restrictive. Mr. Parker explained in some cases they are not more restrictive, such as the side setbacks. The Code allows travel trailers to be stored right up to the side of the property, even on a corner lot, as long as there is a site obscuring fence. Accessory buildings are not allowed to go out to the zero setback on the side. Mr. Parker stated that it was originally proposed that the rear setback for travel trailers be set back 10 feet from the rear property line; therefore, the City is less restrictive on travel trailers than accessory structures. Mr. Parker explained that the Planning Commission could present changes to the City Council or leave the Code the way it is. *Rory Taylor moved to not recommend any changes to Ordinance No. 2014-23; therefore, leaving the Code the way it is currently. Kimball Glazier seconded the motion. The motion passed with Mike Drechsel, Samantha Scott, Rory Taylor, Kathleen Gray, Ken Latham, Kimball Glazier, and Adam Ray voting in favor.*

FLAG LOTS – ALLEN PARKER: Allen Parker explained that Bert Clark asked that flag lots be addressed by the Planning Commission. The concern is that a flag lot is not required at any

Vernal City Planning Commission Minutes
November 18, 2014

point to come out to the full width of a lot or exceed that lot; therefore, it could be the width of the stem which is 50 feet. Mr. Parker will draft something up for a future meeting.

PLANNING COMMISSION VACANCIES – ALLEN PARKER: Allen Parker reported that there is still one regular member and one alternate member vacant on the Planning Commission.

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

Mike Drechsel, Planning Commission Chair