

# **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, June 10, 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 April 8, 2025

### **B. PUBLIC HEARING**

3. Recommendation to consider amending the Vernal City Municipal Planning and Zoning Code to consider changes to Section 16.58.100 – Final Platting Requirements – Ordinance 2025-013 – Braeden Christofferson
4. Recommendation to consider amending the Vernal City Municipal Planning and Zoning Code to consider changes to Chapter 16.12 – Nonconforming Buildings and Uses – Ordinance 2025-014 – Braeden Christofferson
5. Recommendation to consider approval of a Preliminary Plat for Fossil Cove by EVOLVE Real Estate & Management located at 148 North 500 East, Vernal, UT 84078 (Parcel #05:037:0025) – Braeden Christofferson
6. Recommendation to consider approval of a Preliminary Plat for Jurassic Heights by EVOLVE Real Estate & Management located at 84 South 100 West, Vernal, UT 84078 (Parcel #05:026:0031) – Braeden Christofferson
7. Recommendation to consider approval of a Preliminary Plat for Raptor Heights by EVOLVE Real Estate & Management located at 109 South Vernal Avenue, Vernal, UT 84078 (Parcel #05:031:0112) – Braeden Christofferson

### **C. ACTION ITEMS**

8. Recommendation to consider approval for Summit Locations Sign Conditional Use Permit for property located at 475 South 500 East, Vernal, Utah (Parcel #05:041:0008) – 2025-017-CUP – Braeden Christofferson

### **D. DISCUSSION ITEMS**

9. Discussion in regards to amending the Vernal City Municipal Annexation Policy – Ordinance Number 2025-015 – Braeden Christofferson
10. Discussion in regards to amending the Vernal City Municipal Planning and Zoning Code to consider changes to Section 16.24.160 – Off-Site Improvements – Braeden Christofferson

### **E. ADJOURN**

1                   **MINUTES of the Vernal City PLANNING COMMISSION**

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

3                   April 8, 2025

4                   5:30 pm

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

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9   **Members Excused:**

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11 **Alternates Present:**

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13 **Alternates Excused:**           Rebecca Wilkey

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15 **Staff Present:**                 Braeden Christofferson, Assistant City Manager; Gay Lee Jeffs,  
16                                       Administrative Secretary.

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

20  
21 **APPROVAL OF MINUTES FROM March 11, 2025:** Stephen Lytle Chair asked if there  
22 were any changes to the minutes from March 11, 2025. The minutes were approved with there  
23 being no corrections, *Ryan Balch moved to approve the minutes of March 11, 2025 as*  
24 *presented. Samantha Chapoose seconded the motion. The motion passed with Stephen Lytle,*  
25 *Nick Porter, Samantha Chapoose, Troy Allred, Ryan Balch, Brooke Hamilton and Brittany*  
26 *Young voting in favor.*

27  
28 **RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY**  
29 **MUNICIPAL PLANNING AND ZONING CODE TO CONSIDER MAJOR CHANGES**  
30 **TO CHAPTER 16.60, MASTER SITE PLAN - ORDINANCE NO 2025-07**

31 Braeden Christofferson introduced the proposed changes to Vernal City Code 16.60 – Master  
32 Site Plan. This ordinance guides how a property owner or business gains approval from the City  
33 for site-specific plans involving zoning, landscaping, infrastructure, and use. The current Master  
34 Site Plan process has been criticized for its complexity and lack of clarity, especially for small  
35 businesses and property owners. Developers have frequently expressed frustration due to unclear  
36 expectations, burdensome compliance requirements, and the absence of a structured process for  
37 plan review or conditional approvals.

38 To address these concerns, the City is proposing a tiered approach that breaks the Master Site  
39 Plan into three (3) categories: Full Master Site Plan, Modified Master Site Plan, and Change of  
40 Use Application.

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**April 8, 2025**

The Full Master Site Plan would apply to major developments, such as new commercial buildings or large-scale redevelopments; generally over half an acre or involving significant infrastructure impacts. This tier would require a comprehensive application, including detailed information on traffic, utilities, and landscaping, and would go through a formal Development Review Committee (DRC) process.

The Modified Master Site Plan would apply to existing structures undergoing significant changes in layout, use, or parking that affect site circulation or infrastructure. It is intended to be more streamlined than the full plan but still involves review by the DRC.

The third tier, the Change of Use Application, is designed to facilitate simpler transitions—such as when a new tenant takes over a space and no major structural, parking, or landscaping changes are needed. This process is simplified and guided by a list of seven criteria, of which five must be met. These include factors like the property being occupied within the last year, no increase in impervious surface, no new access points, no increase in parking needs, and the City has an updated plan within the last ten (10) years.

A key component of the proposed overhaul is the formal establishment of a Development Review Committee (DRC). While some informal version of this exists now, it lacks consistency and direct communication. The new DRC would include representatives from Planning, Public Works, and Building, and possibly other stakeholders, such as Ashley Valley Water & Sewer, Uintah Fire District, Tri-County Health, etc. This committee would meet every Wednesday to review applications in person with applicants. This meeting structure is intended to streamline the review process, reduce delays, improve interdepartmental coordination, and enhance communication with developers.

Chair, Stephen Lytle opened the public hearing.

Deena Hatch, residing at 3460 East 1500 South, spoke during the public hearing. She shared her experience, stating that her business had to spend nearly **\$100,000** to move into a building last year. Much of this work had previously been approved under an earlier process, and she expressed frustration with the unexpected costs. She added that many individuals had approached her saying it's "almost impossible to open a business here."

Mr. Christofferson responded that he was aware of her project and explained the intent of the proposed changes was to prevent similar situations by ensuring a more predictable and fair process. He reminded her that her property had been vacant for more than a year which triggered a full master site plan. The revised ordinance would help clarify requirements depending on which tier a project falls under.

The discussion also addressed the one-year vacancy rule, which determines whether a site is considered a noncomplying use under State law. If a property has been vacant for more than a year, it triggers a full master site plan, and the City is obligated to ensure full compliance with current codes, particularly for safety and infrastructure concerns such as stormwater retention and curb and gutter requirements.

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80 Additionally, questions were raised about the flexibility of certain criteria, such as the lot size  
81 limit under the Change of Use Application. Clarifications were given that only the requirement  
82 for the building to have been occupied within the past year is mandatory; all other criteria are  
83 flexible so long as five of the seven are met.

84 Mr. Christofferson stated that the one-year vacancy rule comes from State law regarding non-  
85 complying uses and structures. If a building has been vacant for over a year, the City must  
86 reevaluate the site to ensure it meets all modern code requirements, including stormwater  
87 management and safety standards.

88 Chair Stephen Lytle closed the public hearing.

89 Mr. Christofferson explained that the proposal draws inspiration from other Utah cities such as  
90 Lehi and Ogden, where tiered review processes and DRCs are already in place. The goal for  
91 Vernal is not necessarily to grow like those cities, but to prepare for future growth and streamline  
92 development processes in a fair, consistent, and economically viable way.

93 *Samantha Chapoose moved to forward a positive recommendation for the proposed changes to*  
94 *Vernal City Municipal Planning and Zoning Code to consider major changes to Chapter*  
95 *16.60, Master Site Plan - Ordinance No 2025-07. Nick Porter seconded the motion. The*  
96 *motion passed with Stephen Lytle, Nick Porter, Samantha Chapoose, Troy Allred, Ryan Balch,*  
97 *Brooke Hamilton and Brittany Young voting in favor.*  
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99 **RECOMMENDATION TO CONSIDER APPROVAL FOR DEBBIE WIDDISON**  
100 **(XVERTUZ) - CONDITIONAL USE PERMIT FOR PROPERTY LOCATED AT 1089**  
101 **EAST HIGHWAY 40 VERNAL UTAH (PARCEL # 05 044 0045) 2025-009-CUP**

102 Braeden Christofferson presented the request for a Conditional Use Permit submitted by Debbie  
103 Widdison (XVERTUZ) to operate a State Package Agency at 1089 East Highway 40. The  
104 business will involve the retail sale of sealed alcoholic beverages, regulated by the Utah  
105 Department of Alcoholic Beverage Services (DABS). The property is currently zoned Industrial  
106 (I-1) and is not located within 500 feet of any residential zone, church, school, park, or another  
107 establishment that sells alcohol. Staff explained that Vernal City Code 16.52.040 allows liquor  
108 sales as a conditional use in the industrial zone, provided certain criteria are met.

109 Mr. Christofferson further clarified that the proposed use would take place in an existing  
110 approved building, and that the business currently operates at this address, intending to expand  
111 services to include alcohol sales. There will be no on-site consumption of alcohol, and no  
112 outdoor alcohol displays or signage being proposed. The use is expected to have minimal impact  
113 on traffic and noise due to the surrounding industrial nature of the area. Existing lighting and  
114 parking conditions are in compliance with Vernal City Code. Although the property is identified  
115 as commercial on the future land use map, its current designation remains industrial, which  
116 permits this use with conditional approval.

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Debbie Widdison, 2766 East 1500 South, addressed the Planning Commission and explained that she had applied for a State Package Agency license due to Vernal City now meeting the population threshold that qualifies for an additional liquor license. She stated that the business will function similarly to a state-run liquor store and will sell all types of sealed alcoholic beverages. All inventory must be purchased through the State, with pricing and regulation handled by the Department of Alcoholic Beverage Services. Ms. Widdison confirmed that the State would oversee all inventory control and operational requirements. She noted that the business is already operating at this location and that she is seeking the Conditional Use Permit in order to proceed with the State licensing process.

Commissioners asked for clarification regarding the type of alcohol that would be sold, to which Ms. Widdison confirmed that the store would offer full liquor, not just beer. Commissioners also asked about enforcement and age restrictions, and Mr. Christofferson confirmed that all regulations concerning age verification, product control, and restricted access (21 years and older) fall under State jurisdiction. The State will also require that no alcohol be consumed on-site and will perform inspections as part of its licensing process.

