

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 8, 2025 at 5:30 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 Meeting Minutes for March 11, 2025

B. PUBLIC HEARING

1. Recommendation to consider amending the Vernal City Municipal Planning and Zoning Code to consider major changes to Chapter 16.60, Master Site Plan - Ordinance No 2025-07. - Braeden Christofferson

C. ACTION ITEMS

1. Recommendation to consider approval for Debbie Widdison (XVERTUZ) - Conditional Use Permit for property located at 1089 East Highway 40 Vernal Utah (Parcel # 05 044 0045) 2025-009-CUP – Braeden Christofferson
2. Review and consider approval of a Sidewalk Exemption associated with the Luxury Homes Master Site Plan (2025-004-MSP) for property located at 619 & 637 South 1400 & 1407 West Highway 40, Vernal, Utah, 84078 (Parcel #05 060 0093) – Braeden Christofferson

D. ADJOURN

1 **MINUTES OF THE VERNAL CITY PLANNING COMMISSION**

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

3 March 11, 2025

4 5:30 pm

5
6 **Members Present:** Stephen Lytle, Nick Porter, Samantha Chapoose, Ryan Balch, Troy
7 Allred, Brooke Hamilton, Brittany Young

8
9 **Members Excused:**

10
11 **Alternates Present:**

12
13 **Alternates Excused:** Rebecca Wilkey

14
15 **Staff Present:** Braeden Christofferson, Assistant City Manager; Matthew Tate,
16 Building Official; Taylor Munguia, Planning Technician; Gabby
17 Hawkes Blackburn, Planning Consultant with Sunrise Engineering

18
19 **WELCOME AND DESIGNATION OF CHAIR AND MEMBERS:** Chair Stephen Lytle
20 welcomed everyone present to the meeting.

21
22 **APPROVAL OF MINUTES FROM, February 11, 2025:** Chair Stephen Lytle asked if there
23 were any changes to the minutes from, February 11, 2025. The minutes were approved with
24 there being no corrections. *Nick Porter moved to approve the minutes of, February 11, 2025 as*
25 *presented. Ryan Balch seconded the motion. The motion passed with Stephen Lytle, Nick*
26 *Porter, Samantha Chapoose, Ryan Balch and Brittany Young voting in favor.*

27
28 **RECOMMENDATION TO CONSIDER APPROVAL OF A PRELIMINARY**
29 **SUBDIVISION PLAT FOR THE AMERICAN DREAMS SUBDIVISION LOCATED AT**
30 **256 EAST 600 SOUTH, VERNAL, UT 84078 (PARCEL #05:0511:0037) 2025-008-SUB**

31
32 Braeden Christofferson introduced the proposal for the American Dream Subdivision, located at
33 256 East 600 South, Vernal, Utah (Parcel 05:051:0037). Mr. Christofferson explained that it was
34 a collaborative effort between Vernal City and the Uintah Basin Association of Governments
35 (UBAOG) to address affordable housing needs. He then turned the time over to Keith Despain,
36 Vernal City Engineer, who provided further details on the project.

37
38 Mr. Despain elaborated that the city had secured grant funding through the Community
39 Development Block Grant (CDBG) program over two years to finance infrastructure
40 construction. The first phase of the project consists of four (4) lots with direct access to 600
41 South, where infrastructure such as roads, utilities, and stormwater facilities are already in place.
42 The second phase will involve additional development, including a public road and eleven (11)
43 more homes, seven (7) of which will be designated as tiny homes.

44

Vernal City Planning Commission Minutes
March 11, 2025

Planning Commission member Ryan Balch asked why the City had purchased the land rather than partnering with private developers and inquired whether the project would be deficit-neutral.

Mr. Despain explained that private development typically focuses on higher-end housing, leaving a gap for first-time and lower-income homebuyers. He emphasized that the goal of the project was to support affordable homeownership with the goal to break even. Additionally, he clarified that multiple sites were considered and evaluated before selecting this location as the best option.

Planning Commission member Brooke Hamilton asked if all of the houses in Phase 1 would be built simultaneously.

Mr. Despain confirmed that the four homes along 600 South would be constructed together and explained that UBAOG typically requires all homes in a development to be completed before occupancy.

Mr. Balch expressed concerns about the development of tiny homes, questioning whether they would be desirable and whether this factor had been considered.

Mr. Christofferson responded that these considerations had been carefully evaluated. He explained that the development is designed for moderate- to low-income households that may not qualify for traditional-sized homes. Additionally, tiny homes provide a viable housing option for university students who need affordable accommodations while attending nearby colleges.

Planning Commission member Nick Porter inquired whether UBAOG would be overseeing the entire project.

Mr. Despain confirmed that UBAOG would manage the project from start to finish, utilizing the self-help program to ensure the development fulfills its intended purpose of providing affordable housing to moderate- and low-income households.

Chair Stephen Lytle opened the public hearing for comment, noting that each speaker would be limited to two (2) minutes.

Darlene Burns, residing at 457 East 700 South, inquired about the depth of the property purchase. Mr. Despain clarified that the City did not purchase the entire lot extending to 700 South; rather, only the portion north of 600 South is being developed.

Thomas Schlosser of 514 South 285 East expressed concerns regarding the loss of open space that neighborhood children currently use for recreation. He suggested the City consider alternative uses for the land.

Lisa Nielsen of 394 East 600 South raised traffic safety concerns, stating that vehicles often ignore the posted 15 mph speed limit, making the street feel like a high-speed thoroughfare. She requested that speed bumps or other traffic control measures be considered to enhance pedestrian

Vernal City Planning Commission Minutes
March 11, 2025

91 safety, particularly given the expected increase in neighborhood density.

92
93 Andrew Bytendorp, a resident at 422 East 640 South, echoed concerns about past traffic
94 accidents in the area. He asked for clarification on the total number of homes planned for the
95 subdivision and was informed that the final count would be fifteen (15). He also inquired about
96 fencing requirements, particularly between the new development and existing properties,
97 including the nearby church, HOA-managed properties, and private residences. Sunrise
98 Engineering Planning Consultant, Gabby Hawkes Blackburn, explained that fencing is only
99 mandated between dissimilar land uses, such as residential and commercial properties, and
100 fencing would not be required between residential lots and an HOA.

101
102 Eric Bowden of 276 East 600 South inquired about road infrastructure, asking if 600 South
103 would receive lane markings, specifically where this parcel is located, to deter improperly
104 parking on the street and excessive speeding. Mr. Despain responded that the road is currently
105 private but will transition into a public city street upon City Council approval. Once the
106 dedication is complete, the City will have jurisdiction over speed limits and road improvements.

107
108 Tammy Colter of 446 E 600 S asked about the eligibility requirements for homeownership
109 within the subdivision, asking whether applicants must currently reside in Vernal. Mr. Despain
110 stated that UBAOG is responsible for determining eligibility, which is based on income
111 qualifications. While the program aims to assist current Vernal City residents, applicants from
112 outside the City may also qualify. When asked if new homeowners would be required to live in
113 the homes for a set period after purchase, no definitive answer was provided during the meeting
114 as this would be managed by UBAOG.

115
116 Chair Stephen Lytle closed the public hearing and thanked everyone for their input. Mr. Lytle
117 asked Planning Commission members if they had additional items they would like to discuss.

118
119 Brittany Young raised a concern about the speed limit on the road, asking if anything could be
120 done to address speeding. Mr. Despain explained that the road in question was currently private,
121 meaning the City had no jurisdiction over it. However, upon approval of the subdivision, the
122 road would be dedicated to the City at the next City Council meeting, granting the City authority
123 to manage it like any other public road. The standard residential speed limit in Vernal is 25 miles
124 per hour, but the current posted limit was unknown.

