



WILLARD CITY
Planning Commission Meeting – Regular Meeting
April 15, 2021 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

The meeting was a regularly scheduled meeting designated by resolution. Notice of the meeting was provided 24 hours in advance. A copy of the agenda was posted at the City Hall and on the State of Utah Public Meeting Notice Website.

The following members were in attendance:

Sid Bodily, Chairman
Diane Baker
Chandler Bingham
Zack Hulsey

Chris Davis, City Manager
Colt Mund, City Attorney
Bryce Wheelwright, City Planner
Michelle Drago, Planning Secretary

Excused: Alex Dubovik and Blake Harrop

Others in attendance: Rachel McIntire; Trisha Heath; Morgan Palmer; Rod Braegger; and Travis Mote.

1. PRAYER: Zack Hulsey
2. PLEDGE OF ALLEGIANCE: Diane Baker
3. ROLL CALL – Attendance was recorded by the secretary.
4. GENERAL PUBLIC COMMENTS (INPUT FOR ITEMS NOT ON AGENDA)

No comments were made.

5A. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR MORGAN PALMER FOR AN EVENT CENTER LOCATED AT APPROXIMATELY 683 NORTH MAIN (02-046-0102)

Bryce Wheelwright stated that during its last meeting, the Planning Commission discussed appropriate conditions for the event center Morgan Palmer was proposing at 683 North Main. He presented a draft letter outlining those conditions (copy filed for record). There were two issues that had not been resolved – a review by the Fire Chief and recommendations regarding noise restrictions. He tried to contact the Fire Chief, but he had not received a response. Colt Mund was going to look into the noise issue.

Colt Mund stated that he looked into the noise ordinances recommended by Morgan Palmer at the last meeting. Farr West just had a general noise ordinance. Ogden City used a decibel level; Tremonton City did too. Brigham City did not have a decibel level, but they had a general noise ordinance. He was unable to get any information from North Ogden. He felt most of the ordinances were pretty generic. Ogden City's was a very robust ordinance. He was concerned about imposing a decibel system because he didn't know what those numbers meant. If the Planning Commission wanted to consider a decibel level, he felt the City needed to find someone, maybe Chief Fielding, who could provide information about what decibel levels meant and what they sounded like. He felt the best and cleanest approach was to consider hours of operation.

Morgan Palmer said she had researched the noise issue too. Most cities had level of 50 to 60 decibels. Decibels were measured at the edge of the property line with a sound meter. She purchased one and tested the decibels around her property. The decibels from the highway were outrageous. They were well over 100. The noise level from the highway was still over 80 decibels on her west property line. The highway



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noise was above the decibel levels of most cities. If a decibel level didn't work, she was willing to restrict all outside music after midnight.

Commissioner Hulsey felt most events would have ended by midnight. He suggested that Morgan Palmer notify the City when an overnight event would be held. Then the City would know who to talk to if any complaints were filed. Colt Mund was more concerned about notification to neighbors than the City. The City would respond if neighbors complained.

Chairman Bodily was concerned about Item 7 of the draft Conditional Use Permit letter regarding hours of operation. If the hours of operation were restricted to 8:00 a.m. to 11:30 p.m., it would prevent overnight events. The proposed hours of operation would help keep noise levels down, but they did preclude overnight events. Bryce Wheelwright asked if the hours of operation should apply only to outdoor events.

Morgan Palmer suggested that she be allowed to operate 24 hours a day, but that all outside noise be limited between the hours of 11:30 p.m. to 8:00 a.m.

There was a discussion about hours of operation inside and outside and noise levels.

Commissioner Bingham suggested that Morgan Palmer comply with the City's current Noise Ordinance. Commissioner Hulsey agreed. If the City already had a Noise Ordinance, he didn't think anything else was needed. Commissioner Baker thought the current ordinance restricted noise from 10:00 p.m. to 6:00 a.m. Bryce Wheelwright said noise was restricted from 10:00 p.m. to 7:00 a.m.

