

MINUTES of the Vernal City PLANNING COMMISSION

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

May 11, 2021

7:00 pm

Members Present: Samantha Scott, Nick Porter, Eric Hunting

Members Excused: Jim Linschoten, Troy Allred

Alternates Present: Corey Foley

Alternates Excused: [Click here to enter text.](#)

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 April 20, 2021: Chair Samantha Scott asked if there were any changes to the minutes from April 20, 2021. There being no corrections, *Corey Foley moved to approve the minutes of April 20, 2021 as presented. Eric Hunting seconded the motion. The motion passed with Samantha Scott, Nick Porter, Eric Hunting, and Corey Foley voting in favor.*

AMEND SECTION 16.56 “MANUFACTURED HOME PARK AND TRAVEL TRAILER COURT REGULATIONS” AND 16.24.152 “OVERSIZED TRAILERS”

Allen Parker stated that Section 16.56.410 be stricken from the Code. It is in an inappropriate location for travel trailers under the heading “Additional Regulations for Manufactured Homes”. It is hard to find that information in the Code and is out of context in that location. Mr. Parker suggested that Item B in Section 16.56.410 be moved to Section 16.24.152 Item B and strike Item C from Section 16.24.152 because it is redundant. Section 16.56.410 Item B is covered in Section 16.24.152 Item A as far as setbacks and Section 16.56.410 Item C is covered in Section 16.24.152 Item B. Section 16.24.152 Items A and B specifies how long someone can stay in a travel trailer that is stored on a property. This change would take all regulations that covered oversized trailers and travel trailers and put them in the appropriate location which is “Supplementary Regulations” in the Code and then add Section 16.56.152 Item C. Eric Hunting asked if oversized trailers meant Fifth Wheels or Semi-Trailers. Mr. Parker explained that oversized trailers are defined in the Code. They can be Fifth Wheels but mainly a large cargo trailer or potentially a large flatbed trailer with cargo. It is not tied to the overall weight of the trailer is has to do with the dimensional standard for the oversized trailer. Mr. Hunting asked why there would need to be a ten (10) feet setback from the property line. Mr. Parker explained that the City does not want to have things right up against the sidewalk. It creates a visibility problem along with an aesthetic component. Darren Brown works for Tri County Health Department and stated that the health department regulates

RV and Trailer parks.

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

Samantha Scott asked why there needs to be a limit on how many travel trailers may be stored on a property. Mr. Parker stated that there is no solid need for it but the City has identified a lot that has a number of camp trailers on it that is slowly growing. The current Code does not restrict how many trailers can be stored on a lot and someone in the future could possibly start storage lot for trailers. Ms. Scott asked why that is a concern and felt that the City might be trying to over regulate the property owner. Mr. Parker clarified that the two (2) travel trailers mentioned in Section 16.24.152 Item C was put there to start the discussion. Mr. Hunting commented that if someone owns a big piece of property then there is the potential to store quite a few trailers. Nick Porter suggested putting up a sight obscuring fence if it is the aesthetics that is the reason for the limitation. Mr. Parker stated that all the fence and setback requirements could be met but where do you draw the line and at what point do you make them put up fence. Corey Foley wondered why the City is being specific to camp trailers when there are flatbed trucks and other large vehicles that could potentially become an issue, but he does not want to over regulate. Mr. Foley suggested possibly requiring the stored trailers to be current on their registrations. There was discussion about where to store trailers and Code enforcement for trailers. Mr. Foley asked if the Health Department gets involved. Darren Brown, Tri County Health Department, stated that the health department looks into travel trailer complaints such as raw sewage on the ground, people or animals living in the trailer, used for odd storage, a meth lab or other non-compliant uses. There is no issue when the trailer is used as it is intended. Fire hazards are a problem. Mr. Porter stated that there are already ordinances in effect that prevent those kinds of uses and felt that the City should not unnecessarily regulate a property owner. Ms. Scott suggested striking Section 16.24.152 Item C from the proposed ordinance. *Nick Porter motioned to forward a positive recommendation to amend Section 16.56 "Manufactured Home Park and Travel Trailer Court Regulations" and 16.24.152 "Oversized Trailers" with the change to strike 16.24.152 Item C from the ordinance to the City Council. Eric Hunting seconded the motion. The motion passed with Nick Porter, Corey Foley, Eric Hunting and Samantha Scott voting in favor.*

