

WILLARD CITY CORPORATION PC120519

DATE: December 5, 2019
TIME: 6:30 p.m.
PLACE: Willard City Hall
ATTENDANCE: Chairperson – Sid Bodily
Commissioner: John Seamons, Chandler Bingham, Gary Hart, Alex Dubovik
Del Fredde – City Council member (non-voting member)
Bryce Wheelwright - City Planner (non-voting member)
Gaylene Nebeker - Planning Commission Secretary
EXCUSED:
CITIZENS: See attached sheet

1. **Prayer** – Sid Bodily
2. **Pledge of Allegiance led by** Gary Hart
3. **Roll Call** – Commissioners Seamons, Bingham, Hart and Dubovik along with Chairperson Bodily and City Council member Del Fredde were present at the meeting
4. **General Public Comment (input for items not on the agenda)**
City Council member Fredde wished to thank the citizens of Willard for the years he has been able to serve on the City Council, Planning Commission and as part of the community. He thanked those individuals who come out to the meetings and show interest in the city.
5. **Public Hearing** – to take public comment on a Re-Zone Request for Romero Construction – Abelardo Sergio Romero for the property located on the south side of 750 North between Main Street and 200 West – Parcel #02-046-0094 to change the zoning from A-5 to Commercial General.

A motion was made by Commissioner Bingham to open the public hearing at 6:35 to hear public comment on the Re-Zone Request for Romero Construction – Abelardo Sergio Romero for the property located on the south side of 750 North between Main Street and 200 West – Parcel #02-046-0094 to change the zoning from A-5 to Commercial General. The motion was seconded by Commissioner Dubovik. The motion carried with a unanimous vote.

City Planner Wheelwright gave an overview of the proposed re-zone. Abe Romero purchased the property located on the south side of 750 North between Main Street and 200 West. It is a 3 acre parcel located in the Commercial General on the Land Use Map and meets all the criteria for the Commercial General zone. He owns and operates a construction company. Abe Romero stated he applied to change the zoning to commercial neighborhood to build a shop and have a place to store his equipment. He said it may be 1-2 years before he is able to build a shop.

Commissioner Dubovik asked where he currently keeps his equipment. Mr. Romero said he currently has property in Perry City but is outgrowing the property.

Commissioner Seamons asked how many employees he has working for him. Mr. Romero stated he has 12 individuals but they are rarely at the yard. Commissioner Seamons asked about parking. Mr. Romero reported his employees mostly drive to the construction sites and do not park at the business. Commissioner Seamons also asked about fencing, power, sewer and water. Mr. Romero stated eventually he would like to have all the above.

Police Chief Jean Loveland asked if they had UDOT approval. City Planner Wheelwright stated yes.

Shane Barthlome – 672 N 200 W- has concerns about the devaluation of his property next door if the property is not maintained to a certain standard. He does not want a junk yard next to his property.

There was no further comments and Chairperson Bodily asked for a motion to close the public hearing.

A motion was made by Commissioner Seamons to close the public hearing at 6:42 p.m. The motion was seconded by Commissioner Bingham. The motion carried with a unanimous vote.

6. Discussion/Action Items

a. Re-Zone Request for Romero Construction – Abelardo Sergio Romero for the property located on the south side of 750 North between Main Street and 200 West – Parcel #02-046-0094 to change the zoning from A-5 to Commercial General with a possible recommendation to the City Council

The Planning Commission members stated the Re-zone meets all the requirements of the General Plan for that area and did not see any issues. Other items discussed above will be reviewed when he applies for his business license. Chairperson Bodily asked for a motion to forward to the City Council.

A motion was made by Commissioner Bingham to forward to the City Council the Re-Zone Request for Romero Construction - Abelardo Sergio Romero for the property located on the south side of 750 North between Main Street and 200 West – Parcel #02-046-0094 to change the zoning from A-5 to Commercial General. The motion was seconded by Commissioner Seamons. The motion carried with a unanimous vote.

b. Re-Zone Request for Damon and Morgan Palmer for the property located at 683 North Main – Parcel #02-046-0102 to change the zoning from R ½ to Commercial Neighborhood and set for a possible public hearing

City Planner Wheelwright reported a Re-zone request had been submitted to change the zone from R ½ to Commercial Neighborhood. He reported in a discussion with Morgan Palmer she has no desire to change the zone.