Morgan Palmer asked that she be allowed to have noise until midnight

Commissioner Bingham felt the conditional use permit needed to clearly state that the conditional use was being issued to Morgan Palmer only. It would not remain with the property. Any future business or property owner would have to reapply for a new conditional use permit.

Commissioner Bingham asked if this conditional use would be re-evaluated in a year. Bryce Wheelwright felt a re-evaluation could be included as a condition. Colt Mund did not feel a conditional use permit could be changed every year. A conditional use was issued with conditions outlined. He didn't feel the Planning Commission could change those conditions unilaterally.

Chairman Bodily didn't feel Morgan Palmer would have a problem if she followed the conditions outlined in the conditional use permit.

Colt Mund was under the impression that Morgan Palmer was seeking approval to operate a reception event center, not a campground. He was trying to understand exactly what type of business Morgan Palmer planned to have. Morgan Palmer said her barn would be a venue that could be leased for any event – birthday parties, weddings, scouting events, funerals, family reunions, UFC fights, etc. It was a space that could be leased for people to get together. Her uncle owned a venue in Peterson that was leased for a lot of scout events, which were overnight events.

Chris Davis asked if there would ever be an event that would last for more than 24 hours. Morgan Palmer said she was a business. She had invested a lot of money. She wanted to be busy every day. Mr. Davis felt the discussion led back around to whether this could be considered a campground with trailers. Morgan Palmer said she didn't want that kind of use. Commissioner Hulsey asked if that would be a problem for the City. Mr. Davis said it would. The City already had an issue with the existing campground. He understood



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Ms. Palmer wasn't trying to operate a campground, but the question became how long an event would last. He could foresee a youth camp or conference lasting multiple days. Morgan Palmer asked why that would be a concern if she complied with the noise restrictions.

Colt Mund felt the Planning Commission needed to understand what approval for a venue meant. Did that mean a rock concert, a week-long youth conference, or a wedding? He advised the Planning Commission to consider what the venue meant. It might approach the conditional use permit for a wedding reception venue differently than it would a venue for a youth conference or anything like it.

Commissioner Hulseley asked if it would matter what events were held as long as Morgan Palmer complied with the conditions of the conditional use permit. Mr. Mund said it wouldn't matter if the Planning Commission wanted to leave the broad conditions. He advised the Planning Commission to consider what an open ended venue definition could mean. Had the Planning Commission considered all the possible events that could be held? Such a consideration could change the conditions.

Chairman Bodily said the City could end up with camp trailers. Morgan Palmer said she wouldn't allow something like that. She felt it could take a long time to cover every possible event. Chairman Bodily said that if the Planning Commission didn't consider it, it would happen. He felt the Planning Commission should restrict camp trailers.

Commissioner Bingham pointed out that Morgan Palmer's occupancy limited her to a certain number of people. The City didn't want any complaints about competition between her venue and the campground down the road upon which the City had placed restrictions.

Colt Mund asked if there was a limitation on the number of people. Morgan Palmer said her architect limited the number of people to 148. Colt Mund asked if there was a limit of people on the exterior. Morgan Palmer asked if a park had a limited capacity. Colt Mund asked if her venue was a park. Morgan Palmer said her property wasn't a park, but a park didn't have a capacity limit. Why should the exterior of her property have a limited capacity?

Commissioner Bingham pointed out that Morgan Palmer's property had a residential/commercial use. She only had 40 parking stalls. Any overnight events would have to be limited because she had a limited amount of parking and restroom facilities. Maybe there needed to be a daytime capacity and an overnight capacity. Chairman Bodily said there were adequate restroom facilities on the interior for 148 people. He suggested limiting the exterior capacity to the same number. Commissioner Bingham felt the capacity for a sit-down event would be different than the capacity for an overnight event. Multiple day and overnight events changed the conditions. Morgan Palmer suggested limiting events to one night. The only overnight event she could think of involved youth, such as scouts. She didn't want to allow more than that because she didn't want the liability issues related to children under 18. Commissioner Bingham felt an overnight event was different than a wedding. A large number of people attended a wedding, but they weren't all there at the same time. An overnight event involved a large number of people all there at the same time.

Morgan Palmer asked if a condition could be added to her conditional use permit requiring her to get special permission for an overnight event.

