



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, September 19, 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
Chandler Bingham
Chad Braegger
Alex Dubovik
Brian Gilbert

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

Excused: Jeremy Kimpton, City Manager, and Ruth Beebe

Others in attendance: Mayor Travis Mote; Ken Ormond; Ruth Ormond; and Chad Call.

WORK SESSION TO DISCUSS PROPOSED AMENDMENTS TO THE TABLE OF USES FOUND IN CHAPTERS 12-111-3 AND 12-112-3 OF THE WILLARD CITY ZONING ORDINANCE

Time Stamp: 00:00 – 09/19/204 Work Session

Chairman Bodily called the work session to order at 5:32 p.m.

Colt Mund was excused from the work session.

Commissioner Beebe was unable to attend the work session. She sent her comments in an email (see attached copy).

The planning commission and city administration reviewed the Table of Uses found in Chapter 12-111-3 for the Multiple Use, Rural, and Residential districts, Items 1 through 10. The following changes were recommended:

Line 2	Discussed – no changes.
Line 3	Discussed – no changes
Line 4c	Change the wording to read – “Agriculture: business or industry.”
Line 4d	Discussed limiting numbers of animals to help with enforcement. The Commission decided not to limit the number of animals because it wanted to retain Willard’s rural atmosphere.
Line 4g	make this use conditional in the A-5 Zone
Lines 5 & 6	Check state code requirements
Line 7	Make a conditional use in all zones.
Line 8	Remove
Line 9a	Make a permitted use in all zones.
Line 9b	Make a permitted use in all zones. The Commission also wants to address the size of detached ADU’s in the larger zones.
Line 9c	Make a permitted use in all zones.
Line 9c	Remove seasonal home or cabin.
Line 9d	change wording to read “Farm or Ranch Housing” and make this use conditional in all zones.



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Line 9d Make Manufactured housing permitted in all zones.
Line 9e Remove
Line 10 Make a conditional use in the MU-40, A-5, and A-3 Zones. Leave as not permitted in R-1
 and R-1/2 Zones

The work session adjourned at 5:28 p.m.

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

1. PRAYER: Brian Gilbert
2. PLEDGE OF ALLEGIANCE: Sid Bodily
3. GENERAL PUBLIC COMMENTS

There were no comments.

4. CITY COUNCIL REPORT

Time Stamp 01:56 – 09/19/2024

Mayor Mote stated that during the September 12th meeting, the city council presented a service award to Glen and Sue Anderson, talked a lot about crosswalks, and certified an annexation petition for the Bayview Estates property north of the Willard Stake Center in South Willard.

- 5A. CONSIDERATION OF A PRELIMINARY PLAN FOR GRANITE RIDGE SUBDIVISION PHASE 6
 LOCATED AT APPROXIMATELY 675 SOUTH 450 EAST (PARCEL NOS. 02-053-0014 AND 02-
 053-0069) (CONTINUED FROM AUGUST 15 AND SEPTEMBER 5, 2024)

Time Stamp: 05:33 – 09/19/2024

Madison Brown, city planner, stated that she had spent the past few weeks researching Granite Ridge. She provided planning commission members with a copy of Ordinance No. 2014-C, which was approved by the city council on April 10, 2014. The ordinance approved the development agreement, conditional use permit, and rezone for the Granite Ridge Subdivision. The development agreement included a master plan showing stub roads on the north and south sides of the subdivision with emergency access on Staker Parson's Haul Road in Phase 5. The approved master plan only showed stub roads, not an additional access to the highway. Unfortunately, there wasn't much the planning commission could do to require additional access for the last phase.

Chairman Bodily asked what exempted this project from providing a second access. Commissioner Bingham said the city council had approved the master plan without a second access.

Colt Mund, City Attorney, referenced an agreement with Staker Parson for use of the Haul Road as an emergency access.



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Commissioner Braegger asked if there was a written agreement with Staker Parson. Ms. Brown said she had met with Granite Ridge representatives. They provided a letter from Staker Parson dated April 27, 2020. The letter listed four items to be completed by Granite Ridge in order to receive emergency access. Those items included a berm and fencing, no trespassing signs, notification to homeowners about the Staker Parson operations, and measures to prohibit illegal trespass from the subdivision onto Staker Parson property. Granite Ridge was working on compliance with those requirements. The city attorney would have to determine if the agreement needed to be recorded and who would be responsible for doing so. Phase 6 connected to the Haul Road.

Commissioner Dubovik asked if preliminary approval of Phase 6 should be tabled until everything was settled with Staker Parson. Madison Brown said the planning commission would make an approval or denial recommendation to SLUA. SLUA would grant final approval. She felt SLUA would ask for the berm and fencing to be included on the construction drawings before granting final approval.

Commissioner Dubovik felt final approval should be subject to a finalized agreement with Staker Parson.

Commissioner Braegger asked if Staker Parson would continue to allow access to their Haul Road. Madison Brown said John Newhall, representing Granite Ridge, was going to verify that the agreement was still in effect.

