

**WILLARD CITY CORPORATION PC020515**

DATE: February 5, 2015  
TIME: 6:30 p.m.  
PLACE: Willard City Hall  
ATTENDANCE: Chairperson – Terry Ross  
Commissioners: Sidney Bodily, Leslie Meyer, Jasmine Baker, Gary Hart, Chandler Bingham  
Bryce Wheelwright - City Planner (non-voting member)  
Michelle Mund - City Council member (non-voting member)  
Gaylene Nebeker - Planning Commission Secretary

EXCUSED:  
CITIZENS: See attached sheet

**1. Prayer – Leslie Meyer**

**2. Pledge of Allegiance**

**3. General Public Comment (Input for items not on the agenda)**

Joel Murray – 1025 South 105 East – he stated they have had different projects over the years and they all want to tie together. In 2014 he approached the city with a proposal for a sports complex building. He stated they have had lots of interest and support and they are currently working with their engineer to come up with a plan. He stated is has been a challenge coming up with a plan because of the elevation. He also stated it was not zoned for this along Hwy 89. He stated they are looking at a plan to get the gravel out of the area so eventually they can put the sports complex in. He asked Jason Murray to talk about the plan.

Jason Murray – Brigham City – he asked to show them a plan of what they are proposing. City Planner Wheelwright stated that the Murray’s submitted a request for a Conditional Use Permit but what they are proposing does not meet Willard City’s zoning requirements and stated he would give them time during the open comment portion of the meeting to have the Planning Commission give them guidance on how they should proceed.

Jason Murray stated they have a massive amount of dirt to move and asked the Planning Commission how they should proceed with the Conditional Use Permit. He stated there is a permitted use acreage in the county that is a quarry. Once the staging area is created it would become a sales point to sell the quarry product and also have a load out point, with the long term goal of putting in the sports complex. Commissioner Meyer asked in the beginning they would be using the flat area as the sales point and asked how many years they would be using the flat spot. He stated they need a flat area for the sales point but would let their engineer talk more about the time frame. City Council member Mund asked what the product would be. Jason Murray stated it would be rock not gravel and would be about 300,000 cubic yards of material so it would take a little while to excavate that much tonnage. He is coming before the Planning Commission looking for advice on the best way to proceed. He stated it is hard to conveyer large rock to the quarry to crush and is looking at crushing the larger rocks within the Willard City limits. City Council member Mund asked if the product had already been sold. Jason Murray stated they have

projections on moving the product in a timely basis. Eric stated it would take about 2 or 3 years. He also stated they have 200 ft. setback from the highway before the zone changes. They are fine not creating the buffer but with the quarry at the top there are concerns about the trucks coming off the mountain and the noise of the jake brakes in the neighborhood. He is working with Sierra Homes and the Granite Ridge Subdivision and they have concerns about the houses being close to the quarry. He is aware the Planning Commission is working on Master Plan changes and if there is a possibility of making this more workable long term they would be willing to look at those options. City Planner Wheelwright stated the current Willard City Ordinance does not allow gravel pits. City Council member Mund stated the City Council has had several meetings with the community on gravel pits and the citizens asked for a promise from the City Council that they would not develop any further gravel pits. The council stated they would not make any promises. If the City Council approves this request the citizens group would be coming to the meetings complaining. The citizens were complaining about an existing gravel pit and the proposal is for a new pit. The Murray's felt there were more than 8 citizens who have an opinion on what takes place. City Council member Mund said the citizens group was not only complaining about the gravel pit but also the amount of trucks that would be on the road carrying gravel and rock ect. Eric stated the road is a State Road and not a city street and they would have a private drive approved by UDOT.

