



WILLARD CITY
Planning Commission Meeting – Regular Meeting
June 17, 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
Zack Hulseley

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

Others in attendance: Chad Braegger.

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

1. PRAYER: Zack Hulseley
2. PLEDGE OF ALLEGIANCE: Blake Harrop
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. CONSIDERATION OF 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)

Chris Davis stated that last week he spoke with developer who indicated that Brad Brown and Sky Hazelhurst had withdrawn their offer to purchase the Fitzgerald property.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

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



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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. Commissioner 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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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: 8/5/21



Planning Commission, Chairman
Sid Bodily



Planning Commission Secretary
Michelle Drago

dc:PC 06-17-2021

