

MINUTES of the VERNAL CITY PLANNING COMMISSION

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

July 12, 2016

7:00 pm

Members Present: Kimball Glazier, Samantha Scott, Jim Linschoten, Adam Ray

Members Excused: Kathleen Gray

Alternates Present: Brock Smith

Alternates Excused:

Staff Present: Ken Bassett, City Manager; Corey Coleman, Building Official; and Gay Lee Jeffs, Administrative Clerk.

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

APPROVAL OF MINUTES FROM May 10, 2016: Chair Kimball Glazier asked if there were any changes to the minutes from May 10, 2016. Chair Kimball Glazier explained that there were not enough members present who were in attendance of the May 10, 2016 meeting to vote. *The minutes of May 10, 2016 are deemed approved as per the Vernal City Municipal Code, Section 2.12.080.*

RECOGNITION OF PAST PLANNING COMMISSION MEMBER, KEN LATHAM: Mr. Latham did not attend the meeting to receive his recognition plaque. His recognition plaque will be presented to him at his residence.

REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE – CHAPTERS 16.24 - SUPPLEMENTARY REGULATIONS, FLAG LOTS PERMITTED, AND 16.28 SIGN REGULATIONS – ORDINANCE NO. 2016-09 – KEN BASSETT: City Manager, Ken Bassett, stated that he had read through the previous meeting minutes and found that the Planning Commission had been discussing a noise ordinance to add to the City Code. The noise mitigation plans are relating to the Strata Data Center. The Planning Commission had previously forwarded a positive recommendation to the City Council, but the City Council had questions about the ordinance and sent it back to the Planning Commission. Mr. Bassett believed that Allen Parker's intent was to adopt language that referred to a noise mitigation plan. The City Council found the language was a little confusing and would like to make sure the wording in the ordinance is easy and clear to understand. Mr. Bassett stated that he would check with Mr. Parker to see if the noise mitigation ordinance is ready and if so, it will be on the agenda for the next meeting. The noise mitigation ordinance will be tabled until Mr. Bassett is able to speak to Mr. Parker to see if the ordinance is ready to be brought before the Planning Commission.

Mr. Bassett directed the Commission members to the City Municipal Planning and Zoning Code

**Vernal City Planning Commission Minutes
July 12, 2016**

Chapters 16.24 and 16.28– Dealing with two to three different issues. The first issue is found in Chapter 16.24 Flag Lots. The issue first came up when an individual called regarding flag lots and asked Mr. Bassett that if a home on the flag portion of the lot where you don't have a road with side, front or back yards, what would the side, front and back yard requirements be? Mr. Bassett drew an example of a flag lot on the white board to show the Commission members what a flag lot looks like. He showed that with a regular lot, it is easy to distinguish the front, back and sides of a lot due to the location of the road. It is easy to understand the Code with a regular lot. With a flag lot, there is not a designated road. Therefore, paragraph F in Section 1. Section 16.24.060, Flag Lots Permitted, has been added to help clarify setbacks for flag lots. It reads “Enforcement of setback requirements as per this code will be determined based on the orientation of the structure on the property”. Mr. Bassett explained this addition means that a property owner will tell the City the orientation of the property. For example, where the front yard would be located. When the property owner declares the orientation of the property, that will be the orientation used to determine the set-back requirement. This will help provide clarification for setback requirements when there is not a designated road. Adam Ray asked about the purpose of having setbacks. Mr. Bassett explained that not only will a setback requirement help with site lines and uniformity, but it can become a safety issue if not followed. Mr. Bassett gave an example of a neighborhood that had no regulations that was built during the 1950's. Property owners started building additions onto their homes right up to the property line which became a hazard. The intent for back yard setbacks is to have an area for quality of living. Mr. Ray stated he understood about regular property lots, but wondered about the purpose of setbacks for flag lots when no one sees the property from a main road. Kimball Glazier explained that the purpose would be fairness. Setbacks need to apply to everyone including flag lot owners. Brock Smith suggested having the driveway considered the front setback based on the access. Mr. Glazier went to the white board and drew an example of a flag lot that he owns that has two regular lots attached at the end of the panhandle. Mr. Smith asked if the front door was facing away from the access to the home, if the front setback could be at the back of the home. Mr. Glazier explained that the front setback is designated from the road not the front door.

Mr. Bassett stated that Corey Coleman had suggested a change on Section 1. Section 16.24.060 B the second sentence. The sentence currently reads, “Required side yards shall not be counted as part of the access strip, the access strip shall be a hard surface with adequate drainage and properly maintained”. It was suggested to eliminate the word “side” from of the sentence. Mr. Glazier asked if the wording is changed, at what point does the road end and what about the access concerning his flag lot. Mr. Glazier stated that it is a recorded access for multiple lots. Mr. Smith directed the Commission to the last sentence of the section which states “Shared access for more than one lot may be allowed with a recorded easement for all property owners”. Mr. Glazier asked if an access needs to be paved. There was some discussion on whether or not an access needs to be paved. It was decided that the panhandle is the only access that needs to have a hard surface. Mr. Coleman asked about the maintenance of the access. There was discussion about the maintenance of the access. It was decided that it is not the City's responsibility to govern the maintenance of the access. It is the property owner's responsibility to maintain the access. A recorded access agreement to any other lots should be created to help maintain the access. It is the responsibility of the owner to do their due diligence when purchasing the property. Mr. Glazier asked why the definition for a hard surface does not include gravel. Mr. Bassett stated that a hard surface has been defined several times over the

years, but can be addressed again at another time. It was suggested that the ordinance indicate that access to a fire hydrant must be hard surfaced.