Jason Murray stated the road they are showing on the map is a new road not the one that was approved when they got their large scale excavation permit to create a haul road to get the product to the highway. He felt that this excavation was more than the increase of product they need to move with the excavation permit. It will help decrease the amount of trucks coming off the mountain by stockpiling it at the bottom. Commissioner Bodily asked how close they are to the Karla Parsons residence. Jason Murray stated they are close. City Council member Mund asked what the grade of the road would be. Jason said about 8-10% and would be as steep of a road that a truck could be allowed on. He also stated by changing the design of the road it would not be quite as steep. Eric asked what the long term uses for the frontage along the highway are. City Council member Mund stated it would be Commercial/Residential. He asked what zones the city currently has. City Planner Wheelwright stated there are 4 zones, R ½, R 1, A-3 and A-5 and there is a Commercial Neighborhood and Commercial General and Manufacturing. Eric presented a plan of what the zones are along the Brigham corridor and felt it would be logical to have commercial all along Hwy 89. City Planner Wheelwright stated the reason behind the 200 ft. back is because that area is in an R ½ zone along the hwy. Jason stated the only way that they could make the proposal happen would be to rezone the property to commercial. The ordinance states to stock pile gravel is a conditional use in a commercial general and manufacturing zone. There was discussion on if the proposal should be considered manufacturing. The Murray's asked if they would be allowed to crush the rock at the quarry and then sift it down below. The Planning Commission felt this would still be considered a gravel pit operation. There was more discussion held on the citizens complaining about having another gravel pit. City Council member Mund felt the ramifications from the citizens would be worse because their gravel pit would be more visible from the Hwy. City Planner Wheelwright stated if their proposal was to go through they would be submitting sales tax to Willard City. Commissioner Bodily felt they would never be issued a permit for a gravel pit and was not sure the citizens would see the staging area as anything other than a gravel pit. Chairperson Ross stated if the future plan is

to have commercial along the highway this area will need to be flattened out. Eric stated whether you call it a gravel pit or grade it for commercial it is still looks the same in the process. Because of the steepness of the mountain they are trying to come up with a plan on what they can do. City Council member Mund asked about water to keep the dust down. It was stated they would be hooking into Willard City water. There was discussion held on creating a berm out front so no one could see what is happening. Commissioner Bodily stated everyone will know what is going on behind the berm. Commissioner Hart stated something eventually needs to be done to flatten out the area for commercial along the highway so whether they use it for a staging area for a while or grade it out flat for commercial the same thing is going to happen so why not make it advantageous to everyone by allowing the money to come into Willard. Joel said the State does not like turnoffs in residential areas so they wanted them to create the turn off for their development or future development. City Planner Wheelwright asked how the trucks would turn around. It was stated there would be enough room to turn a truck around. Joel Murray asked about the gravel pit that the city was looking at doing. City Council member Mund stated there was some city owned property but they had to get approval from the county. She said in talking to the citizens they tried to tell them it is already a gravel pit and they will not see that much change to the mountain. Chairperson Ross stated you are going to have to sell the council on the proposal. City Planner Wheelwright stated at this time the only thing they would be able to do would be to put an area in for staging there would be no crushing or sorting. He would be able to sell in the Planning Commission approved the request. Aaron asked if they would be able to go to the county for de-annexation. Chairperson Ross stated we could not stop them from going to the county but Willard would be out of any income they would generate. He also stated it would be in the best interest of the city to work with them to come up with a plan. Aaron stated he is willing to proceed with the request for a Conditional Use Permit for a staging are but the city needs to tell them which way to proceed. If they do not want to go down that road they will look at a zoning change. Commissioner Bingham stated he would be ok with a staging area but no crushing or sorting would be allowed. He again asked what direction the Planning Commission would like to see them go. It was suggested they proceed with a zone change to Commercial General. Jason Murray asked if the issue with the rock crusher was the noise at any given time. He stated with a Conditional Use Permit there would be conditions put in place that would regulate when they would be allowed to use them. City Planner Wheelwright stated the crusher would be considered a gravel pit operation. The survey that was sent out had about 100 turned back in and the majority of the citizens were not in favor of gravel pits. The Murray's will decide what they want to do and come back with a plan.

