



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, September 21, 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
Alex Dubovik
Brian Gilbert, Alternate
Blake Harrop
Zack Hulsey

Colt Mund, City Attorney
Bryce Wheelwright, City Planner
Madison Brown, Secretary

Excused: Chris Davis, Chandler Bingham, and Michelle Drago

Others in attendance: Councilman John Seamons; Chad Braegger; Colton Kapp; Kamryn Kapp; Neldon Kapp; Ken Ormond; Ruth Ormond; Rew Wiley; and Mark Saunders.

The meeting was called to order at 6:30 p.m.

1. PRAYER: Blake Harrop
2. PLEDGE OF ALLEGIANCE: Alex Dubovik
3. GENERAL PUBLIC COMMENTS

There were no comments.

4. CITY COUNCIL REPORT

Time Stamp: 01:48 09/21/2023

Councilman Seamons reported on the September 14th City Council meeting:

The City Council tabled ordinance regarding the amendment to the Future Land Use Map requested by Chris Marx in order to hold a public hearing.

The City Council approved the ordinance amending the curb and gutter requirements

The Council discussed the Active Transportation Plan, which was needed for the HOP Trail.

Lynn Beard requested that the Council only rezone the corner parcel so he could begin constructing his multi-family dwellings. (What action did the Council take?)

An item of interest that wasn't on the agenda was the installation of a fence and no-trespassing signs that prohibited public access to through the Wells' property Willard Canyon.

- 5A. PUBLIC HEARING TO RECEIVE PUBLIC INPUT REGARDING A PETITION FROM NELDON KAPP TO REZONE APPROXIMATELY 9.15 ACRES LOCATED AT APPROXIMATELY 620 NORTH 200 WEST FROM A-5 TO R ½ (PARCEL 02-046-0005)

Time Stamp: 10:54 09/21/2023



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Commissioner Hulsey moved to open the public hearing at 6:41 p.m. Commissioner Gilbert seconded the motion. All voted “aye.” The motion passed unanimously.

Chairman Bodily read the Planning Commission's Rules of Order statement.

Bryce Wheelwright, City Planner, stated that the Kapp property was located at 620 North 200 West. It contained 9.15 acres and was currently zoned A-5. Neldon Kapp wanted to create a three-acre building lot for his son. He was asking that the property be rezoned to R ½ because the lot for his son would be less than the five acres required by the A-5 Zone. The future land use designation for this property was R ½. The staff's only comment was that the new lot and the remaining property both have at least 100 feet of frontage.

Neldon Kapp, 620 North 200 West, stated that his son wanted to build a home on his property and be part of the community.

Colton Kapp, Tremonton, stated that the frontages were indicated on the preliminary subdivision plat. The existing home on Lot 1 had approximately 179 feet of frontage. Lot 2, the new lot, would have about 319 of frontage. There was an additional 33 feet of frontage on the south side of Lot 2 that was the driveway for Lot 1.

Commissioner Baker asked where the driveway for Lot 2 would be. Colton Kapp said he planned to use the existing driveway for Lot 1. Commissioner Baker asked if that was possible. Bryce Wheelwright stated that there would have to be a reciprocal access agreement between the two properties.

Neldon Kapp stated that his home was located on the east side of his property. The driveway was about the length of two football fields. He felt there was plenty of room to share the driveway with his son.

Bryce Wheelwright stated that Willard City had spoken with Mr. Kapp about a waterline easement from his fire hydrant to 200 West. The easement would allow the waterline to be looped from Main Street to 200 West. Mr. Kapp had tentatively agreed to the easement and waterline, but nothing had been finalized.

Chairman Bodily opened the floor for public comments. There were none.

Commissioner Baker moved to close the public hearing at 6:49 p.m. Commissioner Harrop seconded the motion. All voted “aye.” The motion passed unanimously.

5B. CONSIDERATION AND RECOMMENDATION TO THE CITY COUNCIL REGARDING A PETITION FROM NELDON KAPP TO REZONE APPROXIMATELY 9.15 ACRES LOCATED AT APPROXIMATELY 520 NORTH 200 WEST FROM A-5 TO R ½ (PARCEL 02-046-0005)

Time Stamp 19:51 09/21/2023

Commissioner Baker asked how wide the existing driveway was. Neldon Kapp said it was the length of two footballs fields. Commissioner Baker was concerned about whether it was wide enough for two homes. Bryce Wheelwright said it was wide enough for a fire truck. Emergency access would be reviewed before a building permit was approved.