Chairman Bodily felt that an overnight event should be limited to one night only. Otherwise there would be requirements for bathing facilities.

Bryce Wheelwright suggested limiting the number of overnight guests to 50.



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Morgan Palmer explained how her architect calculated the occupancy capacity of her venue. She felt the capacity would be the same for an overnight event. Chris Davis suggested that Morgan Palmer's architect calculate an overnight occupancy.

Colt Mund pointed out that the City still didn't have the Fire Chief's requirements for overnight lodging. There might be International Fire Code requirements Morgan Palmer would have to meet. Chairman Bodily felt the Planning Commission needed to have an answer from the Fire Department up front.

Morgan Palmer had contacted her home town fire department. She was told that she had to have a turn around that met the fire code, which she did. Her turn around was more than 100 foot by 100 foot. Chairman Bodily said the Planning Commission needed to know what the fire requirements would be if people were sleeping in her building.

Commissioner Hulsey said the Planning Commission realized that things could occur that they had not foreseen. If the conditional use was reviewed in six months, could conditions be added or altered? Colt Mund wasn't sure the Planning Commission could issue a conditional use permit and alter it afterward. He would have to research that.

Morgan Palmer asked that the Planning Commission approve her conditional use permit without overnight events. She would consult her legal counsel. If she wanted to pursue overnight events she would make an application to have her conditional use permit amended.

Bryce Wheelwright asked about hours of operation. Morgan Palmer asked that the a.m. hours be the same as the City's Noise Ordinance, which was 7:00 a.m. She asked that she be allowed to operate until 1:00 a.m. to accommodate same longer events.

Commissioner Baker agreed with the proposed hours of operation and hours of quiet.

Commissioner Bingham liked the quiet hours of 10:00 p.m. to 7:00 a.m. He couldn't imagine anything after 10:00 p.m. being louder than the Noise Ordinance permitted. Morgan Palmer asked that the noise restriction be extended to midnight to accommodate an outdoor wedding.

Colt Mund said the City's Noise Ordinance would apply whether the sound came from the inside or the outside. The hours of operation were a separate issue.

Morgan Palmer felt that limiting noise at 10:00 p.m. would limit events which would limit her income. She didn't feel that would be fair.

Commissioner Bingham stated that all residents and businesses were required to comply with the City's Noise Ordinance; gravel pits included. He agreed Morgan Palmer's hours of operation could extend past 10:00 p.m., but he felt the noise needed to be in line with the City's Noise Ordinance.

Bryce Wheelwright felt the only thing Morgan would have to worry about was music after 10:00 p.m.

Commissioner Hulsey felt the hours of operation needed to include a definite end time to preclude overnight events.



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Morgan Palmer agreed with hours of operation from 7:00 a.m. to 1:00 a.m. She was willing to abide by the City Noise Ordinance. There wouldn't be outside noise after 10:00 p.m.

Bryce Wheelwright stated that he would modify the conditional use permit to include hours of operation, no overnight events, and compliance with the City's Noise Ordinance. The Planning Commission could approve the modified draft at the next meeting.

Colt Mund stated that the conditional use permit also needed to include a 'catch all' phrase for compliance with all City ordinances.

Morgan Palmer asked if the Planning Commission could approve the conditional use permit subject to the modifications. She agreed with the proposed changes.

Bryce Wheelwright felt it would take a few weeks to get her parking lot paved. Mrs. Palmer said her parking lot would be paved within a week.

Commissioner Bingham asked if the Planning Commission could approve a conditional use permit subject to suggested changes. Colt Mund said the Planning Commission could legally do that. It was up to the Planning Commission to determine if that was a prudent course of action. He reminded the Planning Commission that it was still waiting for input from the Fire Department.

Commissioner Hulsey asked if the City Council could approve the conditional use permit. That would save a week. Chairman Bodily said only the Planning Commission approved conditional use permits.

Commissioner Bingham felt the Planning Commission should table the conditional use permit until it received an answer from the Fire Department. Chairman Bodily agreed.

