



Notice is hereby given that the
WILLARD CITY PLANNING COMMISSION
Will meet in a regular session on
Thursday, October 19, 2023 – 6:30 p.m.
Willard City Hall, 80 West 50 South
Willard, Utah, 84340

AGENDA

The meeting will be hold in accordance with current COVID-19 guidelines.

(Agenda items may or may not be discussed in the order they are listed and may be tabled or continued as appropriate.) Public comment may or may not be taken

1. Prayer
2. Pledge of Allegiance
3. General Public Comment (Input for items not on the agenda. Individuals have three minutes for open comments)
4. Report from City Council
5. Discussion/Action Items
 - a. Consideration of a Preliminary Plat for Peacock Subdivision located at approximately 103 East 100 North (Parcel 02-048-0012)
 - b. Consideration of a Conditional Use Permit for Jackie Surrage to operate a food truck at approximately 725 South Main (Parcel 02-053-0009)
 - c. Review of a conditional use permit issued to Judy Loveland for a home occupation-auto repair business located at 105 South 100 East (Parcel No. 02-050-0008) issued on September 20, 1996
6. Consideration and approval of the October 5, 2023, regular Planning Commission minutes
7. Commissioner/Staff Comments
8. Adjourn

I, the undersigned duly appointed and acting Deputy City Recorder for Willard City Corporation, hereby certify that a copy of the foregoing notice and agenda was posted at the Willard City Hall, on the State of Utah Public Meeting Notice website <https://www.utah.gov/pmnn/index.html>, on the Willard City website www.willardcity.com, and sent to the Box Elder News Journal this 16th day of October, 2023.

/s/ Michelle Drago

Deputy City Recorder

NOTICE OF SPECIAL ACCOMMODATION DURING PUBLIC MEETINGS - In compliance with the American with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City Office at 80 West 50 South, Willard, Utah 84340, phone number (435) 734-9881, at least three working days prior to the meeting.



WILLARD CITY

Subdivision Land Use Authority (SLUA) – Special Meeting

October 5, 2023, 2023 – 2:00 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

The meeting was a special meeting designated by resolution. Notice of the meeting was provided 24 hours in advance. A copy of the agenda was posted at the City Hall and on the State of Utah Public Meeting Notice Website.

The following members were in attendance:

Chris Davis, City Manager
Bryce Wheelwright, City Planner
Chris Breinholt, City Engineer/Jones & Associates
Payden Vine, Public Works Director
Van Mund, Fire Chief
Michelle Drago Deputy City Recorder

Excused: Colt Mund, City Attorney

Others in attendance: Leland Steve Davies and Theron Fielding, Police Chief.

1. CALL TO ORDER

Bryce Wheelwright, City Planner, called the meeting to order at 2:00 p.m. A roll call attendance was recorded by the secretary.

2A. CONSIDERATION OF A SKETCH PLAN FOR THE PEACOCK SUBDIVISION LOCATED AT APPROXIMATELY 103 EAST 100 NORTH (02-048-0012)

Time Stamp – 0:00:45 10/05/2023

Bryce Wheelwright, City Planner, stated that the meeting had been called to discuss the subdivision of Parcel 02-048-0012 located at approximately 103 East 100 North. The parcel was owned by Leland Davies who wanted to create two lots. The parcel was a little over one acre in size. Mr. Davies proposed to create a lot on 100 East (Lot 1) that would have .587 acres. The lot on 100 North (Lot 2) would have .50 acres. Both lots would have more than 100 feet of frontage. The existing home would be located on Lot 2. The existing barn would be located on Lot 1.

Theron Fielding, Fire Chief, asked about the use of the new lot. Bryce Wheelwright said it would be a building lot. Mr. Davies planned to build a home on it.

Leland Davies, stated that the shop was approximately 32 feet x 45 feet with two wings. One was 16 feet; the other was 20 feet. There was room to build a house between the shop and the levy on 100 East.

Payden Vine, Public Works Director, asked if there was a water service to the shop. Bryce Wheelwright said there was a water meter for the shop, but it had been abandoned.

Chris Breinholt asked if there had been a fire in the shop. Mr. Davies said there was a fire that affected the shop and the home.

Van Mund, Fire Chief, stated that the City had never received documentation that the shop had been repaired to code. Mr. Davies said he put a new roof on the shop. Chief Mund said a new roof did not mean



WILLARD CITY

Subdivision Land Use Authority (SLUA) – Special Meeting

October 5, 2023, 2023 – 2:00 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

the shop was up to code. The fire was so hot that the structure was warped. After the fire the shop was condemned for occupancy.

Leland Davies stated that Mountain View Engineering had looked at the shop. They determined that it did not need to be torn down. He had since spent about \$50,000 to repair the shop. He had torn down the house and rebuilt it.

Michelle Drago, Deputy Recorder, asked if the City had a copy of Mountain View Engineering's review. Mr. Wheelwright said it did not. He asked that Leland Davies provide the City with a copy of the engineering review for the shop and the home. He said the City did receive comments from Mountain View Engineering when Leland Davies applied for a permit to reroof the shop.

Leland Davies explained his building plans for the shop.

Neither Chris Davis nor Michelle Drago had any comments.

Chris Breinholt asked if the shop would remain on Lot 1. Mr. Davies said it would.

Bryce Wheelwright stated that a new home on Lot 1 would have to comply with the 30 feet front yard setback requirement. The existing shop was a non-conforming use. It was built many years ago and did not comply with the front yard setback requirement.

Chris Breinholt asked if there was enough room for a home to be 15 feet from the shop and 15 feet from the north property line. Mr. Davies said there was.

Chris Breinholt asked if the shop would comply with the side yard requirement. Mr. Wheelwright said it would. There would be 10 feet between the shop and the south property line.

