



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, August 18, 2022 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

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

The following members were in attendance:

Sid Bodily, Chairman
Diana Baker
Chandler Bingham
Alex Dubovik
Zack Hulse

Colt Mund, City Attorney
Bryce Wheelwright, City Planner
Michelle Drago, Deputy City Recorder

Excused: Blake Harrop and Chris Davis

Others in attendance: Mayor Travis Mote; Councilman John Seamons; Police Chief Theron Fielding; Chad Braegger; Brenda Moyes; Jeff Moyes; Ken Ormond; Ruth Ormond; and Dr. Lynn Beard.

The meeting was called to order at 6:33 p.m.

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

There weren't any public comments.

5. CITY COUNCIL REPORT

Time Stamp 1:36 8/18/2022

Councilman John Seamons reported that during its last meeting, the City Council had discussed the annexation; secondary water; truth in taxation; drainage on Hargis Hill Road; and a punch list of conditional use permits to make sure they are reviewed annually. It also lowered the amount of water allowed for the base rate of \$25 per month from 25,000 gallons to 17,000 gallons. The Council planned to review water revenues at the beginning of the water year next spring. There was also a discussion about the effect of right-of-way encroachment on storm drainage.

Bryce Wheelwright, City Planner, reported that due to recent heavy rainfall, the shoulders of roads on the east part of the community washed out on both sides. The City Council discussed how to deal with such a situation in the future and what could be done to mitigate erosion.

Councilman Seamons asked how the Planning Commission felt the maintenance employees were doing. Chairman Bodily had noticed they were working on the Baseball Park. It was looking good. Councilman Seamons said the Public Works jumped on the washouts and got things back to normal.



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Councilman Seamons stated that he and Bryce Wheelwright had been part of a Walkability Institute for the past seven weeks where they had training. They had one more obligation to complete before October 1st – a walkability audit.

Bryce Wheelwright said a population sample of Willard had to walk the proposed trail area and provide input regarding challenges they might have or what would be best for the trail. They needed people who might be sight impaired, physically impaired, mentally impaired, or have any other kind of disadvantage. In addition, they needed people who biked, hiked, or ran. They also wanted to involve the Planning Commission. The audit needed to be completed on a weekend in September. After a discussion, the Commission settled on September 24th, the last Saturday in September

Commissioner Baker suggested sampling those that used the trail around the Nature Park. Councilman Seamons said that would be part of the audit, but they needed to reach others in the community.

Mayor Mote suggested that they interview people during the Day of Service on September 17th. He felt that would offer a broad sample of the community.

6A. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR JEFF AND BRENDA MOYES FOR A MECHANIC SHOP LOCATED AT APPROXIMATELY 51 NORTH MAIN (PARCEL NO. 02-047-0177)

Time Stamp 11:11 8/18/2022

Bryce Wheelwright stated that the building located at 51 North Main had been used as a mechanic shop for many years. The most recent business was AMG Mustang Mechanics owned by Alexander Gillespie closed a few months ago. Jeff and Brenda Moyes were interested in leasing the space for a business known as J & B Auto. They have applied to have the name on the conditional permit changed. If the Planning Commission felt additional conditions should be applied to the conditional use permit, now was the time to bring them up.

Mr. Wheelwright was aware that in the past Chairman Bodily had been concerned about parking. Jeff and Brenda Moyes had been given access to the rear of the building, which he felt would alleviate some of the parking concerns. Commissioner Dubovik agreed that parking was a condition that was violated often.

Chairman Bodily asked if the condition regarding hazardous material, as well as other conditions, would remain the same. Mr. Wheelwright said they would. Chairman Bodily asked what the other conditions were. Mr. Wheelwright said the hours of operation were limited to 8:00 a.m. to 6:00 p.m. The number of vehicles was limited. There was also a condition about handling of hazardous material, as had been mentioned.

Chairman Bodily asked if the Moyes were okay with the conditions. Jeff and Brenda Moyes said they were.

Bryce Wheelwright asked if Jeff and Brenda Moyes wanted to make any comments.

