

MINUTES of the Vernal City PLANNING COMMISSION

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

March 28, 2023

5:00 pm

Members Present: Brandon Parker, Stephen Lytle, Troy Allred & Brian Eades

Members Excused: Corey Foley

Alternates Present: Ryan Pugh

Alternates Excused: Randel Mills

Staff Present: Gabby Hawkes Blackburn, Assistant City Manager; Matthew Tate, Building Official; and Gay Lee Jeffs, Administrative Secretary.

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

APPROVAL OF MINUTES FROM March 14, 2023: Chair asked if there were any changes to the minutes from March 14, 2023. There being no corrections, *Stephen Lytle moved to approve the minutes of March 14, 2023 as presented. Brian Eades seconded the motion. The motion passed with Stephen Lytle, Brian Eades, Brandon Parker, Troy Allred and Ryan Pugh voting in favor.*

RECOMMENDATION TO CONSIDER A REZONE REQUEST FROM JACOB FLEMING AND QUINTON DANIEL FOR PROPERTY LOCATED AT 72 EAST AND 82 EAST 500 SOUTH, VERNAL, UTAH TO REZONE THE PROPERTY FROM R-3 RESIDENTIAL ZONE TO R-4 RESIDENTIAL – 2023-001-REZ

Gabby Hawkes Blackburn stated that these two lots were illegally subdivided and now neither lot has enough frontage to be buildable lots. The owner would like to rezone these lots to R-4. A Minor Subdivision / Lot Line Adjustment is required to make it buildable regardless of whether the rezone passes or not. The R-4 zone is in close proximity and is in line with Vernal City Future Land Use map. All uses that are permitted in the R-3 zone are also permitted in the R-4 zone. There are seven (7) other uses that are allowed in the R-4 zone that are not allowed in the R-3 zone. Not everything that is allowed in the R-4 zone is allowed on a flag lot. The setbacks in an R-3 zone are slightly different than the R-4 zone. There are other Code requirements that will need to be met by use not necessarily by zone. There is a negative easement on the proposed property. Any easements or property interests held by third parties outside of Vernal City are considered private civil matters between the parties concerned, and the City will not involve itself in upholding or enforcing those easements. The City does not assume any responsibility for resolving any disputes or issues arising from such easements or property interests. Any disputes or concerns regarding these easements should be handled through appropriate legal channels by the private parties involved. An easement grants access to property. A negative easement has been recorded on these two (2) lots, so certain conditions will need to be met for property access,

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but that is a civil matter and does not involve Vernal City. Rezoning this property will not make it buildable. A lot line adjustment/minor subdivision or combination will still need to be done in order to have enough access. This rezone is not approval for any structures to be built. All uses and structures will need to comply with current Vernal City zoning regulations as well as abide by all laws, easements and other legal processes.

Chair, Brandon Parker, opened the public hearing to receive public comment.

Kris and Gary Gerber, P.O. Box 525 Tabiona, Utah. Ms. Gerber stated that they had decided to sell the back lots of their property sixteen (16) years ago and keep the front lots with rental units. The R-3 zone only allowed for a 4-plex to be built on the property. They had a negative easement recorded on the property which stated that whatever is done on the back lots cannot decrease the property value and it cannot change the way of life for their renters on the front lots. There are other requirements that are recorded with the negative easement as well. They purposely built on large lots so their tenants could feel like they were not in an apartment complex. Their tenants are closely screened. Ms. Gerber explained that most easements have to do with size, but their easement directly goes with what can be built behind their property. They did not want anything bigger than a 4-plex, so there should not need to be a rezone if their easement is respected legally. Ms. Gerber said that ingress and egress will be affected on the property if there is a lot of traffic on the back lots. They are waiting to hear back from their attorney to see if the City will be liable or not with a rezone. They are willing to work with the builders and willing to listen to an offer if the developers would like to buy their property at 62 East and 92 East 500 South. The easement is perpetuated for ninety-nine (99) years and can be removed by the property owners themselves or if it were to be sold then the new property owners could remove the negative easement. Brandon Parker stated that the Commission's position is whether it fits the General Plan not really the legalities behind it. Ms. Gerber asked if her attorney decides that the negative easement does affect rezone can she contact Ms. Blackburn. Ms. Blackburn answered that she could and that the Gerber's could contact the State Ombudsman's office if they need legal advice as well.

Quinton Daniel, 2727 West 1500 North Vernal, Utah. Mr. Daniel stated that he understands that the negative easement should be resolved between land owners. The negative easement states explicitly that there will be no commercial activities, which will exclude more R-4 zone uses and prohibits most things that would be of concern. The negative easement does not address the size of a structure on the lot. Because of the current interest rates, there will not be a lot of people that will be able to afford a single family home. There are not many R-3 and R-4 lots available that multi-family homes can be built on. There is an affordable housing crisis and the more land that that can be developed and used wisely, the more affordable housing that will be available for people. Brian Eades asked if the City should be changing the zone when previous owners have relied upon the original zoning. Ms. Blackburn explained that the Future Land Use map is basically large areas of land that gives an idea of what the use could be and therefore the zone could be changed. Any zoning changes would be at the discretion of the Planning Commission and the City Council. Mr. Daniel reported that he does not own the property but is working with the land owner. Mr. Daniel stated that the maximum number of units on the lots would be eleven (11). There could be two (2) 4-plexes and one (1) tri-plex if the property is rezoned to an R-4 or

two (2) 4-plexes if the property remains an R-3. Ms. Gerber expressed selling the property she owns to the developer which could give them more acreage for landscaping and parking. This could give the developer an advantage and help maintain the integrity of the property.

