

WILLARD CITY CORPORATION PC040215

DATE: April 2, 2015
TIME: 6:30 p.m.
PLACE: Willard City Hall
ATTENDANCE: Chairperson – Terry Ross
Commissioners: Sidney Bodily, Leslie Meyer, Jasmine Baker, Gary Hart, Chandler Bingham
Bryce Wheelwright - City Planner (non-voting member)
Gaylene Nebeker - Planning Commission Secretary
EXCUSED: Michelle Mund – City Council member (non-voting member)
CITIZENS: See attached sheet

1. **Prayer** - Gary Hart
2. **Pledge of Allegiance** – Leslie Meyer
3. **General Public Comment (Input for items not on the agenda)**
*Chairperson Ross presented a handout on Meeting Etiquette Rules General Meeting Rules
 - Prepare well for the meeting, read all documents distributed before the meeting
 - Be on time.
 - Start the meeting on time.
 - Remember all comments are recorded.
 - One person will speak at a time.
 - Raise hand and wait to be called on if you have comment during someone else’s turn. Multiple discussions at once are disruptive to the meeting, and it is difficult to discern on the recorder who is contributing to the topic.
 - No interrupting others even if you strongly disagree with their comments.
 - Listen to all contributions
 - Personal criticism is not permitted.
 - Keep the meeting focused on the agenda and discussion on the topic.
 - No verbal approval/disapproval (applaud/boo’s) are inappropriate unless directed by the Chairman.
 - No profanity or offensive language.
 - Switch off all mobile phones unless using them to find information pertaining to the discussion. It is good practice to ban laptops, i-phones and other media devices as they cause distractions.
 - Ensure participants are aware of the purpose of the meeting.
 - Encourage feedback from all members on the effectiveness of the meeting.
 - Show interest in other peoples contribution and appreciated their contribution.
 - Summarize decision made or progress made at the end of each discussion.
 - Confirm date and time of the next meeting.
4. **Discussion Item**
 - a. **Joel Murray – Re-zone Application for the property located at approx. 1025 South 105 East Parcel #02-050-0016 from R1/2 and MU40 to Commercial General along Hwy 89 and set for a public hearing**
Joel Murray is requesting to put commercial zoning along Hwy 89 and stated there are 2 (two)

options on the table at this time. Both options would require the area to be zoned Commercial General. The first option would be for staging/loading zone and the second would be for a sports complex and what not sure which option will happen when. But either way they are requesting a zone change.

Jason Murray stated the last time they appeared before the Planning Commission the discussion was held on creating a flat commercial pad, he said there would be lots of work that needed to be done and lots of gravel that would need to be moved and for a time will be under construction. Whether they will be using it as a staging area for the Point of Sales for the gravel coming out of the county gravel pit they will need to have it zoned commercial to encompass that business. City Planner Wheelwright showed on the Land Use Map the current and future zoning. He stated the Planning Commission had looked at the possibility of having commercial along Hwy 89 but at this time it is not proposed in the plan. Commissioner Meyer stated his proposal is not currently allowed in our General Plan so it is not a legal option to continue. Jason Murray was under the impression all of Hwy 89 would be zoned commercial. City Planner Wheelwright stated the new General Plan would need to have something in place stating Hwy 89 will be zoned commercial. Jason Murray stated currently their property is zoned MU 40 with the exception of a small section of R ½ and felt it would be logical to move the MU 40 the 200 ft. down to the hwy.

Chairperson Ross said at the last meeting with the Murrays they were looking to see if it was a viable option to proceed with their plan and felt they were lead to believe it was ok to proceed. We are currently working on a approving a General Plan but until the ordinance is approved we cannot proceed according to state law.

Commissioner Meyer stated they talked about bringing the gravel from the county gravel pit to the city portion and talked about clearing the ground for a building and voiced concern about this becoming a gravel pit. Jason Murray stated this would be the point of sales but the processing would be done at the county gravel pit.

Commissioner Bingham asked how long it would take to excavate and sell the product. Jason stated approximately 10 years. Commissioner Bingham asked about the excavation of just the staging area. Jason stated they are still trying to come up with some ideas on where the staging area would be.

