



Notice is hereby given that the
WILLARD CITY PLANNING COMMISSION
Will meet in a regular session on
Thursday, October 7, 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. Individuals have three minutes for open comments)
5. Discussion/Action Items
 - a. Consideration of a Lot Line Adjustment for David Grant located at approximately 466 South Main (Parcel Nos. 02.052-0039 and 02-051-0172) – Continued from September 16, 2021
 - b. Consideration of a Lot Line Adjustment for Betty Child located at approximately 458 West 200 North (Parcel Nos. 02-057-0035 and 02-057-0036)
 - c. Consideration of preliminary approval of The Orchards at Willard Subdivision Phase 2 located at approximately 300 South 200 West (Parcel Nos. 02-051-0251 and 02-051-00870) – Continued from September 16, 2021
 - d. 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 – Continued from September 2, 2021
6. Consideration and approval of the September 16, 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 4th day of October, 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 4th day of October, 2021

/s/ Michelle Drago

Deputy City Recorder

**WILLARD CITY PLANNING COMMISSION
APPLICATION FOR PLANNING COMMISSION HEARING**

Application Date:

9-3-2021

Assessor's Parcel Number

Applicant:

David Grant

02-052-0039 & 02-051-0172

Parcel Legal Description

Mailing Address

488 S. Main St
Willard, UT 84340

Project Address

468 S. Main St.
Willard, UT 84340

Phone Number

801-430-0218

Cell Phone

Same


I hereby request a hearing before the
Willard City Planning Commission in
behalf of my application for:

☐

Conditional Use Permit \$25 Fee

☒

Lot Line Adjustment \$25 Fee

☐

Other Fee variable, \$25 Min.

NOTE: Fees will be charged on each application and are non-refundable. Additional applications on the same project will be considered as new applications and be charged accordingly. All applications, with required data and fees, must be filed in the Willard City Office at least two weeks prior to the scheduled hearing date.

Additional sheets, as required.)

Applicant Affidavit on back of this page.

WILLARD CITY CORPORATION
80 W 50 S
PO Box 593
Willard UT 84340

435-734-9881

Receipt No: 1.011256

Sep 3, 2021

GRANT, DAVID R

Charges for Services
Charges - PC & B of Adj 25.00
APP FOR PC HEARING FOR LOT LINE
ADJUSTMENT 468 S MAIN

Total: 25.00

Check
Check No: 1723 25.00
Total Applied: 25.00

Change Tendered: .00

Duplicate Copy
09/03/2021 10:14 AM

Form PC-1 Rev. 9/3-02

APPLICANT'S AFFIDAVIT

STATE OF UTAH)
) SS
COUNTY OF BOX ELDER)

I, (we) David R. Grant, 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 468 S Main 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 [Signature]

Property Owner(s)

