



Notice is hereby given that the
WILLARD CITY PLANNING COMMISSION
Will meet in a regular session on
Thursday, July 15, 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. Set a public hearing to consider preliminary approval of the Rod Braegger Subdivision located at approximately 100 South 400 West (02-054-0003)
 - 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
6. Consideration and approval of the June 17, 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 12th day of July, 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 12th day of July, 2021

/s/ Michelle Drago
Deputy City Recorder

WILLARD CITY PLANNING COMMISSION SUBDIVISION APPLICATION

RECEIVED JUN 02 2021
pd 10/12/21 Rec # 100437746

Application Date

6-2-21

Proposed Subdivision Data

Subdivision Name

RECEIVED JUN 02 2021

RECEIVED MAY 25 2021

Applicant

Trisha Heath & Rachel McIntire

Broke Ass Ranch (Rod Braegger Subdivision)

Application Level (Check One)

Mailing Address

110 S 250 W

Willard UT 84340

☒ Sketch Plan

Date

Approval

Project Address

110 S 250 W

Willard UT 84340

☐ Preliminary Plat*

*(Not required for In-fill Subdivisions)

Date

Approval

Email Address barkerlandinvestments@gmail.com

☐ Final Plat

Phone Number

Date

Approval

Cell Phone Trisha 435-730-8000 / Rachel 307-920-1165

Assessor Parcel Number 02-054-0003

Fax Number

Number of lots 3

FEES MUST ACCOMPANY APPLICATION SUBMISSION AT EACH LEVEL.

FEE COMPUTATION

	Administrative	Engineering	Attorney	TOTAL
Sketch Plan	\$50 + \$2/Acre	Billed to the Developer		
Preliminary Plat	\$50 + \$15/Lot	Billed to the Developer	\$100 + \$10/Lot	
Final Plat	\$50 + \$5/Lot	Billed to the Developer	\$50 + \$5/Lot	

CAUTION: No part of the proposed subdivision may be sold or offered for sale until the Final Plat is approved by the Willard City Council.

APPLICANT'S AFFIDAVIT

STATE OF UTAH)
) SS
COUNTY OF BOX ELDER)

I, (we) Rachel McIntire + Trisha Heath, 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 110 S 250 W Willard UT 84340 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 Rachel McIntire
Property Owner(s)

AGENT _____



Subscribed and sworn before me this 2 day of June 20 01

Michelle K. Snarr
Notary Public

Residing in Davis Co., Utah
My commission expires: 1-27-2028

* 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) _____, the owner(s) of real property described above, hereby appoint _____, 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.

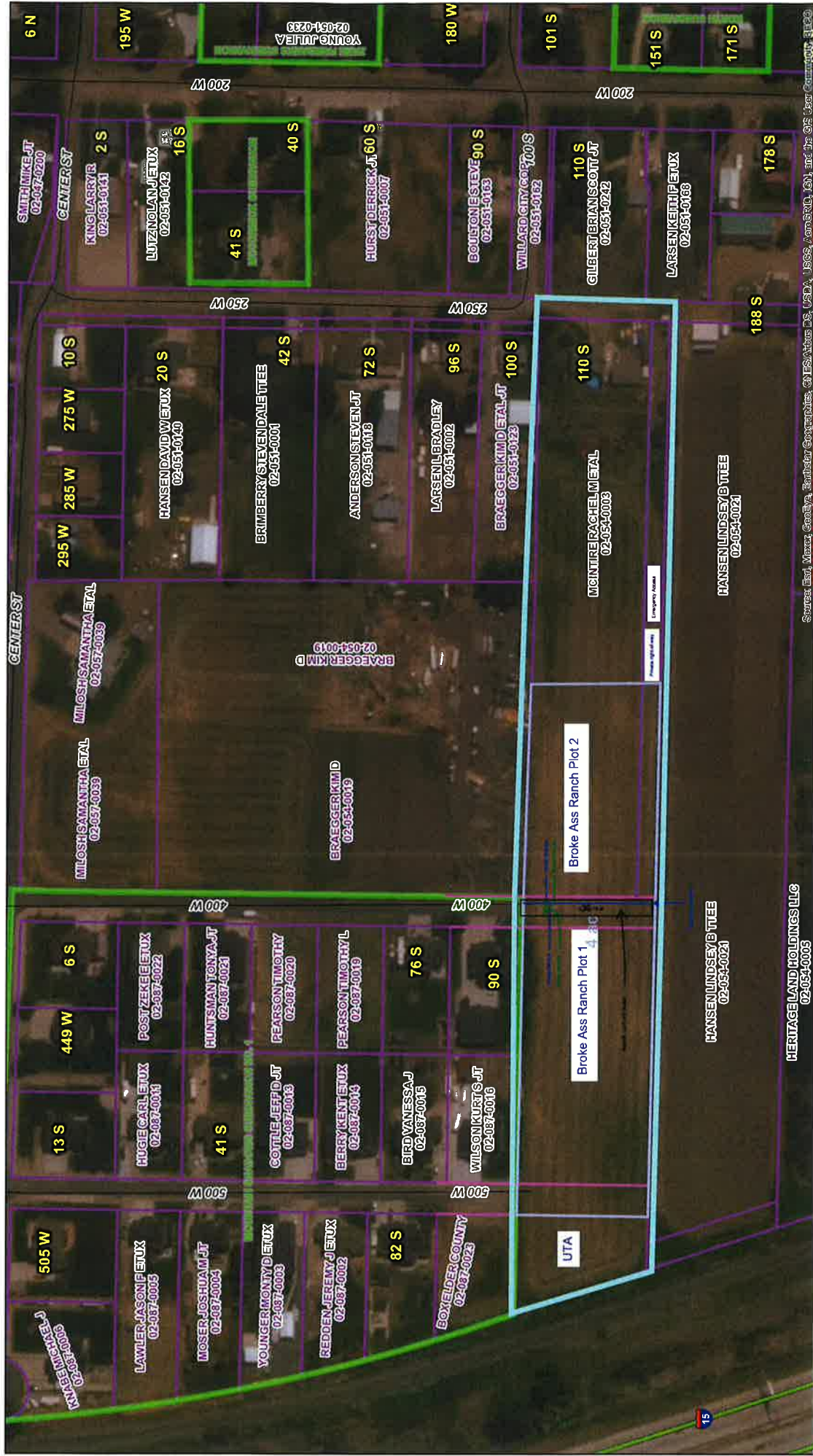
SIGNED _____
Property Owner(s)

