

**VERNAL
ORDINANCE 2024-12**

**AN ORDINANCE OF THE VERNAL CITY COUNCIL AMENDING CHAPTER
16.08 - PLANNING COMMISSION.**

WHEREAS, the City Council finds that amendments to the duties of the Planning Commission is necessary, and;

WHEREAS, the purpose of the Planning Commission is to guide and oversee the comprehensive planning, land use and development within Vernal City to ensure sustainable growth and development that reflects the needs and values of the community; and

WHEREAS, the City Council deems it to be in the best interest of the health, safety and welfare of the citizens to incorporate the following changes to the provisions of the Vernal City Code, and;

WHEREAS, , the City Council has received input from the public at large in duly noticed open meetings, and has considered and discussed the advantages and disadvantages of such regulation.

NOW THEREFORE, be it ordained by the Council of the Vernal, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “Section 16.08.050 Reports And Recommendations -- Entry Upon Land” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

~~Section 16.08.050 Reports And Recommendations -- Entry Upon Land (Repealed)~~

~~The Planning Commission may make reports and recommendations relating to the plan and development of the City to City officials and agencies, other organizations and citizens. It may recommend to the Mayor or City Council programs for public improvements and the financing thereof. The Commission, its members and employees, in the performance of its functions, may enter upon any land at reasonable times to make examinations and surveys.~~

~~(PZSC § 03-03-005)~~

SECTION 2: **REPEAL** “Section 16.08.060 Land Use Plan” of the Vernal Municipal Code is hereby *repealed* as follows:

REPEAL

~~Section 16.08.060 Land Use Plan (Repealed)~~

- A. ~~The Planning Commission, through its own initiative or by order of the City Council, shall make and certify to the City Council a land use ordinance, including both the full text of the land use ordinance and maps and any amendments thereto, representing the Commission's recommendations for land use in all or part of the City after holding a public hearing. The notice for the public hearing before the Planning Commission shall be published on the Utah Public Notice Website and posted on the Vernal City website at least ten (10) days before the public hearing. The City Council shall hold a public hearing on the proposed land use ordinance recommended to it by the Planning Commission. The notice for the public hearing of the City Council shall be published at least ten (10) day's before the hearing and shall include the time and place of such public hearing, shall be published on the Utah Public Notice Website and posted on the City's web site. After the public hearing the City Council may divide the City into districts or zones of such number, shape and area as it may determine.~~
- B. ~~The City Council may amend the number, shape, boundaries or area of zones, regulations of or within zones, or any other provisions defined in the land use ordinance after being proposed by or submitted to the Planning Commission for its approval, disapproval or recommendations. The City Council shall hold a public hearing on the proposed land use ordinance amendment recommended to it by the Planning Commission. The notice for the public hearing shall be published at least ten (10) day's before the hearing and shall include the time and place of such public hearing, shall be published on the Utah Public Notice Website and posted on the City's web site. Also, written notices shall be mailed to owners of property within three hundred (300) feet of the proposed zone change. The notices to the property owners shall state the time and place of the hearing and the proposed zone changes.~~
- C. ~~A property owner may petition the City Council to amend the zoning map of the land use plan in the area that addresses the property owner's parcel. Petition shall be made on forms provided by the City and a fee shall be paid in an amount set by resolution of the City Council. The process set forth in subsection B of this section shall be followed.~~

~~(PZSC § 03-03-006)~~

~~(Ord. 2013-26, Amended, 11/20/2013; Ord. 2008-25, Amended, 10/01/2008; Ord. 2005-07, Amended, 06/01/2005; Ord. 2000-15, Amended, 12/06/2000)~~

SECTION 3: AMENDMENT “Section 16.08.070 General Plan” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