AMEND PUBLIC NOTICE REQUIREMENTS; CITY CODE SECTION 16.06.010 (A) – ZONING MAP, SECTION 16.08.060 (A) & (B) – LAND USE PLAN, SECTION 16.08.070 (A) & (B) – GENERAL PLAN, SECTION 16.16.050 (F) – PROPOSED DEVELOPMENT - (PRUD), SECTION 16.58.040 (E) – PROCEDURE FOR OBTAINING SUBDIVISION APPROVAL, 16.58.055 (C) – MINOR SUBDIVISION, 16.58.500 FIRST PARAGRAPH & (D) – AMENDED PLAT

Allen Parker explained that a public notice must be posted in the local paper. The State Legislature recently amended that requirement and will no longer require posting public notices in the local paper, but will still need to post on the Utah Public Notice website and the City website. Unfortunately the State did not amend the section of State law that would require posting public notices within the community. When the State Legislature reconvenes or has a special session, it will be brought up. Throughout the Vernal City Title 16 Code there are sections that require posting

for public notices that need to be changed to be in compliance with State law. Mr. Parker informed the Commission that he will have the changes in ordinance form for the next meeting and a public hearing will be held at that time.

AMEND SECTION 16.24.155 – PORTABLE STORAGE CONTAINERS – USES

Allen Parker stated that the current City Code for portable storage containers – uses was passed in 2006. It prohibits all storage containers in all residential zones as defined in the Code which is more than just a shipping container. They are allowed within certain parameters in the I-1, C-2, CC-1, CP-2, CCP-1, and HC-1 zones. Any portable storage container that had a permit before December 6, 2006 was grandfathered in. Some people in the community have wondered if the City is sure that they want to say that all portable storage containers are not permitted at all in any residential zone when the City allows sheds to be placed within certain parameters. Right now a steel storage container may be used in any residential zone if it is used for the framework of a shed. Mr. Parker asked if the City was over regulating with this ordinance. Nick Porter stated that the City is over regulating one hundred percent. Samantha Scott agreed and expounded that if it is well maintained and it is in good shape, then why would it need to have siding and a roof. Mr. Parker explained that right now the ordinance dictates the use. There was discussion on how economical a steel storage container is and how they are more sturdy compared to a tin shed. They are also recycled and last much longer. Ms. Scott asked if there is a limit to the number of sheds that can be placed on a property. Mr. Parker answered that there is not. There are some coverage requirements that say a property owner cannot, in certain zones, for instance, cover an entire property with structures. There are also setback requirements. Mr. Porter felt that portable storage containers should be treated more like a temporary structure because they are very portable, but some are larger than would be allowed square footage wise for a temporary structure. Mr. Parker stated that if a portable storage container is allowed under the same parameters as a shed, it would need a building permit. Mr. Porter expressed his concern with the usage of the portable storage containers, where is can be used for storage only. Mr. Parker explained that those are the containers that are permitted within the commercial zones. Ms. Scott asked if someone could convert a portable storage container into a business. Mr. Parker explained that a storage container cannot be occupied unless it is engineered. There was discussion on what portable storage containers can be converted in to and how they look. Mr. Parker stated that it is not expressly prohibited by this Code. The Code prohibits the use of an unmodified storage container as defined in the Code outside the parameters that are in this Code. If the storage container is engineered, has a permit and meets all occupancy requirements for commercial purposes, then it is a building and would be permitted. Ms. Scott expressed that she would like to see the containers permitted in residential zones. There was discussion on how the storage containers could be converted and used for affordable housing. Mr. Parker stated that he would work on the Code and have something ready for the next meeting.

AMEND SECTIONS 16.34 – A-1, 16.36 – R-1, 16.38 – RA-1, 16.40 – R-2, 16.42 – R-3, 16.44 – R-4, 16.46 - MH - MASSING & GARAGE SIZES