Morgan Palmer 683 North Main said she is a wedding/event planner that she does as a home business. They built the barn for their own personnel use. She was told that she needed to change the zoning to commercial but this was not what she wants. She has been asked by several citizens about the location of the barn and stated the barn meets all the city standards and setbacks and will only be used for personnel use.

Chairperson Bodily said if she does not want to re-zone at this time there was nothing else they needed to do with the request.

A motion was made by Commissioner Dubovik to table the rezone request for Morgan Palmer. The motion was seconded by Commissioner Seamons. The motion carried with a unanimous vote.

c. Discussion on a possible lot split for Parcel #02-050-0191 located at 250 S 300 E – submitted by Lauri Pence

City Planner Wheelwright reported this property is located between 100 East -200 East and 250 South. The owners of the property own all the way through the lot. On the east side where the house is located there is not 100 ft. frontage but on the west side there is which is how they got the house in the middle. They are wanting to split off the bottom parcel but would create a flag lot for the house in the middle.

Craig Weaver stated his parents have recently passed away and they are looking to see what can be done with the property. They are wanting to split off the house and did not feel it was a flag lot because you can drive straight through the property from 200 East to 300 East. His sister lives at the top of lane and is a ½ acre parcel, the house and shed is 1½ acres and they are looking at splitting off the bottom ½ acre for a building lot. He went on to say he was not sure someone would purchase the whole 1½ acre parcel. When the city put sewer in they put an easement up the lane with a sewer connection for the bottom lot.

Commissioner Bingham asked how wide the road is on 300 East. Mr. Weaver stated it is only 20 ft. wide. Commissioner Bingham stated the only way to get around it not being a flag lot would be to put in a standard city width road. Mr. Weaver asked if there were other options. Chairperson Bodily felt there was nothing the city could do because it is a flag lot and they are not allowed in Willard City. Discussion held on roads and flag lots.

Commissioner Seamons stated selling the 1½ acre parcel as a whole would solve the issue. Commissioner Dubovik suggested working with the neighbor to come up with enough land to put in a 60 ft. standard road.

d. Discussion/Action on Conditional Use Permit for Willard Peak Campground located at 769 North Main – Parcel #02-041-0055 submitted by Brinton Neff

City Planner Wheelwright reported that Brinton Neff purchased the property located at 769 North Main from K&C Farms. The city had been working with K&C Farms on a Conditional Use Permit which had never been signed by K&C Farms so Mr. Neff is under the requirements of the 2002 Conditional Use Permit. The Planning Commission was given copies of the 2002 CUP, the K&C Farm's document and information from Steelwater Ranches (Neff's). The options are to look at the draft CUP from Steel Water Ranches, do away with the current CUP and create a new CUP. He has asked Police Chief Jean Loveland to attend the meeting to address concerns she has had at the campground.

Brinton Neff stated their goal is to compete with KOA. They have purchased a demo permit to demo the building on Hwy 89. They are looking at putting in more campsites, cleaning up the property to make it more appealing. He understood the issues with the current CUP are the length of time individuals are staying and enforcement. A few of those that have lived there for a long time are veterans or disabled and he did not feel right about kicking them out. He did not feel the issue is the length of them staying but keeping up with their contracts. He does not want to create issues with the city because it is bad for business.

He said camping season is not that long and there would be a substantial investment to improve the property. He would like to have an unlimited stay for the 14 existing campgrounds, 6 months stay for the remaining campground, no sheds or dog kennels allowed. The only permanent structures would be the office and laundry/shower facilities. They want to make it a legitimate campground. They would like to be up and running in the spring when camping season begins.

Commissioner Seamons asked of the 14 existing trailers what would happen when one moves. Mr. Neff stated nothing would be allowed to come in to take its place.

Commissioner Bingham asked how many of the 14 have lived there longer than the allowed 6 months. Mr. Neff stated most have been there quite a while.

Chairperson Bodily stated this is a campground and not a permanent mobile home park. Mr. Neff asked what the difference was if someone was there for one day or several days as long as the spot is kept clean.

