

WILLARD CITY CORPORATION PC050715

DATE: May 7, 2015
TIME: 6:30 p.m.
PLACE: Willard City Hall
ATTENDANCE: Chairperson – Terry Ross
Commissioners: Leslie Meyer, Gary Hart, Chandler Bingham
Bryce Wheelwright - City Planner (non-voting member)
Michelle Mund - City Council member (non-voting member)
Gaylene Nebeker - Planning Commission Secretary
EXCUSED: Jasmine Baker, Sidney Bodily
CITIZENS: See attached sheet

1. **Prayer**

2. **Pledge of Allegiance**

3. **General Public Comment (Input for items not on the agenda)**

Ryan Tingey asked what can be done to speed up the process for helping developers to be allowed to develop. In the Subdivision Ordinance it states there is a checklist that needs to be done before the project is approved. He said this is approved by the City Council stating the Planning Commission is only a recommending body. The public hearing scheduled for tonight was cancelled because the engineer did not have enough time to review and approve the plans. He stated again the Planning Commission is only a recommending body which means you can look at the concept and see they gave the Planning Commission everything they needed. He talked to Doug Young about the 2 lots that needed addressed and said this project can be moved on to the City Council with a recommendation from the Planning Commission for approval with the conditions discussed. He disagrees those items need to be addressed before they are moved on to the City Council again stating the Planning Commission is only a recommending body and not the decision making body. When it gets to the City Council they will decide if everything the Planning Commission recommended has been completed. He stated they are another month out and will be holding a meeting on Friday to discuss the issue. He did not know who was making the decisions to pull information off the agenda. He suggested City Council member Mund address the City Council to see how this is interpreted. He has talked with the Mayor and he does not disagree with him. He stated this becomes a bottleneck and it has taken Doug 5 years to get his first phase approved. Doug has spent a lot of money and is gambling with the project if the project is not even going to be approved and he is going to spend money on engineering. All the Planning Commission should do is make a recommendation that they like the concept with the conditions that the engineer approves it. He said you never know if the water lines are going to work, if the curb and gutters are going to flow or the drainage is going to work. The Planning Commission needs to look at the concept plan and move it forward at which time the City Council will make their decision after approval by the engineer. The process the city has is allowing the Planning Commission to become a decision making body and he is totally in disagreement with this. He asked that this information be taken to the City Council as he will be out of town for the next City

Council meeting. He stated he has talked with the Mayor about these issues and will be discussed at length at their meeting on Friday. City Council member Mund stated there will be a new council coming in this year and there will be an orientation process to get them on board. She felt projects needed to expedited more quickly and felt you do not want to change a council in the middle of this type of decision and felt something needed to done before November.

Ryan went on to explain that other cities around Box Elder County all work the same at the Planning Commission level stating they do not hold up the process. Willard City's Planning Commission is holding up the process. Commissioner Bingham felt the Planning Commission has been very accommodating but things keep changing on their end. At the last meeting a public hearing was scheduled with the assumption that everything was given to the engineer prior to the meeting for review and felt there was nothing the Planning Commission had done wrong. Ryan stated they only thing they were looking for at the last meeting was to be scheduled for a public hearing and it does not have to be contingent on anything. The Planning Commission was given a final plat and all they were asking for was a public hearing and tonight should have been the night the Planning Commission stated they liked the plan or not but to have the engineer approve it before a public hearing is not right.

Commissioner Bingham stated in the minutes from the last meeting a motion was made to schedule a public hearing contingent on engineer approval. The other issue he has is them coming into the office the day before or the day of the Planning Commission meeting to meet with City Planner Wheelwright to get things going. He stated 5 or 6 weeks ago the Planning Commission was looking at a whole different plan. Ryan stated they have turned everything in on time and have met every deadline. He stated every developer who has wanted to develop in Willard says it is a nightmare. The City Council lives by a different set of rule than the Planning Commission and the Planning Commission is only to make recommendations not decisions. If he does not have all the information in by the time the City Council makes a decision then he would be required to come back. He wants to have a strict interpretation of the ordinance by the Friday meeting and also wants to know who took it upon themselves to cancel the public hearing.

City Council member Mund stated the City Council approved a plan several years ago that had been on the table for several years. Ryan stated this has been frustrating for all those involved but the final plans were submitted 3 weeks ago. He is only asking for an interpretation of the policy and to know if the Planning Commission can make recommendations. He felt the Planning Commission was making a decision and not a recommendation and felt Doug met all the requirements he need to have a public hearing.

Jeff Flinders/South Willard – stated after attending a couple of the Planning Commission meetings and felt if they deal with the specifics of what is on the agenda. Is someone is trying to rezone a piece of property you deal with just the rezone not what happens further down the line. He felt some of the Planning Commission members do not know the rules or what is in the ordinance book and felt they needed to study the rules and laws.

Chairperson Ross asked for any further comments.

