



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, February 6, 2025 – 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: Ken Ormond, Alternate; John Pierce, Alternate; Ruth Ormond; Diana Baker; Rew Wiley; Larry Holmes; and Lindsey Hansen.

Chairman Bodily called the meeting to order at 6:30 p.m.

1. PRAYER: Chad Braegger
2. PLEDGE OF ALLEGIANCE: Alex Dubovik
3. GENERAL PUBLIC COMMENTS

Time Stamp: 1:31 – 02/06/2025

Diana Baker, 276 West Center, stated that she had listened to the audio recording of the last meeting. She urged the Planning Commission members to read the access requirements in the International Fire Code because it was the basis for some of their planning decisions. Part of the IFC said emergency access could consist of a 90-foot roundabout for emergency vehicles, which meant that flag lots were okay. Willard got rid of flag lots because emergency vehicles could not turn around. Ms. Baker was concerned about the emergency access for the Rod Braegger home. According to the audio recording of the last meeting, Lindsey Hansen hadn't even signed the easement. She asked how a house could be approved if the paperwork wasn't in order. Ms. Baker did not feel the 300 West required in the Dearden's subdivision was needed. The Xram Subdivision on 380 North was required to provide a stub for 400 West. Baddley's on 200 North also had a 400 West stub. There was already a 400 West on Center Street. It was also possible the Day's Subdivision would link up to 400 West. She didn't see a future or need for 300 West.

Ms. Baker stated that because of the head gate and a riser in Center Street in front of her house, it didn't even meet the standard road width. She was concerned about additional traffic on a sub-standard road.

4. CITY COUNCIL REPORT

There wasn't a report.



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5A. PUBLIC HEARING TO RECEIVE PUBLIC INPUT REGARDING A PROPOSAL TO CODIFY THE WILLARD CITY ZONING CODE – CHAPTER 24 OF THE WILLARD CITY CODE

Time Stamp: 6:10 – 02/06/2025

Chairman Bodily read the Willard City Planning Commission Rules of Order Statement.

Commissioner Bingham moved to open the public hearing at 6:37 p.m. Commissioner Beebe seconded the motion. All voted “aye.” The motion passed unanimously.

Jeremy Kimpton, City Manager, stated that several years ago Chris Davis, the former city manager, started working with Colt Mund, the City Attorney, and Bryce Wheelwright, former City Planner, to make sure city code was up-to-date and available online. The project had been inherited by himself and Madison Brown. Before bringing any updates forward, they felt the ordinance currently available online should be codified. Codifying the Zoning Code meant making what was available online the current code. Then the new changes and recommendations the staff and Planning Commission had been working on could be added.

Chairman Bodily opened the floor for public comments.

Diana Baker thanked the staff for all their work. This had been a long time coming.

Commissioner Braegger moved to close the public hearing at 6:40 p.m. Commissioner Bingham seconded the motion. All voted “aye.” The motion passed unanimously.

5B. CONSIDERATION AND RECOMMENDATION TO THE CITY COUNCIL REGARDING A PROPOSAL TO CODIFY THE WILLARD CITY ZONING CODE – CHAPTER 24 OF THE WILLARD CITY CODE

Time Stamp: 11:13 – 02/06/2025

Commissioner Gilbert was concerned that the Zoning Code wasn't completely up to date because it didn't have the latest changes to the ADU regulations. Madison Brown, City Planner, said the latest ADU changes had not been approved by the City Council.

Jeremy Kimpton said the online code was up to date, but the changes the Planning Commission was currently working on were not part of the codification. He would start making changes to the online code after the City Council approved the codification and other changes recently recommended by the Planning Commission.

Commissioner Bingham moved to recommend that the City Council approve the codification of the Willard City Zoning Code – Chapter 24 of the Willard City Code. Commissioner Gilbert seconded the motion. All voted “aye.” The motion passed unanimously.



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- 5C. PUBLIC HEARING TO RECEIVE PUBLIC INPUT REGARDING A PROPOSAL TO AMEND THE TABLE OF USES FOUND IN 24.44.030 AND 24.38.030 OF THE WILLARD CITY ZONING CODE

Time Stamp: 13:04 – 02/06/2025

Commissioner Dubovik moved to open the public hearing at 6:43 p.m. Commissioner Beebe seconded the motion. All voted “aye.” The motion passed unanimously.

Madison Brown stated that the Planning Commission had reviewed and updated the Tables of Uses. Definitions had been added for some of the uses in the tables. The TOD and Old Willard Township zones had also been added.

Chairman Bodily opened the floor for public comments. There were none.

