



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, January 19, 2023 – 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
Blake Harrop
Zack Hulsey

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

Excused: Alex Dubovik

Others in attendance: Councilman John Seamons, Police Chief Theron Fielding, Clyde Westley, Keith Lammert, Rew Wiley, and Chad Braegger.

The meeting was called to order at 6:32 p.m.

1. PRAYER: Chandler Bingham
2. PLEDGE OF ALLEGIANCE: Diana Baker
3. ROLL CALL: Attendance was recorded by the secretary.
4. GENERAL PUBLIC COMMENTS

Time Stamp: 1:55 01/19/2023

Clyde Westley, 221 East 100 South, addressed the Planning Commission regarding gravel pits and corrections to the proposed General Plan. His written comments are attached.

5. CITY COUNCIL REPORT

Time Stamp: 9:36 01/19/2023

Councilman Seamons reported that there wasn't a City Council meeting on January 12th because the Council was unable to field a quorum. However, there was an issue that he wanted to share with the Planning Commission. He had received correspondence from Lucas Davis, who was part of the construction group working at Willard Bay. The map included with the correspondence showed that the right-of-way the City used to have to the waste treatment plan was gone. Mr. Davis said that the State Park did not have any interest in providing a right-of-way access this time. Mr. Davis felt that continued commercial development would be counter-productive to the services provided by the State Park and wildlife management area in this location.

Councilman Seamons pointed out that there was a large area north of Willard Bay and west of the interstate that the City had designated for commercial development. Without a right-of-way, the City could not get to the sewer plant. Chris Davis, City Manager, and Chris Breinholt, City Engineer, were both working to resolve



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the issue. Willard Bay had not even talked to the City about their construction plans or loss of the right-of-way.

Commissioner Harrop asked what Willard Bay was doing. Bryce Wheelwright said that Willard Bay was moving the gate to access the park to the north. The new gate would have two lanes for vehicles entering the park. The lanes would loop around to the north before turning back south toward the Bay. The park exit would not be changed. Councilman Harrop wasn't sure what the Bay was trying to accomplish by using all of that ground for a purpose that was already there.

Commissioner Bingham felt they were trying to provide check-in space so vehicles and boats so didn't back up onto the interstate.

Commissioner Baker had noticed over the past couple of years that parking for the Bay was overflowing onto 750 North. She thought the Bay had presented a plan about the construction of the pond a few years ago.

Councilman Seamons stated that when he and Bryce Wheelwright attended the dedication of the day pond they asked Bay officials what they were planning to do. They were told the Bay planned to change the access to the park. He and Bryce asked what would happen to the access road. Bryce Wheelwright said Bay officials wanted to give the access road to the City because they didn't want to maintain it or snowplow it. Now things had changed.

Commissioner Harrop asked who the City needed to talk to. Councilman Seamons said the staff was working with State officials to try to resolve the problem. He just wanted the Planning Commission to be aware of what was happening. There were land owners who were losing access to their properties.

Commissioner Harrop asked if the State Park had notified the land owners. Councilman Seamons said he had talked with one land owner who didn't know anything about it. Commissioner Harrop stated that any other party would be prohibited from blocking access for other property owners. The State shouldn't be treated any differently.

6A. **CONSIDERATION OF A SKETCH PLAN AND A PRELIMINARY PLAN FOR REYES RANCH SUBDIVISION LOCATED AT APPROXIMATELY 964 SOUTH MAIN (PARCEL NO. 02-055-0106)**

Time Stamp 17:37 01/19/2023

Bryce Wheelwright stated that the City had received an application for preliminary approval of the Reyes Ranch Subdivision from Keith Lammert. The subdivision would consist of one lot and was located at approximately 964 South Main (Parcel No. 02-055-0106). The lot was originally part of a 20-acre parcel on Tams Road owned by the Kunkel Burton Franz family trust. Mr. Lammert wanted to subdivide a half-acre building lot for his daughter.

Mr. Wheelwright felt the subdivision was pretty straight forward. The water was located in the street. The sewer was located west of the lot. Keith Lammert met with SLUA on January 12th. The SLUA recommended that the Planning Commission grant preliminary approval of the subdivision.

Commissioner Harrop asked if the proposed lot met all of the zoning criteria. Bryce Wheelwright said it did. The frontage along Tams Road was zoned R ½. The proposed lot complied with the lot size and lot width requirements of the R ½ Zone.



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Commissioner Baker asked about the location of the lot in relation to the existing homes. Keith Lammert said the lot would be located immediately south of his home, which was located at 950 South.