125
126 Mr. Balch echoed Ms. Young's concerns and asked whether these issues were on the City's
127 radar. Mr. Despain explained that while the City recently acquired the land, the road remains
128 private since it has not yet been officially dedicated. As a result, the City currently lacks
129 jurisdiction. However, once the road is dedicated, the City will be able to conduct traffic studies
130 to determine the appropriate speed limit.

131
132 Ms. Hamilton questioned how the subdivision would benefit current Vernal City residents,
133 asking whether there were requirements regarding how long an individual must own their home.
134 She expressed concerns that the development might attract outside buyers rather than serving the
135 existing community. Mr. Despain stated that while he was unsure of the specific requirements set
136 by UBAOG, similar programs in the past have included criteria based on income and length of

Vernal City Planning Commission Minutes
March 11, 2025

ownership. Ms. Young, speaking from her experience as a realtor, agreed with Mr. Despain's assessment. Ms. Hamilton also raised concerns that the area could become dominated by rentals rather than owner-occupied homes. In response, Nick Porter noted that the surrounding neighborhood already consists of duplexes and apartments, meaning the subdivision would not significantly alter the area's existing character.

Chair Stephen Lytle reminded the commissioners that some of the topics being discussed were beyond the Planning Commission's scope. Gabby Hawkes Blackburn reinforced this point, clarifying that the Commission's role is strictly to determine whether the proposed subdivision meets Vernal City's Subdivision Code §16.58. Considerations such as affordable housing are outside their jurisdiction.

Nick Porter moved to approve the Preliminary Subdivision Plat for the American Dreams Subdivision located at 256 East 600 North. Ryan Balch seconded the motion. The motion passed with Stephen Lytle, Nick Porter, Samantha Chapoose, Ryan Balch, Troy Allred, Brooke Hamilton, and Brittany Young voting in favor.

**REVIEW AND CONSIDER APPROVAL OF A SIDEWALK EXEMPTION
ASSOCIATED WITH THE COCA COLA MASTER SITE PLAN (2024-025-MSP) FOR
PROPERTY LOCATED AT 760 N VERNAL AVE, VERNAL, UTAH, 84078 (PARCEL
#04:075:0028)**

Braeden Christofferson began the discussion, explaining that Coca-Cola is in the process of building a new facility, which will result in changes to the flow of traffic. Currently, traffic enters from Vernal Avenue and exits onto 750 north. The master site plan calls for a sidewalk on the north side of 750 North; however, due to the presence of sixteen (16) to twenty (20) large trucks moving through the area daily, Coca-Cola has requested an exemption to avoid potential pedestrian hazards. Instead of the sidewalk, Coca-Cola has proposed installing landscaping, curb, and gutter along the north side while maintaining a continuous sidewalk on Vernal Avenue. The current pedestrian traffic, as observed by Coca-Cola, indicates that the use of the sidewalk to the south of 750 North is frequented by pedestrians but the north side is rarely used. Mr. Christofferson emphasized that granting this exemption would conflict with Vernal City Code Sections 16.24.180, and 16.54.160, which mandates sidewalk, curb, and gutter installation along public road frontages for all development properties. He also raised concerns that allowing this exemption could set a precedent for other commercial properties to seek similar variances, potentially undermining the City's ability to enforce sidewalk requirements in the future. Additionally, he noted that while the absence of a sidewalk might discourage pedestrian traffic, it would not prevent it entirely, meaning that individuals may still walk along the roadway, creating a safety concern. Mr. Christofferson pointed out that past sidewalk exemptions were granted primarily in industrial zones or locations with topographical constraints, which did not apply in this case.

Mr. Porter expressed strong opposition to the exemption, stating that the justification for limiting pedestrian access did not align with the actual flow of foot traffic. He pointed out that the majority of residential housing is located on the south side of the road, and pedestrians moving toward the mobile home park or other areas to the east are already using the existing sidewalk on

Vernal City Planning Commission Minutes

March 11, 2025

that side. He argued that the sidewalk on the north side would not be redundant and would still serve an important purpose. Ms. Chapoose and Mr. Lytle agreed with Mr. Porter's assessment, stating that the exemption did not meet the criteria of past approvals and could establish an unfavorable precedent.

Mr. Balch sought clarification on whether the city's position was to require Coca-Cola to install the sidewalk because they were improving their building and site. Mr. Christofferson explained that the City was considering the potential implications of granting the exemption, particularly the concern that it could set a precedent for other businesses with truck traffic to request similar exemptions in the future. He noted that many businesses in Vernal City with significant truck traffic have installed sidewalks as part of their developments. Given that the site is undergoing a complete redevelopment, including the construction of a new building, the relocation of existing structures, and changes to parking areas. Mr. Christofferson emphasized that it is standard practice to upgrade the entire site to meet current development standards.

Ms. Young asked about the zoning of the surrounding properties. Mr. Allred clarified that the property to the east is zoned commercial, with a shop currently in place, while the mobile home park further east is residential. The property to the west is residential and agricultural. Mr. Porter raised concerns that removing the sidewalk would create a situation where drivers might become complacent about the presence of pedestrians, making it more dangerous in the long term. He suggested that having a sidewalk in place forces drivers to remain aware of the possibility of pedestrian traffic, whereas removing it could create an unintended safety hazard.

Joe Easton, representing Coca-Cola High Country, addressed the Commission to present the company's perspective. He reiterated that the primary motivation for the exemption request was safety, explaining that truck drivers become accustomed to a predictable environment, and if a sidewalk were suddenly used by pedestrians in an area they do not typically expect, it could increase the risk of accidents. He described Coca-Cola's operational layout, where trucks enter from Vernal Avenue, proceed around the north side of the building, load at the truck docks, and then exit onto 750 North. He emphasized that the company is already committed to making improvements to the road, including widening it, installing curbs, gutters, and landscaping, and maintaining pedestrian access on the south side of 750 North.

Mr. Lytle asked whether there was any difference in perceived safety between the north entrance and the south exit. Mr. Easton responded that, while both entry and exit points required careful navigation, the primary concern was with trucks exiting onto 750 north. He explained that at the entrance, drivers approach a closed gate and must stop before proceeding, whereas exiting onto the road requires immediate attention to pedestrian traffic.

Ms. Young asked whether Coca-Cola had considered an alternative design that would allow trucks to enter and exit from Vernal Avenue instead of using 750 north. Mr. Easton explained that early design considerations ruled out this option due to multiple constraints, including a sewer line that runs through the property, the need to maintain employee parking, and the necessity of keeping the building within a certain footprint to allow for proper drainage and setback compliance. He emphasized that the current layout is the best possible configuration given the site's limitations.

Nick Porter moved to deny the sidewalk exemption associated with the Coca Cola Master Site Plan (2024-025-MSP) for property located at 760 N Vernal Ave, Vernal, Utah, 84078 (Parcel #04:075:0028) Samantha Chapoose seconded the motion. The motion passed with Nick Porter, Samantha Chapoose, and Brooke Hamilton in favor; Troy Allred and Ryan Balch against; Brittany Young abstained.

DISCUSSION IN REGARDS TO AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE §16.60 MASTER SITE PLAN

Braeden Christofferson initiated the discussion centered on amending Vernal City's Municipal Planning and Zoning code, specifically Section §16.60: Master Site Plan, to create a more structured and flexible system for businesses. The current Master Site Plan requirements pose challenges for small businesses attempting to relocate or redevelop properties. The City has gathered input from developers, business owners, and City administrators and is exploring a tiered system to streamline the process while maintaining regulatory integrity.

