TO THE PUBLIC AND RESIDENTS OF VERNAL CITY:

Notice is hereby given that the **VERNAL CITY PLANNING COMMISSION** will hold a special meeting on **Tuesday, September 12, 2017 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 August 8, 2017 ***(TAB 1)***

B. PUBLIC HEARING - 7:05 P.M.

1. Request for Recommendation to Amend the Vernal City Planning and Zoning Code – Adding Section 16.04.173 – Data Center Definition, Section 16.20.250 – Data Structures, and Section 16.24.210 – Noise Mitigation Plan and Amending Section 16.26.120 – Parking Space Requirements—Nondwelling, Section 16.48.030 – Uses, Section 16.50.020 – Use Regulations and Section 16.52.040 – Uses – Allen Parker ***(TAB 2)***

C. ADJOURN

In compliance with the Americans with Disabilities Act, individuals needing special accommodation during this meeting should notify Allen Parker at 374 East Main, Vernal, Utah, 84078, telephone (435) 789-2271, at least five days prior to the meeting. All public comments will be limited to two (2) minutes.

MINUTES of the Vernal City PLANNING COMMISSION

Vernal City Council Chambers - 374 East Main Street, Vernal, Utah
August 8, 2017
7:00 pm

Members Present: Jim Linschoten, Kimball Glazier, Samantha Scott, Joni Crane

Members Excused: Adam Ray, Eric Hunting

Alternates Present:

Alternates Excused:

Staff Present: Allen Parker, Assistant City Manager; Jeff Shaffer, Building Official; and Gay Lee Jeffs, Administrative Clerk.

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

APPROVAL OF MINUTES FROM JULY 11, 2017: Chair Samantha Scott asked if there were any changes to the minutes from July 11, 2017. Ms. Scott explained that there were not enough members present that had attended the July 11, 2017 meeting to vote. ***The minutes of July 11, 2017 are deemed approved as per the Vernal City Municipal Code, Section 2.12.080.***

REQUEST FOR RECOMMENDATION TO CONSIDER A REZONE FOR CAITLYN GURR / TIM ADAMS FOR 1005 WEST 725 SOUTH FROM MH ZONE TO RA-1 ZONE (05:059:0109 & 05:062:0015) APPLICATION # 2017-004-REZ: Allen Parker explained that Caitlyn Gurr and Tim Adams are requesting that the zoning map be amended changing a 3.13 acre area of land from its current designation of MH to RA-1. This area is comprised of two separate parcels, both having the address of 1005 West 725 South. Parcel 1 is the smaller parcel on the north and parcel 2 is the larger parcel on the south. The area of the request is currently in use as single family residential and open undeveloped land with a dog kennel. The adjoining parcels to the north and west are currently zoned MH. The adjoining parcels to the east are zoned RA-1 and R-4. The adjoining parcel to the south is zoned RA-1 and is outside of Vernal City limits and is within the unincorporated area of Uintah County. Surrounding land uses include a church, single family residential and open undeveloped land. Parcel 1 adjoins the church and extends into the single family residential uses. The Vernal City General Plan indicates future land use for parcel 1 as "medium density residential", a classification not compatible with the request. The Vernal City General Plan indicates future land use for parcel 2 as "transitional residential", a classification that is compatible with the request.

Kimball Glazier asked if the City knows why the request has been made. Mr. Parker stated that the owner currently has a dog kennel on the property. The property is zoned MH, which is not a legal use for a dog kennel. A MH zone does allow up to four dogs per parcel. A RA-1 zone is the same and does not permit the use of a dog kennel, but does allow up to four dogs per parcel. The applicant would like to request from the Council in the future to amend the Code to allow

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kennels in an RA-1 zone. Mr. Parker explained that dog kennels are only allowed in Industrial zones because of the impact they could potentially have on the surrounding property.

Joni Crane asked if a better home might be built in a RA-1 zone compared to a MH zone. Mr. Parker stated that it would not. A RA-1 zone will allow a residential home and agricultural buildings. A MH zone allows stick built homes as well as manufactured homes.

