



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, October 5, 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
Alex Dubovik
Blake Harrop
Zack Hulsey

Colt Mund, City Attorney
Bryce Wheelwright, City Planner
Michelle Drago, Secretary

Excused: Chris Davis.

Others in attendance: Mayor Mote; Neldon Kapp; Colton Kapp; Kamryn Kapp; Brian Gilbert; Ken Ormond; Ruth Ormond; Chad Braegger; Rod Braegger; Debbie Braegger; and Rew Wiley.

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

1. PRAYER: Alex Dubovik
2. PLEDGE OF ALLEGIANCE: Diana Baker
3. GENERAL PUBLIC COMMENTS

There were no comments.

4. CITY COUNCIL REPORT

Time Stamp: 02:23 10/05/2023

Mayor Mote reported on the September 28th City Council meeting:

The City Council agreed to amend the Future Land Use Map and rezone only the part of Chris Marx's property that he need for the half-acre lots.

The City Council approved the rezone of Neldon Kapp's property from A-5 to R ½.

Both rezones would officially approved by ordinance at the next Council meeting.

Approved an agreement for consulting services with Lewis, Young, Robert, and Burningham for an economic development plan. The City was applying for a grant from the State of Utah that would hopefully fund the plan.

The Council certified the annexation petition from the Orchards Subdivision. The petitioner could take the next step in the annexation process.



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The Council denied a request for annexation for property above the Granite gravel pit.

The Council meeting ended with a closed session.

5A. CONSIDERATION OF A PRELIMINARY PLAT FOR KAPP SUBDIVISION LOCATED AT APPROXIMATELY 620 NORTH 200 WEST (PARCEL 02-046-0005)

Time Stamp: 06:24 10/05/2023

Bryce Wheelwright stated that Neldon Kapp had requested that nine acres he owned at 620 North 200 West be rezoned from A-5 to R ½, which the Council approved on September 28th. Mr. Kapp now wanted to subdivide three of those nine acres into a building lot for his son. During the rezone discussion, the Planning Commission asked that the Kapp's provide a site plan showing the location of the proposed home in relation to the shared driveway (see attached copy).

Colton Kapp stated that they were seeking approval for a three-acre lot. That would leave 6.15 acres for his parents. They planned to create a shared easement with his father to use the existing driveway to access the home. On the subdivision plat, the driveway was shown as a utility easement along the south side of the subdivision. It was 33.5 feet in width.

Commissioner Hulsey stated that on the proposed site plan, the easement was labeled as 500 North. Was it a City street? Colton Kapp said it was not.

Commissioner Baker asked who would own the property on which the easement was located. Colton Kapp said it would be owned by his father.

Commissioner Dubovik asked if the proposed lot complied with all of the zoning requirements. Bryce Wheelwright said it did, except for the shared driveway. The use of the easement as a shared driveway meant there needed to be a recorded reciprocal agreement between both parties. Then if the ownership of either parcel changed, the access could not be blocked.

Commissioner Baker was concerned that the proposed subdivision was creating a flag lot. Commissioner Hulsey stated that both lots had the required 100 feet of frontage. Colton Kapp could create a separate access to his lot. He was choosing to do an easement to use his father's access.

Commissioner Dubovik asked if the Planning Commission could approve the subdivision subject to the creation of the easement or reciprocal access agreement. Mr. Wheelwright said it could.

Bryce Wheelwright stated that the subdivision had been reviewed by SLUA. The Planning Commission was only approving the concept or preliminary plan. If the Planning Commission granted approval, the Kapp's would have to have a final plat prepared.

Commissioner Hulsey asked if 500 North was part of the City's Road Master Plan. Bryce Wheelwright said it was not.

Commissioner Bingham stated that if 500 North was a dedicated street, there would not be a need for a reciprocal access agreement. If this was a private road, then an agreement was needed.



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Colt Mund, City Attorney, asked about the difference between an easement and a reciprocal access agreement. Bryce Wheelwright felt the only difference was the name. A reciprocal access agreement, or a reciprocal access easement, would provide both parties non-exclusive ingress and egress over and upon a certain road located on real property. An easement was interest in land belonging to another person so that the easement owner had a limited right to use or enjoy the other person's property.