Under the existing code, a Master Site Plan is required for new commercial, institutional, or industrial construction, expansions, relocations, new parking lots, and multiple housing developments with five or more units. Additionally, a change of use, such as converting a car dealership into a daycare, triggers the Master Site Plan process, often leading to costly improvements like curbs, gutters, and sidewalks that may be financially prohibitive for small businesses. To address this, the City proposes a three-tier system.

Tier One would apply to large-scale commercial, industrial, and institutional developments, requiring a full Master Site Plan review, including zoning compliance and a traffic impact study. Tier Two would cover minor redevelopments that do not significantly alter a site but may impact traffic or parking. Tier Three would accommodate small-scale businesses undergoing a minor change of use, ensuring safety compliance without excessive financial burden.

A key issue raised was determining what qualifies as a significant structural change and how that would impact a business's tier classification. Questions arose about cases like a daycare requiring an additional exit, would that necessitate a full Master Site Plan? The International Existing Building Code (IEBC) was referenced, which classifies alterations into three levels based on their impact. This tiered approach could be applied to site planning, ensuring that businesses undertaking minor modifications are not subjected to major financial burdens, while larger projects remain compliant with updated City infrastructure standards.

The Planning Commission's role in this process was debated, with concerns about subjectivity in determining when a Master Site Plan is required. Some cities allow Planning Commissions to decide on a case-by-case basis, but this can lead to inconsistencies and delays. A more prescriptive approach, like the proposed tiered system, would create clear, standardized guidelines, reducing government intervention while ensuring fairness.

Mr. Christofferson introduced a proposal to establish a Development Review Committee (DRC) that would meet regularly, either weekly or biweekly, to evaluate all submitted development

Vernal City Planning Commission Minutes
March 11, 2025

plans in a single session. This committee would include representatives from Public Works, Planning, Building, and other relevant departments, such as streets and water. The goal is to streamline the review process, minimize confusion over multiple review rounds, and ensure all stakeholders are involved early in the process.

Currently, the DRC exists but primarily reviews construction documents at the final stage rather than being involved from the beginning. The proposed change would shift their role to the initial planning phase, allowing them to provide feedback and potentially make decisions on tier classifications for Master Site Plan requirements. This approach aims to reduce unnecessary delays and provide clearer expectations for developers.

Another key issue discussed was the lack of a defined process for final site inspections and approvals. While various departments currently sign off on different aspects of the project, there is no formalized system for ensuring full compliance with the Master Site Plan. The group considered clarifying who is responsible for final inspections and establishing a more structured process, possibly incorporating an appeals process for Master Site Plan amendments.

The discussion also touched on the role of the Planning Commission in appeals and variance decisions. While an appeals officer currently handles these matters, there was debate over whether the Planning Commission should be involved in the appeals process or if the current system should remain. Concerns were raised about balancing administrative oversight with the need to keep elected officials out of technical zoning decisions.

Ultimately, the conversation emphasized the importance of making the process more transparent and predictable for developers, residents, and city staff. The goal is to ensure that zoning and planning regulations are comprehensive, clearly codified, and easy to follow.

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

Stephen Lytle, Planning Commission Chair

Vernal City Planning Commission Staff Report

Prepared by: Braeden Christofferson

Date: 03/26/2025

Public Hearing Items

1. Recommendation to amend Vernal City Municipal Planning and Zoning Code §16.60 Master Site Plan

Type of PC Decision: Legislative

Review Trigger: After receiving general input from city administration, city staff, landowners, developers, and other stakeholders, we recognize the need to reassess the Master Site Plan requirements. The goal is to balance regulatory compliance with economic feasibility, ensuring city standards are upheld while supporting adaptive reuse and small business growth. These discussions will be to address infrastructure deficiencies, zoning constraints and cost prohibitive site improvements.

Location: Vernal City Code 16.60

Ordinance Number: 2025-07

Discussion: 2nd discussion and public hearing - first discussion March 11th 2025

➤ **Context and Background:**

- o The existing Master Site Plan ordinance, as found in Vernal City Code §16.60, establishes a full-scale review process for new development, substantial expansions, or significant site changes. While effective in upholding city standards and ensuring compliance with zoning and infrastructure requirements, the current ordinance has raised concerns among stakeholders. Specifically, small businesses, adaptive reuse projects, and modest site modifications may be unintentionally burdened by the same level of review required for large-scale development, resulting in delays, increased costs, and infrastructure challenges.
- o This amendment proposal originates from ongoing Planning Commission discussions and comparative research of peer cities. It seeks to establish a more balanced, tiered approach that distinguishes between project types and scales, enabling regulatory flexibility without compromising the City's oversight responsibilities or public safety interests.

➤ **Analysis**

- o **Challenges Identified with existing Code**
 - Equal compliance requirements for both large-scale and small-scale projects
 - Prohibitive infrastructure costs for minor redevelopment or new business occupancy
 - Absence of a process to accommodate phased improvements or impact-based flexibility
- o **Key Considerations**
 - Defined Master Site Plan Tiers
 - **Master Site Plan (Tier 1)** For new developments or significant site changes
 - **Modified Master Site Plan (Tier 2):** Review-based compliance for adaptive reuse and structural modifications
 - **Change of Use Application (Tier 3):** Minimal review for permitted-use changes without significant physical changes

- Establish a **Development Review Committee** to pre-screen projects and determine which tier applies, ensuring early coordination and clearer expectations.
- Define **roles and responsibilities** for departments involved in plan reviews and inspections.
- Require **final inspection and verification** that development aligns with submitted and approved plans.
- Align review thresholds with real-world economic feasibility while maintaining necessary enforcement mechanisms.
- Establish clearer **definitions and exemptions** for minor changes, phased improvements, or essential-only upgrades.
- o **Comparative Review – Other Cities**
 - To ensure the proposed amendments align with regional best practices, the following cities were reviewed:
 - **Ogden, UT** – Uses major/minor classifications in its development plan process.
 - **Lehi, UT** – Provides tiered review procedures and exemptions for small modifications.
 - **Morgan, UT** – Offers built-in revision options and customized review thresholds.
 - These examples reinforce the value of a structured yet flexible approach to site plan review that accommodates business growth and redevelopment while upholding city standards.
- o **Tier 1: Full Master Site Plan Approval**
 - Required for all large-scale or new development projects.
 - Full infrastructure and zoning compliance required.
 - Includes formal reviews from Planning, Public Works, and Building.
 - Final inspection required.
- o **Tier 2: Minor Revisions or Structural Changes to Existing Sites**
 - Applies to major tenant improvements, façade changes, or partial redevelopment.
 - Evaluated by the Development Review Committee for scope and impact.
 - A modified Master Site Plan is granted based on project impact.
- o **Tier 3: Change in Permitted Use with Minimal Modifications**
 - Applies to occupancy changes within existing structures with no structural or major infrastructure changes.
 - Expedited review focused on zoning, fire, and safety compliance.
 - Encourages low-barrier business growth while maintaining public welfare.
- o **Additional Components**
 - Formally codify the Development Review Committee (DRC) and its responsibilities
 - Define procedural workflows and departmental responsibilities
 - Establish compliance checklists and sign-offs required for each plan type
 - Include provisions for phased improvements where appropriate and justifiable
- **Items for Consideration in Decision:**
 - o Are the definitions and criteria for each Master Site Plan tier clear and enforceable?
 - o Does the DRC structure provide sufficient early guidance and consistency?
 - o Should additional project types be explicitly included or exempted from the process?
 - o Is the balance between administrative review and formal Commission oversight appropriate?
 - o Are the goals of flexibility, economic feasibility, and city standards all met by this proposal?