Samantha Scott opened the public hearing to receive public comment. Marvin Sandmire, 1101 West 725 South, asked if cattle are allowed in an agricultural zone. Mr. Parker explained that it does allow cattle in limited amounts depending on the size of the property. Mr. Parker explained that ordinance changes are not mailed to residents. Citizens must keep in touch with the City to find out what is on the agenda or look on the website for information concerning an ordinance change. Mr. Glazier explained that the Commission cannot factor in what the applicant wants to do in the future. The Commission can only ask if the request fits in the Vernal City General Plan. Ms. Crane asked if the amount of dogs allowed would be four for both properties combined or if the amount of dogs allowed would be four for each parcel. Mr. Glazier explained that the amount of dogs allowed would be four on each parcel. Samantha Scott stated that the dogs would need to be contained to two separate properties and cannot be kept on the same property. Mr. Glazier stated that the Vernal City General Plan has a buffer area with no distinct lines which lands on the larger parcel that allows for the re-zone and wondered if the Plan did the same for the smaller parcel. Mr. Parker stated that the buffer area does not land on any part of the smaller parcel. Jackie Renwick, 1072 West 725 South, dogs are already a major problem and exceed four. Ms. Crane stated that the re-zone will not affect the issue with the dogs. Ms. Renwick asked if it would be helpful to have more citizens come to the next meeting. Ms. Scott stated that when or if the applicant requests to amend the ordinance, it would be a good idea to attend that meeting. Mr. Glazier explained that the August 16, 2017 meeting will be with the City Council. The Council will address only the re-zone. The applicant may come back at a later date to request the ordinance amendment. Ms. Renwick stated that this is a rural area and that there are a number of animals, especially dogs, and if one dog barks, they all bark and that is really a problem when there are so many in a small area. Ms. Crane stated that if someone is in violation of the City ordinance, Animal Control may be called. Ms. Renwick stated that she has called many times. Mr. Parker explained that the applicant has been cited for his animals and that there is an ongoing court case. Ms. Renwick stated that the applicant does not live on the property. He lives in Roosevelt. Cody and Samantha Harrison are renting the property and take care of the animals. Ms. Crane asked if it was being run as a business and if they had a license. Mr. Parker stated that it is being run as a business and he would have to check if there was a business license. Ms. Renwick asked if the court case would be publicized to the surrounding residents. Mr. Parker stated that the case has already had a hearing and that the court does not send out letters to the surrounding residents. Ms. Crane suggested contacting Animal Control about the court case. Mr. Glazier stated that the request for an ordinance amendment would go before the Planning Commission and the Commission would give a recommendation to the City Council whether to approve the request or not. He suggested they watch for any changes on the City website. Mr. Sandmire stated that he understood that the larger parcel was considered wetlands. Mr. Parker stated that the Army Corps. Of Engineers decide whether the land is considered wetlands. Mr. Parker stated that he was unaware of any wetland status in that area. Mr. Glazier explained that whether or not it is a wetland area, it must still have a zone. Mr.

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Glazier stated that the zoning would affect what would be permitted on the property. Ms. Renwick asked if the re-zone will affect their taxes. Mr. Parker stated that it will only affect the applicant's property or according to what the County Assessor dictates.

Samantha Scott closed the public hearing. ***Kimball Glazier moved to forward a positive recommendation to the City Council to approve a rezone change from MH zone to RA-1 zone for the larger South parcel, not the smaller North parcel for Caitlyn Gurr / Tim Adams for the property located at 1005 West 725 South - Application # 2017-004-REZ. Joni Crane seconded the motion. The motion passed with Samantha Scott, Jim Linschoten, Kimball Glazier, and Joni Crane voting in favor.***

Ms. Crane asked what difference it would make to change from a MH zone to a RA-1 zone. Mr. Parker explained that the zone makes a difference as to what is permitted on the property. Ms. Crane asked if the request would be considered up zoning or down zoning. Mr. Parker stated that he would consider it down zoning because it decreases the density for the zone. Mike Polson 1085 West 725 South, asked if the re-zone would affect his own property value. Mr. Glazier explained that Mr. Polson's property value is what the market dictates and mainly Mr. Polson's own property. Mr. Glazier stated that the Commission's positive recommendation does not mean that a dog kennel has been approved. They are two separate issues.

REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING CODE TITLE 16 (TOWERS) ORDINANCE # 2017-11: Allen Parker stated that this ordinance has been discussed at several different meetings. Mr. Parker asked if there needed to be any more discussion and that no changes have been made since the last discussion. The Commission stated that they did not need any more discussion. Kimball Glazier asked for more information on the amendment to the Code. Mr. Parker stated that there were problems with the Code which prompted an entire re-write of the ordinance to modernize the Code so it will address all the different types of antennas. Mr. Glazier asked if the Code was made from the Code of other jurisdictions. Mr. Parker stated that he made up most of the Code with some input from other jurisdictions and entities.

