

MINUTES of the VERNAL CITY PLANNING COMMISSION

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

June 10, 2025

5:30 pm

Members Present: Stephen Lytle, Nick Porter, Samantha Chapoose, Troy Allred, Ryan Balch, Brittany Young

Members Excused:

Alternates Present:

Alternates Excused:

Staff Present: Braeden Christofferson, Assistant City Manager; Matthew Tate, Building Official; Taylor Munguia, Planning Technician.

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

APPROVAL OF MINUTES FROM April 8, 2025: Stephen Lytle Chair asked if there were any changes to the minutes from April 8, 2025. The minutes were approved with there being no corrections, *Samantha Chapoose moved to approve the minutes of April 8, 2025 as presented. Nick Porter seconded the motion. The motion passed with Stephen Lytle, Nick Porter, Samantha Chapoose, Troy Allred, Ryan Balch, and Brittany Young voting in favor.*

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 addressed the Commission and explained that during a recent review of the subdivision code, it was identified that amendments were needed to bring the code into compliance with Utah State Code. State law permits municipalities to designate a single administrative land use authority for final plat approvals and prohibits legislative bodies or elected officials from serving in that capacity. The proposed amendment involves removing language in the code that references the City Council as the approving authority for final plats. Instead, the authority would be assigned to the zoning administrator. Mr. Christofferson confirmed that he would serve in that role. The Commission felt that the proposed changes were straightforward and aligned with the State requirements.

Chair, Stephen Lytle opened the public hearing. There being no public comments. Chair, Stephen Lytle closed the public hearing.

Nick Porter moved to forward a positive recommendation to the City Council, to consider amending the Vernal City Municipal Planning and Zoning Code – Section 16.58.100 – Final

Platting Requirements – Ordinance 2025-013. Samantha Chapoose seconded the motion. The motion passed with Stephen Lytle, Nick Porter, Samantha Chapoose, Troy Allred, Ryan Balch, and Brittany Young voting in favor.

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 presented the proposed changes, explaining that the purpose was to align City Code with State law while extending the non-conforming use period from one (1) year to three (3) years. Mr. Christofferson noted that Utah State Code permits municipalities to establish a minimum one (1) year timeframe for non-conforming uses. The recommendation to extend it to three (3) years followed discussions during a prior City Council meeting where the one (1) year period was deemed too short. Though a five (5) year period was considered, consensus among council members led to the compromise of three (3) years and was approved under the master site plan ordinance changes recently adopted. Nick Porter inquired whether this would apply to all property types throughout the city. Matt Tate clarified that this change would apply primarily to commercial uses, not residential properties, and would give property owners more flexibility before being required to bring properties into compliance with current zoning and building standards. Residential properties generally maintain consistent use as dwelling spaces and are not subject to the same range of occupancy changes or regulatory standards as commercial properties, which may vary significantly based on their intended use. Brittany Young wanted to know what would start the time for a building to be considered vacant. Mr. Christofferson explained how the business license system is used to determine vacancy periods, meaning the effective non-use period could extend up to four (4) years in some cases. Commission members expressed concern that a three (3) year timeframe was too long and preferred a two (2) year standard as a compromise. The Commission discussed the importance of maintaining city infrastructure standards such as sidewalks and curb and gutter improvements, which could be delayed under a longer non-conforming period.

Chair, Stephen Lytle opened the public hearing. There being no public comments. Chair, Stephen Lytle closed the public hearing.

Nick Porter moved to forward a positive recommendation to the City Council, to consider amending the Vernal City Municipal Planning and Zoning Code – Chapter 16.12 – Nonconforming Buildings and Uses – Ordinance 2025-014 with a change from three (3) years to two (2) years. Brittany Young seconded the motion. The motion passed with Stephen Lytle, Nick Porter, Samantha Chapoose, Troy Allred, Ryan Balch, and Brittany Young voting in favor.

