

WILLARD CITY CORPORATION PC090315

DATE: February 4, 2015
TIME: 6:30 p.m.
PLACE: Willard City Hall
ATTENDANCE: Chairperson – Terry Ross
Commissioners: Gary Hart, Chandler Bingham, John Seamons
Bryce Wheelwright - City Planner (non-voting member)
Gaylene Nebeker - Planning Commission Secretary
EXCUSED: Leslie Meyer member, Sidney Bodily
CITIZENS: See attached sheet

1. Prayer – Gary Hart

2. Pledge of Allegiance – Chandler Bingham

3. General Public Comment (Input for items not on the agenda)

Jerome Jenkins stated he just moved into Willard and asked when the sewer was installed. Mayor Braegger told him the sewer system was installed in 2010 and there should be sewer manhole cover in front of his property. Mr. Jenkins stated the stub is behind his property and he has not had a chance to hook into the system at this time.

4. Discussion Item

a. Braegger and Sons Inc. - Conditional Use Permit for a Home Business License located at 55 South

Kenny Braegger is asking for a Conditional Use Permit to run his construction business out of his office. There will be no individuals coming to his house to do business and will not be storing equipment at his residence. City Planner Wheelwright explained because he will have more than 2 employees he is required to have a Conditional Use Permit. He also presented a draft copy of conditions which included no parking of equipment on property and off street parking for employees and stated the conditions could be amended to add or take away conditions. Chairperson Ross asked the Planning Commission if they had any additional conditions. The Planning Commission members felt these were adequate conditions. Kenny Braegger said he has his employees met where they store their equipment. Commissioner Seamons asked if there was other businesses in town that have the same conditions. Commissioner Bingham stated he has a Conditional Use Permit for his business. There was not further comments and Chairperson Ross asked for a motion.

A motion was made by Commissioner Bingham to approve the Conditional Use Permit for Kenny Braegger with the conditions of no equipment stored at the home and off street parking must be provided for employees. The motion was seconded by Commissioner Seamons. The motion carried with a unanimous vote.

b. Review of Zoning Ordinance Chapter 12-110 – Zoning Districts and set for possible public hearing

A discussion was held on the proposed changes to clean up the wording to make the ordinance flow better. Chairperson Ross asked for any additional comments or concerns and asked for a motion to approve the changes and set for a public hearing for March 3, 2016.

Commissioner Bingham made a motion to approve the changes to Section 12-110 of

the Willard City Zoning Ordinance and set for a public hearing on March 3, 2016. The motion was seconded by Commissioner Hart. The motion carried with a unanimous vote.

c. Review of Draft Ordinance for Non-Motorized Trails

City Planner Wheelwright reported the Planning Commission has reviewed the ordinance in November and there were some additional wording that needed to be addressed. In Section 3 item 3.6 it states injure the trail and suggested it be changed to damage the trail. In Section 4 item 4.6 (f) "*All trail users, using a trail from one-half hour after sunset to one-half hour before sunrise shall be equipped with lights*". He asked if this was going to be an issue and should it be included. Commissioner Bingham felt they should at least have some type of reflective clothing. City Planner Wheelwright stated the Police Chief is currently reviewing the ordinance to make sure her department can enforce the ordinance and suggested the item be tabled until she can offer comments. Mayor Braegger felt the lights for bikers would be ok but had concerns about foot traffic stating we do not require this on the city streets. City Planner Wheelwright felt it should be changed to bikes only. Chairperson Ross also voice concerns about this and also about speed limit being 15 miles per hour especially if someone was wanting to cruise out. City Planner Wheelwright felt once the trail is completely done it will be a trail corridor from Brigham to Ogden. There was discussion held on the Police Department not being able to enforce speed limits on the trail. Mayor Braegger stated most bike riders will notify someone on the trail they are passing. Commissioner Seamons asked about tractors using the trail. City Planner Wheelwright stated tractors are addressed in Section 4 item 4.2 allows for farmers with abutting properties along the trail may cross the trail to access their property. Commissioner Seamons also asked who would be doing the enforcement. It was stated law enforcement. He also stated in Section 6 Enforcement there are no penalties attached to the ordinance. City Planner Wheelwright said there was questions about ADA compliance and stated that is addressed in Section 2 and will be allowed under the Disability Act.

Chairperson Ross read from Section 2 item 2.1(b) "*Violations of the ordinance will be counted as an infraction of the law. Multiple violations of the ordinance can result in a class C misdemeanor*". He also asked about Section 5 item b Selectboard and asked who the Selectboard would be. City Planner Wheelwright stated it would be someone from the city. Mayor Braegger asked if the ordinance would address the paved portion of the trail and not the dirt portion. He went on to say farmers would need to access their property by using the dirt portion of the trail. He would like to see an ordinance put in place to decide how high a penalty the city can impose for those who are traveling the trail on a motorized vehicle. He also asked about non-motorized vehicles having the right of way at the cross roads. Chairman Ross read from Section 4 item 4.6 (f) "*Any trail user who is about to enter onto or cross the trail shall yield the right of way to any trail user already on the trail to be entered or crossed.*" Mayor Braegger felt the word trail user should be changed to *anyone* using the trail. He also suggested anyplace in the city that the trail intersects with a paved road should have crosswalk signage and a cross walk and stated that way the state law would cover it. Commissioner Seamons asked if the ordinance differentiates between a paved trail and non-paved trail. Mayor Braegger stated the ordinance only addresses non-motorized vehicles. There was discussion held on if we needed to make ordinance for both motorized and non-motorized vehicles. Mayor Braegger felt the requirements should be the same. When asked what happens next City Planner Wheelwright suggested the item be tabled until the Police Chief and attorney could review.