4. **Discussion Item**

**a. Lynn Beard – Conditional Use Permit for a Duplex attached to an existing house 481 North 200 West Parcel #02-046-0075. The parcel is located in an A-5 zone which requires a Conditional Use Permit for Multi Family Dwellings**

City Planner Wheelwright presented information on a request for Lynn Beard for a Conditional Use Permit for a duplex attached to an existing house on 200 West. Chairperson Ross asked how he was allowed to put the apartment in. City Planner Wheelwright stated he obtained a building permit for a remodel but when he went to the house to check it out he noticed there were two meters and talked to Lynn and told him he would be required to apply for a Conditional Use Permit to have a duplex. If he meets the conditions we would put on we cannot deny him the Conditional Use Permit. Some of the conditions he feels needs to be added would be 2 water

meters, 2 sewer hookups, 2 garbage cans and no on street parking. He stated it looks better than what was previously there. He has a couple of special needs children and he is looking for a place them to reside in the future. A question was asked if the Conditional Use Permit would stay with the property if it is sold. Commissioner Bingham asked that if he sells the property the CUP would be taken off to keep it from being always being an apartment. Chairperson Ross asked for additional information.

Commissioner Bodily – stated he was ok with the Conditional Use Permit and the suggested requirements of additional water, sewer, and garbage and suggested the Conditional Use stay with the property.

Commissioner Bingham – ok with the requirements. He had possible issues with property management and the property not being up kept.

Commissioner Meyer – stated she did not like the way he went about it and felt the Planning Commissions hands were tied. Put the conditions on and leave them.

Chairperson Ross – also felt he went about it the wrong way.

City Planner Wheelwright stated Mr. Beard did come in and tell him what he wanted to do and was told he would need to get a Conditional Use Permit. He asked if he could get the building permit and was told he would be gambling with the Conditional Use Permit.

The Planning Commission felt because he has been on the Planning Commission and City Council he should have known better.

Chairperson Ross stated he was ok with the conditions and that it needed to be treated as 2 separate apartments.

Commissioner Baker – felt he did it to guarantee he was going to get the Conditional Use Permit and as long as we treat it as 2 separate apartments she was ok. She did not feel there should be a limit.

Commissioner Hart – stated he has issues and felt because he has been on the Planning Commission and City Council and knows the proper way to do things and he did not do it. Something needs to be done so individuals abide by the law and felt what he did was wrong.

City Council member Mund – asked how things like this happens when we have a town with council and commission members. She stated in defense of this house it looks so much better than what was previously there and felt if he puts 2 of everything in she was ok with it.

Chairperson Ross asked for a motion.

**A motion was made by Commissioner Bodily to approve the Conditional Use Permit for Lynn Beard with the conditions he install additional water meters, sewer lines, second garbage can and no on street parking and treat as separate units. The motion was seconded by Commissioner Meyer. Chairperson Ross asked for a roll call vote.**

**Commissioner Bodily – yea  
Commissioner Meyer – yea  
Commissioner Hart - nay**

**Commissioner Bingham – yea  
Commissioner Baker – yea**

**b. Review of proposed changes to Section 12-000 Willard City General Plan and set for public hearing**

Chairperson Ross stated he has cleaned up and condensed the ordinance and suggested he come in and review it with City Planner Wheelwright and send out prior to the next meeting.

Commissioner Baker asked about a work session with the City Council. City Planner Wheelwright said the City Council would not be meeting with the Planning Commission at the next meeting and he would get more information on when they would be able to hold a work session. He stated at the next meeting he will have information from BRAG showing overlay for different zoning scenarios especially zoning everything ½ acres parcels. Discussion was held on open space and ½ acre parcels. If everything is zoned ½ acre all open space would go away. City Council member Mund said at the open house the majority of the 10 citizens that showed up stated they would be happy with zoning less than ½ acre. City Planner Wheelwright stated it was not a fair representation of what was submitted with the questionnaire that went out with the newsletter. Commissioner Meyer asked if water issues came up at the open house. City Planner Wheelwright stated we need to look at storage capacity and in discussions with the city

engineer there is enough water for about 40 residential before we will be maxed out and we need to come up with additional storage facilities. He stated in order for the city to put in a storage tank they would either need to bond or go with prepaid water impact fees by the developer. City Council member Mund said the city is discussing raising water rates along with raising property taxes which has not been done in 20 years.

Jared Erickson asked if the new ordinance will include ½ acre lots throughout town. City Planner Wheelwright stated it does not specify ½ acre but allows us to change the zoning to say that. He also stated the growth from the center out has gone away. Joanne Kunzler asked what they did not do ½ acres would they go to 1/3 acre? City Planner Wheelwright state leave the zoning as is and zone as requested.

