

## **TO THE PUBLIC AND RESIDENTS OF VERNAL CITY:**

Notice is hereby given that the **VERNAL CITY PLANNING COMMISSION** will hold a regular meeting on **Tuesday, May 12, 2015 at 7:00 p.m.** in the Vernal City Council Chambers at 374 East Main Street, Vernal, Utah.

# **AGENDA**

### **A. STANDING BUSINESS:**

1. Welcome and Designation of Chair and Members
2. Approval of Minutes of April 14, 2015 Regular Meeting

### **B. DISCUSSION ITEMS:**

1. Vernal City Municipal Planning & Zoning Code – Chapter 16.12 - Rebuilding Non-Conforming Structures – Allen Parker
2. Vernal City Municipal Planning & Zoning Code – Chapters 16.36, 16.38, 16.40, 16.42, and 16.44 - Size and Finishes of Buildings in Residential Zones – Allen Parker
3. Vernal City Municipal Planning & Zoning Code – Chapter 16.04 – Definition of Yards – Allen Parker

### **C. ADJOURN**

1 **MINUTES of the Vernal City PLANNING COMMISSION**

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

3 April 14, 2015

4 7:00 pm

5  
6 **Members Present:** Rory Taylor, Kimball Glazier, Kathleen Gray, Mike Drechsel,  
7 Samantha Scott, Ken Latham, Scott Gessell

8  
9 **Alternates Present:** Adam Ray and Isaac Francisco

10  
11 **Alternates Excused:** Kam Pope

12  
13 **Staff Present:** Allen Parker, Assistant City Manager; Corey Coleman, Building  
14 Official; and Gay Lee Jeffs, Administrative Clerk.

15  
16 **WELCOME AND DESIGNATION OF CHAIR AND MEMBERS:** Chair Mike Drechsel  
17 welcomed everyone present to the meeting.

18  
19 **APPROVAL OF MINUTES FROM MARCH 10, 2015:** Chair Mike Drechsel asked if there  
20 were any changes to the minutes from **March 10, 2015**. Rory Taylor suggested changing the  
21 word graphical on line 77 to graphically. There were no other changes. *Rory Taylor moved to*  
22 *approve the minutes of March 10, 2015 with the correction as noted. Kathleen Gray seconded*  
23 *the motion. The motion passed with Rory Taylor, Kimball Glazier, Kathleen Gray, Mike*  
24 *Drechsel, Samantha Scot, Ken Latham, and Scott Gessell voting in favor.*

25  
26 **REQUEST FOR APPROVAL OF A CONDITIONAL USE PERMIT FROM ALLEN**  
27 **KNUTSON FOR A SIX FOOT FENCE LOCATED AT 315 EAST 500 SOUTH, VERNAL,**  
28 **UTAH – APPLICATION # 2015-004-CUP – ALLEN PARKER:** Mike Drechsel asked  
29 Allen Parker to explain the conditional use permit request. Mr. Parker explained that this is a  
30 request from Allen Knutson for a conditional use permit for a six foot privacy fence on the east  
31 side of the front yard of Mr. Knutson’s property. Mr. Parker stated that this is an approvable  
32 item and that a clear vision triangle would be enforced on the property. Mr. Drechsel opened the  
33 public hearing for public comment. There being no comment, Mr. Drechsel closed the public  
34 hearing. Kimball Glazier voiced concerns about safety for children and traffic with a six foot  
35 fence in the front yard of the property. Mr. Glazier looked through the Code for conditional use  
36 and does not feel that the request is approvable. Mr. Glazier stated he thinks it will be a major  
37 safety hazard and read Municipal Code, Section 16.24.080 (A) fence height requirements. Mr.  
38 Glazier stated the semi-colon distinguishes a separation in the first sentence. Mr. Parker  
39 explained that the first part of the sentence is intended to be included in the same line with the  
40 conditional use component to it. Mr. Drechsel stated that the first part of the sentence does not  
41 appear to be the same line. Mr. Glazier asked if the City grants a conditional use permit for a six  
42 foot fence, would the City need to do it for any other citizen that would like a six foot fence in  
43 their front yard. A standard must be kept. Mr. Parker stated it needs to be addressed by Code.  
44 Kathleen Gray stated that a six foot, front yard fence had recently been approved. Mr. Parker  
45 reiterated that a twenty foot clear vision triangle will be maintained. This is not a waiver for a  
46 clear vision triangle. Mr. Glazier stated that his interpretation of the Code is not approvable and  
47 the City cannot keep approving a mistake. Ms. Gray stated that the apartments across the street