Commissioner Gilbert moved to close the public hearing at 6:44 p.m. Commissioner Braegger seconded the motion. All voted “aye.” The motion passed unanimously.

- 5D. CONSIDERATION AND RECOMMENDATION TO THE CITY COUNCIL REGARDING A PROPOSAL TO AMEND THE TABLE OF USES FOUND IN 24.44.030 AND 24.38.030 OF THE WILLARD CITY ZONING CODE

Time Stamp: 15:00 – 02/06/2025

Commissioner Braegger moved to recommend that the City Council approve the proposed amendments to the Tables of Uses found in 24.44.030 and 24.38.030 of the Willard City Zoning Code. Commissioner Gilbert seconded the motion. All voted “aye.” The motion passed unanimously.

- 5E. DISCUSSION REGARDING AMENDING THE MASTER PLANNED COMMUNITY ZONE FOUND IN CHAPTER 12-106 OF THE WILLARD CITY ZONING ORDINANCE (CONTINUED FROM APRIL 4 AND 18, 2025, AND JANUARY 2, 2025)

Time Stamp: 18:11 – 02/06/2025

Madison Brown said that Austin Schindler had submitted written comments regarding the Master Planned Community Zone because he was unable to attend the meeting. The Planning Commission had received both digital and paper copies of Mr. Schindler's comments.

Chairman Bodily asked if the Planning Commission members had read Mr. Schindler's comments. All said they had. Chairman Bodily asked that the written comments be attached to the minutes (see attached copy).

Commissioner Braegger asked if Mr. Schindler was a resident or landowner. Jeremy Kimpton said Mr. Schindler was from Cache Valley.

Madison Brown stated that the staff, mayor, and Planning Commission had recommended changes to the MPC Zone. Willard had also received feedback regarding the ordinance as applications were submitted. Jeremy Kimpton had compiled those changes in Ordinance 2025-03.



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Jeremy Kimpton stated that before a public hearing was held, the staff felt the Planning Commission should have an opportunity to review the proposed changes. Was there anything the Planning Commission wanted to add, take out, or modify?

Commissioner Beebe liked the idea of a master planned community because then wouldn't be rectangular lots everywhere. However, she was concerned developers would fudge the density. In an R ½ Zone there was a set number of people per acre. Jeremy Kimpton said he could work with the City Attorney on verbiage for a minimum density. Commissioner Dubovik said the proposed amendment said the density would be no more than two units per developable acre.

Commissioner Gilbert stated that the Planning Commission needed to finalize the development agreement. So, an MPC review might go back and forth many times before there was an agreement with a site plan.

John Pierce, Alternate Planning Commission member, 113 West 370 South, felt having a minimum density in the MPC Ordinance was a great idea. It would help a developer understand Willard's density requirements from the beginning.

Commissioner Gilbert suggested language for a preliminary work meeting with the Planning Commission. He felt that would help developers establish a starting baseline.

Commissioner Dubovik asked if the ordinance still contained language to allow the Planning Commission to consider the best interests of the city. Colt Mund said it did. However, some of the proposed changes, such as the minimum density, reduced the discretion of the Planning Commission and the City Council. The ordinance tied the MPC to the General Plan. There were restrictions on what a developer could do in terms of density.

Commissioner Dubovik stated that within the minimum density, a developer had flexibility. Willard would not just accept small patio-home lots. Willard had the discretion to require more space. Colt Mund felt the Planning Commission and City Council still had a lot of discretion if they didn't like a plan. Control was still very much on the table. The proposed changes restricted developers from bringing in plans with smaller lots. Hopefully, plans would be more in keeping with what Willard wanted.

Commissioner Gilbert asked if the staff would have flexibility to determine if an application was complete. Colt Mund stated that application requirements had been added to the ordinance. The City Planner could now review an application for completeness before a plan was submitted to the Planning Commission.

After discussion, the Planning Commission agreed to hold a public hearing on March 6th so there was time to review the ordinance and discuss it again at the next meeting.

Commissioner Bingham moved to set a public hearing on March 6th to receive public comments regarding the proposed amendments to the MPC Ordinance. Commissioner Braegger seconded the motion. All voted "aye." The motion passed unanimously.



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- 5F. REVIEW OF A CONDITIONAL USE PERMIT ISSUED TO MARVIN NEFF ON FEBRUARY 7, 2020, FOR AN RV CAMPGROUND LOCATED AT APPROXIMATELY 769 NORTH MAIN (PARCEL NO. 02-053-0059) (CONTINUED FROM JANUARY 2 AND 16, 2025)

Time Stamp: 31:32 – 02/06/2025

Madison Brown stated that she had given the Planning Commission all the information that Brinton Neff had sent her. The staff had started reviewing the list of occupants to see if any had been there more than 90 days in a calendar year.

