Notice is hereby given that the
WILLARD CITY PLANNING COMMISSION
Will meet in a regular session on
Thursday, June 17, 2021– 6:30 p.m.
Willard City Hall, 80 West 50 South
Willard, Utah, 84340

AGENDA

(Agenda items may or may not be discussed in the order they are listed and may be tabled or continued as appropriate.) Public Comment may or may not be taken

1. Prayer
2. Pledge of Allegiance
3. Roll Call
4. General Public Comment (Input for items not on the agenda)
5. Discussion/Action Items
   a. Consideration of a request to rezone 34.57 acres located at approximately 3630 South 1200 West (200 West) from A-5 to R-1/2 (02-035-0060, 02- 035-0061, 02-035-0063, and 02-035-0079)
   b. Consideration of a proposal to amend Willard City Zoning Ordinance Chapter 12-116-5(2) Dedication of Streets, Rights-of-Way, or Easements – Residential, Commercial or Industrial Subdivision, or Planned Unit Development
   c. Consideration of a recommendation to the City Council regarding revisions to Willard City Zoning Ordinance Chapter 12-500 Mobile Homes, Mobile Home Parks, and Mobile Home Subdivisions and adoption of Chapter 12-700 Recreational Vehicles and Recreational Vehicle Parks
6. Consideration and approval of the June 3, 2021, regular Planning Commission minutes
7. Commissioner/Staff Comments
8. Adjourn

I, the undersigned duly appointed and acting Deputy City Recorder for Willard City Corporation, hereby certify that a copy of the foregoing notice and agenda was posted at the City Hall and on the State of Utah Public Meeting Notice Website this 11th day of June, 2021.

/s/ Michelle Drago

Deputy City Recorder

Individuals with questions, comments, or needing special accommodations pursuant to the Americans with Disabilities Act regarding this meeting may contact Michelle Snarr at (435) 734-9881. I, the undersigned duly appointed and acting Recorder for Willard City Corporation, hereby certify that a copy of the foregoing notice and agenda was posted at the City Hall and on the State of Utah Public Meeting Notice Website this 11th day of June, 2021

/s/ Michelle Drago
Deputy City Recorder

May 17, 2021

WILLARD CITY STAFF REPORT

SUBJECT: Colliers request for rezone of Fitzgerald property

INTRODUCTION: Willard City Ordinance 12-110-4

SUMMARY: Mr. Brown from the Collier Co. has submitted a rezone application for the property at the far North end of Willard City known as the Fitzgerald property. It is located at approximately 1800 North and 200 West. The property is currently zoned A-5.

They wanted to rezone the property as a Planed Development, but that ordinance has been repealed so they are wanting to zone it to R-1/2

On the Future Land Use Map the property is shown to be in the A-3 and A-5 zone.

Rezoning the property to R-1/2 would not put the city in a negative financial situation so the question is, does it meet the General Plan goals for the City.

RECOMMENDATION: Staff recommends that the Planning Commission consider the rezone request and set it for a Public Hearing on June 3rd

third option was a fee in lieu of, which could become an accounting nightmare if escrow funds showed up on the City's accounts for 30 years.

Colt Mund stated that the City Engineer had recommended a deferral agreement.

Commissioner Bingham felt there should be some type of requirement to handle storm drainage, even in the Old Town Willard Zone. There needed to be some type of control, but it didn't have to be curb and gutter.

Commissioner Harrop asked if there could be a fee in lieu of with a time clause that would expire in five to 10 years. Mr. Mund felt that a time clause could be addressed by a deferral agreement. When the City decided it was in the best interest of the City to have curb, gutter, and sidewalk, it could have available funds because of deferral agreements. Commissioner Harrop didn't want to hold property owners hostage for 20 to 30 years. Right now curb and gutter in front of Lot No. 3 wouldn't tie into anything on the north or the south and would just be an eyesore. He felt the City should accept a fee in lieu of with a time clause. If the improvements weren't installed in a certain period of time, the money could be released back to the property owners.

Commissioner Dubovik pointed out that decisions regarding curb, gutter, and sidewalk would be made after the public hearing.

Commissioner Bingham moved to set a public hearing for June 3, 2021, at 6:30 p.m. to receive public comments regarding preliminary approval of the Hurst Subdivision. Commissioner Harrop seconded the motion. All voted unanimously. The motion carried.

Monica Hurst stated that they would not be in town on June 3rd. Commissioner Dubovik said the June 3rd meeting would be to allow for public comments. The Planning Commission would discuss the public comments during its June 17th meeting.

5C. SET A PUBLIC HEARING FOR JUNE 3, 2021, TO RECEIVE PUBLIC COMMENTS REGARDING A PROPOSED AMENDMENT TO WILLARD CITY ZONING ORDINANCE CHAPTER 12-400-14 DEFINITION FOR SUBDIVISION LANDUSE AUTHORITY (SLUA)

Chris Davis asked that the Planning Commission schedule a public hearing to receive public comments regarding the proposed amendment to the SLUA definition.

Commissioner Bingham moved to set a public hearing for June 3, 2021, at 6:30 p.m. to receive public comments regarding a proposal to amend the definition of the Subdivision Land Use Authority (SLUA) found in the Willard City Zoning Ordinance Chapter 12-400-14. Commissioner Dubovik seconded the motion. All voted unanimously. The motion carried.

5D. SET A PUBLIC HEARING FOR JUNE 3, 2021, TO RECEIVE PUBLIC COMMENTS REGARDING A REQUEST TO REZONE 34.57 ACRES LOCATED AT APPROXIMATELY 3630 SOUTH 1200 WEST (200 WEST IN WILLARD) FROM A-5 TO R-1/2 (02-035-0060, 0061, AND 0079)

Bryce Wheelwright stated that the City had received an application to rezone 34.57 acres located at approximately 3630 South 1200 West (200 West in Willard) from A-5 to R-1/2. The property was currently owned by Chet Fitzgerald.

Chairman Bodily asked where the property was located. Mr. Wheelwright said the property was located along the north perimeter of the City. The Fitzgerald home was located at the bottom of the KOA road. It was on the west side of 1200 West in Perry. Chris Davis said the property was just north of Chad Braegger's home.

Commissioner Harrop asked about the current zoning. Mr. Wheelwright said the property was currently zoned A-5, which was a minimum lot size of five acres. The Future Land Use Map showed this area with A-3 or A-5 Zones. The requested zoning was R-1/2.

Commissioner Dubovik stated that the Planning Commission would have discuss the pros and cons of changing the Future Land Use Map.

Commissioner Hulsey moved to set a public hearing for June 3, 2021, at 6:30 p.m.to receive public comments regarding a request to rezone 34.57 acres located at approximately 3630 South 1200 West (200 West in Willard) from A-5 to R-1/2. Commissioner Baker seconded the motion. All voted unanimously. The motion carried.

5E. CONSIDERATION OF RECOMMENDATION TO THE CITY COUNCIL REGARDING REVISIONS TO WILLARD CITY ZONING ORDINANCE CHAPTER 12-500 MOBILE HOMES, MOBILE HOME PARKS, AND MOBILE HOME SUBDIVISIONS AND ADOPTION OF CHAPTER 12-700 RECREATIONAL VEHICLES AND RECREATIONAL VEHICLE PARKS

Colt Mund stated that he had not made the revisions discussed by the Planning Commission at its last meeting. He asked that this item be tabled until those revisions could be made.

Commissioner Dubovik moved to table consideration of revisions to Willard City Zoning Ordinance Chapter 12-500 Mobile Homes, Mobile Home Parks, and Mobile Home Subdivisions and adoption of Chapter 12-700 Recreational Vehicles and Recreational Vehicle Parks until the latest revisions were made and could be discussed. Commissioner Hulsey seconded the motion. All voted unanimously. The motion carried.

5F. CONSIDERATION OF PROPOSAL TO REPEAL WILLARD CITY ZONING ORDINANCE CHAPTER 12-101 BOARD OF ADJUSTMENT AND ADOPTION OF CHAPTER 12-101 APPEAL AUTHORITY AS HEARING OFFICER

Colt Mund stated that this amendment was desperately needed. The City had not had a Board of Adjustment for quite some time. Each city was required to designate a body or appeal authority for land use decisions. Willard previously had a Board of Adjustment, but it had not been active for as many as eight years. Right now the City Council was acting as the City's appeal authority. Last week the staff and City Council discussed designating a hearing officer rather than a Board of Adjustment. The hearing officer would be an individual the City would hire for the purpose of hearing variance requests, appeals from land use decisions, or even fees imposed by the City. The City would look for someone with experience in making land use decisions. An amendment to the Willard City Zoning Ordinance had been prepared that would repeal the current Chapter 12-101, which contained regulations for a Board of Adjustment, and adopt a new Chapter 12-101 containing regulations for an appeal authority as a hearing officer. Mr. Mund asked that the Planning Commission review and comment on the proposed amendment. Approval of the proposed amendment would bring Willard City into compliance with the State Code. A recommendation to the City Council was needed.

Commissioner Dubovik felt the subdivision was in compliance. He about the next step in the approval process. Bryce Wheelwright said that if the Planning Commission granted preliminary approval of the subdivision, it would go back to the SLUA for final review and approval.

Mr. Wheelwright reminded the Planning Commission that the requirement for curb, gutter, and sidewalk on 250 West still had to be resolved. The lot on 250 West was not in the Old Town Willard Zone and was required to have curb, gutter, and sidewalk. The City Engineer did not feel installation of those improvements at this time would be in the best interest of the City. None of the other homes and lots on 250 West had curb, gutter, and sidewalk. The City Engineer recommended that the curb, gutter, and sidewalk requirement be waived, and that the City enter into a deferral agreement with the developer for the cost of the improvements. Mr. Wheelwright said that Section 12-102-18 of Willard's Zoning Ordinance allowed the curb, gutter, and sidewalk improvements to be waived.

Chris Davis stated that the deferral agreement recommended by the City Engineer meant the improvements would not be installed now. If and when the City installed curb, gutter, and sidewalks on 250 West, the property owner would put those improvements in at his expense. The deferral agreement would be recorded at the County Recorder's Office.

Chairman Bodily asked if the Planning Commission forwarded the subdivision to SLUA or the City Council. Mr. Wheelwright said the subdivision would be forwarded to the City Council who would consider waiving the improvement requirement.