Chair, Brandon Parker, closed the public hearing.

Troy Allred moved to forward a positive recommendation to the City Council to consider a rezone request from Jacob Fleming and Quinton Daniel for property located at 72 East and 82 East 500 South, Vernal, Utah to rezone the property from R-3 Residential Zone to R-4 Residential – 2023-001-REZ . Brian Eades seconded the motion. The motion passed with Stephen Lytle, Brian Eades, Brandon Parker, Troy Allred and Ryan Pugh voting in favor.

RECOMMENDATION TO CONSIDER A MINOR SUBDIVISION REQUEST FROM JACOB FLEMING AND QUINTON DANIEL FOR PROPERTY LOCATED AT 72 EAST AND 82 EAST 500 SOUTH, VERNAL, UTAH – 2023-005-SUB

Gabby Hawkes Blackburn stated that the parcels were broken out without going through the minor subdivision process. The lots were then sold twice and the current owner is now going through the process to make these lots buildable. The current zone is R-3 with a positive recommendation to City Council to rezone to R-4. The final decision for the rezone will be made by the City Council. There are two (2) different plans being presented. There is approximately twenty-five (25) feet of frontage. The minimum width for a single family dwelling in the R-3 zone is sixty-five (65) feet for a single family dwelling and ninety (90) feet for a tri-plex and one hundred (100) feet for a 4-plex. If it were to be rezoned to an R-4, it would require sixty-five (65) feet plus five (5) feet for each additional dwelling unit up to eighty (80) feet. The lots will be flag lots. The interior of each flag lot will need to meet the standards of a standard lot for the width and area requirements which are six thousand five hundred (6,500) square feet for a single family, nine thousand (9,000) square feet for a duplex, ten thousand (10,000) square feet for a triplex and twelve thousand (12,000) square feet for a 4-plex in the R-3 zone. The area requirements for an R-4 zone would be six thousand five hundred (6,500) square feet plus one thousand five hundred (1,500) square feet for each additional dwelling unit. If the request meets the law, it has to be approved. If the request does not meet the law, then it cannot be approved. If the property stays an R-3 zone, the minimum width requirement would be sixty-five (65) feet, the proposed widths would be one hundred thirty (130) feet which complies. The minimum area requirement is six thousand five hundred (6,500) square feet, the proposed area is seventeen thousand one hundred sixteen (17,116) square feet and twenty-two thousand three hundred eighty-five (22,383) square feet which also complies. The minimum access is twenty-five (25) feet which complies. It is less than sixty (60) feet which complies and the current land, as it exists, cannot be subdivided any other way. The minimum width requirement in the R-4 zone would be sixty-five (65) feet, the proposed widths of the interior of the lot would be ninety-three (93) feet, seventy-five point five (75.5) feet, and ninety-three (93) feet respectively which complies. The minimum area requirement is six thousand five hundred (6,500) square feet and the proposed area is twelve thousand one hundred fifteen (12,115) square feet, nine thousand five hundred nine (9,509) square feet and seventeen thousand eight hundred seventy-four (17,874) square feet respectively which complies. It would have the same twenty-five (25) foot access, less than sixty (60) foot access and cannot be subdivided any other way. The R-4 plan will not

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work if it is not rezoned. Ms. Blackburn explained that a flag lot is a panhandle shaped lot that has a long skinny access. The panhandle access must be a minimum of twenty-five (25) feet. It will be a private road maintained by the property owner. These parcels meet the size requirements for a building lot in R-3 or R-4 zones respectively. These parcels meet the requirements of a flag lot. These parcels are previously in existence as an improper subdivision and are now going through the minor subdivision process to become buildable lots. A twenty-four (24) foot, all weather access road, will be required to access the home which usually is inspected by the fire dept.

Chair, Brandon Parker, opened the public hearing to receive public comment.

Kris Gerber, P.O. Box 525 Tabiona, Utah. Ms. Gerber asked if the developer were to purchase the front lots, would it change the flag lot subdivision request. Ms. Blackburn responded that it would only change if all the lots were combined. If that were to happen, then they would not need to go through the subdivision process because the property would be buildable lots. Ms. Gerber commented that it would solve a lot of problems. Ms. Blackburn stated that the City cannot get involved in any future buying or selling of land. Ms. Gerber asked if the City Council could approve the combining of lots. Ms. Blackburn explained that usually you can just combine lots, but once there is a recorded subdivision, the State of Utah has said must be an amended subdivision plat to make changes to the lot.

Quinton Daniel, 2727 West 1500 North Vernal, Utah. Mr. Daniel explained that the lots currently are not buildable regardless if the zone is changed. The developer is proposing to make the lots buildable by going through the minor subdivision process and needs a positive recommendation from the Planning Commission to the City Council for buildable lots otherwise they will continue to be unbuildable unless the lots are combined. The lots would still need to be split because the R-3 zone only allows for one (1) structure per lot. Mr. Daniel reminded the Commission that it does comply with all current City Codes.

Chair, Brandon Parker, closed the public hearing.

Ryan Pugh moved to forward a positive recommendation to the City Council to consider a minor subdivision request from Jacob Fleming and Quinton Daniel for property located at 72 East and 82 East 500 South, Vernal, Utah for both proposals pending rezoning of property – 2023-005-SUB. Stephen Lytle seconded the motion. The motion passed with Stephen Lytle, Brian Eades, Brandon Parker, Troy Allred and Ryan Pugh voting in favor.

ADJOURN: There being no further business, ***Troy Allred moved to adjourn. Ryan Pugh seconded the motion. The motion passed with a unanimous vote, and the meeting was adjourned.***

Brandon Parker, Planning Commission Chair