Commissioner Baker asked how big the entire acreage was. Mr. Wheelwright said it was about 20 acres.

Commissioner Bingham was concerned about access to the remainder of the property if development plans happened in the future. Keith Lammert stated that there was plenty of room to access the property on the south side of 980 South. The trust property also bordered 200 West.

Bryce Wheelwright stated that the current Subdivision Ordinance required that subdivisions provide curb, gutter, and sidewalk. There currently wasn't any curb, gutter, or sidewalk on Tams Road. SLUA recommended that the curb, gutter, and sidewalk improvements for the Reyes Ranch Subdivision be deferred to a future date with a deferral agreement.

Commissioner Bingham moved to grant preliminary approval of the Reyes Ranch Subdivision located at approximately 964 South Main (Parcel No. 02-055-0106) subject to a deferral agreement for curb, gutter, and sidewalk improvements. Commission Baker seconded the motion. All voted "aye". The motion passed unanimously.

6B. DISCUSSION REGARDING AMENDMENTS TO CHAPTER 12-105 - CONDITIONAL USE ORDINANCE

Time Stamp: 24:36 01/19/2023

Bryce Wheelwright stated that the Planning Commission had received a draft copy of Chapter 12-105. He deferred to the City Attorney for an explanation of the proposed amendments.

Colt Mund, City Attorney, stated that a Conditional Use Permit Review Committee had been added to Chapter 12-105-11. The Committee was a new element. Now prior to the Planning Commission holding a public hearing and making a decision regarding a conditional use permit, the City Planner would review the application to make sure it was complete. Then the application would be reviewed by a Conditional Use Permit Review Committee, which would be comprised of the Police Chief, the Fire Chief, Public Works Director, City Planner, City Manager, and City Engineer. The draft ordinance also included ten factors that the Conditional Use Permit Review Committee to consider. Those factors were listed in 12-105-12 and included fencing, noise, landscaping, parking, lighting, fire protection, access, etc. All of those elements would be flushed out by the Committee before a conditional use application was transmitted to the Planning Commission along with a written recommendation. When an applicant appeared before the Planning Commission, a lot of issues should have been ironed out. If the Planning Commission had additional concerns at that point and did not feel the use fit or was compatible, it could reject the conditional use permit, or it could add additional conditions. Another element that had been added was 12-105-13 to try and clear up language regarding the powers of the Planning Commission regarding non-compliance.

Mr. Mund said that the City Council and Planning Commission felt there needed to be greater work done to flush out any problems or issues prior to a conditional use applicant appearing before the Planning Commission. They were also looking for more guidance regarding what the Review Committee and the Planning Commission should be looking for, and they were seeking better clarification regarding the authority of the Planning Commission if someone was not in compliance. Mr. Mund said any thoughts or discussion by the Planning Commission was welcome.



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Commissioner Bingham felt the Conditional Use Permit Review Committee should include one member of the Planning Commission. Bryce Wheelwright said the CUP Review meetings would probably be held during the day. Would it be difficult for a member of the Planning Commission to attend?

Commissioner Baker asked about the relationship between a conditional use permit and a business license. Colt Mund explained that after the Planning Commission approved a conditional use permit, a business license could be issued to the applicant. Commissioner Baker asked if revocation of a conditional use permit revoked a business license. Mr. Mund said it should. Chairman Bodily said the Planning Commission didn't have anything to do with business licenses. They were handled by the City administration.

Chris Davis, City Manager, explained that part of the requirements for a business license was proper zoning. If a business owner did not have a conditional use permit, he didn't have the correct zoning.

Commissioner Harrop clarified that if a conditional use permit was revoked, a business license would be revoked as well.

Commissioner Hulsey asked if a business owner could move to a property that would allow the use. Mr. Mund said he could. A conditional use ran with the land, not the business.

Commissioner Baker asked if an applicant had to comply with the conditional use permit before a business license was issued. Mr. Wheelwright said that was correct.

Chairman Bodily felt an applicant should be in compliance with a conditional use permit before receiving a business license. The problem in the past had been stopping a use once it was started. The proposed amendment would give the Planning Commission authority to stop a conditional use.

Commissioner Harrop asked if the City could realistically stop a conditional use once it was started. Colt Mund said that if a conditional use was revoked on which a business license was contingent, a business owner ran the risk of being charged with a Class B Misdemeanor for doing business without a license. A business owner would have a lot of penalties hanging over his head if he continued to operate. If a conditional use permit was revoked, an applicant could appeal the Planning Commission's decision to the City's hearing office. A decision from the hearing officer could be appealed to district court.