Commissioner Harrop stated that the Planning Commission discussed the subdivision at its last meeting. The developer had complied with all of the City's requirements, except the curb, gutter, and sidewalk. He didn't feel there was a need to hold the developers up by placing the subdivision on the next Planning Commission agenda.

Commissioner Harrop moved to forward the Hurst Subdivision located at approximately 100 South 200 West to the City Council for preliminary approval. Commissioner Dubovik seconded the motion. A roll call vote was taken: Commissioners Bingham, Dubovik, Baker, and Harrop voted "aye." The motion carried.

5B. PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS REGARDING A REQUEST TO REZONE 34.57 ACRES LOCATED AT APPROXIMATELY 3630 SOUTH 1200 WEST (200 WEST IN WILLARD) FROM A-5 TO R-1/2 (02-035-0060, 0061, AND 0079)

Commissioner Baker moved to open the public hearing at 6:40 p.m. Commissioner Harrop seconded the motion. All voted "aye." The motion carried.

Bryce Wheelwright stated that the property in question was known as the Fitzgerald property. It was located on the north end of Willard City at 3630 South 1200 West (200 West in Willard). It was currently zoned A5. The property was shown on the Future Land Use Map with an A-3 or A-5 Zone. The City had received a request from the Collier Company to rezone the property to R-1/2. Collier's wanted to purchase and subdivide the property. There were issues with water and sewer, but those problems could be resolved. The City Engineer and SLUA had reviewed the potential development. The property needed to be rezoned in order to meet the developer's criteria.

Chairman Bodily clarified that the Future Land Use Map did not show the property as R-1/2. Mr. Wheelwright said the Future Land Use Map showed this area as either A-3 or A-5. There were other parcels with the

same future land use that had been rezoned. Those parcels were contiguous with other R-1/2 uses. The Fitzgerald property was not contiguous with another R-1/2 Zone.

Commissioner Dubovik asked if there was a record of why previous City officials chose not to assign an R1/2 Zone for this area. Mr. Wheelwright said there wasn't. He reminded the Planning Commission that the General Plan was in the process of being updated. The future use of this area might change.

Chairman Bodily asked if there was a representative who wished to address the Planning Commission.

Sky Hazelhurst, from Collier's, stated that they had the Fitzgerald property under contract. They had been working on a potential development for about six months. They were originally going to wait for the new Master Plan Community Zone in the hope that they would be able to do one-third acre lots. They wanted to make it easier for the City to accept the development so they were asking for an R-1/2 Zone, which would have a little larger lot. Water and sewer would be a challenge, but they felt they had some good solutions.

Chairman Bodily asked about the water issues. Mr. Hazelhurst said there was not enough water supply in the road. Water would have to be upgraded. Commissioner Dubovik asked about building a storage tank. Mr. Hazelhurst said that as an option; working with Nilson Homes on their improvements was another option. Chairman Bodily asked if the water line would be eight inches or ten. Mr. Wheelwright said the size would be determined by the City Engineer.

Sky Hazelhurst stated that the offsite improvements were a challenge, but they were willing to invest in this property. They estimated it would take $700,000 to $800,000 just to get all of the utilities to the property. He asked that the Planning Commission forward a rezone recommendation to the City Council.

Chairman Bodily open the floor for public comments.

Chad Braegger, 1789 North 200 West, asked how they planned to get water to the property. Mr. Hazelhurst said one option was to work with Nilson Homes. Nilson Homes would install water close to this property that they could connect to. Mr. Braegger stated that 1200 West was a brand new road. Did they plan to cut into a brand new road? He owned the property immediately to the south. No one had talked to him.

Chris Davis stated that Nilson Homes had an option to purchase the Kunzler development, which the City had previously approved. There was a 10-inch water on 200 West line 700 feet north of the Bailey V Commercial Subdivision. There were two water issues - supply and storage to create a fire flow. Nilson Homes had talked about building a storage tank. The City was working with Granite Construction on a location for the storage tank. Granite Construction was willing to let the City build a tank in exchange for water for 30 acres of property they owned on the east side of Highway 89. The 10-inch water line would provide the water supply, along with lines on Highway 89. A line would come down from the tank to provide storage and fire flow. Another option was to buy water from Perry City.

Chairman Bodily asked if Nilson Homes had purchased the Kunzler property. Mr. Davis said they had not. They had a contract, and they were trying to work out the details.

Commissioner Bingham moved to close the public hearing at 6:50 p.m. Commissioner Dubovik seconded the motion. All voted "aye." The motion carried.

Commissioner Bingham stated that the City was in the process of updating its current master plan. When the plan was done, the City would want everyone to adhere to it. Right now the Future Land Use Map said

this area was supposed to be zoned A-3 or A-5. Part of him felt the City should follow the Future Land Use Map. The proposed rezone was not contiguous with another R-1/2 Zone in Willard, but it was close to the Cherry Ridge Subdivision in Perry.

Commissioner Baker felt that was a valid point.

Commissioner Dubovik asked about legal requirements. Colt Mund stated that City's rezone standards required a plan for utilities. The staff had indicated that the City Engineer had reviewed a concept plan, and it appeared utilities could be provided. It might be helpful for the Commission to have something in writing from the City Engineer regarding utilities. The rezone request also had to be in harmony with the City's General Plan. It was apparent that this request was not in harmony as the General Plan did not contemplate anything smaller than three acres in this area.

Commissioner Bingham felt that if this rezone request would set a precedence if it was approved. The whole City would basically be rezoned from A-5 to R-1/2. If the City approved this rezone, it would have to approve others.

Commissioner Dubovik asked if a rezone approved a subdivision. Mr. Wheelwright said it did not. Commissioner Dubovik felt there was a reason past City officials didn't consider half-acre lots in this area. The developer's desire for one-third to one-half acre lots was consistent with what the City wanted around the community. He wanted to seek the opinion of the City's master plan consultant about whether to stick with the larger lots or what the impact of approving an R-1/2 Zone would be. He didn't feel the Planning Commission had to make an immediate decision. It could delay consideration to allow time to receive additional information regarding impacts and traffic.

Gordon Sleeman, 475 North Main, asked if the City anticipated that the updated General Plan would change the zoning of this area. Mr. Wheelwright said the City did not know yet.

Commissioner Baker asked if the City would receive a draft of the updated General Plan in August. Chris Davis said it would probably be September.

Chairman Bodily said the City was looking for ways to preserve agriculture. Rezoning to R-1/2 didn't accomplish that.

Commissioner Bingham felt the City had to follow the Future Land Use Map in order for it to be relevant. There were arguments for both ways. The City had spent a lot of money for a land use plan, it should follow it.

Commissioner Dubovik felt the general plan should include an explanation about why decisions were made.

Commissioner Bingham stated that the Fitzgerald property was close to a more dense development in Perry City. He didn't know what Perry's zone was.

Commissioner Harrop felt the rezone request was a big step away from what the Future Land Use Map recommended. When the General Plan was updated, there might be room to discuss something similar to what had been developed in Perry. Right now he felt the City needed to follow the Future Land Use Map it had.

Chairman Bodily agreed that the City should follow the plan it had, not one it might have.

Councilman John Seamons asked if this was the property that had filed a de-annexation petition from Willard City. Mr. Davis said it was. Councilman Seamons pointed out that if the rezone petition was denied, the property owner would de-annex into Perry.

Commissioner Bingham felt the rezone could be considered if it was contiguous to zoning in Perry City.

Colt Mund stated this property could not just disconnect into Perry. Perry City could not have an annexation policy that overlapped into another city. There were a number of issues that would have to occur in order for deannexation to be a reality. The City was updating its master plan, which would be done sooner rather than later. The developers could pursue deannexation if they wanted to, but it wasn't a process that would happen overnight.

Commissioner Dubovik stated that if Perry City had a half-acre zone that was contiguous to the Fitzgerald property it might make sense to consider the R-1/2 Zone. If the zoning in Perry was A-5, it didn't make sense to create an R-1/2 island in the middle of an agricultural area.

Chris Davis felt a motion to table consideration would be appropriate. The staff would check with the City's master plan consultant

Commissioner Bingham moved to table consideration of the Fitzgerald rezone petition until the next meeting. Commissioner Baker seconded the motion. All voted "aye." The motion carried.

5C. PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS REGARDING A PROPOSAL TO REPEAL WILLARD CITY ZONING ORDINANCE CHAPTER 12-101 BOARD OF ADJUSTMENT AND ADOPTION OF CHAPTER 12-101 APPEAL AUTHORITY AS HEARING OFFICER

Commissioner Bingham moved to open the public hearing at 7:01 p.m. Commissioner Harrop seconded the motion. All voted "aye." The motion carried.

Colt Mund stated that State law required the City to have an appeal authority; someone to hear appeals on variances, land use ordinances, or decisions made by the Planning Commission. The City previously had a Board of Adjustment, but it had not been functional for quite some time. Currently the City Council was acting as the appeal body, which was awkward because some of the decisions they were required to make left the City without an appeal authority. In order to make the process simpler, the staff recommended that a single appeal authority be appointed. The staff recommended that Chapter 12 of the Zoning Ordinance containing regulations for the Board of Adjustment be repealed and replaced with regulations for an appeal authority.

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

Commissioner Dubovik moved to close the public hearing at 7:04 p.m. Commissioner Baker seconded the motion. All voted "aye." The motion carried.

Commissioner Dubovik felt the Planning Commission was in concurrence with the proposed amendment.

Chris Davis stated that the City Council felt the same way. By statute, a public hearing was required to allow for public comments. The Planning Commission had already discussed the proposed amendment.