Chris Breinholt stated that the preliminary plat prepared by Hansen and Associates did not represent the water system correctly. There was a line on the east side of the street, and there was a line on the west side of the street. The lines were in different pressure zones. The preliminary plan showed a meter for the barn. The water line ended with the meter. It would have to be extended north to the service location shown on the preliminary plan. The sewer line was there.

Van Mund asked if the east water line on 100 East had higher pressure than the west line. Mr. Breinholt said it did. There was a pressure relief valve at the intersection. The homes on the west side of 100 East were on the lower, or downstream side of the PRV. Leland Davies had higher pressure on the east side. He needed to make sure he connected to the water line on the east side.

Chris Davis moved to approve the preliminary plan for the Peacock Subdivision located at approximately 103 East 100 North (Parcel 02-048-0012). Payden Vine seconded the motion. All voted "aye." The motion passed unanimously.

2C. APPROVAL OF THE AUGUST 31, 2023, MINUTES

Chris Davis moved to approve the minutes of August 31, 2023, as written. Payden Vine seconded the motion. All voted "aye." The motion passed unanimously.

WILLARD CITY PLANNING COMMISSION SUBDIVISION APPLICATION

Application Date 8/3/23

Proposed Subdivision Data

Subdivision Name

Applicant

Leland Steve Davies

Peacock Subdivision

Application Level (Check One)

Mailing Address

P.O. Box 13351

Ogden, UT 84412

☒ Sketch Plan

Date

Approval

Project Address

103 E 100 N

Willard

☐ Preliminary Plat*

*(Not required for In-fill Subdivisions)

Date

Approval

Email Address prokwtvac3@icloud.com

☐ Final Plat

Phone Number 801-452-3743

Date

Approval

Cell Phone _____

Assessor Parcel Number 02-048-0012

Fax Number _____

Number of lots 2

FEES MUST ACCOMPANY APPLICATION SUBMISSION AT EACH LEVEL.

FEE COMPUTATION

	Administrative	Engineering	Attorney	TOTAL
Sketch Plan	\$50 + \$2/Acre	Billed to the Developer		
Preliminary Plat	\$50 + \$15/Lot	Billed to the Developer	\$100 + \$10/Lot	
Final Plat	\$50 + \$5/Lot	Billed to the Developer	\$50 + \$5/Lot	

CAUTION: No part of the proposed subdivision may be sold or offered for sale until the Final Plat is approved by the Willard City Council.

APPLICANT'S AFFIDAVIT

STATE OF UTAH)
) SS
COUNTY OF BOX ELDER)

I, (we) Leland Steve Davies, being duly sworn, depose and say that I, (we) am (are) the owner(s)*, or authorized agent(s) of the owner, of property located at 103 E 100 N in Willard City, which property is involved in the attached application and that the statements and answers therein contained and the information provided in the attached plans and other exhibits present thoroughly, to the best of my (our) ability, the argument in behalf of the application herewith requested and that the statements and information above referred to are in all respects true and correct to the best of my (our) knowledge and belief.

SIGNED [Signature]
Property Owner(s)

AGENT _____

Subscribed and sworn before me this 3rd day of August 20 23



Michelle Drago
Notary Public

Residing in Kerry, UT
My commission expires: 2/2/25

* May be owner of record, contract owner, part to valid earnest money agreement, option holder or have other legal control of property.

AGENT AUTHORIZATION

I, (we) _____, the owner(s) of real property described above, hereby appoint _____, as my (our) agent(s) to represent me (us) with regard to this application affecting the above described real property, and do authorize them to appear on my (our) behalf before any Willard City Boards considering this application.

SIGNED _____
Property Owner(s)

Subscribed and sworn before me this _____ day of _____ 20 _____

Notary Public

Residing in _____
My commission expires: _____



Willard City
80 W 50 S | PO Box 593
Willard, UT 84340
(435) 734-9881
willardcity@comcast.net

XBP Confirmation Number: 150785231

► Transaction detail for payment to Willard City.		Date: 08/03/2023 - 12:54:10 PM MT	
Transaction Number: 202277872 Visa — XXXX-XXXX-XXXX-5113 Status: Successful			
Account #	Item	Quantity	Item Amount
	Charges PC	1	\$52.00
Notes: SKETCH PLAN FILING FEE FOR PEACOCK SUBDIVISION			