Brenda Moyes, Brigham City, stated that their business, J & B Auto, was previously located at 7130 South Highway 89 in South Willard. They shared space with Karen's Kars. They had been asked to leave their lease because they wanted to use the entire building and lot. AMG Mustang was a restoration business, which meant long term vehicles. The vehicles they fixed were usually in and out in three to four days. In South Willard, they had been limited to four vehicles, which did not include the three vehicles owned by themselves and their employees. Chairman Bodily did not feel personal vehicles should be counted.



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Ms. Moyes said they had one vehicle that needed massive work, but it would be parked behind the building when it wasn't in a bay. They didn't have long term projects.

Bryce Wheelwright asked how many employees they had. Brenda Moyes said their shop was run by her husband, her daughter, and herself. Her daughter worked in the morning. She worked in the afternoon. Her husband was there all day. There were usually only two employee cars at one time.

Chairman Bodily asked if the Commission had any questions. Planning Commission members indicated they did not have any concerns if the conditions were the same as the previous business owner.

Colt Mund, City Attorney, cautioned the Planning Commission about moving forward with the conditional use permit due to a lack of information. The Planning Commission had not seen a site plan. It had not received comments from Public Works, the Fire Chief, or the Police Chief. The Planning Commission did not know what the old conditional use permit said. He had not reviewed the new conditional use permit, and the staff had not provided any findings. He felt the applicants should provide a statement about their business plan; something the Planning Commission could rely on. He felt it would be appropriate for staff to do a little more research and have the applicant provide a statement about their business, including hours of operation, and a site plan indicating where parking and lighting would be located. Then the staff could seek input from the Fire Chief, Police Chief, and Public Works. The Planning Commission should have a totality of facts to review.

Brenda Moyes understood that they had to apply for a Willard business license. The business license review would include a fire inspection. However, they didn't think they could apply for the business license until the conditional use permit was approved. Their insurance would require a fire inspection, proper storage of flammable materials, security cameras, and floodlights.

Commissioner Hulsey asked about the approval process. He assumed that an item on the agenda had already been reviewed by all of the appropriate staff.

Commissioner Dubovik asked if the Planning Commission had to make a decision before the different departments could begin their review. It felt like a chicken and egg problem.

Chairman Bodily felt applicant's needed a checklist to follow.

Jeff Moyes said they had been under the impression that they could not get a business license until the Planning Commission approved a conditional use permit. Brenda Moyes explained the approval process they had followed in Box Elder County and their insurance requirements.

Bryce Wheelwright stated that this was a unique situation. The property already had a conditional use permit for an auto repair business. He thought all the Planning Commission needed to do was change the name on the permit. Apparently, there was more the staff needed to do.

Commissioner Bingham stated that the property had a conditional use permit for an auto shop. The Moyes should be able to apply for a business license and receive the necessary fire inspection.

Commissioner Hulsey felt this was a good time to review the existing conditional use permit.



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Commissioner Dubovik stated that a conditional use permit did not give them permission to do business until they received their business license. A conditional use permit said a property could be used for a particular use under Willard City's Zoning Ordinance based on certain conditions.

Commissioner Bingham stated that technically the Planning Commission didn't need to do anything because there was an existing conditional use permit. When the Moyes applied for a business license, the name on the conditional use permit could be changed. The Planning Commission had the information it needed to move forward.

After further discussion, the Planning Commission felt consideration of the Moyes' conditional use permit should be tabled until the City had received a business license application that had been reviewed by appropriate departments. It could be approved in conjunction with the conditional use permit.

Bryce Wheelwright stated that the staff would gather the appropriate documentation and bring everything back for the Planning Commission to review. The Planning Commission could review the conditional use permit and the business license application at the same time.

Commissioner Hulsey wanted to make sure the Moyes would not be delayed if the Planning Commission did not take any action. Commissioner Bingham stated that the conditional use was attached to the property. The Planning Commission would not be holding the Moyes up.

Commissioner Dubovik asked what the Planning Commission was approving if the conditional use was already attached to the property. Commissioner Bingham said the Moyes just wanted to change the name on the conditional use permit, and the Planning Commission needed to make sure the conditional use permit was still applicable to what they were proposing. If the Planning Commission didn't take action tonight, the existing conditional use permit would allow them to proceed with a business license application and fire inspection.

