

MINUTES of the Vernal City PLANNING COMMISSION

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

June 8, 2021

7:00 pm

Members Present: Samantha Scott, Nicholas Porter, Eric Hunting, Jim Linschoten

Members Excused: Troy Allred

Alternates Present: Corey Foley

Alternates Excused:

Staff Present: Allen Parker, Assistant City Manager; Matthew Tate, Building Official; and Kaitlyn Winterton, Administrative Clerk.

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

APPROVAL OF MINUTES FROM May 11, 2021: Chair Samantha Scott asked if there were any changes to the minutes from May 11, 2021. There being no corrections, *Nicholas Porter moved to approve the minutes of May 11, 2021 as presented. Corey Foley seconded the motion. The motion passed with all voting in favor.*

SILVER PINES PLAT VACATION / 2021-003-SUB / 907 SOUTH 235 EAST, U101-U308

Allen Parker showed an overhead of the overall project being proposed at Silver Pines Condominiums located at 907 South 235 East Vernal, UT. The project references one specific area with a foundation for twenty-four (24) units and a piece of common area within the Silver Pines complex. The proposal is to remove the area where the foundations are and the associated parking lot from the Silver Pines project and return it to undeveloped, un-platted land. This will be a stand-alone condominium project for down the road labeled Phase 3 of the "Silver Pines Condominium 2". Mr. Parker stated that the applicant wants to do this to facilitate some loans for the project and make things more affordable for him. There will still be five more buildings that are already approved for this project that have yet to be built. The proposal has been reviewed and found to be in compliance with Vernal City Planning and Development Code. The requested plat vacation does not take away parking for the remaining buildings and does not affect the storm water retention. The only changes being asked for by Vernal City Planning and Development are a change in font on one page of the plat to make it more legible and a note showing that there is a fence that intrudes into this property. These changes have no effect on the plat itself or the descriptions. Eric Hunting expressed a concern about access to the proposed plat vacation piece if it is being taken out of the current Silver Pines plat. Mr. Parker assured him that it is still part of Silver Pines Condominiums just as a separate phase and will still have access to the building once it is built. *Nicholas Porter moved to forward a positive recommendation to the Vernal City Council for the Silver Pines Plat Vacation U101-U308. Vice Chair Corey Foley seconded the motion with all voting in the affirmative.*

REVIEW AND RECOMMEND ACCEPTANCE OF ROAD TO ACCESS PROPOSED NEW SUBDIVISION

Allen Parker presented an image of the road that is being discussed in the area of Escalante Drive and 750 West to 890-900 West Vernal, UT. On the image, the road for discussion is shown as a parcel and partially built road. The Vernal City Council previously discussed the width of the road and recommended it be forwarded to Planning Commission to look at and discuss. Vernal City Code requires a sixty (60) foot right-of-way for a subdivision with six (6) feet on each side being curb, gutter and sidewalk with asphalt in the middle providing two (2) twelve (12) foot travel lanes and parking space on both sides of the road of ten (10) feet. As the road being discussed turns off Escalante Drive it has curb, gutter, and sidewalk on either side, and narrows to forty-five (45) feet due to an intrusion from a property into the right-of-way. Excluding the curb, gutter, and sidewalk, the road width is thirty-four (34) feet for driving and parking. At this width, two (2) twelve (12) foot travel lanes leaves only enough room on one side for one (1) ten (10) foot parking area which is not according to standard. Mr. Parker discussed that the applicant is wanting to develop land into a thirteen (13) unit subdivision which would be landlocked without this road. Though the land is zoned as R4 – high density, the applicant will be building as if it is R1 which was agreed upon by both him and the Home Owners Association (HOA) in that area. With this being a private road it is legal, however, the concern now is that it needs to become a public road to access the platted land and is not wide enough to meet public road standards according to Vernal City Code. The biggest concern among the Planning Commission and City Council is whether the road is wide enough to meet safety and parking requirements. City Council recommended the Home Owners Association eliminate the area of land that is intruding into the right-of-way by deeding it over or make it an easement or accepting a friendly condemnation so the road can be widened. The HOA president did not want to consider any form of taking the land from that plat for a road. Discussion of what would need to happen for future development where another access to the subdivision would be needed was discussed. Chair Samantha Scott and Nicholas Porter both stated it should be accepted because no one can plan for every eventuality. Vice-Chair Corey Foley recommended painting the curb next to the homes red to prevent parking. Mr. Parker agreed that was a good idea, however, stated there was no way to really enforce that. There was more discussion of the area and the road and how the Planning Commission members do not see it as a problem to have it be a narrower street. Eric Hunting asked whether the HOA would be willing to split the difference and use a small side road that is on the map called Gena's Way. Mr. Parker stated that the road could not be used as an access to the new subdivision due to the smaller size and stated that at some point the road was deeded to the City without the City's knowledge. Corey Foley asked if there was a way to prevent this in the future to which Mr. Parker replied there would need to be a change in the standards for public and private roads. *Vice Chair Corey Foley moved to forward a positive recommendation to the Vernal City Council accepting the infrastructure of the road as presented. Jim Linschoten seconded the motion with Chair Samantha Scott, Vice Chair Corey Foley, Jim Linschoten, and Nicholas Porter voting in the affirmative, and Eric Hunting voting against.*

AMEND SECTION 16.24.155 – PORTABLE STORAGE CONTAINERS – USES

Allen Parker explained the changes added would enable someone to have a single storage container in their backyard as long it met the standards applicable to accessory structures in that zone and all set-backs. Mr. Parker also wanted to change it from allowed use to permitted use.

