

MINUTES of the VERNAL CITY PLANNING COMMISSION ECONOMIC OPPORTUNITY ADVISORY BOARD

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

June 9, 2026

5:30 pm

Members Present: Stephen Lytle, Samantha Chapoose, Ryan Balch, Troy Allred, Brittany Young, Aaron Bancroft, and Hailee Todich

Members Excused:

Alternates Present:

Alternates Excused:

Staff Present: Braeden Christofferson, Assistant City Manager; Matthew Tate, Building Official, Gay Lee Jeffs, Administrative Secretary.

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

APPROVAL OF MINUTES FROM MAY 12, 2026: Stephen Lytle Chair asked if there were any changes to the minutes from May 12, 2026. The minutes were approved with there being no corrections, *Samantha Chapoose moved to approve the minutes of May 12, 2026 as presented. Troy Allred seconded the motion. The motion passed with Stephen Lytle, Samantha Chapoose, Ryan Balch, Troy Allred, Brittany Young, Aaron Bancroft and Hailee Todich voting in favor.*

DISCUSSION TO AMEND THE VERNAL CITY PLANNING AND ZONING CODE, AMENDING SECTION 16.06.010 ADMINISTRATION AND PROCEDURES – AMENDMENTS

Braeden Christofferson explained that the intent of the proposed amendment is to retain Section 16.06.010 as the general amendment section for Title 16 while modernizing the language and providing greater clarity regarding amendment procedures and responsibilities. Under the current Code, amendments to land use regulations are generally permitted through a specified process. However, the section does not clearly identify the respective roles of the Planning Commission and City Council, nor does it provide a well-structured framework for processing amendments. The proposed revisions would clarify City Council authority regarding amendments, establish distinct amendment categories, and relocate rezoning procedures to a separate section of the Municipal Code. Mr. Christofferson noted that the rezoning procedures would be discussed under a subsequent agenda item. The purpose of separating rezoning procedures from the general amendment section is to create a more organized and understandable code structure while ensuring that different types of amendments are clearly identified and processed appropriately.

Commission members expressed support for the proposed revisions. Commissioner Samantha Chapoose stated that the amendment appeared well organized and indicated support for the changes. Commissioner Brittany Young agreed that placing rezoning procedures in a separate category was beneficial. Mr. Christofferson noted that additional discussion related to rezoning procedures would

occur during the next agenda item and reiterated that formal action on the proposed amendments would be considered at a future Planning Commission meeting.

DISCUSSION TO AMEND THE VERNAL CITY PLANNING AND ZONING CODE, ADD CHAPTER 16.07 AMENDMENT TO ZONING MAP SECTIONS 16.07.010, 16.07.020, 16.07.030, 16.07.040, 16.07.050, 16.07.060, 16.07.070, 16.07.080 AND 16.07.090

Braeden Christofferson presented proposed amendments to Chapter 16.07 of the Vernal City Planning and Zoning Code relating to zoning map amendments and rezoning procedures. Mr. Christofferson explained that the previous agenda item addressed general amendments to land use regulations and removed rezoning procedures from that section. The purpose of the proposed Chapter 16.07 amendments is to create a dedicated section specifically addressing rezoning applications and zoning map amendments. Mr. Christofferson stated that the proposed chapter establishes a comprehensive framework for rezoning applications, including application requirements, review procedures, public noticing requirements, review considerations, Planning Commission recommendations, City Council actions, effects of rezoning decisions, and development agreements. The revisions are intended to provide greater transparency for applicants, City officials, and the public regarding the rezoning process and expectations. Mr. Christofferson emphasized that a rezoning approval does not authorize a specific development project, subdivision, site plan, building permit, or other development approval. Rather, the proposed chapter focuses solely on the process and considerations for changing zoning classifications.

Commissioner Hailee Todich raised concerns regarding the language in Section 16.07.010(B), which states: "The City may, from time to time, amend the number, shape, boundaries, or classification of any zoning district within the City." Commissioner Todich stated that the language appeared too broad and did not clearly identify who within the City has the authority to make zoning changes. She expressed concern that the wording could be interpreted as allowing City staff or a department to make zoning changes independently. Commissioner Todich suggested revising the language to specify that zoning amendments are made by the City Council following a recommendation from the Planning Commission. She stated that such clarification would eliminate any gray areas regarding authority and decision-making.