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 introduced the item, noting that this was the first of three (3) separate preliminary plats being submitted by the applicant. He addressed community concerns regarding building height, clarifying that although the average height of the proposed mixed-use buildings are 44–47.5 feet, the maximum height, including rooftop structures, was approximately 50 feet 9 inches. This remains well below the maximum height of 60 feet permitted by City Code for mixed-use and R-4 zones. Mr. Christofferson confirmed that the Master Site Plan had already been approved by the Planning Department and Public Works. The building permits had also been reviewed and approved by the Building Official. The development met all applicable zoning requirements, including density, parking, landscaping, and the required 60% owner-occupancy ratio. The proposed fencing and plat documentation were also in compliance. The only remaining step was Planning Commission approval of the preliminary plat before final approval could be completed administratively. Ryan Balch wanted to know more about the 60% owner-occupancy requirement and why it is in place.

Wes Zufelt, 1163 North 1050 East, Orem, Utah, with Evolve Real Estate & Management explained that maintaining this ratio is necessary for the project to remain eligible for conventional financing and would be enforced through the HOA. Brittany Young wanted to know how Evolve would maintain owner/investor ratios. Mr. Zufelt explained how they will manage owner/investor ratios at the contract stage and how deed restrictions may be used to ensure compliance. Evolve will be the property management team so they will keep a close eye on these ratios to ensure compliance.

Chair, Stephen Lytle opened the public hearing.

Kent Keller, 191 N 500 E, expressed concern about his legal right to keep farm animals and to flood irrigate his property adjoining the development.

Sue Bruckner, 212 N 500 E, raised a boundary dispute based on long-standing fence placement, citing potential property encroachment. Mr. Zufelt acknowledged the dispute, noting a meeting with Ms. Bruckner's legal counsel was scheduled to resolve the issue.

Chair, Stephen Lytle closed the public hearing.

Mr. Balch had concerns about the commission's approval at this stage and how it may affect Ms. Bruckner and her open legal dispute. Ms. Young asked if the legal dispute would need to be resolved prior to their approval. Mr. Christofferson clarified that preliminary plat approval is not a legally binding document and does not impact property ownership or legal standing since it would not be a recorded document with the County. Should the legal boundary dispute be resolved in Ms. Bruckner's favor, Evolve would be required to resubmit the plat to the Planning Commission reflecting any necessary changes. However, if the dispute is resolved in Evolve's favor and the plat is approved in its current form, no further action would be necessary. Any modifications resulting from the dispute would need to be addressed prior to final plat approval.

Samantha Chapoose moved to approve the Preliminary Plat for Fossil Cove by Evolve Real Estate & Management Located at 148 North 500 East, Vernal, UT 84078 (Parcel #05:037:0025). Troy Allred seconded the motion. The motion passed with Stephen Lytle, Nick Porter, Samantha Chapoose, Troy Allred, and Brittany Young voting in favor. Ryan Balch was against.

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 provided an overview of the project, noting that the zoning designation for this development is Mixed Use. The project is currently under review by the Planning and Public Works departments. The only outstanding requirement was the submission of a valid condominium plat, which was presented in a preliminary form for the meeting. The Building department has approved the building permit, pending the approval of this preliminary plat. All Development Review Committee (DRC) comments from agencies and departments have been addressed. Mr. Christofferson explained that fencing requirements were waived due to the adjacent property being commercial. Parking in lieu of fees and landscaping requirements had been addressed, and the condominium declaration would be finalized in accordance with City Code. The proposal met all mixed use zone requirements, including density, landscaping, and owner occupancy standards. The proposed buildings would include garages on the ground level with commercial space, and residential condominiums above. Wes Zufelt from Evolve was present to answer any questions from the Commission. Architectural renderings of the development were distributed by Jimmy Zufelt. The Commission briefly reviewed these handouts and had no questions for Mr. Zufelt.

Chair, Stephen Lytle opened the public hearing. There being no public comments. Chair, Stephen Lytle closed the public hearing.