➤ **Proposed Ordinance Language - Subject to Review -**

Ordinance §16.60 Master Site Plan Requirements

A. 16.60.010 Purpose

The purpose of this ordinance is to establish a clear and consistent process for reviewing and approving site development and redevelopment within Vernal City. This ordinance aims to ensure that all developments are compatible with the surrounding area, comply with city standards and codes, and contribute positively to the community's character, safety, and infrastructure.

B. 16.60.020 Plan Approval Required

Site Plan approval is mandated for developments and modifications that affect land use, infrastructure, or site layout within Vernal City. The approval process is categorized into three tiers based on the project's scale and potential impact, as detailed below. For more comprehensive information, please refer to the expanded descriptions in sections 16.60.040 Master Site Plan, 16.60.050 Modified Master Site Plan, and 16.60.060 Change of Use Application.

a. Applicability:

- i. New commercial, institutional, or industrial construction, expansion, or additions.
- ii. The relocation of a commercial, institutional, or industrial structure.
- iii. New commercial, institutional, or industrial parking lots.
- iv. New multifamily housing developments containing five (5) or more dwelling units. *(See section 16.60.040 for a full list of requirements and review process.)*
- v. Sites that have remained vacant for more than one (1) year
- vi. Developments required by Conditional Use Permit
- vii. Changes in use that alter site circulation, intensity, or infrastructure demands.

b. Process: Applicant shall

- i. Submit a completed electronic development application
- ii. Provide proof of ownership (Deed)
- iii. Pay all applicable fees
- iv. Schedule a Pre-Development Meeting with Planning Department

c. Plan Requirements: Determined by the development classification

- i. Master Site Plan - Applies to new major developments or significant redevelopments exceeding half (.50) an acre or those significantly impacting public infrastructure. These projects require comprehensive review, including detailed assessments of infrastructure, utilities, and environmental impact. Examples include:
 1. New commercial, institutional, or industrial construction, expansion, or additions.
 2. The relocation of a commercial, institutional, or industrial structure.
 3. New commercial, institutional, or industrial parking lots.
 4. New multifamily housing developments containing five (5) or more dwelling units. *(See section 16.60.040 for a full list of requirements and review process.)*
 5. Sites that have remained vacant for more than one (1) year
 6. Developments required by Conditional Use Permit
- ii. Modified Master Site Plan - Covers modifications to an existing site that impacts the following public infrastructure, traffic, parking, or the site's physical layout, or lots which are over half an acre in size. This includes potential increases in vehicular traffic, parking demand, or changes to the general layout of the development. Examples include:
 1. Expansions or additions to existing structures that do not qualify as Full Master Site Plan.
 2. Changes in use that alter site circulation, intensity, or infrastructure demands.
 3. Significant alterations to existing parking lots or traffic flow. *(See section 16.60.050 for a detailed list of applicability and review process.)*
- iii. Change in Use Application - Applies to land use changes that have minimal impact on the site and surrounding area and the site must have been occupied within the past year.
 1. To qualify for a Change of Use application, the proposed change must meet at least five (5) of the seven (7) criteria outlined in section 16.60.060. If fewer than five (5) criteria are met, the application will be considered a master site plan or modified site plan application, as determined by the Planning Department.
 2. Lot size will be less than half an acre. These applications are administratively approved unless referred to the Planning Commission due to special circumstances.

3. Change of Use applications will involve changes within existing buildings or spaces that do not substantially increase parking demand, noise, or other impacts.
 - a. Examples include: Changes of use within existing buildings or spaces that do not significantly alter operations or infrastructure needs, and that meet the criteria outlined in section 16.60.060. (See section 16.60.060 for specific criteria and review process.)

C. 16.60.030 General Requirements

a. Site Plan Submission and Content Requirements:

i. General Compliance:

The lack of information under any item specified in this section (§16.60.030) or improper information supplied by the applicant may be cause to find the application incomplete or for disapproval of a site plan application. All site plans shall comply with Vernal City's codes and standards. (as per document Standard Drawings and Standard Specifications) Site plans requesting exceptions to code requirements require the approval of the Planning Commission for the requested exceptions.

1. If the reviewing departments determine that a site plan involves unclear standards, may result in impacts beyond typical expectations—such as traffic, lighting, or use compatibility—or may warrant an exemption, the application shall be forwarded to the Planning Commission for review under the applicable provisions, including Conditional Use Permit or exemption criteria.

ii. Submission Process:

1. A complete application form and fees as established by the City including:
 - a. A copy of the current deed showing ownership of the property or properties addressed on the application.
 - b. One (1) electronic copy of the proposed plan in PDF Format
 - c. Payment of all applicable fees
2. Upon final approval, the City shall provide the applicant with an electronically delivered, signed, and approved plan set. The applicant is responsible for printing and delivering the following copies of the approved plan set to Vernal City:

- a. Sheets shall not be less than 24 x 36 inches.
 - b. The site plan shall be prepared in permanent ink, and the sheets shall be numbered in sequence if more than one sheet is used.
3. All engineering and surveying documents shall bear the seal of the professional engineer and professional land surveyor per Utah Code Ann. §58-22-602.

iii. **Site Plan Details:**

1. All drawings shall contain the following:
 - a. Name of development, surveyed boundary of the site plan accurate in scale, dimension and bearing. Including all adjacent and contiguous property under the control of the owner.
 - b. Graphic and written scale at no more than one inch equals one hundred (100) feet
 - c. North Arrow
 - d. Location, dimensions and square footage of all proposed buildings as part of the site plan
 - e. Building setback lines
 - f. Topographic contours shall be shown at intervals of no more than two (2) feet. For areas with a slope of less than two percent (2%), one (1) foot contours or spot elevations shall be provided.
 - g. Location and names of adjacent properties, property owners and platted subdivisions
 - h. Location of proposed and existing easements for water, sewer and on site water retention and drainage facilities.
 - i. Location and size of existing and proposed sewer mains including size, depth. Including existing lines adjacent to or affected by the proposed site plan
 - j. Existing and proposed storm water retention improvements including
 - i. Retention Basins
 - ii. 3:1 maximum slope
 - k. Solid waste containers
 - i. Specify Location;
 - ii. Size; and
 - iii. Number of

- l. The location, dimensions, materials and colors of any proposed signs, including the type and height of sign(s).
- m. Location type and height of any fencing, berming, and other buffering to be installed as part of the development, including any fencing required to comply with residential, commercial and industrial bufferings
- n. Landscaping plan shall clearly show all landscaped areas and shall include the following details:
 - i. Planting areas with a list indicating the name (common and scientific), number, and size of all proposed plants.
 - ii. Location, name, and size of all existing trees and shrubs to be retained and incorporated into the final landscaping.
 - iii. Location and layout of any proposed irrigation systems and facilities.
 - iv. All landscaping plans shall comply with the requirements of Chapter 16.27 (Landscaping Requirements), including minimum landscape area, species mix, tree and shrubbery ratios, installation, and maintenance standards.
 - v. Landscaping shall be reviewed for compatibility with adjacent land uses, visibility for traffic and site access, and long-term sustainability.
- o. The location of exterior existing and proposed lighting standards and devices, along with photometric analysis if the proposed development is adjacent to an existing residential zone or use
 - i. Exterior lights
 - ii. Parking lot lighting
- p. Location of existing and proposed roads including their names, dimensions, and cross sections
- q. The location and width of all existing and proposed entrances and exits into & onto adjacent roads;
- r. The location, dimensions and surface type of all parking facilities, including ADA accessible stalls and loading areas, the location and dimensions of backup aisles, and any additional parking details
- s. If adjacent to a state road UDOT access size and location and UDOT approval