Rew Wiley, 75 West 825 North, stated that he lived next door to the campground. He witnessed the periodic moving days where tenants shifted from one space to another. Every 90 days the RV's rotated. Nobody was enforcing the ordinance. He understood that Neff's had a conditional use permit. Did that mean they didn't have to follow the rest of the ordinances? The ordinance required that garbage cans be enclosed. The campground's garbage cans weren't enclosed. Was the campground obligated to comply with the city's ordinances? Brinton Neff didn't feel he had to do more than what was in the conditional use permit.

Commissioner Bingham stated that a conditional use permit contained requirements above and beyond the rest of the ordinances. The conditional use permit required a recipient to follow the city ordinances. The Planning Commission could require an applicant to do more than was required in the city ordinances, but it could not allow an applicant to do less.

Rew Wiley said the city ordinance said that if a tenant wanted to stay in the campground for more than 90 days, he had to have a letter from his employer explaining why it was critical that he be allowed to remain. There was a wooden RV house in the campground which was moved within the campground every 90 days. During the winter, chunks of insulation blew into his yard. That meant trailers had set themselves up for the winter.

Commissioner Dubovik stated that occupancy had been discussed during many meetings before the campground's conditional use permit was approved. The Planning Commission talked about an enforcement mechanism. Neff's were supposed to submit reports to the city that could be tracked. He asked if that system was in place.

Jeremy Kimpton did not feel enforcement had been happening until the Planning Commission brought it up. The city requested information from Brinton Neff, which he had supplied. The staff had discussed an enforcement method.

Chairman Bodily questioned the legitimacy of the list provided by the campground.

Mr. Kimpton stated that he and Madison Brown would drive through the campground to try to match trailers with the list that had been provided. The Commission felt that periodic inspections were needed.

Commissioner Braegger stated that in 2020, Marvin Neff was given 18 months to come into compliance.

Jeremy Kimpton said the staff would work on enforcement and report back. Chairman Bodily asked that this item remain on the agenda.



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5G. DISCUSSION REGARDING THE ROAD MAP OF THE PROPOSED TRANSPORTATION MASTER PLAN

Time Stamp: 41:15 02/06/2025

Madison Brown stated that the staff prepared a proposed road map with the South Willard Future Land Use Map, which had been formalized by Jones & Associates. She also sent the proposed map to UDOT. UDOT had returned the map with some comments about accesses onto Highway 89 that needed to be eliminated or moved. Mayor Mote asked that the Planning Commission review the proposed roads as well.

Diana Baker stated that the proposed map showed only a few blocks of 300 West. She felt 400 West was more reasonable than 300 West. Commissioner Braegger stated that 300 West could not be eliminated because that was where the sewer was located. Roads had to be built over the sewer. Otherwise, there would be a 20-foot utility easement that would have to be blocked off. He agreed that 400 West should be the main north/south road, but the sewer was located in 300 West.

Diana Baker didn't feel Lindsey Hansen would allow 300 West to go through his property. Commissioner Braegger said Lindsey Hansen had agreed to allow 300 West for the sewer. After the sewer was installed, the city told Lindsey Hansen it really wanted 400 West, not 300 West. So, Lindsey Hansen agreed to change the road location to 400 West. However, there was still a sewer easement at 300 West.

Ken Ormond, Alternate Planning Commissioner, 150 North Main, stated that there was a house on Center Street right where the intersection with 300 West needed to go. Commissioner Braegger said the sewer and the road would be between the home and the property line.

Diana Baker stated that the map showed 200 East extending to the north through the dike's walking path. Chairman Bodily said that someday the walking path might become a road.

Commissioner Dubovik felt the Planning Commission should accept the changes recommended by UDOT and have a new map prepared. Commissioner Gilbert agreed.

Chairman Bodily stated that Planning Commission just needed a map to follow when making decisions.

Diana Baker said the previous administration had told her the road map was a guideline.

Larry Holmes, 1561 Hargis Hill Road, stated that one map identified an east/west road on the south end of Hargis Hill as 1450 North. He didn't feel that road would ever be built because Nilson Homes had proposed a different road plan for the Kunzler property.

Jeremy Kimpton said it might not. Chairman Bodily agreed. Roads shown on the proposed plan might or might not be built.