Troy Allred moved to approve the Preliminary Plat for Jurassic Heights by Evolve Real Estate & Management Located at 84 South 100 West, Vernal, UT 84078 (Parcel #05:026:0031). Brittany Young seconded the motion. The motion passed with Stephen Lytle, Nick Porter, Samantha Chapoose, Troy Allred, Ryan Balch, and Brittany Young voting in favor.

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 presented the item, noting that the Master Site Plan was in the approval process and the building permit has already been approved by the Building department. All required documents for the preliminary plat had been submitted, and stakeholder and utility agency reviews were still ongoing, with no outstanding concerns at the time of this meeting. The development was located in a Mixed Use zone and followed the same standards and requirements as the previously reviewed Jurassic Heights project. The proposed buildings were

nearly identical in structure, with differing color schemes. Each unit included commercial space and garages on the ground floor, with residential condominium units above. Plat declarations would be finalized to meet Vernal City Code, and parking requirements would be met using a combination of on-site, off-site, and in-lieu-of-fee solutions. During the discussion, it was clarified that while no new fencing was proposed, an existing concrete retaining wall at the rear of the property would remain in place. The developer also planned to install a vinyl fence around the perimeter in the future despite not including it on their preliminary plat. A nearby property owner had been contacted regarding a potential sale to accommodate detached garages, but had declined at this time.

Chair, Stephen Lytle opened the public hearing. There being no public comments. Chair, Stephen Lytle closed the public hearing.

Samantha Chapoose moved to approve the Preliminary Plat for Jurassic Heights by Evolve Real Estate & Management Located at 109 South Vernal Avenue, Vernal, UT 84078 (Parcel #05:031:0112). Nick Porter seconded the motion. The motion passed with Stephen Lytle, Nick Porter, Samantha Chapoose, Troy Allred, Ryan Balch, and Brittany Young voting in favor.

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)

Braeden Christofferson began by explaining that the sign would be located in an industrial zone on property owned by Thomas and Teresa Slingluff. This was Summit Location's second proposed sign, with a prior location already approved near I-40 at 1202 E 500 S. The original proposed sign size of six-hundred forty (640) square feet will be reduced to two-hundred (200) square feet per side to meet City Code requirements. The sign's height was stated to be 31.6 feet, well within the maximum allowed height of forty (40) feet for industrial zones. Setback, height, spacing from other pole signs, and safety compliance were all reviewed, and the proposal met all applicable zoning and design standards. During discussion, several commissioners expressed personal concerns about the sign's location and visual impact, particularly since the area includes residential zoning across the street. Despite personal reservations, it was acknowledged that the application met all current zoning and code requirements, and could not be denied on subjective preferences alone. There was also discussion about possibly revisiting sign regulations in the future to better address mixed-use or residential proximity.

Ryan Balch moved to approve the Conditional Use Permit for Summit Locations located at 475 South 500 East, Vernal, UT 84078 (Parcel #05:041:0008). Troy Allred seconded the motion. The motion passed with Stephen Lytle, Nick Porter, Samantha Chapoose, Troy Allred, Ryan Balch, and Brittany Young voting in favor.