Subscribed and sworn before me this _____ day of _____ 20 _____

Notary Public

Residing in _____
My commission expires: _____

Box Elder County Web Map





Box Elder County Web Map
June 11, 2021

Subdivision

- Four Lbs
- UTA
- Broke Ass Ranch Lot 1
- Broke Ass Ranch Lot 2
- Broke Ass Ranch



1:2,257

0 50 100 200 300 400

0 50 100 200 300 400

Box Elder County

Highway

Freeway

Interstate

County B Road

County D Road

City Road

Private

Addresses

Subdivisions

Minor Subdivisions





WILLARD CITY
Subdivision Land Use Authority (SLUA) – Special Meeting
June 10, 2021 – 1:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

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

4
5 The following members were in attendance:

6
7 Chris Davis, City Manager
8 Chris Breinholt, City Engineer/Jones & Associates
9 Bryce Wheelwright, City Planner
10 Van Mund, Fire Chief
11 Michelle Drago, Deputy City Recorder

12
13 Excused: Doug Thompson

14
15 Others in attendance: Trisha Heath, Rod Braegger, and Debbie Braegger

16
17 1. CALL TO ORDER

18
19 Bryce Wheelwright called the meeting to order at 1:40 p.m.

20 **2A. DISCUSSION REGARDING CONCEPT PLAN FOR THE ROD BRAEGGER SUBDIVISION**
21 **LOCATED AT APPROXIMATELY 110 SOUTH 400 WEST (02-054-0003)**

22 Bryce Wheelwright stated that the purpose of the meeting was to review and discuss a sketch plan for the
23 Rod Braegger Subdivision located at approximately 150 South 400 West. The property was recently
24 rezoned to R-1/2. Rod and Debbie Braegger wanted to build a home on the property. There had been
25 issues about access. The SLUA needed to decide if the sketch plan could comply with the City ordinances.

26
27 Chris Breinholt asked for more background information. What did the Braeggers intend to do? It looked like
28 a few north/south roads should be extended through the property. He also felt there should be a plan for
29 some east/west roads. The property technically didn't have any frontage.

30
31 Rod Braegger stated that they planned to construct 400 West to the south end of their property and build
32 their home on that frontage. Bryce Wheelwright explained that their long range plans were to have two
33 homes; one on each side of 400 West.

34
35 Chris Breinholt said the real subdivision consisted of two lots with two remainder parcels on either end.
36 Trisha Heath stated that UTA would be purchasing the remainder parcel shown on the west side of 500
37 West. Bryce Wheelwright stated that a subdivision would be required for the sale of property to UTA.

38
39 Chris Breinholt asked what the code question was. Bryce Wheelwright stated that the subdivision had to
40 have a second access. The Street Ordinance said a second access was required if there were more than
41 30 homes on a single access. There were approximately 32 homes on the single access of West Center
42 Street.

43
44 Van Mund asked about the location of homes and roads in the immediate vicinity, which Bryce Wheelwright
45 provided.

46
47 Trisha Heath explained that there wasn't a right-of-way in front of her home. The 250 West right-of-way
48 was vacated when the Hansen home was built. However the vacation documents were not recorded



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properly. Access to her home was considered an alleyway. Bryce Wheelwright stated that a title search had been made regarding the 250 West right-of-way. It had been vacated. The City didn't have any claim to it.

Chris Breinholt stated that the closest east/west access route was through The Orchards Subdivision at 200 South and 200 West. Bryce Wheelwright said the Braegger's were proposing a private emergency access lane along the south side of their lot that would run east through property owned by Trisha Heath to the 250 West right-of-way. The access easement would be approximately 935 feet in length.

