



WILLARD CITY
Planning Commission Meeting – Regular Meeting
August 5, 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
Zack Hulsey

Colt Mund, City Attorney
Michelle Drago, Planning Secretary

Excused: Chris Davis City Manager, Bryce Wheelwright, City Planner, and Blake Harrop

Others in attendance: Councilman John Seamons; Rachel McIntire; David McIntire; Rob Braegger; Debbie Braegger; Trisha Heath; Travis Mote; Lindsay Wells; and Travis Wells.

The meeting was called to order at 6:30 p.m.

1. PRAYER: Chandler Bingham
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)

Travis Mote, 455 South 200 West, stated that a few weeks ago the Planning Commission discussed the private access issue. Afterward, a gentleman approached the City about access to his property, which was located above the Granite Ridge Subdivision. His property was landlocked, and he was seeking access through the Granite Ridge Subdivision. Granite Ridge had talked about gating its secondary access road. Mr. Mote suggested that, in order to protect the City, private accesses become easements if they were used as secondary access routes. The easement requirement could become part of the subdivision approval process. An easement guaranteed that the secondary access route would remain open.

5A. SET A PUBLIC HEARING TO CONSIDER PRELIMINARY APPROVAL OF THE ROD BRAEGGER SUBDIVISION LOCATED AT APPROXIMATELY 100 SOUTH 400 WEST (02-054-0003)

Colt Mund understood that Rod and Debbie Braegger had met with SLUA who felt that their proposed subdivision was ready for preliminary approval. At this point in time, the Planning Commission was being asked to set a public hearing for preliminary approval to be considered.

Chairman Bodily stated that secondary access was a problem for the proposed Braegger Subdivision. What governed a second access if it was on private property? Colt Mund felt that Travis Mote brought up a good point. The City Engineer also had the same concern. The City needed to have some type of legal guarantee regarding the private access. The City Engineer had recommended that the private, secondary access become an easement.



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Chairman Bodily asked what would happen if there was an emergency and a private, secondary access was locked or gated?

Colt Mund stated that secondary access was a concern for the Braegger Subdivision. How it looked was the crux of the issue.

Rachel McIntire stated that there would not be a locked gate across the secondary access. If there was a gate, it would be a break gate. A break gate would slow people down, but if an emergency vehicle needed access, it could be pushed open.

Zack Hulseley asked about access for other residents who needed access in non-emergency circumstances. Rob Braegger said it would be a private right-of-way intended for emergency traffic only.

Chairman Bodily felt that the public hearing could be scheduled, but the Planning Commission needed more detail about the private, secondary access. The Planning Commission needed to understand what kind of control the City had over the access.

Commission Dubovik felt there needed to be some guarantee about the access.

Colt Mund agreed with the City Engineer. The City needed some kind of legal tie to the private access.

Chairman Bodily felt that the City had to have control of the secondary access.

Trisha Heath asked if the City planned to plow the right-of-way. If it was private they would be responsible to make sure the access was plowed.

Colt Mund stated that he was concerned about the results of the title search on 250 West. It was different than he anticipated. The City had vacated the 250 West right-of-way.

Trisha Heath stated that they did not intend to put up a gate unless use of the private access became a severe problem. If a gate became necessary, they would work through the Fire Department and the City to make sure the gate was acceptable. They planned to start with *private property* and *no parking* signs. They were putting in a temporary access easement. When other access became available, the easement would become null and void.

Colt Mund stated that at the end of the day, the City was interested in having access. The details regarding that access needed to be clear.

Commissioner Baker stated that the SLUA minutes indicated that the Braegger's were going to submit a preliminary plan with more detail. Was that plan submitted? Commissioner Hulseley said an updated plan was included in the Planning Commission packet.

Commissioner Dubovik felt the Planning Commission needed to review the legal language creating the easement. If the language creating the easement contained verbiage stating that the easement would remain open until a legitimate second access was constructed, the City was taken care of in this case.

Commissioner Bingham moved to set a public hearing on September 2, 2021, to consider preliminary approval of the Rod Braegger Subdivision. Commissioner Dubovik seconded the motion. All voted "aye." The motion carried.