WILLARD CITY PLANNING COMMISSION

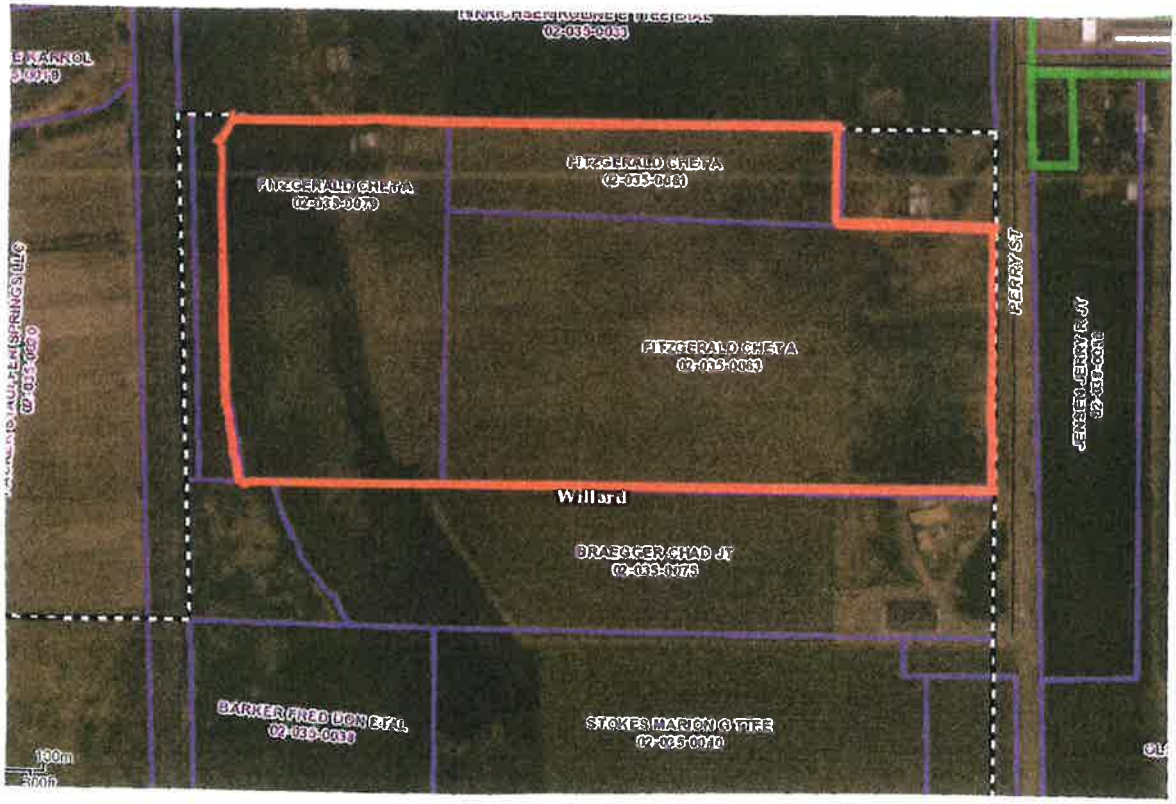
PUBLIC HEARING
NOTICE

The Planning Commission of Willard City Corporation will hold a public hearing at 6:30 p.m. on Thursday, June 3, 2021. The public hearing will be held during a regular meeting at the Willard City Hall located at 80 West 50 South, Willard, Utah 84340. The Public Hearing will be held to take public comment regarding a request from Brad Brown, acting agent for Chet and Leslie Fitzgerald, to rezone property located at approximately 3630 South 200 West, Willard, Utah (Parcel No. 02-035-0060, 02-035-0061, 02-035-0063, and 02-035-0079) from A-5 to R-½.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communications, aids and services) during this meeting should notify the City Office at 80 West 50 South, Willard, Utah 84340; phone number (435) 734-9881, at least three workings days prior to the meeting.

I, designated deputy city recorder for Willard City, hereby certify that the foregoing notice was posted at the Willard City Hall and on the State of Utah Pubic Meeting Notice Website, http://utah.gov/pmn, May 24, 2021.

/s/ Michelle Drago
Deputy City Recorder



Received 5/14/21
Receipt # 1.0106607 $125.00

WILLARD CITY PLANNING COMMISSION
RE-ZONE APPLICATION

Application Date
5/14/21

Applicant
Brad Brown

Mailing Address
1708 E. 5550 S. Ste 18
Ogden, UT 84403

Phone Number

Cell Phone
(801) 309-0399

Assessor Parcel Number *
02-035-0060, 02-035-0061, 02-035-0063, and 02-035-0079

Parcel Legal Description*
Attached, See Exhibit 7

Present Zone	Proposed Zone
A-5	R-½

This completed application, must be submitted at least 15 days prior to the April or October Planning Commission meeting and be accompanied by:

1) Proof of ownership.*

2) Non-refundable application fee of $125.00.

3) Written petition designating the change desired and the reason for such change, bearing the signature(s) of the fee title owner(s) of the parcel or designated agent . (See reverse of this form for required Applicant's Affidavit.)

4) List of all property owners within 1/4 mile of the parcel.*

5) Map (Assessor's Plat* or suitable drawing) of the proposed re-zone area, annotated to show the location and boundaries of the parcel to be re-zoned.

6) If a subdivision is planned, supply sketch of possible subdivision, to show compatibility with existing and p anned infrastructure, with emphasis on roads, water supply and other utilities.

* Available at the office of the Box Elder County Registrar, 01 South Main Street, Brigham, Utah, 84302

APPLICANT'S AFFIDAVIT

STATE OF UTAH)
) SS
COUNTY OF BOX ELDER))

I, (we) Chet Fitzgerald and Leslie Fitzgerald, being duly sworn, depose and say that I, (we) am (are) the owner(s)*, or authorized agent(s) of the owner, of property located at 3630 S 1200 W, Perry, UT 84302 in Willard City, which property is involved in the attached application and that the statements and answers therein contained and the information provided in the attached plans and other exhibits present thoroughly, to the best of my (our) ability, the argument in behalf of the application herewith requested and that the statements and information above referred to are in all respects true and correct to the best of my (our) knowledge and belief.

SIGNED _____
Property Owner(s)

AGENT _____

Subscribed and sworn before me this 14 day of May 2021

ALICE MCKAY
NOTARY PUBLIC • STATE OF UTAH
COMMISSION NO. 697143
COMM. EXP. 10/03/2021

_____
Notary Public

Residing in Brigham City, Utah
My commission expires: 3 October 2021

* May be owner of record, contract owner, part to valid earnest money agreement, option holder or have other legal control of property

AGENT AUTHORIZATION

I, (we) Chet Fitzgerald and Leslie Fitzgerald, the owner(s) of real property described above, hereby appoint Brad Brown and Sky Hazlehurst, as my (our) agent(s) to represent me (us) with regard to this application affecting the above described real property, and do authorize them to appear on my (our) behalf before any Willard City Boards considering this application.

SIGNED _____
Property Owner(s)

Subscribed and sworn before me this 14 day of May 2021

ALICE MCKAY
NOTARY PUBLIC • STATE OF UTAH
COMMISSION NO. 697143
COMM. EXP. 10/03/2021

_____
Notary Public

Residing in Brigham City, Utah
My commission expires: 3 October 2021

Required Answers and Exhibits for Application for Rezone for Parcels 02-035-0060, 02-035-0061, 02-035-0063, 02-035-0079, for Brad Brown.

Item 1. Proof of Ownership – Attached are the following Warranty Deeds

- Parcel 02-035-0060: Exhibit 1A shows the Warranty Deed for this parcel.
- Parcel 02-035-0061: Exhibit 1B shows the Warranty Deed for this parcel.
- Parcel 02-035-0063: Exhibit 1C shows the Warranty Deed for this parcel.
- Parcel 02-035-0079: Exhibit 1B shows the Warranty Deed for parcel 02-035-0062. Parcel 02-035-0062 was divided into three parcels (02-035-0076, 02-035-0078, and 02-035-0079), and a portion was sold to UDOT(02-035-0076 and 02-035-0078) and the remaining parcel (02-035-0079), remained with the owner: Chet A Fitzgerald. This subdivision was shown in the Warranty Deeds in Exhibit 1D and Exhibit 1E.

Item 2. Application Fee: will be paid upon submittal.

Item 3. Exhibit 2. Written Petition: See Attached.

Item 4. Exhibit 3. List of All Property Owners within ¼ Mile

Item 5. Maps

- County Plat Map: Exhibit 4A
- County Plat Map with Subject Property highlighted: Exhibit 4B

Item 6. Exhibit 5. Sketch of possible Subdivision. This is a preliminary sketch that currently has too small of lots. Please note that we will have an updated version with lots no bigger than ½ Acre.

From Project Summary:

Item 1. Exhibit: 6 Location Map: See Attached

Item 2. Site Address/ Description: 4 Parcels, Including the one with a home at the address of 3630 S 1200 W, Perry, UT 84302. Legal Descriptions included in Exhibit 7

Item 3. Parcel Numbers: 02-035-0060, 02-035-0061, 02-035-0063, 02-035-0079.

Item 4. Current Zoning: A-5; Proposed Zoning: R-1/2; that includes all parcels and a total of 34.57 AC.

Item 5. Road Access Provided: Road Access will be at 2 access points on 1200 W (Perry St)/200 W.

Item 6. Utility Plan: Utilities will have to be addressed and worked through with the city. The Plan is to take the sewer south from the South West corner of our property across the adjacent property owners' properties, adjacent to the railroad to connect to a Willard mainline, Water will need to be discussed, power, gas, data are all either available or will need minor upgrades from 3600 s in Perry.

Item 7. Reason for Requested Change: We are requesting a change of zoning so that we are able to develop a subdivision of single-family lots.

Item 8. Impacts (financial and other) of the change to surrounding properties and the city as a whole: This project will bring residences, and subsequently tax dollars and impact fees to the city. It will add to the city, but being on the periphery, and having majority access through Perry City, will have minimum impact on the resources and infrastructure. Also, we will be adding some infrastructure that will benefit the city and the adjacent property owners.

EXHIBIT 6

Location Map



EXHIBIT 4B

PART OF ____ OF SECTION 10 TOWNSHIP 8N RANGE 2W S.L.B.&M.

