

WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, October 3, 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

Madison Brown, City Planner
Michelle Drago, Deputy Recorder

Excused: Jeremy Kimpton, City Manager; Colt Mund, City Attorney; Ruth Beebe; and Brian Gilbert.

Others in attendance: Mayor Travis Mote; Ken Ormond; Ruth Ormond; Chad Call; Jay Thackery; and Rod Braegger.

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 – 10/03/204 Work Session

Chairman Bodily called the work session to order at 5:34 p.m.

Chad Braegger was excused from the work session.

The planning commission and city administration finished reviewing the Table of Uses found in Chapter 12-111-3 for the Multiple Use, Rural, and Residential districts, Items 11 through 20. The following changes were recommended:

Line 11	Discussed – no changes
Line 12	Discussed – no changes
Line 13	Discussed – no changes
Line 14	Add wording "only for residences; limited to power generation for a typical residence."
Line 15	Discussed – no changes
Line 16a	Discussed – no changes
Line 16b	Make parks, golf courses, swimming pools, and other recreation areas a conditional use in the MU-40 Zone
Line 16c	Discussed – no changes
Line 16d	Discussed – no changes
Line 17	Discussed - no changes
Line 18a	Discussed – no changes
Line 18b	Discussed – no changes
Line 18c	Discussed – no changes
Line 18d	Add wording "only for established PUD Zones"
Line 19	Discussed - no changes
Line 20	Discussed – no changes



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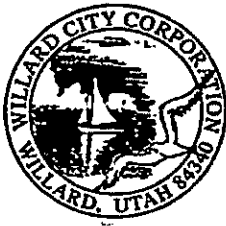
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The planning commission and city administration started reviewing the Table of Uses found in Chapter 12-112-3 for the Manufacturing, Commercial-General, Commercial-Neighborhood, and TOD Zones, Items A – E.

Mayor Mote recommended that the Table of Uses for the commercial zones be amended to include a Commercial-Retail (C-R) Zone.

The following changes were recommended:

Line A1	Discussed – no changes
Line A2	Single Family Dwelling – change to conditional in C-G Zone, and don't allow in C-R Zone.
Line A3	Multi-Family, Twin Home – Discussed – no changes. Don't allow in C-R Zone
Line A-4	Multi-Family, Attached – Discussed – no changes. Don't allow in C-R Zone
Line A-5	Multi-Family, Stacked – Discussed – no changes. Don't allow in C-R Zone
Line A-6	Accessory Dwelling Unit, Detached – no changes. Don't allow in C-R or TOD Zones
Line A-7	Accessory Dwelling Unit, Interior – no changes. Don't allow in C-R Zone
Line A-8	Manufactured or Modular – remove. Considered a single-family dwelling
Line A-9	Manufacturing – Discussed – no changes. Don't allow in C-R Zone.
Line A-10	Manufacturing/Light – Discussed – no changes. Conditional use in C-R Zone.
Line A-11	Refineries – Not permitted in any zone
Line A-12	Renewable Energy – Not allowed in C-R Zone
Line A-13	Storage Facility – Not allowed in C-R Zone
Line A-14	Temporary Building – Define as building with no foundation that is used no more than 90 days in a 365-day period. Conditional use in C-R Zone
Line A-15	Warehousing Distribution – Not allowed in C-R Zone
Line A-16	Warehousing Distribution Motor Fuels – add "no retail sales, excludes gas station." Not allowed in C-R Zone
Line B1	moved to Line F28.
Line B2	Add wording "parking facility for privately-owned vehicles; park and ride." Not permitted in TOD Zone as a conditional use
Line B3	Communication Towers – Conditional use in all zones
Line B4	Churches – Discussed – no changes. Not permitted in C-R Zone.
Line B5	Community Garden – Discussed – no changes. Not permitted in C-R Zone.
Line B6	Educational Facility – Discussed – no changes. Not permitted in C-R Zone.
Line B7	Government or Municipal Office – Permitted in all zones.
Line B8	Change wording to Library, Reading Room, Museum or Cultural Services – No changes. Conditional use in C-R Zone.
Line B9	Parks, Public or Private – No changes. Not allowed in C-R Zone.
Line B10	Public Utility Substation – No changes. Not allowed in C-R Zone.
Line C1	Auditorium or Performing Arts – Conditional use in all zones.
Line C2	Bowling Alley – No changes. Permitted use in C-R Zone.
Line C3	Dance Club – No changes. Not permitted in C-R Zone.
Line C4	Dance Studio – No changes. Not permitted in C-R Zone.
Line C5	Fitness Center – No changes. Conditional use in C-R Zone.
Line C6	Golf Course – No changes. Not permitted in C-R Zone.
Line C7	Recreation Center – No changes. Permitted in C-R Zone.
Line C8	Recreational Vehicle Park – No changes. Not permitted in C-R Zone.
Line C9	Sexually Oriented Business – No changes. Not permitted in C-R Zone