As part of the approval process, the Planning Commission acknowledged that the applicant must maintain a valid license through the Utah Department of Alcoholic Beverage Services, comply with Vernal City's signage ordinances, and hold a current Vernal City business license. No on-site consumption will be permitted, and all operations must comply with State regulations regarding alcohol sales.

*Ryan Balch moved to approve the Conditional Use Permit for Debbie Widdison to operate a State Package Agency at 1089 East Highway 40, (Parcel # 05 044 0045) 2025-009-CUP subject to following all State regulations. Troy Allred seconded the motion. The motion passed with Stephen Lytle, Nick Porter, Samantha Chapoose, Troy Allred, Ryan Balch, Brooke Hamilton and Brittany Young voting in favor.*

### **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 introduced the Luxury Homes sidewalk exemption request. The property is currently zoned CP-2 (Commercial Planned Zone) and is near a RA-1 (Residential Agriculture) zone. The applicant is requesting a sidewalk exemption along the southwest side of the property on 1400 West.

The property was formerly used for RV storage but is now intended for the display and showcasing of manufactured homes. The applicant cited in his application the operational needs for large home deliveries and existing area conditions as justifications for the exemption. Deliveries are conducted from the west side of the lot, involving heavy vehicles that could damage standard sidewalk infrastructure.

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156 Currently, sidewalk exists only along the northwest side of the property adjacent to Highway 40.  
157 There is no continuous pedestrian network present in the surrounding area, including the Esquire  
158 Estates subdivision to the south and east. This subdivision lacks sidewalks due to pre-existing  
159 conditions.

160 The exemption request was presented with visual aids depicting the lot, adjacent areas, and the  
161 road conditions. The road along the property is not a City road but a private easement used for  
162 business access. Mr. Christofferson explained that although the property had been used for RV  
163 storage, it did not have a conditional use permit. As such, the City views this as new  
164 development, which requires full compliance with the current development code—including  
165 installation of sidewalk, curb, gutter, and water retention.

166 Mr. Christofferson expressed concerns regarding setting a precedent for future exemptions along  
167 Highway 40, potentially undermining pedestrian infrastructure goals. The Code allows for  
168 sidewalk exemptions in low pedestrian Industrial zones, not along high-traffic commercial  
169 corridors such as Highway 40. Without improvements, pedestrians may be forced to walk on the  
170 roadway shoulder, raising safety issues.

171 Discussion followed among Commissioners regarding property lines and where a sidewalk  
172 would begin and end. Mr. Christofferson clarified the sidewalk would follow the property line,  
173 within the public right-of-way, ending near an existing tree further down the road. Commissioner  
174 Brooke Hamilton noted the larger issue may be the narrow streets in the surrounding  
175 neighborhood. Mr. Christofferson emphasized the desire for uniform pedestrian infrastructure  
176 but recognized the potential financial burden for small businesses.

177 Commissioner Nick Porter asked if there were any stormwater concerns, Mr. Christofferson  
178 confirmed the master site plan includes a water retention facility on the northeast side of the  
179 property. He also noted alternative materials such as heavy-duty concrete gutters that could  
180 withstand large vehicle deliveries and reduce costs.

181 Steve Palmer, 706 North 2500 West, addressed the Commission and confirmed improvements  
182 are being made to the property, including plans for a drainage area and future site leveling to  
183 accommodate rotating display homes. The lot is just over two acres. Mr. Palmer emphasized the  
184 cost of full frontage improvements, including asphalt and curb/gutter, would be financially  
185 prohibitive at this time—estimating up to \$50,000 for road improvements alone. He expressed  
186 interest in collaborating with nearby business owners to pursue future grant funding for area  
187 improvements.

188 Mr. Palmer's current plan includes setting up three (3) to four (4) model homes on the lot for  
189 customer viewing. He noted no customer parking will occur on the new lot; parking remains at  
190 the existing office on the adjacent parcel. A privacy fence is also planned between the  
191 commercial and residential properties, consisting of steel posts and cedar slats.

192 The exemption request applies strictly to the 1400 West frontage. Mr. Christofferson reiterated  
193 the uniqueness of each property and the importance of case-by-case evaluation.

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194 *Ryan Balch moved to approve the sidewalk exemption associated with the Luxury Homes*  
195 *Master Site Plan (2025-004-MSP) for property located at 619 & 637 South 1400 & 1407 West*  
196 *Highway 40, Vernal, Utah, 84078 (Parcel #05 060 0093). Brittany Young seconded the*  
197 *motion. The vote was taken by raised hands. Ryan Balch, Brittany Young, Brooke Hamilton*  
198 *and Troy Allred voted in favor. Samantha Chapoose, Nick Porter and Stephen Lytle voted*  
199 *against. The motion passed with a 4 to 3 vote.*

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

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Stephen Lytle , Planning Commission Chair

## Vernal City Planning Commission Staff Report

Prepared By: Braeden Christofferson

Date: 06/10/2025

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### Public Hearing Items

1. Recommended to consider the amending the Vernal City Municipal Planning and Zoning code to consider changes to Chapter 16.58 section 16.58.100 - Final Platting Requirements – Ordinance [2025-013]

Type of PC Decision – Legislative

Applicant – Vernal City Planning and Zoning

Project Title – Final Platting Requirements Ordinance 2025-013

Zone – All

### ➤ Context and Background

- During recent reviews of the Vernal City subdivision ordinance, it was identified that the final plat approval process still referenced City Council approval in Section 16.58.100. Following the 2024 Utah State Code amendments, municipalities are now required to designate an administrative land use authority, such as a zoning administrator or planning director, for final plat approvals. Legislative bodies or elected officials may no longer serve as the land use authority for these actions.
- Accordingly, staff is recommending an amendment to Section 16.58.100 to remove references to the City Council and clearly designate the Zoning Administrator as the approval authority for final plats. This update brings the City's ordinance into compliance with state law and clarifies the administrative approval process for applicants, staff, and the public.
- **Legal Reference:** Utah Code § 10-9a-604.1 requires that municipalities designate a single administrative land use authority for final plat approvals and prohibits legislative bodies or elected officials from serving in that capacity. This amendment aligns Vernal City's ordinance with current state law.

### ➤ Analysis

- The proposed amendment removes references to "City Council" as the approving body for final plats.
- "Zoning Administrator" is designated throughout the section as the sole administrative authority responsible for reviewing, approving, and signing final plats.
- This change ensures consistency throughout Chapter 16 and matches the terminology used elsewhere in the City's land use code.
- The amendment aligns the City's process with Utah Code requirements, which now mandate that plat approvals be handled administratively rather than legislatively.

### ➤ Compliance with Zoning Ordinance

- The proposed changes maintain compliance with all other provisions of the Vernal City zoning and subdivision ordinances. The amendment simply updates the process and terminology for final plat approval in line with current state law.

### ➤ Staff Recommendations

- Staff recommends approval of the proposed ordinance amendment to Section 16.58.100 – Final Platting Requirements, removing references to the City Council and confirming the Zoning Administrator as the land use authority for final plat approval.

### ➤ Next Steps

- Planning Commission review and public hearing.
- Recommendation to the City Council for adoption.
- Update and publication of the amended ordinance upon City Council approval.

➤ **Proposed Language:**

**Ordinance §16.58.100 Final Platting Requirements**

**Section 16.58.100 Final Platting Requirements**

Within one year period of preliminary plat approval a subdivider shall prepare final plat and pay final plat fees to City. The subdivider shall submit one (1) copy of the final plat in a 24 inch by 36 inch (24"x36") format, one (1) copy of the final plat in an 11 inch by 17 inch (11"x17") format, one (1) copy of the final plat in a digital format readable by a computer as specified by Vernal City and one (1) copy of the finalized covenants, conditions and restrictions to the Zoning Administrator. The following information is required for a complete final subdivision application:

- A. A final plat application, as provided by the zoning administrator, completed and signed by the owner(s), or authorized agent of the owner(s), of the land parcel(s) proposed to be subdivided and possessing a valid preliminary plat application and subdivision improvement construction plans acceptance.
- B. A final subdivision plat, prepared by a licensed land surveyor, conforming to current surveying practice and in a form acceptable to the Uintah County recorder for recordation. The final subdivision plat shall be presented in black ink on reproducible mylar at the same scale and contain the same information, except contour lines but containing any changes, additions or revisions required by the City, for the approved preliminary plat. All revision dates must be shown as well as the following:
  1. Notation of any self-imposed restrictions, or other restrictions as required by the Planning Commission or **Zoning Administrator** ~~City Council~~ in accordance with this chapter.
  2. All monuments that are erected, corners and other points established in the field in their proper places. Monuments shall be established along the external boundary of the subdivision and at all lot corners with a detailed description of monuments found and monuments set, indicated separately. Where monuments exist but are not firmly set or of a durable material they should be rehabilitated and documented. Unless extenuating circumstances dictate, the minimum size of monuments set should be not less than five eighths inch in diameter with a minimum length of twenty-four (24) inches and be detectable by a magnetic locator. Monuments set shall be durably and visibly marked or tagged with the registered business name or the letters "L.S." followed by the license number of the surveyor in charge.
  3. A subdivision name, approved by the County Recorder, and the general location of the subdivision, in bold letters at the top of the sheet. The Township, Range, and Quarter Section shall be shown on the top of the plat.
  4. Where a subdivision complies with a different subdivision option provisions, the final plat shall indicate underneath the subdivision name words describing the subdivision option that the subdivision was approved under.
  5. A north point or arrow which shall make the top of the sheet either north or east, however, exceptions may be approved, the scale of the drawing and the date of the survey noted in the heading. (Meaning the date, year and month the survey markers were placed).
  6. Accurately drawn boundaries, showing the distance and bearings of all lines traced or established by the survey, and dimensions of all boundary lines of the subdivision. These lines should be slightly heavier than street and lot lines. The basis of bearing between two monumented corners of the public land survey system, sufficient for retracement, shall also be noted on the final plat. A measurable mathematical relationship between the property and the monument from which it is shall be shown. If that monument is not in place, its mathematical location must be shown as well as a mathematical relationship to monuments in place. All measured bearings or distances or bearings and distances calculated from measurements shall be separately indicated from those of record if not in agreement. The mathematical relationship between all monuments found or set shall be indicated.