Chairman Bodily clarified that the conditional use permit would be modified to include hours of operation, no overnight events, compliance with the City's Noise Ordinance, and compliance with all City ordinances. The Planning Commission also needed an answer from the Fire Department.

Morgan Palmer stated that the Fire Department had to make a final inspection of her venue for her building permit. Why did there need to be an additional condition on the conditional use permit?

Colt Mund asked if Morgan Palmer would need an alcohol license. Morgan Palmer said the DABC (Department of Alcoholic Beverage Control) only required an alcohol license for public events. Private events did not require a license. She could not sell alcohol. She couldn't even buy it for her clients. A private party could provide alcohol for its guests. Colt Mund felt an event where people were invited and charged for use of the venue would be considered a public event. Ms. Palmer said her space was rented by private parties or individuals for their private events. They supplied the alcohol for their individual guests. Colt Mund said that the public was still coming onto Morgan Palmer's property for an event. It was still a business operation. The public was being invited to Morgan's place of business. He wasn't sure Morgan was accurate. If she was serving alcohol at her business she was required to have alcohol license.

Morgan Palmer stated that private events were not required to have a license. She had called the DABC to verify the regulations. She had to follow the DABC rules and agreed that condition should be added to the conditional use permit. Colt Mund felt the alcohol regulations should be verified.



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Chris Davis stated that by allowing alcohol she would have dramshop liability. Did she have dramshop insurance? Morgan Palmer said she had spoken with her insurance, the health department, and the DABC. Any private event had the right to serve their own food and beverages. They could have their own alcohol if they provided it. As a venue she could and did require a security guard and a licensed bartender, which did not work for her, to serve alcohol for the private event.

Colt Mund said the DABC website said any business where alcohol was consumed or sold was considered public. Morgan Palmer said she would not be selling alcohol. No one would be selling alcohol. Those who leased her space would provide alcohol for their guests. Colt Mund stated that this was a public business, not a private event. The law said a public business that allowed alcohol to be sold or consumed on its property was required to have a liquor license. Morgan Palmer said no alcohol would be sold. No money would be exchanged. Her clients would provide alcohol for their guests. Colt Mund felt he needed to verify the requirements for a State liquor license.

Chairman Bodily asked that Colt Mund verify the alcohol regulations and that Bryce Wheelwright get an answer from the Fire Department.

Commissioner Bingham moved to table consideration of the conditional use permit for Morgan Palmer and directed the staff to make the recommended changes to the conditional use permit, to verify the alcohol regulations, and to receive an answer from the Fire Department. Commissioner Baker seconded the motion. All voted unanimously. The motion carried.

5B. CONSIDERATION OF A REQUEST FROM TRISHA HEATH (BARKER/BRAEGGER) TO REZONE PROPERTY LOCATED AT APPROXIMATELY 110 SOUTH 250 WEST (02-054-003) FROM A5 TO R ½

Bryce Wheelwright stated that the Planning Commission held a public hearing for the Barker/Braegger rezone on March 18th. After the public hearing, consideration of the rezone was tabled. The rezone was tabled again on April 1st. The main issue was secondary access. He still didn't have any information from the Fire Chief.

Colt Mund stated that during the last meeting he told the Planning Commission that the rezone could be approved if there was a written agreement regarding secondary access. Subsequent research revealed that a rezone could not be approved contingent on a party's agreement. With that in mind, he reminded the Planning Commission that the second access had been discussed. It appeared that the applicant could comply with the second access requirement. The second access would be addressed at the subdivision application level and before any building permit was issued. The staff recommended that the rezone request be approved, and that the record state that the second access would be addressed before any subdivision was approved or any building permit issued. Another issue that had to be resolved was payment of postage for certified notices. The applicant had agreed to pay those fees.

Commissioner Hulsey stated that the Planning Commission denied the Vern Price rezone request because of access. Colt Mund said the Vern Price rezone was denied because there wasn't a possibility for a second access. Commissioner Hulsey said there was a second access to the Vern Price property between 4th and 250. Mr. Mund said there was, but Mr. Price didn't own the access. Neither Mr. Price nor the City could demand that the property owner allow access to Mr. Price's property. In the case of the Barker/Braegger Rezone, the current applicant was the property owner and could provide assurance of a second access. She would have to comply with the second access requirement, and she had the ability to do so.