- t. Location of any necessary temporary turnaround easements for emergency access on dead end roads;
- u. A traffic study is required unless a waiver is granted by the City Engineer;
- v. Calculation of Site plan areas including
 - i. Total Acreage
 - ii. Total project density
 - iii. Square footage and percentage of all landscaped areas including:
 - 1. Total landscaped area
 - 2. Total irrigated area; and
 - 3. Total parking lot landscape
 - iv. Square footage of all impervious surfaces, including:
 - 1. Rooftop of all buildings
 - 2. Roads and parking facilities
 - 3. Curbs and gutters
 - 4. Walks
 - 5. Loading areas; and
 - 6. Asphalt or concrete aprons for solid waster containers or outdoor mechanical equipment
 - v. Gross building square footage
 - vi. Parking calculations
 - 1. Required number of stalls
 - 2. Proposed number of stalls
- w. Walkways and Access connections showing:
 - i. Pedestrian walkways;
 - ii. Crosswalks
 - iii. Cross access points

2. Additional Information Required

- a. Drainage system calculations and an explanatory narrative sealed by a licensed engineer or architect for detention and retention basins calculations justify sizing based on a 100 year design storm;
- b. Proposed Development Phasing Schedule if applicable
 - i. Sequence of each phase
 - ii. Approximate size in area of each phase
 - iii. Proposed phasing of construction improvements
 - iv. Recreation

- v. And common open space areas
- c. Any deeds or boundary line adjustments necessary for the approval of site plan
- d. Any Required UDOT approvals for access
- e. Other information required by the DRC committee, Planning Commission or City Council if necessary.

D. 16.60.040 Master Site Plan

- a. Scope:** Applies to new developments and major redevelopments exceeding half (.50) an acre or those significantly impacting public infrastructure.
- b. Applicability:**
 - i. New commercial, institutional, or industrial construction, expansion, or additions.
 - ii. The relocation of a commercial, institutional, or industrial structure.
 - iii. New commercial, institutional, or industrial parking lots.
 - iv. New multifamily housing developments containing five (5) or more dwelling units. *(See section 16.60.040 for a full list of requirements and review process.)*
 - v. Sites that have remained vacant for more than one (1) year
 - vi. Developments required by Conditional Use Permit
 - vii. Demolition of existing dwelling
- c. Requirements:**
 - i. Full Master Site Plan requires a plan with fully detailed infrastructure, utility, and landscaping plans. as specified in General Requirements §16.60.030
 - ii. All engineering and surveying documents shall bear the seal of the professional engineer and professional land surveyor per Utah Code Ann. §58-22-602.
 - iii. Traffic impact studies as required.
 - iv. Compliance with all zoning, infrastructure, and environmental standards.
- d. Review Process:** Requires Development Review Committee (DRC) review

E. 16.60.050 Modified Master Site Plan

- a. Scope:** Applies to modifications that do not significantly alter the original site plan's scope but may impact adjacent properties or public infrastructure.
- b. Requirements:**
 - i. A Modified Master Site plan will address any issues listed in applicability section

- c. **Applicability:** Modified Master Site Plan is required to mitigate site modifications that:
 - i. Increase vehicular traffic.
 - ii. Increase demand for parking or expand parking areas.
 - iii. Increase noise, odor levels, lighting, dust, or dirt.
 - iv. Changes in use that alter site circulation, intensity, or infrastructure demands.
 - v. Create unsightly conditions.
 - vi. Decrease privacy for adjacent owners or reduce landscaping, screening, or buffering treatments.
 - vii. Change in the general layout of the development. Compliance with original approval conditions unless waived by the Planning Director.
- d. **Review Process:** Requires Development Review Committee (DRC) review

F. 16.60.060 Change of Use Application

- a. **Applicability:** A Change of Use Application is intended for proposed changes that have minimal impact on the site and surrounding area. To qualify for this process, the site must have been occupied within the past year, and the proposed change must meet at least five (5) of the following seven (7) criteria:
 - i. **Lot Size Requirement:** The lot size is less than or equal to 0.50 acres (half an acre).
 - ii. **No Change to Impervious Area:** The change of use does not result in any increase to the existing impervious area on the site.
 - iii. **No New Access to or from the Right of Way:** The change of use does not require any new access points to or from the public right of way.
 - iv. **No Increase in Density (Occupation):** The change of use does not result in an increase in the density or intensity of occupation of the site or building.
 - v. **New Use Does Not Exceed Current Parking Capacity:** The new use does not require more parking than the existing parking capacity provided on the site.
 - vi. **Updated Plan Within Ten (10) Amount of Years:** There is an existing approved site plan for the property that has been updated within the last ten (10) years
 - vii. **Structural Stability:** The site must demonstrate that existing improvements are code compliant and free from major infrastructure issues (sewer, stormwater and water)
- b. If fewer than five (5) of these criteria are met, the application shall be reclassified as a Master Site Plan or Modified Site Plan application, as determined by the Planning Department.

- c. If the proposed use is not a permitted use in the applicable zoning district, a Conditional Use Permit (CUP) is required in accordance with Vernal City Code §16.14. The Planning Commission may also require a Development Plan in conjunction with the CUP if it determines that the proposed use or site conditions warrant more detailed review.
- d. **Requirements:**
 - i. Change of use application with supporting documentation demonstrating compliance with the criteria listed above.
 - ii. Compliance with zoning and safety standards.
- e. **Review Process:**
 - i. Subject to administrative approval by Planning Staff upon verification that at least five (5) of the criteria listed in the applicability section are met.
 - ii. If fewer than five (5) criteria are met, the application will be reclassified as a Master Site Plan or Modified Site Plan application and will be subject to the corresponding review process.
 - iii. The Planning Staff may refer the application to the Planning Commission for a Conditional Use Permit or further review if deemed necessary.

G. 16.60.070 Conditional Uses

- a. The approval process for a Conditional Use Permit related to Master Site Plans shall follow the procedures outlined in Vernal City Code §16.14. For detailed information regarding the requirements and steps involved in the approval process, please refer to the specified section of the Vernal City Code.

H. 16.60.080 Approval Process

- a. **Application Submission:**
 - i. Applications shall be submitted electronically to the Planning Department with all required documents and fees.
 - ii. Exceptions can be made for paper copies.
 - iii. Incomplete applications will not be accepted.
- b. **Review Timeline:**
 - i. The Planning Department will conduct an initial review within ten (10) Business Days.
 - ii. Complete applications will be given an appointment with DRC for a initial pre-development meeting
 - iii. Development Review Committee (DRC) for further review within ten (10) Business Days
- c. **Applicant Response Timeline:**

- i. Applicants must respond to comments or request for additional information within ninety (90) Days of notification
- ii. Failure to respond within this timeframe will result in delays, denial or possible resubmission of application.

I. 16.60.090 Development Review Committee (Planning and Zoning)

a. Purpose:

- i. The Development Review Committee (DRC) reviews site plans to ensure compliance with zoning regulations, infrastructure standards, and design guidelines.

b. Composition:

- i. The DRC includes representatives from the Planning Department, Public Works Department, Building Department, and other relevant city departments.

c. Stakeholders :

- i. Based on the project scope, the following participants will be invited to DRC meetings as needed:
 - 1. Power Companies
 - 2. Gas Providers
 - 3. Telecommunications
 - 4. Ashley Valley Water and Sewer
 - 5. Fire Department
 - 6. TriCounty Health
 - 7. State Boiler and Elevator Inspectors
 - 8. Special Inspection Agencies, including state agencies
- ii. Invitations to these participants are determined by the project scope and specific requirements.