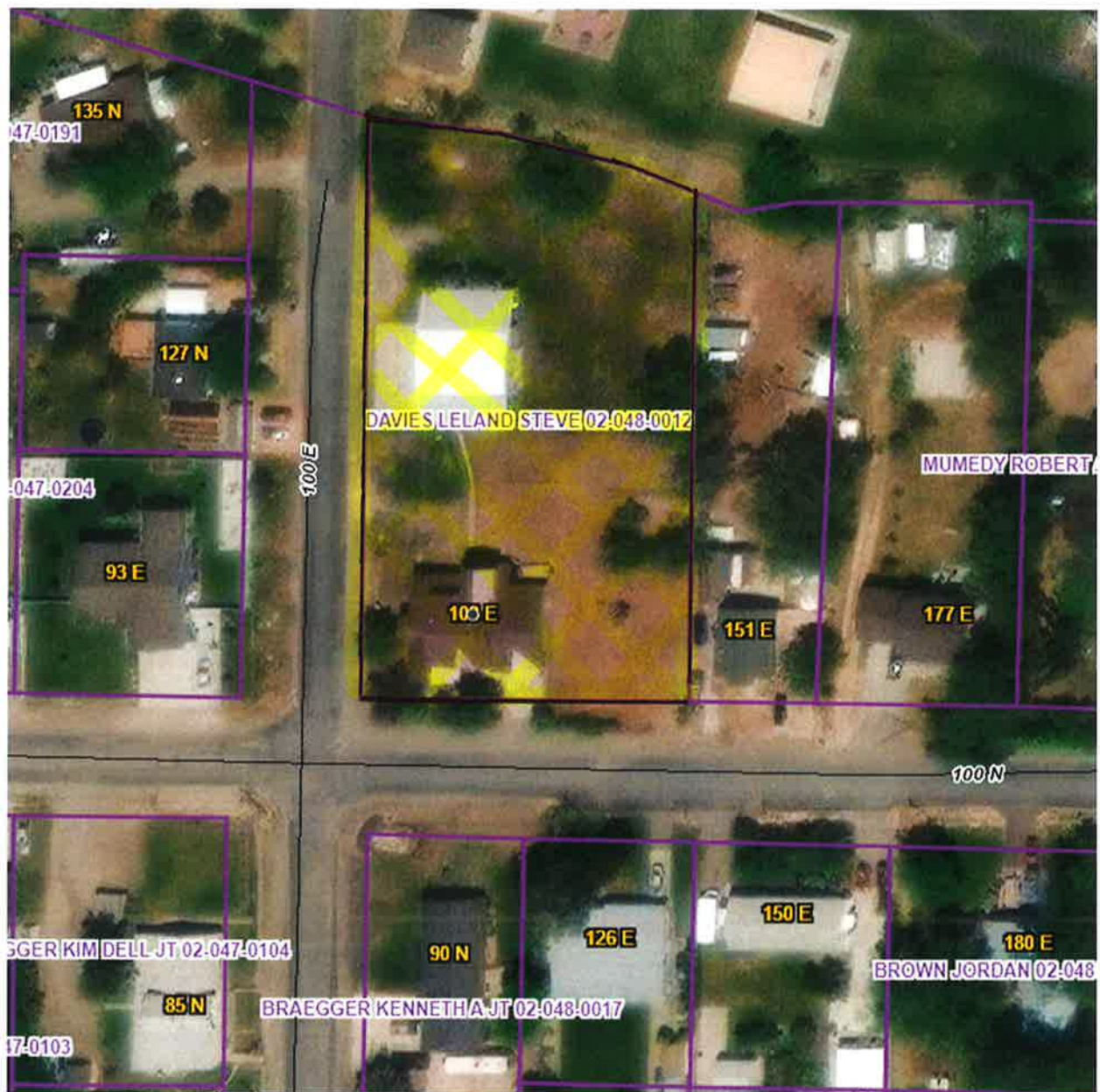
TOTAL: \$52.00

▶ Transaction detail for payment to Willard City.		Date: 08/03/2023 - 12:54:11 PM MT	
Transaction Number: 202277873 Visa — XXXX-XXXX-XXXX-5113 Status: Successful			
Account #	Item	Quantity	Item Amount
	Service Fee	1	\$2.06
Notes: SKETCH PLAN FILING FEE FOR PEACOCK SUBDIVISION			

TOTAL: \$2.06

Billing Information
L DAVIES
, 84340

Transaction taken by: Admin mdragoCaselle MD



↑ North



WILLARD CITY
Conditional Use Permit (CUP) Review Committee – Special Meeting
October 5, 2023 – 2:15 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

The meeting was a special meeting designated by resolution. Notice of the meeting was provided 24 hours in advance. A copy of the agenda was posted at the City Hall and on the State of Utah Public Meeting Notice Website.

The following members were in attendance:

Chris Davis, City Manager
Bryce Wheelwright, City Planner
Sid Bodily, Planning Commission Chairman
Chris Breinholt, City Engineer/Jones & Associates
Payden Vine, Public Works Director
Theron Fielding, Police Chief
Van Mund, Fire Chief
Michelle Drago Deputy City Recorder

Excused: Colt Mund, City Attorney

Others in attendance: Jackie and Jim Surrage

1. CALL TO ORDER

Bryce Wheelwright, City Planner, called the meeting to order at 2:17 p.m. A roll call attendance was recorded by the secretary.

2A. REVIEW AND CONSIDERATION OF A REQUEST FROM JACKIE SURRAGE TO OPERATE A FOOD TRUCK AT 725 SOUTH MAIN (02-053-0009)

Time Stamp – 17:45 10-05-2023

Bryce Wheelwright, City Planner, stated that Willard City had received a conditional use permit application from Jackie Surrage to operate a food trailer at 725 South Main. Because the proposed business was more than a home occupation, a conditional use permit was required. Jackie Surrage had received permission to park the food trailer on the adjoining Breider property which was zoned Commercial Neighborhood.

Theron Fielding, Police Chief, stated that this business would be operated on Main Street. He was concerned about parking. Would the trailer be parked far enough off of the street to provide parking? Jackie Surrage said it would. Chief Fielding was concerned that customers would be like those that patronized the fruit stands, who backed onto the highway and into oncoming traffic rather than turning around.

Jackie Surrage stated that there was a ditch between her property and Breider's. The trailer was parked up against the ditch. There was plenty of room to park in front of her house, in her driveway, and on the Breider's property. Bryce Wheelwright stated that he had driven onto the property. There was room for vehicles to get off of the road.

Sid Bodily, Planning Commission Chairman, felt parking was the biggest issue. How much parking was there? Jackie Surrage stated that she had only had a few customers at a time. Jim Surrage felt there would only be three or four customers at a time, and there was enough parking room for that many.



WILLARD CITY
Conditional Use Permit (CUP) Review Committee – Special Meeting
October 5, 2023 – 2:15 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

Chairman Bodily asked her cooking facilities. Jackie Surrage said she had a fryer, but she didn't use it. She served tri-tip sandwiches, hamburgers, hot dogs, and chili.

Van Mund, Fire Chief, stated that her trailer had been inspected and approved. She could use the fryer if she wanted to. Bryce Wheelwright stated that the trailer had also been inspected and approved by the Bear River Health Department.

