



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, August 1, 2024 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

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

The following members were in attendance:

Sid Bodily, Chairman
Ruth Beebe
Chandler Bingham
Chad Braegger
Alex Dubovik
Brian Gilbert

Jeremy Kimpton, City Manager
Colt Mund, City Attorney
Madison Brown, City Planner
Michelle Drago, Deputy Recorder

Others in attendance: Mayor Travis Mote; Councilmember Jordan Hulsey; Ken Ormond; Ruth Ormond; and Rew Wiley.

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

1. PRAYER: Chandler Bingham
2. PLEDGE OF ALLEGIANCE: Sid Bodily
3. GENERAL PUBLIC COMMENTS

There were no comments.

4. CITY COUNCIL REPORT

Time Stamp 02:08 – 08/01/2024

Mayor Mote reported on the July 25th City Council meeting. The Council once again tabled the rezone request from Lync Construction because of a water allocation requirement he found in the city code that required water to be conveyed during the rezone process prior. The Council told Lync Construction, and would tell all developers going forward, that during the rezone process they needed to provide documentation showing they had the unencumbered water required to meet the demand of the proposed development. The water would have to be conveyed prior to the mayor signing the final plat. That meant rezones and subdivisions would happen together because an applicant would have to know his water needs. Mayor Mote felt the code would help prevent projects from being approved without water, like the Kunzler development. Kunzlers were stuck. They couldn't move forward because they didn't have water. The Lync Construction rezone was tabled until they could come back with the required water and answer questions about how to provide sewer without having to connect to Perry.

Chairman Bodily said that in the past, water was not conveyed until construction started. There was a brief discussion about the city's current process. Mayor Mote said the code today read: "24.180.120 Water Rights – 1. Water Rights Acquisition Policy and Conveyance Requirements. It is intended that all applicants requesting annexation of land into Willard City for residential development, all applicants requesting that property already within the boundaries of the City rezone the property to a higher density or more intensive use which increases the need for water service from the City, and all applicants requesting development approval shall provide water rights



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in an amount sufficient to satisfy the anticipated future water needs of the respective proposed development to be served and supplied by the City water system as provided in this section. Satisfaction of this water rights acquisition policy and the accompanying conveyance requirements shall be considered as a condition to and requirement of approval for all such applications.” There were several things in the code that triggered the need for more water. The water conveyance needed to happen during the land use changes.

Mayor Mote reported that the city engineer was working on an amendment to the city’s water plan that would allocate excess water across the city while reserving some water for commercial use. He thought the excess water amounted to one foot per acre, which meant even a half-acre density would require conveyance of water rights. The amendment process would require the Planning Commission to hold a public hearing and make a recommendation to the City Council.

Mayor Mote stated that the City Council discussed and resolved a water bill issue for an abandoned property. The Council talked about and tabled the short-term rental ordinance. The city engineer reported on Highway 89 water crossings. With UDOT’s proposal to upgrade Highway 89, the city had an opportunity to upgrade some of its water crossings. The Council looked at the budget and decided to do them all.

Commissioner Bybee asked if there was a way for the city to request a crosswalk by the elementary school while UDOT was upgrading Highway 89. Mayor Mote felt the only crosswalk the city could request and get was at the light at 750 North and Highway 89. He had repeatedly talked to UDOT about a crosswalk without any success.

5B. REVIEW OF A CONDITIONAL USE PERMIT ISSUED TO LYNN BEARD FOR A DUPLEX LOCATED AT 481 NORTH 200 WEST (PARCEL NO. 02-046-0075) ISSUED FEBRUARY 5, 2015

The Planning Commission skipped Item 5A because the applicant was not in attendance.

Time Stamp: 13:09 – 08/01/2024

Madison Brown, City Planner, stated that the structure at 481 North 200 West was still being used as a duplex so the conditional use permit was still active. During the February 5, 2015, Planning Commission meeting there was a discussion about the conditional use permit being voided if the property was ever sold. Normally a conditional use permit ran with the property.

Commissioner Bingham remembered the discussion. He felt that condition was supposed to have been part of the conditional use permit, but it was not.

Ms. Brown said she could research the minutes and meeting recording to see if that was in fact a condition. She was not sure how to go about changing the conditional use permit.

