

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, April 12, 2016 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 March 8, 2016 Regular Meeting

B. PUBLIC HEARING – 7:05 PM

1. Request for Recommendation to Consider Amending the Vernal City Municipal Planning and Zoning Code – Chapters 16.04 - Definitions and 16.48 – C-2 & CC-1 – Commercial Zones – Allen Parker

C. ACTION ITEM

1. Request for Approval of a Conditional Use Permit for Jeffrey Durham with 5D Recyclers – Application No. 2016-003-CUP – Allen Parker

D. DISCUSSION ITEM

1. Request 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

E. ADJOURN

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

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

3 March 8, 2016

4 7:00 pm

5
6 **Members Present:** Kimball Glazier, Samantha Scott, Ken Latham, Jim Linschoten,
7 Kathleen Gray, and Adam Ray.

8
9 **Members Excused:** Rory Taylor

10
11 **Alternates Present:**

12
13 **Alternates Excused:** Brock Smith

14
15 **Staff Present:** Allen Parker, Assistant City Manager; Corey Coleman, Building
16 Official; and Sherri Montgomery, Administrative Clerk.

17
18 **WELCOME AND DESIGNATION OF CHAIR AND MEMBERS:** Chair Kimball Glazier
19 welcomed everyone present to the meeting.

20
21 **APPROVAL OF MINUTES FROM FEBRUARY 9, 2016:** Chair Kimball Glazier asked if
22 there were any changes to the minutes from February 9, 2016. Kathleen Gray stated that on line
23 76 "is" should be changed to "it" and on line 123 "five lots residential lots" should actually be
24 "five residential lots". There being no other corrections, *Samantha Scott moved to approve the*
25 *minutes of February 9, 2016 with the noted changes. Jim Linschoten seconded the motion.*
26 *The motion passed with Kimball Glazier, Samantha Scott, Ken Latham, Jim Linschoten,*
27 *Kathleen Gray, and Adam Ray voting in favor.*

28
29 **Request for Recommendation to Consider Amending the Vernal City Municipal Planning**
30 **and Zoning Code – Chapters 16.04, 16.20, 16.26, 16.48, 16.50, and 16.52 – Adding “Data**
31 **Center” as a Use – Ordinance No. 2016-03 – Allen Parker:** Allen Parker explained that this
32 ordinance is not in final format, because he felt it would be clearer in this layout for discussion.
33 Mr. Parker explained that the purpose of this ordinance is that Strata is completing a data center
34 here in town. The definition of a data center is a facility that houses servers and other people’s
35 data, so it can be accessed from off-site. Mr. Parker stated that this is a more efficient way for
36 businesses, rather than having to house the servers in their own headquarters. Mr. Parker stated
37 that these have become very popular across the United States and especially in Utah due to the
38 inexpensive power and its geological stability for isolating data. Mr. Parker explained that since
39 there is already a data center here in town and the need to pursue these in the future for building
40 the local economy, the Code needs to be addressed. Mr. Parker reads the definition being
41 suggested of a data center. Mr. Parker stated that he pulled together four or five definitions from
42 other cities to come up with the best one available. It is basically a large building, not a lot of
43 employees, and a lot of computer hardware that processes data. Mr. Parker explained that the
44 main impact on the community with data centers is mostly noise. In referencing Section
45 16.20.250, this was added to segregate data centers from residential uses by a minimum of 300
46 feet. It also requires sound barriers around generators where the site abuts a residential zone or is