Chairman Bodily asked what the four stipulations were. Madison Brown said Granite Ridge had to provide a berm and fencing along any private property, no trespassing signs, a crash gate (which they had), and no pedestrian crossing. Granite Ridge had complied with the last requirement because they had re-routed the trail.

Commissioner Braegger didn't feel the access was really an emergency access if people could not walk through it. Madison Brown said the condition was no trails crossing or accessing the Haul Road.

Chairman Bodily verified that all Granite Ridge had to do was provide an emergency access. Colt Mund said that was what the approved development agreement required. The development agreement was approved by the city council in 2014.

Commissioner Braegger could understand an extra lot or two in a 30-lot subdivision, but this development had over 60 lots.

Commissioner Braegger stated that the development had changed hands multiple times. Was the agreement still valid with new owners? Colt Mund said it was. The agreement could be assigned to new owners.

Commissioner Bingham stated that the development agreement was approved a long time ago. When the agreement was approved, the council took out any sunset clauses.

Commissioner Braegger asked if the staff verified a comment from the previous mayor that Granite Ridge was required to provide a second access through 300 East. Madison Brown said she had read through several years of minutes but couldn't find any discussion or decision regarding 300 East.



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Commissioner Braegger asked Ms. Brown to reach out to the previous mayor. He was concerned about legal ramifications if Granite Ridge was supposed to have provided a second access, and something had fallen through the cracks. He wanted to make sure the city had done its due diligence.

Chairman Bodily couldn't understand why Granite Ridge wasn't required to provide a second access. Commissioner Bingham remembered that years ago the planning commission had recommended a second access, a sunset clause, and that the agreement be reapproved if there was a new owner. The city council pulled those things out of the development agreement.

There was discussion about the timeline of Granite Ridge's approval. Mayor Mote said the development started around 2004 or 2006 with Willard Peak Ranches, which went defunct. Granite Ridge replatted it. Then the power line went through, which reset everything. Commissioner Braegger said the current development agreement was approved in 2015.

Commissioner Braegger felt the administration or SLUA needed to get information from previous officials to make sure all the details were correct.

Commissioner Bingham would like to see 300 East go through. Madison Brown stated that the city engineer said that when Granite Ridge built up to 300 East, it would be considered an emergency access. It was built to hold vehicles, including fire engines. Commissioner Bingham felt there should be a bona fide access.

Chairman Bodily said the planning commission wasn't talking about an emergency access, it was talking about a second access. The city wasn't letting property on the west side of town development because it didn't have a second access. Yet, the city didn't seem to care what was built in Granite Ridge.

Madison Brown stated that Granite Ridge was approved ten years ago.

Colt Mund felt the second access issue stemmed from an exception in the International Fire Code. At various times, Willard had allowed a secondary emergency access because of the exception if it was approved by the fire chief. Whether or not that was what the city should be doing was a different question. The planning commission had discussed the number of homes allowed on a single access and whether the exception in the International Fire Code should be applied.

Commissioner Dubovik stated that currently only 30 homes were allowed on a single access. The question in Granite Ridge was what defined a second access. Did an emergency access with a crash gate define the minimum requirements for the second access? Mr. Mund said the International Fire Code stipulated three reasons for an exception: An emergency access approved by the fire chief; all houses above 30 had their own fire suppression systems; or a proposed development in the area would resolve the issue.

Commissioner Dubovik preferred to see all the agreements with Parsons in writing before a recommendation was made to the city council.

Mayor Mote asked if the Parsons' 2020 letter contained an expiration date or any out.

Chairman Bodily stated that Parsons wouldn't even let Jeremy Jenkins have access to his property through the Haul Road. He agreed the city needed something in writing.

Commissioner Braegger felt the agreement should be recorded.



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Commissioner Braegger asked if the city had the documentation from Parsons required by the original development agreement. Mr. Mund said Granite Ridge was supposed to secure documentation from Parsons by Phase 3. Commissioner Braegger said Granite Ridge had failed to provide the required documentation. He felt that gave the city some recourse. Mr. Mund said Granite Ridge had something, but whether it still applied was a different question. Commissioner Braegger felt the city had recourse if the Parsons documentation no longer applied.

Chairman Bodily asked if a motion to table this item was needed.

Commissioner Braegger didn't feel comfortable moving Phase 6 forward until the second access issue was resolved. He felt that was the planning commission's job.

Commissioner Dubovik felt the planning commission needed to see the agreement from Parsons.

Commissioner Gilbert stated that none of the houses that had been constructed in Granite Ridge looked like those proposed in the development agreement. How were CCR's policed? Colt Mund said that in every development agreement he had seen there was an out that allowed developers to change the design and configuration without approval from the city. He didn't know if there was such an out was in the Granite Ridge development. The city was starting to push back by telling developers they couldn't just change whatever they wanted.

Commissioner Bingham said that was why Willard had repealed the PUD Ordinance.

Commissioner Gilbert stated that in larger cities where he had built under a development agreement, someone from the city checked to make sure everything was built the way it was supposed to be. He didn't feel Granite Ridge looked anything like what was approved.

There was a discussion about the building permit approval process.