Van Mund did not feel the private access lane would be any different than emergency access for Nathan Braegger's home at 637 North Main or Ken Braegger's on 200 West. The International Fire Code allowed an exception for more than 30 homes on a single access if future roads were planned. He asked if the Fire Code had a cap on the number of homes allowed by the exception. Mr. Davis said it did not.

Chris Breinholt stated that emergency access required an all-weather purpose road that could support a 70,000 fire truck. The access lane had to be at least 20 feet wide.

Van Mund verified that the location of the private access lane would be on the south side of the property and asked how much room there was between the fence and the house. Trisha Heath said there was at least 30 feet.

Van Mund wasn't sure if the access lane had to be deeded to the City. Rod Braegger stated that the International Fire Code said emergency access could be a private right-of-way.

Van Mund stated that it was a private emergency access, but it had to serve more than just the Braegger home. He asked if there would be gates. Rob Braegger said they had talked about gates, but they wanted it to be open for emergency access. Trisha Heath said they planned to put up private property signs to start with and see if people would honor them. They didn't want people using the private land as a public access. She was concerned about people speeding through their driveway. If they had to put up a fence, it would be a break-away fence. There was also an irrigation ditch that could be a problem.

Chris Davis asked if a lot of people used Mayor Braegger's access as a public right-of-way. Bryce Wheelwright said a few people used it, but the Mayor hadn't had a lot of problems.

Van Mund said the only other concern he had was that the emergency access lane not be blocked by parked cars. There would have to be signs prohibiting parking. Trisha Heath said they could put up no parking signs.

Rod Braegger asked what an all-weather surface consisted of. Bryce Wheelwright said it was compacted road base. Chris Breinholt said it was a surface that could handle a fire truck in the winter, or when it was extremely wet, without sinking. An all-weather surface would require sub-base material with compacted road base on top of it. Chris Davis asked if Chris Breinholt could provide Braegger's with a material list. Mr. Breinholt said he could.

Chris Breinholt stated that an easement would have to be dedicated for the emergency fire lane. Rod Braegger understood that a private right-of-way could also be construed as an emergency access. Mr. Breinholt felt the emergency access needed to have a legal tie because it was a City requirement. The legal tie would prevent something from cutting off the emergency access in the future, such as a building. Mr. Wheelwright felt the City was legally bound to have an easement.



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98 Rod Braegger stated that eventually 400 West and 500 West would go through, and they would give the
99 easement back to Trisha Heath and Rachel McIntire. Mr. Breinholt felt the document creating the easement
100 could state that it was temporary and was contingent upon 400 West and 500 West being completed.
101

102 Chris Breinholt stated the subdivision would require the dedication of the 250 West right-of-way. Trisha
103 Heath said 250 West could not be extended because there was a house in the way. Van Mund stated that
104 the City Council vacated the 250 West right-of-way. Trisha Heath said the Hansen portion of 250 West was
105 vacated, but their portion wasn't. Bryce Wheelwright said it was vacated because his title search showed
106 the City didn't have any right to the property. Ms. Heath said they needed to fix the County records.
107

108 Chris Davis asked if 400 West and 500 West would be dedicated as part of the subdivision. Rod Braegger
109 said 400 West would. They planned to construct it to the south end of their property. He was willing to
110 dedicate 500 West, but they didn't want to build it. When 400 West and 500 West went through, they would
111 look at dividing the rest of their property.
112

113 Van Mund asked how long it would be before the land owned by Heritage Land Holdings developed. Chris
114 Davis said it depended on how soon the City adopted a new PUD or Master Plan Community Zone that
115 would allow them to have a greater density than R-1/2. Mr. Davis said the Mayor, UTA, and Heritage Land
116 Holdings, had all talked about 500 West following the railroad right-of-way.
117

118 Van Mund asked about the location of the sewer line. Trisha Heath said it ran along her south property line,
119 but it was located on Hansen's side. A sewer line also ran north and south through the property at both 400
120 West and 500 West. Bryce Wheelwright asked if there was a sewer trunk line in the Mountain Shadows
121 Subdivision. Mr. Breinholt said there was.
122

123 Chris Breinholt clarified that the west side of 500 West was being sold to UTA. Trisha Heath said that was
124 correct. Rod and Debbie Braegger's four acres would include 400 West and 500 West. Mr. Breinholt stated
125 that at some point someone would have to build 500 West.
126

127 Chris Davis suggested that the subdivision consist of four lots – UTA's, Braegger's, and Heath's. Van Mund
128 suggested that there could be six to seven lots. Rod Braegger said they could show that many lots, but the
129 Planning Commission was concerned about the density. He was hesitant to show there was intention to
130 subdivide the property further. For now, he preferred to show four lots with a dedicated temporary
131 easement.
132

133 Chris Breinholt stated that by code a subdivision required construction of dedicated roads. Rod Braegger
134 stated that right now they just wanted to build 400 West. He was okay dedicating 500 West, but he didn't
135 want to build it.
136

137 Chris Davis suggested having UTA build it. Trisha Heath stated that they had already negotiated the sale
138 to UTA. Their purchase ran up to the west side of 500 West, but it didn't include 500 West.
139

140 Chris Breinholt stated that if there wasn't going to be a home on 500 West there wasn't a need to have the
141 street there. However, the question of who would be responsible to build 500 West remained. By dividing
142 the rest of the property, a legal building lot on 500 West was being created. He suggested that the
143 subdivision include a future right-of-way easement for 500 West rather than a road dedication. That would
144 bypass the required road construction.
145



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Bryce Wheelwright asked if SLUA Board felt the subdivision should be forwarded to the Planning Commission.