Commissioner Dubovik said the February 5, 2015, minutes stated that Commissioner Bingham asked the conditional use to be removed if Lynn Beard sold the property to keep it from always being an apartment.

Chairman Bodily stated that Lynn Beard still owned the property and was still leasing both units.

Commissioner Bingham said he was just questioning the lack of that condition in the conditional use permit itself.



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Colt Mund stated that the city's copy of the conditional use permit was not signed. He wondered if a signed copy could be found.

Madison Brown stated that she would search for a signed copy.

Commissioner Braegger asked if the duplex was on a separate meter and sewer. Madison Brown said she would check.

Mayor Mote and Commissioner Dubovik asked if the Planning Commission could amend the conditional use permit if a signed copy could not be found. Colt Mund did not feel it could be amended after this many years.

The review was tabled until the next meeting.

5C. DISCUSSION REGARDING AMENDING THE TABLE OF USES FOUND IN CHAPTER 12-111-3 AND 12-112-3 OF THE WILLARD CITY ZONING ORDINANCE

Time Stamp: 20:26 – 08/01/2024

Madison Brown stated that the Planning Commission was reevaluating the uses listed in the Tables of Uses to see if any should be changed or eliminated.

Chairman Bodily stated that a conditional use was usually granted with some conditions. Should those uses be permitted?

Jeremy Kimpton asked if the listed uses still reflected what the Planning Commission wanted to review. Were any of the uses redundant?

Commissioner Dubovik asked about ADU's. Were they included in the first item on each table? Colt Mund said they were not. That item included sheds, garages, and shops. ADU's needed to be a separate item on the lists. An Interior accessory dwelling unit was a permitted use.

Commissioner Dubovik asked if the 'C' meant the use was conditional and just needed an administrative review, or did it mean the use had to be reviewed by the Planning Commission? Colt Mund said it meant the use needed a permit approved by the Planning Commission. Commissioner Dubovik did not mind doing the work if the city received an application for a listed conditional use.

Commissioner Gilbert asked what an MU-40 Zone was. Madison Brown said it was a multiple use zone with a minimum lot size of 40 acres. Commissioner Gilbert asked why a conditional use permit was needed to graze cattle on open 40 acres. Mayor Mote said that years and years ago, most of the east hillsides were prohibited from grazing due to flooding and mudslides. If the hillsides were over grazed, it affected their stability. State laws might also play into the zone requirements.

Chairman Bodily said that a few years ago, the state required cities to find a place for sexually oriented businesses. The Planning Commission decided SOBs should be located in the Manufacturing Zone. Colt Mund said the code listed them in the Commercial General Zone subject to certain distances from churches and schools.



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Jeremy Kimpton stated that Airbnbs were listed twice in separate locations that contradicted each other.

Mayor Mote felt multi-family should be restricted to a multi-family zone so that the commercial areas did not fill up with multi-family housing.

Commissioner Gilbert asked why apiaries (beehives) were a conditional use permit. Commissioner Bingham felt the conditional use permit was meant for commercial hives. Commissioner Gilbert asked if the zoning ordinance differentiated between commercial and private hives. He felt bees should be a permitted use, and that commercial hives should be required to have a business license.

Commissioner Gilbert did not feel a job trailer needed to have a conditional use permit.

After further discussion, the Planning Commission suggested that the staff review the lists and propose suggested changes.

5A. CONSIDERATION AND RECOMMENDATION TO THE CITY COUNCIL REGARDING A PETITION FROM HERITAGE LAND DEVELOPMENT TO REZONE APPROXIMATELY 48.19 ACRES LOCATED AT APPROXIMATELY 300 SOUTH 300 WEST FROM R1/2 TO MPC (MASTER PLANNED COMMUNITY) (PARCEL NOS. 02-051-0004, 02-051-0062, 02-051-0085, 02-051-0264, 02-054-0005, 02-054-0007, 02-054-0009, 02-054-0011, 02-054-0012, AND 02-054-0013) (CONTINUED FROM FEBRUARY 1, AND JUNE 20, 2024)

Time Stamp: 34:30 – 08/01/2024

Commissioner Dubovik moved to table Item 5A because the applicant was not in attendance.

