



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, November 7, 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
Ken Ormond, Alternate

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

Excused: Ruth Beebe

Others in attendance: John Pierce, Alternate; Ruth Ormond; Diana Baker; Clint McCormick; Lisa McCormick; Dan Gammon; Kamryn Kapp; Colton Kapp; Neldon Kapp; and Janice Kapp.

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

1. PRAYER: Brian Gilbert
2. PLEDGE OF ALLEGIANCE: Chandler Bingham
3. SWEARING IN OF JOHN PIERCE AND KEN ORMOND AS ALTERNATE PLANNING COMMISSION MEMBERS

John Pierce and Ken Ormond were sworn in as alternate Planning Commission members by Michelle Drago, Deputy Recorder.

4. GENERAL PUBLIC COMMENTS

Time Stamp 03:34 – 11/07/2024

Diana Baker, 276 West Center Street, asked where the emergency access for the Rod Braegger subdivision was located. Commissioner Braegger said it ran east from 400 West along the north side of the Lindsey Hansen property and exited onto 250 West. Ms. Baker thought the emergency access was further to the south through the Heritage Land property. Commissioner Braegger said it was, but Rod Braegger asked the City Council to allow him to change its location.

Ms. Baker expressed frustration that developers submitted plans and then changed them. The city turned down Craig Dearden's subdivision proposal because he didn't have an emergency access, but the city allowed Rod Braegger to move his. Jeremy Kimpton, City Manager, said the emergency access was in the form of an easement agreement between two private property owners. The city was allowed to use it for emergency access, but it wasn't a public right-of-way. Mr. Dearden had the option to see if he could use Rod Braegger's emergency access.



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Colt Mund, City Attorney, stated that Rod Braegger received approval from the Planning Commission and City Council to change his emergency access location through the Hansen property. Willard's ordinance said there had to be a second access if there were more than 30 homes. The International Fire Code allowed an exception to that requirement if a homeowner installed their own sprinkling system or if imminent development in the area would provide a second access. The City Council felt that when The Orchards Subdivision developed, it would connect to 400 West in the Rod Braegger Subdivision.

Ms. Baker asked what would happen if Lindsey Hansen decided not to let 400 West go through his property. Commissioner Braegger stated that Lindsey Hansen gave the city an easement for 400 West years ago.

Ms. Baker asked about the Heritage Land property. Colt Mund stated that Phases 1 and 2 of The Orchards Subdivision were developed under the city's R-1/2 Zone. The property Heritage Land was proposing to rezone was a separate parcel.

5. CITY COUNCIL REPORT

There wasn't a City Council report.

6A. PUBLIC HEARING TO RECEIVE PUBLIC INPUT REGARDING AN APPLICATION FROM NELDON KAPP TO SUBDIVIDE PROPERTY LOCATED AT APPROXIMATELY 620 NORTH 200 WEST (PARCEL NO. 02-046-0005)

Time Stamp: 10:20 – 11/07/2024

Madison Brown, City Planner, stated that the city had been working with Neldon Kapp to subdivide his property. One of the big concerns was transfer of water rights. Mr. Kapp had been working with the city's engineering firm, Jones & Associates, to have the water rights transferred into his name so he could convey them to Willard City. It took time to get that done, but Mr. Kapp had provided the documentation to the city. The city engineer had signed off on the preliminary plat. The reciprocal easement agreement had been reviewed and approved by the city attorney, and the Kapp's had signed it. The SLUA had discussed the conditions of Neldon Kapp's conditional use permit with him. Mr. Kapp said all the conditions had been completed, and they were being maintained. Based on a recommendation from the city engineer, SLUA did recommend that the Kapp's complete a geotechnical report before they started the building process. The report would be required when they applied for a building permit. The public hearing was meant to allow public feedback regarding the proposed subdivision.

Neldon Kapp, 620 North 200 West, stated that Jones & Associates had submitted the water rights conveyance form to the state. They had started soliciting bids for a geotechnical report. Jeremy Kimpton stated that the city engineer had verified that Neldon Kapp had plenty of water. It would just take time to have the water rights transferred to the Kapp's so they could convey water to the city.

Chairman Bodily read Willard's Rules of Order Statement.