Chris Breinholt felt the concept drawing needed to accurately show the proposed lot configuration, utilities, and the temporary emergency access easement.

Trisha Heath stated that the emergency access easement needed to include 250 West as well.

Van Mund felt the revised drawing should show the road configuration for the surrounding area. The extra information would be helpful for the Planning Commission.

Rod Braegger asked about storm drainage. If they had to put in curb and gutter on 400 West, the storm water would have to go somewhere. They could put in a pond to drain into. Chris Breinholt didn't feel that much of a road would generate much storm water.

Chris Davis asked if the existing 400 West had curb and gutter. Bryce Wheelwright said it did not; 500 West didn't either. They both had borrow pit ditches.

Chris Davis asked about a deferral agreement.

Bryce Wheelwright said the Subdivision Ordinance stated that a subdivision needed to retain its storm water on site. Braegger's had the ground to retain the storm water. He didn't feel it would be an issue. Eventually they would have to tie into the detention pond below the subdivision.

Bryce Wheelwright asked if SLUA wanted to see a revised drawing before it as sent to the Planning Commission. Chris Breinholt did not feel it was necessary for SLUA to review a revised plan as long as it showed what the SLUA had discussed.

Bryce Wheelwright explained that the revised plan needed to show the proposed layout, how it tied into the City on 250 West, 150 South, 400 West, and 500 West, show the number of lots, and the temporary access easement. When the City received the revised plan, it would be placed on the Planning Commission agenda.

Van Mund stated that the emergency access easement had to be 20 feet wide. Rod Braegger thought the easement had to be 30 feet wide with 20 feet of finished surface. Mr. Wheelwright felt that was correct. Trisha Heath asked if the easement had to have curb and gutter. Mr. Mund said it did not. Just an all-weather surface.

Chris Breinholt moved to forward the Rod Braegger Subdivision to the Planning Commission with the understanding that Mr. Braegger would provide a plan with more detail accurately showing the extension of the roads, the temporary emergency access, and the proposed lot lines. Van Mund seconded the motion. All voted "aye." The motion carried.

2C. APPROVAL OF MAY 6, 2021, MINUTES

Van Mund abstained from voting on the minutes as he didn't attend the last meeting. Consideration of the minute was tabled as there wasn't a sufficient quorum.

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.

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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

WILLARD CITY ZONING ORDINANCE

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,



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Commissioner Bingham moved to table consideration of a request to rezone 34.57 acres located at approximately 3630 South 1200 West from A-5 to R-1/2 indefinitely. Commissioner Baker seconded the motion. All voted "aye." The motion carried.

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

Colt Mund stated that he did not have any new information for the Planning Commission. After the last meeting, he wasn't sure what the Planning Commission wanted to do with proposed amendment.

Chairman Bodily felt there needed to be a cap on the number of homes allowed on a single access, but he wasn't sure how to come up with that number. If the City didn't like 30, what should the number be? Mr. Mund said the number 30 came straight from the International Fire Code.

Bryce Wheelwright and Commissioner Bingham felt there needed to be a deadline, or time limit, for completion of a second access.

Colt Mund stated that the proposed amendment left approval of the exception up to the Fire Chief. Another approach might be a consultation with the Fire Chief, Planning Commission, and City Council before approving an exception.

Commissioner Hulsey felt the amendment should include very clear guidelines for approving or disapproving an exception. The amendment needed language the City could use to defend itself.

Commissioner Harrop felt the standard number should be 30 homes. Exceptions could be made with the backing of the Fire Chief with a cap of maybe 35 homes.

Chairman Bodily asked about a home with its own fire suppression system. Colt Mund stated that Willard's current code did not allow an exception for any homes beyond 30. The International Fire Code did allow an exception for than 30 homes, if they had their own fire suppression system. Chairman Bodily suggested leaving the maximum number of homes on a single access at 30, and requiring all exceptions to have their own fire suppression system.

Commissioner Hulsey stated that requiring a fire suppression system did not address the issue of access. There could be many additional homes with fire suppression systems that could not get in and out if the access was blocked. Commissioner Bingham agreed that it wasn't just a fire issue. It was also an access issue.

Commissioner Dubovik suggested that an access be required for every 30 homes. That wouldn't help in the near future, but it might create a map going forward.

Colt Mund asked if there were other cities that required an access for every 30 homes. Mr. Wheelwright said he had researched other codes. He had not been able to find a city with that type of access requirement. Commission Harrop said there was a subdivision in Farr West that had fifteen to twenty phases with thirty to forty homes in each phase. The subdivision only had four accesses for hundreds of homes.