7. Dimensions of straight lines shall consist of the bearing and length. Dimensions of curved lines shall consist of the radius, arc length, central angle, tangent, chord distance and chord bearing. All bearings and angles shall be given to seconds of arc, and length or distances shall be given to hundredths of a foot.
8. The names, widths, lengths, bearings and curve data on centerlines of proposed streets, alleys and easements; also the boundaries, bearings and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; the lines, dimensions, bearings, areas and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All proposed streets shall be numbered consecutively under a definite system approved by the City and conform as far as practicable to the adopted street numbering system of Uintah County and Vernal City.
9. A house number indicating the street address for each lot in the subdivision shall be assigned by the City and marked on each lot so as to face the street frontage. Corner lots shall have a house number assigned for each frontage. Homes that are built on approved flag lots or right of ways shall have the address assigned and posted at the access point from a City Road or private road.
10. The owner's certificate of consent, including a legal description of the subdivision's boundaries and the dedication of all required public ways or spaces. This certificate shall be signed, dated and notarized. There shall also be added lines for each owner's name to be printed. The owner's certificate should include a reference to any covenants and blanks where the county recorder may enter the book and page number of their recording.
11. A certificate showing the name and registration number of the surveyor responsible for making the survey. This certificate shall be signed, and dated.
12. Signature blocks prepared for the dated signatures of the Vernal City Planning Director, County Treasurer, County Surveyor, County fire marshal, Tri- County Health Department, Vernal City Streets Supervisor, Vernal City Public Works Director, Internet provider, Gas provider, Power provider.  
Other final subdivision plat notes, as required by the land use authority.
- C. Final design drawings, prepared by a licensed engineer, and approved by the land use authority, for the road system, and all other required subdivision improvements, facilities and amenities. All such improvements shall comply with the design and construction standards of Vernal City, as established, as well as the applicable recommendations of the geotechnical report.
- D. A tax clearance from the Uintah County Treasurer, indicating that all taxes, interest and penalties owing for the property have been paid and taxes, interest and penalties have been paid for the current tax year, if applicable as shown by the County Treasurer signature.
- E. Payment of the nonrefundable final plat application fee, and surveyor fee as established by the board of county commissioners.
- The lack of any information required by this title shall be cause for the zoning administrator to find the final plat application incomplete.
- A zoning administrator determination of an incomplete final plat application shall prohibit the approval of the final plat application. The zoning administrator shall notify the applicant of the information lacking from the application. The zoning administrator shall allow twenty (20) business days from the date of notification of an incomplete application for the applicant to provide the required information and provide a complete application to the zoning administrator. If the application for final subdivision approval remains incomplete after twenty (20) business days from the date of notification of an incomplete application, the zoning administrator shall return the incomplete final plat application to the applicant.
- Unless otherwise provided on the plat, approval of the final plat shall constitute acceptance by the City of all streets and other properties dedicated for public use.

Record Final Plat. After obtaining approval of the **Zoning Administrator** ~~City Council~~, the subdivider shall submit the final plat tracing to the office of the Uintah County recorder for recording within ninety (90) days of the date of approval by the **Zoning Administrator** ~~City Council~~.

2. *Recommended to consider the amending the Vernal City Municipal Planning and Zoning code to consider changes to 16.12 - Nonconforming Buildings and Uses - Ordinance – [2025-014]*

Type of PC Decision – Legislative

Applicant – Vernal City

Project Title – Ordinance 2025-014 Changes to VCMC Planning and Zoning Code 16.12

Zone – All

➤ **Context and Background**

- This amendment to Vernal City Code Section 16.12 – Nonconforming Buildings and Uses is being considered at the request of the City Council, which directed staff to review the existing nonconforming use abandonment period during recent discussions about the Master Site Plan ordinance in a recent City Council meeting. Specifically, the Council asked staff to consider extending the abandonment period from one (1) year to three (3) years to provide property owners additional flexibility before a nonconforming status is lost due to nonuse.
- **Legal Reference:**  
Utah Code § 10-9a-511 establishes that municipalities must allow at least one year before a nonconforming use or structure is deemed abandoned. The law authorizes local governments to extend this timeframe by ordinance. The proposed three-year standard is compliant with state law and reflects Vernal City's intent to provide greater flexibility for property owners.

➤ **Analysis**

- The proposed change aligns the City's code with both state law and best practices in municipal land use regulation. Extending the abandonment period may reduce the number of properties losing nonconforming rights due to temporary vacancies or unforeseen circumstances.
- The amendment ensures that the City's approach is consistent with Utah statutes while also accommodating local needs.
- The change was initiated in direct response to City Council's request during Master Site Plan ordinance discussions.

➤ **Compliance with Zoning Ordinance**

- The proposed amendment remains compliant with all relevant provisions of Vernal City's Zoning Ordinance and is explicitly permitted under Utah Code § 10-9a-511.

➤ **Staff Recommendations**

- Staff recommends approval of the ordinance amendment to extend the abandonment period for nonconforming uses and structures from one (1) year to three (3) years in Section 16.12 of the Vernal City Code.

➤ **Next Steps**

- Planning Commission review and public hearing.
- Recommendation to the City Council for adoption.
- Update and publication of the amended ordinance upon Council approval

➤ **Proposed Language:**

**Ordinance §16.12 Nonconforming Buildings and Uses**

**Section 16.12.010 Noncomplying Buildings -- Maintenance, Repairs And Upkeep**

- A. A noncomplying building or structure may be maintained.
- B. Repairs and structural alterations may be made to a noncomplying building.
- C. A noncomplying building or structure which is involuntarily destroyed in whole or in part due to fire or other calamity may be restored and the occupancy or use of such building, structure or part thereof which existed at the time of such partial destruction may be continued or resumed; provided, that such restoration is started within a period of one (1) year and is diligently prosecuted to completion.

(PZSC § 03-05-001)

(Ord. 2005-07, Amended, 06/01/2005)

#### **Section 16.12.020 Noncomplying Buildings -- Additions, Enlargements And Moving**

- A. A building or structure noncomplying as to use regulations shall not be added to or enlarged, in any manner, unless such building or structure, including such additions and enlargements, is made to conform to all the regulations of the zone in which it is located.
- B. A building or structure noncomplying as to height, area or yard regulations shall not be added to or enlarged in any manner unless such addition and enlargement conforms to all the regulations of the zone in which it is located.
- C. A building or structure lacking sufficient automobile parking space as required by this title maybe altered or enlarged, provided additional parking space is supplied to meet the requirements of this title for such alteration or enlargement.
- D. No noncomplying building or structure shall be moved in whole or in part to any other location on the lot unless every portion of such building or structure is made to comply to all the regulations of the zone in which it is located.

(PZSC § 03-05-002)

(Ord. 2005-07, Amended, 06/01/2005)

#### **Section 16.12.030 Noncomplying Buildings -- Abandonment By Nonuse**

A noncomplying building or structure, or portion thereof, shall be deemed abandoned by nonuse during a continuous period of ~~three (3) years~~ ~~one (1) year~~. If a noncomplying building or structure, or portion thereof, has been or is abandoned, the same shall not thereafter be occupied or used except for a use which conforms to the use regulations of the zone in which it is located.

(PZSC § 03-05-003)(Ord. 2005-07, Amended, 06/01/2005)

#### **Section 16.12.040 Noncomplying Use Of Buildings -- Continuance**

- A. The noncomplying use of a building or structure existing at the time the applicable zoning regulations became or become effective may be continued.
- B. A vacant noncomplying building or structure may be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one (1) year after the building or structure became nonconforming.
- C. A nonconforming use may be extended to include the entire floor area of the existing building in which it was conducted at the time use became nonconforming.
- D. Except by permit of the Board of Adjustment as provided in Chapter 16.10 of this title, the nonconforming use of a building or structure may not be changed except to a conforming use; however, where such change is made to a conforming use, the use shall not thereafter be changed back to a nonconforming use.

(PZSC § 03-05-004)

(Ord. 2005-07, Amended, 06/01/2005)

#### **Section 16.12.050 Noncomplying Use Of Buildings -- Abandonment By Nonuse**

The noncomplying use of a building or structure, or portion thereof, shall be deemed abandoned by nonuse during a continuous period of ~~three (3) years~~ ~~one (1) year~~. If a nonconforming use of any such building or structure, or portion thereof, has been or is abandoned, the same shall not thereafter be occupied or used except for a use which conforms to the use regulations of the zone in which it is located.

(PZSC § 03-05-005)

(Ord. 2005-07, Amended, 06/01/2005)

#### **Section 16.12.060 Nonconforming Use Of Land -- Abandonment By Nonuse**

A nonconforming use of a tract of land, or portion thereof, may be continued. No such nonconforming use of land shall in any way be expanded or extended either on the same or any adjoining tract of land. A nonconforming use of land shall be deemed abandoned by nonuse for a period of three (3) years ~~one (1) year~~ after the use became nonconforming. If such nonconforming use of land has been or becomes abandoned, such land shall not thereafter be used or occupied except for a use which conforms to the user regulations of the zone in which the use is located.

(PZSC § 03-05-006)

#### **Section 16.12.070 Nonconforming Use Compliance**

Any building, structure or use for which a valid building permit has been issued and actual construction was lawfully begun prior to the effective date of this title, or amendments to this title, may be completed and used in accordance with the plans, specifications and permit on which the building permit was granted. "Actual construction" is defined to be the actual placing of construction materials in their permanent position, fastened in a permanent manner, actual work in excavating a basement or the demolition or removal of an existing structure begun preparatory to rebuilding; provided, that in all cases, actual construction work shall be diligently carried on until the completion of the building or structure.

(PZSC § 03-05-007)

#### **Section 16.12.080 Signs Permitted With Nonconforming Use**

Signs permitted with nonconforming uses shall be in accordance with the provisions of Chapter 16.28, Sign Regulations, of this title.