Commissioner Dubovik moved to open the public hearing at 6:45 p.m. Commissioner Bingham seconded the motion. All voted "aye." The motion passed unanimously.

Charman Bodily opened the floor for public comments.



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Clint McCormick, 75 West 500 North, asked if the division of the Kapp property would make it possible to divide his property. He had a five-acre flag lot with access from the old highway. Would the Kapp Subdivision provide access to his property? Chairman Bodily said it would not. Neldon Kapp was only creating one lot with access from the existing private lane on 200 West.

There were no further comments.

Commissioner Bingham moved to close the public hearing at 6:47 p.m. Commissioner Gilbert seconded the motion. All voted “aye.” The motion passed unanimously.

6B. CONSIDERATION OF A PRELIMINARY SUBDIVISION PLAT AND A RECIPROCAL EASEMENT AGREEMENT FOR THE KAPP SUBDIVISION LOCATED AT APPROXIMATELY 620 NORTH 200 WEST (PARCEL NO. 02-046-0005)

Time Stamp: 17:50 – 11/07/2024

Madison Brown stated that this was the preliminary subdivision plat. The Kapp's still had to receive final approval, which would be handled by SLUA.

Commissioner Braegger felt the Kapp's had everything in order.

Commissioner Bingham moved to grant preliminary approval of the Kapp Subdivision subject to the recommendations of SLUA and send the subdivision back to SLUA for final approval. Commissioner Braegger seconded the motion. All voted “aye.” The motion passed unanimously.

6C. CONSIDERATION OF A REQUEST FROM DAN GAMMON FOR A CONDITIONAL USE PERMIT TO OPERATE A SHORT-TERM RENTAL/AIRBNB LOCATED AT APPROXIMATELY 537 WEST 200 NORTH (02-057-0005)

Time Stamp: 19:36 – 11/07/2024

Madison Brown stated that Dan Gammon owned property at 537 West 200 North. Last January, he applied to the city for a short-term rental license (Airbnb). At that time, the city didn't have any provisions for short-term rentals in its code. On August 8th, the city council adopted a short-term rental ordinance. Mr. Gammon reapplied. His request for a conditional use permit was reviewed by the CUP Review Committee on October 17th. The CUP Review Committee recommended that the conditional use permit be approved subject to:

1. Removal of stumps from the parking area.
2. Addition of road base for a 96-foot diameter turnaround area for emergency vehicles.
3. No parking signs in the turnaround area.
4. The house and bunkhouse may not be rented separately.
5. Compliance with state requirements for a transient water system.
6. Submission of annual documentation from the state regarding the water; and
7. Annual compliance with required inspections.

Ms. Brown said Dan Gammon had agreed to the conditions.



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Chairman Bodily asked if the fire chief had inspected the site as directed by the CUP Committee. Jeremy Kimpton stated that the fire chief would have to inspect the site before the conditional use permit could be issued. Annual inspections would be required to make sure the turnaround was maintained.

Dan Gammon stated that he met with the fire chief a few weeks ago. The turnaround area was not located near the willows that had been removed. The turnaround would be near the garage. Any emergency vehicle would be able to get to the residences. Mr. Gamon said he had checked with the state regarding requirements for his well. The state referred him to the Bear River Water District who referred him to Brigham City. There weren't any state requirements for water testing. The property was on a well that was over one hundred years old. The well was improved when they purchased the property about twelve years ago.

Jeremy Kimpton stated that the state's testing requirements had been verified by the city's public works director. He felt the condition requiring annual documentation from the state could be removed.

Commissioner Braegger asked if the property had a septic system. Mr. Gammon said it did.

Commissioner Gilbert asked about lighting. Jeremy Kimpton said lighting was discussed by the CUP Review Committee. Commissioner Braegger stated that Dan Gammon had motion lighting. Ms. Brown said lighting was required by the Short-Term Rental Ordinance. When she and the fire chief completed their annual inspections, they would check the lighting.

Commissioner Gilbert asked if Dan Gammon had read the Short-Term Rental Ordinance. Mr. Gammon said he had.

Dan Gammon stated that access to his property had always been a concern due to the fence installed by the property owner to the north. He had verified that the city did have legal access to his property because of the sewer. He would be happy to cooperate with the city in having the fence removed.