Commissioner Bingham felt there needed to be at least two accesses or a really wide road. A standard road did not have the width necessary to allow access if half of the road was blocked. Commissioner Harrop felt the City's standard road would be wide enough.



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Commissioner Hulsey asked that the ordinance be amended to state that a second access could not be a private drive. That issue kept coming up. He felt prohibiting private access lanes would eliminate a lot of problems that were occurring now. Colt Mund felt that could be done.

Commissioner Bingham asked what happened when a developer came into an area with a single access and used up all thirty slots without putting in another access. Under the current ordinance, options for other property owners in the immediate vicinity were eliminated. Consideration of a second access needed to happen early. He felt there needed to be some type of exception.

Commissioner Harrop stated that the Planning Commission needed to be aware of secondary access needs when it considered new subdivisions.

Commissioner Hulsey asked if the Planning Commission could recommend that a subdivision be denied because it did not provide a secondary access. Could the City require a subdivision to consider future needs of adjoining property owners? Colt Mund felt the Planning Commission did have discretion. Secondary access was definitely something the City staff and Planning Commission should consider.

Commissioner Hulsey said the City could not require a developer to do something that would benefit someone else. Mr. Mund agreed that would be an excavation. Commissioner Hulsey asked if requiring a second access was an exaction. Colt Mund did not feel requiring a second access would be an excavation because the staff and Planning Commission were considering the needs of the City. The City had a master road plan.

Commissioner Dubovik clarified that a developer was required to put in two access whether he was developing 35 homes or 135. Mr. Mund said that was correct. More roads could be required if they were part of the master road plan.

Commissioner Hulsey asked if the PUD ordinance gave the City some flexibility to require additional access. Mr. Mund said it did.

Commissioner Hulsey asked if the amendment could include verabge about complying with the City's master road plan.

Bryce Wheelwright said the Willard City Zoning Ordinance Section 12-116-5(2) currently stated, "*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...*" The developer then had to develop those roads. If a road wasn't going to be useful in a development, it still had to be dedicated. However, the developer might not have to improve it. It depended on the circumstances.

Commissioner Hulsey asked what the Planning Commission could do to prevent a future situation like Center Street. Center Street had reached the 30 home limit. It didn't block any future roads, but it did block future development. He wasn't sure the City could require that a developer not block future growth in an area.

Colt Mund said that was why exceptions were helpful. If there was anticipation that future development would occur, a property wouldn't be blocked. The Planning Commission just needed to define what future development meant. Was it 50 years or five?



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Commissioner Hulsey stated that the Planning Commission could recommend, but if it couldn't enforce anything nothing would happen. He wasn't sure there was any way to ensure that a Center Street situation didn't happen again.

Commissioner Dubovik asked if research of ordinances in other cities had been conducted. Colt Mund said he had not read any ordinances that had been codified like Willard City. Willard's ordinance was unique because it specifically mentioned 30 homes.

Commissioner Hulsey asked if there had been similar problems in other communities. Mr. Mund was not aware of any.

Commissioner Dubovik felt some consideration needed to be given to Willard's unique configuration. It was located in a very narrow area between Willard Bay and the mountains to the east. Were there other cities that constrained? If something happened, it wouldn't just be Willard City residents trying to get out. Everybody else would be trying to traverse this little corridor. He felt Willard did need to be more conservative than other communities.

Commissioner Bingham liked adopting the exceptions in the International Fire Code because it gave the City some latitude. However, he felt there needed to be a time frame within which future development would occur. There needed to be a secondary access, and development had to occur within the near future. Near future was five years not 50.

Chairman Bodily felt the City could put in a right-of-way if it was really needed.

Commissioner Hulsey asked if it would be better to address the proposed amendment in a PUD or master plan ordinance rather than in the Street Ordinance/Fire Code. Colt Mund stated that all of the ordinances worked together. If a developer was required to follow the Subdivision Ordinance, he was required to follow the Street Ordinance. The PUD gave the City flexibility to negotiate.

Commissioner Dubovik asked about a work session with the City Council. He wanted to get the Council's input.

Colt Mund planned to seriously research how other cities dealt with secondary access.

Chris Davis suggested that the Planning Commission make a recommendation to the Council outlining its concerns. He felt the Planning Commission's discussion had been excellent.

Commissioner Dubovik asked what the proposed amendment was meant to fix. Was it meant to allow more than 30 homes on one access? Was it meant to require another access when there was more than 30 homes?

Commissioner Bingham felt the City was trying to prevent growth from being stifled in one area while it waited for growth in another area to occur.

Commissioner Dubovik clarified that the amendment was meant to allow more than 30 homes if more development was impending. Commissioner Bingham felt that correct.

Colt Mund felt it was more than just second access. If the amendment was approved, a developer could receive approval for more homes on a single access if they included a fire suppression system.



WILLARD CITY
Planning Commission Meeting – Regular Meeting
June 17, 2021 – 6:30 p.m.
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Commissioner Baker stated that UTA was buying property for a future Front Runner line. Did UTA plan to put in a frontage road? Chris Davis said UTA was not ready to plan development that was decades away. However, they eventually did want to have access along the west side. Bryce Wheelwright said that UTA was acquiring property, but UTA was not interested in developing it.