Book 2 Page 35

SCALE 1" = 400'

MAP NUMBER: 02-035

PREFIX 02 035 TAX UNIT 32 33 59, 62
THIS PLAT IS A REFERENCE ONLY AND NO LIABILITY IS ASSUMED FOR ACCURACY OR VARIATIONS WITH THE ACTUAL SURVEY

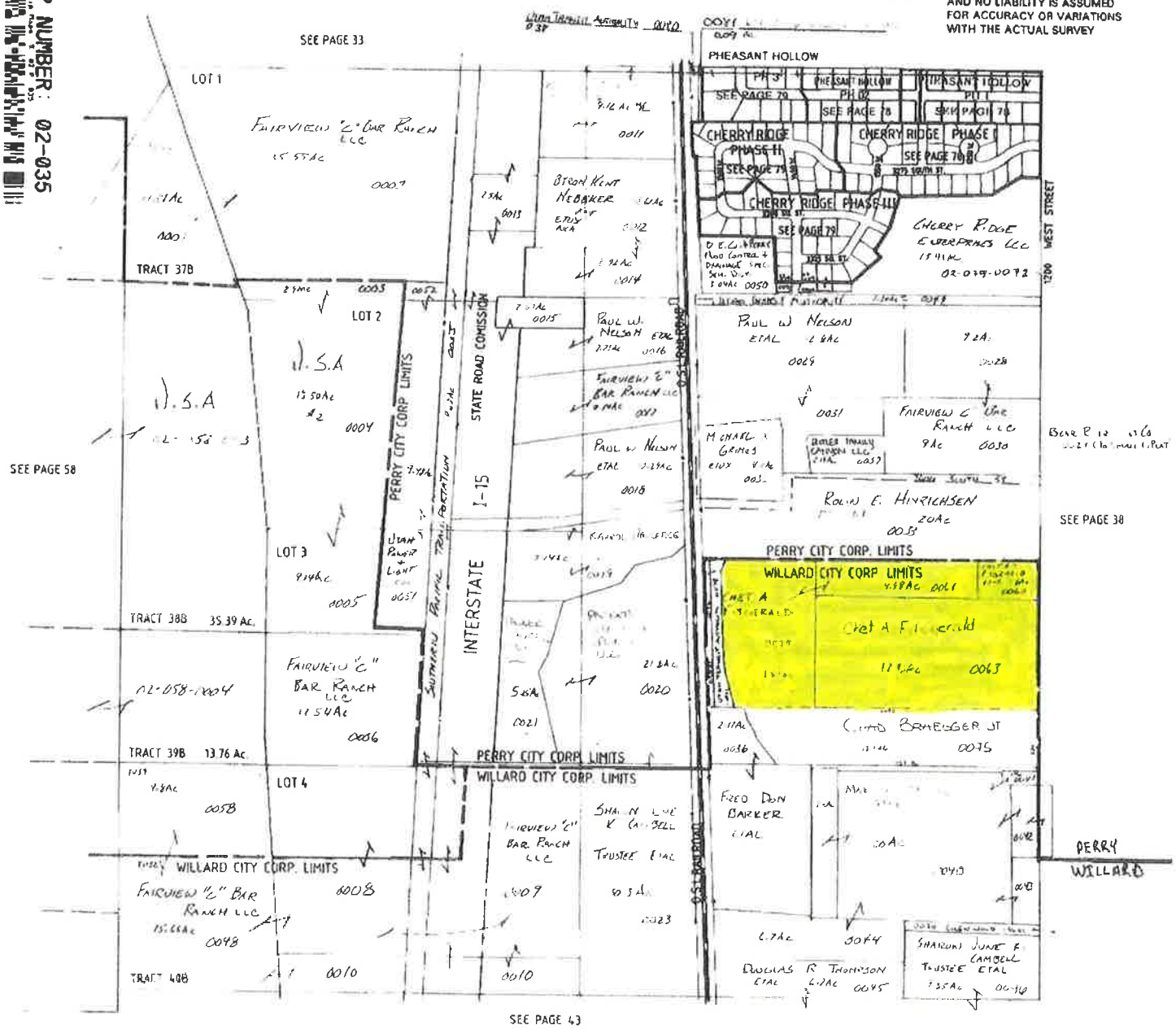
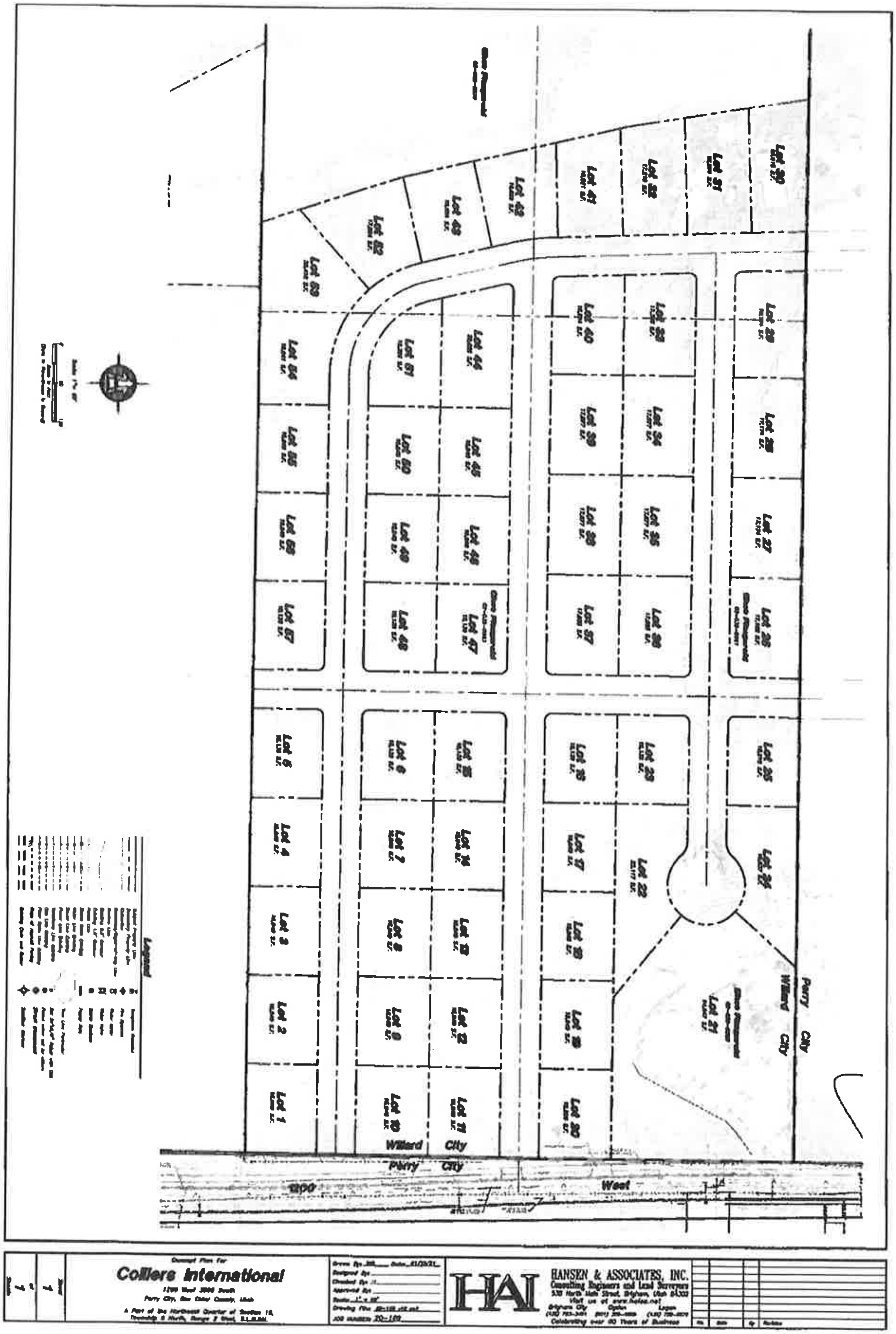


EXHIBIT 5


Willard City
Perry City
1200 West
Concept Plan for
Colliers International
HANSEN & ASSOCIATES, INC.
Consulting Engineers and Land Surveyors
Visit us at www.haies.net
Celebrating over 80 Years of Business

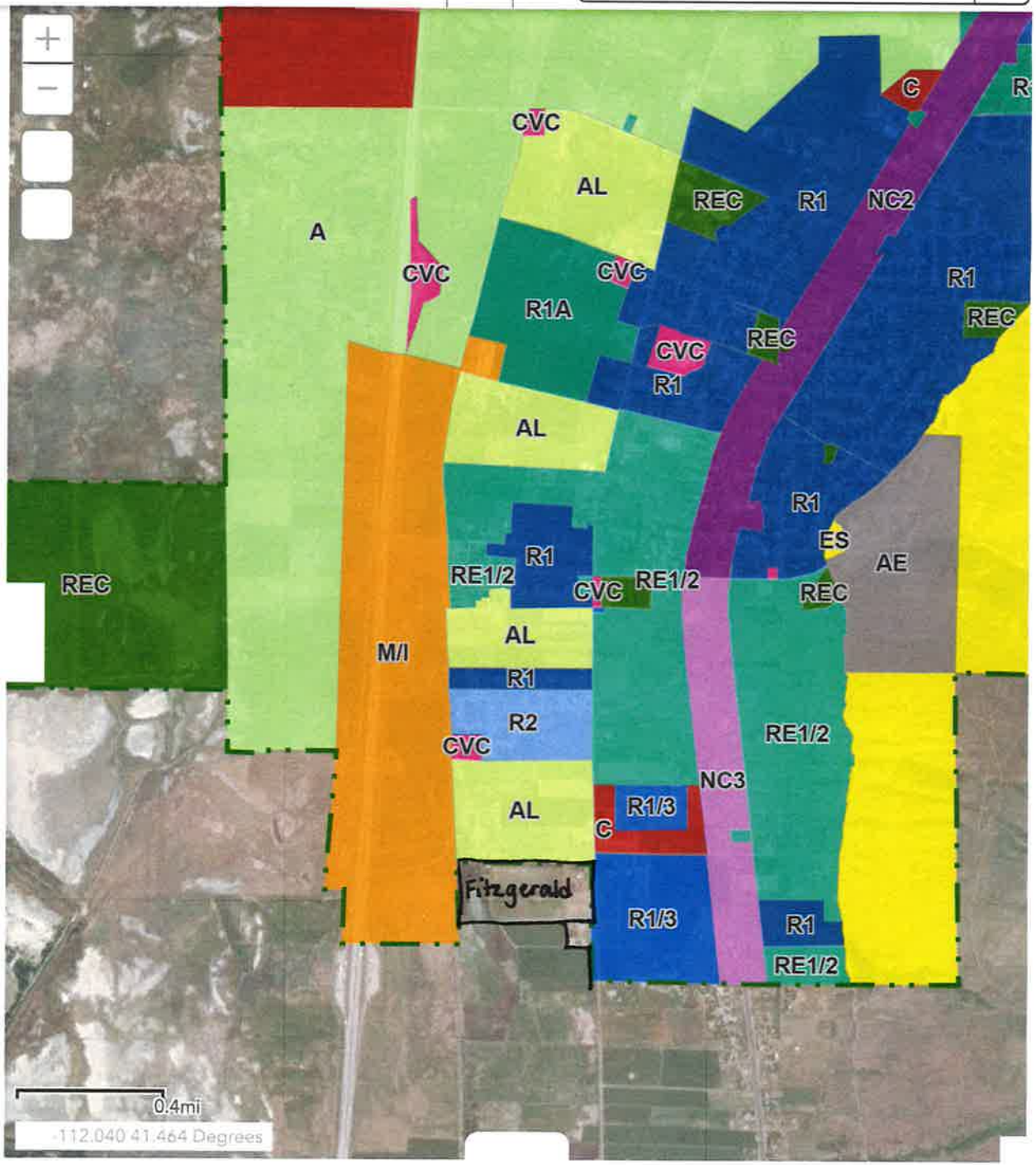
PERRY Perry Public Web Map

Find address or place

City Boundary

Zoning (Jan 2019)