Colt Mund stated that conditional use permits ran with a property. The Moyes would have to comply with the conditional use that was in effect. He felt it would be prudent for the Planning Commission to review the existing conditional use permit to make sure the Moyes understood what would be required. He did not feel they would be precluded from applying for a business license. The Fire Chief could conduct a fire inspection and provide feedback about any concerns. It would be helpful for the Moyes to provide a statement about the business they were proposing in order for the Planning Commission to determine if additional conditions would be needed.

Mr. Mund stated that there was a conditional use permit process that needed to be followed. The City's Conditional Use Ordinance said the applicant needed to provide documents, a statement, a site plan, and anything else required by the Planning Commission. He felt it would be helpful for the applicant to start with a statement and a site plan. That would give the Planning Commission a baseline to start from. There wasn't anything to hold up the Moyes. They could receive a fire inspection. The Planning Commission needed to review the conditional use permit along with input from the staff, Fire, Police, and Public Works.

Chairman Bodily felt the Planning Commission needed to have the information recommended by the City Attorney to make sure the use would remain the same.

Mayor Mote asked if the Moyes had been given a copy of the conditional use permit. Mr. Wheelwright said they had not. Chairman Bodily said the Moyes didn't even know what they were agreeing to.



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Bryce Wheelwright stated that the business application included a business statement.

Commissioner Dubovik stated that ideally the Planning Commission should have a statement outlining how an applicant was complying with a conditional use. Mr. Mund said that statement should be accompanied by a site plan. The Planning Commission should also have staff recommendations from the City Planner, Fire Chief, Police Chief, and Public Works.

Chairman Bodily directed that conditional use permit discussion to remain on the agenda for the next meeting.

6B. CONSIDERATION OF CONCEPT PLAN FOR LYNN BEARD SUBDIVISION LOCATED AT APPROXIMATELY 295 WEST 750 NORTH (PARCEL NOS. 02-046-0001, 02-046-0004, 02-046-0044, 02-046-0045, 02-046-0075, 02-046-0076, 02-046-0077)

Time Stamp 34:16 08/18/2022

Lynn Beard, 295 West 750 North, stated that he was proposing lot line adjustments, not a subdivision. He currently had seven parcels, and he would still have seven parcels when all of the lot lines had been adjusted.

Bryce Wheelwright stated that the Lynn Beard property currently consisted of seven different parcels. Mr. Beard wanted to adjust lot lines to create a parcel on 750 North for high density housing, four half-acre building lots for his children on 200 West, and a parcel on 750 North for potential commercial development. He planned to put a conservation easement on the remainder of his property. The lot line adjustments included Mr. Beard's current home. However, the lot line adjustments did not provide his home with street access. That issue would have to be resolved. Mr. Wheelwright felt Mr. Beard's proposal would qualify for a Master Plan Community Zone because of all the different uses and lot sizes. Mr. Beard wanted to move forward if the Planning Commission felt his plan was advantageous to Willard City.

Lynn Beard wanted to leave as much of the land open as possible. He planned to put a conservation easement on the majority of it. He also wanted to provide half-acre lots for his children and leave an option for potential commercial and high density on 750 North. He did not feel the commercial would happen in his lifetime.

Bryce Wheelwright stated that the HOP Trail was located along the west side of 200 West. There had been discussion about shifting the trail to the east side of 200 West from 750 North to 200 North due to high traffic proposed by Mr. Beard. Then the trail could be shifted back.

Commissioner Hulse stated that the Planning Commission could not vote on anything because the property wasn't zoned correctly. This appeared to be a concept. Mr. Wheelwright stated that if the Planning Commission was open to Mr. Beard's proposal, he could move forward with the required engineering. Mr. Beard wanted to know if his plan was worth pursuing.

Commissioner Dubovik asked what had changed since Mr. Beard's last discussion with the Planning Commission in April. Mr. Beard said nothing had changed. He had simply submitted a surveyed drawing with dimensions. He might sell off 200 to 300 feet on 750 North, but he might be able to recoup his investment with the high density housing. Then he could develop even less.