Mr. Christofferson acknowledged the concern and explained that the term "city" was intended to refer to the municipal entity as a whole rather than a specific department or individual. He noted that all rezoning requests would still be required to follow the formal review and approval process outlined in the Code. Mr. Christofferson agreed that additional clarification could improve the language and suggested revising the section to indicate that the City may entertain requests to amend zoning districts through the established process.

Commissioner Todich reiterated that the concern was not whether a process existed, but rather that the wording could be interpreted too broadly by someone reading the Code. She stated that language should clearly communicate that no individual or department can make zoning changes outside the established process. Commissioner Brittany Young agreed, stating that while the required process is understood by those familiar with zoning procedures, the current wording could create confusion because it appears to grant broad authority without identifying procedural safeguards. Mr. Christofferson agreed to revise the language to better clarify that rezoning requests must proceed through the formal public process.

Commissioner Todich questioned Section 16.07.050(12), which identifies the length of time a property has remained vacant or underutilized as a consideration during rezoning review. She expressed concern that the factor could unfairly benefit investors who intentionally hold property for long periods of time while waiting for market conditions to improve. She stated that landowners may choose not to develop or sell property and questioned whether the amount of time property remains undeveloped should carry significant weight during rezoning decisions.

Braeden Christofferson acknowledged the concern but explained that the factor is intended to provide context rather than determine the outcome of a rezoning request. Mr. Christofferson provided an example involving a property that had remained undeveloped for an extended period despite being zoned for higher-density residential development. He explained that a property remaining vacant for a long period may indicate that the existing zoning classification is not functioning as intended or is no longer economically viable. Mr. Christofferson stated that in some situations, rezoning may allow a property to be developed in a manner that better reflects current market conditions and community needs.

Commissioner Todich responded that while such circumstances may exist, the factor still seemed to favor investors who can afford to hold property indefinitely while waiting for an opportunity to seek more favorable zoning.

Mr. Christofferson directed the commission to subsection (C), which states that no single factor is controlling and that City Council may assign different weight to each factor based on the specific circumstances of a case. He emphasized that one Commissioner may view a vacant property as evidence of speculative investment, while another may view it as evidence that the current zoning classification is not practical. The purpose of the factor is to allow consideration of both perspectives rather than predetermine an outcome.

Commissioner Stephen Lytle noted that the factor could also be relevant when considering requests to reduce density, not just requests to increase development potential. Mr. Christofferson agreed and stated that rezoning requests can move in either direction, depending upon the circumstances and community objectives.

Commissioner Young stated that Section 16.07.050 appeared to provide guidance regarding issues that should be reviewed and discussed during rezoning deliberations rather than creating a checklist that must be satisfied. Mr. Christofferson confirmed that interpretation and referenced subsection (B), which specifically states that the factors are intended to guide legislative review and are not mandatory findings required for approval or denial of a rezoning request. He provided an example involving a recent rezoning application that converted residential property to commercial use. He explained that in that case, the suitability of the property for the proposed use would likely carry significant weight because the applicant sought to operate a business use that was not permitted under the existing zoning classification. Mr. Christofferson reiterated that different factors will have different levels of importance depending upon the circumstances of each application. Commissioner Samantha Chapoose stated that the proposed review factors provide a useful framework for both Planning Commission and City Council members by encouraging decisions to be based on land use considerations rather than personal opinions.

Commissioner Ryan Balch asked how the review factor addressing consistency with the Vernal City General Plan should be interpreted, specifically referencing a rezoning application discussed during a previous meeting. He questioned how a rezoning request could be considered consistent with the General Plan when both the Planning Commission and City Council had expressed concerns regarding the proposal.

Mr. Christofferson explained that the General Plan serves as a long-range planning document developed through public input, Planning Commission review, City Council participation, and consultant assistance. He stated that the General Plan reflects community goals and visions regarding future development patterns, land uses, and growth. He noted that the current General Plan was adopted in 2010 and is approaching the end of its planning horizon in 2029. Because community needs and priorities evolve over time, he explained that the General Plan serves as guidance rather than a rigid regulatory document.