- A
- AL
- R1A
- RE1/2
- R1
- R1/3
- R2
- C
- C1
- IC
- NC2
- NC3
- M/I
- ES
- CVC
- REC
- AE



15.07.020.6 Low Density Residential 1/3 Acre (R1/3)

The purpose of the low density residential zone is to provide appropriate locations where low density residential neighborhoods may be established, maintained, and protected. The regulations are intended to prohibit those uses which would be intrusive to activities and uses usually associated with single-family neighborhoods.

NOTE: This zone allows a septic tank on a minimum 1/3 acre lot in the south annexed area of the city until such time as sewer collection lines are installed within 300 feet of a lot line, then the owner of said lot has one year to connect to the sewer collection lines.

HISTORY
Adopted by Ord. 15-C on 3/17/2015

Perry : Municipal Code
(https://www.municode.com/legislative/) Perry Website (http://www.perrycity.org/) | Books (/) | Manage (/account/logon)
Perry City
3005 S 1200 W, Perry, UT 84302 / 435.723.6461
l Code

15.07.110 Area, Frontage, Setback, And Height Requirements
15.07.110.1 Lot Requirements
15.07.110.5 City Staff To Make Recommendations During The Design Review Process

15.07.110.1 Lot Requirements

	Requirements	Zones							
		A, ES, AE	AL	R1A	RE 1/2, R 1/2	R3MHP/MHS	R 1/3	R1	R2
	Minimum Lot Area[1]	5 acres	2 acres	1 acre	20,000 sq ft	5,000 sq ft[6]	15,000 sq ft	10,000 sq ft	8,000 sq
	Minimum Lot Width[2]	200'	150'	120'	80'	60'	80'	80'	80'
	Maximum Height	50'	50'	50'	35'	35'	35'	35'	35'
Primary Building	Minimum Front Setback	30'	30'	30'	20'	20'	20'	20'	20'
	Minimum Front Setback for an Attached Garage	25'	25'	25'	25'	25'	25'	25'	25'
	Minimum Rear Setback	10'	10'	10'	10'	10'	10'	10'	10'
	Minimum Side Setback	8'	8'	8'	8'	8'	8'	8'	8'
	Minimum Side Setback (Corner Lots)[5]	15'	15'	15'	15'	15'	15'	15'	15'
Accessory Building	Minimum Front Setback	25'	25'	25'	25'	25'	25'	25'	25'
	Minimum Rear Setback	5'	5'	5'	5'	5'	5'	5'	5'
	Minimum Side Setback	5'	5'	5'	5'	5'	5'	5'	5'
	Minimum Side Setback (Corner Lot)[5]	15'	15'	15'	15'	15'	15'	15'	15'

Notes:

1. Lots with septic systems may require a lot area larger than the minimums shown in this table as required by the local health depart law; (2) the local health department; and, (3) the PMC, especially PMC 7.09.
2. The lot width shall be measured twenty feet back from the lot frontage. Where sufficient property is reasonably available the required
3. A 30' site triangle shall be established on all corner lots to maintain clear views for traffic.
4. For Multi-family Dwelling Units the setback requirements apply to boundaries of the development and are not applied between conn to units owned separately (townhomes, condos).

Commissioner Dubovik asked if the hearing officer would have power to reverse decisions. Mr. Mund said the hearing officer would have authority to reverse decisions. If an applicant didn't like a decision made by the staff, he could appeal it to the hearing officer. If the applicant didn't like the decision made by the hearing officer, he could file an appeal with district court.

Commissioner Hulsey asked if this would be a fulltime staff position. Colt Mund said it would not. He felt the City would use a hearing officer very sparingly; maybe once or twice a year.

Chairman Bodily asked if the hearing officer would a current staff member. Bryce Wheelwright said a hearing officer was usually a land use attorney that the City contracted with.

Colt Mund stated that a lot of cities were switching from a Board of Adjustment to a single hearing officer. It was easier than trying to get an entire body of people together. When he started, he observed that a glaring issue was the lack of an active appeal authority.

Commissioner Baker asked if the City's budget allowed for the expense of a hearing officer. Chris Davis felt the expense would be pretty nominal. It would probably be only a couple of thousand dollars a year.

Commissioner Hulsey asked if the applicant was responsible for the cost of the appeal, or was it a City expense. Colt Mund said there was an application fee for the appeal, but the City paid for the appeal authority.

Commissioner Dubovik asked what would happen if the hearing officer made a decision that was contrary to what the Planning Commission or City Council wanted. Colt Mund said the hearing officer's decision would stand. The hearing officer would have to make independent findings of fact and conclusions to support his decision.

Commissioner Harrop moved to set a public hearing for June 3, 2021, at 6:30 p.m. to receive public comments regarding a proposal to repeal Chapter 12-101 Board of Adjustment and adoption of Chapter 12-101 Appeal Authority as a hearing officer. Commissioner Bingham seconded the motion. All voted unanimously. The motion carried.

5G. CONSIDERATION OF PROPOSAL TO AMEND WILLARD CITY ZONING ORDINANCE CHAPTER 12-116-5 DEDICATION OF STREETS, RIGHTS-OF-WAY, AND EASEMENTS

Colt Mund stated that the current Street Ordinance did not allow more than thirty homes in a subdivision without two access points. Mayor Braegger stated that when the Street Ordinance was implemented, it was supposed to have mirrored the International Fire Code. The International Fire Code included exceptions to the thirty home limit if an individual installed their own sprinkling system or if the City had an eminent plan for roads and development. The lack of an exception to the thirty home limit had impacted decisions on land use requests. The Mayor asked that the ordinance be amended to comply with the International Fire Code. An amendment to Chapter 12-116-5 of the Willard City Zoning Ordinance had been prepared.

Commissioner Bingham moved to set a public hearing for June 3, 2021, at 6:30 p.m. to receive public comments regarding a proposal to amend Willard City Zoning Ordinance 12-11-6 – Dedication of Streets, Rights-of-Way, and Easements. Commissioner Dubovik seconded the motion. All voted unanimously. The motion carried.

Commissioner Bingham moved to recommend that the City Council approve a proposal to repeal Willard City Zoning Ordinance Chapter 12-101 Board of Adjustments and adopt Chapter 12-101 Appeal Authority as Hearing Officer. Commissioner Harrop seconded the motion. All voted "aye." The motion carried.

5D. PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS REGARDING A PROPOSAL TO AMEND WILLARD CITY ZONING ORDINANCE CHAPTER 12-400-14 DEFINITION FOR SUBDIVISION LAND USE AUTHORITY (SLUA)

Commissioner Baker moved to open the public hearing at 7:05 p.m. Commissioner Dubovik seconded the motion. All voted "aye." The motion carried.

Chris Davis stated that the proposed amendment to the SLUA definition had been discussed by the Planning Commission and City Council. The proposed amendment would add the Assistant City Recorder and the City Manager to the SLUA Board and allow them to vote. The amendment would provide more voting members on the Board. It was difficult for the Fire Chief and City Attorney to regularly attend the SLUA meetings, and the Police Chief did not see the need for him to be part of land use decisions. The SLUA was a recommending body.

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

Commissioner Harrop moved to close the public hearing at 7:07 p.m. Commissioner Dubovik seconded the motion. All voted "aye." The motion carried.

Commissioner Baker moved to recommend that the City Council approve a proposal to amend the SLUA definition in Willard City Zoning Ordinance Chapter 12-400-14. Commissioner Harrop seconded the motion. All voted "aye." The motion carried.

5E. PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS REGARDING A PROPOSAL TO AMEND WILLARD CITY ZONING ORDINANCE CHAPTER 12-116-5 DEDICATION OF STREETS, RIGHTS-OF-WAY, AND EASEMENTS

Commissioner Dubovik moved to open the public hearing at 7:08 p.m. Commissioner Baker seconded the motion. All voted "aye." The motion carried.

Colt Mund stated that the current Street Ordinance required that any residential or planned residential development with more than thirty homes have two distinct access points. He understood that when the current ordinance was approved, it was supposed to have mirrored the International Fire Code. For some reason, the portion allowing an exception to the thirty home limit was not included. The International Fire Code allowed two exceptions to the thirty home limit. The first exception was allowed if homes had their own fire suppression system. The second exception allowed more than thirty homes on a single approved access road if approved access roads wouldl connect future development as determined by the Fire Code Official. The proposed amendment to Chapter 12-116-5 would mirror the International Fire Code.

Chairman Bodily stated that the Planning Commission had discussed the proposed amendment before.

Commission Dubovik asked what future development meant. Did it mean a road that was approved but had not been constructed? Colt Mund felt that was a good question. The International Fire Code simply said *future development*. Did that mean development that might occur sometime in the next 100 years, or did it

mean development that had been approved and would be constructed within a reasonable amount of time? Commissioner Dubovik felt the language was vague enough that the City could interpret it when it made a decision.