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Commissioner Dubovik reminded the Planning Commission that it was reviewing the rezone, not the subdivision.

Commissioner Gilbert asked if the Planning Commission needed to deal with the easement for the waterline. Mr. Wheelwright didn't feel resolution of the easement should be tied to the rezone. The easement wasn't even necessary for subdivision approval. The subdivision would work without the easement. The subdivision could not be considered until the property was rezoned.

Commissioner Gilbert felt the proposed rezone met the intent of the Planning Commission's goals.

Commissioner Dubovik felt it complied with the Future Land Use Map.

Commissioner Baker was concerned about the shared driveway. Mr. Wheelwright felt the Kapp's needed to show another driveway could be installed if it was necessary.

Colt Mund, City Attorney, recommended that the subdivision include a reciprocal access agreement between the two properties.

Commissioner Harrop asked where the home would be located on Lot 2. Colton Kapp said they planned to place the home on the small bluff that was several feet higher than the rest of the property.

Commissioner Baker asked if this property was located in the flood plain. Bryce Wheelwright said it was not located in the federal flood plain. However, the water table in this area was high.

The Planning Commission asked to see more details regarding the site plan and where a second driveway could be located.

Commissioner Harrop stated that he was an adjoining property owner. He recused himself from voting.

Commissioner Dubovik moved to recommend that the City Council approve the petition from Neldon Kapp to rezone approximately 9.15 acres located at approximately 620 North 200 West from A-5 to R ½. Commissioner Gilbert seconded the motion. All voted "aye, except Commissioner Harrop who abstained. The motion carried.

5C. CONSIDERATION AND RECOMMENDATION TO THE CITY COUNCIL REGARDING THE GENERAL PLAN DRAFT WHICH WOULD AMEND CHAPTER 12-000 OF THE WILLARD CITY ZONING ORDINANCE

Time Stamp: 30:11 09/21/2023

Bryce Wheelwright stated that there had been a lot of discussion about the General Plan. The Planning Commission and the City Council had held several work sessions. Zoning had been a big issue. In the last work session, the consensus of the City Council and the Planning Commission seemed to be that there be a blanket zone R ½ (Residential Half Acre). Then if someone applied for a Master Plan Community Zone, they might be allowed smaller lots, or a higher density, if they provided more open space or paid a fee in lieu of. If the Planning Commission recommended that the Future Land Use Map of the General Plan DRAFT have a blanket R ½ residential zoning, it should consider amendments to the Master Plan Community Zone regarding acreage, development size, and lot sizes.



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Chairman Bodily stated that Commissioner Dubovik and Hulseley were not at the last work session. He asked if they had any comments.

Commissioner Hulseley stated that he read the work session minutes. According to Dr. Beard, a master planned community was harder to do because of the paperwork involved. If everything was zoned, R 1/2, a subdivision would be easier to do. He felt R 1/2 zoning was setting the City up for straight half-acre zoning throughout the city. That wasn't what the Planning Commission hoped would happen, but it was a possible reality. Was the Planning Commission okay with that?

Commissioner Gilbert felt everyone was aiming for half-acre density with clustering and a variety of smaller and/or larger lots.

Commissioner Hulseley said there weren't any provisions to make sure that was the end result. If the Planning Commission was okay with straight half-acre lots, the General Plan was ready to send to the City Council. He didn't think that was actually what the Planning Commission wanted. Did the Planning Commission and City Council discuss tools to prevent straight half-acre zoning?

Commissioner Dubovik asked if a zoning change to Master Plan Community was a rezone. Bryce Wheelwright said a Master Plan Community Zone was a zone in and of itself. Commissioner Dubovik asked why everything had to be half-acre zoning to bring in an MPC Zone. He felt the problem was the wording in the MPC Zone. He didn't feel the solution was to blanket zone the entire city R 1/2.

Bryce Wheelwright stated that if property was zoned A-5, the MPC only allowed an A-5 density. The minimum acreage for an MPC was 20 acres. If that 20 acres was zoned A-5, only five lots/homes would be allowed in the MPC.

Commissioner Dubovik stated that an MPC was its own zone. Why must the MPC abide by the previous zone? Commissioner Hulseley stated that the MPC Zone was tied to the density in the zoning map.

Commissioner Dubovik asked why the MPC Zone couldn't be changed.