Commissioner Dubovik said the existing 14 would be permanent but as they move out asked if the spot would become temporary. Mr. Neff stated they would like to have 14 stay longer than 6 months but would look at other options. Commissioner Dubovik asked if there would be CCR's put in place that would make the existing 14 alter their current spots. Mr. Neff stated their current contracts would take effect on January 1, 2020 which would allow them time to clean up their spots. They will have 48 total spots and no camping cabins.

Commissioner Hart asked if KOA has permanent camping. Mr. Neff stated in discussions with KOA and they said they have no time limit. Individuals will spend \$650.00 a month during off season and \$650.00 a week during prime season.

Commissioner Hart said the original CUP says an individual can spend 6 months was never enforced and felt it is a problem with the owner not enforcing and not a city issue.

Commissioner Bingham stated he has been approached by some of the neighbors and citizens and they are all against anything longer than 6 months. The campground was never supposed to be a long term facility and lack of enforcement is a city and owner issue. Mr. Neff stated if they were allowed to move forward it would be a really nice park on that corner.

Chairperson Bodily asked if they were keeping current on the monthly intake logs. Chief Loveland stated the issue she has with the log or lack of log is they have been allowed to move from campsite to campsite and in the event of an emergency an individual is hard to find when the log shows them at a certain site. She would also like to see that the trailers are livable.

Commissioner Dubovik asked Chief Loveland if they had the same restrictions as the KOA what other concerns would she have as far as enforcement. Chief Loveland said it is a trailer park and unless they change the definition of what they are allowing as a trailer park to a mobile home park she was not sure what their options would be. She went on to say the 6 months allowed came for freeway construction workers who were working here longer than 6 months.

Commissioner Seamons asked how the KOA can get away with no time limit and keep a nice looking park and Willard City is struggling with allowing someone to stay 6 months.

City Planner Wheelwright stated in the Willard City Zoning Ordinance 12-500 Mobile Home Park it allows for individual to stay 90 days.

Commissioner Dubovik felt we needed to address the ordinance rather than the CUP. The biggest issue they have is the 14 existing trailers. Discussion was held on changing the ordinance to 90 days and address the 14 existing trailers and the 18 months that K&C Farms was given to have them exit the park. The Planning Commission needs to come up with a plan that will work for both the city and the park. Do they renew the current CUP that allows them 6 months but the issue is the way the CUP is written 6 months in any calendar year could mean they could stay for 1 year. Commissioner Dubovik asked if keeping the current CUP with the increased standards for upkeep and increased rates would not solve the issue.

Discussion was held on the monthly log and it was determined they needed to have a log submitted if they are going to allow them to be there for any length of time, in the case of an emergency the police are not having to go from stall to stall to find someone.

Discussion was held on what changes Mr. Neff would like to see changed on the document from K&C Farms. Mr. Neff stated one item is if the trailer is registered. It is not up to them to determine if an individual trailer is licensed and registered. Also on the proposed CUP for Neff they would like a privacy fence on the north and south property line so it leaves the green open space open along the road.

Chairperson Bodily asked if the 14 stalls could be grandfathered in and then when it leave no one else can move into that spot permanently. City Planner Wheelwright was not sure it could be legally done. Willard City Attorney Colt Mund stated he would not be able to discuss this issue and they would need to contact Willard City Conflict Attorney Chris Davis for the answer.

City Planner Wheelwright suggested tabling this item to allow him time to discuss with Attorney Davis and come up with a document that works for the city and the Neff's. Mr. Neff voiced concerns about the length of time it could take to come up with a document and them losing out on the camping season. Chairperson Bodily suggested the Planning Commission get their comments to City Planner Wheelwright so a document could be prepared for the meeting on December 19th.

A motion was made by Commissioner Seamons to table the request for Willard Peak Campground located at 769 North Main – Parcel #02-041-0055 to allow time to draft a document. The motion was seconded by Commissioner Hart. The motion carried with a unanimous vote.

Debbie Barker -901 North Main asked if she could address the Planning Commission. She stated Mr. Neff applied for a demo permit to remove the building. They own a well they have water rights too and also an irrigation line on the north fence along his property line and asked how this would affect their water rights. Chairperson Bodily said if they have water rights the Neff's would have to honor them. Mrs. Barker stated someone had taken the electrical out last year so they were not able to use it if they needed it. They contacted the electrical company and was told they needed to contact the owner of the property. Dave Call owned the property to the west where they are putting in the storage sheds and they shared the cost of the electric bill. She said it depends on how dry the year is if they have to use the well. Mr. Neff stated the well is not in the building and the electrical was removed by the previous owner and were told the electrical bill had not been paid for several years so that was why it was removed. He said where the well is outside the building they should be able to remove the building without affecting the well.

e. Discussion with Blue Ox Development on a possible annexation for the property located in the unincorporated area of Box Elder County at the southern border of Willard City limits.