Ryan Tingey stated he would like the Planning Commission to set a public hearing for Doug because now we are looking at another 6 weeks with all the noticing requirements. City Planner Wheelwright stated what he understood Ryan to say was that he wanted the Planning Commission to set a public hearing without even knowing what they are looking at. Ryan stated they have the plans in front of them. City Planner Wheelwright stated they may have them in front but they do not know if the engineer has approved it. Ryan stated they do not need to know whether the engineer has approved it or not and can make it contingent on engineer approval again stating the Planning Commission is only a recommending body not the decision makers. City Planner Wheelwright said if the engineer see something wrong with the plan how would they know. Ryan stated the Planning Commission is only looking at the concept, plat conformities to the ordinance. City Planner Wheelwright also stated they are the working to plan for the future. Ryan stated the engineer is only looking at how the water lines are put in and the layout of the curb and gutter, park strips etc. The Planning Commission only approves the concept whether it meets the general plan and if it meets what the city wants and engineering should not matter at this point and when it gets to the City Council that is when all the information should be there. He again stated this is a serious bottleneck. He knew he could not ask for another public hearing tonight but asked if it could be pushed up.

Chairperson Ross stated at the last meeting the Planning Commission made a motion to approve it and to set a public hearing contingent on the engineering approval. Ryan stated the Planning Commission cannot approve it and all he was asking for was a public hearing. He did not care if they approved it or what they thought about it, he also stated he presented plans 3 weeks ago. He said the Subdivision Ordinance states the engineering needs to be approved before the plan can be approved. He again said the Planning Commission only recommends contingent on the engineering and the City Council will be the one to approve. City Planner Wheelwright stated the motion was made to set for a public hearing contingent on engineering approval and the Planning Commission did not have information from the engineer so a public hearing did not get set. Ryan felt if all the information was presented to the Planning Commission they should have set a public hearing. Commissioner Bingham stated part of the job is to look at the plan and help the developer remedy issues sooner. Ryan stated most issues like drainage is discussed at the City Council level and does not matter at this level. He asked why Doug would be spending money on engineering if he does not think it will work. He stated he has taken too much of the Planning Commissions time and more discussion will be held at the Friday meeting. He stated there were City Council members and the Mayor who agreed with him on his concerns.

Eddie Wells asked about 100 West going through. Ryan stated if it is on the Master Road Plan and will need to be put in. It will not be paved but will be left open.

Joel Murray asked when the Planning Commission would be talking about the Hwy 89 corridor.

City Planner Wheelwright stated they Planning Commission would be holding a public hearing on Section 12-000 of the General Plan and the future zoning will be discussed at a later date after this section is approved. Joel stated he was under the impression that the Hwy 89 corridor would be discussed during this meeting. City Planner Wheelwright stated if he wished to talk about Hwy 89 he could do so during the public hearing.

4. **Public Hearing** – to hear public comment on proposed changes to Section 12-000 of the Willard City General Plan

Chairperson Ross asked for a motion to open the public hearing.

A motion was made by Commissioner Meyer to open the public hearing at 7:00 pm regarding Section 12-000 of the General Plan. The motion was seconded by Commissioner Bingham. The motion carried.

Joel Murray - 1025 S 105 East in Willard felt the city was going in a good direction with the Hwy 89 corridor he would like to see more commercial especially with the city being in a deficit situation. He does not want to see Willard be a bedroom community and felt it was time to let commercial come in. We do not need to see big city commercial but some type of commercial.

There was no further comments and Chairperson Ross asked for a motion to close the public hearing.

A motion was made by Commissioner Bingham to close the public hearing at 7:03 p.m. The motion was seconded by Commissioner Hart. The motion carried.

5. **Discussion Items**

a. Discussion of Section 12-000 of the Willard City General Plan and recommendation to the Willard City Council for approval

Chairperson Ross asked for any additional comment or questions. With the approval of this ordinance it will give the Planning Commission the opportunity to revise some of the ordinances to allow for a commercial zone. City Planner Wheelwright also stated we can look at changing the Land Use Map and make the ordinances match. Chairperson Ross stated we can start by setting priorities. He stated we have a current Land Use Map and Master and Future Road Maps to help dictate what needs to be addressed. City Planner Wheelwright stated in Doug Young's development they have 100 West as a draft and felt we need to have them put the road in because it is a Master Planned Road. Chairperson Ross asked as a recommending body we send the ordinance to the City Council with a recommendation they pave 100 West. City Planner Wheelwright stated this is where the engineer comes in and stated the Planning Commission did nothing wrong stating how is the Planning Commission supposed to send anything forward if they do not know what it is. Commissioner Meyer felt the Planning Commission is a work horse for the City Council by taking care of some of the little things so when it goes before the City Council they do not need to nit-pick everything. She said if we do not make him pave 100 West then who is going to be responsible for paving it. City Planner Wheelwright stated in talking to the engineer there are issues with the cul-de-sac at the bottom of 600 have too many homes with only one outlet. Commissioner Meyer stated a plan was approved several years ago as a Planned Unit Development (PUD) and asked if it is still a PUD or a Subdivision. City Planner Wheelwright stated they changed their concept and open space it is still a PUD Concept with a Home Owners Association and is just a different layout and there are some things that do not meet our city ordinances and felt it was the Planning Commissions responsibility to figure that out. City Council member Mund asked if they have sold any lots. City Planner Wheelwright stated they cannot sell any lots until the final plat is recorded. Commissioner Meyer stated he has been putting in roads and asked how he can put in roads if he has not been approved. City Planner Wheelwright said he had been approved for Phase 1 of his original concept. City Council member Mund felt it looked different and asked if it was what was approved. City Planner Wheelwright said he has put in more water connections than what they will be using and there are spin off roads that used to be in the original plan that are not there now because he did not acquire the land in the middle.