Colt Mund, City Attorney, said the MPC Zone said a master planned community had to be consistent with the goals of the General Plan, which was a finding that would have to be made by the City Council. He didn't feel the MPC Ordinance said the underlying zone governed the MPC. There might be a difference of opinion, but that would be for the City Council to work out.

Commissioner Hulseley felt using the underlying zone was a way to make sure everything was consistent.

Commissioner Dubovik felt that if someone wanted to change the zoning of agricultural land, they should bring in a compelling, creative argument. If the entire City was zoned R 1/2, the City would end up with a monopoly grid. Willard would look just like every other town because it was the easiest and cheapest way to go. There wasn't any incentive to be creative.

Chairman Bodily asked about property sizes that didn't qualify for an MPC. Commissioner Dubovik felt the MPC Zone could be amended to allow smaller acreages, like ten acres. Commissioner Harrop felt ten acres was more realistic than 20 acres.



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Commissioner Hulsey wasn't comfortable with the blanket half-acre because he felt it would lead to a half-acre grid.

Commissioner Harrop felt a large part of the work session discussion dealt with equity for all land owners.

Commissioner Dubovik felt that property owners had to be willing to live within the rules. Commissioner Harrop stated that the Planning Commission and City Council were trying to create the rules, and they were trying to be relatively fair to all of the land owners in the city.

Commissioner Hulsey felt a property owner was responsible to think about the future potential of his property when he purchased it.

Commissioner Harrop said the City was creating a new zone. If a property owner had done due diligence it wouldn't matter, because the City was changing the map.

Commissioner Dubovik asked if the community wanted blanket half-acre parcels across the city.

Chairman Bodily stated that discussions with residents revealed they wanted half-acre lots. Bryce Wheelwright said the response to the questionnaires was half-acre lots. The consensus of the last work session was half-acre lots.

Commissioner Dubovik asked if that discussion was tied to the elimination of the A-5 Zone. He felt the discussion was no lots smaller than half-acre, but he wasn't sure it was tied to eliminating all agricultural zones throughout the city. He wanted what was best for the city, and he would go with what the City wanted.

Commissioner Baker felt the Planning Commission should recommend the blanket zone to the City Council. Then the City Council could decide if it wanted to send out another survey.

Chairman Bodily asked if the City Council would hold another public hearing. Bryce Wheelwright stated that there had been several public hearings. It would be up to the City Council whether to hold another one. Councilman Seamons didn't feel the City Council would make an immediate decision when the Planning Commission made a recommendation. He felt there would be a lot more discussion. However, the Council could not move forward until it had something on paper from the Planning Commission.

Chairman Bodily felt the Planning Commission needed to move forward with a recommendation. He felt half-acre lots was what the majority wanted.

Commissioner Harrop hoped there would be some variation. Commissioner Hulsey didn't feel variations would happen on their own.

Commissioner Hulsey stated that the Future Land section of the General Plan DRAFT did not say anything about a blanket half-acre. He felt the draft needed to be amended, and that the Planning Commission should see in writing what it was recommending to the City Council.

Commissioner Baker asked if the plan had to be sent back to the consultant to change the zoning language.



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Colt Mund stated that Commissioner Hulsey was correct. The current draft talked about multiple residential zones. The City could take the product that Dr. Parker had prepared and change the language, or it could send the plan back to him and ask that it be changed to reflect residential half-acre throughout the city.

Commissioner Dubovik asked if the City owned the report. Mr. Mund felt that it did. Commissioner Dubovik felt the City could modify it.

Bryce Wheelwright stated that the City Council was waiting for a recommendation from the Planning Commission before it moved forward.

Colt Mund stated that the Planning Commission could make a recommendation about the blanket half-acre residential zoning and note that the current General Plan DRAFT needed to be modified to reflect the recommendation.

Commissioner Hulsey wanted to see a draft before sending it to the City Council.

Commissioner Dubovik stated that this wasn't different than any other recommendation the Planning Commission sent to the City Council. In the past, the Planning Commission had discussed and revised language until it was comfortable. The Planning Commission was the recommending body; the City Council was the approval authority.

Commissioner Hulsey felt that making a recommendation without seeing it in writing was telling the City Council that the Planning Commission didn't care what the Plan said; it just wanted the City Council to take over.

Colt Mund stated that the whole point of the conversation was that the document that had been received no longer reflected the direction the City wanted to go.