Mr. Bassett directed the Commission's attention to Section 2. Section 16.28.087 Menu and Directional signs. This section deals with drive-thru areas for fast food restaurants. Some drive-thru areas have roofs that have overhangs. Mr. Coleman stated that every once in a while a vehicle will run into an overhang from one of the restaurants. Mr. Bassett read the addition to this section, "If an architectural projection exists on the main structure under which there will be vehicular movement, cautionary signage shall indicate a maximum height of vehicles to be six inches below the bottom of the architectural projection". Mr. Bassett stated that the vehicle must be shorter which must include antennas and any other item on a vehicle that would interfere with the architectural projection. The signage needs to be clear about the maximum height of a vehicle. Mr. Glazier suggested changing the wording to "...six inches below the lowest point of the architectural projection in the vehicular pathway" and making it a new section.

Mr. Bassett stated that in Section 4. Section 16.28.070, Flat or Wall Signs, that there is a provision that talks about signs on the wall of a building that cannot use any more than twenty-five percent of the wall. Mr. Bassett suggested removing the words "building façade or" from Section 16.28.070 B. Area. and having the section read "...twenty-five percent of the wall on which the sign(s) are to be placed or a maximum of one-hundred fifty square feet. C. A sign placed on the roof of a structure shall not be more than five feet higher than the highest point of the structure's roof and shall be included in the total square footage of all wall or roof signage allowed which is no more than twenty-five percent of the largest wall of the structure or a maximum of one-hundred fifty square feet". Mr. Bassett then suggested removing "one hundred fifty square feet" and leaving "twenty-five percent" in this section. Mr. Bassett explained that a roof sign cannot extend more than five feet from the highest point of the roof. That signage on the roof would be included in the twenty-five percent of the wall. Mr. Ray asked about signage inside a building. Mr. Bassett explained that any signage inside a building would not be included in this ordinance and that the intent of this ordinance is permanent signage. Mr. Glazier asked about removing the words "building façade" from the ordinance. There was some discussion about a building façade. Mr. Smith suggested as a definition that the roof does not start until the wall ends. Mr. Glazier stated that there are gables built on roofs that have walls built around them. Mr. Bassett suggested leaving the words "building façade" in the ordinance. Mr. Smith stated that a developer knows what a façade is. Mr. Glazier asked if wall murals would be allowable. Mr. Bassett stated that he would have to find out and that he cannot remember anything in the code that regulates wall murals. Mr. Coleman stated that it is unregulated signage and that a wall mural does not require a permit, only signage for structural stability. Mr. Glazier read the first sentence of Section 4. Section 16.28.070 Flat or wall signs. A. Zoning. "Flat or wall signs include identification, advertising, and business signs which are mounted or painted against a wall or building façade". Mr. Bassett stated that if painting on the wall of a building is not regulated, then the painting could get out of hand with tacky or offensive messages. Mr. Smith stated that some painting on walls do contain advertisements. Mr. Bassett suggested eliminating the word "painted" and keeping "mounted".

Mr. Glazier opened the public hearing to receive comment from the public. There were no public comments. Mr. Glazier closed the public hearing. Mr. Bassett stated that the issue is with the safety

Vernal City Planning Commission Minutes
July 12, 2016

of the sign. If a sign is not mounted correctly, it can become a safety issue. Mr. Coleman stated that signs are regulated in the ICC Building Code. If there is something that the City would like to change, they can petition the state to make the change. The City could require every sign to be permitted which would make signs more uniform. That way no one would need to worry about safety. Mr. Glazier asked about real estate signs. Mr. Coleman explained that real estate signs are exempt. *Samantha Scott moved to forward a positive recommendation to amend the Vernal City Municipal Planning and Zoning Code – Chapters 16.24 - Supplementary Regulations, Flag Lots Permitted, and 16.28 Sign Regulations – Ordinance no. 2016-09 with noted changes. Jim Linschoten seconded the motion. The motion passed with Kimball Glazier, Samantha Scott, Jim Linschoten, Adam Ray and Brock Smith voting in favor.*

PLANNING COMMISSION VACANCIES – KEN BASSETT: Ken Bassett explained that there are vacancies on the Planning Commission. Two vacancies as members and two vacancies as alternates. Mr. Bassett has one person in mind, but others are still needed. The Planning Commission needs individuals who have the capability of serving. Mr. Glazier stated that he had talked to Matt Cazier from the County, and asked if he could talk to him to consider this position.

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.*

Kimball Glazier, Planning Commission Chair