Chris Davis, City Manager, asked about hours of operation. Jackie Surrage said she planned to be open from 11:00 a.m. to 3:00 p.m.; maybe until 6:00 p.m. She would be open on Sunday, Monday, and Wednesday. On Tuesday she would be at the Anderson Livestock Auction.

Van Mund, Fire Chief, did not have any further comments.

Payden Vine, Public Works Director, did not have any comments.

Michelle Drago, Deputy Recorder, felt that this was more than a home occupation. It was a general business and should be located a commercial zone. The Breider property was zoned Commercial Neighborhood. All business operations should be conducted in that zone.

Chris Davis asked if the Breider property had a commercial use. Bryce Wheelwright said the Breider property was zone commercial. It contained a shop from which they rented equipment. Chris Davis stated that the Master Plan showed a Commercial Neighborhood Zone along Highway 89. Jackie Surrage's property could be rezoned.

Van Mund pointed out that the food truck was portable. Mr. Wheelwright said that was what made food trucks difficult to license. Jackie Surrage had a home occupation license because she needed a physical address. It became a conditional use permit because she could take the trailer to Anderson Livestock Auction, Ogden, or other places in Willard.

Chris Davis stated that the Conditional Use Permit Review Committee felt that parking concerns had been addressed and that the hours of operation were reasonable. He moved to recommend that the Planning Commission approve a conditional use permit for Jackie Surrage to operate a food truck at 725 South Main (Parcel 02-053-0009) subject to a fire inspection and a food handler's permit from Bear River Health Department. Sid Bodily seconded the motion. All voted "aye." The motion passed unanimously.

2B. CONSIDERATION AND APPROVAL OF MAY 11, 2023, MINUTES

Van Mund moved to approve the May 11, 2023, minutes as written. Colt Mund seconded the motion. All voted "aye." The motion passed unanimously.

3. ADJOURN

Chris Davis moved to adjourn at 2:29 p.m. Payden Vine seconded the motion. All voted "aye." The motion passed unanimously.

**WILLARD CITY PLANNING COMMISSION
APPLICATION FOR PLANNING COMMISSION HEARING**

Application Date: 8-02-2023.

Assessor's Parcel Number
02-053-0009

Applicant: Debbie Surrage
725 50 Main St

Parcel Legal Description

Mailing Address

Willard UT 84340

Same as above
Project Address

I hereby request a hearing before the Willard City Planning Commission in behalf of my application for:

- ☒ Conditional Use Permit \$25 Fee
- ☐ Lot Line Adjustment \$25 Fee
- ☐ Other Fee variable, \$25 Min.

Phone Number
801-695-0185

Cell Phone

NOTE: Fees will be charged on each application and are non-refundable. Additional applications on the same project will be considered as new applications and be charged accordingly. All applications, with required data and fees, must be filed in the Willard City Office at least two weeks prior to the scheduled hearing date.

Project description: (Attach additional sheets, as required.)

Complete Applicant Affidavit on back of this page.

WILLARD CITY CORPORATION
80 W 50 S
PO Box 593
Willard UT 84340
435-734-9881
Aug 14, 2023

Receipt No: 1.017897

J SURRAGE COND USE PERMIT

Charges for Services
Charges - PC & B of Adj

Total:	25.00
Cash	25.00
Total Applied:	25.00
Change Tendered:	.00

Duplicate Copy
09/15/2023 9:55 AM

APPLICANT'S AFFIDAVIT

STATE OF UTAH)
) SS
COUNTY OF BOX ELDER))

I, (we) Jacqueline Surrage, being duly sworn, depose and say that I, (we) am (are) the owner(s)*, or authorized agent(s) of the owner, of property located at 725 S. main st in Willard City, which property is involved in the attached application and that the statements and answers therein contained and the information provided in the attached plans and other exhibits present thoroughly, to the best of my (our) ability, the argument in behalf of the application herewith requested and that the statements and information above referred to are in all respects true and correct to the best of my (our) knowledge and belief.

SIGNED Jacqueline Surrage
Property Owner(s)

AGENT _____

Subscribed and sworn before me this 14th day of August 2013



Michelle Drago
Notary Public

Residing in Perry, UT
My commission expires: 2/2/25

* May be owner of record, contract owner, part to valid earnest money agreement, option holder or have other legal control of property.

AGENT AUTHORIZATION

I, (we) _____, the owner(s) of real property described above, hereby appoint _____, as my (our) agent(s) to represent me (us) with regard to this application affecting the above described real property, and do authorize them to appear on my (our) behalf before any Willard City Boards considering this application.

SIGNED _____
Property Owner(s)