~~Section 16.08.070 General Plan (Repealed)~~

- A. It shall be the function and duty of the Planning Commission, to make and adopt and certify to the City Council a general plan for the physical development of the City, including any areas outside of its boundaries which, in the Commission's judgement, bear relation to the planning of the City. after holding a public hearing. The notice for the public hearing before the Planning Commission shall be published on the Utah Public Notice Website and posted on the City's website at least ten (10) days prior to the hearing Where the plan involves territory outside the boundaries of the City, action shall be taken with the concurrence of the county or other municipal legislative body concerned. The general plan, with the accompanying maps, charts and descriptive and explanatory matter, shall show the Commission's recommendations for the physical development and may include, among other things:
1. A land use element that:
 - a. Designates the proposed general distribution and location and extent of uses of land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and
 - b. May include a statement of the standards of population density and building density recommended for the various land use categories covered by this plan;
 2. A transportation and circulation element consisting of the general location and extent of existing and proposed freeways, arterial and collector streets, mass transit and any other modes of transportation that are appropriate, all correlated with the land use element of the plan;
 3. An environmental element that addresses:
 - a. The protection, conservation, development and use of natural resources, including the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources, and
 - b. The reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control and correction of the erosion of soils, protection of watersheds and wetlands and the mapping of known geologic hazards;
 4. A public services and facilities element showing general plans for sewage, waste disposal drainage, local utilities, rights-of-way, easements and facilities for them, police and fire protection, and other public services;
 5. A rehabilitation, redevelopment and conservation element consisting of plans and programs for:
 - a. Historic preservation;
 - b. The elimination of blight and for redevelopment, including housing sites, business and industrial sites, and public building sites;

6. An economic element composed of appropriate studies and an economic development plan that may include review of Vernal City's revenue and expenditures, revenue sources, identification of base and residentiary industry, primary and secondary market areas, employment and retail sales activity;
 7. Recommendations for implementing the plan, including the use of land use ordinances, subdivision ordinances, capital improvement plans, and other appropriate actions; and
 8. Any other elements the City considers appropriate.
- B. The Planning Commission may from time to time recommend to the City Council an amendment, extension or addition to the plan or in carrying any subject matter in greater detail, after holding a public hearing. Notice of the public hearing shall be published at least ten (10) days before the hearing on the Utah Public Notice Website, posted on the City's web site and mailed to the affected entities.,

~~(PZSC § 03-03-007)~~

~~(Ord. 2014-18, Amended, 06/18/2014; Ord. 2005-07, Amended, 06/01/2005)~~

SECTION 4: **REPEAL** “Section 16.08.050 Reports And Recommendations - Entry Upon Land” of the Vernal Municipal Code is hereby *repealed* as follows:

REPEAL

Section 16.08.050 ~~Reports And Recommendations -- Entry Upon Land~~Reserved

~~The Planning Commission may make reports and recommendations relating to the plan and development of the City to City officials and agencies, other organizations and citizens. It may recommend to the Mayor or City Council programs for public improvements and the financing thereof. The Commission, its members and employees, in the performance of its functions, may enter upon any land at reasonable times to make examinations and surveys.~~

(PZSC § 03-03-005)

SECTION 5: **REPEAL** “Section 16.08.070 General Plan” of the Vernal Municipal Code is hereby *repealed* as follows:

REPEAL

Section 16.08.070 ~~General Plan~~Reserved

- A. ~~It shall be the function and duty of the Planning Commission, to make and adopt and certify to the City Council a general plan for the physical development of the City,~~