Samantha Scott opened the public hearing to receive public comment. There were no comments; therefore, Ms. Scott closed the public hearing. ***Jim Linschoten moved to forward a positive recommendation to the City Council to amend Code title 16 (Towers) ordinance #2017-11. Joni Crane seconded the motion. The motion passed with Samantha Scott, Jim Linschoten, Kimball Glazier, and Joni Crane voting in favor..***

REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING CODE ADDING SECTION 16.04.233 (DEFINITION OF EXPLOSIVE MAGAZINE) AND SECTION 16.20.320 (REGULATIONS OF EXPLOSIVE MAGAZINES) AND AMENDING SECTION 16.52.040 (INDUSTRIAL ZONE USES) ORDINANCE # 2017-16: Allen Parker explained that this amendment adds explosives as a use in the Industrial zone and puts a number of restrictions on magazines and limits them as a land use. Nothing in the proposed Code amendment has changed since the last meeting. Samantha Scott opened the public hearing to receive public comment. There were no comments; therefore, Ms. Scott closed the public hearing. Kimball Glazier asked if the building official, Jeff Shaffer had any concerns. Jeff

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Shaffer stated that he had no concerns and informed the Commission that the International Fire Code (IFC) also regulates magazines and they must be inspected by the fire department as well. Mr. Glazier stated that the IFC and fire department are the ones that regulate and the City is only stating if it is allowed.

Kimball Glazier moved to forward a positive recommendation to the City Council to amend the Code adding Section 16.04.233 (Definition of Explosive Magazine) and Section 16.20.320 (Regulations of Explosive Magazines) and amending Section 16.52.040 (Industrial Zone Uses) ordinance #2017-16. Jim Linschoten seconded the motion. The motion passed with Samantha Scott, Jim Linschoten, Kimball Glazier, and Joni Crane voting in favor.

ADJOURN: There being no further business, ***Kimball Glazier moved to adjourn. Jim Linschoten seconded the motion. The motion passed with a unanimous vote, and the meeting was adjourned.***

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Samantha Scott, Planning Commission Chair

Awaiting Formal Approval

ORDINANCE NO. 2017-18

AN ORDINANCE AMENDING THE VERNAL CITY MUNICIPAL CODE, ADDING SECTIONS 16.04.173 DEFINTION - DATA CENTER, SECTION 16.20.250 DATA STRUCTURES, SECTION 16.24.210 NOISE MITIGATION PLAN, SECTION 16.26.120 PARKING SPACE REQUIREMENTS--NONDWELLING, SECTION 16.48.030 USES, 16.50.020 - USES AND SECTION 16.52.040 USES.

WHEREAS, the City Council finds that the regulation of data centers is necessary for orderly growth and conduct of business within the City, and;

WHEREAS, the City Council deems it to be in the best interest of the health, safety and welfare of the citizens to incorporate the following changes to the provisions of the Vernal City Code, and;

WHEREAS, the City Council has received input from the public at large in duly noticed open meetings, and has considered and discussed the advantages and disadvantages of such regulation.

BE IT ORDAINED BY THE CITY COUNCIL OF VERNAL CITY, UTAH AS FOLLOWS:

Section 1. A new Section 16.04.173 is hereby added to read as follows

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.

Section 2. A new Section 16.20.250 is hereby added to read as follows

16.20.250 Data center.

A. Data centers shall comply with the following requirements:

1. A six (6) 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. This requirement may be reduced or eliminated if a noise mitigation plan is submitted in accordance with Section 16.24.210 of this Code demonstrating that peak sound levels do not exceed those allowed in this Section.

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.

a. The maximum sound level allowed in a noise mitigation plan is eighty (80) decibels at the site boundary.

Section 3. A new Section 16.24.210 is hereby added to read as follows

16.24.210 Noise mitigation plan.

A. A noise mitigation plan shall, as a minimum, contain the following:

1. A list of all sound sources that contribute to the overall sound emissions from the site and the following for each source;

a. Peak sound levels, in decibels, emitted by each source; and,

b. Sound levels, in decibels, for sound continuously emitted by each source for a duration exceeding thirty (30) minutes; and,

c. The frequencies of the sound emissions from each source;

d. A site diagram showing the location of each sound source.

2. A description of any and all methods, systems, devices or structures intended to be used to mitigate sound emissions, including technical specifications, descriptions of materials and / or engineering specifications.

3. A certification, signed by the preparer of the document, certifying the accuracy of the materials contained within the noise mitigation plan and that the plan will effectively reduce sound emissions to levels required by Vernal City Code.

Section 4. Section 16.26.120 is hereby amended to read as follows

16.26.120 Parking space requirements--Nondwelling.

Except as otherwise provided in this title, the number of off-street parking spaces for various uses shall be as follows:

USE	PARKING SPACE REQUIRED
Banks,	One (1) space for each 300 sq.ft. of gross floor space
Bowling alleys	Four (4) spaces for each bowling lane
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.
Data center	One (1) space for each 1000 sq. ft. of gross floor area.