Larry Holmes stated that on the city's proposed road plan and the county's plat maps there was a 20-foot roadway identified as 1550 North that ran from Hargis Hill to the railroad tracks. Nilson Homes said they had purchased the roadway, and they were going to take it out. He questioned whether they had purchased the roadway. He had legal paperwork documenting the creation of the roadway in 1904. The deed divided the roadway with 10 feet coming from each side. His grandfather had one half of the road; Kunzler's had the other half. Nilson Homes had purchased the Kunzler property, so they felt they had purchased the entire



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road. The road had been there for more than 100 years. The UIC claimed it as a roadway. No one paid property taxes on it. When he built his shop in 1975, he had to move it 30 feet because of the road on Willard's maps. He didn't understand how or when the road disappeared. The county's digital records didn't show the roadway. The county didn't have the original record.

Colt Mund stated the Planning Commission approved the Kunzler plan in 2019 under the PUD Ordinance. The plan had not been approved by the City Council.

Commissioner Braegger didn't feel a developer could put houses on a road proposed in the Master Transportation Plan.

Commissioner Bingham didn't feel Nilson Homes could change what had been approved.

Commissioner Dubovik felt the Master Transportation Plan was applicable for every development that came in. If a developer moved a road or put a house on a planned road, it was a red light for the Planning Commission. If Nilson Homes proposed a development agreement that eliminated that roadway or a road on the master road plan, there would be a discussion. He felt the City Council needed to be aware of the road issue because the Kunzler plan wasn't coming back to the Planning Commission.

Larry Holmes said Nilson Homes felt they could get rid of the roadway because they were putting in other roads. It didn't make sense for the road to disappear after 100 years.

Jeremy Kimpton said he and Madison Brown had talked about rummaging around the county recorder's office to see if there were old maps that had been lost.

Commissioner Braegger suggested an ordinance to require a developer or project to come back to the Planning Commission before proceeding with the City Council if a certain amount of time had passed. He felt that would help protect the city. Then the Planning Commission could make sure things hadn't been changed. Commissioner Beebe felt that was a good idea. Colt Mund stated that when a project was approved, work was supposed to start within a year.

There was a discussion about the status of the Kunzler project.

Madison Brown stated that she had sent UDOT's comments to the City Engineer who had incorporated them into the proposed transportation master plan. An online map had also been created. She would have the roads around Larry Holmes added to the map. She asked if there were other existing roads that needed to be added.

Chairman Bodily said the north end of Hargis Hill was going to change, but the north end was in Perry City.

6. **CONSIDERATION AND APPROVAL OF THE JANUARY 16, 2025, REGULAR PLANNING COMMISSION MINUTES**

Commissioner Beebe moved to approve the January 16, 2025, minutes as corrected. Commissioner Dubovik seconded the motion. All voted "aye." The motion passed unanimously.



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8. COMMISSIONER/STAFF COMMENTS

Time Stamp: 1:09:36 02/06/2025

Commissioner Braegger

Did not have any comments.

Commissioner Gilbert

Did not have any comments.

Commissioner Beebe

Did not have any comments.

Commissioner Dubovik

Deferred to the staff's presentation on Granite Ridge.

Commissioner Bingham

Did not have any comments.

Madison Brown

Madison Brown stated that she checked out the building being constructed at 537 South Main. It was a home addition, and it did have a building permit.

Madison Brown provided the update on Granite Ridge requested by the Planning Commission during the last meeting. She said the city had not received new information from Granite Ridge since the preliminary plan for Phase 6 was tabled. Granite Ridge had been told that Phase 6 could not proceed until the city received a contract from Staker Parson regarding use of the Haul Road as an emergency access.

Commissioner Dubovik understood that Phase 5 had over 30 lots with a single entrance from 600 South. He thought the second entrance for Phase 5 was the Haul Road, but he now realized the Haul Road was only for Phase 6. As it stands now, Phase 5 only had one entrance because Granite Ridge did not plan to continue 300 East to the north. They only planned to stub 300 East to the property line. He wanted to know who approved Phase 5? If the subdivision was in violation of city ordinances, who was the accountable authority?

Jeremy Kimpton stated that the subdivision was approved before the current staff began working for Willard. It would have been approved by the Planning Commission and City Council.

Commissioner Dubovik did not feel the Planning Commission had reviewed it. Did the plans for Phase 5 match the original development agreement submitted to the city? He felt the Planning Commission had to be consistent in order to have credibility and to be serving effectively. It seemed Phase 5 was in violation



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of the city ordinance if it had more than 30 lots with only one entrance. He did not remember reviewing Phase 5.