~~including any areas outside of its boundaries which, in the Commission's judgement, bear relation to the planning of the City. after holding a public hearing. The notice for the public hearing before the Planning Commission shall be published on the Utah Public Notice Website and posted on the City's website at least ten (10) days prior to the hearing. Where the plan involves territory outside the boundaries of the City, action shall be taken with the concurrence of the county or other municipal legislative body concerned. The general plan, with the accompanying maps, charts and descriptive and explanatory matter, shall show the Commission's recommendations for the physical development and may include, among other things: A land use element that: A transportation and circulation element consisting of the general location and extent of existing and proposed freeways, arterial and collector streets, mass transit and any other modes of transportation that are appropriate, all correlated with the land use element of the plan; An environmental element that addresses: A public services and facilities element showing general plans for sewage, waste disposal drainage, local utilities, rights-of-way, easements and facilities for them, police and fire protection, and other public services; A rehabilitation, redevelopment and conservation element consisting of plans and programs for: An economic element composed of appropriate studies and an economic development plan that may include review of Vernal City's revenue and expenditures, revenue sources, identification of base and residentiary industry, primary and secondary market areas, employment and retail sales activity; Recommendations for implementing the plan, including the use of land use ordinances, subdivision ordinances, capital improvement plans, and other appropriate actions; and Any other elements the City considers appropriate. Designates the proposed general distribution and location and extent of uses of land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and May include a statement of the standards of population density and building density recommended for the various land use categories covered by this plan; The protection, conservation, development and use of natural resources, including the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources, and The reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control and correction of the erosion of soils, protection of watersheds and wetlands and the mapping of known geologic hazards; Historic preservation; The elimination of blight and for redevelopment, including housing sites, business and industrial sites, and public building sites; The Planning Commission may from time to time recommend to the City Council an amendment, extension or addition to the plan or in carrying any subject matter in greater detail, after holding a public hearing. Notice of the public hearing shall be published at least ten (10) days before the hearing on the Utah Public Notice Website, posted on the City's web site and mailed to the affected entities.;~~

(PZSC § 03-03-007)

(Ord. 2014-18, Amended, 06/18/2014; Ord. 2005-07, Amended, 06/01/2005)

SECTION 6: AMENDMENT “Section 16.08.080 Conformity To General Plan Required” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

~~Section 16.08.080 Conformity To General Plan Required~~ (*Repealed*)

~~Whenever the City Council shall have adopted the general plan of the City or amendment thereof, then and thenceforth no street, park or other public way, ground, place or space, no publicly-owned building or structure, and no public utility, whether publicly or privately owned, shall be constructed or authorized until and unless the location and extent thereof shall conform to the plan or shall have been submitted to and approved by the Planning Commission and after receiving the advice of the Planning Commission, approved by the City Council as an amendment to the general plan. The accepting, widening, removing, extending, relocating, narrowing, vacating, abandoning, changing the use, acquiring land for or selling or leasing any street or other public way, ground, place, property or structure, shall be subject to similar submission and approval.~~

~~(PZSC § 03-03-008) (Ord. 2005-07, Amended, 06/01/2005)~~

SECTION 7: REPEAL “Section 16.08.080 Conformity To General Plan Required” of the Vernal Municipal Code is hereby *repealed* as follows:

REPEAL

Section 16.08.080 ~~Conformity To General Plan Required~~Reserved

~~Whenever the City Council shall have adopted the general plan of the City or amendment thereof, then and thenceforth no street, park or other public way, ground, place or space, no publicly-owned building or structure, and no public utility, whether publicly or privately owned, shall be constructed or authorized until and unless the location and extent thereof shall conform to the plan or shall have been submitted to and approved by the Planning Commission and after receiving the advice of the Planning Commission, approved by the City Council as an amendment to the general plan. The accepting, widening, removing, extending, relocating, narrowing, vacating, abandoning, changing the use, acquiring land for or selling or leasing any street or other public way, ground, place, property or structure, shall be subject to similar submission and approval.~~

~~(PZSC § 03-03-008) (Ord. 2005-07, Amended, 06/01/2005)~~

SECTION 8: **AMENDMENT** “Section 16.080.085” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

~~Section 16.080.085~~ (*Repealed*)

~~The Planning Commission is hereby designated the Vernal City Economic Opportunity Advisory Board. In this capacity the Planning Commission shall fulfill all of the duties and responsibilities of an Economic Opportunity Advisory Board as delineated in Utah Code.~~

SECTION 9: **REPEAL** “Section 16.080.085” of the Vernal Municipal Code is hereby *repealed* as follows:

REPEAL

Section 16.080.085 Reserved

~~The Planning Commission is hereby designated the Vernal City Economic Opportunity Advisory Board. In this capacity the Planning Commission shall fulfill all of the duties and responsibilities of an Economic Opportunity Advisory Board as delineated in Utah Code.~~