USE	PARKING SPACE REQUIRED
Food establishments for the sale & consumption on the premises of food & beverages	One (1) space for each 4 seats including stools, benches, booths or one (1) for each 75 sq. ft. of floor area when number of seats is unknown, but in no case shall there be less than four (4) spaces.
Furniture & appliance stores,	One (1) space for each 800 sq. ft. of gross floor area.
Hardware stores, household equipment service shops, clothing or shoe repair or similar personal service shops.	One (1) space for each 600 sq. ft. of gross floor area or three (3) parking spaces, whichever is greater.
Hospitals	Two and one-half (2.5) spaces for each bed
Libraries	One (1) space for each 500 sq. ft. of gross floor area.
Museums & similar non-assembly cultural facilities	One (1) space for each 500 sq.ft. of gross floor area.
Manufacturing uses, research & testing labs, creameries, bottling establishments, bakeries, canneries, printing & engraving shops, etc.without retail sales on premises	One (1) space for each 1000 sq. ft. of gross floor area and one space for each 250 sq. ft. of office area.
Medical & dental clinics or offices	One (1) space for each 200 sq. ft. of gross floor area.
Mortuaries	One (1) space for each 100 sq. ft. of gross floor area.
Motels/Hotels	One (1) space for each sleeping or dwelling unit.
Motor vehicle & machinery repairs (minor).	One (1) space for each 600 sq. ft. of gross floor area .
Motor vehicle & machinery repairs (major), sales or wholesaling	One (1) space for each 500 sq. ft. of gross floor area.
Multi-tenant commercial structures containing three (3) or more leasable spaces.	One (1) space for each 225 sq. ft. of gross floor space.
Nursing home, children's home, homes for the aged.	One (1) space for each 3 beds , except where skilled care (long term care) is provided, the requirement is one (1) parking space for each 2 beds.
Offices not providing customer services or sales on premises	One (1) space for each 400 sq. ft. of gross floor area.
Public parks, playgrounds and open spaces	City Council may require parking at its discretion

USE	PARKING SPACE REQUIRED
Professional offices for attorneys, CPA's, architects, engineers, etc.	One (1) space for each 300 sq. ft. of gross floor area.
Retail stores except as otherwise specified herein.	One (1) space for each 225 sq. ft. of gross floor area on the ground floor and one (1) space for each 350 sq. ft. of floor area on all floors above or below ground floor.
Rooming house, lodging houses, & clubs having sleeping facilities	One (1) space for each 2 beds.
Schools, private, .	One (1) space for each employee and one (1) space for each 2 students of driving age.
Stadiums, sports arenas, auditoriums (including private school auditoriums) & other places of public assembly and clubs & lodges having no sleeping quarters.	One (1) space for each 4 seats and/or one (1) space for each 100 sq. ft. of gross floor area used for assembly and not containing fixed seats.
Swimming pools, commercial & public	One (1) space for each 5 persons based on capacity load.
Theaters	One (1) space for each 4 fixed seats and/or one (1) space for every 35 sq. ft. of seating area where there are no fixed seats based on the design capacity of the structure.
Transportation terminals & facilities	Adequate number as determined by the Planning Commission. The Planning Commission may require a parking study be submitted by the applicant.
Warehouses & wholesale storage buildings (dead storage or high volume distribution)	One (1) space for each 2000 sq. ft. of gross floor area and one space for each 250 sq. ft. of office or sales area. .

(PZSC § 03-12-012)

Section 5. Section 16.48.030 is hereby amended to read as follows

16.48.030 Uses.

In the following list of possible uses, those designated in any zone as "P" will be a permitted use. Uses designated as "C" will be allowed only when authorized by a conditional use permit obtained as provided in Chapter 16.14 Conditional Uses, of this title. Uses designated as "N" will not be allowed in that zone.