There was further discussion about the difference between reciprocal access and an easement.

Colt Mund wanted to make sure the easement, or reciprocal access, could not be terminated as a right-of-way for a future landowner.

Commissioner Harrop did not feel there were any other issues. Mr. Wheelwright agreed.

Commissioner Harrop recused himself from voting because he was an adjoining property owner.

Commissioner Bingham moved to accept the concept plan for the Kapp Subdivision located at approximately 620 North 200 West (Parcel 02-046-0005) subject to a recorded reciprocal agreement or easement to use the 33.55 easement as a shared driveway. Commissioner Hulsey seconded the motion. All voted "aye," except Commissioner Baker and Harrop. The motion carried.

5B. CONSIDERATION OF A RECOMMENDATION TO THE CITY COUNCIL REGARDING AN AMENDMENT TO THE EMERGENCY ACCESS REQUIREMENT FOR THE ROD BRAEGGER SUBDIVISION LOCATED AT APPROXIMATELY 100 SOUTH 400 WEST (02-054-0003)

Time Stamp 17:41 10/05/2023

Bryce Wheelwright stated that the Rod Braegger Subdivision located at 100 South 400 West was approved by the City in 2021. At that time there were too many homes, and the subdivision was required to have a second emergency access. Several emergency access options were discussed at that time. The access that was approved extended south through the Lindsey Hansen property and tied into the Orchard Subdivision being developed by Sierra Homes. Rod and Debbie Braegger were now asking that the location of the emergency access be changed to run along the north side of Mr. Hansen's property to 250 West. The proposed change was one of the options discussed during the approval process.

Rod Braegger stated that they were asking to change the location of the emergency access to accommodate Lindsey Hansen. Mr. Hansen leased the west part of his property. Mr. Hansen also had a spring on his property. If the emergency access road was extended south through Mr. Hansen's property, he would no longer be able to lease the west portion because the spring water would be cut off. Mr. Hansen said there was already a sewer line easement along the north side of his property which came out on 250 West. Mr. Hansen wondered if they could use that easement as the emergency access.

Commissioner Dubovik asked if there were any violations or restrictions that would prevent the Planning Commission from changing the emergency access.

Bryce Wheelwright stated that having Braegger's push through to the south and tie into Orchards would create a loop when Orchards developed.



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Commissioner Bingham felt the Planning Commission's understanding was that the emergency access connected to the Orchards Subdivision would only be temporary until the subdivision developed. Now it appeared that development would be blocked until the Hansen property developed.

Rod Braegger said it wasn't landlocked, the City actually owned a right-of-way for 400 West through the Hansen property. Bryce Wheelwright said the elevations of the road would hinder Mr. Hansen's spring water.

Colt Mund felt that legally using the sewer easement could be problematic because the easement language probably said the only ingress and egress was for replacement, installation, and maintenance of the sewer, not for any other purpose. If there was a new agreement, it could work. He wondered what the Fire Chief had to say about the proposed access change.

Bryce Wheelwright stated that when the subdivision was considered in 2021, the Fire Chief felt there was room to get a fire truck along the north side of the Hansen property. The Fire Chief wasn't too concerned about where the emergency access was as long as it was there and accessible.

Rod Braegger stated that Lindsey Hansen had told him he was willing to do another easement for emergency access.

Colt Mund felt the Fire Chief should provide the Planning Commission with a written recommendation.

Commissioner Baker felt that Lindsey Hansen should be present to represent himself or provide the Planning Commission with something in writing. Colt Mund agreed.

Commissioner Hulsey asked if the easement would be available to all public if it was a City easement. Colt Mund said it would not if it was only for the City to use to respond to emergency calls. Bryce Wheelwright stated that if there was an emergency that cut off Center Street, it could be used as an access for residents.

Commissioner Hulsey asked if the City would be responsible to maintain the access as an emergency access. Colt Mund felt that could be negotiated and determined in the easement agreement.