Vernal City Planning Commission Minutes
March 8, 2016

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

65
66 Jim Linschoten asked what would prevent anyone from putting a data center in their basement.
67 Mr. Parker stated that if the data center was being used as a commercial enterprise, there would
68 be requirements to comply with. Mr. Linschoten asked if someone hosted servers for their
69 family, would the Code apply to them. Mr. Parker explained that scenario would not be
70 considered an actual data center, but a home occupation. Mr. Linschoten then asked how many
71 servers it would take to become a data center. Mr. Parker explained it would have to take up
72 25% of your house, hire secondary employees, etc. Mr. Linschoten stated that he is just
73 wondering if in the future someone might try to skirt around the Code. Mr. Parker stated that
74 there is always that possibility. Corey Coleman explained that these types of operations require
75 an extensive cooling system, robust back-up capability, security, and many other high tech
76 requirements. Mr. Parker stated you could have many servers in your home; it would just be the
77 extent of the operation. Mr. Parker explained that data centers are something that communities
78 and especially the State of Utah have been courting for economic purposes, and Vernal is being
79 looked at as being competitive for data centers around the State, which might add another
80 component to our economy other than oil and gas. *Samantha Scott moved to forward a positive
81 recommendation to the City Council to consider amending the Vernal City Municipal
82 Planning and Zoning Code – Chapters 16.04, 16.20, 16.26, 16.48, 16.50, and 16.52 – Adding
83 “Data Center” as a Use – Ordinance No. 2016-03. Kathleen Gray seconded the motion. The
84 motion passed with Kimball Glazier, Samantha Scott, Ken Latham, Jim Linschoten, Kathleen
85 Gray, and Adam Ray voting in favor.*

86
87 **Request for Recommendation to Consider Amending the Vernal City Municipal Planning**
88 **& Zoning Code - Repealing Sections 9.32.020, 16.24.055 and 16.24.080, Amending Section**
89 **16.04.240 and Adding Section 16.20.350 – Fencing Regulations – Ordinance No. 2016-01 -**
90 **Allen Parker:** Allen Parker explained that last month there were some problems with this
91 ordinance, so the Planning Commission tabled it. This ordinance has been corrected. Mr. Parker
92 asked the Commission if they would like to go through the ordinance in detail or just go through

Vernal City Planning Commission Minutes
March 8, 2016

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

117
118 Mr. Parker stated that Section C (2) was newly added as there was nothing associated with
119 conditional uses. Corey Coleman asked about Section C (1) b. Mr. Parker explained that
120 Section C (1) b was removed, because the City Council felt that it was defeating the purpose of
121 the fence in creating privacy from the public road for the people that have a back yard or a side
122 yard. Mr. Glazier asked if the height requirement was removed as well. Mr. Parker stated that
123 there is still the height requirement under Section B (1) b. Mr. Glazier noted that it only
124 references to abutting a front yard and asked what about a side yard. The definition of a front
125 yard is the yard facing the house. Mr. Glazier asked if a side yard still allows for a six or seven
126 foot site obscuring fence. Mr. Parker stated that this section applies only to more than four
127 dwelling units. Apartments are required to have a six foot fence around the unit, except any
128 fence in a front yard or abutting a front yard on an adjoining parcel shall be limited to four feet in
129 height. Mr. Glazier stated that is an issue on a corner lot. He added that if your back yard is
130 abutting someone’s front yard on a corner lot, you are restricted from placing a privacy fence in
131 your back yard. Mr. Parker explained that this section specifically applies to apartments and
132 multifamily units. Mr. Parker reads Section A (1) for parcels with up to four dwelling units and
133 stated that a conditional use permit can be used for fences in rear and side yards. Mr. Glazier
134 stated that Section A (1) indicates that on a corner lot, the back fence cannot be taller than four
135 feet. Mr. Parker refers to the white board to draw a picture showing what this Code is referring
136 to as it pertains to fences. The Planning Commission discussed all the options regarding a corner
137 lot. The consensus of the Commission was to strike “or abutting a front yard on an adjoining
138 parcel”. Mr. Parker asked the Commission if they would like it removed from both sections A

Vernal City Planning Commission Minutes
March 8, 2016

139 and B. Section B applies to parcels with more than four dwelling units. The consensus was to
140 leave it in Section B. *Kathleen Gray moved to forward a positive recommendation to the City*
141 *Council with the noted changes amending the Vernal City Municipal Planning & Zoning*
142 *Code - Repealing Sections 9.32.020, 16.24.055 and 16.24.080, Amending Section 16.04.240*
143 *and Adding Section 16.20.350 – Fencing Regulations – Ordinance No. 2016-01. Jim*
144 *Linschoten seconded the motion. The motion passed with Kimball Glazier, Samantha Scott,*
145 *Ken Latham, Jim Linschoten, Kathleen Gray, and Adam Ray voting in favor.*
146

147 **ADJOURN:** There being no further business, *Adam Ray moved to adjourn. Samantha Scott*
148 *seconded the motion. The motion passed with a unanimous vote, and the meeting was*
149 *adjourned.*
150

151
152
153
154

Kimball Glazier, Planning Commission Chair

Awaiting Formal Approval

16.04.192 Dwelling, Mixed Use Accessory. A dwelling that is incorporated into a structure that is subsidiary and subordinate to the primary use of the structure. No structure may have more than fifty percent (50%) of its gross floor area used as mixed use accessory dwelling.