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Nicholas Porter asked whether or not the storage containers had to be modified or if they could be unmodified to which Mr. Parker replied that no modifications were needed. There was positive discussion regarding these changes to the code for storage containers. Mr. Parker is proposing to make changes to removing the zones from the text because the code will be using the use tables. Vice Chair Corey Foley asked about the size requirements to which Mr. Parker replied that over two-hundred (200) square feet would require a building permit and only one (1) storage container is allowed as an accessory structure. Storage containers may not be placed on a vacant lot. This will be brought back at a later date for further discussion.

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 brought this item to discussion again before taking it to public hearing to make sure no further changes were needed. Massing is regulated by ratio of amount of structural floor space to lot size, not coverage of lot. Mr. Parker stated this will take the minimum lot size and the maximum buildable area and create a ratio to apply throughout the zone. This will give people structure for how much of their building envelope they can build on. Mr. Parker is not proposing a change to massing. There was no further discussion.

LUDMA ORDINANCE UPDATE

Allen Parker provided an update on the Land Use Development and Management Act (LUDMA) from the State Legislature. LUDMA is the State land use map that directs the City Staff and Council on what it can and cannot do with land use regulations. The State has made a lot of changes this year. Mr. Parker brought up a Powerpoint created by the Utah League of Cities and Towns and the American Planning Association of Utah to go over the changes being made that will apply to Vernal City. Chair Samantha Scott requested the Powerpoint be emailed to the Planning Commission. Per HB82, throughout the state it is now required through all single family residential zones to permit internal accessory dwellings which means it is now required to allow secondary dwelling units within all single family residential zones. An additional parking space can be required if the City chooses to require it for these types of homes for a total of three (3) parking spaces per dwelling. These changes are due to the housing crisis. The City could exclude up to 25% of homes from this new regulation, however, Mr. Parker stated that after talking to attorneys it was not recommended because it would be difficult to enforce. There will also need to be a change to the definition of a family unit. There can be no discrimination about whether individuals are related or unrelated, and until now State law has stated that no more than four (4) unrelated individuals could live in a home. However, this brings to question if that will affect how many relatives can live in a home, so the attorneys are working to determine what the State Legislature intended with that verbiage. Mr. Parker will bring this back as a code change for the Planning Commission to review at a later meeting. The code change must be made by October 1, 2021 if the City wants to take advantage of the 25%. Mr. Parker discussed HB98, which will affect Matt Tate as the Building Inspector. HB98 allows for people to hire a private building inspector rather than use the City's Building Inspector and the City will have to accept whatever the inspector approves. Mr. Tate stated that this would likely cost contractors money, so they likely will not use private inspectors. Mr. Parker discussed HB409 which requires Planning Commission members to receive four (4) hours of training each year. Mr. Parker sent out a link with Land Use 101 to each of the Planning Commission members. HB409 also discusses development agreements. Mr. Parker stated that development agreements are not to be

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used with every rezone and cannot be used to substitute for zoning requirements. Further in HB409, it states that for some conditional use permits, there needs to be substantial evidence given for their use. Mr. Parker recommends stopping conditional use permits and changing the code to have certain standards that need to be met. Mr. Parker discussed other pieces of HB409 that do not affect Vernal City Planning Commission or that Planning Commission is already doing. Mr. Parker stated that one thing that will be required though it was not listed is that if a new subdivision is built, whatever laws are on the books at the time of the subdivision being built, those are the laws that subdivision will follow for the next ten (10) years. Mr. Parker briefly discussed HB107 which states that research will have to be done to find all water easements and irrigation right-of-ways and easements on a plat. Mr. Parker stated that SB201 discusses noticing amendments where the State as of May 1, 2021 no longer requires notices to be put in the newspaper, however, it must be published on the Utah Public Notice Website and posted in physical locations. The City's code currently has the requirement of putting notices in the newspaper, so those changes will be made to match the State's law in July. Mr. Parker discussed changes to individual rezones becoming law without allowing appeals. Mr. Parker also stated that staff will participate in the Main Street Program. This ended the slideshow and there was no further discussion.

PLANNING COMMISSION TRAINING

Allen Parker provided links for training sites provided by Utah State University prior to the meeting and Eric Hunting brought up that they should be able to get the training for free through a specific link and code.

Chair Samantha Scott asked the new member of the Planning Commission, Stephen Lytle, to introduce himself. Mr. Lytle stated he has relevant experience in planning and a Bachelors degree in Environmental Science with a minor in Geography. Mr. Lytle is currently the GIS manager for Uintah Engineering and Land Surveying.

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

Samantha Scott, Planning Commission Chair