AGENT _____

Subscribed and sworn before me this 3rd day of September 2021



Michelle Drago

Notary Public

Residing in Kerry, Utah

My commission expires: 2/2/25

* 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: _____



02-051-0033

341 S

JAKVIS BYRON WELAJ JT
02-051-0208

369 S

MITCHELL CRAIG A JT
02-051-0039

387 S

BECKSTEAD DONNA JT
02-051-0100

415 S

CITINS NICHOLAS RAY ETUX
02-051-0101

435 S

DAVIS RICHARD SHAWN
02-051-0102

HOPE JERRICA
02-051-0103

HOPE JERRICA
02-050-0029

483 S

JONES RICKI S
02-052-0041

CHRISTENSEN THOMAS HEPWORTH
02-053-0049

CHRISTENSEN THOMAS HEPWORTH
02-053-0050

543 S

565 S

LAR

ROSS TERRY D ETAL JT
02-053-0005

MAIN ST 23

384 S

BUCK J DAVID ETAL TTEE
02-051-0094

CHRISTENSEN THOMAS F TTEE ETAL
02-051-0170

MOSS ROBERTA A
02-051-0171

CHRISTENSEN THOMAS F TTEE ETAL
02-051-0169

BRAEGGER DUANE H TTEE
02-051-0172

GRANT DAVID JT
02-052-0039

488 S

GRANT DAVID JT
02-052-0028

CHAPIN RENEE M
02-052-0024

550 S

WARD AARON T JT
02-052-0048

SMITH ETHAN DANIEL
02-052-0027

WARD AARON T JT
02-052-0049

100 W

108 W

370 S

113 W

384 S

113 W

FERNANDEZ HANUAR JT
02-051-0229

MOULTRIE CAMRON JT
02-051-0230

127 W

JEX DAREN L JT
02-051-0226

MOLE TRAVIS JT
02-052-0004

LEMON RANDALL CHARLES
02-052-0005



PARCEL NO. 1 ADJUSTED BOUNDARY DESCRIPTION

A PART OF THE SOUTHWEST QUARTER AND A PART OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN.

BEGINNING AT A POINT LOCATED 2336.00 FEET SOUTH 89°03'30" EAST ALONG THE NORTH LINE OF SAID SECTION 26 AND 2572.07 FEET SOUTH 01°11'53" WEST AND 471.50 FEET NORTH 89°00'26" WEST FROM THE NORTHWEST CORNER OF SAID SECTION 26;

RUNNING THENCE SOUTH 01°59'17" WEST 301.83 FEET; THENCE NORTH 89°04'49" WEST (NORTH 89°01'00" WEST BY RECORD) 144.31 FEET TO THE EAST RIGHT-OF-WAY LINE OF 100 WEST STREET; THENCE NORTH 01°59'17" EAST (NORTH 00°49'09" EAST BY RECORD) 302.02 FEET ALONG SAID EAST RIGHT-OF-WAY LINE; THENCE SOUTH 89°00'26" EAST (NORTH 89°47'41" EAST BY RECORD) 144.30 FEET TO THE POINT OF BEGINNING. CONTAINING 1.00 ACRES.

PARCEL NO. 2 ADJUSTED BOUNDARY DESCRIPTION

A PART OF THE SOUTHWEST QUARTER AND A PART OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN.

BEGINNING AT A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF HIGHWAY 89 LOCATED 2336.00 FEET SOUTH 89°03'30" EAST ALONG THE NORTH LINE OF SAID SECTION 26 AND 2572.07 FEET SOUTH 01°11'53" WEST FROM THE NORTHWEST CORNER OF SAID SECTION 26;

RUNNING THENCE SOUTH 11°08'35" EAST (SOUTH 12°18'52" EAST BY RECORD) 207.97 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE; THENCE NORTH 89°04'49" WEST 217.23 FEET; THENCE SOUTH 00°55'11" WEST 97.80 FEET; THENCE NORTH 89°04'49" WEST (NORTH 89°01'00" WEST BY RECORD) 303.36 FEET; THENCE NORTH 01°59'17" EAST 301.83 FEET; THENCE SOUTH 89°00'26" EAST (NORTH 89°47'41" EAST BY RECORD) 471.50 FEET TO THE POINT OF BEGINNING. CONTAINING 2.99 ACRES.



WILLARD CITY
Planning Commission Meeting – Regular Meeting
September 16, 2021 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

Bryce Wheelwright stated that the Planning Commission could table consideration of the preliminary plan for The Orchards Phase 2 and send it back to the SLUA for a traffic study.

Chairman Bodily asked how long it would take to complete a traffic study, and how much would it cost. Mr. Wheelwright wasn't sure how long it would take. It would cost the City some money. Chris Davis said a lot of times, a developer paid for a traffic study.

Chairman Bodily wanted to get an answer on 200 West. What was the current traffic count, and what was the road's capacity? Then the Planning Commission would be able to answer the frequent comments it received about traffic.

Chad Braegger stated that the developer was only trying to get approval for twelve lots. He didn't feel traffic from that many homes would overload the streets.