(PZSC § 03-05-008)

3. Recommended to consider the approval of Preliminary Plat for Fossil Cove by Evolve Real Estate & Management  
Located at 148 North 500 East, Vernal, UT, 84078 (Parcel #  
05:037:0025)

Type of PC Decision: Legislative

Applicant: Evolve UT

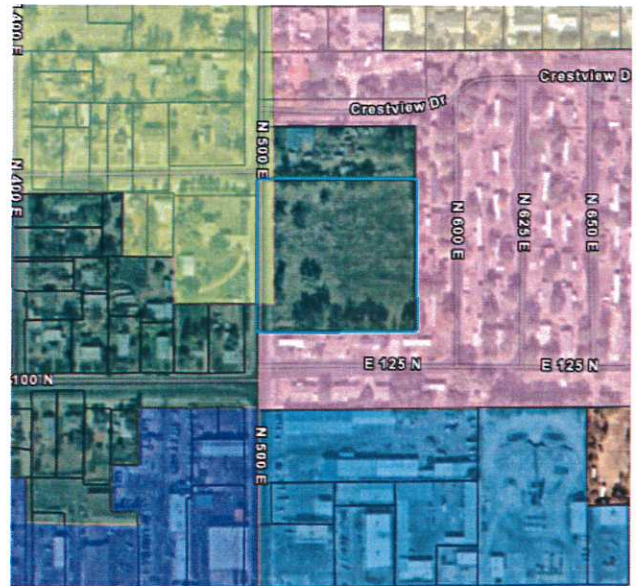
Address: 148 N 500 E, Vernal, UT 84078

Parcel Number: 05:037:0025

Owner: Evolve UT / Cody Reynolds

Project Title: Fossil Cove

Zone: R4



➤ **Context and Background**

- The applicant has submitted a complete preliminary plat application for the Fossil Cove multi-family condominium project. The site is zoned R4 and consists of three buildings (A, B, C) totaling 68 residential units. This project represents a phased multi-family development on a 135,044 sq. ft. lot with all required submittals, including site plans, covenants, and proprietary interest documentation.

➤ **Development Review Committee (DRC) Recommendations**

- The Development Review Committee has reviewed the application and provided the following recommendations and comments for consideration by the Planning Commission:
  - The DRC reviewed the preliminary plat and confirmed all city department comments have been addressed.
  - Stakeholder agencies reviewed the plans:
    - Public Works, Ashley Sewer Management Board, Dominion Energy, Rocky Mountain Power, Strata, Uintah School District, Uintah County Fire, Tri-County Health, County Recorder.
  - Minor plat corrections from the County Recorder have been addressed.
  - No outstanding DRC or agency concerns remain.

➤ **Analysis**

- The Planning Commission is tasked with reviewing the preliminary plat for compliance with the Vernal City Code, the City's general plan, and recommendations from the Development Review Committee.
- The review must be limited to the standards and requirements specified in Section 16.58.080.
- **Building Height:** Proposed buildings are 50' 9 7/8" tall, which is under the 60' maximum allowed in the R4 zone.
- **Density:** The project achieves 21.9 units/acre (68 units on 3.1 acres), consistent with R4 requirements.
- **Parking:** 170 parking stalls are provided, meeting city code.
- **Landscaping:** 28.4% of the site is landscaped (28% required).
- **Fencing:** 6' sight-obscuring fence provided on the north, east, and south sides per code.
- **Owner Occupancy:** Declaration includes required language for 60% owner occupancy as per Utah Code 57-8 and Vernal City policy.
- **Height Context:** The proposed buildings are not the tallest in Vernal—existing landmarks such as the Vernal Temple (65'), Medical Center (61'), and Fitness Center (64') are taller.
- The Planning Commission is the land use authority for preliminary plats and is required to base its decision on findings of fact regarding compliance, not on opinions or concerns unrelated to these standards.
- Public comments at the hearing are to be considered only as they relate to code compliance, the general plan, and the required findings.

➤ **Compliance with Zoning Ordinance**

- The application meets all submittal requirements outlined in §16.58.080, and staff finds that it is in substantial compliance with the City's zoning and subdivision ordinances, subject to any specific conditions noted by the Development Review Committee.

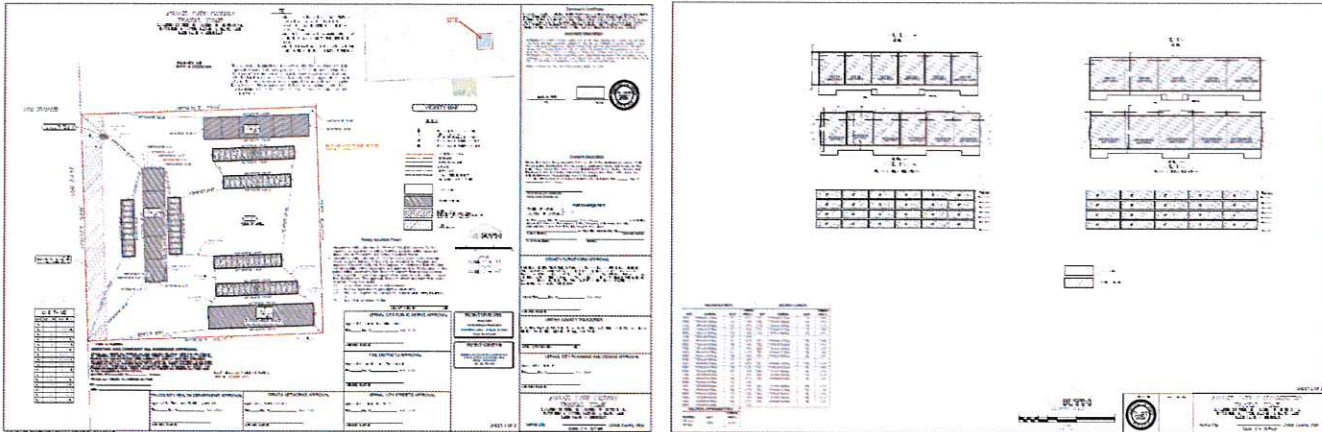
## ➤ Staff Recommendations

- Staff recommends approval of the preliminary plat for Fossil Cove, subject to any modifications or conditions identified by staff or the Development Review Committee, and based strictly on compliance with the requirements of Section 16.58.080.

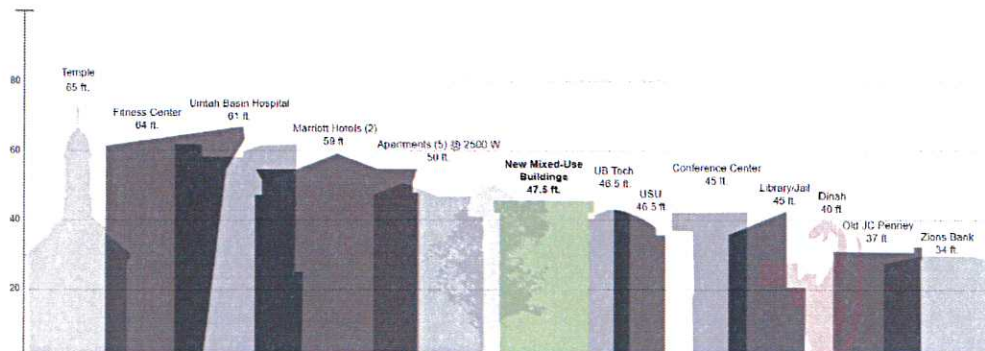
## ➤ Next Steps

- Planning Commission review and decision (approval, denial, or approval with conditions).
- Notification of decision to applicant.
- If approved, applicant may proceed to prepare and submit the final plat for further review

## ➤ Preliminary Condo Plat



## BUILDING HEIGHTS IN VERNAL AREA



4. Recommended to consider the approval of Preliminary Plat for Jurassic Heights by Evolve Real Estate & Management Located at 84 South 100 West, Vernal, UT 84078 (Parcel 05:026:0031)

Type of PC Decision – Legislative

Applicant – Evolve UT

Address – 84 South 100 W, Vernal Utah 84078

Parcel Number – 05:026:0031

Owner – Jurassic Heights LLC

Zone – MX

➤ **Context and Background**

- The applicant has submitted a complete preliminary plat application for Jurassic Heights, a mixed-use development within the MX (Mixed Use) zoning district. The project consists of a single building with 18 residential condominium units (31,157 sq. ft.) and 10,273 sq. ft. of commercial space on a 23,958 sq. ft. property. The MX zone is intended for a combination of multi-family residential and lower-intensity commercial uses to encourage walkability and vibrant neighborhoods. All submittals, including plans, covenants, and proof of proprietary interest, are on file.

➤ **Development Review Committee (DRC) Recommendations**

- The Development Review Committee has reviewed the application and provided the following recommendations and comments for consideration by the Planning Commission:
  - The DRC reviewed the preliminary plat and found the application complete.
  - Fencing requirement was waived by the Planning Commission due to adjacency with commercial properties (PC meeting 11/14/23).
  - Stakeholder and utility providers—including Public Works, Ashley Sewer Management, Dominion Energy, Rocky Mountain Power, Strata, Uintah School District, Uintah County Fire, Tri-County Health, and County Recorder—have reviewed the plans.
  - No outstanding agency issues. Minor corrections or additions (e.g., landscaping calculations, owner occupancy language on plat) will be finalized prior to the final plat.

➤ **Analysis**

- The Planning Commission is tasked with reviewing the preliminary plat for compliance with the Vernal City Code, the City's general plan, and recommendations from the Development Review Committee.
- The review must be limited to the standards and requirements specified in Section 16.58.080.
- **Building Height:** Proposed height is 44 feet (well below the MX zone's 60-foot maximum).
- **Density:** No maximum density in the MX zone; project meets all site coverage and density standards.
- **Parking:** Project will pay the required in-lieu SAA fee for parking not provided on site; total stalls and payment calculations documented.
- **Landscaping:** 10% minimum landscaping required—calculations to be finalized on the plat.
- **Condominium Requirements:** Plat and declaration must include owner-occupancy language (60% minimum as per city and state code). This will be required prior to final plat approval.
- **Height Context:** At 44 feet, this building is significantly shorter than several existing buildings in Vernal, such as the Temple (65'), Fitness Center (64'), and Medical Center (61').
- The Planning Commission is the land use authority for preliminary plats and is required to base its decision on findings of fact regarding compliance, not on opinions or concerns unrelated to these standards.
- Public comments at the hearing are to be considered only as they relate to code compliance, the general plan, and the required findings.