16.48.030 Uses.

Drive-Up Window Service	P	P
Dwelling, Mixed Use Accessory	N	P
Farm Implement Sale	P	P



VERNAL PLANNING COMMISSION STAFF REPORT

ITEM: B1

DATE: 7 April 2016

APPLICATION:	2016-003-CUP (Jeffery Durham)		
APPLICANT:	Jeffery Durham		
LOCATION:	1092 East Main St.		
PARCEL NUMBER(S):	05:044:0029	ZONE:	I-1
		ACREAGE:	2.23 Acres

ANALYSIS:

Jeffery Durham is requesting the approval of a conditional use permit for an outdoor storage yard. Vernal City Code requires a conditional use permit be obtained for outdoor storage yards in an I-1 zone. This property has been used in the past as an outdoor storage yard, however it has not been occupied recently. In accordance with Section 16.14 Vernal City Code staff finds that:

1. This project will contribute to the general well-being of the community;
2. This project will not be detrimental to the health, safety and well being of the members of the community;
3. This project does comply with the provisions of Vernal City Code.
4. This project complies with the principles of the Vernal City General Plan;
5. This project will not have a derogatory effect on the environment.

III. STAFF RECOMMENDATIONS:

This application is deemed to be in substantial compliance with Vernal City Code and the requirements contained therein. In consideration of the fact that the property is surrounded by very similar uses, staff does not recommend any additional conditions be attached to the approval of this permit. Please note that this conditional use permit DOES NOT supersede any requirement set forth in Vernal City Code or the Vernal City Standards and Specifications.

Allen Parker
Assistant City Manager/Planning Director



East Main St.

U.S. 40

Proposed Site

Adding "Data Center" as a use.

Chapter 16.04 DEFINITIONS

Section 16.04.173 Data center. A facility used to house and maintain electronic hardware whose primary function is the storage, management, and dissemination of electronic data.

Chapter 16.20 SPECIFIC USE REGULATIONS

Section 16.20.250 Data center.

A. Data centers shall comply with the following requirements:

1. A six foot sight obscuring fence shall be required along all property lines abutting a residential zone. Such fence shall comply with all other requirements of Vernal City Code.
2. All electrical generators shall be enclosed behind a solid wall made of concrete or another equivalent sound absorbing material a minimum of four (4) feet higher than the highest point on the generator.
3. All proposed data centers that are within six hundred (600) feet of a residential zone or an existing hotel or motel shall submit a noise mitigation plan in accordance with section 16.24.210 of this code.

Chapter 16.24 SUPPLEMENTARY REGULATIONS

16.24.210 Noise Mitigation Plan

Chapter 16.26 OFF-STREET PARKING AND VEHICLE ACCESS STANDARDS

Section 16.26.120 Parking space requirements--Nondwelling.

Bowling alleys	Four (4) spaces for each bowling lane
Data Center	One (1) space for each 1000 sq.ft. of gross floor area.
Churches & accessory uses	One (1) space for each 4 seats in the chapel or main assembly area or if there are no fixed seats, then one (1) space for each 100 sq.ft. of floor space used for main assembly area. 18 linear inches of bench space shall be considered a fixed seat.

Chapter 16.48 C-2 AND CC-1 COMMERCIAL ZONES

Section 16.48.030 Uses.

Dance hall	C	C
Data Center	P	P
Drive-Up Window Service	P	P

Chapter 16.50 CP-2 AND CCP-1 PLANNED COMMERCIAL ZONES

no changes

Chapter 16.52 I-1 INDUSTRIAL ZONES

Section 16.52.040 Uses.

Day-care nurseries	N
Data Center	P
Drive-Up Window Service	P