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Commissioner Baker asked about the definition of a secondary access. Colt Mund said the access would have to be a fire approved access that complied with the International Fire Code. The City's Street Ordinance referenced the International Fire Code.

Commissioner Hulsey verified that the Planning Commission could approve the rezone because there was a possibility of a second access, even if the access might be a 100-foot roadway. Colt Mund said where there was the availability of a second access, that issue was resolved. The details, such as what the second access would look like, would be addressed during the subdivision approval and building application process.

Commissioner Baker asked if there were any plans to pave 250 West further to the south so the secondary access could meet that road. How legal was the south end of 250 West? It was a dead end right now. Colt Mund said that was a good question. There had been discussion about who owned it. Some said it was owned by the City, but that ownership had been disputed. The City was looking into it. He hoped it could be resolved through a title search.

Commissioner Baker said that according to the City's street plan, 250 West was a non-conforming street. Subdivisions were being proposed where there were sub-standard streets. She was concerned about how many vehicles were using the sub-standard streets and that access was being allowed onto them.

Trisha Heath felt the traffic on 250 West would actually be reduced because there would be a home instead of farm equipment and trucks going in and out. Commissioner Baker said they had talked about gating the road. Ms. Heath said it would only be gated if it complied with the Fire Code.

Rachel McIntire said they only talked about a gate because people were speeding through their driveway, which went nowhere. 250 West was stopped when the City allowed Hansen's to build.

Trisha Heath stated that if the right-of-way went in, it would have to meet code.

Commissioner Baker asked who legally owned the land. Rachel McIntire said the property was owned by Trisha Heath and herself. The Box Elder County plat and Google Maps only showed her name. Trisha Heath planned to purchase the top portion, and her uncle planned to purchase the bottom half. Commissioner Baker asked why the application was only signed by Trisha Heath. Rachel McIntire said they were told only one owner had to sign the application.

Bryce Wheelwright said there was a plan for 400 West to extend further to the south. The people who purchased the Helen Jane Lemon property had proposed a road that line up with 400 West. Trisha Heath said that was why they were taking 400 West all the way through. Commissioner Baker asked how long it would be before Sierra Homes actually put the road in.

Chairman Bodily called for a motion.

Commissioner Hulsey moved to recommend that the City Council approve a request from Trisha Heath to rezone property located at approximately 110 South 250 West (02-054-003) from A5 to R1/2. Commissioner Bingham seconded the motion.

There was discussion regarding the motion. Commissioner Hulsey asked what further information was needed to consider the rezone. Commissioner Baker wanted to know more about the second access. Colt Mund stated that the City could not contract a rezone request application.



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Trisha Heath stated that they would provide the access during the subdivision process. They would follow every ordinance when they got there.

Commissioner Bingham pointed out that three affirmative votes were needed to approve the rezone. If the Planning Commission did not approve the rezone application, the applicant could not reapply for a year.

Colt Mund asked any Commissioners who voted against the rezone to state, for the record, why they were voting to deny the rezone based on the City's ordinance. There needed to be a clear record so he could defend the City if the Commission's action was challenged.

Commissioner Baker voted “nay,” Commissioner Hulsey voted “aye,” and Commissioner Bingham voted “aye.”

Chairman Bodily asked if he could vote. Bryce Wheelwright said Chairman Bodily could only vote to break a tie.

Colt Mund asked, as the City's legal counsel, why the rezone was being denied. It had to be a defensible reason based on the City's ordinance.

Commissioner Baker said her denial was based on the lack of secondary access. Chris Davis said that was not a legal rationale to deny the rezone request. It would be a legal reason to deny a subdivision but not a rezone. Chairman Bodily said the secondary access was not an issue for the rezone. All the Planning Commission was doing was rezoning property from A5 to R1/2.