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Commissioner Hulsey asked about Mr. Beard's plans for Parcel 1. Would it be a mixed use of high density and commercial? Mr. Beard said it would just be commercial development. He didn't want it to be included with the high density housing on the corner. He wanted it to have more flexibility.

Bryce Wheelwright stated that the property would have to be rezoned. Mr. Beard asked if a rezone was necessary for a planned unit development. The Planning Commission said the property would have to be zoned MPC for any high density housing.

Commissioner Hulsey asked if Mr. Beard planned to zone all seven parcels MPC. Mr. Beard said he wanted to have flexibility for Parcel 1. An MPC Zone appeared to be the only zone with flexibility.

Bryce Wheelwright said the staff felt Mr. Beard's property met the requirements for and MPC Zone.

Commissioner Dubovik asked if the entire acreage would be zoned MPC with a development agreement to address the different uses. Mr. Wheelwright said the development agreement would specify the different uses. Commissioner Dubovik said the MPC was designed to allow different uses in one project.

Lynn Beard felt his proposal was a win/win for the City and himself. There would be a huge amount of land that would never be developed. There would be an area with high density housing, which he hoped would be affordable. The affordability would depend on the City's application of impact fees. Commissioner Dubovik did not feel the City's impact fees would affect housing affordability. Lynn Beard felt \$15,000 in impact fees per unit for 12 units would raise the cost significantly.

Commissioner Dubovik didn't see anything wrong with Mr. Beard's proposal. He still had to pursue a rezone and receive approval of a development agreement. Commissioner Hulsey could not see any glaring issues; neither did Chairman Bodily.

Commissioner Bingham said the only issue he could see was access for Mr. Beard's existing home, which was shown as Lot 5. It was a potential flag lot, but in the MPC Zone maybe the access lane could become a City road.

Lynn Beard asked if the roads in the multi-family area would have to be City roads. Commissioner Hulsey said access for the townhomes would be located on the same. Right now street access for Lot 5 was located on a different parcel. It did not have its own access. If all of the parcels around it were sold, it would be blocked from street access. After further discussion, the Planning Commission felt the next step was to extend Lot 5 to 200 West.

Lynn Beard felt his next step was to meet with his surveyor and change the deeds.

Bryce Wheelwright felt it was important to note whether access for the high density housing would be from 200 West or 750 North. Lynn Beard said it could be both. He had three accesses on 750 North. However, he intended for the access to be on 200 West.

Commissioner Dubovik did not have any concerns about Mr. Beard's proposal.

Commissioner Hulsey stated that the City wanted 750 North to be its commercial corridor. If Mr. Beard included the portion of 750 North located in Parcel 2 in his conservation easement, it could block potential development.



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Councilman John Seamons asked if an agricultural, or conservation, easement would create an obligation for the City. Mayor Mote stated that it would depend on who held the easement. The easement would have a right of enforcement. If the property wasn't being maintained, whoever was holding the easement could enforce the deed restrictions. Whoever held the easement had an obligation and some leverage. The easement transferred with the property. It was advantageous for a non-profit organization to hold the easement. Mr. Beard planned to have the easement held by a non-profit.

Councilman Seamons was concerned about losing a key part of the commercial corridor on 750 North to an agricultural easement. Lynn Beard said the property was already in an ag easement. It was a done deal.

Commissioner Baker was in favor of Mr. Beard's proposal.

Lynn Beard asked what he needed to do next. Bryce Wheelwright said the next step was submission of an MPC Zone application, engineering, and approval of a development agreement.

Commissioner Dubovik did not feel anyone on the Planning Commission had concerns about what Lynn Beard was proposing.

Lynn Beard stated that his property would have to be surveyed before he could record deeds adjusting lot lines. He hoped the City would discuss impact fees for multi-family housing. The amount of impact fees for 12 units was almost \$200,000. That dollar figure did not lead to affordable housing. The amount of impact from this type of development was minimal. There wouldn't be additional street lines, water lines, or sewer lines. Mr. Wheelwright explained that the City Engineer said impact fees for multi-family could be assessed at 2/3 the amount of an ERU (equivalent residential unit), which would be \$9,900 in Willard. Mr. Beard felt that was still too high.