After further discussion, Commissioner Dubovik suggested that he and Commissioner Hulsey work with the City Attorney on a draft to present to the Planning Commission in two meetings. Commissioner Baker suggested that the City Manager also be involved.

Commissioner Harrop moved to table discussion on the General Plan DRAFT until a revision to the Future Land Use section was ready for review and discussion. Commissioner Hulsey seconded the motion. All voted "aye." The motion passed unanimously.

5D. REVIEW OF CONDITIONAL USE PERMIT ISSUED TO JOSH BRAEGGER FOR A BASEMENT APARTMENT LOCATED AT 53 NORTH 100 WEST (PARCEL NO. 02-047-0074) ON JUNE 19, 2020 (CONTINUED FROM SEPTEMBER 7, 2023)

Time Stamp: 51:50 09/21/2023

Bryce Wheelwright stated that he had spoken with Josh Braegger. The apartment in his basement was not more than 1,000 square feet and all of the parking was behind his home. Mr. Braegger's basement apartment complied with the size restriction and parking requirements in the ADU Ordinance. Mr. Braegger felt his conditional use permit could be terminated as the City now had an ADU ordinance.

Commissioner Hulsey felt the conditional use permit should be removed.



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Colt Mund felt it would be wise to get something in writing from Josh Braegger that said he was voluntarily terminating his conditional use permit in case there was ever a dispute.

Commissioner Dubovik asked if a property owner voluntarily terminated a conditional use, did it have to come before the Planning Commission. Colt Mund stated that revocation of a conditional use permit required official action by the Planning Commission.

Commissioner Hulsey moved to revoke the conditional use permit for a basement apartment located at 53 North 100 West (Parcel 02-047-0074) subject to receipt of a written statement from the property owner voluntarily terminating the conditional use. Commissioner Dubovik seconded the motion. All voted “aye.” The motion passed unanimously.

6. CONSIDERATION AND APPROVAL OF THE SEPTEMBER 7, 2023, REGULAR PLANNING COMMISSION MINUTES

Commissioner Baker moved to approve the September 7, 2023, minutes as written. Commissioner Harrop seconded the motion. All voted “aye.” The motion passed unanimously.

7. COMMISSIONER/STAFF COMMENTS

Time Stamp: 55:34

Bryce Wheelwright

Did not have any comments.

Colt Mund

Did not have any comments.

Commissioner Gilbert

Commissioner Gilbert asked for an update on the annexation in South Willard. Bryce Wheelwright stated the Mayor met with Commissioner Perry. He felt the County wanted the annexation to happen. Colt Mund stated that Commissioner Perry was going to have the County Attorney look into the annexation process.. At some point he felt the County and Willard City would hold a joint town hall meeting to receive input from the residents of South Willard.

Chairman Bodily asked if South Willard residents were aware about charges for municipal services. Colt Mund stated that when the annexation of South Willard was brought up previously, Zions Bank did a study. At that time, the County was not charging South Willard residents a municipal tax. It was now. There was some discussion about whether it would be cheaper for South Willard residents to be annexed into Willard. Commissioner Perry recognized that Willard City subsidized police and fire services for residents of South Willard, which might increase their tax obligation.



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Commissioner Dubovik

Commissioner Dubovik asked about the status of the flood plans for Cook Canyon, which had failed in the recent flooding. Bryce Wheelwright stated that Willard Flood Control came up with a plan that had been implemented. They created a detention basin in the mouth of the canyon to divert storm water to a drainage channel.

Commissioner Hulse

Commissioner Hulse asked about the status of the Kunzler PUD. Bryce Wheelwright stated that they needed water.

Commissioner Baker

Did not have any comments.

Commissioner Harrop

Commissioner Harrop stated that he had noticed sinking and settling where the conduit on the east side of 200 West was recently installed by Rocky Mountain Power. Did the City have any recourse? Bryce Wheelwright stated that Rocky Mountain was coming back to make repairs. There were issues with the 200 West trail as well.

Chairman Bodily

Did not have any comments.

8. ADJOURN

Commissioner Hulse moved to adjourn at approximately 7:31 p.m. Commissioner Baker seconded the motion. All voted in favor. The motion passed unanimously.

Minutes were read individually and approved on: 10/5/23



Planning Commission, Chairman
Sid Bodily



Planning Commission Secretary
Madison Brown

dc:PC 09-21-2023