Chad Braegger asked if there was a way of tying a water bill and water usage to a business license. The City owned the water. If a business was not in compliance could their water be shut off? Mr. Mund said it was a good question. He would have to look into it.

Commissioner Baker liked the proposed draft. She agreed with Commissioner Bingham's recommendation that a Planning Commission member be added to the Review Committee.

Colt Mund asked how the Planning Commission wanted to select that member. Commissioner Bingham felt it could be any member of the Planning Commission that was able to attend the meeting. Commissioner Baker suggested that an email regarding the meeting be sent to all of the Commission members. The first Planning Commission member to respond could attend. Commissioner Bingham did not feel the meeting should be stopped if a Planning Commission member was unavailable. Colt Mund said the Review Committee would have the same quorum requirements as the Planning Commission.

Commissioner Hulsey asked if the Review Committee would suggest what conditions and requirements should be placed on a conditional use, or would it just vet an application? Colt Mund felt the Committee



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would do both. The Committee would vet an application and could make recommendations regarding conditions. The Planning Commission could accept those recommendations or propose additional ones.

Commissioner Hulsey felt that the City Attorney had had some very good recommendations when the Planning Commission had reviewed the past few conditional use applications. He felt it would be beneficial for the City Attorney to be part of the Conditional Use Permit Review Committee.

Colt Mund stated that he would prepare a final draft for the Planning Commission to review at its next meeting.

Commissioner Hulsey moved to set a public hearing to receive public comments regarding amendments to Chapter 12-105 of the Zoning Ordinance on February 2, 2023. Commissioner Bingham seconded the motion. All voted “aye.” The motion passed unanimously.

7. CONSIDERATION AND APPROVAL OF JANUARY 5, 2023, REGULAR PLANNING COMMISSION MINUTES

Commissioner Harrop moved to approve the January 5, 2023, minutes as corrected. Commissioner Hulsey seconded the motion. All voted “aye.” The motion passed unanimously.

8. COMMISSIONER/STAFF COMMENTS

Time Stamp: 40:06 01/19/2023

Bryce Wheelwright

Bryce Wheelwright stated that on February 16th, the Planning Commission would probably be reviewing a conditional use permit for the Palmer Barn. He asked the Commission members to take the time to review all of the information it would receive prior to that meeting.

Mr. Wheelwright updated the Planning Commission on the status of the HOP Trail. The City's matching funds for the grant would be covered by UTA and UDOT. The agreement for those funds was being drafted. When the agreement was finished, construction could get started.

Mr. Wheelwright stated that work was starting on the well for the Old Farm annexation.

Chairman Bodily asked when work on Highway 89 would begin. Mr. Wheelwright said it was supposed to start this summer.

Chris Davis

Chris Davis stated that the Lieutenant Governor's office had been confused about the annexation of the Old Farm property because it was not currently contiguous to the City's boundaries. The staff had resolved their concerns.

Chris Davis reported that the City had received a \$1 million grant from the State to extend the waterline from Willard Canyon to 750 North. The City was working with the Wells family, Granite and Staker Parsons to get that started. The waterline would allow the Kunzler property to come back before the Planning Commission.



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The SLUA met with Dr. Beard on January 18th. He would be bringing a proposal for his property before the Planning Commission.

Colt Mund

Did not have any comments.

Commissioner Bingham

Did not have any comments

Commissioner Hulsey

Commissioner Hulsey asked about the sports complex that was going to go in on the southeast corner of 200 West 750 North. Bryce Wheelwright said the property owner had run into problems and didn't think he would be able to do it.

Commissioner Baker

Did not have any comments.

Commissioner Harrop

Did not have any comments.

Chairman Bodily

Chairman Bodily asked when the FiiZ shop would open. Bryce Wheelwright said they had not applied for their building permit. Chairman Bodily thought their goal was to open by April. He still felt there would have to be some type of barricade to prevent vehicles from driving straight out of the drive-through lane onto Highway 89.

9. ADJOURN

Commissioner Baker moved to adjourn at approximately 7:18 p.m. Commissioner Harrop seconded the motion. All voted in favor. The motion passed unanimously.

Minutes were read individually and approved on: 2/2/23

Sid Bodily
Planning Commission, Chairman
Sid Bodily

Michelle Drago
Planning Commission Secretary
Michelle Drago

dc:PC 01-19-2023

My main concern is the area on the mountain to our east, that has not yet been excavated, this includes two sections owned by a gravel company at Cooks Canyon. If the City goes into the gravel pit business, I have a concern this will do nothing but encourage the opening of the small gravel pit, which already exists.