USES	C-2	CC-1
Accessory buildings and uses customarily incidental to a permitted use	P	P
Amusement enterprises	C	C
Animal Boarding	P	P
Animal Hospital, small animals only and provided conducted within a completed enclosed building	P	P
Apartment, multi-family	C	C
Athletic Club	P	P
Auction establishment	P	C
Automobile repair including paint, body and fender, brake, muffler, upholstery or transmission work, provided conducted within a completely enclosed building	P	P
Bakery	P	P
Bed and Breakfast	C	C
Billiard parlor	C	P
Boardinghouses	C	C
Bottling and distribution plant	P	P
Bowling Alley	P	P
Boxing arena	C	C
Bus terminal	P	P
Caretaker Dwelling	P	P
Carpenter and cabinet shop	C	C
Car wash	P	P
Christmas tree sales	P	P
Church	P	P
Church, temporary revival	P	P
Circus, carnival or other transient amusement	P	P
Coal and fuel sales office	C	C
Commercial storage units - providing for secured inside storage. Units shall be permanently secured on a foundation or cement flooring.	P	P
Contractor shop, provided work is conducted within a completely enclosed building	P	C
Dance hall	C	C
Data center	P	P
Drive-Up Window Service	P	P
Dwelling, Mixed Use Accessory	N	P
Farm implement sale	P	P
Fireworks Stand - temporary	P	P
Food vendors, temporary	P	P
Garden supplies and plant material sales	P	P
Government buildings or uses, nonindustrial	P	P
Greenhouse and nursery, soil and lawn service	P	P

USES	C-2	CC-1
Gymnasium	P	P
Hand crafted items, manufacture and retail sales on premise	P	P
Health Spa	P	P
Ice cream manufacture	C	C
Liquor Store	C	C
Lodge or social hall	P	P
Lumberyard	P	C
Machine shop operations incidental to any use permitted in a commercial zone	P	P
Manufacture of goods retailed on premises	C	C
Massage therapy with a State license	P	P
Miniature golf	P	C
Mobile home and Manufactured home sales lot, service and caretaker dwelling	P	N
Monument works and sales	P	P
Mortuary	P	P
Museum	P	P
Nightclub or social hall	C	C
Park and playground	P	P
Pet grooming parlor	P	P
Public utilities substation	C	C
Radio, television or FM broadcasting station	P	P
Reception center or wedding chapel	P	P
Recreation center	P	P
Recreational vehicle storage	C	C
Rental agency for home and garden equipment	P	P
Restaurant, hotel, motel	P	P
Retail, financial, office and personal service establishments provided there is no storage of merchandise or equipment outside of enclosed buildings and further provided that such is not designated as a conditional use elsewhere in this chapter.	P	P
Roofing shop	C	C
School, public or private	P	P
Service station, automobile excluding painting, body and fender and upholstery work	P	P
Sheet metal shop and retinning, provided all operations are conducted within a completely enclosed building.	C	C
Sign manufacture or sign painting	C	P
Sign, off-premises	C	C
Storage, outside, provided such storage area is enclosed within a minimum six (6) foot high non-see-through	C	C

USES	C-2	CC-1
buffer, (such as a fence or land berming) to adequately shield the storage area from outside view, provided, however, that a single see-through gate area for ingress and egress no wider than twelve (12) feet may be maintained as part of the fenced area.		
Tavern	C	C
Taxidermist	P	P
Temporary building for uses incidental to construction work	P	P
Temporary merchants - short term	P	P
Temporary merchants - long term	P	P
Temporary sales event	P	P
Theater, indoor	P	P
Theater, outdoor	C	C
Tire recapping or retreading sales and service	C	C
Tower, amateur radio	C	C
Tower, low power radio	C	C
Tower, small cellular	P	P
Travel-trailer court	C	N
Travel-trailer or RV sales and service	P	C
Truck terminals	C	C
Urban farms	P	P
Used car lot	P	P
Warehouse storage	C	P
Welding shop	C	P
Wholesale business	P	P
Other uses not mentioned in this section but ruled by the Planning Commission to be similar to uses permitted in this section	P	P

(PZSC § 03-24-005)
(Ord. No. 94-17, Amended, 08/11/94; Ord. No. 95-15, Amended, 09/06/95; Ord. No. 96-07, Amended, 03/20/96; Ord. No. 96-25, Amended, 10/02/96; Ord. No. 96-28, Amended, 11/20/96; Ord. No. 98-16, Amended, 10/21/98; Ord. No. 98-16, Amended, 10/21/98)

Section 6. Section 16.50.020 is hereby amended to read as follows

16.50.020 Use regulations.

In the following list of possible uses, those designated in any zone as "P" will be a permitted use. Uses designated as "C" will be allowed only when authorized by a conditional use permit obtained as provided in Chapter 16.14 Conditional Uses, of this title. Uses designated as "N" will not be allowed in that zone.