Commissioner Gilbert felt the development agreement needed to include all product information on infrastructure being provided by the developer to the city. Willard needed to know exactly what product it was getting.

Commissioner Gilbert stated that during the work session with Lync Construction, the Public Works Director said all the required inspections for the new development were overwhelming. Why didn't the city require developers to pay for their own inspections? The city engineer could inspect infrastructure as it was being constructed. If the city was going to own the roads, he felt they should be inspected by someone who was qualified. The city could then bill developers for those inspections. Jeremy Kimpton said the city engineer did inspect infrastructure as it was being constructed. Developers were billed for the city engineer's time. The Public Works Director inspected individual sewer connections to the main line. He was also part of the final infrastructure inspections.

Jeremy Kimpton stated that the administration was working to update the city's fee schedules to make sure the costs to the city were being covered.

Chairman Bodily asked what the city's minimum street width was. Jeremy Kimpton said the minimum right-of-way width was 60 feet. The maximum width of asphalt for a residential road was 32 feet by state law.

Commissioner Beebe liked the concept of MPC's because the city didn't end up with a bunch of rectangles, but the developers always added more homes than a half-acre zone density. In the future, was maintaining narrower roads worth it? Jeremy Kimpton said national statistics showed that the payback for residential



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development was around 20 years. At that point, a residential development was no longer paying for itself and became a detrimental cost to the city. Residential development was not where the money was for the city. The trade off was industry, which needed the residential population.

Commissioner Beebe liked the proposed park, but she felt that in the end it would cost the city more than half-acre lots.

Commissioner Bingham seconded the motion. All voted “aye.” The motion passed unanimously.

6. CONSIDERATION AND APPROVAL OF THE JUNE 20, 2024, REGULAR PLANNING COMMISSION MINUTES

Commissioner Beebe moved to approve the June 20, 2024, minutes as written. Commissioner Gilbert seconded the motion. All voted “aye.” The motion passed unanimously.

7. COMMISSIONER/STAFF COMMENTS

Time Stamp: 47:51 – 08/01/2024

Colt Mund

Did not have any comments.

Jeremy Kimpton

Did not have any comments.

Madison Brown

Madison Brown stated that Jeremy Kimpton had reached out to Jason Burningham regarding the city's economic development grant. Mr. Burningham needed stakeholders from the city. Stakeholders would be responsible to work on the project from start to finish. They could be business leaders, local government officials, long-term residents, or short-term residents. They needed to be from all different backgrounds. She asked if any Planning Commission members were interested in serving or knew of someone who was. Stakeholders would be involved in three or four townhall meetings. She hoped to have names by the next meeting.

Commissioner Bingham said he would like to be on the committee.

Commissioner Bingham

Did not have any comments.

A

Commissioner Dubovik

Commissioner Dubovik noticed that Granite Ridge had started excavating for the next phase. He asked about a requirement for a second access. Commissioner Bingham said Granite Ridge was somehow approved without a second access the requirement. The second exit Granite Ridge did put in was a crash



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gate onto Parson's Haul Road. He felt the City Council waived a lot of improvement requirements just to get the Granite Ridge development in.

Commissioner Dubovik asked if there was a way to force Granite Ridge to connect to 300 East for a second access. Commissioner Bingham did not feel there was. Commissioner Braegger said that Chad Call was proposing to subdivide his property. The city engineer recommended that part of the improvements include the extension of 300 East to the south to connect with the stub street in Granite Ridge.

Commissioner Beebe

Did not have any comments.

Commissioner Gilbert

Did not have any comments.

Commissioner Braegger

Commissioner Braegger thanked the Mayor for his comments about conveyance of water rights. It was nice to know the Planning Commission could talk about water up front so developers couldn't keep kicking the ball down the road.

Commissioner Braegger stated that Lync Construction was presenting a development proposal to Perry City for the Olsen property that would eliminate the Hargis Hill Road connection with Highway 89.

8. ADJOURN

Commissioner Bingham moved to adjourn at approximately 7:29 p.m. Commissioner Beebe seconded the motion. All voted in favor. The motion passed unanimously.

Minutes were read individually and approved on: 8/15/24



Planning Commission, Chairman
Sid Bodily



Planning Commission Secretary
Michelle Drago

dc:PC 08-01-2024