Subscribed and sworn before me this _____ day of _____ 20 _____

Notary Public

Residing in _____
My commission expires: _____

9-20-23

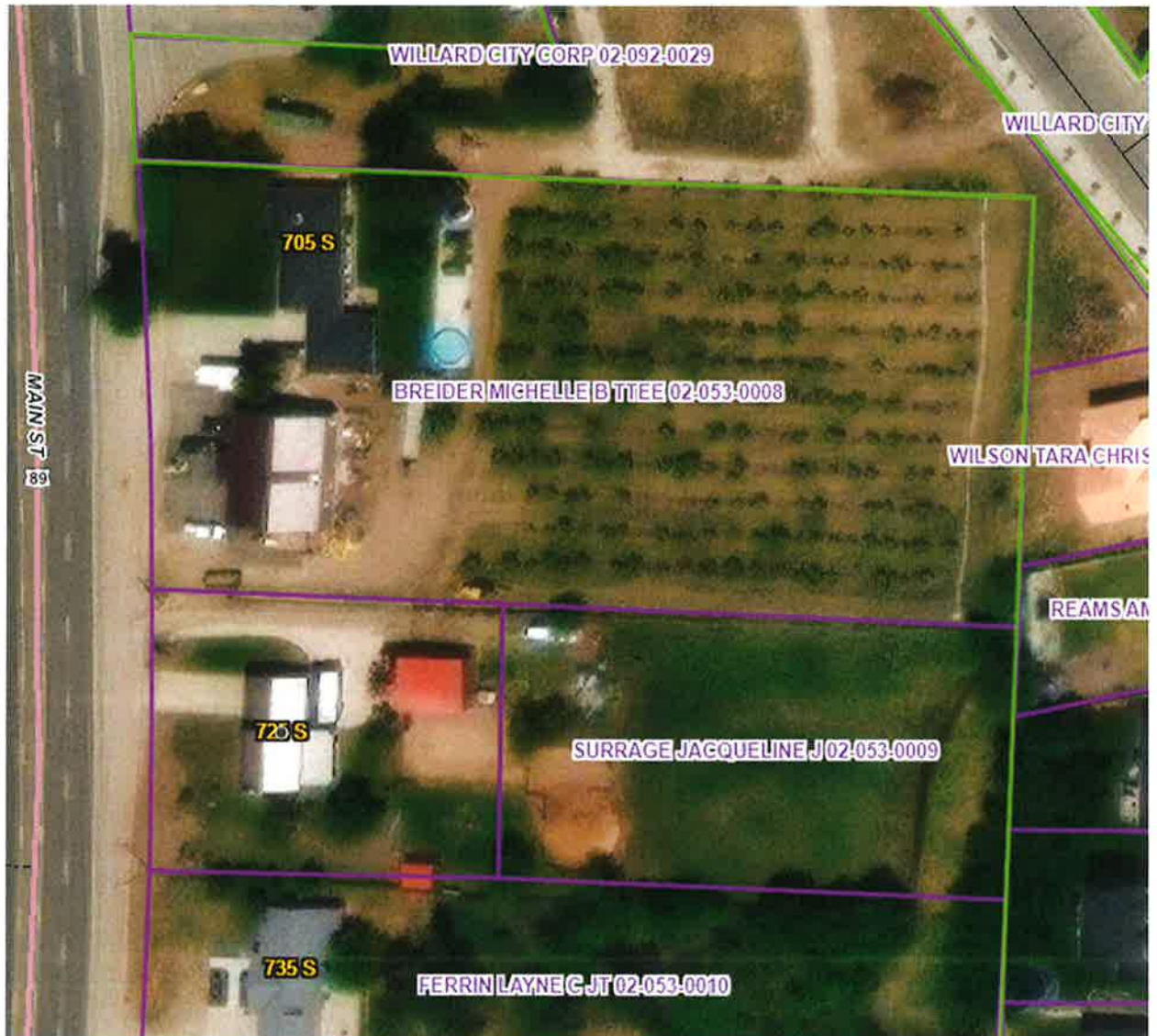
To Whom it may concern,

Jackie Surrage has my permission to operate
her food truck on our property.

Michelle Breider
801-668-5477



↑ NORTH



↑ NORTH

City of Willard
BUSINESS LICENSE DIVISION
80 W 50 S, PO Box 593, Willard, Utah 84340
Phone (435) 734-9881
Fax (435) 723-6164

FOR OFFICE USE ONLY

Business License Category _____ #82
Date Application Received 8/2/23
Application / License Fee _____
Other Fee: _____
☐ Check ☒ Cash Total 30⁰⁰
Receipt No. 1.018148 Date Rec'd 9/15/23

BUSINESS LICENSE APPLICATION

PLEASE COMPLETE ALL ITEMS - INCOMPLETE APPLICATIONS WILL BE RETURNED
WITHOUT BEING PROCESSED.

SECTION I: Business Information - Please type or print clearly • Change of: ☐ Location ☐ Ownership ☒ Business Name

Date of Application 08-02-2023

Business Name 3 Kowboy Chuck Wagon Is this name registered with the State of
Utah? ☒ Yes ☐ No

Type of Business (Be Specific) Food Trailer

Business Address 725 50 main st Willard Utah 84340 Bus. Phone No. (801) 695-0185
Street City State Zip

Mailing Address _____ Bus. Start Date 08/01/2023
Street/PO Box City State Zip

Owner's Name Jacqueline Surrage Phone No. 801 695-0185

Owner's Address 725 50 main st Willard Utah 84340
Street City State Zip

Manager's Name James Surrage Phone No. 801 695-0185

Manager's Address Same as Above ↑
Street City State Zip

Federal License (if any) _____ No. _____ Expires _____

Federal ID: ☐ SSN or ☐ EIN 93-2697129 Utah Corporation, LP or LLC No. _____

State Sales & Use Tax No. _____ Filing: ☐ Annual ☒ Monthly ☐ Quarterly
If not applicable please sign here: 23509727

DBA File No. _____

Professional License / State Contractor Number (If Applicable): _____

Continued on Back of Page

Email: _____
License plate of food trucks: 226YS in God we trust

Ben Hacker 8/25
BR Heetha Dept
norm
monday's weekend

SECTION II: Check <u>All</u> That Apply	SECTION III: Describe Business
☐ Approximate Number of Employees: <u>3</u> ☐ Commercial ☐ Sole Proprietorship ☐ Limited Partnership ☐ Profit Corporation ☒ Outside City Limits ☒ Home Occupation ☐ General Partnership ☒ Limited Liability Co. ☐ Non-Profit Corporation ☐ Sexually-oriented Business or Employee	Food trailer