Commissioner Braegger asked if the city attorney had any information regarding the fence dispute. There was a chain link fence running down the middle of 200 North that was installed by Russ Child, which made it difficult for the Gammon's to get in and out. Was there a reason the fence was still up? Colt Mund, city attorney, said he didn't have any information. Jeremy Kimpton said the city did have a sewer easement, and it did have access to that easement. The fence was a civil issue. The staff would have to research the matter to see if there was anything that could be done. The fence issue would not stop Mr. Gammon from using his property as a short-term rental.

Dan Gammon stated that he had talked with the former mayor about the fence. The former mayor had talked about providing emergency access from Center Street via the sewer easement. He told the former mayor he would not seek financial compensation if the city wanted to put in a road along the west side against the tracks in exchange for potential services and connections. His only concern was the location of the garage built by his wife's grandfather.

Chairman Bodily asked how a fence could be placed in the middle of a street. Commissioner Bingham said Russ Child claimed that he owned property to the middle of the road. Colt Mund said there was a court case that was resolved in 2014. The court granted summary judgment to Russell Child. There was further discussion about the history of the fence issue.



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Commissioner Dubovik asked if all the conditions had been met. Jeremy Kimpton said they had been agreed to. Commissioner Dubovik clarified that the staff would ensure conditions were met before a business license was issued. Mr. Kimpton said it would.

Commissioner Bingham moved to approve a conditional use permit for Dan Gammon to operate a short-term rental located at approximately 537 West 200 North (Parcel No. 02-046-0005) subject to the conditions recommended by the CUP Review Committee. Commissioner Braegger seconded the motion. All voted “aye.” The motion passed unanimously.

6D. 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, SEPTEMBER 5, AND OCTOBER 3, 2024)

Time Stamp: 31:56 – 11/07/2024

Madison Brown stated that the changes the Planning Commission had recommended on October 3rd had been included in a revised future land use map. She also completed a proposed road plan that incorporated the road plan proposed by Commissioner Gilbert in June.

Commissioner Dubovik asked if the proposed plan reflected the sentiments of the South Willard residents. Ms. Brown said it did.

Commissioner Gilbert liked the additional commercial area around the elk farm.

Chairman Bodily asked if the planning commission was ready to forward the map to the City Council. The planning commission said it was.

Michelle Drago, Deputy Recorder, stated that a public hearing had to be held before a recommendation could be forwarded to the city council. There was a discussion about the notice requirements for the public hearing. Colt Mund verified that the city was required to provide a ten-day notice. The planning commission decided to hold the public hearing on December 5th.

Commissioner Dubovik moved to schedule a public hearing on December 5th at 6:30 p.m. to receive public comments 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. Commissioner Gilbert seconded the motion. All voted “aye.” The motion passed unanimously.

6E. DISCUSSION REGARDING A PROPOSAL TO AMEND REQUIREMENTS FOR DETACHED ACCESSORY DWELLING UNITS FOUND IN 12-102-23-6(5A) TO ALLOW UNITS LARGER THAN 1,000 SQUARE FEET IN R-1, A-3, AND A-5 ZONES

Time Stamp: 41:10 – 11/07/2024



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Madison Brown stated that this item had been placed on the agenda at Commissioner Braegger's request.

Commissioner Braegger proposed that the size of ADU's be increased for larger parcels. It was difficult to fit two bedrooms and two bathrooms in 1,000 square feet.

Commissioner Gilbert felt the size could be increased by 200 to 250 square feet as long as the ADU met all of the setback requirements and did not exceed the size of the primary dwelling.

After discussion, the Commission agreed to amend the ADU ordinance to allow larger ADU's as long as the ADU did not exceed the size of the primary dwelling and complied with codes and setbacks:

Parcels up to ½ acre – up to 1,000 square feet

Parcels ½ to one acre – up to 1,250 square feet

Parcels one acre and above – up to 1,500 square feet

Commissioner Ormond asked if an ADU could be built on a rental property. Chairman Bodily stated that the property owner had to live on the parcel.

Commissioner Dubovik asked that an amendment be drafted for the commission to review at the next meeting.

Commissioner Braegger asked for the planning commission's interpretation of the height restriction. Jeremy Kimpton said the ordinance said the ADU could not be taller than the primary residence. Did that mean taller in elevation or the measurement from floor to roof. The commission agreed it was the measurement of floor to roof, or ground to peak.