Chairman Bodily opened the floor for public comment.

Travis Mote, 455 South 200 West, stated that the exception language in the International Fire Code made the Fire Chief the approving official. He didn't feel the Fire Official should be the approving authority. The proposed amendment did not have a cap on the number of homes allowed by the exception. There could be 10,000 homes on a single access for five to ten years before another access was built. He felt the proposed amendment was pretty lose. It needed some parameters.

Commissioner Harrop stated that the Planning Commission had asked the master plan consultant about the access exception. Dr. Joe Perrin said there were guidelines about the number of cars roads based on road widths and that he would study the issue.

Gordon Sleeman, 475 North Main, felt that the City could just not adopt the exception allowed by the International Fire Code. Colt Mund said the current City ordinance did not include the exception. Mr. Sleeman asked if it had been adopted at the State level. Mr. Mund said most cities adopted the International Fire Code or International Building Code verbatim. He was directed to prepare an amendment to make the Street Ordinance consistent with the International Fire Code. Mr. Sleeman stated that there were parts of the International Building Code that the State had not adopted so the City could just not adopt the exception to the thirty home limit.

Commission Bingham moved to close the public hearing at 7:15 p.m. Commissioner Baker seconded the motion. All voted "aye." The motion carried.

Commissioner Bingham felt the proposed amendment was too ambiguous. He wanted the Street Ordinance to reflect the International Fire Code, but an access that would not be constructed for a long, long time could not counted as a second access.

Commissioner Dubovik felt the City's ordinance needed to be more specific. If loopholes were left open for developers to exploit the situation could become untenable. He felt the discussion should be tabled in order for the Planning Commission to do some homework about how to supplement the language to make it acceptable to our community.

Travis Mote stated that the International Fire Code for multi-family homes did not have the exception. Maybe the City could put a cap, like 100 homes that would not have an exception.

Commissioner Baker felt any exception should rely on the City's Future Land Use and Street Maps.

Commissioner Bingham felt the proposed amendment put a lot of pressure on the Fire Chief. It would put exception decisions in his lap. The proposed amendment needed the Fire Chief's input, but he didn't feel exceptions should be decided by just one person. Colt Mund felt language could be added to the amendment requiring that a recommendation from the Fire Chief be submitted to the Planning Commission and City Council.

Gordon Sleeman felt the proposed amendment opened the door for arbitrary decisions. He felt the City should simply leave the ordinance alone. Then the thirty home limit remained.

Colt Mund stated not too long ago there was feedback that the City's thirty home limit was too rigid.

Gordon Sleeman said the City's current ordinance was less restrictive than it had been when he served on the Planning Commission.

Chad Braegger, 1789 North 200 West, stated that if there was only one access and it became necessary to make a road repair, emergency vehicles would not be able to access the subdivision. A second access was required to help with those situations.

Commissioner Harrop stated that requiring a second access opened up opportunities for more development. The existing ordinance required one access for thirty homes. Did that mean 60 homes required two accesses and 90 homes required three? Gordon Sleeman didn't feel there was an implied ratio in the ordinance. As long as there were two accesses, there could be 60 homes or 90.

Travis Mote pointed out that access from a private road did not address access for emergency vehicles.

Commissioner Dubovik did not feel the proposed amendment should be approved. The City should leave the current language alone.

Commissioner Bingham felt the Street Ordinance needed to have a little bit of wiggle room. Wiggle room would help when an area was in transition.

Commissioner Dubovik asked if the Planning Commission was in a position to grant a waiver when a development proposal did not comply with the ordinance. Mr. Mund said a variance could be granted for a specific ordinance. A variance could not be granted for a rezone.

Commissioner Dubovik felt using up all possible accessibility for surrounding smaller properties might be a good reason to deny a plan for a larger development.

Commissioner Harrop felt temporary turn arounds where future roads would be located might be a way to help with an access limit. The temporary turn around had the potential to be a second access in the future.

There was further discussion.

Commissioner Dubovik asked what options the Planning Commission regarding the proposed amendment. Colt Mund said the Planning Commission could recommend that the City Council approve it, it could recommend that the proposal be denied, or it could table consideration.

Commissioner Baker stated that if the proposal wasn't tabled, she would vote to deny it.

Commissioner Bingham felt some modifications were needed to the proposed amendment.

Commissioner Dubovik moved to table consideration of the proposal to amend Chapter 12-116-5(2) to a future date when there could be discussion about possible modifications. Commissioner Bingham seconded the motion. All voted "aye." The motion carried.

12-116 STREETS PROPOSED AMENDMENT [DRAFT]

12-116-5. Dedication of Streets, Rights-of-Way, or Easements

(2) Residential, Commercial, or Industrial Subdivision or Planned Unit Development:

As a requirement for approval of a Residential, Commercial, or Industrial Subdivision or Planned Unit Development, the applicant must include on the Preliminary Plat and on the Final Plat, the location and dimensions of any roads shown on the master road plan as intersecting with, or serving the Residential, Commercial, or Industrial Subdivision or Planned Unit Development. The dedication of the roads to the City must also appear on the Commercial and Industrial Plats and be completed by the Developer as a part of the Final Plat Approval.

For safety reasons and in accordance with the International Fire Code, where the number of dwelling units in a Residential area, Residential Subdivision, or Planned Unit Development exceeds thirty (30), two (2) separate and distinct points of access to a public street for egress and ingress must be available.

Exceptions: (1) Where there are more than thirty (30) dwelling units on a single public or private access road and all dwelling units are equipped throughout with an automatic sprinkler system approved by the fire code official, access from two (2) directions shall not be required; or (2) The number of dwelling units on a single approved access road shall not be increased beyond thirty (30) homes unless approved access roads will connect with future development, as determined by the fire code official.

Any Commercial or Industrial Subdivision or development where there are estimated to be fifty (50) or more vehicles accessing the facility per business day must provide at least two (2) distinct and separate points of access to a public street for the development's or facility's egress and ingress.

An egress or ingress with a median or island is not considered as two (2) distinct and separate points of access.

Also, for safety reasons and for proper traffic flow, a minimum of one hundred fifty (150) feet is required between an existing and any proposed intersecting street or streets. Federal, State, or County regulations may require greater distances, between a street intersection and another intersection of railroad crossing.

be greater if the street is affected by State or Federal laws.

(2) Collector.

Dedicated right-of-way of not less than sixty (60) feet, with a paved surface width of thirty-five (35) feet across the width of the lot when curb and gutter are installed. Paving shall be twenty-four (24) feet when curb and gutter are waived.

(3) Local neighborhood.

Dedicated right-of-way of not less than fifty (50) feet, with a paved surface width of thirty-five (35) feet across the width of the lot when curb and gutter are installed. Paving shall be twenty-four (24) feet when curb and gutter are waived.

12-116-5 Dedication of Streets, Rights-of-Way, or Easements

(1) Re-zone:

As a requirement for approval of the residential, commercial, or industrial re-zone action, the applicant must recognize and commit, by written agreement, to meet the requirements for:

a) upgrade of any roads shown on the master road plan as intersecting with the re-zone parcel, that are defined as Substandard as described above, or

b) construction and dedication of any roads shown on the master road plan as intersecting with the re-zone parcel.

c) recording the said agreement as an attachment to, or a lien against, the deed that includes the title to the re-zone property.

(2) Residential, Commercial, or Industrial Subdivision or Planned Unit Development:

As a requirement for approval of the Residential, Commercial, or Industrial Subdivision or Planned Unit Development, the applicant must include on the Preliminary Plat and on the Final Plat, the location and dimensions of any roads shown on the master road plan as intersecting with, or serving the Residential, Commercial, or Industrial Subdivision or Planned Unit Development. The dedication of the roads to the City must also appear on the Commercial and Industrial Plats and be completed by the Developer as a part of the Final Plat Approval.

For safety reasons and since a residence generates, on average, ten (10) vehicular trips per day, any Residential Subdivision or Planned Unit Development that contains a street which provides access to more than ten (10) parcels, including parcels accessed

via one or more non-through streets that connect to the street, must provide at least two distinct points of access to a public street for those parcels egress and ingress.

Any Commercial or Industrial Subdivision or development where there are estimated to be fifty (50) or more vehicles accessing the facility per day must provide at least two distinct points of access to a public street for the development's or facility's egress and ingress.

An egress or ingress with a median or island is not considered as two distinct points of access.

Also for safety reasons and for proper traffic flow, a minimum of one hundred fifty (150) feet is required between an existing and any proposed intersecting street or streets. Federal, State, or County regulations may require greater distances, such as six hundred (600) feet, between a street intersection and another intersection or railroad crossing.

(3) Lot-line adjustment:

A parcel, meeting the requirements of Chapter 12-102 of this ordinance, that results from Lot-line adjustment will be treated as an existing legal building lot, with regard to road development requirements. Lot-line adjustments that would result in new, non-conforming parcels will not be approved.

(4) Existing Building Lots:

Existing legal building lots, in any Zoning District, meeting the requirements of Chapter 12-102 of this ordinance, and the requirements of Part 12-116-2, above, are not affected by this ordinance, unless their qualification status changes, by re-zone or subdivision action, and they no longer meet the requirements of Chapter 12-102. Such parcels will then be treated according to paragraph (1) or (2) of Part 12-116-5, above.

12-116-6 Exceptions and Private Streets:

See Chapter 12-102 for additional requirements and exceptions pertaining to public City streets and proposed City streets.

(1) Substandard Streets:

When an individual residence, Subdivision, Planned Unit Development, or Commercial or Industrial entity is to be created on a parcel or parcels where any existing substandard street borders, crosses, bisects, intersects, or in any other way imposes on a parcel, it shall be the responsibility of the developer or individual to upgrade the portion of the substandard street that borders,

WILLARD CITY
Planning Commission Meeting – Regular Meeting
June 3, 2021 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

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

The following members were in attendance:

Sid Bodily, Chairman	Chris Davis, City Manager
Diane Baker	Colt Mund, City Attorney
Chandler Bingham	Bryce Wheelwright, City Planner
Alex Dubovik	Michelle Drago, Planning Secretary
Blake Harrop	

Excused: Zack Hulsey

Others in attendance: Councilman John Seamons; Travis Mote, Chad Braegger; Amie Braegger; Liz Warden; Mike Radabaugh; Jeremy Krame; Gordon Sleeman; Sky Hazelhurst; and Randy Braegger.