Chairman Bodily felt the Planning Commission was in favor of Mr. Beard's proposal. Mr. Beard needed to submit final details.

6D. DISCUSSION REGARDING ADOPTING STANDARDS FOR ACCESSORY DWELLING UNITS

Time Stamp 58:21 08/18/2022

Commissioner Dubovik asked if the verbiage requiring a dedicated kitchen in an internal ADU had been changed. Colt Mund said it had not been changed. Commissioner Dubovik's comments had been noted.

Commissioner Dubovik understood the needed for an internal ADU to have a dedicated bathroom. He asked about the possibility of changing the verbiage to require an internal ADU to have a fully dedicated kitchen, or full access to the kitchen of the main dwelling unit. Commissioner Hulsey felt a rental unit should be a fully self-contained unit. Chairman Bodily agreed.

Commissioner Dubovik asked about the advantage of an ADU. Colt Mund felt the main advantage was economic; more income for the homeowner.

Commissioner Hulsey stated once the ordinance was adopted, the City would have some teeth for enforcement.

Commissioner Dubovik was fine with the proposed ordinance.



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Commissioner Baker liked the ordinance, but felt it would be a double-edged sword. It would provide an advantage for current residents with large lots and family, but some property owners would take advantage of the ordinance and create problems like the RV Park had.

Commissioner Dubovik commented that Air BNB's were allowed in the Commercial General Zone as a conditional use. Did that mean an Air BNB was not permitted in a residential zone? Mr. Mund wasn't sure if they were not allowed in a residential zone or allowed as a conditional use. He would have to check.

Commissioner Bingham felt the ordinance should be recommended to the City Council.

Commissioner Bingham moved to set a public hearing on September 1, 2022, at 6:30 p.m. to receive public comments regarding the proposed Accessory Dwelling Unit Ordinance. Commissioner Baker seconded the motion. All voted unanimously. The motion carried.

6C. REVIEW AND RECOMMENDATION REGARDING FUTURE LAND USE MAP AND PORTIONS OF THE GENERAL PLAN

Time Stamp: 1hr 05:51 08/18/2022

Mayor Mote stated that Chris Davis was trying to get the City's General Plan consultant, Bruce Parker, to attend a Planning Commission meeting to discuss the proposed Future Land Map.

Bryce Wheelwright asked that this item remain on the agenda until the consultant could attend a meeting.

Chairman Bodily asked that the Planning Commission review the proposed Future Land Use Map and attached descriptions. He asked that the staff provide the Planning Commission with digital and hard copies of the proposed Future Land Use Map.

There was a discussion about where to add future commercial areas. Commissioner Bingham didn't feel commercial development generated as much tax revenue as everyone thought. It wasn't the panacea everyone thought because the State collected and redistributed sales tax. Commercial was a solution, but it wasn't the only solution.

Mayor Mote said point-of-sales received twice as much from sales tax revenue. The law on point-of-sales had been changed for online purchases. That change had really helped Willard. The City was now receiving sales tax revenue for purchases from internet purchases.

Mayor Mote stated a lot of vehicles that visited Willard Bay every year. If the City could find businesses that catered to that type of clientele it would be a huge benefit.

Bryce Wheelwright stated that there was land north of Flying J that could be used for commercial development.

7. CONSIDERATION AND APPROVAL OF JULY 21, 2022, REGULAR PLANNING COMMISSION MINUTES

Commissioner Dubovik moved to approve the regular Planning Commission minutes of July 21, 2022, as written. Commissioner Baker seconded the motion. All voted "aye." The motion passed unanimously.



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8. COMMISSIONER/STAFF COMMENTS

Time Stamp: 1 hr 13:35 08/18/2022

Bryce Wheelwright

Bryce Wheelwright stated that there had been an issue with the conditional use permit for Morgan Palmer's reception center located 683 North Main. The City had sent her a letter of non-compliance, which Ms. Palmer had rebuffed. The staff was working with the City Attorney to try to resolve the issue.

Colt Mund

Did not have any comments.

Commissioner Bingham

Did not have any comments.