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5B. CONSIDERATION OF A PROPOSAL TO AMEND WILLARD CITY ZONING ORDINANCE CHAPTER 12-116-5(2) DEDICATION OF STREETS, RIGHTS-OF-WAY, AND EASEMENTS – RESIDENTIAL, COMMERCIAL OR INDUSTRIAL SUBDIVISION, OR PLANNED UNIT DEVELOPMENT

Colt Mund stated that the Planning Commission had previously discussed amending Chapter 12-116-5(2) of the Willard City Zoning Ordinance by adopting the exception allowed by the International Fire Code. As the City ordinance currently stated, a second access was required for any development with more than 30 homes. There were no exceptions to that rule. The International Fire Code provided two exceptions. The first was some type of emergency road or access approved by the Fire Official. The second exception was individual sprinkling systems for every home over 30.

Mr. Mund said the Planning Commission had talked about the proposed amendment at length. There was concern about a single individual, in the form of the Fire Chief, making that determination. The International Fire Code anticipated that there would be a legitimate second access constructed at some future date. The Planning Commission felt that *some future date* was a little too vague. There needed to be a way to determine when a second access would be constructed.

Based on the Planning Commission's discussion, he prepared two additional amendment alternatives. The first provided that the Planning Commission, Fire Chief, and City Engineer would consult to determine whether or not a secondary access would be required for more than 30 homes based on density, traffic patterns, development location, natural land settings, and the General Plan.

The second alternative was more specific. It would allow the Planning Commission, as the Land Use Authority, to waive the requirements of a second access if certain conditions were met, such as property that was landlocked and isolated. Again the Planning Commission would consult with the Fire Chief and City Engineer.

The first alternative determined how a development would be impacted by traffic and future development. The Planning Commission, Fire Chief, and City Engineer could determine if a development and future safety considerations would meet requirements for allowing a temporary access road. The second alternative would allow the Planning Commission to waive the requirement for a second access if certain conditions were met. He felt the circumstances in the second alternative would happen on a rare basis. Property would have to be landlocked. There would never be development that could move toward it and provide a second access.

He asked for feedback from the Planning Commission regarding what they liked and disliked.

Commissioner Bingham liked the first alternative where the Planning Commission, Fire Chief, and City Engineer consulted together, as long as their decisions were based on safety criteria and could be defended.

Chairman Bodily liked the first one as well.

Colt Mund stated that the second alternative counted more than just homes. It counted apartments and empty lots as well. It was more restrictive.



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Commissioner Hulsey noticed that the first alternative took out the option for a private access to count as a secondary access. Did that mean the City would no longer allow a private access to count as a second access? Colt Mund said that was correct. A second access would have to be a public access.

Commissioner Hulsey felt the Fire Code was important, but the Planning Commission was looking at more than just fire concerns. In Willard there were subdivisions with one street in and one street out. There wasn't access to those areas if a street was closed or blocked for any reason. He did not feel a private access should be considered as a second access. Access needed to be public and available to all residents. He liked the alternative that didn't allow for private accesses.

Commissioner Dubovik liked the idea of having the City Engineer and Fire Chief involved. It reduced the subjectivity of the decision making process. As he mentioned in the last meeting, Willard was not like other communities. It was located in a very narrow corridor with a lot of heavy traffic. He felt the City needed to be more conservation than a community that was more open. If there was an emergency, the residents wouldn't be the only ones trying to make it out.

Commissioner Baker was not in favor of the International Fire Code. She felt the City Engineer should be involved in access decisions. There was a fire at 285 West Center a few weeks ago, and the street was blocked by the big pumper truck. She felt that a second access should be required when there was more than 30 houses. Later language in the proposed alternative said that if there was more than 50 cars per day, there should be two distinct and separate points of access to a public street. West Center Street was a substandard street. When the Mountain Shadows Subdivision was built, they tried to widen West Center Street, but were unable to do so because of the irrigation ditches.

Chairman Bodily said the requirement regarding 50 vehicles applied to commercial or industrial subdivisions and development.

Commissioner Baker stated that either way there were more than 50 cars using West Center Street, and the City couldn't control the traffic on it.