J. 16.60.091 DRC Submittal and Review Process

a. Submittal Requirements:

- i. Complete applications may be submitted online through the designated portal, as directed by Planning Staff.
- ii. Planning Staff will conduct an initial review for completeness within ten (10) business days of submission.
- iii. Applications must be complete.
 - 1. Applicants will be notified of any deficiencies and must correct them before scheduling a pre-development meeting.
- iv. Planning staff will schedule an initial Pre-Development meeting

- v. Incomplete applications will not be accepted and will require rescheduling.

b. Scheduling and Deadlines:

- i. Submittals must be received by 5:00 PM on the Friday prior to the DRC meeting for review on the following Wednesday.
- ii. Incomplete submissions or those not received by the deadline will be deferred to the next available DRC meeting.

c. Meeting Protocol:

- i. DRC meetings will take place on Wednesdays.
- ii. DRC meetings are internal staff review meetings.
- iii. Applicants and project engineers are encouraged to attend to answer technical questions.

K. 16.60.100 Pre-Construction Requirements

a. Pre-Construction Meeting

- i. Required before site work begins
- ii. Meetings shall be attended by the applicant, contractor, and city representatives.

b. Permits and Approvals

- i. All necessary building permits shall be obtained prior to construction

c. Utility Coordination

- i. Applicants shall coordinate with utility providers for service installations.

L. 16.60.110 Effective Period of Master Site Plan(s) Approval

a. Validity:

- i. Master Site Plan(s) approval is valid for two (2) years unless an extension is granted.
- ii. Conditional Use Permits (CUP) are valid for twelve (12) months unless an extension is granted by the Planning Commission.
- iii. Extensions for Site Plans may be granted for up to one (1) year.
- iv. Extensions for CUPs may be granted for up to six (6) months.
- v. A written request for extension shall be submitted at least Thirty (30) days prior to expiration.

1. Criteria for Extension:

- a. Demonstrated progress on the project, such as permit applications, site work, or construction.
- b. Compliance with all conditions of approval and applicable codes at the time of extension request.

M. 16.60.120 Appeals Process

a. Eligibility:

- i. Any applicant aggrieved by a final decision of the Planning Commission regarding a Master Site Plan, Modified Master Site Plan, Change of Use Application, Conditional Use Permit, or Site Plan Amendment may appeal that decision to the Appeals and Variances Hearing Officer.
- ii. Appeals must be filed in writing within fourteen (14) calendar days of the date of the Planning Commission's decision.

b. Appeal Procedure:

- i. A written Notice of Appeal must be filed with the Planning Director within the specified timeframe.
- ii. The Notice of Appeal shall specify the decision being appealed, the alleged error in the decision, and the reasons the appellant claims the decision is in error.
- iii. A non-refundable appeal filing fee, as shown on the Vernal City consolidated fee schedule, must accompany the appeal.

c. Stay of Proceedings:

- i. An appeal to the Appeals and Variances Hearing Officer shall stay all further proceedings concerning the matter about which the appealed decision was made, unless the Planning Director certifies in writing that a stay would be against the best interest of the City.

d. Appeal Hearing:

- i. Upon receipt of a timely and complete Notice of Appeal, the Appeals and Variances Hearing Officer shall schedule a public meeting to hear arguments by the appellant and the respondent (Planning Commission).
- ii. Notification of the date, time, and place of the meeting shall be given to the appellant and respondent at least twelve (12) calendar days in advance of the meeting.
- iii. Appeals from a decision of the Planning Commission shall be based on evidence in the record. Testimony at the appeal meeting shall be limited to the appellant and the respondent. No new evidence shall be heard unless it was improperly excluded from consideration.

e. Standard of Review:

- i. Appeals from a decision of the Planning Commission shall be based on the record.
- ii. The Appeals and Variances Hearing Officer shall review the decision based upon applicable standards and shall determine its correctness.
- iii. The Appeals and Variances Hearing Officer shall uphold the decision unless it is not supported by substantial evidence in the record or it violates a law, statute, or ordinance in effect when the decision was made.

f. Decision and Notification:

- i. The Appeals and Variances Hearing Officer shall render a written decision on the appeal within fourteen (14) calendar days.
- ii. Notification of the decision shall be sent by mail to all parties within ten (10) days of the decision.

g. Further Appeals:

- i. Any person adversely affected by a final decision made by the Appeals and Variances Hearing Officer may file a petition for review of the decision with the district court within thirty (30) days after the decision is rendered.

N. 16.60.130 Master Site Plan Amendments

a. Applicability: This section applies to any proposed modification to an approved Master Site Plan.

b. Submission Requirements:

- i. Submit detailed documentation clearly outlining the proposed amendments, including revised plans, reports, and justifications.
- ii. Pay the applicable Master Site Plan amendment fee(s) as established by the City.

c. Minor Amendments:

- i. Minor amendments are defined as changes that do not significantly alter the overall site plan, infrastructure, or land use. Examples include minor adjustments to landscaping, parking layout, or signage.
- ii. Minor amendments may be reviewed and approved administratively by the Planning Director or designee.

d. Major Amendments:

- i. Major amendments are defined as changes that significantly alter the overall site plan, infrastructure, or land use. Examples include changes to building footprints, changes in density, new access points, or significant changes to utility layouts.
- ii. Major amendments will be reviewed by the Development Review Committee (DRC).
- iii. Planning Com Approval is required for major amendments that:
 - 1. Request exceptions or variances from Code Requirements.
 - 2. Are deemed by the DRC to have potential extenuating or unforeseen impacts on traffic, lighting, compatibility issues, or surrounding properties. Specific examples include:
 - a. Requests for variances from setback requirements.
 - b. Requests for exceptions to parking standards.

- c. Requests for waivers of required sidewalks or other public improvements.

O. 16.60.140 (Reserved for future use)

P. 16.60.150 (Reserved for future use)

Q. 16.60.160 (Reserved for future use)

Action Items

1. Recommendation to Consider approval For Luxury Homes Sidewalk Exemption - Property located at 1399 W HWY 40, SUITE B, Vernal Utah, 84078 (Parcel #05:060:0093) 2025-004-MSP

Type of PC Decision: Administrative

Applicant: Steve Palmer

Address: 1399 W HWY 40, SUITE B

Parcel Number: 05:060:0093

Owner: Luxury Homes -

Project Title: Luxury Homes - Master Site Plan

Amendment 2025-004-MSP

Zone: CP-2



➤ Context and Background:

- o Luxury Homes, represented by Steve Palmer, has submitted a request for a sidewalk exemption related to their development project at 1399 W HWY 40, SUITE B, Vernal, Utah (Parcel #05:060:0093). The subject property is located along the Highway 40 corridor and is part of the Esquire Estates subdivision, a historically residential subdivision that lacks any existing sidewalk, curb, or gutter infrastructure along its internal or perimeter streets. The area immediately surrounding the property reflects a blend of CP-2 (Planned Commercial) zoning to the north and west and RA-1 (Residential Agricultural) zoning to the south and east.
- o The parcel was previously used for RV and trailer storage and has remained vacant for an extended period. Luxury Homes has acquired this parcel to expand their existing business operations from their adjacent lot, with the intention of displaying and selling manufactured homes. The operational model involves positioning approximately four (4) manufactured homes on-site at a time. These homes are brought in temporarily, displayed for sale, and rotated out as they are sold. The delivery of these units is done from the west side of the property using heavy-duty transport vehicles due to the size and weight of the homes.
- o Given this operational requirement, the applicant has expressed concern that installing standard curb, gutter, and sidewalk improvements could result in ongoing maintenance issues or infrastructure damage from repeated delivery activities. Additionally, the applicant points to the lack of existing pedestrian infrastructure throughout Esquire Estates as justification for not being held to a higher improvement standard than what was previously required of other surrounding properties.
- o While there is some existing sidewalk further northwest along Highway 40, no continuous pedestrian network currently exists near the property. This exemption request has prompted a review not only of operational logistics, but also of broader issues concerning connectivity, long-term infrastructure planning, and consistency with city standards for commercial corridor development.