A motion was made by Commissioner Hart to table this item to allow the Police Chief and City Attorney have time to review. The motion was seconded by Commissioner Seamons. The motion carried with a unanimous vote.

5. **Approval of Minutes**

The minutes of the December 17, 2015 and January 7, 2016 Planning Commission meeting were reviewed. A motion was made by Commissioner Bingham to approve the above minutes as amended. The motion was seconded by Commissioner Seamons. The motion carried with a unanimous vote.

6. **Commissioner Comments/Staff Comments**

City Planner Wheelwright reported that Jared Erickson has submitted a proposal for a PUD and he has talked with the Box Elder School Board to incorporate a school in their development. He stated there are some issues such as water and farming right of ways, he felt they submitted a nice looking plan. He also reported that Old Dominion Trucking had pulled their request for the property on the west side stating there was a site discrepancy and have talked to him about submitting a plan for the east side of 200 West. He reported there would be a SLUA (Subdivision Land Use Authority) meeting on Tuesday to discuss the Final Plat approval for the Granite Ridge Subdivision. Commissioner Bingham suggested the Planning Commission not approve Phase 2 or 3 until the road issues are resolved. There was discussion held on addressing the water storage issues and who should be responsible for putting it in and how to pay for it. Discussion was also held on secondary access out of the development. Discussion held on talking to Parsons about using the haul road as a secondary access. Commissioner Seamons asked what the issues were with Parsons and using the haul road. Mayor Braegger stated the Parsons owns the road and if they start to haul gravel out of the pit they do not want to have the liability of having the public traffic on the road.

Commissioner Seamons asked if the gravel pit was that big. City Planner Wheelwright said there was a fair amount of gravel left to come out. Mayor Braegger stated that Parsons owns from this gravel pit to Arnell Wells gravel pit and felt at some point in time the whole mountain could be one continuous gravel pit. Commissioner Hart asked if at some point in time Parsons will have gravel pits all along the mountain why is Joel Murray getting is getting so much grief over putting in a gravel pit. Mayor Braegger explained that what Joel Murray is proposing is in Willard City and the Parsons gravel pits are in the county. Commissioner Hart stated for Parsons to take the gravel out of the pits they would need to come through Willard City. Mayor Braegger stated yes down the Haul Road and stated there is not much difference between the two. Joel Murry has approval from the city for a haul road ad stated Joel wants to pull material out where his haul road is going to be put in and that would be considered a gravel pit and by him removing the gravel levels the ground for a possible subdivision when he is all said and done. Commissioner Hart asked what Parsons would do with the ground after they are done excavating. Mayor Braegger said possibly homes but was not sure. Commissioner Hart stated it would be the same thing that Joel is trying to do and again asked why Joel is getting so much grief.

Mayor Braegger stated because Willard City does not allow gravel pits and felt that Willard needed to have some mechanism in place to work with Joel. He felt that Joel has a nice plan but those living in the area will need to live with the noise, dust and gravel pit for a few years until he is done with the project. Regardless of if Joel does his project the citizens are going to be living with the noise and dust of a gravel pit because he is approved for one in the county. There was discussion held on the sales tax Willard would receive on what he would excavate out of Willard City but if he moves up to the county portion Willard City would not receive anything. Because Willard City does not allow gravel pits it is going to be hard to work with him. Commissioner Seamons asked if the ordinance was a good ordinance. Mayor Braegger stated it depends on if you want a gravel pit in city limits. Commissioner Hart stated we have gravel pits along the mountain right behind us. City Planner Wheelwright reported they are moving a lot of dirt for the Willard Basin

project. Commissioner Seamons asked how much further they would be going. City Planner Wheelwright stated they would be going up a little further to put the catch basins in but would not be removing much more vegetation. Commissioner Hart asked what the completion date would be. City Planner Wheelwright stated they have until 2017 to complete.

Chairman Ross suggested there be a way to work with landowners that come in with developments to direct them to an area that would be best for them. He suggested working with property owners west of the tracks as a place to put industrial.

7. **Adjourn**

A motion was made by Commissioner Seamons to adjourn the February 4, 2016 Planning Commission meeting. The motion was seconded by Commissioner Hart. The motion carried. The meeting adjourned at 7:30 p.m.

Minutes were read individually and approved on _____

Planning Commission Chair Person
Terry Ross

Planning Commission Secretary
Gaylene Nebeker