Commissioner Baker asked if there were access issues on the east side of the city. Commissioner Bingham felt Granite Ridge had the same access issues. Bryce Wheelwright said Granite Ridge would tie into 300 East.

Commissioner Hulsey felt the end goal of the amendment was to provide a minimum of two ways in and out developments in case of emergency.

Commissioner Bingham felt the argument could be made for a single access if the access road was really wide. Commission Harrop asked if the road width was of any relevance. Commissioner Bingham felt it was. It would be difficult to completely block a really wide road. People could still be funneled in and out if it was wide enough.

Commissioner Hulsey suggested that the exception for homes with a fire suppression system be capped. Commissioner Dubovik suggested that the number of homes allowed with fire suppression systems be capped at 10, for a total of 40. If there were any more homes, a secondary access had to be provided.

Commissioner Bingham felt the City need to move away from the good-old-boy system. Chris Davis said it wasn't just the good-old-boy system. In the past, Willard had not had the type of growth it was now experiencing. The City had the ordinance it had, because City officials realized there was a problem.

Commissioner Dubovik felt the Planning Commission needed to keep the City's overall welfare in mind when considering subdivisions. It could approve or deny based on what it felt was best for the City's future plan. Colt Mund felt the Planning Commission needed to be cautious. If a developer complied with the Subdivision Ordinance to the letter, it would be very difficult to deny his application. In court, a judge would want to know what the Planning Commission's decision was based on. Was it a hunch, a suspicion, or scientific data (such as a road study)? At some point the Planning Commission would have to defend what its opinion of welfare meant.

Chairman Bodily asked if the Planning Commission was ready to make a motion.

There was further discussion. Commissioner Hulsey suggested getting the Council's input. Commissioner Bingham suggested tabling the discussion to allow Colt Mund to do some research. Then it could make a recommendation to the Council with concerns attached. Chairman Bodily felt a work session might be more effective than just forwarding a recommendation.

Colt Mund felt there was a consensus that the final decision regarding an exception to the International Fire Code should be made by more than just the Fire Chief. He could add that language.

Commissioner Bingham felt there needed to be a time frame for future development.

Commissioner Dubovik moved to table consideration of a proposal to amend Chapter 12-116(2) – Dedication of Streets, Rights-of-Way, or Easements – Residential, Commercial, or Industrial Subdivision, or Planned Unit Development – until the next Planning Commission meeting on July 15, 2021. Commissioner Harrop seconded the motion. All voted “aye.” The motion carried.



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

4
5 The following members were in attendance:

6		
7	Sid Bodily, Chairman	Chris Davis, City Manager
8	Diane Baker	Colt Mund, City Attorney
9	Chandler Bingham	Bryce Wheelwright, City Planner
10	Alex Dubovik	Michelle Drago, Planning Secretary
11	Blake Harrop	
12	Zack Hulse	

13
14 Others in attendance: Chad Braegger.

15
16 The meeting was called to order at 6:34 p.m.

17
18 1. PRAYER: Zack Hulse

19
20 2. PLEDGE OF ALLEGIANCE: Blake Harrop

21
22 3. ROLL CALL – Attendance was recorded by the secretary.

23
24 4. GENERAL PUBLIC COMMENTS (INPUT FOR ITEMS NOT ON AGENDA)

25
26 There were no public comments.

27
28 5A. CONSIDERATION OF A REQUEST TO REZONE 34.57 ACRES LOCATED AT
29 APPROXIMATELY 3630 SOUTH 1200 WEST (200 WEST IN WILLARD) FROM A-5 TO R-1/2 (02-
30 035-0060, 0061, AND 0079)

31
32 Chris Davis stated that last week he spoke with developer who indicated that Brad Brown and Sky
33 Hazelhurst had withdrawn their offer to purchase the Fitzgerald property. This developer was considering
34 a purchase offer of his own. Mr. Davis said he explained all of the zoning and infrastructure issues
35 surrounding the Fitzgerald property. Mr. Brown and Mr. Hazelhurst were not in attendance, and the City
36 administration had not heard from them. He asked that this item be tabled indefinitely until the staff could
37 determine what was going on.

38
39 Commissioner Dubovik stated that the Brown/Hazelhurst rezone request was not in accordance with the
40 City's Master Plan. He asked if the staff was able to find information about the adjacent zones in Perry City
41 and get a recommendation from the City's master plan consultant. Michelle Drago stated the land in Perry
42 east of the Fitzgerald property was zoned R-1/3, which was a residential zone with a minimum lot size of
43 15,000 square feet. The property in Perry north of the Fitzgerald's was zoned AL, which was an agricultural
44 zone with a minimum lot size of two acres. Chris Davis stated that he and Bryce Wheelwright met with the
45 City's master plan consultant earlier in the day to discuss the master plan status and the Master Plan
46 Community Zone. Mr. Parker felt the master plan was still too preliminary to get into the specifics.