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Line C10	Swimming Pool – No changes Not permitted in C-R Zone.
Line C11	Theater/Entertainment – No changes. Conditional use in C-R Zone.
Line D1	Alcohol or Tobacco Specialty Shop – No changes. Permitted in C-R Zone.
Line D2	Art and/or Art Supply – No changes. Permitted in C-R Zone. Discussion about combining with Craft/Hobby Store.
Line D3	Book Store – No changes. Permitted in C-R Zone.
Line D4	Christmas Tree Sales – No changes. Conditional use in C-R Zone.
Line D5	Clothing/Department Store – No changes. Permitted use in C-R Zone
Line D6	Convenience Store, with drive-through. No changes. Permitted use in C-R Zone.
Line D7	Convenience Store, without drive-through. No changes. Permitted use in C-R Zone.
Line D8	Craft/Hobby Store – No changes. Permitted use in C-R Zone.
Line D9	Fireworks Stand – No changes. Conditional use in C-R Zone.
Line D10	Florist Shop/Nursery – No changes. Conditional use in C-R Zone.
Line D11	Fruit Stand – No changes. Permitted use in C-R Zone.
Line D12	Grocery Store – No changes – Permitted use in C-R Zone.
Line D13	Hardware Store/Lawn and Garden – No changes. Permitted in C-R Zone.
Line D14	Pet Shop – Add wording "and Grooming." No changes. Permitted in C-R Zone.
Line D15	Retail, Big Box – No changes. Permitted in C-R Zone.
Line D16	Retail, General – No changes. Permitted in C-R Zone
Line D17	Shoe Store/Repair – No changes. Permitted in C-R Zone.
Line D 18	Sporting Goods – No changes. Permitted in C-R Zone.
Line E1	Bakery – No changes – Permitted in C-R Zone.
Line E2	Candy/Ice Cream Store – No changes. Permitted in C-R Zone.
Line E3	Food Truck, Temporary – No changes. Permitted in C-R Zone.
Line E4	Food Truck, Permanent – No changes. Permitted in C-R Zone.
Line E5	Private Club/Bar/Tavern – Not permitted in C-N or C-R Zones. Conditional use in TOD Zone.
Line E6	Restaurant/Fast Food with drive-through – No changes. Permitted in C-R Zone.
Line E7	Restaurant/Fast Food without drive-through – No changes. Permitted in C-R Zone.

The work session adjourned at 6:28 p.m.

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

1. PRAYER: Chandler Bingham
2. PLEDGE OF ALLEGIANCE: Chad Braegger
3. GENERAL PUBLIC COMMENTS

There were no comments.