Commissioner Balch stated that, while he understood the discussion regarding the proposed rezoning criteria, he found the timing notable given the rezoning application discussed at the previous meeting. He expressed concern that the proposed guidelines could be perceived as a response to the recent applications and questioned whether the new criteria were being developed to influence how future rezoning requests are evaluated.

Commissioner Todich challenged the characterization of the General Plan as merely a guideline, noting that several sections of the Municipal Code use mandatory language requiring conformance with the General Plan. She cited code provisions stating that subdivision layouts and development shall conform to the General Plan and noted that the Code defines the term "shall" as mandatory. She expressed concern that, despite repeated references to the General Plan as a flexible or advisory document, the language within the Code appears to require compliance with its provisions. Commissioner Todich questioned whether the General Plan should be treated as a suggestion when the Code indicates that development is expected to conform to it.

Mr. Christofferson explained that the cited Code sections apply to specific development processes and circumstances. He stated that while some aspects of development are required to conform to the General Plan, zoning decisions involve broader legislative discretion. Mr. Christofferson further explained that updating the General Plan is expensive and time-consuming, while zoning ordinances can be amended more easily to respond to changing conditions. He questioned whether taxpayers would want the City to spend substantial funds updating the General Plan every time a policy or land use issue changes. Commissioner Todich stated that significant public resources and public input were invested in creating the General Plan and expressed concern that it appears to be treated as mandatory when convenient and advisory when inconvenient.

City Attorney, Mike Harrington, informed the Commission that proposed code amendments are being prepared to clarify the relationship between the General Plan and zoning decisions and to better align City Code with applicable case law. He advised that the issue would be addressed in a future code amendment and suggested that extensive debate on the topic was unnecessary at the current meeting.

Commissioner Hailee Todich asked about Section 16.07.090(B), which states that development agreements are not required for every zoning map amendment. She noted that previous code language

appeared to assume development agreements would generally accompany rezoning requests unless waived by City Council. She expressed the opinion that development agreements can provide useful information to decision-makers and questioned whether they should be encouraged during the rezoning process.

Mr. Christofferson explained that the revised language does not substantially change existing requirements but instead clarifies them. He stated that development agreements may be submitted by applicants but are not required. If submitted, City Council must review the agreement concurrently with the rezoning application. If no development agreement is submitted, there is no requirement for review. Mr. Christofferson explained that the revised language was intended to eliminate confusion created by having multiple code sections addressing the same issue. Mr. Christofferson questioned whether a development agreement should be expected during the rezoning stage when no specific development proposal may yet exist. He reiterated that development agreements remain available as a tool but are not necessary for every rezoning application. Mr. Christofferson indicated that revisions would be made based on the discussion and that the item would return for future consideration.

DISCUSSION TO AMEND THE VERNAL CITY PLANNING AND ZONING CODE, AMENDING SECTIONS 16.42.080 R-3 AND 16.44.080 R-4 RESIDENTIAL ZONES – SPECIAL PROVISIONS

Braeden Christofferson explained that recent code changes allowed studio apartments and efficiency dwellings to provide 1.5 parking stalls per unit. The proposed amendment would add a cap limiting studio and efficiency units to no more than 25% of the units within a development. He stated the purpose of the cap was to prevent large developments from consisting primarily of small units with reduced parking requirements, which could result in excessive density and insufficient parking. Mr. Christofferson also proposed clarifying that the 25% limitation would apply to the entire development rather than to each individual building. This would prevent developers from distributing studio units across multiple buildings in a way that could exceed the intended overall cap. Additional proposed standards included: Multifamily developments with more than twenty (20) units would be required to provide usable common space or recreation amenities designed for residents. Multifamily residential buildings longer than one-hundred twenty (120) feet would be required to incorporate architectural offsets and articulation to avoid long, uninterrupted building facades. Regarding recreation amenities, Mr. Christofferson explained that the requirement was intended to create more attractive, livable developments consistent with Vernal's community character. He noted that amenities such as parks, pickleball courts, or other open-space features could count toward existing landscaping requirements, meaning developers would not necessarily be required to provide additional land beyond what landscaping standards already require. Regarding architectural offsets, Mr. Christofferson explained that the requirement was intended to avoid very long, flat apartment buildings with little visual interest. He referenced older apartment buildings in the City that extended for long distances with minimal variation and described them as visually unappealing. The proposed standard would require building articulation at intervals not exceeding forty (40) feet for buildings longer than one-hundred twenty (120) feet.