6F. REVIEW OF A CONDITIONAL USE PERMIT ISSUED TO MAKEGRIMES FOR USED VEHICLE SALES LOCATED AT 740 NORTH MAIN (PARCEL NO. 02-046-0015) ISSUED ON SEPTEMBER 17, 1996

Time Stamp: 51:16 – 11/07/2024

Madison Brown stated that Mike Grimes passed away a few years ago, but his wife had kept the business license current in order to sell off the inventory. If the time came that the business license wasn't renewed for over a year, the conditional use could be discontinued.

7. CONSIDERATION AND APPROVAL OF THE OCTOBER 3, 2024, REGULAR PLANNING COMMISSION MINUTES

Commissioner Braegger moved to approve the October 3, 2024, minutes as written. Commissioner Dubovik seconded the motion. All voted "aye." The motion passed unanimously.

8. COMMISSIONER/STAFF COMMENTS

Time Stamp: 54:28 – 11/07/2024



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Chairman Bodily

Chairman Bodily asked for an update on Granite Ridge. Madison Brown said John Newhall had been in contact with Staker Parsons. Jeremy Kimpton said the city had told Granite Ridge that it wanted an easement agreement signed by both parties.

Commissioner Braegger said there had been public comment that Granite Ridge had not followed the 2015 development agreement. He asked the staff to make sure the developer didn't have more lots than were approved in 2015.

Chairman Bodily had heard the developer had added seven lots.

Jeremy Kimpton

Jeremy Kimpton stated that the city was implementing a new program called Civic Review which would help track developments. He explained how the program could work. There was a discussion about the subdivision review process.

Madison Brown

Madison Brown stated that the State of Utah was requiring cities to have updated subdivision ordinances by the end of the year. The administration had been working on revisions to Willard's ordinance. The revised Subdivision Ordinance would be sent to Planning Commission members at the beginning of the week. A public hearing would be held on November 21st to receive public comments. After the public hearing, the commission needed to make a recommendation to the city council.

Colt Mund

Did not have any comments.

Commissioner Bingham

Commissioner Bingham asked what was being built on the southeast corner of 750 North 200 West. Commissioner Gilbert said they were panelizing walls. Commissioner Braegger said the property was owned by Shane Barthlome who ran the truss business at 781 North 200 West. He thought it was an overflow from the truss business. Was there anything in the ordinance that prohibited it? Jeremy Kimpton said the ordinance probably didn't prohibit it, but Mr. Barthlome might be exceeding his business license. Commissioner Braegger didn't feel Mr. Barthlome had a business license. He used to own the truss company. Then he sold it and now worked for the new owner. Commissioner Braegger said he would talk to Mr. Barthlome.

Commissioner Bingham asked if there was a way to require property owners to sell their shares of the Willard Water Irrigation Company along with land. Colt Mund felt the city could require that or proof that the shares were attached to the property. Jeremy Kimpton said the company's bylaws would have to allow the shares to follow the property. Colt Mund said the city could not alter the bylaws, but it could require proof of water before issuing a building permit or subdivision application. Jeremy Kimpton said Richmond tried to make it fair for everyone involved. A property owner either had to give up shares equivalent to one acre foot of water, a right that was equivalent to one acre foot of water, or bring cash to the table. It seemed



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Willard preferred the wet water. There was a feeling there would be a time when there wouldn't be enough water. Commissioner Bingham said the city was requiring dry secondary lines. He felt secondary water should come with the property to go toward that secondary water system. Mr. Kimpton felt that was a valid point.

Commissioner Dubovik

Did not have any comments.

Commissioner Ormond

Did not have any comments.

Commissioner Gilbert

Did not have any comments.

Commissioner Braegger

Did not have any comments.

9. ADJOURN

Commissioner Bingham moved to adjourn at 7:50 p.m. Commissioner Braegger seconded the motion. All voted in favor. The motion passed unanimously.

Minutes were read individually and approved on: _____

11/21/24

Sid Bodily
Planning Commission, Chairman
Sid Bodily

Michelle Drago
Planning Commission Secretary
Michelle Drago

dc:PC 11-07-2024