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

82  
83 **REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL**  
84 **CITY MUNICIPAL PLANNING & ZONING CODE – CHAPTERS 16.40 (R-2**  
85 **RESIDENTIAL ZONE), 16.42 (R-3 RESIDENTIAL ZONE), AND 16.44 (R-4**  
86 **RESIDENTIAL ZONE) – MINIMUM AREA REQUIREMENTS AND MINIMUM**  
87 **WIDTH REQUIREMENTS – ORDINANCE NO. 2015-06:** Allen Parker stated that there is  
88 an area in the Code that is being clarified concerning twin homes. The wording now clarifies  
89 and adds resolution to the Code. Mike Drechsel opened the public hearing for public comment.  
90 There being no comment, Mr. Drechsel closed the public hearing. ***Kimball Glazier moved to  
91 forward a positive recommendation to the City Council to consider amending the Vernal City  
92 Municipal Planning & Zoning Code – Chapters 16.40 (R-2 Residential Zone), 16.42 (R-3  
93 Residential Zone), and 16.44 (R-4 Residential Zone) – minimum area requirements and  
94 minimum width requirements – Ordinance No. 2015-06. Scott Gessell seconded the motion.  
95 The motion passed with Rory Taylor, Kimball Glazier, Kathleen Gray, Mike Drechsel,***

96 *Samantha Scott, Ken Latham and Scott Gessell voting in favor.*  
97

98 **REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL**  
99 **CITY GENERAL PLAN & FUTURE LAND USE MAP – ORDINANCE NO. 2015-04 –**

100 **ALLEN PARKER:** Allen Parker stated there was one revision made after the packets were  
101 distributed. There is an explanation attached to the legend that reads “Transition areas may be  
102 considered for land use. Use is indicated in the directly adjacent areas.” It gives more clarity to  
103 the transition areas. Also added to the legend is a segment that tells what the transition areas are  
104 and gives some definition to it. The transition areas were widened out to twice the previous  
105 width on the map that was brought in for consideration. Rory Taylor stated it looks good and he  
106 likes the explanation. Mike Drechsel agrees with Mr. Taylor and thinks it accomplishes what  
107 has been discussed in terms of clarifying the transition areas. Mr. Taylor stated the map seems  
108 graphically easy to read and understand. *Kimball Glazier moved to forward a positive*  
109 *recommendation to the City Council to consider amending the Vernal City General Plan &*  
110 *Future Land Use Map – Ordinance No. 2015-04. Kathleen Gray seconded the motion. The*  
111 *motion passed with Rory Taylor, Kimball Glazier, Kathleen Gray, Mike Drechsel, Samantha*  
112 *Scott, Ken Latham and Scott Gessell voting in favor.*  
113

114 **REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL**  
115 **CITY MUNICIPAL PLANNING & ZONING CODE – CHAPTER 16.06 –**  
116 **ADMINISTRATION AND PROCEDURES AND ADDING CHAPTER 16.60 – MASTER**  
117 **SITE PLAN – ORDINANCE NO. 2015 – 09 –ALLEN PARKER AND A REQUEST FOR**  
118 **RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY**  
119 **MUNICIPAL PLANNING & ZONING CODE – CHAPTER 16.14 – CONDITIONAL**  
120 **USES – ORDINANCE NO. 2015-08 – ALLEN PARKER:**

121 Allen Parker stated these two items were previously approved by Planning & Commission and were forwarded to the City  
122 Council with a positive recommendation. It has been a long time since they were forwarded. The  
123 reason being the hearing officer position had not been confirmed at the time and the correct  
124 language was not put into the ordinances until the decision was made on a Board of Adjustment  
125 or a hearing officer. The City Council approved a hearing officer. Mike Drechsel stated these  
126 items do not need an approval from the Commission, because they were approved previously,  
127 but the Commission can re-affirm the previous recommendation. Kimball Glazier asked if  
128 there would be someone for an oversight situation. Mr. Parker explained that Glade Allred with  
129 the Street Department, Mike Davis with the Water Department, and another engineer will look at  
130 master site plans for peer review looking for possible things that might have been missed. Mr.  
131 Drechsel added that the hearing officer would be another oversight person if needed. Mr.  
132 Glazier explained that he would like to make sure Vernal City government is transparent. It was  
133 agreed that no action needed to be taken on the two items.  
134

