



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
Diane Baker
Chandler Bingham
Alex Dubovik
Blake Harrop

Chris Davis, City Manager
Colt Mund, City Attorney
Bryce Wheelwright, City Planner
Michelle Drago, Planning Secretary

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. PLEDGE 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 Hurst 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.



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Commissioner Dubovik felt the subdivision was in compliance. He asked 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



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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 water would have to be upgraded. There was not enough water supply in the road. 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



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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.



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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.



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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 would 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



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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 loose. 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.



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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.



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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

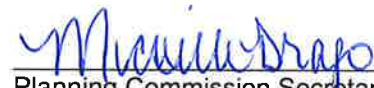
Commissioner Bingham moved to adjourn at 7:37 p.m. Commissioner Harrop seconded the motion. All voted in favor. The motion passed unanimously.

Minutes were read individually and approved on:

6/17/21



Planning Commission, Chairman
Sid Bodily



Planning Commission Secretary
Michelle Drago

dc:PC 06-03-2021