

WILLARD CITY CORPORATION PC011620

DATE: January 16, 2020
TIME: 6:30 p.m.
PLACE: Willard City Hall
ATTENDANCE: Chairperson – Sid Bodily
Commissioner: Chandler Bingham, Gary Hart, Alex Dubovik
Bryce Wheelwright - City Planner (non-voting member)
Gaylene Nebeker - Planning Commission Secretary
EXCUSED:
CITIZENS: See attached sheet

- 1. Prayer – Chandler Bingham**
- 2. Pledge of Allegiance led by Gary Hart**
- 3. Roll Call**
- 4. General Public Comment (Input for items not on the agenda)**

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

City Planner Wheelwright asked if this item could be move to the end as applicant was not at meeting. Chairperson Bodily asked for a motion to table this item until the end of the meeting.

A motion was made by Commissioner Bingham to table the discussion on Willard Peak Campground until the end of the meeting or if the applicant does not show up the next meeting. The motion was seconded by Commissioner Dubovik. The motion carried with a unanimous vote.

b. Discussion with Valley Estates Investments LLC (Mike Bastian) on a possible annexation for the property located at approximately 8500 South Hwy 89 for Parcels #01-045-0118, 0031, 0015, 0047 and 0016

City Planner Wheelwright gave an overview of the proposal. This area they are proposing to annex is located in the southern section of Box Elder County. State Law says an unincorporated island cannot be incorporated into a city unless the unincorporated island is surrounded by a municipality. And felt at this time we could not approve his request. Commissioner Dubovik asked if the discussion during the last meeting on running sewer out to it was not in accordance to the State Law. City Planner Wheelwright stated if it was on city property it may be different. Willard City Attorney Colt Mund thought Mr. Bastian was talking about a non-petition annexation which meant Willard City would be annexing the property. State law says the property must be contiguous with Willard City which it is not. There is one exception that states a recommendation could be made by the County to annex that parcel of property. The city could initiate by providing municipal services such as sewer and water but under law it states property must be contiguous. Commissioner Bingham

asked is anything south of the Blue Ox development could ever be annexed unless the city requested it. Attorney Mund stated or unless the County requested. He talked about the possibility of Blue Ox, EK Bailey, Marriott and Bastain combining as a group that could move the annexation that far south. It would still be an island but if the majority of the land (not owners) within the proposed annexation could move it forward with a petition to file for annexation. Willard City Annexation Policy includes all the property to the county line. At this point the discussion is on Valley Estates Investments only and it would be difficult to move forward. Commissioner Dubovik asked if Valley Estates could petition the County. City Attorney Mund stated it would need to come from the County.

Mike Bastian – Valley Estates LLC reported he had purchased the property years ago to put in ½ acre parcels. They were approached by Mayor Braegger about run sewer lines to the lift station (1½ miles). They have put in a lot of money into engineering and felt they have come up with a plan along with Blue Ox and EK Bailey working together to make it happen. They have recently found out the County has downsized their zoning to ½ acre parcels. They were approved on a subdivision contingent on getting the sewer to the property. There is no longer zoning in place for what they want to put in and annexing into Willard is their only hope. He felt the sewer would benefit the city with the proposed growth that is expected. They are trying to decide if they should move forward or find a way for the city to annex them in or go with the ½ acre lots. He stated it was just under \$2,000,000 to run the sewer line and felt it was not feasible for ½ lots. He asked if there was a legal way to annex into Willard City.

Chairperson Bodily stated if they were to bring in a proposal they would have to look at it and make a recommendation to move it forward and if it was legal to do that. Commissioner Hart asked Mr. Bastian about the ½ acre lots from 5 years ago. Mr. Bastian stated they had a plan for ½ acre lots then Mayor Braegger asked them to look into running the sewer line from their property to the lift station. He explained that Randy Marriott and Staker Parson have 1000 acres above the elk farm that has been master planned but stated if they cannot get the water to them it will not be able to get to their properties. He went to the County and asked if they were able to get water to the property what zone would they be looking at. He was told it would be a PRD zone. They were approved for a PRD overlay that includes a mixture of densities and mixed use and would be approved based on getting sewer to the properties. Commissioner Hart asked what changed in the County that they cannot do ½ acre parcels. Mr. Bastian stated nothing he could still do ½ acre parcels through the County. They have become vested with the sewer and felt it would be best to move forward.

Chairperson Bodily asked if they annexed all they would have through Willard City would be the sewer connections. Mr. Bastian stated yes it would be an 18 inch line that ran the whole Bamburger right of way and would be a benefit as development comes in and would be a benefit to the city and would bring more connections to the sewer plant. Chairperson Bodily suggested he contact the County to see if they could petition the city. City Attorney Mund felt if all the developers got together they may have the ability to petition but alone he would not be able to annex. They are working with Blue Ox and EK Bailey on funding the sewer but would like to remain as separate developments.