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Commissioner Bingham moved to table consideration of a request to rezone 34.57 acres located at approximately 3630 South 1200 West from A-5 to R-1/2 indefinitely. Commissioner Baker seconded the motion. All voted "aye." The motion carried.

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

Colt Mund stated that he did not have any new information for the Planning Commission. After the last meeting, he wasn't sure what the Planning Commission wanted to do with proposed amendment.

Chairman Bodily felt there needed to be a cap on the number of homes allowed on a single access, but he wasn't sure how to come up with that number. If the City didn't like 30, what should the number be? Mr. Mund said the number 30 came straight from the International Fire Code.

Bryce Wheelwright and Commissioner Bingham felt there needed to be a deadline, or time limit, for completion of a second access.

Colt Mund stated that the proposed amendment left approval of the exception up to the Fire Chief. Another approach might be a consultation with the Fire Chief, Planning Commission, and City Council before approving an exception.

Commissioner Hulsey felt the amendment should include very clear guidelines for approving or disapproving an exception. The amendment needed language the City could use to defend itself.

Commissioner Harrop felt the standard number should be 30 homes. Exceptions could be made with the backing of the Fire Chief with a cap of maybe 35 homes.

Chairman Bodily asked about a home with its own fire suppression system. Colt Mund stated that Willard's current code did not allow an exception for any homes beyond 30. The International Fire Code did allow an exception for than 30 homes, if they had their own fire suppression system. Chairman Bodily suggested leaving the maximum number of homes on a single access at 30, and requiring all exceptions to have their own fire suppression system.

Commissioner Hulsey stated that requiring a fire suppression system did not address the issue of access. There could be many additional homes with fire suppression systems that could not get in and out if the access was blocked. Commissioner Bingham agreed that it wasn't just a fire issue. It was also an access issue.

Commissioner Dubovik suggested that an access be required for every 30 homes. That wouldn't help in the near future, but it might create a map going forward.

Colt Mund asked if there were other cities that required an access for every 30 homes. Mr. Wheelwright said he had researched other codes. He had not been able to find a city with that type of access requirement. Commission Harrop said there was a subdivision in Farr West that had fifteen to twenty phases with thirty to forty homes in each phase. The subdivision only had four accesses for hundreds of homes.

Commissioner Bingham felt there needed to be at least two accesses or a really wide road. A standard road did not have the width necessary to allow access if half of the road was blocked. Commissioner Harrop felt the City's standard road would be wide enough.



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Commissioner Hulsey asked that the ordinance be amended to state that a second access could not be a private drive. That issue kept coming up. He felt prohibiting private access lanes would eliminate a lot of problems that were occurring now. Colt Mund felt that could be done.

Commissioner Bingham asked what happened when a developer came into an area with a single access and used up all thirty slots without putting in another access. Under the current ordinance, options for other property owners in the immediate vicinity were eliminated. Consideration of a second access needed to happen early. He felt there needed to be some type of exception.

Commissioner Harrop stated that the Planning Commission needed to be aware of secondary access needs when it considered new subdivisions.

Commissioner Hulsey asked if the Planning Commission could recommend that a subdivision be denied because it did not provide a secondary access. Could the City require a subdivision to consider future needs of adjoining property owners? Colt Mund felt the Planning Commission did have discretion. Secondary access was definitely something the City staff and Planning Commission should consider.

Commissioner Hulsey said the City could not require a developer to do something that would benefit someone else. Mr. Mund agreed that would be an excavation. Commissioner Hulsey asked if requiring a second access was an exaction. Colt Mund did not feel requiring a second access would be an excavation because the staff and Planning Commission were considering the needs of the City. The City had a master road plan.

Commissioner Dubovik clarified that a developer was required to put in two access whether he was developing 35 homes or 135. Mr. Mund said that was correct. More roads could be required if they were part of the master road plan.

Commissioner Hulsey asked if the PUD ordinance gave the City some flexibility to require additional access. Mr. Mund said it did.

Commissioner Hulsey asked if the amendment could include verabge about complying with the City's master road plan.

Bryce Wheelwright said the Willard City Zoning Ordinance Section 12-116-5(2) currently stated, "*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...*" The developer then had to develop those roads. If a road wasn't going to be useful in a development, it still had to be dedicated. However, the developer might not have to improve it. It depended on the circumstances.

Commissioner Hulsey asked what the Planning Commission could do to prevent a future situation like Center Street. Center Street had reached the 30 home limit. It didn't block any future roads, but it did block future development. He wasn't sure the City could require that a developer not block future growth in an area.

Colt Mund said that was why exceptions were helpful. If there was anticipation that future development would occur, a property wouldn't be blocked. The Planning Commission just needed to define what future development meant. Was it 50 years or five?



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146 Commissioner Hulsey stated that the Planning Commission could recommend, but if it couldn't enforce
147 anything nothing would happen. He wasn't sure there was any way to ensure that a Center Street situation
148 didn't happen again.

149
150 Commissioner Dubovik asked if research of ordinances in other cities had been conducted. Colt Mund said
151 he had not read any ordinances that had been codified like Willard City. Willard's ordinance was unique
152 because it specifically mentioned 30 homes.