City Planner Wheelwright reported a work-session was held with the City Council and Planning Commission to discuss the proposed annexation.

Aaron Jensen with Blue Ox would like to address any comments or concerns from that meeting.

Chairperson Bodily asked them to address how this plan would benefit the city long term. He felt this could possibly be very expensive to the city and asked if this was it something the city wanted to do.

Mr. Jensen felt they were giving more to the city with the proposed annexation than with other annexations and it works well with the long term plan for the city. Most cities make their money off of commercial businesses and said rooftops drive commercial development. There is nothing in the plan that is against the long term plan for the city.

Commissioner Dubovik felt an active gravel pit running everyday all day for 15 years would not sit right with the citizens of Willard. They talked about how processing onsite would provide a higher dollar amount for the city rather than having it taken off the property for processing. He asked if there was a balance point where the city does not receive money upfront that it would be swapped so it was a workable deal where they could dig and build as they go versus a large excavation operation for 15 years. Mr. Jensen stated it would depend on what the city wants to change.

Commissioner Seamons asked if the memorandum was the annexation declaration. Mr. Jensen stated they have not filed a declaration with the city.

Commissioner Bingham asked if the property on the west side that borders the Hubbard property is in the city or county. Mr. Jensen said the part that belongs to the Hubbard's son is in the county and the Hubbard property is in the city. Commissioner Bingham also asked what the plan was for that property. Mr. Jensen stated with annexation there are rules about

creating island and peninsulas and the city cannot annex ground that would create either and there are two properties with their development that could create issues the Hubbard and Murray property. Commissioner Bingham also asked for information on density. Mr. Jensen stated those numbers would be put in the development agreement with the city. Commissioner Bingham asked if water rights would be part of the packet. Mr. Jensen said water rights would be discussed with the city with a possibility of secondary water and that would be determined by the city engineer. Discussion was held on open space, density and green space and how to keep the rural feel the city is wanting. Discussion was also held on a proposed Conditional Use Permit to address dust control, noise, reclamation of the property and the mining operation. It was stated they are not zoned for a gravel pit and it would be done under a temporary excavation permit and would submit information to City Planner Wheelwright for review. Discussion was held on the handout addressing how the Master Plan could be amended under the approval of the City Council and Developer. Plans for affordable housing with the median income for houses at \$200,000. Environmental Enhancements including water rights and wells. Change in ownership will remain as whoever owns the property. Default party will revert back if anything is non-conforming. Annual review will be once every 12 months if they are not in default.

Chairperson Bodily opened up meeting for comments.

Lou Hubbard lives west side of Hwy 89 west of proposed gravel pit. She was glad they addressed water rights, she went on to say most of their irrigation water comes from Holmes Canyon through the aquifers where they would be digging. She said they also have water rights and springs on their property close to where they want to put houses. She presented Chairperson Bodily with a file containing 100's signatures that were given to the Box Elder County opposing the development. She felt if you put two gravel pits together it will look just like the gravel pit at Rocky Point.

June Summers 1050 South Main – She voiced concerns about it taking 15 years to get the development going. She reported in one of the first meetings with the county Mr. Jensen stated he did not want a subdivision only a gravel pit. She is also concerned about secondary water.

Keith Davis – South Willard – was concerned about adding more truck traffic on the road on an already congested north south road. He stated with the thousands of trucks over the 15 years extraction period and the 9,000,000 tons coming out his property would be impacted negatively because he will be surrounded by Blue Ox and EK Bailey. He voiced concerns about individuals being stuck on an island with all the high density developments proposed. He stated Mr. Bailey is using his address as location of the development and requested this be changed.

Bert Lammert 868 South Main – voiced concerns about the amount of truck traffic that will happen with this development. She also stated a gravel pit is a gravel pit no matter what way you look at it. There was a development approved in Willard City several years ago and they have yet to build any houses and was concerned the same thing would happen after the extraction of gravel and felt this could become a big issue.