Chairman Bodily felt the lots in all the phases added up. If there were more than 30 lots in Phase 5, it didn't mean anything because there were already more than 30 homes with one access.

Commissioner Braegger felt Phase 5 should have access to the Haul Road.

Commissioner Dubovik felt discussion of Granite Ridge should be an agenda item so a full review could be discussed. If Phase 5 had less than 30 lots on one entrance and was consistent with the original development agreement, he didn't have any issues.

Commissioner Braegger said Phase 5 was part of the overall Granite Ridge development. The number of lots from earlier phases added up. It was still the same subdivision.

Commissioner Bingham stated that Granite Ridge was approved before he began serving on the Planning Commission. He understood the Planning Commission at that time made a lot of recommendations regarding a sunset clause and access. When the development was reviewed by the City Council the Planning Commission's recommendations were waived because they wanted to sell sewer connections. Ever since, it didn't seem the city had much control over Granite Ridge. Ownership of the development had changed hands multiple times since it was originally approved.

Commissioner Braegger understood the development had seven more lots than was originally approved. This was an example of why periodic reviews would be helpful. Then problems would not be continually kicked down the road.

Commissioner Gilbert asked about the city's liability if a one-year sunset clause was added. Colt Mund did not feel there would be liability. The state code said a development with an approved application had to commence with reasonable diligence.

Colt Mund stated that Granite Ridge was approved in 2015 under the PUD Ordinance. If a PUD development was approved by the Planning Commission and City Council, a developer should not be able to add lots or deviate from the original agreement. The original development agreement did not require the developer to receive approval from the Planning Commission for the individual phases. The phases were submitted to the City Engineer. He wasn't sure if there had been amendments to the development agreement. The agreement said Granite Ridge had to secure emergency access via the Haul Road owned by Staker Parson by Phase 3. A breach of the agreement was enforceable.

Commissioner Gilbert asked if building permits could be halted until Granite Ridge had the signed agreement with Staker Parson. Colt Mund stated that a plat had been signed and recorded. The developer arguably had a vested right to develop it.

Commissioner Gilbert felt it was important for the city to have a development agreement. It was a contract between the city and a developer that could be policed. Colt Mund felt the current staff was paying attention to issues. They were doing a very good job.

Colt Mund stated that the Planning Commission required Heritage Land to submit each phase for review. That requirement wasn't included in the Granite Ridge agreement. The PUD Ordinance only required



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modifications to go through the City Council. He didn't know if modifications had been approved by the City Council because the approval date was five years before he started. Since he started, Granite Ridge had not approached the City Council or the Planning Commission about making changes.

Chairman Bodily did not feel the Planning Commission knew what the City Council had agreed to. It seemed like there was always a second access in mind, but the development kept progressing without one.

Colt Mund stated that the city had made changes to its access requirements over time.

Commissioner Dubovik stated that there had been several cases where people in the past had been granted things the Planning Commission now denied. The Planning Commission could not change the past. All the Planning Commission could do was be fair and equitable from this point forward. He understood the current administration was not involved in the approval of Granite Ridge. However, he asked that the staff look at the audit trail and determine if the original development plan and agreement had been changed. Was it authorized to be changed? He wanted to use what power the city and Planning Commission had at this point in time to preserve consistency. He felt a review of Granite Ridge should be an agenda item to be fair and transparent, even if it took a month to complete the research. He felt it was worthy of the city's time. He wasn't anti-development, but he wasn't about inconsistency and different rules for different people.

Colt Mund stated that he would research what the city could and could not do.

Chairman Bodily asked how hard it would be to figure out if the development had more lots than were approved. Colt Mund felt the individual phases could be compared to the exhibit in the development agreement.

Jeremy Kimpton

Did not have any comments.

Colt Mund

Colt Mund was impressed with the work Jeremy Kimpton and Madison Brown had done since they had been with the city. The Planning Commission agreed.

Chairman Bodily

Chairman Bodily stated that he received a call about the condition of the flag at the Historic Cemetery. Public Works took it down, and a new one had been provided.

Chairman Bodily asked if a box for retired flags would be placed in the city offices. Mr. Kimpton said a box had been placed outside the Police Department.

9. **ADJOURN**

Commissioner Dubovik moved to adjourn at 7:57 p.m. Commissioner Bingham seconded the motion. All voted in favor. The motion passed unanimously.



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Minutes were read individually and approved on: 2/20/25

Sid Bodily

Planning Commission, Chairman
Sid Bodily

Michelle Drago

Planning Commission Secretary
Michelle Drago

dc:PC 02-06-2025