Chairperson Ross stated he would bring his information in so it could be put into ordinance form before the next meeting. He asked for a motion to table this agenda item.

**Commissioner Baker made a motion to table the proposed changes to Section 12-000 of the General Plan until the next meeting. The motion was seconded by Commissioner Bodily. The motion carried.**

5. **Approval of Minutes**

**The minutes of the January 15, 2015 Planning Commission meeting were reviewed. A motion was made by Commissioner Meyer to approve the above minutes as amended with typographical errors. The motion was seconded by Commissioner Hart. The motion carried.**

6. **Commissioner Comments/Staff Comments**

Commissioner Bodily felt the Planning Commission needed to be careful with the Joel Murray proposal. He talks about the sports complex idea and he is not sure there is financial backing and he feels it is just to get the gravel pit. He has permission from the county to run his gravel pit so let him run the gravel pit. He voiced concerns about Karla Parson's property being so close to the gravel pit. He stated Joel Murray approached him during the meeting and told him there were issues by Karla's house and he would be cleaning it up. He also felt he was just trying to get his foot in the door and was not sure what we were going to get. He suggested the Planning Commission drive up the road to Karla's house and look at the road. The road is 30 ft. from her garage and stated the gravel pit is closer to Karla's house than his house. He wants him to be able to do with what he wants to his property but it is not fair to Karla. He asked if he could be de-annexed from the city because he has Willard water. City Planner Wheelwright stated it would be a fight.

Commissioner Bingham stated as long as he does not do a gravel pit he was ok with the staging area and by making it a staging area it would be safer for the truck coming off the mountain. Even if he does not put in the sports complex it allows for commercial to come into the area. He voiced concerns about the slope. He stated it is steeper than the road going to his house. City Council member Mund said the road is steeper than the State allows.

Commissioner Bodily asked if he was in compliance with Sections 12-200 Sensitive Ordinance and Section 12-300 Excavation Ordinance. City Planner Wheelwright stated he was not sure. Commissioner Bodily also stated stock piling gravel against the highway is not what he wants to see coming into Willard.

Commissioner Meyer said he asked for a gravel pit from the city and we denied it and he then went to the county and de-annexed into the county for the gravel pit

and now he needs to come back to the city to move his product from the county to the city and is now wanting to use the city to help with the de-annexation in the county. We need to be very careful of what we do because the road goes along Hwy 89. When you drive past the gravel pit in South Willard they have water going all the time to keep the dust down so water will be a big issue. She stated Willard has all these beautiful rocks and we have 2 wooden Welcome to Willard signs she thought it would be nice to have 2 large rocks donated then carved Welcome to Willard into them. She asked if she could look into spearheading this. City Planner Wheelwright stated with the dike project there will be some large rocks coming out. Commissioner Baker asked about the annexation request from South Willard. City Council member Mund stated there are water issues that need addressed and there is no application yet.

Commissioner Hart asked what the cities liabilities were to each homeowner. City Planner Wheelwright stated it is the home owner's responsibility from the main to the house.

City Council member Mund stated we would need to be very careful about the gravel pit issue. She felt the City Council may have gone with selling the gravel but because of the pressure from the citizens group they tabled it. They will not go for the Joel Murray gravel pit. City Planner Wheelwright said that Willard Bay is going to be raising the dike area and have put out feelers for dirt.

Gary Hart found it interesting that he approached the city with a sports complex and now proposes a gravel pit. He asked what Joel did for a job. City Planner Wheelwright said he did concrete work. Commissioner Hart asked if he used his product. It was stated no, the gravel pit is another job. City Council member Mund also voiced concerns about the slope and asked at what cost and how many lives are at stake. The Planning Commission and City Council needs to be together on this item.

Chairperson Ross welcomed Chandler Bingham to the Planning Commission.

7. **Adjourn**

**A motion was made by Commissioner Baker to adjourn the February 5, 2015 Planning Commission meeting. The motion was seconded by Commissioner Meyer. The motion carried. The meeting adjourned at 8:08 p.m.**

Minutes were read individually and approved on **March 5, 2015**