➤ **Compliance with Zoning Ordinance**

- The application meets all submittal requirements outlined in §16.58.080, and staff finds that it is in substantial compliance with the City's zoning and subdivision ordinances, subject to any specific conditions noted by the Development Review Committee.

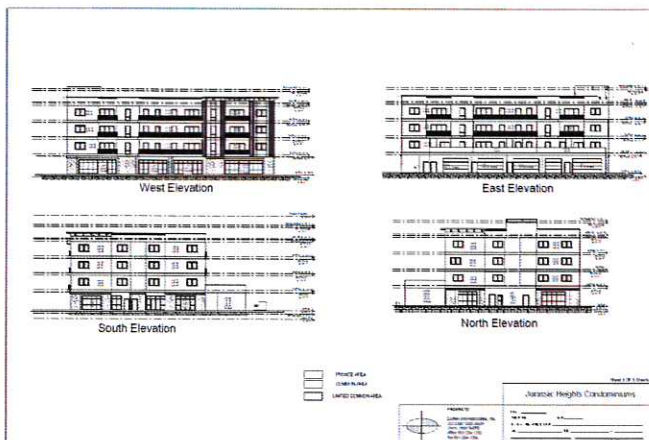
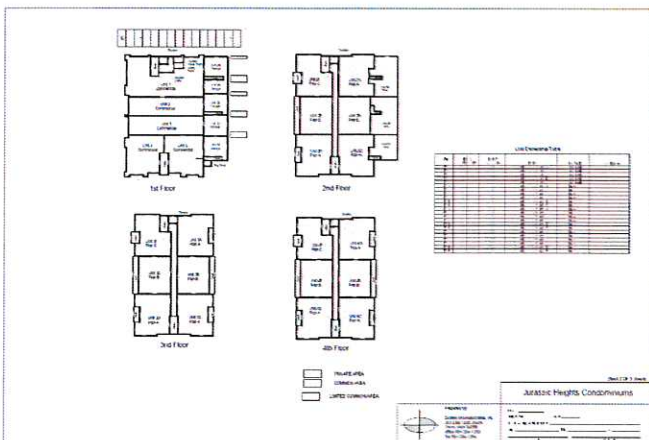
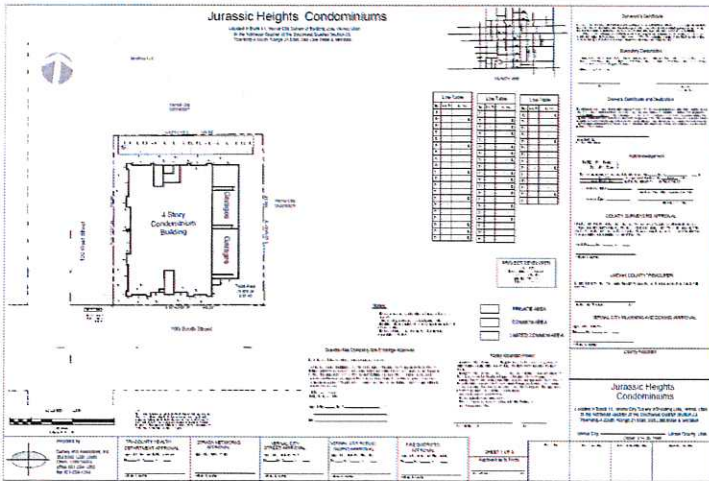
➤ **Staff Recommendations**

- Staff recommends approval of the preliminary plat for Jurassic Heights, subject to any modifications or conditions identified by staff or the Development Review Committee, and based strictly on compliance with the requirements of Section 16.58.080.

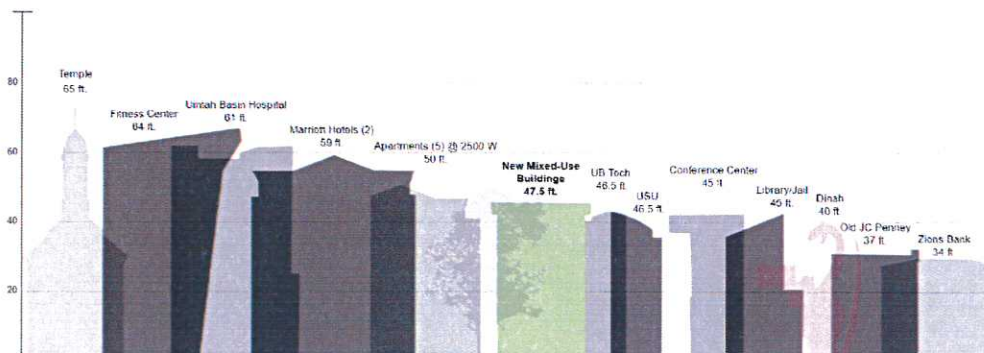
#### ➤ Next Steps

- Planning Commission review and decision (approval, denial, or approval with conditions).
- Notification of decision to applicant.
- If approved, applicant may proceed to prepare and submit the final plat for further review.

#### ➤ Preliminary Plat



### BUILDING HEIGHTS IN VERNAL AREA



1. Recommended to consider the approval of a Preliminary Plat for Raptor Heights by Evolve Real Estate and Management  
Located at 109 South Vernal Ave, Vernal, UT 84078 (Parcel  
#05:31:0112)

Type of PC Decision – Legislative

Applicant – Evolve UT

Address – 109 South Vernal Ave, Vernal Utah 84078

Parcel Number – 05:310:112

Owner – Raptor Heights LLC

Zone – MX



#### ➤ Context and Background

- The applicant has submitted a complete preliminary plat application for Raptor Heights, a mixed-use development in the MX (Mixed Use) zoning district. The project features 18 residential condominium units and commercial space on a 39,575 sq. ft. lot. The MX zone is intended to provide a blend of multi-family residential and compatible commercial uses, with strong emphasis on landscaping, pedestrian access, and mitigating impacts on neighboring properties. All required documentation, including site plans and ownership verification, has been provided.

#### ➤ Development Review Committee (DRC) Recommendations

- The Development Review Committee has reviewed the application and provided the following recommendations and comments for consideration by the Planning Commission:
  - The DRC and Public Works reviewed the preliminary plat and found it complete.
  - Stakeholder reviews by utilities and agencies (Ashley Sewer Management Board, Dominion Energy, Rocky Mountain Power, Strata, Uintah County Fire, Tri-County Health, and County Recorder) revealed no outstanding concerns.
  - No new fences are proposed; the existing concrete wall remains on the east property line.

#### ➤ Analysis

- The Planning Commission is tasked with reviewing the preliminary plat for compliance with the Vernal City Code, the City's general plan, and recommendations from the Development Review Committee.
- The review must be limited to the standards and requirements specified in Section 16.58.080.
- **Building Height:** Proposed height is 44 feet (below MX zone maximum of 60 feet).
- **Density/Site Coverage:** 26% lot coverage (well under the 85% MX zone maximum).
- **Parking:** 86 total parking stalls provided via a combination of on-site, off-site, and in-lieu fee arrangements, as permitted by code.
- **Landscaping:** 27% of the lot (10,842 sq. ft.) landscaped, far exceeding the 10% minimum. 40 trees/shrubs provided (7 required).
- **Owner Occupancy:** Condominium declaration will include the 60% owner occupancy requirement per city and state code.
- **Height Context:** This building will be significantly shorter than several well-known Vernal landmarks such as the Vernal Temple (65'), Fitness Center (64'), and Medical Center (61').
- The Planning Commission is the land use authority for preliminary plats and is required to base its decision on findings of fact regarding compliance, not on opinions or concerns unrelated to these standards.
- Public comments at the hearing are to be considered only as they relate to code compliance, the general plan, and the required findings.

#### ➤ Compliance with Zoning Ordinance

- The application meets all submittal requirements outlined in §16.58.080, and staff finds that it is in substantial compliance with the City's zoning and subdivision ordinances, subject to any specific conditions noted by the Development Review Committee.

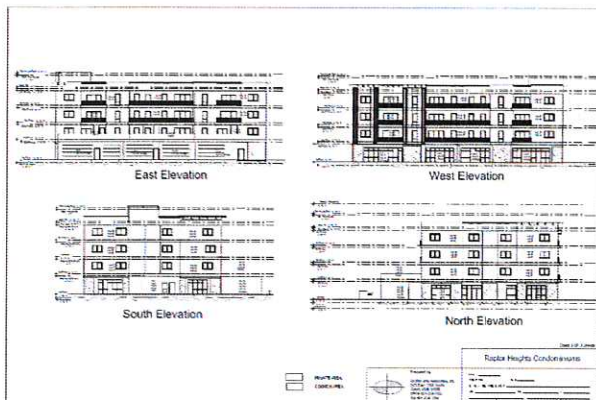
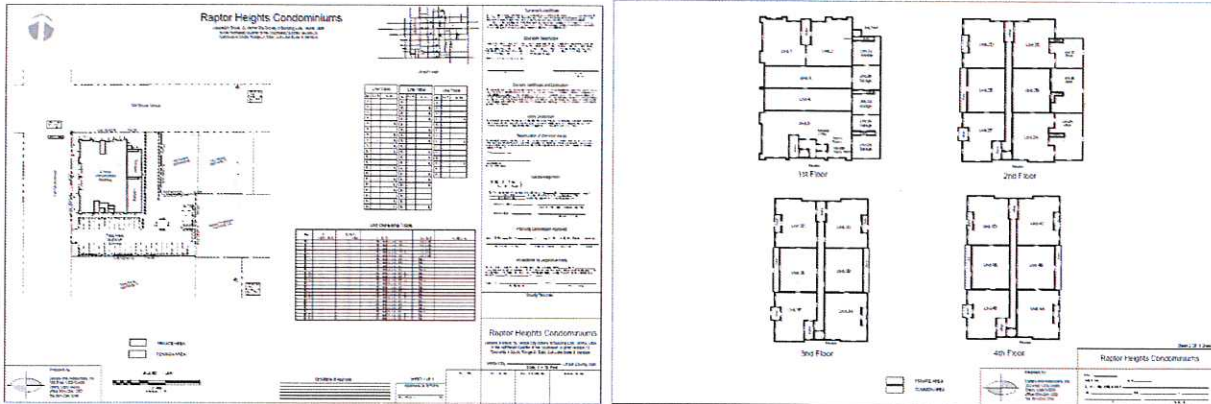
#### ➤ Staff Recommendations

- Staff recommends approval of the preliminary plat for Raptor Heights, subject to any modifications or conditions identified by staff or the Development Review Committee, and based strictly on compliance with the requirements of Section 16.58.080.