Commissioner Bingham felt it was hard to get an area to the point that a second access could be built. There had to be a tool in place to help property owners build a second access without having to wait. For example, approving the Rod Braegger Subdivision with a private, second access, would provide a road that would be closer to an area where a subdivision was proposed. Amending the Zoning Ordinance created a tool for the Planning Commission to use. When an area reached 30 homes, development stopped. The end results was a bunch of 30-house cul-de-sacs. That wasn't what Willard was looking for. The biggest problem, and the reason the City Engineer needed to be involved, was sub-standard roads.

Commissioner Dubovik liked the hard and fast rule of a second access for all homes beyond 30. Maybe the City should require every house beyond 30 to be reviewed by the City Engineer to determine if an additional access was necessary.

Commissioner Hulsey felt that was wise. The City would be guaranteed two accesses and maybe a third.

Colt Mund felt that was the way the ordinance was currently written. Commissioner Dubovik asked if the ordinance addressed access for homes beyond 30. Mr. Mund said it did not. Commissioner Dubovik felt an evaluation for every home over 30 might be the right way to go.

There was a discussion about the roads in the Granite Ridge Subdivision.



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Chairman Bodily asked if Colt Mund had what he needed from the Planning Commission.

Colt Mund said Commissioner Dubovik had suggested one approach - Requiring the City Engineer to review every home over 30 on a case-by-case basis. If someone applied for a building permit, the City Engineer would have to provide some type of recommendation. Both of the alternatives he provided involved the City Engineer and Fire Chief. The third alternative allowed the Planning Commission to waive a second access requirement if certain requirements were met. In all of the scenarios presented to the Planning Commission, the Fire Chief and City Engineer were involved. Because of the way the ordinance was currently written, the City Planner had to deny house 31 and require a second access. Either alternative provided more discretion for the Planning Commission by working with the Fire Chief and City Engineer. Another option was to just adopt the International Fire Code, which would place the decision solely on the Fire Chief or require house 31 to have its own sprinkling system.

Commissioner Dubovik said a sprinkling system addressed fire protection but not access for other emergencies. Colt Mund said that was a good point, but it was a policy decision for the Planning Commission not a legal question.

Commissioner Bingham felt either of the first two alternatives accomplished what the Planning Commission was trying to do.

Chairman Bodily did not like the third alternative because of the option to waive the second access requirement. He wanted it more cut and dried.

Colt Mund felt all of the proposed alternatives were legal. The International Fire Code was legal. It was really a policy question for the Planning Commission and City Council to decide. The City could adopt the International Fire Code, but involve the Planning Commission and City Engineer in making decisions about access, which looked a lot like the first alternative.

Mr. Mund pointed out that the City Engineer was involved in reviewing subdivision plans through SLUA so he was already providing feedback on access issues. If someone wanted to build on a vacant lot that became house 31, the City Engineer would not be involved. It would be handled by the City Planner.

Chairman Bodily asked what the Planning Commission wanted to do.

Commissioner Bingham liked the first alternative because it involved the most people. The more people that were involved, the easier it would be to resolve a problem, and it would be harder to blame one person for a negative decision.

Commissioner Dubovik asked why 30 was the magic number. Colt Mund stated that City's ordinance used to require a second access after the tenth home. Thirty was used because that was the number in the International Fire Code. He did not know the reasoning behind the International Fire Code.

Commissioner Dubovik said the first alternative said a second access road *may* be required. It didn't say *shall* be required. So the second alternative was less restrictive.

Colt Mund agreed the first alternative provided for the most discretion.



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Commissioner Dubovik felt that if the first alternative were approved, the number of homes on a single access should be lowered so that the City Engineer became involved much sooner. Willard needed to be more conservative than the rest of the international community.

Commissioner Bingham felt house 31 had a big burden to bear by providing another road.

Commissioner Hulsey felt the City had a good example of what an area with 30 homes would look like because of the existing development around the Rod Braegger Subdivision. Commissioner Bingham said there were more homes on a single access in Granite Ridge that didn't have an access issue because of the road width. Commissioner Hulsey felt the proposed language of *may be required* would allow the Planning Commission to consider the individual circumstances.