The meeting was called to order at 6:35 p.m.

1. PRAYER: Blake Harrop

2. PLEGE OF ALLEGIANCE: Alex Dubovik

3. ROLL CALL – Attendance was recorded by the secretary.

4. GENERAL PUBLIC COMMENTS (INPUT FOR ITEMS NOT ON AGENDA)

There were no public comments.

5A. PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS REGARDING PRELIMINARY APPROVAL OF THE HURST SUBDIVISION LOCATED AT APPROXIMATELY 100 SOUTH 200 WEST (02-051-0007)

Commissioner Bingham moved to open the public hearing at 6:33 p.m. Commissioner Baker seconded the motion. All voted "aye." The motion carried.

Bryce Wheelwright stated that the Hurt Subdivision was located at 200 West 100 South. Derrick and Monica Hurst were proposing to divide a 1.3 acre parcel into three building lots. Two lots were proposed on the 200 West frontage, which was located in the Old Town Willard Zone. Those lots were only 15,000 square feet. The lot located on 250 West was not in the Old Town Willard Zone. It was required to be one-half acre in size. All of the lot sizes complied with the zoning regulations. The Planning Commission was aware of and had discussed this subdivision previously. The purpose of the public hearing was to allow for public comments. Hurst's were not in attendance, but they had asked that the public hearing be held in their absence.

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

Commissioner Dubovik moved to close the public hearing at 6:36 p.m. Commissioner Harrop seconded the motion. All voted in "aye." The motion carried.

Commissioner Dubovik felt the subdivision was in compliance. He about the next step in the approval process. Bryce Wheelwright said that if the Planning Commission granted preliminary approval of the subdivision, it would go back to the SLUA for final review and approval.

Mr. Wheelwright reminded the Planning Commission that the requirement for curb, gutter, and sidewalk on 250 West still had to be resolved. The lot on 250 West was not in the Old Town Willard Zone and was required to have curb, gutter, and sidewalk. The City Engineer did not feel installation of those improvements at this time would be in the best interest of the City. None of the other homes and lots on 250 West had curb, gutter, and sidewalk. The City Engineer recommended that the curb, gutter, and sidewalk requirement be waived, and that the City enter into a deferral agreement with the developer for the cost of the improvements. Mr. Wheelwright said that Section 12-102-18 of Willard's Zoning Ordinance allowed the curb, gutter, and sidewalk improvements to be waived.

Chris Davis stated that the deferral agreement recommended by the City Engineer meant the improvements would not be installed now. If and when the City installed curb, gutter, and sidewalks on 250 West, the property owner would put those improvements in at his expense. The deferral agreement would be recorded at the County Recorder's Office.

Chairman Bodily asked if the Planning Commission forwarded the subdivision to SLUA or the City Council. Mr. Wheelwright said the subdivision would be forwarded to the City Council who would consider waiving the improvement requirement.

Commissioner Harrop stated that the Planning Commission discussed the subdivision at its last meeting. The developer had complied with all of the City's requirements, except the curb, gutter, and sidewalk. He didn't feel there was a need to hold the developers up by placing the subdivision on the next Planning Commission agenda.

Commissioner Harrop moved to forward the Hurst Subdivision located at approximately 100 South 200 West to the City Council for preliminary approval. Commissioner Dubovik seconded the motion. A roll call vote was taken: Commissioners Bingham, Dubovik, Baker, and Harrop voted "aye." The motion carried.

5B. PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS REGARDING A REQUEST TO REZONE 34.57 ACRES LOCATED AT APPROXIMATELY 3630 SOUTH 1200 WEST (200 WEST IN WILLARD) FROM A-5 TO R-1/2 (02-035-0060, 0061, AND 0079)

Commissioner Baker moved to open the public hearing at 6:40 p.m. Commissioner Harrop seconded the motion. All voted "aye." The motion carried.

Bryce Wheelwright stated that the property in question was known as the Fitzgerald property. It was located on the north end of Willard City at 3630 South 1200 West (200 West in Willard). It was currently zoned A5. The property was shown on the Future Land Use Map with an A-3 or A-5 Zone. The City had received a request from the Collier Company to rezone the property to R-1/2. Collier's wanted to purchase and subdivide the property. There were issues with water and sewer, but those problems could be resolved. The City Engineer and SLUA had reviewed the potential development. The property needed to be rezoned in order to meet the developer's criteria.

Chairman Bodily clarified that the Future Land Use Map did not show the property as R-1/2. Mr. Wheelwright said the Future Land Use Map showed this area as either A-3 or A-5. There were other parcels with the

same future land use that had been rezoned. Those parcels were contiguous with other R-1/2 uses. The Fitzgerald property was not contiguous with another R-1/2 Zone.

Commissioner Dubovik asked if there was a record of why previous City officials chose not to assign an R1/2 Zone for this area. Mr. Wheelwright said there wasn't. He reminded the Planning Commission that the General Plan was in the process of being updated. The future use of this area might change.

Chairman Bodily asked if there was a representative who wished to address the Planning Commission.

Sky Hazelhurst, from Collier's, stated that they had the Fitzgerald property under contract. They had been working on a potential development for about six months. They were originally going to wait for the new Master Plan Community Zone in the hope that they would be able to do one-third acre lots. They wanted to make it easier for the City to accept the development so they were asking for an R-1/2 Zone, which would have a little larger lot. Water and sewer would be a challenge, but they felt they had some good solutions.

Chairman Bodily asked about the water issues. Mr. Hazelhurst said there was not enough water supply in the road. Water would have to be upgraded. Commissioner Dubovik asked about building a storage tank. Mr. Hazelhurst said that as an option; working with Nilson Homes on their improvements was another option. Chairman Bodily asked if the water line would be eight inches or ten. Mr. Wheelwright said the size would be determined by the City Engineer.

Sky Hazelhurst stated that the offsite improvements were a challenge, but they were willing to invest in this property. They estimated it would take $700,000 to $800,000 just to get all of the utilities to the property. He asked that the Planning Commission forward a rezone recommendation to the City Council.

Chairman Bodily open the floor for public comments.

Chad Braegger, 1789 North 200 West, asked how they planned to get water to the property. Mr. Hazelhurst said one option was to work with Nilson Homes. Nilson Homes would install water close to this property that they could connect to. Mr. Braegger stated that 1200 West was a brand new road. Did they plan to cut into a brand new road? He owned the property immediately to the south. No one had talked to him.

Chris Davis stated that Nilson Homes had an option to purchase the Kunzler development, which the City had previously approved. There was a 10-inch water on 200 West line 700 feet north of the Bailey V Commercial Subdivision. There were two water issues - supply and storage to create a fire flow. Nilson Homes had talked about building a storage tank. The City was working with Granite Construction on a location for the storage tank. Granite Construction was willing to let the City build a tank in exchange for water for 30 acres of property they owned on the east side of Highway 89. The 10-inch water line would provide the water supply, along with lines on Highway 89. A line would come down from the tank to provide storage and fire flow. Another option was to buy water from Perry City.

Chairman Bodily asked if Nilson Homes had purchased the Kunzler property. Mr. Davis said they had not. They had a contract, and they were trying to work out the details.

Commissioner Bingham moved to close the public hearing at 6:50 p.m. Commissioner Dubovik seconded the motion. All voted "aye." The motion carried.

Commissioner Bingham stated that the City was in the process of updating its current master plan. When the plan was done, the City would want everyone to adhere to it. Right now the Future Land Use Map said

this area was supposed to be zoned A-3 or A-5. Part of him felt the City should follow the Future Land Use Map. The proposed rezone was not contiguous with another R-1/2 Zone in Willard, but it was close to the Cherry Ridge Subdivision in Perry.

Commissioner Baker felt that was a valid point.

Commissioner Dubovik asked about legal requirements. Colt Mund stated that City's rezone standards required a plan for utilities. The staff had indicated that the City Engineer had reviewed a concept plan, and it appeared utilities could be provided. It might be helpful for the Commission to have something in writing from the City Engineer regarding utilities. The rezone request also had to be in harmony with the City's General Plan. It was apparent that this request was not in harmony as the General Plan did not contemplate anything smaller than three acres in this area.

Commissioner Bingham felt that if this rezone request would set a precedence if it was approved. The whole City would basically be rezoned from A-5 to R-1/2. If the City approved this rezone, it would have to approve others.

Commissioner Dubovik asked if a rezone approved a subdivision. Mr. Wheelwright said it did not. Commissioner Dubovik felt there was a reason past City officials didn't consider half-acre lots in this area. The developer's desire for one-third to one-half acre lots was consistent with what the City wanted around the community. He wanted to seek the opinion of the City's master plan consultant about whether to stick with the larger lots or what the impact of approving an R-1/2 Zone would be. He didn't feel the Planning Commission had to make an immediate decision. It could delay consideration to allow time to receive additional information regarding impacts and traffic.

Gordon Sleeman, 475 North Main, asked if the City anticipated that the updated General Plan would change the zoning of this area. Mr. Wheelwright said the City did not know yet.

Commissioner Baker asked if the City would receive a draft of the updated General Plan in August. Chris Davis said it would probably be September.

Chairman Bodily said the City was looking for ways to preserve agriculture. Rezoning to R-1/2 didn't accomplish that.

Commissioner Bingham felt the City had to follow the Future Land Use Map in order for it to be relevant. There were arguments for both ways. The City had spent a lot of money for a land use plan, it should follow it.

Commissioner Dubovik felt the general plan should include an explanation about why decisions were made.

Commissioner Bingham stated that the Fitzgerald property was close to a more dense development in Perry City. He didn't know what Perry's zone was.

Commissioner Harrop felt the rezone request was a big step away from what the Future Land Use Map recommended. When the General Plan was updated, there might be room to discuss something similar to what had been developed in Perry. Right now he felt the City needed to follow the Future Land Use Map it had.

Chairman Bodily agreed that the City should follow the plan it had, not one it might have.

Councilman John Seamons asked if this was the property that had filed a de-annexation petition from Willard City. Mr. Davis said it was. Councilman Seamons pointed out that if the rezone petition was denied, the property owner would de-annex into Perry.