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4. CITY COUNCIL REPORT

Time Stamp 01:42 – 10/03/2024

Mayor Mote stated that during the September 26th meeting, the city council held a public hearing regarding the Bob Davis annexation, which was located west of the interstate. Willard Flood Control was interested in the potential of the annexed property. Mr. Davis wanted to create a park and subdivide his property into a few lots for his kids. After the hearing, the council approved the annexation. The city council then held a public hearing to consider vacating a sewer easement on the Neil Braegger property. The easement vacation was approved. The city council once again discussed crosswalks. The council defined crosswalk locations and asked to see a map of them at the next meeting. The council started to talk about a fee schedule increase. The discussion was postponed until the next meeting when a public hearing could be held. John Pierce was added as an alternate planning commission member. The council also approved a code amendment to add a planning commission representative as a voting member of the SLUA (Subdivision Land Use Authority). The city council denied an annexation request from a single home in the middle of an existing subdivision in South Willard. The homeowner wanted to construct an ADU and was required to request annexation by Box Elder County.

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, SEPTEMBER 5, AND SEPTEMBER 19, 2024)

Time Stamp: 04:37 – 10/03/2024

Madison Brown, City Planner, stated that she let John Newhall from Granite Ridge know the city wanted to see something from Staker Parson indicating that the emergency access agreement was still valid. Mr. Newhall had not provided that information for this planning commission meeting. She asked that this item be tabled until Granite Ridge could provide the requested information.

Chairman Bodily read from the Granite Ridge Development Agreement dated the 6th day of March 2015, which said, "...all city ordinances and standards currently in effect not expressly altered by the approval shall govern the development of the property." He couldn't find anything in the agreement that said Granite Ridge did not have to have a second access.

Madison Brown said the second access was Staker Parson's Haul Road. That was why the city had asked for verification that the conditions of the 2020 letter were still valid.

Chairman Bodily said the Haul Road was referred to as an emergency access, not a second access.

Madison Brown stated that the Granite Ridge development was approved ten years ago by a different planning commission and city council.

Chairman Bodily did not feel the Granite Ridge development complied with its own agreement.

Commissioner Braegger said that Granite Ridge Phases 5 and 6 were not approved ten years ago. Ms. Brown said the overall development plan with two stub roads and the emergency access was approved ten years ago.



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Mayor Mote asked if the city attorney had looked into this. Ms. Brown said he had. Mayor Mote felt the city attorney should address the planning commission regarding the development agreement. He might have more information. The city council allowed this development to go forward contingent on the emergency access. At some level, the city was living with decisions made by previous councils.

Commissioner Dubovik asked if there was a reason why the Haul Road couldn't be a regular access. Commissioner Bingham said Staker Parson did not want traffic on their road for safety reasons.

Mayor Mote did not feel the city had much to stand on if Staker Parson allowed the Haul Road to be used as an emergency access.

Madison Brown said the city had a letter from Staker Parson listing their conditions for use of the Haul Road as an emergency access.

Chairman Bodily asked if those requirements had been met. Madison Brown said that she needed to confirm with the city attorney if including those requirements in the construction drawings for Phase 6 would be sufficient compliance.

Commissioner Dubovik asked if the agreement with Staker Parson was in perpetuity. Ms. Brown felt it was. Mayor Mote didn't think the Staker Parson letter included an end date.

Commissioner Braegger was concerned that the Staker Parson road and gravel pit could change hands, and the new owner could deny emergency access. That would leave six phases with one access.

Commissioner Braegger asked if Madison Brown had been able to confirm conversations with the previous mayor about 300 East. Madison Brown stated that she had not been able to find anything in writing stating that Granite Ridge was responsible for 300 East. Commissioner Braegger asked why Granite Ridge was approaching homeowners on 300 East to acquire property. Ms. Brown did not know. She had spoken with John Newhall who said there wasn't anything in writing requiring them to complete 300 East, and he was correct. Commissioner Braegger did not feel that was true if Granite Ridge couldn't get the emergency access from Staker Parson.

Madison Brown stated that Phase 6 was the phase that connected to Staker Parson's road. Therefore, the city wanted assurance that the agreement with Staker Parson was still in place. The city also wanted to see the berm, fence, and crash gate in the construction drawings before Phase 6 was approved. Phase 5 had been approved, and Granite Ridge was working on construction and financing.