Commissioner Bingham asked how soon Sierra Homes/Heritage Homes planned to develop 400 West. Bryce Wheelwright said that depended on the economy. They had not approached the City with any further development plans.

Commissioner Bingham was open to the proposed change, but he wanted to know how far out Heritage Homes was. Ultimately the City wanted 400 West to cross the Hansen property. If Sierra Homes was only a year away, it seemed pointless for Rod Braegger to put in a different emergency access. It was information the City needed to know.

Chairman Bodily felt the Planning Commission was amenable to the change, but it needed further information from the Fire Chief, Lindsey Hansen, and Heritage Homes.

Bryce Wheelwright asked if the sewer easement was totally on Lindsey Hansen's property. Mr. Braegger said it was.



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Commissioner Dubovik asked if Rod Braegger had a preference. Mr. Braegger said he just wanted an access.

Commissioner Hulsey wanted to make sure the easement was wide enough for fire equipment. Rod Braegger stated that the original easement was 20 feet. The sewer easement was 25 feet. Lindsey Hansen was willing to negotiate the width of the easement to make sure there was enough room.

Commissioner Hulsey also wanted to know who was in charge of maintaining the easement.

- 5C. REVIEW OF A CONDITIONAL USE PERMIT ISSUED TO KENNETH BRAEGGER FOR A HOME OCCUPATION-CONTRACTOR BUSINESS LOCATED AT 55 SOUTH 100 EAST (PARCEL 02-050-0074) ISSUED ON FEBRUARY 5, 2016

Time Stamp: 32:40 10/05/2023

Bryce Wheelwright stated that he had contacted Ken Braegger. Mr. Braegger was not able to attend the meeting, but he wanted his conditional use permit left the way it was. He had an office for his contracting business in his home and planned to continue to do so. The City had not had any complaints about Mr. Braegger.

Chairman Bodily wasn't aware of any issues or complaints regarding Mr. Braegger's conditional use permit. He asked if the Planning Commission was aware of any issues. There were none.

6. CONSIDERATION AND APPROVAL OF THE SEPTEMBER 21, 2023, REGULAR PLANNING COMMISSION MINUTES

Commissioner Dubovik moved to approve the September 21, 2023, minutes as corrected. Commissioner Harrop seconded the motion. All voted "aye." The motion passed unanimously.

7. COMMISSIONER/STAFF COMMENTS

Time Stamp: 35:14 10/05/2023

Chairman Bodily

Chairman Bodily stated that the Planning Commission had planned to discuss the General Plan at the next meeting, but Commissioners Dubovik and Hulsey would not be in attendance. He asked that it be moved to the November 2nd agenda. Bryce Wheelwright stated that Chris Davis contacted Bruce Parker, the City's planning consultant, and asked him to make changes to reflect the outcome of the Planning Commission/City Council work sessions. Commissioner Hulsey asked that the staff send him Bruce Parker's contact information.

Colt Mund

Did not have any comments.



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Mayor Mote

Did not have any comments.

Bryce Wheelwright

Bryce Wheelwright stated that there had been some interest regarding the Transit Oriented District. A party was interested in commercial and high density housing. The City might be seeing something.

Commissioner Bingham

Did not have any comments.

Commissioner Dubovik

Commissioner Dubovik said that a few weeks ago he witnessed a truck traveling along the Canal Road at high speed. He cautioned people to be very careful when using the Canal Road.

Commissioner Hulsey

Did not have any comments.

Commissioner Baker

Did not have any comments.

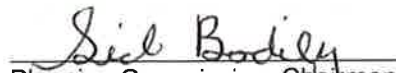
Commissioner Harrop

Did not have any comments.

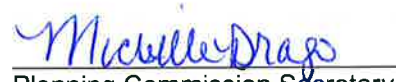
8. ADJOURN

Commissioner Hulsey moved to adjourn at approximately 7:12 p.m. Commissioner Baker seconded the motion. All voted in favor. The motion passed unanimously.

Minutes were read individually and approved on: 10/19/23



Planning Commission, Chairman
Sid Bodily



Planning Commission Secretary
Michelle Drago

dc:PC 10-05-2023



home
home

Legend

Untitled polygon

Google Earth