Commissioner Bodily also voiced concerns about it becoming a gravel pit. City Planner Wheelwright read from Section 12-112.9 – *"Building material sales yard with the sale of rock, sand, gravel and the like as an incidental part of the main business but excluding concrete mixing except as such concrete mixing is necessary in preparation and manufacture of any products specified in this section ..."* is a Conditional Use Permit in the Manufacturing and Commercial General Zone so this is why they are asking for a rezone. He also stated gravel pits are not allowed anywhere in Willard City. Commissioner Meyer understood this to say they would never be able to use the property as a gravel pit. Jason Murray stated they would only be allowed to do this in a Commercial General Zone which they cannot do until the Planning Commission is still working on the proposed General Plan. Commissioner Meyer stated if Willard City is never going to allow another gravel pit the Planning Commission needed to let the Murrays know so they do not become more invested in their project. City Planner Wheelwright stated excavation is not a gravel pit, if it is crushed or mined to crush and then sell it on site it would then become a gravel pit, but if they are improving a spot as a sales yard it would be ok. Commissioner Bodily felt moving the gravel down from the mountain is not improving the site. Joel Murray stated no matter what you do to the property whether it be a house or commercial area you would need to have a flat spot and it stated it makes no sence to have the little sliver of R½ along the hwy. Chairperson Ross said to make the flat spot the product would be excavated taken to the upper gravel pit crushed and brought back down to sell. Joel Murray stated that would be one option and the other option would be to cut and fill. Chairperson Ross asked for a timeline on the ordinance approval. City Planner Wheelwright stated if the ordinance is approved tonight a public hearing would be set for the May 7, 2015 meeting and then it would be turned over to the City Council for review and possible approval.

Jason Murray asked if there would be any other problems with their proposal if the General Plan is approved. Commissioner Meyer asked what the steps would be for approval of a gravel pit.

City Planner Wheelwright stated gravel pits are illegal in Willard City. Commissioner Meyer then asked why the Planning Commission was even considering the proposal. It was stated their proposal is not considered a gravel pit. Commissioner Meyer felt if they were bringing the gravel from the county down to the city it would be considered a gravel pit. Commissioner Bodily felt we were walking a fine line on if it is considered a gravel pit or not. He also asked if this is what you want to see when you first come into Willard City. He suggested they keep their operation at the top where it is out of site. Commissioner Meyer said she understood the process to be they came before the city to apply for a gravel pit and was denied so they went to the county and was able to annex into the county and get a gravel pit now they want to come back to the city to sell the gravel pit and had concerns about this and felt 10 years was a long time to clear the ground for a sports complex and felt it would be a gravel pit. Jason Murray said it needed to be considered a long term sales yard and falls under the stipulations found in the Zoning Ordinance. Commissioner Meyer felt it would still be considered a gravel pit. Joel Murray felt there needed to be a clear definition on what a gravel pit is.

Commissioner Bodily asked about controlling the dust. Joel Murray stated it would be taken care of just like everyone else does by sprinkling with water. Commissioner Bingham asked the Murrays if they have contacted any of the neighbors to ask what they thought of the proposal. Joel Murray stated when the public hearing is held the neighbors within a ¼ of a mile of the development will be notified by mail. Commissioner Bingham felt the neighbors would need to approve what is proposed.

Chairperson Ross said the Murrays have applied to rezone his property commercial along the highway and felt the discussion needed to address the rezone application only. They have not applied for a gravel pit or anything else and stated as a Planning Commission this is all they should be talking about. At this time it does not fit the requirements of the General Plan which the Planning Commission is looking at changing and until then nothing can be done with the request. City Planner Wheelwright stated at the county the definition of a gravel pit is an open pit where they mine rock and gravel. Chairperson Ross voiced concerns about the retention of dirt along Karla Parson's driveway. Jason Murray stated they applied for a large scale excavation permit from Willard City several years ago that addressed those issues. Commissioner Bingham asked if there had been any engineering done on the grade of slope they would need to maintain to keep it stable. Jason Murray stated they are working on it but early results show a 1 ½ to 1 slope. Commissioner Hart stating we need to only address changing the zoning the other issues will be addressed at a later time. Once the zoning is addressed through public hearings then we would need to address whether or not it is a gravel pit and if they sell the product it will all be addressed under a Conditional Use Permit. He felt the Planning Commission was wasting time on something that may or may not happen down the road and cannot be addressed at this time because it does not fit the Master Plan. Commissioner Bingham felt a need to address the issues so the Murrays understand what would be happening. Joel Murray asked what the plan was for the proposed General Plan. It was stated they would be addressing any additional comments during tonight's meeting. Chairperson Ross stated at this time we could not address the request. City Planner Wheelwright stated a motion could be made to accept, deny, accept with conditions or table the issue. Commissioner Bodily stated we could not accept the request because it does not fit the General Plan requirements and can only deny or table the request. Chairperson Ross stated the process will probably take a couple of months before it would be complete.

A motion was made by Commissioner Bingham to table the Joel Murray Re-zone Application for the property located at approx. 1025 South 105 East Parcel #02-050-0016 from R1/2 and MU40 to Commercial General along Hwy 89 until the General Plan is approved. The motion was seconded by Commissioner Hart. The motion carried.

b. Review of proposed changes to Section 12-000 Willard City General Plan and set for public hearing

The Planning Commission read through the additional changes made since the last meeting and changes (see attached ordinance). Chairperson Ross asked for a motion to set a public hearing.

A motion was made by Commissioner Meyer to adjust the General Plan and schedule a public hearing for May 7, 2015 at 6:30 p.m. The motion was seconded by Commission Bingham. The motion carried.

