

MINUTES of the Vernal City PLANNING COMMISSION

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

September 14, 2021

7:00 pm

Members Present: Samantha Scott, Corey Foley, Eric Hunting, Troy Allred, Nick Porter

Members Excused: Jim Linschoten

Alternates Present: Brandon Parker

Alternates Excused: Stephen Lytle

Staff Present: Allen Parker, Assistant City Manager; Matthew Tate, Building Official; and Gay Lee Jeffs, Administrative Secretary.

WELCOME AND DESIGNATION OF CHAIR AND MEMBERS: Chair Samantha Scott welcomed everyone present to the meeting.

APPROVAL OF MINUTES FROM August 10, 2021: Chair Samantha Scott asked if there were any changes to the minutes from August 10, 2021. There being no corrections, *Eric Hunting moved to approve the minutes of August 10, 2021 as presented. Nick Porter seconded the motion. The motion passed with Samantha Scott, Corey Foley, Eric Hunting, Troy Allred, Nick Porter and Brandon Parker voting in favor.*

REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING SECTION 16.04 – DEFINITIONS – DEFINITION OF A DWELLING ORDINANCE NO.2021-16

Allen Parker explained that Ordinance no. 2021-16 was discussed at the last Planning Commission meeting and that there was a change to the living space inserted from the last meeting. Corey Foley asked how it would affect a barn-dominium or a shop. Mr. Parker stated that it would affect a barn-dominium but a shop is not included. A shop behind a dwelling is not affected. A dwelling, like a barn-dominium, has to be on the property and, the dwelling itself, has to have fifty percent (50%) living space. Mr. Foley commented that he would like to see an example included with Ordinance no. 2021-16. Mr. Parker stated that the ordinance could read as follows, "...The portion of the building that is classified as dwelling must not have more than fifty percent (50%) of its floor area dedicated to uses other than living space ...", but will consult the International Residential Code (IRC) building code definition and make the changes that will give the best definition.

Chair, Samantha Scott opened the public hearing to receive comment from the public. There being no comment from the public, Chair, Samantha Scott closed the public hearing.

Nick Porter moved to forward a positive recommendation to the City Council, reflecting the

word changes, to consider amending Section 16.04 – Definitions – Definition of a Dwelling - Ordinance No. 2021-16 Troy Allred seconded the motion. The motion passed with Samantha Scott, Eric Hunting, Nick Porter, Troy Allred, Corey Foley and Brandon Parker voting in favor.

REQUEST FOR RECOMMENDATION TO CONSIDER ADDING SECTION 16.20.308 – DWELLING, INTERNAL ADDITIONAL, AND AMENDING SECTIONS 16.34.020 – A-1 AGRICULTURAL ZONE PERMITTED USES, 16.36.035 – R-1 ZONE PERMITTED USES, 16.38.035 – RA-1 ZONE PERMITTED USES, 16.40.035 – R-2 ZONE PERMITTED USES, 16.42.035 – R-3 ZONE PERMITTED USES, 16.44.035 – R-4 ZONE PERMITTED USES, 16.46.020 – MH MANUFACTURED HOME ZONE PERMITTED USES AND ADDING SECTION 16.20.308 – DWELLING, INTERNAL ADDITIONAL- ORDINANCE NO. 2021- 18

Allen Parker explained that the State Legislature passed the additional dwelling unit bill during the last legislative session. It was created to have more living space for people to occupy. The State mandated that all municipalities and counties, within all of their residential zones, must allow single family dwellings to add an additional internal dwelling unit to the resident’s home. The City must adopt an ordinance by October 1 that allows an Internal Additional Dwelling Unit (IADU). It must be allowed for any single family dwelling that exists in the Residential zones. It cannot be excluded from any of the Residential zones. If the City does not pass an ordinance for an IADU by October 1, it will automatically go into effect as written by the State without any additional conditions. An IADU is internal to the existing structure; it is specifically inside the house. Mr. Parker informed the Commission that the ordinance will allow a municipality or county to exclude up to twenty-five percent (25%) of the zone area. The Attorneys have advised the City to not utilize this exclusion due to the possibility of discrimination. Mr. Parker quoted the ordinance that he presented to the Commission, Section 16.20.308 – Dwelling, Internal Additional (IADU). Item A – “An IADU may only be created in relation to a primary single family dwelling. Item B- One (1) additional parking space must be created to support the IADU so that the minimum number of parking spaces for a single family dwelling with an IADU shall be three (3). 1. The parking space supporting the IADU must be surfaced in either asphalt, concrete, masonry pavers or gravel. Item C- The minimum lot size for an IADU shall be six thousand (6,000) square feet. Item D- Current fire egress requirements concerning bedroom window egress must be met at the time an IADU is created. Item E- An IADU may not be created or maintained within a manufactured home as defined in this title. Mr. Parker also informed the Commission that a Home Owners Association (HOA) is not exempt from the ordinance. Corey Foley asked if it would need to have its own entrance, bathroom, laundry room and kitchen. Mr. Parker clarified that it does not need to have its own entrance, but it does need to have its own bathroom, kitchen and somewhere to sleep in order to qualify as a dwelling unit. Mr. Foley asked if it would need to have its own exterior door with a lock or firewalls. Mr. Parker answered that it did not have to have those things. The unit can be entered through the main portion of the residence. It cannot be used for short term rentals. A Bed and Breakfast is a little bit different and is defined in the City Code. There was some discussion on preventing an R-1 neighborhood from becoming strictly rental homes thus changing the zone to an R-2 or higher density. Some ideas were to require the home to be owner occupied, requiring a business