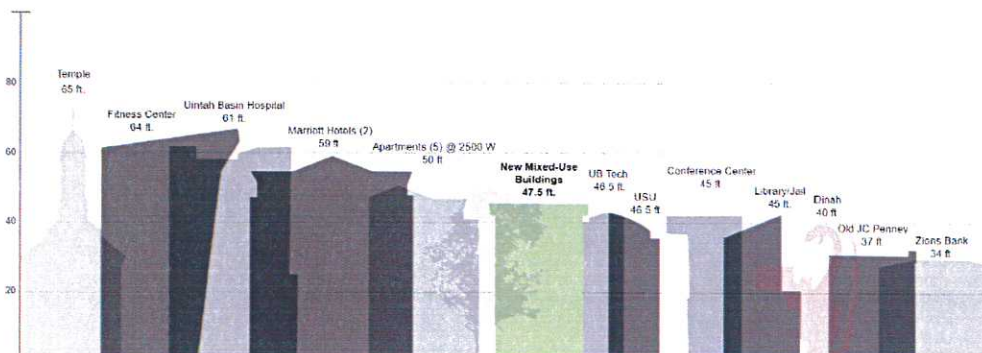
#### ➤ Next Steps

- Planning Commission review and decision (approval, denial, or approval with conditions).
- Notification of decision to applicant.
- If approved, applicant may proceed to prepare and submit the final plat for further review.

#### ➤ Preliminary Plat



### BUILDING HEIGHTS IN VERNAL AREA



## Action Items

1. Recommended to consider the approval of Summit Locations Sign Conditional Use Permit for property located at 475 S 500 E Vernal Utah, 84078 (Parcel # 05:041:0008) 2025 -017 - CUP

### Application #2025-000-CUP

**Address:** 475 S 500 E, Vernal, UT 84078

**Parcel Number:** 05:041:0008

**Zone:** I-1 Industrial

**Applicant:** Summit Locations LLC – Taylor Baumgardner

**Property Owners:** Thomas and Teresa Slingluff

**Decision Type:** Administrative (Planning Commission is the Land Use Authority)



### ➤ Context and Background

Summit Locations LLC is working in coordination with the property owners to install an off-premise pole sign (billboard) at 475 S 500 E in Vernal. The location is situated in an I-1 Industrial Zone, just east of 500 E. While the immediate parcel is zoned industrial, there are residentially zoned properties (MH – Mobile Home) located directly to the east.

### ➤ Zoning and Code Reference

Per Vernal City Code §16.28.050, off-premise signs (including pole signs) are considered a conditional use within industrial and commercial zones, and prohibited in residential zones. Key requirements for Off Premise Pole Signs:

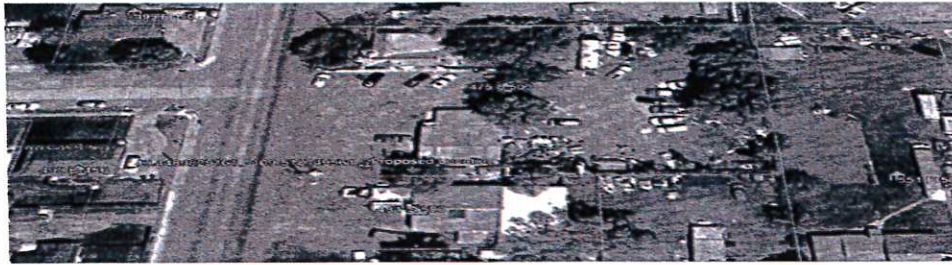
Standard	Code Requirement	Proposed	Compliant?
Zone	I-1 only	I-1	✓ Yes
Height	Max 40'	31'6"	✓ Yes
Area	Max 200 sq ft	640 sq ft	✗ No
Distance from other off-premise signs	500'	No others within 500'	✓ Yes
Distance from on-premise pole signs	75'	No others within 75'	✓ Yes
Min Height	10'	31'6"	✓ Yes
UDOT Review	Required for highways	Not applicable	✓ N/A

### ➤ Site Considerations

- **Underground Utilities Review Required:** Final approval of the sign location will depend on clearance from powerlines, easements, and underground infrastructure.

- Exhibit A: Owner-signed GPS coordinates showing exact location of the pole sign.

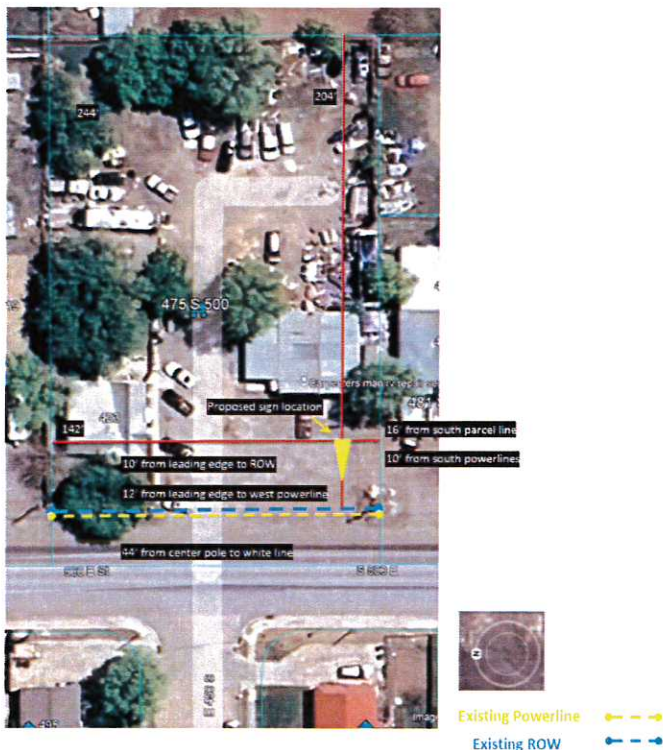
This Exhibit "A" is for a portion of Property at 485 S 500 E, Vernal, UT 84078/Parcel No: 050410008 as required for the erection, operation and maintenance of an outdoor advertising structure to be constructed at the following coordinates: 40.4489825161, -109.518749561, approximately, including all easements necessary to access, erect and maintain said structure. The build site is subject to regulatory review, underground utility review and unforeseen issues that may arise.



Lessor: *Thomas Slungluff* LESSOR: *Teresa Slungluff* LESSEE: *By Thomas Slungluff*  
*for P.O.A.*

- Exhibit B: Detailed utility and easement placement map for clearance review.

SITE PLAN: UT-06 THOMAS AND TERESA SLUNGLUFF PARCEL: 050410008  
 COORDINATES: 40.4490185816, -109.518781559 ADDRESS: 475 S 500 E, Vernal City, Utah 84078



## ➤ Staff Recommendations

The Planning Commission serves as the Land Use Authority on Conditional Use Permits for off-premise signage within the I-1 Industrial Zone. Staff finds that the application meets most applicable requirements, except for the maximum allowable sign area under Vernal City Code §16.28.050.

Given that the proposed sign area (640 sq ft) exceeds the maximum allowed (200 sq ft), staff recommends that the Planning Commission consider one of the following actions:

➤ **Approval with Conditions**

- Condition that sign area must be revised to comply with the 200 sq ft maximum, or
- Limit the number of panels to reduce the square footage.

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## Discussion Items

### 1. Discussion in regards to amending the Vernal City Municipal Annexation Policy - Ordinance Number 2025-015

**Type of PC Decision:** Discussion

**Review Trigger:** 2025 Utah Legislative Session (March)

**Location / Code Reference:** Vernal City Annexation Policy Plan

## Discussion

The current Annexation Policy Plan was last updated in 2008. Due to recent legislative changes passed during the 2025 Utah General Session, cities across the state are required to modernize their annexation policies to align with updated state requirements.

The Planning Department is initiating a review of Vernal City's existing policy to ensure compliance with Utah Code §§ 10-2-401 through 10-2-429, as well as recent amendments under HB 368 (2nd Substitute).

This discussion will cover:

- A summary of required legislative updates
- Policy areas in need of revision
- Next steps and expected schedule for formal adoption

## Context and Background

The proposed 2025 Annexation Policy Plan (the "Plan") has been prepared by Vernal City in response to updated requirements enacted during the 2025 Utah General Legislative Session via HB368 Second Substitute. This new Plan replaces the City's 2008 version and is structured in compliance with the revised and renumbered Utah Code Annotated §§ 10-2-801 through 10-2-817. The Plan is intended to guide municipal annexation decisions by clarifying the City's expansion area, articulating objective criteria for evaluating annexation petitions, and ensuring coordination with affected entities and service providers. The Planning Commission has prepared the Plan consistent with the procedural guidance in Utah Code § 10-2-803(3), and it is now being presented for public hearing and consideration of adoption by ordinance.