Commissioner Gilbert felt the city should require a copy of the CCR's (covenants, conditions, and restrictions) along with the development agreement to help with enforcement. Colt Mund said recent developments had provided them.

Commissioner Bingham didn't mind different style housing, but he felt developers should have to build things like tree-lined streets.

Commissioner Gilbert felt a development agreement was selling a product to the city. When a developer didn't build what it proposed, the city wasn't receiving the product it had approved. If CCR's were part of a development agreement, he felt a developer could be held to them even years down the road.

Colt Mund said the Granite Ridge development agreement said it would provide notice to buyers of their CCR's. He couldn't find anything in the agreement that said the city had a right to review them.

Chairman Bodily tabled Granite Ridge until they provided documentation from Staker Parsons.



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- 5B. REVIEW OF A CONDITIONAL USE PERMIT ISSUED TO LEE KILPACK FOR MULTI-FAMILY/BASEMENT APARTMENT LOCATED AT 550 NORTH 200 WEST (PARCEL NO. 02-046-0046) ISSUED FEBRUARY 16, 2018

Time Stamp: 25:48 – 09/19/2024

Madison Brown stated that this was straight forward.

Mayor Mote stated that Kilpack's had moved.

Commissioner Braegger stated that the current owner, Dean Taylor, lived in the main part of the house. His son and family lived in the basement apartment.

Madison Brown stated that if the property became an income property, separate water and sewer connections would be required for the basement apartment with applicable connection and impact fees.

Mayor Mote suggested that the name on the conditional use permit be updated.

Chairman Bodily felt the review was complete.

- 5C. DISCUSSION REGARDING AMENDING THE TABLE OF USES FOUND IN CHAPTER 12-111-3 AND 12-112-3 OF THE WILLARD CITY ZONING ORDINANCE (CONTINUED FROM AUGUST 1, AUGUST 15, AND SEPTEMBER 5, 2024)

Time Stamp: 27:39 – 09/19/2024

Chairman Bodily asked if the planning commission wanted to hold another work session on October 3rd.

Commissioner Gilbert said he would not be able to attend the next two meetings. Commissioner Dubovik said he would not be able to attend the October 17th meeting.

The planning commission agreed to hold a work session from 5:30 to 6:30 p.m. on October 3rd.

6. CONSIDERATION AND APPROVAL OF THE SEPTEMBER 5, 2024, REGULAR PLANNING COMMISSION MINUTES

Commissioner Bingham moved to approve the September 5, 2024, minutes as corrected. Commissioner Gilbert seconded the motion. All voted "aye." The motion passed unanimously.

7. COMMISSIONER/STAFF COMMENTS

Time Stamp: 30:13 – 09/19/2024

Colt Mund

Did not have any comments.



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Mayor Mote

Did not have any comments.

Madison Brown

Did not have any comments.

Commissioner Bingham

Commissioner Bingham asked if the city ever checked to see if guests at the Willard Peak Campground stayed beyond the 90-day limit. He thought there might be a truck that had been there more than 90 days.

Mayor Mote said he had recently spoken with the police chief about the campground. The code only allowed a maximum of 90 days per year. The chief said the campground manager had been working with the city. If a guest received a visit from a police officer, management asked them to leave. The chief was working with management to remedy long-term situations. Mayor Mote felt the city had the ability to review their records. That action would fall under the city planner.

Commissioner Bingham felt the campground was managed better than it ever had been, but he didn't want something to slip for years.

Commissioner Bingham asked about a foundation being constructed around 200 North Highway 89. Commissioner Braegger said the property owner was building a home.

Commissioner Dubovik

Commissioner Dubovik asked if the city could invite an entity, such as Utah State, to evaluate the water tables on the east bench as part of a student project. Mayor Mote said it could. Usually when the university was asked to do such a project, they asked for payment. It would be interesting to receive guidance regarding the alluvial fans.

Commissioner Dubovik asked who the intermediary would be. Mayor Mote felt it would be the city manager. He would talk to the city manager about it.

Commissioner Gilbert

Did not have any comments.

Commissioner Braegger

Commissioner Braegger asked what Shane Barthlome was doing on the southeast corner of 750 North 200 West. Construction materials and a job trailer were recently moved to the site. Mayor Mote stated that the property was rezoned a few years ago. Madison Brown said she would check on it.

Commissioner Braegger asked about the drinking fountain on the trail at 800 North 200 West. Mayor Mote said the water line below it was broken. The Public Works Director was aware of it. Commissioner Braegger



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felt the repair should be bumped up on the priority list. Mayor Mote felt it would be a priority next spring because everything was being shut down for winter.

Chairman Bodily

Did not have any comments.

8. ADJOURN

Commissioner Bingham moved to adjourn at 7:10 p.m. Commissioner Braegger seconded the motion. All voted in favor. The motion passed unanimously.

Minutes were read individually and approved on: 10/3/24

Sid Bodily
Planning Commission, Chairman
Sid Bodily

Michelle Drago
Planning Commission Secretary
Michelle Drago

dc:PC 09-19-2024