153
154 Commissioner Hulsey asked if there had been similar problems in other communities. Mr. Mund was not
155 aware of any.

156
157 Commissioner Dubovik felt some consideration needed to be given to Willard's unique configuration. It was
158 located in a very narrow area between Willard Bay and the mountains to the east. Were there other cities
159 that constrained? If something happened, it wouldn't just be Willard City residents trying to get out.
160 Everybody else would be trying to traverse this little corridor. He felt Willard did need to be more
161 conservative than other communities.

162
163 Commissioner Bingham liked adopting the exceptions in the International Fire Code because it gave the
164 City some latitude. However, he felt there needed to be a time frame within which future development would
165 occur. There needed to be a secondary access, and development had to occur within the near future. Near
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5C. CONSIDERATION OF A RECOMMENDATION TO THE CITY COUNCIL REGARDING REVISIONS TO WILLARD CITY ZONING ORDINANCE CHAPTER 12-500 MOBILE HOME PARKS, AND MOBILE HOME SUBDIVISION AND ADOPTION OF CHAPTER 12-700 RECREATIONAL VEHICLES AND RECREATIONAL VEHICLE PARKS

Colt Mund stated in Mobile Home Subdivision 12-502-1 he added language tying approval to the General Plan. In 12-502-2, the Planning Commission wanted criteria for when and when not to consider a homeowners' association. He felt the best approach was for the Planning Commission to look at each application case by case. If a common area was proposed, was there some method for the homeowners to be able to maintain it themselves? The language gave the Planning Commission discretion to consider it case by case.

Commissioner Hulsey asked what grounds the Planning Commission would have to base its decision on. Mr. Mund stated that a project proposed by a developer with plans and backing to maintain the common areas might not need a homeowners' association. If a developer planned to turn the project over to someone else, the Planning Commission might want to consider requiring a homeowners' association.

Commissioner Dubovik felt the proposed language *-remaining land not contained in individual lots, roads or parking shall be set aside and maintained by the mobile home park and developed for use as parks, playgrounds and service areas for common use and enjoyment -* covered the City. If a proposed plan didn't provide for maintenance of those areas, a homeowners' association should be required.

Commissioner Hulsey just wanted to make a developer couldn't take the City to court because it didn't approve their plan. Colt Mund felt the Planning Commission would have to articulate the facts.

Commissioner Bingham moved to recommend that the City Council repeal Willard City Zoning Ordinance Chapter 12-500 and adopt Chapter 12-500 Mobile Homes, Mobile Home Parks, and Mobile Home Subdivisions and Chapter 12-700 Recreational Vehicles and Recreational Vehicle Parks as rewritten. Commissioner Hulsey seconded the motion. All voted "aye." The motion carried.

6. CONSIDERATION AND APPROVAL OF JUNE 3, 2021, REGULAR PLANNING COMMISSION MINUTES

Commissioner Baker moved to approve the June 3, 2021, regular Planning Commission minutes as corrected. Commissioner Harrop seconded the motion. All voted "aye." The motion carried.

7. COMMISSIONER/STAFF COMMENTS

Chris Davis stated that 200 West had been paved. The staff did not know what was happening with the black pipe on 750 North. The work was being done by a property owner. The staff also had a meeting with the City's master plan consultant who planned to have a survey ready around the first of July.

Colt Mund appreciated the Planning Commission's efforts, questions, and comments. They were very helpful.

Commissioner Bingham acknowledged the passing of Dell Braegger. Dell had done a lot for the City. He was good person and was an asset to the community. He had volunteered and given a lot of time to the City.



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Commissioner Hulsey stated that he had looked at UDOT's master plan, which was in three phases – 0 to 10 years, 10 – 20 years, and 20 -50 years. He noticed that in Phase 2 a pedestrian bridge was planned over Highway 89 at Center Street. He thought the project had funding attached to it. It was UDOT's radar. Chris Davis was not sure about the funding. The staff had a meeting with UDOT on June 29th, and they could ask about the project. Commissioner Hulsey said there were grants for pedestrian access and trails that could be used to push that project a little further.

Commissioner Baker asked about the homeowners' association for Haskell Subdivision. Chris Davis stated that he read the agreement. The sunset provision said the homeowners' association had to come into existence by a certain date. The agreement didn't say the homeowners' association was going to sunset. It said the land owner had to turn the subdivision over to the homeowners' association.

Commissioner Bingham heard the Mayor wasn't happy that the Hurst Subdivision had been forwarded to the City Council. Chris Davis said the Mayor and Councilman Seamons were concerned about the dedication of a 60-foot right-of-way. Their concerns had been alleviated.

Commission Harrop asked when the hole on the corner of ? would be repaired. Chris Davis said the staff had discussed having Staker Parson make the repair.

Commissioner Dubovik asked about the status of 300 East. Bryce Wheelwright said the contractor was working on the curb and gutter.

8. ADJOURN

Commissioner Harrop moved to adjourn at 7:33 p.m. Commissioner Dubovik 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 06-17-2021