

# MINUTES of the Vernal City PLANNING COMMISSION

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

March 8, 2016

7:00 pm

**Members Present:** Kimball Glazier, Samantha Scott, Ken Latham, Jim Linschoten, Kathleen Gray, and Adam Ray.

**Members Excused:** Rory Taylor

**Alternates Present:**

**Alternates Excused:** Brock Smith

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

**WELCOME AND DESIGNATION OF CHAIR AND MEMBERS:** Chair Kimball Glazier welcomed everyone present to the meeting.

**APPROVAL OF MINUTES FROM FEBRUARY 9, 2016:** Chair Kimball Glazier asked if there were any changes to the minutes from February 9, 2016. Kathleen Gray stated that on line 76 “is” should be changed to “it” and on line 123 “five lots residential lots” should actually be “five residential lots”. There being no other corrections, *Samantha Scott moved to approve the minutes of February 9, 2016 with the noted changes. Jim Linschoten seconded the motion. The motion passed with Kimball Glazier, Samantha Scott, Ken Latham, Jim Linschoten, Kathleen Gray, and Adam Ray voting in favor.*

**Request for Recommendation to Consider Amending the Vernal City Municipal Planning and Zoning Code – Chapters 16.04, 16.20, 16.26, 16.48, 16.50, and 16.52 – Adding “Data Center” as a Use – Ordinance No. 2016-03 – Allen Parker:** Allen Parker explained that this ordinance is not in final format, because he felt it would be clearer in this layout for discussion. Mr. Parker explained that the purpose of this ordinance is that Strata is completing a data center here in town. The definition of a data center is a facility that houses servers and other people’s data, so it can be accessed from off-site. Mr. Parker stated that this is a more efficient way for businesses, rather than having to house the servers in their own headquarters. Mr. Parker stated that these have become very popular across the United States and especially in Utah due to the inexpensive power and its geological stability for isolating data. Mr. Parker explained that since there is already a data center here in town and the need to pursue these in the future for building the local economy, the Code needs to be addressed. Mr. Parker reads the definition being suggested of a data center. Mr. Parker stated that he pulled together four or five definitions from other cities to come up with the best one available. It is basically a large building, not a lot of employees, and a lot of computer hardware that processes data. Mr. Parker explained that the main impact on the community with data centers is mostly noise. In referencing Section 16.20.250, this was added to segregate data centers from residential uses by a minimum of 300 feet. It also requires sound barriers around generators where the site abuts a residential zone or is

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within 300 feet of a hotel or motel. Mr. Parker explained that there must be one parking space for each 1,000 square feet of gross floor area. The last section adds data centers to the commercial and industrial use tables. Kimball Glazier opened the public hearing for comments. There being no comments, Mr. Glazier closed the public hearing. Mr. Glazier asked Mr. Parker if he came up with most of this Code by looking at other cities. Mr. Parker explained that some of it was based on other cities; however, the 300 feet rule was a number based on other areas of the Vernal City Code for consistency. Mr. Glazier asked if these data centers are typically in buildings or are they ever stored outside. Mr. Parker stated that they are typically in a nice looking building. The current data center in town is on North Vernal Avenue where the old Strata building is located. Strata is going to lease space for people to house their servers, as well as host their own servers. Mr. Glazier stated that he did not see a need for Section A (2) requiring a site obscuring fence if they are not storing anything outside. Mr. Parker explained that this was added to be consistent in the way commercial and industrial activities are handled. Mr. Glazier confirmed that this section only applies to those property lines abutting residential zones. Mr. Parker stated correct. Mr. Glazier asked if this would create any safety concerns since there is sensitive data. Mr. Parker stated that data centers usually have pretty good security including security guards, fences, key at gate for employees; therefore, he does not see any public safety issues.

Jim Linschoten asked what would prevent anyone from putting a data center in their basement. Mr. Parker stated that if the data center was being used as a commercial enterprise, there would be requirements to comply with. Mr. Linschoten asked if someone hosted servers for their family, would the Code apply to them. Mr. Parker explained that scenario would not be considered an actual data center, but a home occupation. Mr. Linschoten then asked how many servers it would take to become a data center. Mr. Parker explained it would have to take up 25% of your house, hire secondary employees, etc. Mr. Linschoten stated that he is just wondering if in the future someone might try to skirt around the Code. Mr. Parker stated that there is always that possibility. Corey Coleman explained that these types of operations require an extensive cooling system, robust back-up capability, security, and many other high tech requirements. Mr. Parker stated you could have many servers in your home; it would just be the extent of the operation. Mr. Parker explained that data centers are something that communities and especially the State of Utah have been courting for economic purposes, and Vernal is being looked at as being competitive for data centers around the State, which might add another component to our economy other than oil and gas. *Samantha Scott moved to forward a positive recommendation to the City Council to consider amending the Vernal City Municipal Planning and Zoning Code – Chapters 16.04, 16.20, 16.26, 16.48, 16.50, and 16.52 – Adding “Data Center” as a Use – Ordinance No. 2016-03. Kathleen Gray seconded the motion. The motion passed with Kimball Glazier, Samantha Scott, Ken Latham, Jim Linschoten, Kathleen Gray, and Adam Ray voting in favor.*