SECTION 10: **REPEAL** “Section 16.08.090 Other Powers And Duties” of the Vernal Municipal Code is hereby *repealed* as follows:

REPEAL

Section 16.08.090 ~~Other Powers And Duties~~ Reserved

~~The Planning Commission of Vernal City shall have such other powers and functions, and shall perform such duties as are prescribed by Title 10, Chapter 9, Utah Code Annotated, 1953, as hereafter amended, and such other powers and duties as may be prescribed by law.~~

(PZSC § 03-03-009)

SECTION 11: **AMENDMENT** “Section 16.08.090 Other Powers And Duties” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

~~Section 16.08.090 Other Powers And Duties (Repealed)~~

~~The Planning Commission of Vernal City shall have such other powers and functions, and shall perform such duties as are prescribed by Title 10, Chapter 9, Utah Code Annotated, 1953, as hereafter amended, and such other powers and duties as may be prescribed by law.~~

~~(PZSC § 03-03-009)~~

SECTION 12: **AMENDMENT** “Section 16.08.010 Membership -- Term -- Removal” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.08.010 ~~Membership -- Term -- Removal~~Establishment and Purpose

- ~~A. The Planning Commission shall consist of seven (7) members and three (3) alternate members. One (1) member, but not more than two (2) members, shall be members of the City Council, and the remainder shall be appointed by the Mayor with the consent of the City Council from among the duly qualified electors of the City. Planning Commission members shall be appointed to serve for a period of four (4) years. Each member of the Planning Commission shall serve until the expiration of the term for which he is appointed and until his successor is appointed and qualified. Any vacancy occurring during the term of any member of the planning commission by reason of death, resignation, removal or disqualification shall be promptly filled by the Mayor and City Council for the unexpired portion of the term. Any member may be removed for cause by the City Council upon written charges after a public hearing, if such hearing is requested.~~

- ~~A. Alternative members shall have no voting privileges except when to fill a vacancy caused by the temporary absence of a regular member.~~

A. This body shall be known as the Vernal City Planning Commission (hereafter referred to as the Commission). The purpose of the Commission is to guide and oversee comprehensive planning, land use, and development within Vernal City. The Commission aims to ensure sustainable growth and development that reflects the community's needs and values, preserving the integrity and enhancing the livability of the City. Powers and duties of the Commission shall include

1. The Commission shall develop and certify to the City Council a general plan for the City's physical development to which all public and private developments shall conform to. This includes advising on land use, transportation, environmental concerns, public services, and economic development.

2. The Commission shall be responsible for maintaining the general plan and may recommend to the City Council amendments, extensions, or additions to the general plan or detail any subject matter further after holding a property noticed public hearing. All public and private developments shall conform to the general plan or the general plan be approved for amendment by the Planning Commission and the City Council before development may occur.

3. The Commission, on its initiative or by City Council order, shall make and certify to the City Council all land use ordinances. This includes the full text of the land use ordinance, maps, and any amendments thereto, based on comprehensive planning accompanying a recommendation from the Planning Commission to the City Council on approval or denial of said ordinances.

4. The Commission shall act as a Land Use Authority and as an advisory body to the City Council on land use plans and holds authority over specific planning matters, balancing advisory and decision-making responsibilities.

5. The Commission is responsible for conducting public hearings on land use ordinances and significant planning initiatives to ensure community involvement and feedback.

6. The Commission will provide necessary reports to the City Council detailing meeting attendance, approvals, denials, and training activities when applicable.

7. The Commission may make recommendations to City officials, agencies, and citizens on City planning, development, and public improvement programs. This includes entering upon any land for examinations and surveys, as necessary.

8. The Planning Commission is hereby designated the Vernal City Economic Opportunity Advisory Board. In this capacity the Planning Commission shall fulfill all of the duties and responsibilities of an Economic Opportunity Advisory Board as delineated in Utah Code.

9. The Planning Commission of Vernal City shall perform such duties as prescribed by Title 10, Utah Code Annotated, 1953, as hereafter amended, and such other powers and duties as may be prescribed by law.