Allen Parker stated that these sections of the Code addresses massing and coverage in different zones. Mr. Parker referred to the handouts which gives the Commission a guide for the massing and garage concept. Mr. Parker showed how to use the table included in the handout. Mr. Parker reviewed the handout that shows how to calculate coverage. Mr. Parker stated that anything with

a legitimate roof over a structure is included in the percentage of coverage. A lot of other places have coverage requirements preventing an entire property from being covered with a structure. It is important for the quality of life because it creates an open environment in the zones that are designed for that, where it maintains an open environment and in the more dense zones it allows higher percentages of coverage. Vernal City has not had too much of an issue with it in the Code because landscaping, lawn, driveway and setback requirements typically force a certain amount of open space around a structure. It was brought up that Vernal City does not have coverage requirements in most of the zones, therefore, there needs to be a discussion about coverage requirements, how they function and why they are needed. Mr. Parker continued by saying that massing tries to prevent the over building of structures within zones that are not intended to have a lot of vertical space. Mr. Parker referred to the handout drawing and explained the concept of the drawing. Mr. Parker explained that the concept of massing is creating and maintaining a livable space that matches the intent of the zones. The City has no requirement for massing. Some questions to think about are does the City want to require accessory structures to be limited to a certain size based on the amount of square footage of the principle use on the property, how do we manage to maintain the integrity of the zone and keep it a truly residential zone without something that prevents overreach in order to accomplish someone's intentions. Mr. Parker stated that he would like the City to make some modifications to the Code Mr. Parker's objective is to set a minimum standard for certain zones so that those zones maintain the livability that is intended for those zones. Nick Porter thought it made sense but would like to keep the Code as minimal as possible. There was some discussion on what a large lot would look like if the massing code was left unchecked. Mr. Parker suggested a fifty percent (50%) coverage as a number that, in all likelihood, would be pretty close to what the building envelope would be inside the setbacks in an R-1 zone. It could be a scalable model that moves with the size of the lot. Mr. Porter stated that he worries about the aesthetics because it is subjective and feels it is a mistake to start mandating aesthetics. Mr. Parker commented that in another jurisdiction they require that accessory structures had a similar finish, color and roof pitch to the primary structure. Samantha Scott stated that she is all for a property owner doing what they want to on their property as long as it does not negatively affect their neighbor. Some people look at their accessory buildings for functionality and not necessarily what it looks like. Mr. Parker suggested looking at it by the zone. The higher the density zone, like in an R-2, R-3 or R-4 Zone, accessory buildings have to match more. It could be scaled differently because of the type of zone. That is one way the aesthetics could be approached, without becoming overly burdensome, is by zone. Mr. Parker stated that with massing he will do the coverage ratio and expand it for the low density zones. For higher density zones the City could be pretty permissive on how much coverage is allowed because apartment buildings and things like that are allowed in those zones as long as they meet the City's minimum landscaping requirements. Ms. Scott clarified that it was for permanent structures. Mr. Parker remarked that it is a balancing act and is unsure how to approach preventing building an industrial looking structure on a residential property that only has the bare minimum of a residential component in order to meet the minimum requirement and then calling it a house with a big garage. The Code does not have a definition saying that it is not a house with a garage. The City is not really protecting the rights of all the other property owners by permitting the person who owns the property the right to build something like that. Mr. Parker stated that there needs to be some balance and asked the Commission for some direction and how to accomplish it. Corey Foley agreed that having some

Vernal City Planning Commission Minutes
May 11, 2021

Code based on zoning was a good idea and could help with the aesthetics of a secondary structure. Mr. Foley feels that at least the street side view façade should not be industrial, but, then again, what do you do if that is the look they want. Eric Hunting commented that the County requires a commercial building that faces the street must have a façade of brick, mason, stone or some other equal material. Mr. Parker explained that the City requires a percentage on commercial buildings, not the full façade. Mr. Porter asked if the City could require the size of garages be a certain percentage of living space and if it was something the City has the ability to regulate. Mr. Parker stated that it was probably the best approach. Mr. Parker asked the Commission to think about massing and garage sizes and this topic will be discussed at the next meeting.

Allen Parker stated that the Utah League of Cities and Towns has come up with a lot of training opportunities for Planning Commissions. Planning Commissions are required to receive a certain amount of training every year, one in land use and one in open meetings. The League has come up with a new website, a Training Zone, and Land Use 101 – Powers and Duties. These are opportunities for the Planning Commission to meet state requirements. They have online and in person training. Mr. Parker stated that on a night there is a light agenda for Planning Commission meeting, that he would like to do a required open meetings training. Mr. Parker encouraged the Commission members to look at the Land Use 101 and stated that he had talked to Matt Cazier with Uintah County about doing an in person training event for all three (3) counties.

Allen Parker reminded the Commissioners that there are four (4) vacancies on the Planning Commission and the City is looking for commission members. Darcy McMickell has resigned from the Planning Commission. Nick Porter stated that he has someone in mind.

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

Samantha Scott, Planning Commission Chair