Jim Johnson 6995 South Main – stated when they put in their gravel pit his property will become worthless as he will live 200 ft. from where they will be running their equipment. They have been dealing with this issue for 1½ years in the County and have had several meetings and public hearings and their application was denied. He suggested Willard City look at denying there request stating it does not make sense to add additional gravel pits in the area. He stated the proposed EK Bailey Subdivision will not ask for one dime from a gravel pit to build their subdivision and stated you do not need a gravel pit to pay for development a development will pay for the development.

Peggy Butler –knew at the time she purchased property at 6868 South Main more housing would be a possibility but never thought a gravel pit would be coming in across the street. A gravel pit will have more trucks on the road, 24 hour a day excavation, noise and high density housing. If you allow high density housing how do you tell the next person who wants to

develop they cannot change the zoning. She does not want the zoning to change but remain as ½ acre parcels.

Ted Maio – 974 West 7300 South – reported on information he had received when they applied with the county. 1) They wanted to extract gravel for 15 years with an automatic 5 year extension if needed. 2) When presented at the county they wanted to put in nice low income housing but they wanted to do gravel pit first then build housing. One part of the proposal was if the market was poor or for some other financial reason they could not build the homes then they do not have to do it. He stated he is against all of it.

Terry Ross – 595 South Main owns Willard Bay Gardens discussed HB288 that will give the gravel pit owners a lot more power than the city would have to regulate. He stated the bill ended in a stalemate but wondered for how long. He felt a locomotive was coming down the tracks and the city needs to be aware of it and did not want to see the city loose the power to regulate the gravel pits. He said the State is looking for ways to secure building because of the amount of growth expected. There is a tract of land in West Layton the State has secured to put in a road and has talked with several individuals who would be moving north because of that road going in. Growth is coming north and we need to be ready and we need some type of regulation in place. We need to find a way to play in the same gravel pit together. If a gravel pit is going to be allowed in the city we need regulations in place or the State will regulate what is put in. There are still annexation questions that need to be answered and felt that Willard City was not ready for any annexation without more research and studies. He asked that the request be denied at this time.

Aaron Jensen with Blue Ox stated no annexation petition has been submitted at this time they are just wanting to see if negotiations can take place before they proceed. At this time they will not address HB288 only to say they follow what is going on with that bill but felt the bill will not apply to what is going on with their proposal. Addressing water rights they will have a hydrology report done and stated they do not want to mess with water rights. A truck traffic study has been done. Growth is coming and they want to put together a plan that will benefit everyone.

f. Discussion with Willard Land LLC – EK Bailey on a possible annexation for the property located at 6900 S Hwy 89 – Parcels 02-055-0024, 0112, 0051 and parcel #01-040-0227

City Planner Wheelwright reported Brent Bailey with EK Bailey has submitted plans for the Old Farm Subdivision. If they are allowed to annex into the city they will be bringing water with them.

Lewis Swain with Willard Land was present to address the EK Bailey proposal and answer questions. Their first meeting with Willard City was not for annexation but about increasing sewer connections and how to provide a sewer connection and upgrade the existing pump station to the north of Willard Land. Willard Land has approximately 120 acres of land and are proposing 260 lots in the subdivision developed over 10-12 years. They are wanting to create a project that Willard will be proud of. The subdivision will include curb, gutter, sidewalks and streetlights with a park in middle of the development along with open space. They are looking at proposing a right of way for the future UTA Tracks. Also a large water conduit of 60 ft. on the west property line. Discussion with the city engineer, city planner and mayor on sewer and it was determined that they could extend an 18 inch sewer line south of Willard Land and along with other interested property owners across from the south to the pump station. Plans have been submitted to the city engineer that reflect that installation. He reported that Blue Ox was part of the interested group and would include a significant upgrade to the existing pump station for future growth. He went on to say the city attorney would advise them that the connection of utilities including the 18 inch sewer line would provide the connectivity for annexation.

Their site plan show 1/3 and 1/2 acre lots, they are wide lots and very attractive lots. The 1/3 acre lots are slightly less deep. They are looking for feedback to see if they should proceed

with the discussion. They would bring significant infrastructure upgrades along with water for culinary and a pressurized secondary system with their own water rights. UDOT has prepared a traffic study which can be provided. In discussions with the Mayor he felt it was justified and would be better to control what they were doing rather than in an adjacent county so they could work together to upgrade infrastructure and provide benefits to the city.