Commissioner Brittany Young asked how the proposed numerical thresholds of twenty (20) units and one-hundred twenty (120) feet were determined and whether they were based on comparisons with other cities or planning standards.

Mr. Christofferson responded that the numbers were largely arbitrary starting points intended to establish reasonable triggers for additional design standards. He stated that one-hundred twenty (120) feet was viewed as a substantial building length and that the twenty (20)-unit threshold was selected as a point at which larger multifamily developments begin to have a greater visual and community impact.

Commissioner Young expressed mixed feelings regarding the proposed recreation amenity requirement. Drawing on prior experience in real estate, she acknowledged that additional open space, recreation areas, and amenities would likely make multifamily developments more attractive and desirable for residents. However, she also expressed concern that increasing open space requirements could reduce the number of units that can be constructed within a development, resulting in higher development costs and ultimately increasing housing prices. Commissioner Young stated that the visual examples presented illustrated both extremes, with some appearing overly dense and others containing what appeared to be excessive open space. She suggested that a balance should be found between aesthetics and affordability. She further noted that providing larger amounts of open space often results in more end units and fewer overall units within a project. Because end units are typically more expensive to construct and often command higher prices, Commissioner Young believed these design requirements could increase costs for both developers and future residents. She emphasized that while the proposed standards could improve the appearance and livability of multifamily developments, care should be taken to avoid creating requirements that unintentionally reduce housing affordability. She suggested that a middle-ground approach may be more appropriate, providing adequate amenities and open space while still allowing developments to remain economically feasible and attainable for renters and property owners.

Mr. Christofferson responded that the proposed recreation amenity requirement was intended to work in conjunction with existing landscaping requirements rather than create a significant additional burden. He explained that current Code already requires landscaping areas within multifamily developments and that amenities such as parks, pickleball courts, gathering areas, and other recreational features can be counted toward those landscaping requirements. As a result, developers would not necessarily be required to dedicate additional land solely for recreation purposes, but rather could utilize required landscaping areas more effectively by incorporating usable amenities for residents. Mr. Christofferson also noted that the proposed requirement would apply only to larger multifamily developments containing more than twenty (20) units.

Commissioner Young stated that the twenty (20)-unit threshold for requiring recreation amenities seemed too low and suggested that the requirement should apply only to larger developments. Commissioner Troy Allred agreed and suggested that a threshold of thirty (30) to forty (40) units would better balance the desire for amenities with the goal of keeping housing costs more affordable. Mr. Christofferson agreed to take the feedback under consideration and stated that the proposed threshold could be reevaluated before the item returns for formal consideration.

Commissioner Stephen Lytle stated that while the Commission did not have many comparable standards within the current Code for evaluating the proposed requirements, they generally supported the concept of building articulation and architectural variation. He noted that Vernal City has historically avoided adopting extensive aesthetic design standards and expressed appreciation for that approach. However, he indicated support for requiring some level of visual interest in larger multifamily buildings, stating that

developments should include architectural texture and variation rather than presenting long, uninterrupted building walls with little character or design detail. Mr. Christofferson responded that the concept that Commissioner Lytle was describing is commonly referred to as form-based coding and acknowledged that Vernal City's Code currently contains very little in the way of form-based design requirements. Commissioner Lytle agreed and stated that the proposed articulation standards appeared to be a reasonable and limited approach to improving building design without imposing overly restrictive aesthetic requirements. He contrasted the proposal with more prescriptive architectural regulations that might require specific materials, colors, decorative features, or design elements such as wood beams, neutral color palettes, or wainscoting. He noted that many of those types of requirements have been intentionally removed from the City's Code over time. In comparison, the proposed building articulation and offset standards were viewed as a practical way to improve the appearance of multifamily developments while maintaining flexibility for developers.