USES	CP-2	CCP-1
Accessory buildings and uses customarily incidental to a permitted use	P	P
Amusement enterprises	C	C
Animal Boarding	P	P
Animal Hospital, small animals only and provided conducted within a completed enclosed building	P	P
Apartment, multi-family	C	C
Athletic Club	P	P
Auction establishment	P	C
Automobile repair including paint, body and fender, brake, muffler, upholstery or transmission work, provided conducted within a completely enclosed building	P	P
Bakery	P	P
Bed and breakfast	C	C
Billiard parlor	C	P
Boardinghouses	C	C
Bottling and distribution plant	P	P
Bowling Alley	P	P
Boxing arena	C	C
Bus terminal	P	P
Caretaker dwelling	P	P
Carpenter and cabinet shop	C	C
Car wash	P	P
Christmas tree sales	P	P
Church	P	P
Church, temporary revival	P	P
Circus, carnival or other transient amusement	P	P
Coal and fuel sales office	C	C
Commercial storage units - providing for secured inside storage. Units shall be permanently secured on a foundation or cement flooring.	P	P
Contractor shop, provided work is conducted within a completely enclosed building	P	C
Dance hall	C	C
Data center	P	P
Drive-Up window service	P	P
Dwelling, mixed use accessory	N	P
Farm implement sale	P	P
Fireworks stand - temporary	P	P
Food vendors, temporary	P	P
Garden supplies and plant material sales	P	P
Government buildings or uses, nonindustrial	P	P
Greenhouse and nursery, soil and lawn service	P	P

USES	CP-2	CCP-1
Gymnasium	P	P
Hand crafted items, manufacture and retail sales on premise	P	P
Health Spa	P	P
Ice cream manufacture	C	C
Liquor Store	C	C
Lodge or social hall	P	P
Lumberyard	P	C
Machine shop operations incidental to any use permitted in a commercial zone	P	P
Manufacture of goods retailed on premises	C	C
Massage therapy with a State license	P	P
Miniature golf	P	C
Mobile home and manufactured home sales lot, service and caretaker dwelling	P	N
Monument works and sales	P	P
Mortuary	P	P
Museum	P	P
Nightclub or social hall	C	C
Park and playground	P	P
Pet grooming parlor	P	P
Public utilities substation	C	C
Radio, television or FM broadcasting station	P	P
Reception center or wedding chapel	P	P
Recreation center	P	P
Recreational vehicle storage	C	C
Rental agency for home and garden equipment	P	P
Restaurant, hotel, motel	P	P
Retail, financial, office and personal service establishments provided there is no storage of merchandise or equipment outside of enclosed buildings and further provided that such is not designated as a conditional use elsewhere in this chapter.	P	P
Roofing shop	C	C
School, public or private	P	P
Service station, automobile excluding painting, body and fender and upholstery work	P	P
Sheet metal shop and retinning, provided all operations are conducted within a completely enclosed building.	C	C
Sign manufacture or sign painting	C	P
Sign, off-premises	C	C
Storage, outside, provided such storage area is enclosed within a minimum six (6) foot high non-see-through	C	C

USES	CP-2	CCP-1
buffer, (such as a fence or land berming) to adequately shield the storage area from outside view, provided, however, that a single see-through gate area for ingress and egress no wider than twelve (12) feet may be maintained as part of the fenced area.		
Tavern	C	C
Taxidermist	P	P
Temporary building for uses incidental to construction work	P	P
Temporary merchants - short term	P	P
Temporary merchants - long term	P	P
Temporary sales event	P	P
Theater, indoor	P	P
Theater, outdoor	C	C
Tire recapping or retreading sales and service	C	C
Tower, amateur radio	C	C
Tower, low power radio	C	C
Tower, small cellular	P	P
Travel-trailer court	C	N
Travel-trailer or RV sales and service	P	C
Truck terminals	C	C
Urban farms	P	P
Used car lot	P	P
Warehouse storage	C	P
Welding shop	C	P
Wholesale business	P	P
Other uses not mentioned in this section but ruled by the Planning Commission to be similar to uses permitted in this section	P	P

(PZSC § 03-25-002)

Section 7. Section 16.52.040 is hereby amended to read as follows

16.52.040 Uses.

In the following list of possible uses, those designated in any zone as "P" will be a permitted use. Uses designated as "C" will be allowed only when authorized by a conditional use permit obtained as provided in Chapter 16.14 Conditional Uses of this title. Uses designated as "N" will not be allowed in that zone.