B. This chapter is enacted to ensure that the planning and development processes within Vernal City are conducted transparently, inclusively, and sustainably, reflecting a commitment to the health, safety and well-being of the community. The Vernal City Planning Commission stands as a pivotal body in guiding the City towards a future that respects its heritage, meets current needs, and anticipates future growth challenges and opportunities.

(PZSC § 03-03-001)

SECTION 13: AMENDMENT “Section 16.08.020 Organization -- Meetings -- Records” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.08.020 ~~Organization -- Meetings -- Records~~Membership

~~The Planning Commission shall organize and elect a chairman and a vice chairman, and adopt rules and regulations in accordance with the provisions of this title. Such rules and regulations shall then be filed in the office of the City Recorder. The chairman, when in attendance, shall preside at all meetings of the Commission and shall be a voting member. A quorum of the Planning Commission shall consist of four (4) or more members or alternates. Meetings of the Commission shall be at the call of the chairman and at such other times as the Commission may determine. All meetings of the Commission, except executive sessions wherein no binding decisions can be made, shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such facts, all of which shall be filed in the office of the Commission and shall be a public record.~~

A. The Vernal City Planning Commission is structured to include nine (9) duly qualified electors of Vernal City. This means members must be registered voters within the City, showcasing a vested interest in the community's development and welfare. The composition of the membership should aim to ensure a broad representation of the City's interests and perspectives.

B. The Commission shall be organized into seven regular members and two alternates. Both regular members and alternates will be appointed for a term of four (4) years.

C. Duly qualified electors of Vernal City interested in serving on the Commission must submit a detailed application, which will be reviewed by City staff for qualifications and suitability. Appointments to the Commission are made by the Mayor with the consent of the City Council, reflecting a collaborative effort to select members who best represent the City's diverse needs.

D. Should a vacancy arise due to resignation, death, removal, or disqualification, the Mayor, with the City Council's approval, will promptly fill the position for the remainder of the term.

E. Vacancies are advertised on the City's website and in physical locations where public notices are traditionally posted, ensuring transparency and community awareness.

F. Members wishing to continue in their position on the board shall submit the required application and be appointed by the Mayor with the consent of the City Council.

G. Alternates wishing to fill the open position for a regular member shall submit the required application and be appointed by the Mayor with the consent of the City Council.

H. Members may be removed from their position for just cause including but not limited to absences of more than 2 meetings per calendar year or not completing the required training. This action requires written charges to be presented, and a public hearing must be held if the member requests it. This process ensures fairness and accountability.

I. Members of the Planning Commission may receive compensation or reimbursement for expenses. Such financial considerations are determined and approved by the City Council, based on the responsibilities undertaken and the expenses incurred in the service of the Commission.

(PZSC § 03-03-002)

SECTION 14: AMENDMENT “Section 16.08.030 Compensation” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.08.030 ~~Compensation~~ Titles and Responsibilities

~~Members of the Planning Commission may be compensated an amount set and approve by the City Council or reimbursed for reasonable expenses incurred with the approval of the City Council.~~

A. A Chairman and Vice Chairman responsible for the conduct of meeting, enforcing adherence to Commission rules and overseeing the execution of the Commissions responsibilities shall be elected yearly from among the Commission members through a blind vote of the Commission members with a simple majority win.

B. Chairman serves as the presiding officer at Commission meetings and represents the Commission in all official capacities. The Chairman ensures that meetings are conducted efficiently and that the Commission's decisions are communicated effectively to both the City Council and the public. The Chairman shall sign on behalf of the Commission when necessary as well as set and approve the agenda for the meetings. Chairman shall not participate in the vote unless a tie breaker is needed. Chairman may however, make second motions to bring the motion to a vote of the commission. The Chairman shall liaison with City staff, managing the application review process, and upholding the Commission's commitment to the City's planning objectives.

C. Vice Chairman assumes the duties of the Chairman in their absence, ensuring no disruption in the Commission's activities and leadership continuity.

D. The Commission is supported by City staff within the budgetary allocations approved by the City Council. This support includes administrative, technical, and logistical assistance essential for the Commission's functions.