Chairman Bodily quoted from Section 42 of the development agreement, "No Waiver of Regulation(s). Nothing herein contained shall be construed as a waiver of any requirements of the City Code or the Utah Code Annotated, in its current form as of the date of approval of the Final Plat and the Developer agrees to comply with all requirements of the same." Mayor Mote felt that was an issue that needed to be addressed by the city attorney.

Commissioner Dubovik asked how easements were created. Mayor Mote stated that easements had to be granted by the landowner. Commissioner Dubovik asked if the easement would continue if land changed hands. Mayor Mote said it depended on how the easement was written. Commissioner Dubovik wanted to see an easement created on the Haul Road that would be permanent.



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Chairman Bodily felt it was inconsistent to hold up properties on the west side of Willard while allowing this development to move forward. Nothing in the development agreement specifically pointed out that Granite Ridge didn't have to have a second access. An emergency access was not a second access. This development was way above 30 homes. He felt the city needed to get a hold on this.

Madison Brown said the city was following the ordinance for properties on the west side. The planning commission couldn't change previously approved projects.

Commissioner Bingham stated that at the time the development was approved, a stub road was considered a second access. He felt that in the future, a stub road should only be considered a second access if a developer can show it would be built in the near future.

Chairman Bodily felt that early in the project Granite Ridge was aware of the requirement and need for a second access. They were just trying to avoid it.

Mayor Mote suggested that SLUA, which included the city attorney, discuss Granite Ridge's development agreement, and get the city attorney's full legal opinion on why Granite Ridge did not have to meet the code requirement for a second access.

Commissioner Braegger asked that Granite Ridge Phase 6 not be on the agenda until everything was figured out. Having it appear on the agenda again and again made it look like the planning commission wasn't doing its job. The planning commission needed some answers.

Commissioner Bingham moved to table Granite Ridge Phase 6 until the city attorney was prepared to address the planning commission regarding the second access issue. Commissioner Braegger seconded the motion. All voted "aye." The motion passed unanimously.

5B. CONSIDERATION AND RECOMMENDATION TO THE CITY COUNCIL REGARDING A PROPOSAL TO AMEND THE GENERAL PLAN FOUND IN CHAPTER 12-000 OF THE WILLARD CITY ZONING ORDINANCE TO INCLUDE A FUTURE LAND USE MAP FOR THE SOUTH WILLARD AREA INCLUDED IN WILLARD'S ANNEXATION POLICY DECLARATION (CONTINUED FROM APRIL 4, APRIL 18, MAY 2, MAY 16, JUNE 20, AND SEPTEMBER 5, 2024)

Time Stamp: 20:12 – 10/03/2024

Madison Brown stated that based on the planning commission's recommendation after the September 5th public hearing, a two-week period was allowed for additional public comments from South Willard. No comments were received. She had compiled a proposed future land use map of South Willard based on the comments received after the May 16th open house and the September 5th public hearing. She had also started a proposed road master plan. She asked for the planning commission's input.

Commissioner Dubovik asked if the road map prepared by Ms. Brown aligned with the road map prepared by Commissioner Gilbert in May. Ms. Brown said she would incorporate Commissioner Gilbert's road plan with hers. Commissioner Bingham suggested north/south collector roads on both sides of Highway 89 and a frontage road along Interstate 15.

Commissioner Bingham suggested that the commercial area on both sides of Highway 89 should be Commercial Neighborhood rather than Commercial General just like Willard. Madison Brown said Willard's



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Future Land Use Map did not include Commercial Neighborhood along Highway 89. The planning commission felt that needed to be corrected after the South Willard map was finished.

Commissioner Bingham suggested a Commercial General area along Highway 89 around the old Flying J where there were some existing businesses.

Mayor Mote felt that multi-family needed to be limited in the commercial zones, so they didn't burn up land for potential commercial development and sales tax revenue. He also felt the commercial zone should be deeper in the area from Pettingill's to the elk farm.