135 **ADJOURN:** There being no further business, *Kimball Glazier moved to adjourn. Rory Taylor*  
136 *seconded the motion. The motion passed with a unanimous vote, and the meeting was*  
137 *adjourned.*  
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Mike Drechsel, Planning Commission Chair

Section 16.12.010 Noncomplying buildings--Maintenance, repairs and upkeep.

- A. A noncomplying building or structure may be maintained.
- B. Repairs and structural alterations may be made to a noncomplying building.
- C. A noncomplying building or structure which is involuntarily destroyed in whole or in part due to fire or other calamity may be restored and the occupancy or use of such building, structure or part thereof which existed at the time of such partial destruction may be continued or resumed; provided, that such restoration is started within a period of one (1) year and is diligently prosecuted to completion.
- D. A noncomplying structure which is in noncompliance solely due to setback violations and that sits on a lot that does not meet width and/or area requirements under current Vernal City code may be removed and rebuild within one (1) year of removal provided that:
  - 1. There is no increase in occupied space within the new structure as compared to the original structure.
  - 2. The footprint of the original structure is maintained with the new structure.

Section 16.12.020 Noncomplying buildings--Additions, enlargements and moving.

- A. A building or structure noncomplying as to use regulations shall not be added to or enlarged, in any manner, unless such building or structure, including such additions and enlargements, is made to conform to all the regulations of the zone in which it is located.
- B. A building or structure noncomplying as to height, area or yard regulations shall not be added to or enlarged in any manner unless such addition and enlargement conforms to all the regulations of the zone in which it is located.
- C. A building or structure lacking sufficient automobile parking space as required by this title may be altered or enlarged, provided additional parking space is supplied to meet the requirements of this title for such alteration or enlargement.
- D. No noncomplying building or structure shall be moved in whole or in part to any other location on the lot unless every portion of such building or structure is made to comply to all the regulations of the zone in which it is located.

Current City ordinances allow for a very wide variety of structure types in residential zones. Concern has been expressed by the City Council concerning the following:

- height of buildings (currently limited to 35 feet for main structures such as homes and 20 feet for accessory structures such as garages or shops)
- exterior finishes such as steel, siding, brick and stucco
- the ratio of dwelling space to garage in a main structure
- the setback of tall structures from other lots

By way of example, our current ordinance allows for a large 35 foot tall steel structure, primarily shop space with a small apartment incorporated into the structure, to be built as a primary residence. My intention is to discuss with the Commission different ways that we can address the above concerns in order to protect the integrity of residential neighborhoods.

Section 16.04.025 Architectural Projection.

A portion of a building or structure projecting beyond what is directly above the foundation of a building. Architectural projections signs or steps.

~~Any projection which is not intended for occupancy and which extends beyond the face of an exterior wall or a building but shall not include signs.~~

Section 16.04.750 Yard.

An open unoccupied space, other than a court, unobstructed from the ground to the sky, except where specifically provided by this title, on the lot on which a building is situated.

Section 16.04.755 Yard, front.

An open space on the same lot with a building, between the front line of the building (exclusive of steps or architectural projections) and ~~the front~~ an exterior lot line adjoining and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the ~~front~~ exterior lot line and front line of the building. The front and rear yard areas shall be on directly opposite sides of the building.

Section 16.04.760 Yard, rear.

An open, unoccupied space on the same lot with a building, between the rear line of the building (exclusive of steps or architectural projections) and the rear lot line directly opposite of the front lot line and extending the full width of the lot.

Section 16.04.765 Yard, side.

An open, unoccupied space on the same lot with a building, ~~between the side line of the building~~ (exclusive of steps or architectural projections) and the side lot line and extending from the front yard to the rear yard that is not considered part of the front or rear yard.