Mr. Christofferson sought clarification from the commission regarding whether the primary concern with the proposed amendments was the recreation amenity requirement contained in subsection D rather than the building articulation standards. Commissioners confirmed that the recreation amenity threshold was the only provision generating concern and that there was generally strong support for the architectural offset and articulation requirements. Mr. Christofferson then asked whether Commissioners would prefer to see the recreation amenity requirement apply at a higher threshold, such as developments containing thirty (30), thirty-five (35), or forty (40) units rather than the proposed twenty (20)-unit threshold. Commissioner Young agreed and stated that increasing the threshold would help maintain housing affordability. She explained that while additional open space and amenities may make developments more attractive, they also increase development costs and can ultimately raise housing prices. She stated that attractive developments are beneficial, but affordability remains equally important. She stated that some apartment complexes with fewer amenities are more fully occupied because they offer lower rents. Mr. Christofferson acknowledged the concern and stated that the goal was to prevent large apartment complexes from becoming dominated by asphalt and concrete while still allowing practical development standards.

Commissioner Lytle asked whether the proposed changes in Section 16.44.080 were the same as those in Section 16.42.080. Mr. Christofferson confirmed that the proposed standards were essentially the same in both sections, with the primary difference being that one section applies to the R-3 zone and the other applies to the R-4 zone. Mr. Christofferson indicated that the feedback would be incorporated into revisions before the item returns for future consideration and action.

PLANNING COMMISSION TRAINING – MIKE HARRINGTON VERNAL CITY ATTORNEY

City Attorney, Mike Harrington provided a Planning Commission training session covering Open and Public Meetings Act (OPMA) requirements, conflicts of interest, public participation, free speech considerations, meeting procedures, and best practices for conducting Planning Commission meetings. Mr. Harrington noted that these topics are recurring issues encountered with public bodies and expressed a desire to provide similar training annually.

Mr. Harrington began by discussing quorum requirements for the Planning Commission. He stated that with the current seven (7)-member body, including alternates, a quorum consists of four (4) members.

Any action requires a majority vote of the members present. Therefore, if only four (4) members are present, three (3) affirmative votes are required for approval.

Mr. Harrington introduced the concept of a "walking quorum" and explained how Open Meetings laws can be violated even when members never gather together in one location. Mr. Harrington provided an example where one Commissioner discusses a pending matter with another Commissioner. That Commissioner then discusses the same matter with a third Commissioner, and the conversation continues to expand among members. Although no official meeting occurred, the discussion effectively involves a majority of the commission and constitutes deliberation outside a public meeting. He explained that the Utah Attorney General's Office considers these types of sequential discussions potential violations of OPMA because public business is being deliberated outside of a public meeting. The Attorney General's Office has indicated an interest in pursuing a test case involving walking quorums. Mr. Harrington advised Commissioners to avoid creating chains of communication regarding Planning Commission business. One-on-one conversations are generally permissible, but discussions that evolve into a majority of the commission deliberating outside a public meeting should be avoided. He emphasized that the preferred practice is to conduct all substantive discussions concerning Planning Commission matters during properly noticed public meetings.

Mr. Harrington discussed ex parte communications and the importance of maintaining impartiality when discussing matters that may come before the Planning Commission. A hypothetical situation was presented in which a Commissioner encounters a member of the public at a restaurant who wants to discuss a zoning change application. Commissioners indicated that hearing feedback from the public can be beneficial because it provides insight into public opinion and concerns. Commissioner Brittany Young noted that while receiving information is appropriate, Commissioners should avoid indicating how they intend to vote or making commitments regarding future decisions. Mr. Harrington agreed and explained that Commissioners should treat these conversations as one-way communications. Commissioners may listen to public concerns and gather information but should avoid deliberating, debating the issue, making promises, or indicating how they might vote. Commissioner Stephen Lytle referenced a recent zoning application where a developer contacted him to discuss how individual Commissioners might vote on the proposal. Mr. Harrington stated that commissioners should not provide strategic advice, discuss how other Commissioners may view an application, or suggest arguments that might influence future deliberations. Doing so could create an unfair advantage and raise ethical concerns.

Mr. Harrington strongly discouraged Commissioners from engaging in Planning Commission business through social media. He explained that public discussions on social media can create expectations that Commissioners will respond to public comments and engage in ongoing debates regarding pending matters. Such interactions can create perceptions of bias, unfairness, and predetermined positions. Mr. Harrington advised Commissioners to avoid online discussions regarding matters that may come before the commission.