➤ Applicable Vernal City Code:

- o Section 16.24.180 Curb, Gutter, Sidewalk And Street Paving

- It is the intent of Vernal City that all developed property have curb, gutter, sidewalk and street paving along the public road frontage, and that all streets abutting all developed property be paved.
- Curb, Gutter and Sidewalk. Prior to the issuance of a building permit for any new development within Vernal City, one (1) of the following requirements must be met:
- Where curb, gutter and sidewalk can be installed, providing for the proper flow and discharge of storm water as determined by the Public Works Department, the applicant shall be required to install such curb, gutter and sidewalk prior to occupancy of the property being developed by the applicant. An extension of time may be granted by the Planning Director when inclement weather prevents the completion of the required curb, gutter and sidewalk improvements provided that a financial guarantee in the form of a duly executed escrow account filed with the City ensures completion of such improvements.
- Where it is determined by the City that the proper flow and discharge of storm water can not be facilitated with the curb, gutter and sidewalk improvements, the applicant developing the property shall be required to sign an affidavit recorded with the County recorder's office indicating that the applicant will not oppose a Special Improvement District being created for the purpose of installing the street improvements. The affidavit shall be binding on the property owners and successors.
- Street Paving. Prior to occupancy of any developed property not required to comply with Sections 16.58.060 through 16.58.320, the property owner shall be required to pave all roadways abutting curb and gutter along the full length of his developed property. Minimum widths of paved roadway measured face-to-face of curb shall be as follows:
 - Where no present roadway exists:
 - o Residential streets: thirty-eight (38) feet,
 - o Collector roads: forty-four (44) feet,
 - o Secondary arterial streets: sixty (60) feet, or conformance to master plan, whichever is greater;
 - Where present road exists, the property owner shall be required to pave from the existing roadway to his curb and gutter;
 - All improvements, curb, gutter, sidewalk and street paving, shall comply with Vernal City Standard Specifications for Construction of Public Works.
 - Variances to street width may be granted by the City Council upon review of the master street plan, safety issues and recommendation of the Planning Commission regarding the width of the street.
- The preceding requirements shall not apply to minor additions to existing developments, except for construction or addition of parking lots. For the purpose of this section "minor additions" means the addition (attached or detached) of less than forty (40) percent of the square footage of the existing structure or structures.
- **Section 16.24.160 Off-Site Improvements:** All development in Vernal City shall have sidewalk, curb and gutter along the public road frontage.
 - o In cases where unusual topographical, geographic location, or exceptional conditions or circumstances exist, variations or exceptions to the above requirement of this section may be approved in the Master Site Plan by the Planning Commission provided that:
 - The special circumstances attached to the property such as topographical, geographic location, or exceptional conditions do not generally apply to other properties.

- The Variance or exemption will not substantially affect the general plan, be contrary to the public interest, or detrimentally affect safety, health or welfare of the public.
 - Substantial justice is done ensuring the spirit of the ordinance requiring sidewalk, curb and gutter is done and equivalent arrangements are made. Substantial justice could include but is not limited to;
 - o Bonding or monetary payments.
 - o Easements for access through the property at another location.
 - o Installing necessary improvements to connect to existing improvements such as street crossings to existing sidewalks.
 - o Constructing alternate access through the site connecting to existing or planned alternate improvements such as trails.
 - The reasoning for the variations or exceptions are detailed in the final staff report and signed by both the Public Works Director and Planning Commission Chairman.
- o B. In order to protect the safety and welfare of the public certain off-site improvements such as fences and other improvements may be required for any development proposal. The developer may be required to install such off-site improvements at their own cost.

➤ **Vernal City Code Findings and Analysis:**

- o General Plan: Future Land Use:
 - Red - Commercial
 - Yellow - Med - dense /residential
 - Brown - Res / Med (County)



- o The General Plan's future land use map identifies this corridor as Commercial (Red), consistent with the CP-2 zoning designation. The site lies adjacent to areas designated for Medium-Density Residential (Yellow) and Medium-Density Residential (County - Brown), indicating a transitional zone between residential and commercial uses. The sidewalk exemption request must be evaluated in this context to ensure future pedestrian connectivity along a key transportation corridor.
- o **City's Concerns:**
 - **Precedent and Consistency**
Approving an exemption in this case could establish a precedent for other commercial properties along arterial or high-traffic corridors to request similar exemptions. This may weaken the City's long-standing policy and goals of ensuring consistent pedestrian infrastructure across all zones, especially as commercial development increases along Highway 40 and other key corridors.
 - **Intent and Interpretation of Sidewalk Requirements**
Vernal City Code §16.24.180 was originally crafted to allow flexibility in specific cases, such as industrial areas with low pedestrian activity or where physical conditions made improvements impractical. Applying this flexibility to commercial zones—particularly those visible and accessible from arterial

roads—may represent a shift from the ordinance’s intended scope and could raise concerns about equal application of development standards.

- **Pedestrian Safety and Connectivity**

The property lies adjacent to residential zones to the south and west, and while Esquire Estates currently lacks sidewalk infrastructure, the increasing commercialization of the area may invite more pedestrian traffic over time. The absence of sidewalk, curb, and gutter along this frontage may compel pedestrians—particularly residents or prospective customers—to walk along the roadway shoulder, which poses safety risks, especially during inclement weather or periods of low visibility.

- **Long-Term Planning and Infrastructure Gaps**

As Highway 40 continues to serve as a regional transportation corridor, incremental exemptions may contribute to fragmented pedestrian infrastructure, creating long-term connectivity gaps that will be more difficult and costly to resolve in the future. Requiring improvements now, even on limited frontages, helps ensure incremental progress toward achieving a walkable, connected community.

- **Fairness to Other Developers**

Other property owners and developers in similarly zoned areas have been required to install curb, gutter, and sidewalk in accordance with City Code. Granting an exemption without clear, exceptional circumstances may be viewed as inequitable and invite challenges or frustration from those who have previously complied in good faith.

- o **Luxury Homes Justification:**

- The applicant, Steve Palmer of Luxury Homes, has requested an exemption from sidewalk installation along the frontage of 1399 W HWY 40, SUITE B, based on the operational and historical context of the surrounding area.
 - The primary reason cited relates to the logistical challenges of transporting large manufactured homes onto the site. The homes are brought in from the west side of the property, and the applicant asserts that the size, weight, and turning movements of these units could damage any installed curb, gutter, or sidewalk. They believe repeated transport activities would result in maintenance concerns and potential safety issues associated with the deterioration of infrastructure in the path of delivery.
 - The applicant also points to precedent within the Esquire Estates subdivision, in which no properties were originally required to install sidewalk, curb, or gutter at the time of annexation or development. They feel that imposing this requirement now, on a single commercial parcel within a historically unimproved area, would be an unfair burden on new business owners and inconsistent with past city practices.
 - Additionally, the applicant states that sufficient pedestrian access already exists along Highway 40 to the northwest of the subject property. Since most pedestrian traffic is believed to occur along that existing stretch, the applicant contends that further sidewalk installation would be redundant and unnecessary given the area’s current use and pedestrian flow.
- While these reasons represent the applicant’s justification, it is the responsibility of the Planning Commission to determine whether the request meets the criteria for exemption outlined in Vernal City Code §§ 16.24.160 and 16.24.180 and whether equivalent arrangements or mitigating measures should be required if the

exemption is granted.