I would like to see our Mayor and Council hold off on any re-zone requests. I spoke with a Granite representative; it will be around 10 years before the city material could be mined. That time could be used to see what protections can be made on the un-excavated portion of the mountain east of our city.

The two sections I am concerned with here are bordered to the east and south by U.S.A., (Forest Service). The Bonneville Shoreline Trail runs right through these two sections, (which will eventually be excavated for gravel) could this trail become the thread of hope to bring protection to this area. Recently the Federal Government made some significant changes to help complete the Bonneville Shoreline Trail. (S.1222 – Bonneville Shoreline Trail Advancement Act) Time is critical to explore possibilities for this area.

I have spoken with a Bonneville Shoreline Trail Committee (BSTC) representative. He in turn got in touch with our county, and changes are in process to require an easement across properties (such as these) for the trail. That simple adjustment will bring about an awareness, and a better plan than we had before. That alone may not save much in the end, but better plans have a propensity to build on themselves.

Time, Awareness, and a Concern are all critical to any possibility for changes in this circumstance. I have been in touch with The Trust for Public Lands and The Nature Conservancy. I haven't found anyone in the Forest Service concerned enough to become involved, but that is where Time, and Awareness come in.

Willard City needs to work with our county, the vision of our county's general plan "Box Elder Together" reads very close to Willard City's community vision in the new (proposed) general plan.

Our County's General Plan also states: "We invest in our towns and cities that have served us well for generations." We encourage new growth. We will preserve and protect our agricultural and natural lands that surround our cities, and support our rural Atmosphere.

Willard has served Box Elder County well for Generations with Mountain Materials & Gravel for Willard Bay, I-15, and many other projects. No new gravel pits should be allowed to open until the operating pits have been closed, and the mountain healed.

The County is working on a concept of a 'City Annexation Area'. I understood it as: A city will identify & map areas it may want to Annex in the future, although they are located in the county. The county in turn will use these maps to direct potential developers to the city first, which seems to put some teeth into the "Box Elder Together" theme of their general plan. The County is also looking to make a Trails Coordinator position, this would make a common contact point for all the trail coordination in our county.

In October Gov. Cox announced that his administration wants to create a statewide trail system. Connecting all trails in the Beehive State.

If our city continues to push this re-zone through, it is showing little faith in the visions of our City, County and State.

A few weeks ago, I spoke with Dr. Bruce Parker of the Consultant team revising our general plan. He indicated that from the results of the survey, (in 2021) he thought it should be worded that there should be "No gravel pit involvement on any city owned property." I am going to suggest that wording be added to our new general plan.

I asked about a survey, he said, "You don't need another survey, the survey taken last year (2021) was clear what the residents of the city wanted." Indicating 'A rural feel, and no more gravel pits.' It was plain enough to me; our city fathers haven't yet got the message.

I am not taking this upon myself, I am just trying to buy some time, (around 10 years) for it to be explored. In 10 years, when Granite is ready to start mining the city material, (if the city is still interested in selling it) a much better deal will likely be negotiated, and a better plan will be put into that process.

Clyde Westley
(435) 723-8220

Proposed changes to Draft Willard City General Plan. Since public input showed that Willard Citizens listed a rural community feel as a strength, and gravel pits as a weakness, and also wished to Preserve a Rural atmosphere, and Eliminate Gravel Pits. Wording should be added to the new general plan that:

There should be no gravel pit involvement on any city owned property.

In our current general plan, it is stated that:

Developers are to pay all costs of the impacts created by, public facilities required for the development, including all on-site and off-site public infrastructure related facilities, required exclusively to achieve capacity, or supply for the new development will be paid by developer.

I believe this should be clarified, and required in the Draft General Plan, as it is in our existing general plan. These proposals could be added to the Public Survey to find out who would be for or against them, if need be.

I also emailed Dr. Parker two items I seen as errors:

Page 18, Robert J. Bird, hymn composer. is mentioned.

I believe it should be Robert Bell Baird,

Page 19, "The City's canning and gravel mining industry also grew significantly during this time (ibid), ...

In the early 1900's the mining industry (gold, silver, etc.) was probably growing, but **not gravel** mining. Rock was blasted away from the cliff above Willard in the early 1960's to build Willard Bay, mostly large riprap. It wasn't until the 1970's that the large pit opened for gravel mining to supply I-15 with materials. Other pits have opened since then.

Dr. Parker just trusted my judgement, rather than more research, I ask you to verify or at least agree with the information I provided, or send corrections to Dr. Parker.

Clyde Westley
(435) 723-8220