SECTION III: Verification of Accuracy - Acknowledgment of Responsibility

Under penalty of perjury, I hereby certify that the information provided for this entire application is complete, accurate and in accordance with Willard City Ordinances. I further certify that updated information will be provided in writing, as required, to the City of Willard Business License Division within 10 days of any change to the business, name, organization, or location. I hereby acknowledge that illegal or fraudulent business practices are grounds for revocation of the business license, as is delinquent payment of the business license fee. This form is an application for a business license. The receipt for payment of license fees thereof does not constitute being approved to operate a business. The actual license will be issued only when all inspections are completed and signed off by the various departments and approval is given by the Business License Office. To open and or operate a business without final approval is a Class "B" misdemeanor and is subject to a \$1,000 fine and/or a six month jail sentence. It is the responsibility of the licensee to be familiar with the ordinance under which the license is applied for. All business licenses are to be renewed yearly. The application and fees provided for herein shall be due and payable by the 31st of December of each year, or before commencing a new business, trade, service, or profession. All license fees not paid before March 1st of each year shall thereafter be considered delinquent and shall be subject to a 50% penalty. Responsibility of renewal is that of the licensee. Failure to receive a renewal notice does not excuse this responsibility.

Signature of Authorized Business Agent/Owner Angeline S. Swartz 08-02-2023

FOR OFFICE USE ONLY: Planning Commission / Conditional Use Requirements

Conditional Use Permit Required ☐ Yes ☐ No If yes give date approved by Planning Commission _____

FOR OFFICE USE ONLY: Application Review/Comments Section		
BUILDING & ZONING DIVISION Inspection Required: ☐ Yes ☐ No If yes, Date of Inspection _____ Property Zoned Appropriately? ☐ Yes ☐ No ☒ Approved ☐ Denied Reason: Signature <u>Bryce Whit</u>	BEAR RIVER HEALTH DEPARTMENT Inspection Required: ☐ Yes ☐ No If yes, Date of Inspection _____ ☐ Approved ☐ Denied Reason: Signature _____	POLICE & FIRE DEPARTMENT Inspection Required: ☐ Yes ☒ No If yes, Date of Inspection _____ ☒ Approved ☐ Denied Reason: Signature <u>John J. [Signature]</u>

FOR OFFICE USE ONLY: Approval of Business License Administrator

Bryce Whit 9-15-23 Approval of

Business License Administrator Date

City of Willard
Home Occupation Business License
Standard Conditions for Administrative Approval

80 W 50 S, PO Box 593, Willard, Utah 84340

Phone (435) 734-9881

Fax (435) 723-6164

Standard Conditions:

The following items are prohibited:

1. Outdoor storage and/or display,
2. Signage without a permit, (Attach permit as needed)
3. Vehicles in excess of twelve thousand pounds (12,000 lbs.) gross vehicle weight,
4. Employees other than residents of the home,
5. Any alteration to the physical appearance of the home or change which impacts the neighborhood,
6. Increased demand for municipal (city) services,
7. Hazardous or combustive materials, and
8. Unsolicited door to door sales.

Special Conditions (If required):

Owners Acknowledgment

I hereby certify that I shall comply with the above conditions and understand that failure to comply with all conditions is grounds for revocation of my business license and may include other fines and penalties. Responsibility of renewal is that of the licensee. Failure to receive a renewal notice does not excuse this responsibility.

Jaqueline J. Swagg
Signature of Owner

8-2-2023
Date

Utah Food Handler Permit

Jacqueline J Surrage

Permit #: EFIL 21-1733

Expires: 4/28/2024



This permit is NOT a legal form of identification

**Permit MUST be presented upon
request to health authority**

Permit may be revoked for cause

**No other food handler permit
is approved in the State of Utah**



Permit to Operate

Kowboy Chuckwagon, Lic. #

owned and Operated By:

Jackie Surrage

725 South Main Street

Willard UT 84340

Permit Type: Primary Permit - Tier 1 Mobile

Permit Number: 12926

Permit Start: 09/01/2023

Permit Expiration: 08/31/2024

The above entity is hereby permitted to operate in the Bear River Health District, subject to the rules and regulations of the Board of Health. This permit is the property of the Bear River Health Department and is valid unless revoked for cause. No establishment may operate without a valid permit. This permit is non-transferable and must be posted as to be visible to the public.


Kristin Nelson, Director
Bureau of Health Services

85 East 1800 North • North Logan, UT 84341 • 435-792-6570

Bear River Department serves the counties of Box Elder, Rich, and Cache



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, October 5, 2023 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

1 The meeting was a regular meeting designated by resolution. Notice of the meeting was provided 24 hours
2 in advance. A copy of the agenda was posted at City Hall and on the State of Utah Public Meeting Notice
3 Website.

4
5 The following members were in attendance:

6
7 Sid Bodily, Chairman

Colt Mund, City Attorney

8 Diana Baker

Bryce Wheelwright, City Planner

9 Chandler Bingham

Michelle Drago, Secretary

10 Alex Dubovik

11 Blake Harrop

12 Zack Hulsey

13
14 Excused: Chris Davis.

15
16 Others in attendance: Mayor Mote; Neldon Kapp; Colton Kapp; Kamryn Kapp; Brian Gilbert; Ken Ormond;
17 Ruth Ormond; Chad Braegger; Rod Braegger; Debbie Braegger; and Rew Wiley.

18
19 The meeting was called to order at 6:30 p.m.

20
21 1. PRAYER: Alex Dubovik

22
23 2. PLEDGE OF ALLEGIANCE: Diana Baker

24
25 3. GENERAL PUBLIC COMMENTS

26
27 There were no comments.

28
29 4. CITY COUNCIL REPORT

30
31 Time Stamp: 02:23 10/05/2023

32
33 Mayor Mote reported on the September 28th City Council meeting:

34
35 The City Council agreed to amend the Future Land Use Map and rezone only the part of Chris
36 Marx's property that he need for the half-acre lots.