Colt Mund said access would be part of the consideration. It was very clear that before any house was built, before any building permit was issued, before any subdivision was approved, the second access would have to be clearly articulated and acceptable to the City. Commissioner Baker wasn't wrong to state that secondary access was an issue, but the applicant had provided sufficient proof that she could accommodate the second access because she owned the property. If she decided, after the rezone was approved, that she didn't want the second access, she wouldn't receive a building permit and would never receive approval of a subdivision. The second access was absolutely an issue, but it was an issue that would be clearly defined as the planning process moved forward. Was there further information regarding the second access that the applicant could provide to alleviate Commissioner Baker's concerns?

Colt Mund asked the Commission members to review the City's ordinance and articulate the basis for a negative vote. Ultimately, it would be his firm that would have to defend the City.

Commissioner Baker changed her vote to “aye.” The motion passed unanimously.

5C. DISCUSSION WITH JEROME JENKINS REGARDING ACCESS TO 13 ACRES LOCATED AT APPROXIMATELY 625 SOUTH 400 EAST (02-049-0006)

Chairman Bodily tabled this item because the applicant wasn't in attendance.

5D. CONSIDERATION OF A LOT LINE ADJUSTMENT FOR DAVID GRANT LOCATED AT APPROXIMATELY 488 SOUTH MAIN (02-052-0023 AND 02-052-0039)

Chairman Bodily tabled this item because the applicant wasn't in attendance.



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6. CONSIDERATION AND APPROVAL OF APRIL 1, 2021, REGULAR PLANNING COMMISSION MINUTES

Commissioner Bingham moved to approve the April 1, 2021, regular Planning Commission minutes as corrected. Commissioner Hulsey seconded the motion. All voted unanimously. The motion carried.

7. COMMISSIONER/STAFF COMMENTS

Commissioner Baker didn't have any comments.

Commissioner Bingham asked about the status of the Mobile Home/RV Park Ordinance. Michelle Drago said a public hearing was scheduled for the next Planning Commission meeting.

Bryce Wheelwright, Planner, reported:

- The grand opening for the new convenience store on Main Street would be held on Saturday, April 17th. Everyone was invited.
- The candy store was taking orders, but their display wasn't finished.
- Paving on 2nd West would begin on Monday, April 19th.
- The waterline on 300 East was moving along.
- Construction on Granite Ridge Phase 4 had started.
- Deer Run Subdivision Phase 1 Part 2 had been approved. Lots could now be sold.
- The Orchards Subdivision, consisting of six lots on 200 West – was in the process of approval.

Chris Davis, City Manager, did not have anything to report.

Colt Mund, City Attorney, didn't have anything to report.

Commissioner Hulsey asked about the status of the General Plan. Chris Davis said Bruce Parker was doing preliminary work, including gathering maps of the City. The City didn't have any available maps. Fortunately, Jones & Associates had some of that information. Mr. Parker was also working on the GIS.

Commissioner Bingham felt critical information needed for the Master Plan Community Zone and the General Plan was density. The density was based on the amount of water available to Willard. The City needed to know how many houses it could have based on the amount of available water. That information would determine the City's density.

Chairman Bodily asked what could be done to make the Vern Price Rezone happen. Mr. Wheelwright said the second access requirements in the Street Ordinance had to be amended. Colt Mund said the Mayor told him that when the ordinance was adopted it was supposed to model the International Fire Code, which it did. However, the International Fire Code had an exception for more than 30 homes on one access if the homes had their own internal sprinkling system or the City had plans to make a second access available within a reasonable amount of time. There were plans and development that might accommodate Mr. Price. The question was when the plans would be built. Language had been drafted to include the IFC exception in Willard's Street Ordinance.

Chairman Bodily asked if the street plan was up-to-date. It was dated 2007. Bryce Wheelwright said it was the only plan the City had.



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8. ADJOURN

Commissioner Hulsey moved to adjourn at 7:58 p.m. Commissioner Bingham seconded the motion. All voted in favor. The motion passed unanimously.

Minutes were read individually and approved on: 5/4/21

Sid Bodily
Planning Commission, Chairman
Sid Bodily

Michelle Drago
Planning Commission Secretary
Michelle Drago

dc:PC 04-15 2021