## Analysis

The Plan includes all elements required by Utah Code § 10-2-803(2), including:

- A legally defined Expansion Area Map (Exhibit A and Exhibit B);
- Evaluation criteria that match the statutory criteria found in § 10-2-803(2)(a)(ii)(A)–(F), including service feasibility, tax impacts, financing methods, and interlocal coordination;
- A statement of justification confirming that no qualifying areas within ½ mile of the City boundary have been excluded from the expansion area (as required by § 10-2-803(2)(a)(iii));
- A dedicated section (Section XI) reserved for summarizing comments made by affected entities after the required public meeting (per § 10-2-803(2)(b)).

Additionally, Section II of the Plan clearly documents the Planning Commission's consideration of all process-related criteria in § 10-2-803(3), including population growth trends, infrastructure costs, and compatibility with the General Plan. The Plan is structured to be adopted by ordinance, consistent with the requirements for annexation policy plan enactments under Utah Code § 10-3-711 and § 10-2-803(6).

## Compliance with Zoning Ordinance

The Plan does not modify existing zoning or assign land use designations. However, it reinforces consistency with the Vernal City General Plan by providing a framework for annexing land in a manner that supports housing diversity, infrastructure planning, and efficient service delivery. Zoning for any newly annexed property will occur through separate application and review, per standard practice.

### **Staff Recommendations**

Staff recommends that the Planning Commission hold a public hearing and, if no material objections are raised, forward the Plan to the City Council with a recommendation for adoption by ordinance. The Plan is legally compliant, procedurally complete, and well-aligned with both state law and Vernal City's long-range planning goals. If comments from affected entities are received, staff will prepare an update to Section XI prior to final Council consideration.

### **Next Steps**

- 10-Day Comment Period – Accept written comments from affected entities.
- Public Hearing – Hold a Planning Commission hearing on the Plan (with any modifications).
- Recommendation to City Council – Planning Commission forwards recommendation.
- City Council Public Hearing – Final public hearing on the proposed Plan.
- Adoption by Ordinance – City Council may adopt the Plan by ordinance.
- Filing – File with Lieutenant Governor and Uintah County Recorder per §10-2-813.

### **Proposed Ordinance Language – Subject to Review –**

#### **Vernal City Annexation Policy Plan (Amended 2025)**

#### ***Section I. Purpose and Policy Foundation***

The Vernal City Annexation Policy Plan (the “Plan”) serves as a guiding framework for evaluating and implementing annexations within the City's defined Expansion Area. The purpose of this Plan is to promote thoughtful, efficient, and fiscally responsible growth that preserves the integrity of existing neighborhoods, ensures the provision of essential municipal services, and aligns with the community's long-term planning objectives.

Vernal City supports a balanced approach to development—encouraging residential, commercial, industrial, and recreational uses that enhance the quality of life for current and future residents. Annexation is not pursued as an end in itself, but as a tool to support orderly urban expansion, improve service delivery, and foster cohesive land use patterns. Proposals for annexation will be carefully reviewed based on their compatibility with City infrastructure, land use goals, and financial sustainability. Each annexation is expected to contribute positively to the character, function, and identity of the City as a whole.

Recognizing that growth does not occur in isolation, Vernal City is committed to working collaboratively with Uintah County, neighboring municipalities, service providers, and affected entities in the review and planning of annexation proposals. Coordination may include formal interlocal agreements, shared infrastructure strategies, and regular consultation to ensure that annexation decisions are consistent with regional goals and minimize duplication of services or jurisdictional conflict. The City values cooperation as an essential component of responsible and effective governance.

#### ***Section II. Considerations***

In preparing this Plan, the Vernal City Planning Commission has conducted a thorough review consistent with the requirements set forth in Utah Code Annotated section 10-2-803(3). In particular, the Planning Commission has:

- Evaluated the expansion areas of adjacent municipalities and coordinated to avoid creating gaps between or overlaps with their respective boundaries;
- Reviewed population trends and projections for Vernal City and surrounding unincorporated areas over a 20-year horizon to assess future demand for land and services;
- Analyzed current and projected costs associated with infrastructure, urban services, and public facilities necessary to: (a) support full development within the existing municipal boundary; and accommodate the orderly expansion of services into the proposed expansion area;
- In conjunction with the City's General Plan, considered the anticipated need for additional residential, commercial, and industrial lands over the next 20 years to support projected growth;
- Evaluated the inclusion of agricultural lands, forests, recreational areas, and wildlife management areas to ensure a balanced and responsible growth strategy; and

- Followed the principles found in Utah Code Annotated section 10-2-806(5).

These considerations were used to develop the Expansion Area Map discussed below and to inform the criteria by which future annexation petitions will be evaluated.

### ***Section III. Expansion Area Map***

The Expansion Area Map (the “Map”), prepared by the Vernal City Planning Department, is a key component of this Plan and reflects the City’s intention to manage growth in a logical, efficient, and coordinated manner. The Map identifies specific geographic areas that Vernal City is willing to consider for annexation based on current infrastructure capacity, anticipated land use demand, and overall community planning goals. In accordance with Utah Code Annotated sections 10-2-803 and 10-2-804, the Map is intended to eliminate unincorporated islands and peninsulas, ensure contiguous boundaries, and promote clear and manageable service delivery areas. It serves as a practical tool for evaluating both near-term annexation proposals and long-range municipal boundary adjustments.

The Map is adopted by ordinance of the Vernal City Council through a public meeting and is incorporated into this Plan as an exhibit to this Plan. The City will periodically review and amend the Map as needed to reflect changes in development trends, infrastructure planning, or interlocal coordination. In compliance with Utah Code Annotated section 10-2-803(6), any revisions to the Map will be subject to public notice requirements and coordinated with affected entities to ensure transparency and regional consistency in boundary planning.

*See Exhibit A – Vernal City Expansion Area Map (2008)*

*See Exhibit B - Vernal City Expansion Area Map (2025)*

### ***Section IV. Annexation Evaluation Criteria***

Annexation proposals submitted to Vernal City will be reviewed in accordance with this policy, the Vernal City General Plan, and Utah Code Annotated sections 10-2-803 and 10-2-806. Each petition will be evaluated on its individual merits with attention to how it supports responsible growth, efficient service provision, and community benefit. The following criteria will guide the City’s decision-making:

1. Character of the Community – Whether the proposed annexation is consistent with the existing land use patterns, neighborhood context, and overall character of Vernal City.
2. Need for Municipal Services – Whether the area demonstrates a need for municipal services that are unavailable or insufficient in its current jurisdiction.
3. Service Feasibility and Planning – Whether services such as water, sewer, stormwater, streets, public safety, and solid waste can feasibly be extended and maintained, based on existing capacity and master plans.
4. Financing of Services – Whether the extension and maintenance of services can be supported through available and lawful mechanisms, including impact fees, utility rates, developer participation, or general funds.
5. Tax Consequences – Whether the annexation results in reasonable and equitable tax or fee impacts for both existing City residents and those within the proposed area.
6. Coordination with Affected Entities – Whether the proposal accounts for the jurisdictional interests of Uintah County, special service districts, and neighboring municipalities to avoid duplication and promote orderly growth.
7. Contiguity and Boundary Integrity – Whether the area is contiguous to the City and avoids the creation of unincorporated islands or peninsulas, consistent with Utah Code Annotated section 10-2-804.
8. Ownership Thresholds – Whether the petition meets state requirements for property ownership and valuation, per Utah Code Annotated section 10-2-802.
9. Land Use Compatibility – Whether the annexation supports the City’s long-term land use planning objectives, including housing diversity, compact development, and infrastructure efficiency.
10. Statutory Exclusions – Whether the annexation avoids inclusion of “rural real property” or “mining protection areas,” as those terms are defined in Utah Code Annotated section 10-2-801, without consent, as required by section 10-2-811(10).

Supporting documents such as fiscal impact analyses, service feasibility studies, or infrastructure plans may be required to facilitate evaluation. The City retains discretion to deny annexation proposals that do not meet these criteria, even if technically eligible under state law.

### ***Section V. Public Notice and Involvement***

Vernal City is committed to ensuring a transparent annexation process that informs and engages affected property owners, public agencies, and the broader community. In accordance with Utah Code Annotated Title 10, Chapter 2, Part 8, the City will adhere to all notice and public hearing requirements throughout the annexation process.

### ***Section VI. Filing and Implementation***

Following the adoption of any annexation ordinance or amendment to this Plan, Vernal City will satisfy all filing requirements as prescribed by Utah Code Annotated section 10-2-813. This includes transmitting a certified copy of the ordinance, along with

applicable annexation plat maps, to the Office of the Lieutenant Governor as a Notice of Impending Boundary Action. Copies will also be filed with the Uintah County Recorder, County Surveyor, and County Assessor within 30 days of certification.

An annexation shall take effect on the date specified in the annexation ordinance, provided that all statutory filings and confirmations have been completed. Annexations shall not be legally recognized until the Lieutenant Governor certifies the boundary action and all required filings are documented with county offices.

#### ***Section VII. Legal Framework and Amendments***

This Plan shall be interpreted in accordance with the applicable provisions of Utah law, including Utah Code Annotated sections 10-2-801 through 10-2-817, as amended. Any reference to statutes in this plan shall be construed to include subsequent amendments or renumbering adopted by the Utah Legislature. This plan is intended to be a guiding policy document and shall not supersede the procedural or legal requirements set forth in state law for the consideration or approval of annexation petitions.

Amendments to this plan may be initiated by the City Council, Planning Commission, or Planning Department and shall follow a public process, including a public hearing before the Planning Commission and formal adoption by ordinance of the City Council. The City will also provide notice to affected entities as required by law when modifying the Map or other substantive elements of this Plan. All amendments shall be consistent with the City's General Plan, statutory obligations, and the principles of orderly, efficient, and coordinated municipal growth.