After further discussion, Chairman Bodily asked that the proposed land use and road maps be updated for discussion at the next meeting in hope that a public hearing could be held in November and forwarded to the city council.

Commissioner Dubovik asked Madison Brown to send Commissioner Gilbert's road map to the planning commission members.

Commissioner Dubovik moved to table this item until the next meeting. Commissioner Bingham seconded the motion. All voted "aye". The motion passed unanimously.

5C. REVIEW OF A CONDITIONAL USE PERMIT ISSUED TO NELDON AND JAN KAPP FOR A BUILDING PERMIT FOR A SINGLE-FAMILY DWELLING LOCATED AT 520 NORTH 200 WEST (PARCEL NO. 02-046-0005) IN OCTOBER 2002

Time Stamp: 38:14 – 10/03/2024

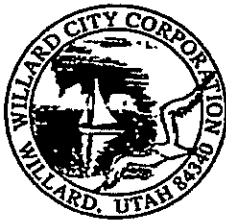
Michelle Drago, Deputy Recorder, stated that she had searched the Planning Commission minutes for a year previous to October 2002 but could not find any record of the Planning Commission considering a conditional use permit for Neldon Kapp. The only record she could find was the City Council minutes from January 23, 2003.

Chairman Bodily asked if Neldon Kapp had constructed the access from 200 West as required. The current access did not appear to be 20-feet wide. It seemed more like a trail or a lane. He wasn't sure the access in its current condition would provide needed access for fire equipment.

Commissioner Dubovik read from the February 11, 2003, letter signed by Mayor Loveland that Neldon Kapp was required to provide a 20-foot right-of-way with an all-weather surface access road by May 1, 2003, to allow fire and other emergency equipment to enter his property.

Commissioner Braegger observed that the access was required before a certificate of occupancy was issued. So, it must have been done at one time.

Madison Brown stated that Neldon Kapp had met with SLUA about subdividing his property. Fire Chief Mund was part of SLUA. Chief Mund had not raised any issues about the access for 200 West. There was a fire hydrant by the Kapp home.



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Commissioner Braegger said SLUA had talked about the need for an easement to extend the city's waterline to 200 West so the water system could be looped. Ms. Brown said the easement was being added to the Kapp's subdivision plat.

Chairman Bodily asked if there had been any issues with the Kapp home. Madison Brown said there had not.

Madison Brown said the conditional permit use was still active. The house had been built and was still occupied.

Mayor Mote suggested that the conditions of the conditional use permit be verified. While the property was being subdivided, the city had some leverage to make sure the original conditions were completed.

Madison Brown stated that she would bring up the conditions of the conditional use permit the next time she met with Neldon Kapp.

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: 45:10 – 10/03/2024

The Planning Commission finished reviewing the Table of Uses found in Chapter 12-112-3 for the Manufacturing, Commercial-General, Commercial-Neighborhood, and TOD Zones, Item F. The following changes were recommended:

Line F1	Agriculture, Existing - No changes. Conditional use in C-R Zone.
Line F2	Agricultural Industry/Food – Need to define. No changes. Not permitted in C-R Zone.
Line F3	Automobile Sales and Service – No changes. Permitted in C-R Zone.
Line F4	Bank/Credit Union/Financial with drive through– No changes. Permitted in C-R Zone.
Line F5	Bank/Credit Union/Financial without drive through – No changes. Permitted in C-R Zone.
Line F6	Barber/Beauty Salon/Tanning/Nails – No changes. Permitted in C-R Zone.
Line F7	Remove. Replaced by Short-Term Rentals.
Line F8	Business/Professional Office – No changes. Conditional use in C-R Zone.
Line F9	Business Services – No changes. Conditional use in C-R Zone.
Line F10	Car Wash – No changes. Conditional use in C-N and C-R Zones.
Line F11	Remove. Combine with Bank/Credit Union/Financial
Line F12	Childcare/Daycare – Change to conditional use in C-N Zone. Conditional use in C-R Zone.
Line F13	Cultural Services – Remove and combine with library/reading room on Line B8.
Line F14	Dry Cleaning – No changes. Permitted in C-R Zone.
Line F15	Fabrication/Welding – remove and combine with Light Manufacturing on Line A10.
Line F16	Hospital – No changes. Not permitted in C-R Zone.
Line F17	Hotel/Motel – No changes. Permitted in C-R Zone.
Line F18	Kennel – No changes. Not permitted in C-R Zone.
Line F19	Locksmith/Key and Lock – No changes. Permitted in C-R Zone.
Line F20	Laundromat – No changes. Permitted in C-R Zone.
Line F21	Medical, Dental, and Physical Therapy – No changes. Conditional use in C-R Zone.
Line F22	Nursing Home – Conditional use in C-N Zone. Not permitted in C-R Zone.