37
38 The City Council approved the rezone of Neldon Kapp's property from A-5 to R ½.

39
40 Both rezones would officially approved by ordinance at the next Council meeting.

41
42 Approved an agreement for consulting services with Lewis, Young, Robert, and Burningham for an
43 economic development plan. The City was applying for a grant from the State of Utah that would
44 hopefully fund the plan.

45
46 The Council certified the annexation petition from the Orchards Subdivision. The petitioner could
47 take the next step in the annexation process.
48



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, October 5, 2023 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

49 The Council denied a request for annexation for property above the Granite gravel pit.

50
51 The Council meeting ended with a closed session.

52
53 **5A. CONSIDERATION OF A PRELIMINARY PLAT FOR KAPP SUBDIVISION LOCATED AT**
54 **APPROXIMATELY 620 NORTH 200 WEST (PARCEL 02-046-0005)**

55
56 Time Stamp: 06:24 10/05/2023

57
58 Bryce Wheelwright stated that Neldon Kapp had requested that nine acres he owned at 620 North 200
59 West be rezoned from A-5 to R ½, which the Council approved on September 28th. Mr. Kapp now wanted
60 to subdivide three of those nine acres into a building lot for his son. During the rezone discussion, the
61 Planning Commission asked that the Kapp's provide a site plan showing the location of the proposed home
62 in relation to the shared driveway (see attached copy).

63
64 Colton Kapp stated that they were seeking approval for a three-acre lot. That would leave 6.15 acres for
65 his parents. They planned to create a shared easement with his father to use the existing driveway to
66 access the home. On the subdivision plat, the driveway was shown as a utility easement along the south
67 side of the subdivision. It was 33.5 feet in width.

68
69 Commissioner Hulsey stated that on the proposed site plan, the easement was labeled as 500 North. Was
70 it a City street? Colton Kapp said it was not.

71
72 Commissioner Baker asked who would own the property on which the easement was located. Colton Kapp
73 said it would be owned by his father.

74
75 Commissioner Dubovik asked if the proposed lot complied with all of the zoning requirements. Bryce
76 Wheelwright said it did, except for the shared driveway. The use of the easement as a shared driveway
77 meant there needed to be a recorded reciprocal agreement between both parties. Then if the ownership of
78 either parcel changed, the access could not be blocked.

79
80 Commissioner Baker was concerned that the proposed subdivision was creating a flag lot. Commissioner
81 Hulsey stated that both lots had the required 100 feet of frontage. Colton Kapp could create a separate
82 access to his lot. He was choosing to do an easement to use his father's access.

83
84 Commissioner Dubovik asked if the Planning Commission could approve the subdivision subject to the
85 creation of the easement or reciprocal access agreement. Mr. Wheelwright said it could.

86
87 Bryce Wheelwright stated that the subdivision had been reviewed by SLUA. The Planning Commission was
88 only approving the concept or preliminary plan. If the Planning Commission granted approval, the Kapp's
89 would have to have a final plat prepared.

90
91 Commissioner Hulsey asked if 500 North was part of the City's Road Master Plan. Bryce Wheelwright said
92 it was not.

93
94 Commissioner Bingham stated that if 500 North was a dedicated street, there would not be a need for a
95 reciprocal access agreement. If this was a private road, then an agreement was needed.



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, October 5, 2023 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

Colt Mund, City Attorney, asked about the difference between an easement and a reciprocal access agreement. Bryce Wheelwright felt the only difference was the name. A reciprocal access agreement, or a reciprocal access easement, would provide both parties non-exclusive ingress and egress over and upon a certain road located on real property. An easement was interest in land belonging to another person so that the easement owner had a limited right to use or enjoy the other person's property.

There was further discussion about the difference between reciprocal access and an easement.

Colt Mund wanted to make sure the easement, or reciprocal access, could not be terminated as a right-of-way for a future landowner.

Commissioner Harrop did not feel there were any other issues. Mr. Wheelwright agreed.

Commissioner Harrop recused himself from voting because he was an adjoining property owner.

Commissioner Bingham moved to accept the concept plan for the Kapp Subdivision located at approximately 620 North 200 West (Parcel 02-046-0005) subject to a recorded reciprocal agreement or easement to use the 33.55 easement as a shared driveway. Commissioner Hulsey seconded the motion. All voted "aye," except Commissioner Baker and Harrop. The motion carried.

5B. CONSIDERATION OF A RECOMMENDATION TO THE CITY COUNCIL REGARDING AN AMENDMENT TO THE EMERGENCY ACCESS REQUIREMENT FOR THE ROD BRAEGGER SUBDIVISION LOCATED AT APPROXIMATELY 100 SOUTH 400 WEST (02-054-0003)

Time Stamp 17:41 10/05/2023

Bryce Wheelwright stated that the Rod Braegger Subdivision located at 100 South 400 West was approved by the City in 2021. At that time there were too many homes, and the subdivision was required to have a second emergency access. Several emergency access options were discussed at that time. The access that was approved extended south through the Lindsey Hansen property and tied into the Orchard Subdivision being developed by Sierra Homes. Rod and Debbie Braegger were now asking that the location of the emergency access be changed to run along the north side of Mr. Hansen's property to 250 West. The proposed change was one of the options discussed during the approval process.

Rod Braegger stated that they were asking to change the location of the emergency access to accommodate Lindsey Hansen. Mr. Hansen leased the west part of his property. Mr. Hansen also had a spring on his property. If the emergency access road was extended south through Mr. Hansen's property, he would no longer be able to lease the west portion because the spring water would be cut off. Mr. Hansen said there was already a sewer line easement along the north side of his property which came out on 250 West. Mr. Hansen wondered if they could use that easement as the emergency access.