➤ **Compliance with Zoning Ordinance**

- o **Curb, Gutter, and Sidewalk Requirements (§16.24.180):**
 - Requires curb, gutter, and sidewalk for developed properties.
 - Allows exemptions in cases of unique topographical or safety concerns.
- o **Off-Site Improvement Standards (§16.24.160):**
 - Allows variations if unique conditions exist, provided they do not affect public safety or contradict the General Plan.

➤ **Staff Recommendations**

- o **Request for Planning Commission Decision:**
 - Recommend the Planning Commission review the exemption request considering:
 - The concerns raised by Luxury Homes.
 - The potential precedent set for other commercial properties.
 - Compliance with existing city standards and the original intent of the sidewalk exemption code.
 - In recognition of the applicant's concerns regarding potential damage to sidewalk, curb, and gutter improvements from frequent manufactured home deliveries, staff recommends consideration of alternate curb designs that may reduce infrastructure impact while still fulfilling Vernal City's standards for public frontage development.
 - o Viable options may include:
 - o **Mountable Curbs**
 - Often used in drive-heavy commercial or industrial settings, mountable curbs are designed with a gentle slope, allowing larger vehicles to traverse the curb face without causing significant damage. This design can accommodate turning movements while still providing a visual and drainage boundary between street and sidewalk.
 - o **Monolithic or Flush Curbs**
 - A monolithic curb integrates the curb and sidewalk into a single pour, reducing joint failure. A flush curb design removes a vertical face altogether, minimizing trip hazards and delivery impacts while providing separation only through texture or scoring. These are sometimes used in transitional industrial/commercial zones or areas with unusual loading needs.
 - o **Slanted Curbs**
 - With a lower profile and angled face, slanted curbs offer better protection against delivery vehicle impact. These provide a compromise between mountability and drainage integrity.
 - o **Barrier Curbs (Current Design)**
 - Traditional barrier curbs feature a vertical face that helps delineate pedestrian space from the roadway and support stormwater flow. While effective for safety, they are not ideal in settings where large vehicle movement

crosses curbing frequently.

- Should the Planning Commission choose to approve the sidewalk exemption with conditions, a requirement could be included to coordinate with Public Works to explore a mountable or flush curb alternative specifically at the entry points used for home delivery access. This allows for operational flexibility while preserving some level of curb and sidewalk functionality.

- **Conditions if Approved:**

- Determine what, if any, additional safety measures will be required if the sidewalk exemption is granted, such as signage or barriers.

➤ **Next Steps**

- **Planning Commission Decision:**

- Review and decide on the exemption request based on the information presented.

- **Further Review:**

- If approved, schedule a follow-up to assess compliance with any conditions imposed.

2. Recommendation to Consider approval For Xvertus Package Agency - CUP - Property located at 1089 E Hwy 40, Vernal Utah, 84078 (Parcel #05:044:0045) 2025-009-CUP

Type of PC Decision: Administrative

Applicant: Debbie Widdison

Address: 1089 E HWY 40

Parcel Number: 05:044:0045

Owner: Xvertus

Project Title: Xvertus Conditional Use Permit

Reason - Package Agency Permit

Zone: I-1



Context and Background

- o The applicant, Debbie Widdison, on behalf of Xverez, is requesting approval of a Conditional Use Permit (CUP) to operate a State Package Agency at 1089 E Hwy 40. The proposed use falls under retail alcohol sales and will operate under the direction and licensing of the Utah Department of Alcoholic Beverage Services (DABS).
 - o The property is located in the I-1 Industrial Zone, which permits package agency establishments as a conditional use. The site is currently an existing commercial/retail unit, and the applicant intends to utilize a designated interior space for alcohol sales. The business will include standard commercial improvements such as storefront signage, interior shelving, counters, and secure product storage.
 - o The business intends to function as a State-contracted Package Agency, meaning it will act as a retail outlet selling sealed alcoholic beverages to the public under DABS regulations. All licensing and operational oversight will fall under the state's purview, while Vernal City retains authority over land use, local business licensing, zoning compliance, and any additional conditions imposed by the Planning Commission.
- **Applicable Vernal City Code**
- o The use is listed as a Conditional Use in the I-1 zone under §16.52.40 Uses subject to approval by the Planning Commission based on compliance with code standards and mitigation of any reasonably anticipated impacts.
 - o **Chapter 16.52 I-1 Industrial Zones**

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
---	----------

➤ **Analysis**

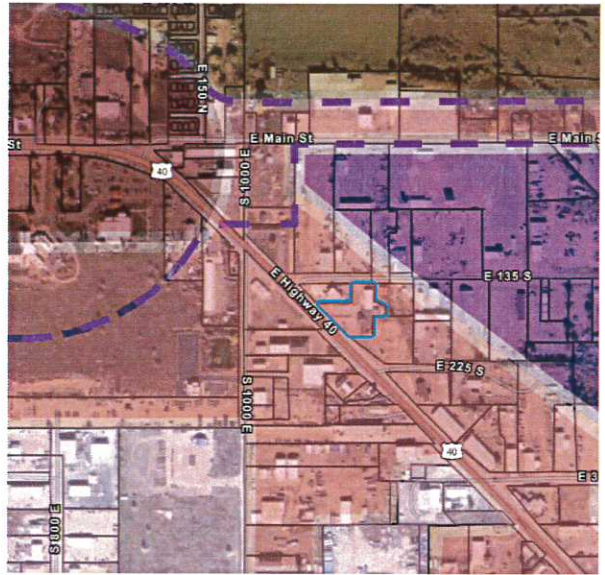
o **Compliance with Zoning Ordinance**

- Permitted as a conditional use in the I-1 zone.

- All business activity will occur within an enclosed building.
- No alcohol consumption on-site; retail sales only.
- Meets building code, signage, and site development standards.

o **General Plan**

- Purple - Industrial
- Pink - Commercial
- Red - Central Commercial
- Pink Line - Mixed Use
- Blue Line - City Boundary
- Brown - High Dens Res
- Yellow - Med Dens Res
- Light Brown - County



➤ **Impact on Surrounding Area**

o **Items to consider in decision:**

- Has the applicant demonstrated compliance with all applicable zoning and use standards?
- Will the use negatively impact the surrounding industrial or commercial properties?
- Are proposed mitigation measures (licensing, signage, and operations) sufficient to prevent detrimental effects?

o **Other Items to consider:**

- Minimal noise or traffic expected due to retail-only model
- Inventory oversight and distribution are controlled by the State (DABS)
- No consumption or public gathering areas proposed

➤ **Staff Recommendation:**

o Staff recommends approval of the Conditional Use Permit subject to the following conditions:

- Maintain valid and current licensing with the Utah Department of Alcoholic Beverage Services (DABS).
- Alcohol sales must occur entirely within the building; no outdoor sales or display permitted.
- Signage shall comply with Chapter 16.28 of Vernal City Code.
- Obtain and maintain a valid Vernal City business license.
- Any modification to the layout, operations, or license type must be reviewed and approved by staff.

➤ **Next Steps:**

- o Planning Commission decision
- o Staff to verify operational compliance
- o Business license finalization upon CUP approval