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Line F23	Pet Grooming – Remove and combine with pet shop in Line D14
Line F24	Pest Control – No changes. Not permitted in C-R Zone.
Line F25	Pharmacy – No changes. Permitted in C-R Zone.
Line F26	Residential Facilities for Persons with Disabilities – Conditional use in C-N and C-R Zones.
Line F27	Short Term Rentals – No changes. Not permitted in C-R Zone.
Line F28	Slaughterhouse – No changes. Not permitted in C-R Zone.
Line F29	Tattooing/Body Art – Remove. Combine with Line F6.
Line F30	Towing/Impound Yard – No changes. Not permitted in C-R Zone.
Line F31	Transit Station – No changes. Not permitted in C-R Zone.
Line F32	Transportation/Trucking – No changes. Not permitted in C-R Zone.
Line F33	Veterinary Services – No changes. Not permitted in C-R Zone.

Madison Brown stated that the proposed changes would be made and reviewed by the city attorney before they were brought back to the Planning Commission for a final review.

6. CONSIDERATION AND APPROVAL OF THE SEPTEMBER 19, 2024, REGULAR PLANNING COMMISSION MINUTES

Commissioner Braegger moved to approve the September 19, 2024, minutes as written. Commissioner Dubovik seconded the motion. All voted “aye.” The motion passed unanimously.

7. COMMISSIONER/STAFF COMMENTS

Time Stamp: 1:06:43 – 10/03/2024

Mayor Mote

Did not have any comments.

Madison Brown

Madison Brown stated that the Wasatch Choice Fall Workshop would be held on October 16th from 4:00 to 6:00 p.m. at the Perry City Lodge. All the planning commission and city council members were invited to attend. The workshop would discuss transit, transportation, and trails with state planners.

Commissioner Bingham

Commissioner Bingham stated that the house designs in the Granite Ridge development agreement were different than the designs that were actually constructed. The same issue existed in the Deer Run Subdivision. Madison Brown said she had spoken with the city attorney about the change in house designs. He explained that most developments included language in the agreement or covenant, conditions, and restrictions to allow design standards to be changed.

Commissioner Dubovik

Did not have any comments.



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Commissioner Braegger

Commissioner Braegger asked if the planning commission wanted to review the ADU Ordinance to consider larger detached ADU's in the larger zones. The planning commission asked that it be placed on the next agenda.

Commissioner Braegger asked Mayor Mote to provide a quick summary of the Box Elder Summit. Mayor Mote felt the overall message of the summit was that the state legislature was going to start forcing smaller lot sizes and higher densities. There was further discussion.

Chairman Bodily

Chairman Bodily asked about the timeline for the Connex fiber optics installation. Madison Brown said the project was being done in phases. She did not know the timeline. That question would have to be answered by Connex.

8. ADJOURN

Commissioner Dubovik moved to adjourn at 7:54 p.m. Commissioner Bingham seconded the motion. All voted in favor. The motion passed unanimously.

Minutes were read individually and approved on: 11/7/24

Sid Bodily
Planning Commission, Chairman
Sid Bodily

Michelle Drago
Planning Commission Secretary
Michelle Drago

dc:PC 10-03-2024