Chairperson Bodily asked as the city moves forward with a possible annexation where do they get more information and was there anyone available to help navigate

the process if the city decides to move forward? Commissioner Dubovik felt you should be able to take the proposed plan and the cost of impact fees etc. and decide if it is a plus or minus for the city. City Planner Wheelwright stated if the city was to receive a petition it would need to show how it would be beneficial to the city and nothing can be done without the application. City Attorney Mund also suggested getting more information from the developers and reviewing the Willard City Zoning Ordinance. Commissioner Hart also suggested contacting the State to see if they offer classes or seminars.

c. 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

Willard City Attorney Mund reported he is still gathering information.

A motion was made by Commissioner Dubovik to table the discussion on revisions to Section 12-105 Conditional Use Ordinance and Section 12-112 Commercial and Manufacturing Zones. The motion was seconded by Commissioner Hart. The motion carried.

d. Report on Capital Facilities Plan for Storm Drain

City Planner Wheelwright reported they are still working with the Flood Control

6. Approval of Minutes

The minutes of the December 5, 2019 Planning Commissioner were individually read and reviewed. A motion was made by Commissioner Bingham to approve the minutes with typographical errors. The motion was seconded by Commissioner Hart. The motion carried with a unanimous vote.

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

City Planner Wheelwright stated he had sent out a draft copy of a Conditional Use Permit and a staff report. They need to add to permit a log of occupants on a monthly basis. He also included in the packet a copy of the layout of the proposed campground. He talked about the requirement of the 15' perimeter around the campground.

Chairperson Bodily asked about the requirement of the compacted fill or gravel pavement and asked if it would meet the requirements allowed for fire trucks. Brinton Neff stated on the plan it shows 4" compacted road base. Chairperson Bodily also stated in discussion with the Police Chief they need to submit monthly logs of individuals who are staying there long term so in the event of an emergency they would be able to find the right trailer. Commissioner Hart said most campgrounds have some type of logs when individuals check in. Commissioner Bingham felt if the campground had a daily log of who was in the campground that the police could look at any given time would be adequate. Commissioner Hart suggested bringing a log into the city each month.

Chairperson Bodily asked if vehicles are required to be licensed. He stated in the ordinance it talks property taxes. He read from 12-105-5 and it was determined that had to do with a Mobile Home Park. Commissioner Dubovik felt it would be up to

the Police Department to determine and not the campground. Commissioner Bingham suggested they acknowledge their vehicle is licensed when they sign the contract to stay. Willard City Conflict Attorney Chris Davis explained if it is personnel property and not real property and is not taxed the same. The City Planner or the Police Department can go out to the property to see if vehicles are licensed. The other issue he is seeing is the length of stay and individuals staying far longer than what is allowed. He stated it is a campground and not a mobile home park. Chairperson Bodily asked they have 18 months to comply and then they will be allowed to stay 90 days. Attorney Davis said it would be up to the Planning Commission to determine if they wanted them to have 18 months. He stated they could shorten the time if they choose. Chairperson Bodily asked if they could remove individuals if they have been there for several years. Attorney Davis stated yes, but it would need to be the Neff's not Willard City. Commissioner Hart asked about a grand-father clause. Attorney Davis stated they have no property rights. Brinton Neff stated in Item #3 they want it to reference what the Willard City Ordinance states to avoid conflict with the city.

Brinton Neff questioned the log and felt if an individual was only going to be there for 90 days was it necessary to have a log. The Planning Commission members felt the log would be necessary so the Police Department was able to find someone in the case of an emergency.

Commissioner Hart asked if there was a time frame for the privacy fence to be installed. City Planner Wheelwright stated it is part of the development and would need to be done before it was finalized.

City Planner Wheelwright asked what the final changes would be. It was stated Item #2 would read as it does allowing 18 months to come into compliance and Item #3 will reference Willard City Zoning Ordinance 12-504-11. Discussion was held on the 18 months and if the time should be less. Commissioner Dubovik felt 18 months was a reasonable amount of time to allow them to find/provide other avenues or information if needed. It was also suggested adding a monthly log would be required. Chairperson Bodily asked if this was forwarded to the City Council. City Planner Wheelwright explained the CUP does not but the design does.

Commissioner Bingham asked if register vehicles should be added. City Planner Wheelwright stated it is not up to the Neff's to determine if they are registered State Law requires all vehicles be registered. Brinton Neff stated if that is put on their Conditional Use and one is not registered it goes against them and they are then in violation. Commissioner Hart suggested change item #3 from 90 days in calendar year to 365 days. Brinton Neff suggested going with Section 12-504-11 of the ordinance. Discussion was held on it being the responsibility of the Neff's to remove them if they are in violation. Discussion was held the clarification of time allowed being 365 consecutive days or calendar year. Amending the ordinance and addressing compliance. Under the current CUP an individual can come in to the park in October and stay until March.