Chairperson Ross asked for a motion to send Section 12-000 to the City Council for approval.

A motion was made by Commission Meyer to forward to the City Council for approval Title 12-000 of the General Plan. The motion was seconded by Commissioner Bingham. The motion carried.

Chairperson Ross stated the priorities should be the Land Use Map and Master Road Map should be the first items to be discussed then the Zoning Ordinance, Subdivision Ordinance etc. to follow. He asked that those be put on the agenda for the next meeting.

6. Approval of Minutes

The minutes of the April 16, 2015 Planning Commission meeting were reviewed. A motion was made by Commissioner Hart to approve the above minutes as amended with typographical errors. The motion was seconded by Commissioner Meyer. The motion carried.

7. Commissioner Comments/Staff Comments

Commissioner Hart had a real hard time with the comments Jeff Flinder said about the Planning Commission taking too long and not knowing the ordinances. He looks at his development and it is a mess and there is nothing that can be done about it. He felt by Jeff Flinders saying we should only be looking at today and not 10 years down the road and felt that if that was the problem 10 years ago that no one looked down the road. He asked if he was allowed to tell him that. City Planner Wheelwright if you wanted to start an argument then yes but felt we just need to let them say what they want and move on. It is called a Planning Commission for a reason to plan for the future.

Chairperson Ross stated the Planning Commission has done a great job. We may not understand all the ordinances but we try, we are a voluntary organization to help the city move forward as the best we can. He commended the Planning Commission on doing a great job and felt we were making progress. City Council member Mund said she would let the City Council know how hard the Planning Commission has worked.

Commissioner Bingham was upset with Ryan's comments. He felt the Planning Commission has tried to expedite the project through, we set the public hearing at the last meeting even though we had only received the plan at that meeting. He felt there development is a major source of the bottleneck more than the Planning Commission. The want to blame the Planning Commission for their not doing their job. City Council member Mund stated she was very believing what Ryan is saying when nothing he has said has happened. Ryan has gone to several of the City Council and Planning Commission members to discuss the plan and felt this was not right. Commissioner Bingham said the hours that have been spent looking at the plan they presented with UDOT, Frontrunner etc. and then presented a completely different plan at the last meeting. He said at the last meeting there was discussion held on open space and lot sizes and Bryce stated they are considering the meandering sidewalks their open space which will make their lot sizes less than 10,000 sq. ft. and felt this needed to be looked at. He stated he does not like being played by the developers and stated he does not want the have another Willard Peak Ranches.

Commissioner Hart stated it could have been a nice subdivision if things had been done the way it should have been. He was also concerned about what has been promised in other meetings and felt we may need to have time to look at other issues.

Commissioner Bingham said as far as the engineering the curb and gutter and drainage affects the concept of the plan and there needed to be some type of

approval by the engineer. He felt everyone on the Planning Commission has been willing to work with him and felt Ryan was out of place to be upset about the cancellation of the public hearing.

Commissioner Meyer stated at the last meeting Ryan told the Planning Commission that the engineer had the plans. City Planner Wheelwright said he had talked to Ryan and was told the Mayor and the engineer had copies of the plan.

Commissioner Hart asked if it was proper for them to come to the Commissioners houses and lay out the plan.

City Planner Wheelwright explained that anyone wanting to develop in Willard needs to bring a concept plan to the City Offices and the staff will review and determine what needs to be done prior to the Planning Commission seeing the plan. If anyone comes to their homes they should tell them no thank you I will get it from the City Offices. He also stated he had talked to the Mayor today and the Mayor has told him is not in support of what Ryan is saying.

He also reported the 85 ft. frontage that was recommended to the City Council quite a while ago has now been turned over to the City Council in ordinance form.

8. Adjourn

A motion was made by Commissioner Bingham to adjourn the May 7, 2015 Planning Commission meeting. The motion was seconded by Commissioner Meyer. The motion carried. The meeting adjourned at 7:40 p.m.

Minutes were read individually and approved on May 21, 2015