Colt Mund stated that one of the reasons the City's General Plan consultant was chosen was their expertise in planning streets. He felt they might have some good recommendations.

Chairman Bodily felt the City had a better handle on street widths now than it did in the past.

Commissioner Bingham felt that second accesses in a subdivision with planned roads was different than accesses in an older, unplanned area.

Colt Mund stated that the language in the International Fire Code addressed prospective development. In Willard, the Planning Commission spent a lot of time discussing issues that were created five or ten years ago. The proposed amendments were not meant to cure past deficiencies. It was meant to prevent future ones.

Commissioner Hulsey felt the Planning Commission could encourage future growth to help the current situation.

Commissioner Bingham felt the ordinance needed to have some leniency to encourage development that would benefit the community.

Commissioner Dubovik asked if the master plan consultants could discuss streets and access with the Planning Commission prior to the public hearing for the Braegger Subdivision on September 2nd.

Chairman Bodily suggested that the discussion be tabled to allow the staff to determine when a discussion with the master plan consultant could be held.

Commissioner Baker moved to table discussion regarding a proposal to amend Willard City Zoning Ordinance chapter 12-116-5(2) until arrangements could be made to meet with the master plan consultant. Commissioner Dubovik seconded the motion. All voted "aye." The motion carried.

6. CONSIDERATION AND APPROVAL OF JUNE 17, 2021, REGULAR PLANNING COMMISSION MINUTES

Commissioner Hulsey moved to approve the June 17, 2021, regular Planning Commission minutes as written. Commissioner Baker seconded the motion. All voted "aye." The motion carried.



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7. COMMISSIONER/STAFF COMMENTS

Commissioner Baker stated that the retention basin on 500 West was full of weeds. She would bring up her concerns with the City Council.

Commissioner Hulsey stated that in the minutes of the June 10th SLUA meeting, Chris Davis responded to a question about how long it would be before Heritage Land Holdings developed their land. Mr. Davis said it depended on how soon the City adopted a new PUD or Master Plan Community Zone that would allow them to have a greater density than R1/2. Commissioner Hulsey thought the purpose of the Master Plan Community Zone wasn't to increase density. Was the reason for changing the PUD Ordinance to the Master Plan Community Zone to allow for greater density? Colt Mund stated that when developers looked at a planned development or master community overlay, they were looking for a higher density. If developers felt there was a possibility of a density higher than half-acre lots, they would wait. There were developers currently waiting to see if the City adopted any kind of a PUD or Master Plan Community Ordinance. PUD and master planned communities allowed for greater densities. That was why cities had them. Commissioner Hulsey asked if anything had been approved. Colt Mund was not aware of any progress. The consultants were working on some model ordinances. Commissioner Hulsey asked if the City was leaning toward something with increased density. Mr. Mund said a PUD or master plan community was to allow for greater density. Otherwise, the City would stick with the regular zoning, which was half-acre lots.

Commissioner Dubovik stated that before the Doug Young Subdivision was approved, the City could only issue two or three more single-family home permits because of the water situation. Doug Young came in and helped the City with increased water storage, which allowed him and others to develop. He hoped the City was keeping track of the water situation. The previous problem was enough water, but not enough storage. At some point the situation would reverse, and there wouldn't be enough water. Did the City know how many more building permits could be issued? He asked that the administration provide that information to the Planning Commission. Changing densities affected the availability of water.

Commissioner Hulsey understood that the water study matched the density in the current Future Land Use Map. If the Future Land Use Map changed, the water study would have to be updated.

Commissioner Bingham felt the General Plan densities needed to match the water supply.

Chairman Bodily asked what was happening with The Shack.

8. ADJOURN

Commissioner Bingham moved to adjourn at 7:26 p.m. Commissioner Hulsey seconded the motion. All voted in favor. The motion passed unanimously.

Minutes were read individually and approved on: 9/2/21

Sid Bodily
Planning Commission, Chairman
Sid Bodily

Michelle Drago
Planning Commission Secretary
Michelle Drago

dc:PC 08-05-2021