Chairperson Bodily asked if Blue Ox would need to be annexed for EK Bailey to develop. Mr. Swain stated no. Chairperson Bodily felt this created an island. City Planner Wheelwright said the sewer connections would create the connectivity. He stated when Mr. Bailey approached him a year ago they did not meet the open space requirements and with the new design would meet the open space requirements. Mr. Swain explained how the sewer line would be ran. Commissioner Seamons asked about water. Mr. Swain stated they would be coming with their own water and would discuss the possibility of drilling a new well. Commissioner Seamons asked when they would like to start breaking ground. Mr. Swain stated they would need to put in all the infrastructure first so it would be awhile.

Discussion was held on water rights. Chairperson Bodily stated they would need to look at preserving the water rights of the surrounding landowners.

June Summers – talked about water right issues and stated 40 years ago the Supreme Court ruled in their favor and said nothing could happen to disturb the flow of water and she had documentation showing this.

Julie Jacobson – 7324 S 950 W- Her development is on septic tanks she does not want sewer. When Blue Ox went to the county they were denied and felt the city also needed to deny them. She said there is only one road in and one road out of her development. She said the reason they moved here was for the rural feel and mountains and does not want to lose that. She asked Blue Ox if they would want this type development in their backyards. She has been a victim's advocate in the State of Utah for many years and does not want to deal with anyone getting hit/killed on the highway with all the amount of traffic the development will generate. Again requested this request be denied.

Terry Ross 595 South Main – asked if the EK Bailey development would create an island. Chairperson Bodily stated with the sewer connection it would not. Discussion was held on creating islands.

Mr. Swain stated they would be willing to work with the city to hold additional meetings to discuss the plans.

Ted Maio – stated he has no problem with EK Bailey putting in a subdivision but had issues with the sewer line being run through his property and them being charged for sewer they do not want. Chairperson Bodily stated unless they annex they would not receive a bill from Willard City for sewer. He asked for any additional comments.

g. Discussion/Action on proposed changes to Section 10-318 and 319 and Section 11-344 and 361 of the Willard City General Ordinance on Parking and Nuisances

City Attorney Mund is working through the document with the Police Chief Loveland.

h. Discussion/Action on revisions to Section 12-105 Conditional Use Ordinance and Section 12-112 Commercial and Manufacturing Zones with a possible recommendation to the City Council

A motion was made by Commissioner Bingham to table this item until the next meeting. The motion was seconded by Commissioner Seamons. The motion carried with a unanimous vote.

i. Report on Capital Facilities Plan for Storm Drain

Still being reviewed by the Flood Control.

6. Approval of Minutes

A motion was made by Commissioner Seamons to approve the November 7, 2019 Planning Commission minutes with changes. The motion was seconded by Commissioner Hart. The motion carried with a unanimous vote

7. Commissioner Comments/Staff Comments

Commissioner Dubovik asked if the Planning Commission could hold a closed session with the City Council to come up with answers on the proposed annexation. City Planner Wheelwright stated the Planning Commission has no say in the annexation as they are the recommending body. Willard City Attorney Colt Mund explained the Planning Commission cannot grant an annexation it would be up to the City Council to approve. There has been no intent to file a petition at this time. Some of the items that were discussed will be reviewed by the City Council, Box Elder County or a Boundary Commission. They cannot move forward without a notice of intent being filed for the annexation. City Planner Wheelwright felt if they wanted a work session could be scheduled with the City Council to address some of the issues.

Commissioner Seamons asked if there was any plan in place for the removal of snow on the trail at the Nature Park. City Planner Wheelwright stated at this time the maintenance department did not have equipment to maintain.

City Council member Fredde felt more work need to be done by the developers before it annexation could be recommended to the City Council.

8. Adjourn

A motion was made by Commissioner Bingham to adjourn December 5, 2019 Planning Commission meeting. The motion was seconded by Commissioner Hart. The motion carried. The meeting adjourned at 9:15 p.m.

Minutes were read individually and approved on January 16, 2020

Planning Commission Chair Person
Sid Bodily

Planning Commission Secretary
Gaylene Nebeker