Commissioner Bingham felt the rezone could be considered if it was contiguous to zoning in Perry City.

Colt Mund stated this property could not just disconnect into Perry. Perry City could not have an annexation policy that overlapped into another city. There were a number of issues that would have to occur in order for deannexation to be a reality. The City was updating its master plan, which would be done sooner rather than later. The developers could pursue deannexation if they wanted to, but it wasn't a process that would happen overnight.

Commissioner Dubovik stated that if Perry City had a half-acre zone that was contiguous to the Fitzgerald property it might make sense to consider the R-1/2 Zone. If the zoning in Perry was A-5, it didn't make sense to create an R-1/2 island in the middle of an agricultural area.

Chris Davis felt a motion to table consideration would be appropriate. The staff would check with the City's master plan consultant

Commissioner Bingham moved to table consideration of the Fitzgerald rezone petition until the next meeting. Commissioner Baker seconded the motion. All voted "aye." The motion carried.

5C. PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS REGARDING A PROPOSAL TO REPEAL WILLARD CITY ZONING ORDINANCE CHAPTER 12-101 BOARD OF ADJUSTMENT AND ADOPTION OF CHAPTER 12-101 APPEAL AUTHORITY AS HEARING OFFICER

Commissioner Bingham moved to open the public hearing at 7:01 p.m. Commissioner Harrop seconded the motion. All voted "aye." The motion carried.

Colt Mund stated that State law required the City to have an appeal authority; someone to hear appeals on variances, land use ordinances, or decisions made by the Planning Commission. The City previously had a Board of Adjustment, but it had not been functional for quite some time. Currently the City Council was acting as the appeal body, which was awkward because some of the decisions they were required to make left the City without an appeal authority. In order to make the process simpler, the staff recommended that a single appeal authority be appointed. The staff recommended that Chapter 12 of the Zoning Ordinance containing regulations for the Board of Adjustment be repealed and replaced with regulations for an appeal authority.

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

Commissioner Dubovik moved to close the public hearing at 7:04 p.m. Commissioner Baker seconded the motion. All voted "aye." The motion carried.

Commissioner Dubovik felt the Planning Commission was in concurrence with the proposed amendment.

Chris Davis stated that the City Council felt the same way. By statute, a public hearing was required to allow for public comments. The Planning Commission had already discussed the proposed amendment.

Commissioner Bingham moved to recommend that the City Council approve a proposal to repeal Willard City Zoning Ordinance Chapter 12-101 Board of Adjustments and adopt Chapter 12-101 Appeal Authority as Hearing Officer. Commissioner Harrop seconded the motion. All voted "aye." The motion carried.

5D. PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS REGARDING A PROPOSAL TO AMEND WILLARD CITY ZONING ORDINANCE CHAPTER 12-400-14 DEFINITION FOR SUBDIVISION LAND USE AUTHORITY (SLUA)

Commissioner Baker moved to open the public hearing at 7:05 p.m. Commissioner Dubovik seconded the motion. All voted "aye." The motion carried.

Chris Davis stated that the proposed amendment to the SLUA definition had been discussed by the Planning Commission and City Council. The proposed amendment would add the Assistant City Recorder and the City Manager to the SLUA Board and allow them to vote. The amendment would provide more voting members on the Board. It was difficult for the Fire Chief and City Attorney to regularly attend the SLUA meetings, and the Police Chief did not see the need for him to be part of land use decisions. The SLUA was a recommending body.

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

Commissioner Harrop moved to close the public hearing at 7:07 p.m. Commissioner Dubovik seconded the motion. All voted "aye." The motion carried.

Commissioner Baker moved to recommend that the City Council approve a proposal to amend the SLUA definition in Willard City Zoning Ordinance Chapter 12-400-14. Commissioner Harrop seconded the motion. All voted "aye." The motion carried.

5E. PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS REGARDING A PROPOSAL TO AMEND WILLARD CITY ZONING ORDINANCE CHAPTER 12-116-5 DEDICATION OF STREETS, RIGHTS-OF-WAY, AND EASEMENTS

Commissioner Dubovik moved to open the public hearing at 7:08 p.m. Commissioner Baker seconded the motion. All voted "aye." The motion carried.

Colt Mund stated that the current Street Ordinance required that any residential or planned residential development with more than thirty homes have two distinct access points. He understood that when the current ordinance was approved, it was supposed to have mirrored the International Fire Code. For some reason, the portion allowing an exception to the thirty home limit was not included. The International Fire Code allowed two exceptions to the thirty home limit. The first exception was allowed if homes had their own fire suppression system. The second exception allowed more than thirty homes on a single approved access road if approved access roads wouldl connect future development as determined by the Fire Code Official. The proposed amendment to Chapter 12-116-5 would mirror the International Fire Code.

Chairman Bodily stated that the Planning Commission had discussed the proposed amendment before.

Commission Dubovik asked what future development meant. Did it mean a road that was approved but had not been constructed? Colt Mund felt that was a good question. The International Fire Code simply said *future development*. Did that mean development that might occur sometime in the next 100 years, or did it

mean development that had been approved and would be constructed within a reasonable amount of time? Commissioner Dubovik felt the language was vague enough that the City could interpret it when it made a decision.

Chairman Bodily opened the floor for public comment.

Travis Mote, 455 South 200 West, stated that the exception language in the International Fire Code made the Fire Chief the approving official. He didn't feel the Fire Official should be the approving authority. The proposed amendment did not have a cap on the number of homes allowed by the exception. There could be 10,000 homes on a single access for five to ten years before another access was built. He felt the proposed amendment was pretty lose. It needed some parameters.

Commissioner Harrop stated that the Planning Commission had asked the master plan consultant about the access exception. Dr. Joe Perrin said there were guidelines about the number of cars roads based on road widths and that he would study the issue.

Gordon Sleeman, 475 North Main, felt that the City could just not adopt the exception allowed by the International Fire Code. Colt Mund said the current City ordinance did not include the exception. Mr. Sleeman asked if it had been adopted at the State level. Mr. Mund said most cities adopted the International Fire Code or International Building Code verbatim. He was directed to prepare an amendment to make the Street Ordinance consistent with the International Fire Code. Mr. Sleeman stated that there were parts of the International Building Code that the State had not adopted so the City could just not adopt the exception to the thirty home limit.

Commission Bingham moved to close the public hearing at 7:15 p.m. Commissioner Baker seconded the motion. All voted "aye." The motion carried.

Commissioner Bingham felt the proposed amendment was too ambiguous. He wanted the Street Ordinance to reflect the International Fire Code, but an access that would not be constructed for a long, long time could not counted as a second access.

Commissioner Dubovik felt the City's ordinance needed to be more specific. If loopholes were left open for developers to exploit the situation could become untenable. He felt the discussion should be tabled in order for the Planning Commission to do some homework about how to supplement the language to make it acceptable to our community.

Travis Mote stated that the International Fire Code for multi-family homes did not have the exception. Maybe the City could put a cap, like 100 homes that would not have an exception.

Commissioner Baker felt any exception should rely on the City's Future Land Use and Street Maps.

Commissioner Bingham felt the proposed amendment put a lot of pressure on the Fire Chief. It would put exception decisions in his lap. The proposed amendment needed the Fire Chief's input, but he didn't feel exceptions should be decided by just one person. Colt Mund felt language could be added to the amendment requiring that a recommendation from the Fire Chief be submitted to the Planning Commission and City Council.

Gordon Sleeman felt the proposed amendment opened the door for arbitrary decisions. He felt the City should simply leave the ordinance alone. Then the thirty home limit remained.

Colt Mund stated not too long ago there was feedback that the City's thirty home limit was too rigid.

Gordon Sleeman said the City's current ordinance was less restrictive than it had been when he served on the Planning Commission.

Chad Braegger, 1789 North 200 West, stated that if there was only one access and it became necessary to make a road repair, emergency vehicles would not be able to access the subdivision. A second access was required to help with those situations.

Commissioner Harrop stated that requiring a second access opened up opportunities for more development. The existing ordinance required one access for thirty homes. Did that mean 60 homes required two accesses and 90 homes required three? Gordon Sleeman didn't feel there was an implied ratio in the ordinance. As long as there were two accesses, there could be 60 homes or 90.

Travis Mote pointed out that access from a private road did not address access for emergency vehicles.

Commissioner Dubovik did not feel the proposed amendment should be approved. The City should leave the current language alone.

Commissioner Bingham felt the Street Ordinance needed to have a little bit of wiggle room. Wiggle room would help when an area was in transition.

Commissioner Dubovik asked if the Planning Commission was in a position to grant a waiver when a development proposal did not comply with the ordinance. Mr. Mund said a variance could be granted for a specific ordinance. A variance could not be granted for a rezone.

Commissioner Dubovik felt using up all possible accessibility for surrounding smaller properties might be a good reason to deny a plan for a larger development.

Commissioner Harrop felt temporary turn arounds where future roads would be located might be a way to help with an access limit. The temporary turn around had the potential to be a second access in the future.

There was further discussion.

Commissioner Dubovik asked what options the Planning Commission regarding the proposed amendment. Colt Mund said the Planning Commission could recommend that the City Council approve it, it could recommend that the proposal be denied, or it could table consideration.

Commissioner Baker stated that if the proposal wasn't tabled, she would vote to deny it.

Commissioner Bingham felt some modifications were needed to the proposed amendment.

Commissioner Dubovik moved to table consideration of the proposal to amend Chapter 12-116-5(2) to a future date when there could be discussion about possible modifications. Commissioner Bingham seconded the motion. All voted "aye." The motion carried.

6. CONSIDERATION AND APPROVAL OF MAY 20, 2021, REGULAR PLANNING COMMISSION MINUTES

Commissioner Baker moved to approve the May 20, 2021, regular Planning Commission minutes as written. Commissioner Harrop seconded the motion. All voted "aye." The motion carried.

7. COMMISSIONER/STAFF COMMENTS

Commissioner Dubovik thanked the citizens for their participation in discussions.

Commissioner Harrop asked if the corner of 200 West and 750 North would be paved. A big hole was developing. Bryce Wheelwright said it was on the punch list to be repaired.

8. ADJOURN

Commissioner Bingham moved to adjourn at 7:37 p.m. Commissioner Harrop 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 06-03-2021