license and/or requiring an IADU permit. Samantha Scott mentioned that those things might be hard to enforce. Mr. Foley suggested requiring as much as possible to help prevent abuse of the ordinance. Nick Porter commented that having more space to rent equals more people to put money into the economy. Mr. Parker stated that a building permit will be required for structural modifications to a home anyway. We do not want to over regulate.

Chair, Samantha Scott opened the public hearing to receive comment from the public. There being no comment from the public, Chair, Samantha Scott closed the public hearing.

Brandon Parker moved to forward a positive recommendation to the City Council to consider adding Section 16.20.308 – Dwelling, Internal Additional, and amending Sections 16.34.020 – A-1 Agricultural zone Permitted Uses, 16.36.035 –R-1 zone Permitted Uses, 16.38.035 – RA-1 zone Permitted Uses, 16.40.035 – R-2 zone Permitted Uses, 16.42.035 – R-3 zone Permitted Uses, 16.44.035 –R-4 zone Permitted Uses, 16.46.020 – MH Manufactured Home zone Permitted Uses and adding Section 16.20.308 – Dwelling, Internal Additional- Ordinance No. 2021- 18. Nick Porter seconded the motion. The motion passed with Samantha Scott, Nick Porter, Troy Allred, and Brandon Parker voting in favor and Eric Hunting and Corey Foley opposing.

REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING CHAPTER 16.18 – FLOOD DAMAGE PREVENTION, AND SECTION 16.06.060 – PROVISION FOR STORM DRAINAGE – RETENTION ON OWN PROPERTY – ORDINANCE NO. 2021-19

Allen Parker explained that Section 16.06.060 is going to be deleted and creating Section 16.18.300. The reason for the change is that the location of the Section covering Storm Water is in the wrong place in the Code and is difficult for developers to find. It will be put under the Flood Prevention section of the Code which is 16.18. Another problem has been with the old section of the Code that specified calculations for storm water runoff. Mr. Parker and the Engineers produced new code to help developers and engineers with their calculations. The amount of storm water retention was not changed or when it needs to be retained. The only changes made to this section, is how it is calculated. The rest is mostly out of old Code.

Chair, Samantha Scott opened the public hearing to receive comment from the public. There being no comment from the public, Chair, Samantha Scott closed the public hearing.

Troy Allred moved to forward a positive recommendation to the City Council to consider amending Chapter 16.18 –Flood Damage Prevention, and Section 16.06.060 – Provision for Storm Drainage – Retention on Own Property – Ordinance No. 2021-19. Corey Foley seconded the motion. The motion passed with Samantha Scott, Eric Hunting, Nick Porter, Troy Allred, Corey Foley and Brandon Parker voting in favor.

OPEN MEETING TRAINING

Allen Parker explained that all Planning Commission members must take the Open Meeting training by the end of December as mandated by the State. It can be completed online or it can be

added to the December Planning Commission meeting agenda. Corey Foley asked if the link could be emailed to the Commission. Mr. Parker stated that he would email the link for the Open Meeting training to the Commission members.

DISCUSSION OF A FUTURE AGENDA ITEM REGARDING SECTION 16.04-DEFINITIONS

Allen Parker introduced Section 16.04.190 which will be added to the Code. It creates the definition for an Internal Additional Dwelling Unit. Section 16.04.235 will be amended to reflect the definition of a family as mandated by the State. The current definition of a family will be deleted and replaced with the presented Code. The State has mandated that a municipality or county cannot reference relationships in any way as the definition of a family. The City Attorney has looked at the presented Code and has made no changes. Mr. Parker read the presented definition, "A group of individuals, related or unrelated, living together as a domestic group in a single dwelling unit. A family shall not exceed fifteen (15) individuals." Mr. Parker commented that he is not sure about the last sentence of the Code. Regulating the number of individuals that can live in a single family dwelling could affect some families that have large amount of children. There was some discussion and concern about the impact not regulating the number of people living in a single family dwelling could have on a neighborhood with parking, health issues and foster care Code. Mr. Parker stated that this Code will be on the next agenda for a public hearing.

ADJOURN: There being no further business, *Troy Allred moved to adjourn. Nick Porter seconded the motion. The motion passed with a unanimous vote, and the meeting was adjourned.*

Samantha Scott, Planning Commission Chair