Mr. Harrington reviewed OPMA requirements regarding meeting agendas and public participation. He explained that Planning Commission meetings are agenda-driven meetings and should remain focused on items that have been properly noticed. While members of the public may raise issues during meetings, the Chair has authority to redirect discussions that fall outside the published agenda. Mr.

Harrington noted that the Planning Commission has chosen not to operate as a general public forum. As a result, members of the public do not have an unrestricted right to interrupt proceedings or introduce unrelated topics for discussion. While the commission may choose to hear comments outside the agenda, doing so is discretionary rather than mandatory.

Mr. Harrington reviewed conflict-of-interest requirements and presented two (2) hypothetical situations. Scenario 1 – Friend Opposed to a Pickleball Court - Mr. Harrington described a situation where a Commissioner's close friend lives near a proposed pickleball court and opposes the project. He explained that simply knowing someone affected by a proposal does not automatically create a legal conflict of interest. However, if the relationship is so significant that it materially affects the Commissioner's ability to remain objective, the Commissioner should disclose the relationship at the beginning of the discussion. Mr. Harrington explained that after a conflict is disclosed, the Commissioner may state whether they believe they can remain objective. If another Commissioner believes the conflict is significant, they may request a vote on whether the Commissioner should participate. The commission may then vote to require the member to recuse themselves from the discussion and decision. If recused by the commission, the member must step away from the dais and refrain from participating in deliberations.

Scenario 2 – Financial Interest - Mr. Harrington then presented a scenario in which a Commissioner owns property near a proposed pickleball court and believes the project may affect property values. He explained that any decision that could materially increase or decrease a Commissioner's financial interests, or those of a close family member, creates a conflict requiring disclosure. He stressed that financial conflicts of interest are treated much more seriously than personal relationships. Failure to disclose a financial conflict and participating in the decision-making process could result in legal consequences. Mr. Harrington explained that if a financial conflict was later discovered, the matter could be referred for investigation. He noted that intent would be considered in any evaluation, but emphasized the importance of disclosing financial interests whenever they exist.

Mr. Harrington reviewed recent case law involving public comment periods and First Amendment protections. He discussed a Utah case involving a public meeting where a speaker directed offensive, profane, and highly insulting remarks toward public officials. Mr. Harrington explained that offensive speech alone is generally protected by the First Amendment. Public officials cannot restrict speech simply because it is rude, insulting, profane, or personally offensive. He emphasized that public bodies may regulate the time allotted for comments but generally cannot regulate content based solely on offensiveness. He explained that threats of violence or criminal conduct are not protected and may be stopped immediately. Mr. Harrington also discussed defamation, noting that knowingly false statements can create legal concerns. However, because determining whether statements are true or false is often difficult in real time, meeting officials should exercise caution before interrupting speakers. He advised that public bodies may impose reasonable time limits on speakers, with three (3) minutes generally recognized by courts as a reasonable standard. Once a time limit is established and applied consistently, speakers may be stopped when their allotted time expires.

Commissioner Ryan Balch asked whether comments made during a recent zoning discussion regarding water and sewer infrastructure were appropriate, even though water and sewer issues were not the primary subject of the application. Mr. Harrington explained that because water and sewer concerns

were related to the development under consideration, the comments were sufficiently connected to the agenda item and therefore appropriate. He noted that comments need only be reasonably related to the subject being discussed to fall within the scope of public comment.

Mr. Harrington concluded the training by reviewing general meeting procedures and best practices, including:

- Reviewing agenda materials before meetings.
- Arriving on time and prepared.
- Engaging in respectful discussion.
- Avoiding speaking over other commissioners.
- Waiting to be recognized by the chair before speaking.
- Speaking clearly into microphones to ensure an accurate record.

Mr. Harrington also discussed voting procedures. While roll call votes are not required for every motion, Mr. Harrington recommended using roll call votes for controversial matters to create a clear public record of each Commissioner's vote. He noted that state law requires roll call votes when adopting internal rules, bylaws, or policies.

Commissioners thanked Mr. Harrington for the training.

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

Stephen Lytle , Planning Commission Chair