DISCUSSION IN REGARDS TO AMENDING THE VERNAL CITY MUNICIPAL ANNEXATION POLICY – ORDINANCE 2025-015

Braeden Christofferson started the discussion and explained that the updates are necessary to bring the City's 2008 annexation policy into compliance with changes to Utah State Code enacted in 2025. He also noted that the updates would help better guide growth in the city moving forward. Mr. Christofferson explained that the amendments included revised criteria for evaluating annexation petitions. These criteria were required under state legislation and included new provisions such as water and sewer service policies, road connectivity, land use compatibility, and expanded public notice and public outreach requirements. The updates to the policy would also contain a list of evaluation criteria that were entirely new to the existing annexation policy, including considerations like character of community, need for municipal services, financial feasibility, tax consequences, coordination with affected entities, contiguity and boundary integrity, ownership thresholds, and statutory exclusions. Mr. Christofferson clarified that this discussion marked the first of three required meetings on the annexation plan. A ten (10) day comment period for affected entities would follow this meeting. If no objections were raised, a public hearing would be scheduled for July 8, 2025 to allow for additional community input. After that hearing, the updated annexation policy would proceed to the City Council for final approval. Mr. Christofferson encouraged commissioners to share any feedback or concerns prior to the public hearing so adjustments could be made as needed. The commission was shown a comparison of the 2008 and the newly proposed annexation maps. Mr. Christofferson stated that while the overall boundaries remained unchanged, the visual design was significantly improved for clarity and readability. Several commissioners agreed that the new map was much easier to interpret. A few members raised questions about potential boundary overlaps with Naples City, and Mr. Christofferson committed to reviewing Naples' map and addressing any concerns in the next meeting. There was a broader discussion about how annexation typically occurs, with Mr. Christofferson confirming that annexations are generally initiated by landowners or neighborhoods rather than by the city itself. He also clarified that, while rare, there are limited state provisions allowing municipalities to initiate annexation. The commission discussed how the evaluation of projected infrastructure and service costs would take place on a case-by-case basis during the annexation review process. The commission also touched on issues related to unincorporated islands and peninsulas, with Mr. Christofferson noting that state law prohibits such configurations and that any existing islands qualifying for annexation would be automatically annexed by 2027. Overall, the commission expressed support for the annexation policy update. While they did not identify any major concerns, they did request verification regarding any potential overlap with Naples City boundaries. Mr. Christofferson noted that he would look into it and follow up at the next meeting. No formal action was required at this meeting, as it was intended for discussion only.

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 opened the discussion by explaining that recent exemptions granted to properties like Coca-Cola and Luxury Homes exposed inconsistencies in how sidewalk requirements were being applied. Mr. Christofferson clarified that, contrary to previous belief, the code does not limit exemptions to industrial zones and allows city wide exemptions based on

unusual topographical, geographical, or exceptional conditions. The Commission expressed concern that inconsistent application of sidewalk exemptions, particularly in commercial zones, could undermine long-term goals for a connected and walkable city. Several members emphasized that current practice lacked fairness, as some developers were granted costly exemptions while others were required to comply with full sidewalk installation. There was consensus that the code should better reflect equitable standards and that exemptions should only be granted when substantial justice is achieved. Nick Porter noted that the existing ordinance already includes language requiring that exemptions be granted only provided that substantial justice is done, although this standard had not always been clearly enforced or interpreted in practice. The Commission discussed the possibility of requiring applicants who receive exemptions to provide alternative forms of public benefit, such as financial contributions to a city trail or sidewalk fund, or a bonding mechanism that could finance improvements in the future. Commissioners debated various scenarios where exemptions had been applied, such as the Coca-Cola facility and Luxury Homes. Some felt that the reasoning behind approving or denying exemptions was inconsistent and potentially based on subjective factors or assumptions rather than a clear application of standards. Mr. Porter suggested that the Development Review Committee (DRC) could be required to first recommend any exemption before it comes to the Planning Commission. Mr. Christofferson noted that in some municipalities, exemptions are granted with a mandatory bonding requirement that gives property owners time to save funds and allows for future infrastructure completion. Commissioners clarified that these requirements would not be retroactively applied to existing residential subdivisions but would apply to new commercial or industrial developments. The goal would be to avoid unfair treatment of future applicants and establish predictable expectations for all developers. Additional discussion focused on the perceived inconsistency between recent approvals. Commissioners reviewed the rationale behind the exemption decisions for Coca-Cola, based on safety concerns due to truck traffic, and Luxury Homes, due to a lack of sidewalk connectivity and financial hardship. While some felt the decisions were reasonable based on the specific site contexts, others emphasized the need for objective, uniform criteria that minimize subjective judgment and ensure public benefit. To move forward, Mr. Christofferson encouraged commissioners to email their individual feedback and concerns so that staff can draft proposed ordinance revisions. A future Planning Commission meeting will be held to review the draft language, which may lead to a formal action item and subsequent public hearings.

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