Marv Neff felt one of the big issues with the previous owners was they did not want to be in compliance with the written ordinance on the amount of time an individual could stay. The previous owners tried to get the city to change the ordinance and was told no. They (Neff's) came to the city to ask for time to allow them to fix the issues. They only want to follow what the ordinance says and felt they were in compliance with said ordinance.

Commissioner Dubovik asked if it was a bad/good thing to be able to stay from

October to March. Commissioner Hart stated enforcement of the ordinance has been the issue. He would like clarification of the ordinance so there are no loopholes. Commissioner Bingham felt the ordinance needs to be amended not the CUP so they are always in compliance with the ordinance. Chairperson Bodily stated if it is in the ordinance then there is no need to have a CUP. He stated until there is clarification in the ordinance it needs to be done with the CUP. Chairperson Bodily asked City Planner Wheelwright for a review of proposal.

City Planner Wheelwright stated change Item #2 to 18 months to come into compliance. Change Item #3 to reference Section 12 504-11.

Attorney Davis stated it was up to the Planning Commission members to make the determination on what they want in the CUP. Chairperson Bodily asked each Planning Commission member how they would like item #3 to read.

Commissioner Bingham – reference the ordinance 90 days.

Commissioner Dubovik – add 365 continuous days and then look at changing the ordinance soon.

Commissioner Hart – agreed with Commissioner Dubovik.

Marv Neff stated when they were in the office 6 months ago they signed a CUP as it was 6 months. Chairperson Bodily stated the CUP was never signed. Mr. Neff stated they were told by several individuals it does not comply with the ordinance and now all they want is to comply. Chairperson Bodily asked Mr. Neff 90 days. Mr. Neff stated what the ordinance allows. Chairperson Bodily stated the Planning

Commission is making sure it is 90 days and not 180 days. Commissioner Dubovik asked Mr. Neff from a business perspective if they prefer that there be an allowance to be for 6 months (from October to March) that is available within the ordinance.

Brinton Neff stated yes. The camping season is from Memorial Day to Labor Day and if it is cut down to 90 days who is going to be camping to help them stay afloat. If they cannot run a successful business it will remain the same as it has been and will set them up to fail. He went on to say all competition from Syracuse to Tremonton have unlimited stay and some have a minimum of 8 months in the winter. If

someone comes in in September they do not want to kick someone out in the dead of winter. Commissioner Hart asked if there was a signed agreement why is it back to the Planning Commission. City Planner Wheelwright stated during the December 5, 2019 Planning Commission meeting they presented a draft CUP but nothing was ever signed by the city. It was not the cities CUP but the Neff's and was tabled for further review and proposed draft. Commissioner Hart stated for clarification they are back before the Planning Commission is to go back through a CUP that the city presents to the Neff's for a signature. Mr. Neff stated a CUP that was submitted and approved by Willard City for the previous owners K&C Farms they signed the CUP and submitted to the city but found out it was not approved. City Planner Wheelwright explained there was a CUP submitted and approved by Willard City but was never signed by K&C Farms. Commissioner Hart stated the K&C Farms is the previous owners and the CUP does not apply to the new owner. There was discussion held on the CUP staying with the property not the owner. Currently they fall under the 2002 CUP. Discussion was also held on what a calendar year is and also time limits.

A motion was made by Commissioner ? to allow 90 days in a 365 day period.

Roll call vote:

Commissioner Bingham – nay Commissioner Dubovik – yea

Commissioner Hart – yea.

Attorney Davis stated this item cannot pass because you need 3 yea votes to pass.

Incoming City Council member Fred Ward asked to speak and asked that the ordinance be read again he felt there was a conflict in the ordinance. Commissioner Dubovik read the ordinance and City Council member Ward stated the conflict in the ordinance is 90 consecutive days.

A motion was made by Commissioner Hart to table this item. The motion was seconded by Commission Dubovik. The motion carried with a unanimous vote.

7. Commissioner Comments/Staff Comments

City Planner Wheelwright reported on a meeting to be held in Brigham City on January 30, 2020 to discuss transportation issues within the County.

8. Adjourn

A motion was made by Commissioner Dubovik to adjourn the January 16, 2020 Planning Commission meeting. The motion was seconded by Commissioner Hart. The motion carried. The meeting adjourned at 7:55 p.m.

Minutes were read individually and approved on February 20, 2020

Planning Commission Chair Person
Sid Bodily

Planning Commission Secretary
Gaylene Nebeker