Commissioner Dubovik asked if there were any violations or restrictions that would prevent the Planning Commission from changing the emergency access.

Bryce Wheelwright stated that having Braegger's push through to the south and tie into Orchards would create a loop when Orchards developed.



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, October 5, 2023 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

Commissioner Bingham felt the Planning Commission's understanding was that the emergency access connected to the Orchards Subdivision would only be temporary until the subdivision developed. Now it appeared that development would be blocked until the Hansen property developed.

Rod Braegger said it wasn't landlocked, the City actually owned a right-of-way for 400 West through the Hansen property. Bryce Wheelwright said the elevations of the road would hinder Mr. Hansen's spring water.

Colt Mund felt that legally using the sewer easement could be problematic because the easement language probably said the only ingress and egress was for replacement, installation, and maintenance of the sewer, not for any other purpose. If there was a new agreement, it could work. He wondered what the Fire Chief had to say about the proposed access change.

Bryce Wheelwright stated that when the subdivision was considered in 2021, the Fire Chief felt there was room to get a fire truck along the north side of the Hansen property. The Fire Chief wasn't too concerned about where the emergency access was as long as it was there and accessible.

Rod Braegger stated that Lindsey Hansen had told him he was willing to do another easement for emergency access.

Colt Mund felt the Fire Chief should provide the Planning Commission with a written recommendation.

Commissioner Baker felt that Lindsey Hansen should be present to represent himself or provide the Planning Commission with something in writing. Colt Mund agreed.

Commissioner Hulsey asked if the easement would be available to all public if it was a City easement. Colt Mund said it would not if it was only for the City to use to respond to emergency calls. Bryce Wheelwright stated that if there was an emergency that cut off Center Street, it could be used as an access for residents.

Commissioner Hulsey asked if the City would be responsible to maintain the access as an emergency access. Colt Mund felt that could be negotiated and determined in the easement agreement.

Commissioner Bingham asked how soon Sierra Homes/Heritage Homes planned to develop 400 West. Bryce Wheelwright said that depended on the economy. They had not approached the City with any further development plans.

Commissioner Bingham was open to the proposed change, but he wanted to know how far out Heritage Homes was. Ultimately the City wanted 400 West to cross the Hansen property. If Sierra Homes was only a year away, it seemed pointless for Rod Braegger to put in a different emergency access. It was information the City needed to know.

Chairman Bodily felt the Planning Commission was amenable to the change, but it needed further information from the Fire Chief, Lindsey Hansen, and Heritage Homes.

Bryce Wheelwright asked if the sewer easement was totally on Lindsey Hansen's property. Mr. Braegger said it was.



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, October 5, 2023 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

Commissioner Dubovik asked if Rod Braegger had a preference. Mr. Braegger said he just wanted an access.

Commissioner Hulsey wanted to make sure the easement was wide enough for fire equipment. Rod Braegger stated that the original easement was 20 feet. The sewer easement was 25 feet. Lindsey Hansen was willing to negotiate the width of the easement to make sure there was enough room.

Commissioner Hulsey also wanted to know who was in charge of maintaining the easement.

5C. REVIEW OF A CONDITIONAL USE PERMIT ISSUED TO KENNETH BRAEGGER FOR A HOME OCCUPATION-CONTRACTOR BUSINESS LOCATED AT 55 SOUTH 100 EAST (PARCEL 02-050-0074) ISSUED ON FEBRUARY 5, 2016

Time Stamp: 32:40 10/05/2023

Bryce Wheelwright stated that he had contacted Ken Braegger. Mr. Braegger was not able to attend the meeting, but he wanted his conditional use permit left the way it was. He had an office for his contracting business in his home and planned to continue to do so. The City had not had any complaints about Mr. Braegger.

Chairman Bodily wasn't aware of any issues or complaints regarding Mr. Braegger's conditional use permit. He asked if the Planning Commission was aware of any issues. There were none.

6. CONSIDERATION AND APPROVAL OF THE SEPTEMBER 21, 2023, REGULAR PLANNING COMMISSION MINUTES

Commissioner Dubovik moved to approve the September 21, 2023, minutes as corrected. Commissioner Harrop seconded the motion. All voted "aye." The motion passed unanimously.

7. COMMISSIONER/STAFF COMMENTS

Time Stamp: 35:14 10/05/2023

Chairman Bodily

Chairman Bodily stated that the Planning Commission had planned to discuss the General Plan at the next meeting, but Commissioners Dubovik and Hulsey would not be in attendance. He asked that it be moved to the November 2nd agenda. Bryce Wheelwright stated that Chris Davis contacted Bruce Parker, the City's planning consultant, and asked him to make changes to reflect the outcome of the Planning Commission/City Council work sessions. Commissioner Hulsey asked that the staff send him Bruce Parker's contact information.

Colt Mund

Did not have any comments.



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, October 5, 2023 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

Mayor Mote

Did not have any comments.

Bryce Wheelwright

Bryce Wheelwright stated that there had been some interest regarding the Transit Oriented District. A party was interested in commercial and high density housing. The City might be seeing something.

Commissioner Bingham

Did not have any comments.

Commissioner Dubovik

Commissioner Dubovik said that a few weeks ago he witnessed a truck traveling along the Canal Road at high speed. He cautioned people to be very careful when using the Canal Road.

Commissioner Hulsey

Did not have any comments.

Commissioner Baker

Did not have any comments.

Commissioner Harrop

Did not have any comments.

8. ADJOURN

Commissioner Hulsey moved to adjourn at approximately 7:12 p.m. Commissioner Baker seconded the motion. All voted in favor. The motion passed unanimously.

Minutes were read individually and approved on: _____

Planning Commission, Chairman
Sid Bodily

Planning Commission Secretary
Michelle Drago

dc:PC 10-05-2023