

MINUTES of the Vernal City PLANNING COMMISSION

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

April 14, 2015

7:00 pm

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

Alternates Present: Adam Ray and Isaac Francisco

Alternates Excused: Kam Pope

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 MARCH 10, 2015: Chair Mike Drechsel asked if there were any changes to the minutes from March 10, 2015. Rory Taylor suggested changing the word graphical on line 77 to graphically. There were no other changes. *Rory Taylor moved to approve the minutes of March 10, 2015 with the correction as noted. Kathleen Gray seconded the motion. The motion passed with Rory Taylor, Kimball Glazier, Kathleen Gray, Mike Drechsel, Samantha Scot, Ken Latham, and Scott Gessell voting in favor.*

REQUEST FOR APPROVAL OF A CONDITIONAL USE PERMIT FROM ALLEN KNOTSON FOR A SIX FOOT FENCE LOCATED AT 315 EAST 500 SOUTH, VERNAL, UTAH – APPLICATION # 2015-004-CUP – ALLEN PARKER: Mike Drechsel asked Allen Parker to explain the conditional use permit request. Mr. Parker explained that this is a request from Allen Knutson for a conditional use permit for a six foot privacy fence on the east side of the front yard of Mr. Knutson's property. Mr. Parker stated that this is an approvable item and that a clear vision triangle would be enforced on the property. Mr. Drechsel opened the public hearing for public comment. There being no comment, Mr. Drechsel closed the public hearing. Kimball Glazier voiced concerns about safety for children and traffic with a six foot fence in the front yard of the property. Mr. Glazier looked through the Code for conditional use and does not feel that the request is approvable. Mr. Glazier stated he thinks it will be a major safety hazard and read Municipal Code, Section 16.24.080 (A) fence height requirements. Mr. Glazier stated the semi-colon distinguishes a separation in the first sentence. Mr. Parker explained that the first part of the sentence is intended to be included in the same line with the conditional use component to it. Mr. Drechsel stated that the first part of the sentence does not appear to be the same line. Mr. Glazier asked if the City grants a conditional use permit for a six foot fence, would the City need to do it for any other citizen that would like a six foot fence in their front yard. A standard must be kept. Mr. Parker stated it needs to be addressed by Code. Kathleen Gray stated that a six foot, front yard fence had recently been approved. Mr. Parker reiterated that a twenty foot clear vision triangle will be maintained. This is not a waiver for a clear vision triangle. Mr. Glazier stated that his interpretation of the Code is not approvable and the City cannot keep approving a mistake. Ms. Gray stated that the apartments across the street

from Mr. Knutson's home are set back quite a distance and does not feel there would be a problem with the fence height and backing out of the drive way. Mr. Drechsel stated that the semi-colon clearly states that the conditional use permit does not apply to the first part of the sentence. This may not be approvable. Mr. Drechsel asked if it is approvable, is the clear vision triangle enough. Allen Knutson, 315 East 500 South, approached the Commission and stated there was no need to back out of the drive way because it is a wrap-around drive way. He has "no trespassing" signs posted and people still cut across the yard. Rory Taylor stated that the application, if it meets the clear vision triangle and conditional use permit requirement, is appropriate. Mr. Taylor wondered if the City needs to change the ordinance to be more clear as to the intent of the Code. Mr. Drechsel stated that if trespassing is the problem, then a four foot fence would accomplish the same thing. Samantha Scott wondered if a condition could be made that the back piece of the fence would be six feet and the last piece in the front would be four feet. Mr. Parker read Municipal Code, Section 16.24.170, clear view of intersecting streets. Mr. Glazier stated he believed in personal property rights, but the reason there are laws is to protect the City, and there are times when the greater good has to take precedence for the community. Scott Gessell asked Mr. Knutson if a four foot fence with the remaining posts would give him enough privacy. Mr. Knutson replied that it would stop people from cutting across his yard, but they might jump the fence. Mr. Knutson stated it would work, but he would not be happy about the four foot fence. Mr. Drechsel entertained a motion. ***Kimball Glazier moved to not approve the request for a conditional use permit from Allen Knutson for a six foot fence located at 315 East 500 South, Vernal, Utah – Application # 2015-004-CUP as the application does not meet the conditional use requirements. Rory Taylor seconded the motion and added that Mr. Knutson could build a four foot fence without approval. The motion did not pass with Rory Taylor, Kimball Glazier and Mike Drechsel voting in favor and Kathleen Gray, Samantha Scott, Ken Latham and Scott Gessell voting against.*** Ms. Gray stated she liked Ms. Scott's suggestion of the front part of the fence be four feet and the back part of the fence be six feet. Mr. Drechsel stated he did not think Vernal City Code would allow this conditional use permit. It was made clear to Mr. Knutson that if the conditional use permit request did not pass that he would be able to build a four foot fence. ***Kathleen Gray moved to approve the request for a conditional use permit from Allen Knutson for a six foot fence located at 315 East 500 South, Vernal, Utah – Application # 2015-004-CUP except for the last ten feet of fence out toward the street would need to be four feet. Samantha Scott seconded the motion. The motion passed with Kathleen Gray, Samantha Scott, Ken Latham and Scott Gessell voting in favor and Rory Taylor, Kimball Glazier and Mike Drechsel voting against.***

REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING & ZONING CODE – CHAPTERS 16.40 (R-2 RESIDENTIAL ZONE), 16.42 (R-3 RESIDENTIAL ZONE), AND 16.44 (R-4 RESIDENTIAL ZONE) – MINIMUM AREA REQUIREMENTS AND MINIMUM WIDTH REQUIREMENTS – ORDINANCE NO. 2015-06: Allen Parker stated that there is an area in the Code that is being clarified concerning twin homes. The wording now clarifies and adds resolution to the Code. Mike Drechsel opened the public hearing for public comment. There being no comment, 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 & Zoning Code – Chapters 16.40 (R-2 Residential Zone), 16.42 (R-3 Residential Zone), and 16.44 (R-4 Residential Zone) – minimum area requirements and minimum width requirements – Ordinance No. 2015-06. Scott Gessell seconded the motion. The motion passed with Rory Taylor, Kimball Glazier, Kathleen Gray, Mike Drechsel,***

Samantha Scott, Ken Latham and Scott Gessell voting in favor.

REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY GENERAL PLAN & FUTURE LAND USE MAP – ORDINANCE NO. 2015-04 – ALLEN PARKER: Allen Parker stated there was one revision made after the packets were distributed. There is an explanation attached to the legend that reads “Transition areas may be considered for land use. Use is indicated in the directly adjacent areas.” It gives more clarity to the transition areas. Also added to the legend is a segment that tells what the transition areas are and gives some definition to it. The transition areas were widened out to twice the previous width on the map that was brought in for consideration. Rory Taylor stated it looks good and he likes the explanation. Mike Drechsel agrees with Mr. Taylor and thinks it accomplishes what has been discussed in terms of clarifying the transition areas. Mr. Taylor stated the map seems graphically easy to read and understand. *Kimball Glazier moved to forward a positive recommendation to the City Council to consider amending the Vernal City General Plan & Future Land Use Map – Ordinance No. 2015-04. Kathleen Gray seconded the motion. The motion passed with Rory Taylor, Kimball Glazier, Kathleen Gray, Mike Drechsel, Samantha Scott, Ken Latham and Scott Gessell 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. 2015 – 09 –ALLEN PARKER AND A REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING & ZONING CODE – CHAPTER 16.14 – CONDITIONAL USES – ORDINANCE NO. 2015-08 – ALLEN PARKER: Allen Parker stated these two items were previously approved by Planning & Commission and were forwarded to the City Council with a positive recommendation. It has been a long time since they were forwarded. The reason being the hearing officer position had not been confirmed at the time and the correct language was not put into the ordinances until the decision was made on a Board of Adjustment or a hearing officer. The City Council approved a hearing officer. Mike Drechsel stated these items do not need an approval from the Commission, because they were approved previously, but the Commission can re-affirm the previous recommendation. Kimball Glazier asked if there would be someone for an oversight situation. Mr. Parker explained that Glade Allred with the Street Department, Mike Davis with the Water Department, and another engineer will look at master site plans for peer review looking for possible things that might have been missed. Mr. Drechsel added that the hearing officer would be another oversight person if needed. Mr. Glazier explained that he would like to make sure Vernal City government is transparent. It was agreed that no action needed to be taken on the two items.

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

Mike Drechsel, Planning Commission Chair