E. Access to legal advice is provided by either City staff or external legal counsel, as required. This ensures that the Commission's decisions and operations are compliant with relevant laws and regulations.

F. The Commission has the authority, through directing staff, or contract with City planners and other consultants as deemed necessary for its work. All such expenditures shall not exceed the funds appropriated by the City Council or provided to the Commission through gifts or other means. This allows the Commission flexibility in obtaining specialized expertise and support for its planning efforts.

(PZSC § 03-03-003)

SECTION 15:AMENDMENT “Section 16.08.040 Staff -- Contracting Authority” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.08.040 Staff -- ~~Contracting Authority~~Meetings

~~The Planning Commission may appoint such employees and staff as it may deem necessary for its work and may contract with City planners and other consultants for such services as it requires, provided the expenditures of the Commission shall not be in excess of such sums as may be appropriated by the City Council and/or placed at the disposal of the Commission through gift or otherwise.~~

A. The Vernal City Planning Commission conducts its meetings and affairs transparently and efficiently, fostering public trust and ensuring that the planning process reflects the community's needs. The Commission may not make decisions without a full Quorum consisting of four or more members or alternates. The Commission will conduct and facilitate:

1. Regular, special, and work sessions convened under the Chairman's direction or as decided by the Commission, promoting adaptability in addressing planning requirements. Except for executive sessions, these meetings are open to the public, ensuring transparency. Public participation may be initiated by the Chairman of the Planning Commission.

2. Public meetings are conducted regularly to discuss general Commission business. These meetings are designed to be accessible to the public, providing a platform for transparency and public oversight. These meetings will be open to the public for attendance with public participation initiated by the Chairman of the Planning Commission.

3. Public hearings are specially convened sessions that focus on specific planning issues, such as land use changes, zoning regulations, and development proposals. These hearings are crucial for gathering public input and ensuring that decisions reflect community views and interests. These hearings shall be properly noticed with the intent to allow the public to give comments in an organized and respectful manner. The Commission not only encourages, but facilitates public involvement in all public hearings.

4. Detailed minutes of all meetings, including public meetings and hearings, are diligently maintained by City Staff. These documents, which record discussions, decisions, and attendance, are made available to the public.

B. Members are held to a high ethical standard, ensuring that all Commission activities are conducted with honesty, integrity, and respect for the public interest. This includes but is not limited to:

1. Commission members are required to disclose any potential conflicts of interest that may arise in relation to the matters under discussion. Members must recuse themselves from deliberations and decisions where such conflicts exist, ensuring that the Commission's actions are free from any undue influence.

2. To preserve the decision-making process's integrity, members must avoid ex-parte communications on pending applications or matters before the Commission. Should such communications occur, they must be disclosed in a public session, allowing all parties to respond.

3. Members are cautioned against "walking quorums," where informal discussions among a quorum of members outside official meetings could lead to consensus-building that circumvents public meeting laws. Such practices are discouraged to uphold the principles of open governance.

(PZSC § 03-03-004)

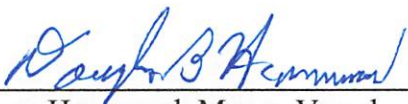
PASSED AND ADOPTED BY THE VERNAL COUNCIL

6-19-2024

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Robin O'Driscoll	<u>X</u>	_____	_____	_____
Councilmember Corey Foley	<u>X</u>	_____	_____	_____
Councilmember Ted Munford	<u>X</u>	_____	_____	_____
Councilmember Edward Long	<u>X</u>	_____	_____	_____
Councilmember Randel Mills	<u>X</u>	_____	_____	_____

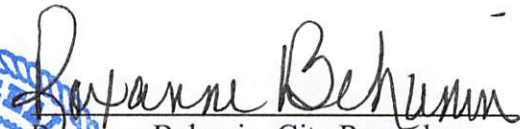
Presiding Officer

Attest



Doug Hammond, Mayor, Vernal





Roxanne Behunin, City Recorder,
Vernal