#### ***Section VIII. Justification for Excluding Urban Areas from the Expansion Area***

Utah law defines "urban development" as a housing development with more than 15 residential units and an average density greater than one unit per acre, or a commercial or industrial development where the cost projections exceed \$750,000 for all phases. Utah Code Ann. § 10-2-801(17). Vernal City has reviewed all areas within ½ mile of its current municipal boundary and has not excluded any areas containing qualifying urban development from its expansion area. Accordingly, no justification for exclusion is required. The City reserves the right to consider future exclusions if warranted by infrastructure constraints, boundary management considerations, or long-range planning objectives.

#### ***Section IX. Protests***

Protests to an annexation petition may be filed in accordance with Utah Code Annotated section 10-2-810. A protest may only be filed by the legislative body or governing board of an "affected entity" (i.e., a county, school district, special service district, or municipality), the owner of "rural real property," located within the area proposed for annexation, or the owner of private real property located in a "mining protection area," as those terms are defined in section 10-2-801. Protests must be filed with the Uintah County Clerk and a copy mailed to the Vernal City Recorder within 30 days after the City Recorder mails or delivers written notification of the certified petition to the Vernal City Council, the petition's contact sponsor, and the Uintah County Commission. If a valid protest is filed, Vernal City will suspend final action on the annexation until the Uintah County Boundary Commission issues a written decision. The City will ensure that all landowners are notified of their rights to support or withdraw from a petition, and that the protest procedures, deadlines, and criteria are clearly communicated as part of the public engagement process.

If a decision is issued by the Boundary Commission regarding a protested annexation, any party to the proceeding—such as Vernal City, a protestor, or a petitioner—may seek judicial review by filing an action in the district court within 20 days of receiving the Commission's decision, as set forth in Utah Code Annotated section 10-2-811. No annexation may be finalized by the City while judicial review proceedings are pending.

Following the issuance of a decision by the Boundary Commission, Vernal City shall not take final action on the annexation until at least 30 days have passed. Final action must occur no later than 60 days after the Commission's decision, unless a judicial review proceeding is filed, as outlined in Utah Code Annotated section 10-2-811.

#### ***Section X. Automatic and Cross-County Annexations***

In accordance with Utah Code Annotated section 10-2-814, all unincorporated islands that meet the criteria for automatic annexation will be annexed on July 1, 2027. Qualifying areas must be entirely surrounded by the City, receive municipal-type services, and meet population or development thresholds as defined by statute. For annexations involving property that crosses county lines, the City will comply with Utah Code Annotated section 10-2-805.

#### ***Section XI. Statement Addressing Affected Entity Comments***

This section is reserved for addressing comments made by effective entities at the Planning Commission's public meeting to consider this Plan or within 10 days following such meeting.

#### ***Section XII. Severability***

If any portion, section, or clause of this Plan is held to be invalid, unlawful, or unenforceable for any reason by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect. This ensures the continuity of the City's annexation policies and protects the integrity of the overall plan even in the event of partial invalidation.

**Effective Date:** This Plan shall become effective one (1) day after publication of the adopting ordinance, as provided by Utah Code Annotated section 10-3-712. Filing with the Office of the Lieutenant Governor and the Uintah County Recorder shall also occur in accordance with Utah Code 10-2-813.

Exhibit A - *Vernal City Expansion Area Map (2008)*, Exhibit B - *Vernal City Expansion Area Map (2025)*

Exhibit A:

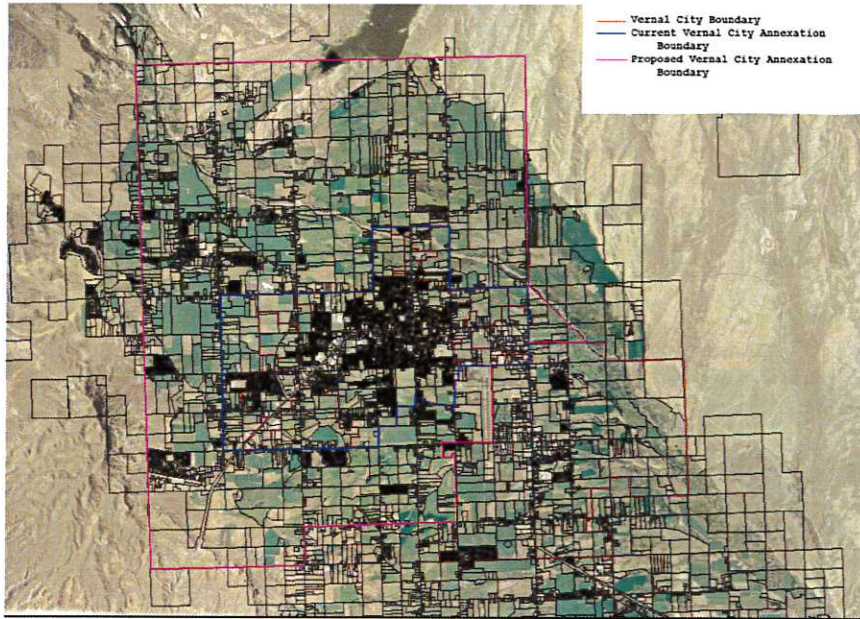
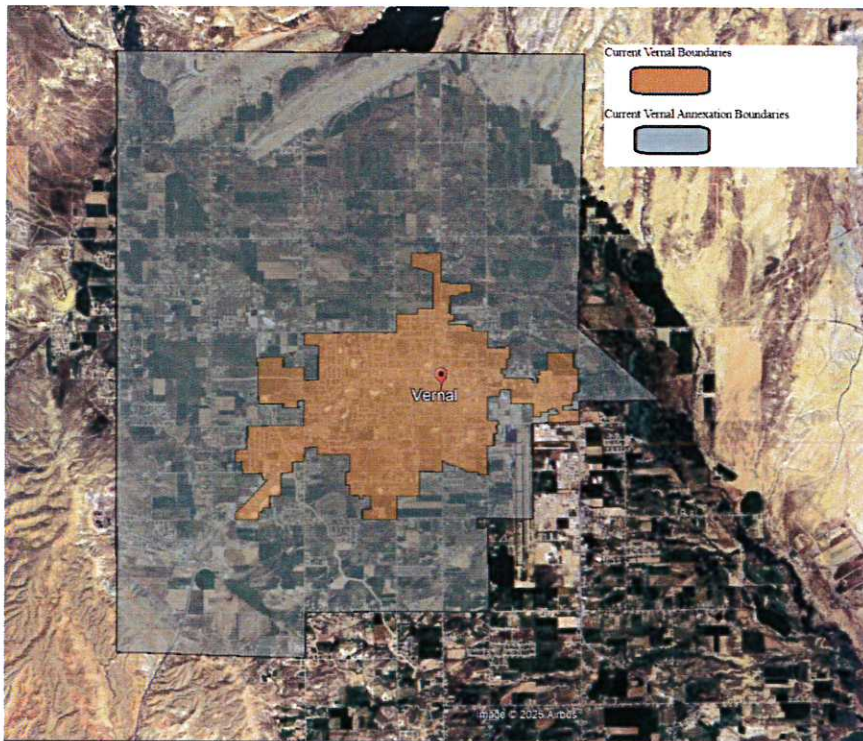


Exhibit B:



2. Discussion in regards to amending the Vernal City Municipal Planning and Zoning Code to consider changes to section 16.24.160 - Off Site Improvements - Braeden Christofferson

**Type of PC Decision:** Discussion

**Review Trigger:** Planning Commission and Staff

**Location / Code Reference:** 16.24.160

### **Context and Background**

After several recent reviews and exemptions regarding sidewalk, curb, and gutter requirements under Vernal City Code §16.24.160, staff recommends a discussion on the merits and application of exemptions for off-site improvements. The current code allows the Planning Commission to grant exemptions for unusual topographical, geographic, or exceptional conditions. However, experience shows that exemptions have at times been considered for operational reasons or perceived hardship, especially for industrial and commercial uses, rather than truly unique physical site constraints.

There is no clear code language limiting such exemptions to industrial-type properties, though past practice often referenced that intent. Staff is concerned that repeated exemptions in commercial corridors may erode the city's long-term goals for consistent public infrastructure, pedestrian connectivity, and equitable application of standards.

This discussion is intended to assess whether the exemption process is achieving its intended purpose, and whether code changes or clarifications should be considered to:

- Limit exemptions to sites with clear, documented physical constraints,
- Ensure that exemptions are not based on occupant ability or operational preference,
- Preserve the spirit of the city's future infrastructure and pedestrian goals.

### **Related Code for Consideration:**

Section 16.24.180 requires curb, gutter, sidewalk, and street paving for all developed properties, with limited exceptions for minor additions and cases where stormwater flow cannot be facilitated. Section 16.24.160 allows for off-site improvement exemptions with findings.

### **Analysis**

- Recent sidewalk exemptions (Luxury Homes, Coca-Cola, CED) demonstrate a need for clearer standards and more consistent findings of fact.
- Most prior approvals were for industrial properties, based on access needs for large vehicles or lack of pedestrian context.
- Approvals in commercial zones risk setting precedent that may weaken the long-term goal of city-wide pedestrian infrastructure.
- Staff finds that current code language is broad and could allow for inconsistent application or expectations.
- General Plan and standard practice favor walkable, connected corridors; routine exemptions for commercial properties may conflict with these goals.

### **Compliance with Zoning Ordinance**

The current code allows exemptions for "unusual topographical, geographic location, or exceptional conditions," but does not explicitly define industrial or commercial limitations. Exemptions must be justified with findings that they do not detract from the General Plan, public interest, or public safety, and that "substantial justice" is done. However, staff recommends considering code clarifications to better align with General Plan pedestrian connectivity policies.

### **Staff Recommendations**

- Hold a discussion to determine whether the Planning Commission wishes to propose amendments to §16.24.160.
- Consider clarifying that exemptions should be based on documented site constraints and not on business operations or applicant preference.
- Discuss whether code language should explicitly limit exemptions to industrial zones, or whether case-by-case findings should be more strictly defined.
- If amendments are desired, direct staff to prepare draft ordinance language for a future public hearing.

#### **Next Steps**

1. If directed, staff will draft proposed code amendments for consideration at a future meeting.
2. If no changes are needed, staff will continue to apply current code and findings as written.