USES	I-1 ZONE
Accessory buildings and uses customarily incidental to a permitted use.	P

USES	I-1 ZONE
Amusement enterprises	P
Animal by-products	N
Animal hospital, small animals only and provided conducted within a completely enclosed building.	P
Athletic club	P
Automobile repair including paint, body & fender, brake, muffler, upholstery, or transmission work provided conducted within a completely enclosed building.	P
Auction establishment	P
Billiard parlor	P
Bottling & distributing plant	P
Bowling alley	P
Boxing arena	P
Carpenter & cabinet shop	P
Car wash	P
Chemical products - manufacturing	P
Christmas tree sales	P
Circus, carnival or other transient amusement	P
Coal & fuel sales office	P
Commercial storage units - providing for secured inside storage. Units shall be permanently secured on a foundation or cement flooring	P
Day-care nurseries	N
Data center	P
Drive-Up Window Service	P
Dwellings, except caretaker and located above ground floor	N
Explosives magazine.	C
Farm implement sales	P
Fireworks Stand - temporary	P
Food vendors, temporary	P
Garden supplies & plant material sales	P
Government buildings or uses, non-industrial	P
Greenhouse & nursery, soil and lawn service	P
Hand crafted items, manufacture & retail sales on premises	P
Hotels and motels 1. A minimum of 10' landscaped buffer shall be provided around the perimeter of the site. Trees shall be incorporated into the landscaping to provide buffering from industrial sites. 2. A 6' high solid fence shall be installed along rear and side property lines. In site vision area fences can be stepped down to allow vision of vehicles. 3. Lighting shall meet Vernal City ordinances. 4. Parking shall meet requirements of Section 16.28 of the	C

USES	I-1 ZONE
Vernal City municipal code.	
Ice cream manufacture	P
Junkyards / Wrecking yards	C
Kennel	C
Liquor store: 1. Shall not be located within 500' of another establishment that sell alcohol. 2. Shall not be located within 500' of a residence, residential zone, school, church, or park. 3. Lighting shall meet Vernal City ordinances. 4. Parking shall meet requirements of Section 16.28 of the Vernal City municipal code. 5. Shall have State approvals.	C
Lodge or social hall	P
Low power radio service antennas - monopole tower Maximum height fifty (50) feet	P
Low power radio service antennas - lattice tower Maximum height fifty (50) feet	P
Lumber yard	P
Machine shop operations incidental to any permitted use	P
Manufacture of goods retailed on property	P
Manufacturing explosives or explosive products	N
Manufacturing acetylene	N
Manufacturing acid	N
Manufacturing alcohol	N
Manufacturing ammonia	N
Manufacturing celluloid	N
Massage therapy with a State license	P
Metal products - manufacturing	P
Miniature golf	P
Mobile home and manufactured home sales lot, service and caretaker dwelling	P
Monument works and sales	P
Mortuary	P
Museum	P
Nightclub or social hall 1. Shall not be located within 500' of another establishment that sells alcohol. 2. Shall not be located within 500' of any residence, residential zone, school, church, or park. 3. Lighting shall meet Vernal City ordinances. 4. Parking shall meet requirements of Section 16.28 of the Vernal City municipal code. 5. Shall have State approvals.	C

USES	I-1 ZONE
Parking large trucks, 28,000 gross vehicle weight, on non-asphalt surfaces 1. No retail use on site 2. Berming required in drainage area 3. Contain storm water on site 4. Asphalt approach area 5. Must have 6" compacted, State specification, road base	C
Pet grooming parlor	P
Pharmaceutical products - manufacturing	P
Public utility substations	P
Radio, television or FM broadcasting stations.	P
Reception center or wedding chapel	P
Recreation center	P
Recreational vehicle storage 1. Behind a six (6) foot non-see-thru fence. 2. Storage area be paved with asphalt or concrete.	P
Rental agency for home & garden equipment	P
Restaurant	P
Retail, financial, office and personal service establishments provided there is no storage of merchandise or equipment outside of enclosed buildings and further provided that such is not designated as conditional use elsewhere in this chapter.	P
Roofing shop	P
Rubber & plastic products - manufacturing	P
Service station, automobile, excluding painting, body & fender, & upholstery work.	P
Sexually oriented businesses: 1. Shall not be located within 600' of any school, public park, library or religious institution. 2. Shall not be located within 600' of any other sexually oriented business, except out-call services. 3. Shall not be located within 600' of any residential uses or residential zoning boundary. 4. Signage shall conform with Section 16.15.040 - signs. 5. Shall conform with Title 5.72 of the Vernal City municipal code.	C
Sheet metal and retinning, provided all operations are conducted within a completely enclosed building.	P
Sign manufacture or sign painting	P
Sign, off-premise	C