**Request for Recommendation to Consider Amending the Vernal City Municipal Planning & Zoning Code - Repealing Sections 9.32.020, 16.24.055 and 16.24.080, Amending Section 16.04.240 and Adding Section 16.20.350 – Fencing Regulations – Ordinance No. 2016-01 - Allen Parker:** Allen Parker explained that last month there were some problems with this ordinance, so the Planning Commission tabled it. This ordinance has been corrected. Mr. Parker asked the Commission if they would like to go through the ordinance in detail or just go through

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the highlighted corrections. The Commission agreed to discuss the highlighted changes, since this has been discussed for many months. Mr. Parker briefly went over the changes from last month. Section D is new, which discusses parcels with a non-residential use. Mr. Parker explained that barbed wire fences have been clarified. The Council members were concerned that the Code prevented barbed wire fences from being put up around a legitimate agriculture use. Kimball Glazier noted that in Section E (B) of barbed wire fences, there is a typo on the second line “witchi” should be “which”. Mr. Parker reads Section E (1) a under barbed wire and asked the Commission if it was confusing or clear. The Commission agreed it was clear. Mr. Parker read Section E (1) b to make sure it was clear on using barbed wire for agricultural use. Adam Ray voiced his concern with the six month time frame. Mr. Glazier agreed and stated that it is appropriate to have some kind of time frame; however, six months might be excessive. Kathleen Gray asked “what if you have a calf that you are trying to fatten up for just three or four months?” Mr. Glazier stated that he would be okay with reducing it as low as a month or two. Mr. Parker stated that he was thinking three months. Mr. Parker asked Adam Ray if he was okay with three months. Mr. Ray stated that if he had a lot, it would depend on how much growth was there. He added that if you put two cows in there, and they eat it off in a month, it would eliminate it from using that barbed wire fence. Mr. Parker reminded the Commission that this new Code only applies to new fence construction, not a non-conforming fence that was put up before. Mr. Glazier voiced his concern in making sure the Code is not giving anyone a loop hole. Ms. Gray asked for clarification on if it had to be used for a consecutive three months. Mr. Parker stated that it is three months in a calendar year. The main idea was to make sure barbed wire fences are used specifically with animals. Mr. Glazier stated that barbed wire fences can be a safety hazard. The consensus of the Planning Commission was to change it from six months to three months.

Mr. Parker stated that Section C (2) was newly added as there was nothing associated with conditional uses. Corey Coleman asked about Section C (1) b. Mr. Parker explained that Section C (1) b was removed, because the City Council felt that it was defeating the purpose of the fence in creating privacy from the public road for the people that have a back yard or a side yard. Mr. Glazier asked if the height requirement was removed as well. Mr. Parker stated that there is still the height requirement under Section B (1) b. Mr. Glazier noted that it only references to abutting a front yard and asked what about a side yard. The definition of a front yard is the yard facing the house. Mr. Glazier asked if a side yard still allows for a six or seven foot site obscuring fence. Mr. Parker stated that this section applies only to more than four dwelling units. Apartments are required to have a six foot fence around the unit, except any fence in a front yard or abutting a front yard on an adjoining parcel shall be limited to four feet in height. Mr. Glazier stated that is an issue on a corner lot. He added that if your back yard is abutting someone’s front yard on a corner lot, you are restricted from placing a privacy fence in your back yard. Mr. Parker explained that this section specifically applies to apartments and multifamily units. Mr. Parker reads Section A (1) for parcels with up to four dwelling units and stated that a conditional use permit can be used for fences in rear and side yards. Mr. Glazier stated that Section A (1) indicates that on a corner lot, the back fence cannot be taller than four feet. Mr. Parker refers to the white board to draw a picture showing what this Code is referring to as it pertains to fences. The Planning Commission discussed all the options regarding a corner lot. The consensus of the Commission was to strike “or abutting a front yard on an adjoining parcel”. Mr. Parker asked the Commission if they would like it removed from both sections A

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and B. Section B applies to parcels with more than four dwelling units. The consensus was to leave it in Section B. *Kathleen Gray moved to forward a positive recommendation to the City Council with the noted changes amending the Vernal City Municipal Planning & Zoning Code - Repealing Sections 9.32.020, 16.24.055 and 16.24.080, Amending Section 16.04.240 and Adding Section 16.20.350 – Fencing Regulations – Ordinance No. 2016-01. Jim Linschoten seconded the motion. The motion passed with Kimball Glazier, Samantha Scott, Ken Latham, Jim Linschoten, Kathleen Gray, and Adam Ray voting in favor.*

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

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Kimball Glazier, Planning Commission Chair