Commissioner Dubovik

Commissioner Dubovik stated that the recent rainfall had caused flooding on 300 South. There was a cement gutter on 200 South. Did the City run out of money to do 300 South? Commissioner Bingham thought the City was waiting for UDOT to make improvements before installing the gutter on 300 South.

Bryce Wheelwright stated that if the City had the money, it would be great to install the cement gutters on all of the streets on the east side of town.

Councilman Seamons stated that they had to have a place for the storm water to go. Mayor Mote stated that UDOT was working on a project that would address drainage issues in Willard. It would be completed next summer. He planned to address the Flood Control Board about partnering with the City to address storm drainage.

Commissioner Baker said she attended the last Flood Board meeting. An engineer was there that said UDOT had approached the Flood Board about what drains were needed and where they should be located and what needed to be cleaned out.

Bryce Wheelwright stated that the City Engineer had been asked storm drainage. He had come up with some ideas to help slow the flow.

Commissioner Bingham stated that the Fairbanks Subdivision in South Willard which was just past Grammy's, had an open berm on a steep hill. The hill had been terraced to resolve flooding issues. The terracing allowed storm water to perk into the ground. When storm water didn't move, it didn't cause erosion. The ground in Willard would absorb water, if the water could be stopped long enough. Councilman Seamons encouraged Planning Commission members to look at the terraced hill in the Fairbanks Subdivision. It wasn't something the County had done or required. The hill was terraced by the homeowners. The hill was much steeper than 300 South, and the terracing worked.



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Commissioner Dubovik stated that he recently spent a few days in Sun Valley. Sun Valley had one of the nicest trail systems he had seen. He had pictures he could share. He wanted to be part of the walkability audit. Bryce Wheelwright said a big issue was getting pedestrian traffic across 750 North and Highway 89.

Commissioner Hulsev

Commissioner Hulsev asked if the Planning Commission could get a list of the Planning Commission's responsibilities for different planning issues. He felt it would be helpful for citizens and members of the Planning Commission to understand the whole process.

Bryce Wheelwright felt it would also be helpful for the Planning Commission to receive additional training. There were training videos available on the Utah League of Cities and Towns website on a variety of different subjects.

Commissioner Hulsev felt it would be beneficial for the Planning Commission to understand Willard's unique process. Then a lot less things would slip through the cracks.

Mayor Mote felt it would be helpful to go through the City code and create checklists.

Commissioner Baker

Commissioner Baker stated that Mike Braegger was flooded during the recent rain storms. All of the driveways on the east side of Hargis Hill were sloped. The low spot was in front of Mike Braegger's house. The storm water drained across the street onto Mike Braegger's property.

She stated that she had driven through the City after the recent rain storms. She had seen the flooding. There had been talk about putting down gravel on 300 South to help prevent flooding, but it had never happened. She felt the City needed to step up.

Commissioner Baker thought the City did run out of money to do more curbing like 200 South.

She asked about the expiration of the City's permit at the gravel pit.

Chairman Bodily

Chairman Bodily asked about the covered storm drains on 600 South. Where did they drain to? Bryce Wheelwright said they drained to the storm drains behind Willard Peaks Ranches. It was a catch-22 situation. When the contractor started the project he had to come up with a SWPPP (Storm Water Pollution Prevention Plan), which was approved. However, until the project was completed the SWPPP was in place. The development cannot dump storm water until the State signs off on the SWPPP. That is why there were covers on the storm drains. The covers were supposed to be permeable. The covers had filled up with silt, so they weren't draining as they were supposed during the recent storms. The contractor was responsible for damage from the storm water.

Chairman Bodily asked if 300 East was a City street. There was a sign on the street that said *No Thru Traffic*. Bryce Wheelwright said the sign predated the City street project.



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9. ADJOURN

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

Minutes were read individually and approved on: _____

Planning Commission, Chairman
Sid Bodily

Planning Commission Secretary
Michelle Drago

dc:PC 08/18/2022



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

Minutes were read individually and approved on: 9/1/22

Sid Bodily
Planning Commission, Chairman
Sid Bodily

Michelle Drago
Planning Commission Secretary
Michelle Drago

dc:PC 08/18/2022