5. **Approval of Minutes**

The minutes of the March 19, 2015 Planning Commission meeting were reviewed. A motion was made by Commissioner Bodily to approve the above minutes as amended with typographical errors. The motion was seconded by Commissioner Meyer. The motion carried with Commissioner Baker abstaining due to absence from the last meeting.

6. **Commissioner Comments/Staff Comments**

Chairperson Ross thanked the Planning Commission for all their hard work on the General Plan.

Commissioner Meyer asked about the excavation permit that was approved for Joel Murray a couple of years back and felt the Planning Commission should review that permit and become educated before we meet with them again

Commissioner Bingham felt if the General Plan is going to allow him to rezone we cannot stop him from putting in a staging area. He stated if it is done right it could be a nice place to sell. City Planner Wheelwright again asked if this was what we wanted to see when you come into Willard City. If he is given a Conditional Use Permit we could put strict restrictions on it. There was discussion held on Conditional Use Permits. Commissioner Bodily felt if they were in compliance we would not be able to control what happens. He also felt he was not in compliance with what he is currently doing. City Planner Wheelwright stated he had brought the road right down next to the MU40 zone so he will be ready to go. Commissioner Bodily was not buying that it is not a gravel pit and felt the citizens would not be buying it either. If you have to have water to keep the dust down it is more than a selling operation and again stated let him do his business in the county and he would have to have trucks to bring in down to the city so they will be using the road anyway so keep them in the county. He has talked to Karla Parsons and she has not talked to Joel Murray about what is going on and is not in favor of the proposal.

Commissioner Hart asked if at the public hearing the residents do not agree what rights do they have to keep it from happening next door. He also asked if the General Plan makes it so he can do it there is nothing we can do about it. He stated if a Conditional Permit is issued we need to add conditions that are beneficial to Willard City and him but that will protect the look of Willard City. Commissioner Bodily also said we have to let him do it if it is allowed but we definitely need to add strict conditions. He would like to see some type of a plan for what he really wants to do. Commissioner Hart stated he knows what he wants and is planning on doing the project in phases so it benefits him. Commissioner Bodily was ok with him excavating a flat area to put in a sports complex he just does not want to see a gravel pit.

Commissioner Bingham stated we cannot exclude him or he will be obtaining a lawyer. We need to apply conditions that he can make it a nice sales area with paving and landscaping etc. We need to be careful because citizens do not want gravel pits and if it is something we cannot stop him from doing we need to make

sure it looks nice. He voiced concerns about them getting a slope less than what he currently has. He stated the dirt does not hold together well and would need to spend a lot of money to retain the gravel from coming down. Commissioner Baker suggested on the Conditional Use Permit include a time limit and yearly review to make sure he is in compliance. Commissioner Bingham felt 10 years to excavate was a long time but if he wanted to excavate and pave the flat area within a certain amount of time would be ok. Commissioner Hart suggested keeping the 10 years because it could take time to excavate and sell the product. He felt we needed be very careful and with the grade we have an engineer look at the issues. There were concerns about Karla Parson's driveway. Commissioner Bodily asked what is going to change once he is given approval. We need to know the definition of a gravel pit and look at the Excavation Permit also what is his plan for watering the gravel down. Commissioner Meyer stated it would be taking a lot of water. Commissioner Bingham stated you can run this type of operation without using a lot of water the majority of the dust comes off the tires of the trucks. Chairperson Ross showed pictures of the dust blowing across the highway from the highway he thought from Marriott Gravel Pit but it was from the race track but felt we could see the same thing with Murray's. Commissioner Meyer asked if the City Council would have any additional information that we may not have. City Planner Wheelwright stated they would have the same information. He said with the current ordinance it states zoning must be contiguous with the same type zoning and for Joel to make this happen he would have to rezone from 750 North to the south. This makes it so there is not commercial in a residential area. He stated at one time the Planning Commission talked about zoning all of Hwy 89 Commercial but is currently not in the proposed plan and would take an amendment to the plan. Commissioner Baker stated the General Plan needed to be changed and approved then you would start looking at the maps. City Planner Wheelwright stated he would need to talk to the Murray's about the zoning being contiguous. There was discussion held on making Hwy 89 Commercial. Commissioner Bodily suggested move gravel pits out of commercial zones and into manufacturing/industrial zones. Chairperson Ross asked that this issue be put on the agenda for discussion for the next meeting. Commissioner Hart asked why the commercial zone was not put into the ordinance. It was stated the Planning Commission talked about it but the General Plan would need to be approved and then go back through the Zoning Ordinances and maps to make them match.

City Planner Wheelwright reported the trail system along 200 West is moving along and will be finished by May.

7. **Adjourn**

A motion was made by Commissioner Meyer to adjourn the April 4, 2015 Planning Commission meeting. The motion was seconded by Commissioner Baker. The motion carried. The meeting adjourned at 8:48 p.m.

Minutes were read individually and approved on April 16, 2015

Planning Commission Chair Person
Terry Ross

Planning Commission Secretary
Gaylene Nebeker