USES	I-1 ZONE
Storage, outside, provided such storage area is enclosed within a minimum six (6) foot high non-see-thru buffer, (such as a fence or land berming) to adequately shield the storage area from outside view, provided, however, that a single see-through gate area for ingress and egress no wider than twelve (12) feet may be maintained as part of the fenced area.	C
Tavern 1. Shall not be located within 500' of another establishment that sells alcohol. 2. Shall not be located within 500' of any residence, residential zone, school, church, or park. 3. Lighting shall meet Vernal City ordinances. 4. Parking shall meet requirements of Section 16.28 of the Vernal City municipal code. 5. Shall have State approvals.	C
Taxidermist	P
Temporary building for uses incidental to construction work, such building shall be removed upon completion of the construction work.	P
Temporary merchants - short term	P
Temporary merchants - long term	P
Temporary sales event	P
Travel trailer courts	N
Travel trailer or RV sales and service	P
Urban farms	P
Used car lot	P
Warehouse storage	P
Welding shop	P
Wholesale business	P
Wood & furniture manufacturing	P

(Ord. No. 96-25, Enacted, 10/02/96; Ord. No. 97-02, Amended, 07/02/97; Ord. No. 97-02, Amended, 07/02/97)

SECTION A. REPEALER. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the code are hereby repealed.

SECTION B. SEVERABILITY. The provisions of this ordinance shall be severable and if any provision thereof or the application of such provision under any circumstances is held invalid and it shall not affect the validity of any other provision of this ordinance or the application in a different circumstance.

SECTION C. EFFECTIVE DATE. This ordinance shall take effect the day after publication the __ day of _____ 2017.

_____
Mayor Sonja Norton

ATTEST:

_____
Quinn Bennion, City Recorder (S E A L)

Date of Publication: _____

Day 2016-03-08 Regular Planning Commission Meeting

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 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 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

Commission may want to change the parking requirements in the future. However, it is not associated with this Code and is not part of the public hearing. If it is an existing structure and the footprint of the structure does not change, changing the use does not trigger the requirement for more parking spaces. However, if it is a new structure, the two parking space requirement would be triggered. Mr. Glazier asked what the parking requirements were of the two commercial zones. Mr. Parker explained that it is based on the use rather than the zone. Utilizing more fully the buildings downtown could create more parking issues. Mr. Glazier asked if there was a way the Code could require more parking in the CC-1 and C-2 zones if they are changed to this use. Mr. Parker stated that the only way to change the requirement for parking for this use is to amend the parking section of the Code. ***Samantha Scott moved to forward a positive recommendation to amend the Vernal City Municipal Planning and Zoning Code – Chapters 16.04 - Definitions and 16.48 – C-2 & CC-1 – Commercial Zones. Kathleen Gray seconded the motion. The motion passed with Kimball Glazier, Samantha Scott, Kathleen Gray, Ken Latham, Jim Linschoten, Adam Ray and Brock Smith voting in favor.***

REQUEST FOR APPROVAL OF A CONDITIONAL USE PERMIT FOR JEFFREY DURHAM WITH 5D RECYCLERS – APPLICATION NO. 2016-003-CUP – ALLEN PARKER: Allen Parker stated that the request is for conditional use permit for an outdoor storage yard. There is an existing building on the property. Historical photos show it has been a storage yard in the past. The applicant, Mr. Jeffrey Durham, would like to continue to use the property as an outdoor storage yard. Some work will be conducted inside the building with storage in the yard. Mr. Parker stated that it could be grandfathered, but would like to have a clean paper trail for the use of the property. The property is surrounded by similar uses. Mr. Parker stated that it is compatible with surrounding uses. There is a fence around the property, but it is not a site obscuring fence. One of the requirements in the City Code is for a site obscuring fence to be installed with an outdoor storage yard, but it is not one of the requirements for a conditional use permit. ***Samantha Scott moved to approval a Conditional Use permit for Jeffrey Durham with 5D Recyclers – Application No. 2016-003-CUP. Adam Ray seconded the motion. The motion passed with Kimball Glazier, Samantha Scott, Kathleen Gray, Ken Latham, Jim Linschoten, Adam Ray and Brock Smith voting in favor.***

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: Allen Parker stated that this item was forwarded to the City Council the previous month with a positive recommendation. The City Council sent it back to the Planning Commission to discuss the sound issues connected to this Ordinance. The Council would like to add "Chapter 16.24 Supplementary Regulations" sub-section "16.24.210 Noise Mitigation Plan" to the Ordinance. This section of the Code has not been written yet. It requires some discussion by the Planning Commission before writing the Code. It will be complicated to write this section of the Code, and Mr. Parker asked for recommendations from the Planning Commission to be included in the Code to send back to the City Council. Mr. Parker stated that he would write a Code for this section and present it at the next meeting.

MISCELLANEOUS: Ken Latham stated that he will be resigning from the Planning Commission. Mr. Latham stated he has enjoyed working with everyone.

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