Garth Day stated that during the Planning Commission's discussion, it had implied that Heritage Land needed to do a couple of things – a traffic study and apply magnesium chloride to the dirt road for dust reduction. They would be more than happy to participate in a traffic study. He felt confident showing the Planning Commission the real numbers. It was frustrating to have everyone guessing. Heritage Land planned differently than the City's general plan did. The Planning Commission needed a traffic count on 200 West. He didn't feel the City needed a traffic count to determine the capacity of a 60-foot wide residential street. The City knew how many cars and trips per day that kind of road could handle. The other part that was missing from the discussion was the fact that the 100 or so lots they were proposing would not all use 200 South. Part of their property included 500 West. They planned to build 500 West all the way to 600 South. They could control that connection. As they developed and planned, they didn't just ask if 200 West could handle all 100 homes, because not all of the traffic would use it. They were building another corridor. Heritage Land would be more than happy to participate in a traffic study or a traffic analysis. If the subdivision was sent back to the SLUA there could be a more detailed discussion. Mr. Day said Heritage Land would be willing to budget the cost of a magnesium chloride application to 200 West in their construction costs. He knew there was a dust control issue. He didn't feel it would be super expensive. If it was something that would really help, he felt they should do their share. They could talk to SLUA about both issues.

Commissioner Bingham moved to table consideration of preliminary approval for The Orchards at Willard Subdivision Phase 2 and to send it back to the SLUA for a traffic study. Commissioner Hulseley moved to second the motion. All voted "aye." The motion passed unanimously.

Chris Davis asked if the Planning Commission wanted the traffic study to focus just on 200 West. Commissioner Harrop felt it should address 200 West, 200 South, and the bottleneck at their intersection. The Commission agreed.

5C. **CONSIDERATION OF A LOT LINE ADJUSTMENT FOR DAVID GRANT LOCATED AT APPROXIMATELY 466 SOUTH MAIN (PARCEL NOS. 02-052-0039 AND 02-051-0172)**

Bryce Wheelwright stated that David Grant had purchased property from Duane Braegger and wanted to adjust property lines. He wasn't proposing to create a new lot. There were currently three parcels. There would be three parcels when the lot lines were adjusted.

Colt Mund, City Attorney, asked that the Planning Commission table consideration of the lot line adjustment in order to allow him to verify that the land had actually exchanged hands and to complete a legal review.



WILLARD CITY
Planning Commission Meeting – Regular Meeting
September 16, 2021 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

Commissioner Harrop moved to table consideration of a lot line adjustment for David Grant located at approximately 466 South Main until the next meeting in order to allow the City Attorney time to complete a legal review. Commissioner Dubovik seconded the motion. All voted "aye. The motion passed unanimously.

6. CONSIDERATION AND APPROVAL OF SEPTEMBER 2, 2021, REGULAR PLANNING COMMISSION MINUTES

Commissioner Baker moved to approve the September 2, 2021, regular Planning Commission minutes as written. Commissioner Harrop seconded the motion. All voted "aye." The motion passed unanimously.

7. COMMISSIONER/STAFF COMMENTS

Chris Davis, City Manager, reported that the trail on 200 West had been narrowed.

Commissioner Bingham felt the City needed to get moving on a new PUD Ordinance. The Planning Commission could move forward with the PUD Ordinance while it waited for completion of the General Plan.

Chairman Bodily asked about The Shack. Bryce Wheelwright stated that the new owner was talking about creating office spaces.

8. ADJOURN

Commissioner Harrop moved to adjourn at 8:01 p.m. Commissioner Hulse 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 09-16-2021

**WILLARD CITY PLANNING COMMISSION
APPLICATION FOR PLANNING COMMISSION HEARING**

Application Date: _____

Applicant: _____

Betty Child

Mailing Address

458 W. 200 N.

Willard, ut 84340

Project Address

458 W. 200 N.

Willard, ut 84340

Phone Number

Cell Phone

801 458 7121

Assessor's Parcel Number

02-057-0036 No 3

02-057-0035 No 2

02-057-0035 No 1

Parcel Legal Description

3 acres of the 10 acres

6.98 acres of the 10 acres.

House with 6 acres west of house

I hereby request a hearing before the
Willard City Planning Commission in
behalf of my application for:

☐

Conditional Use Permit \$25 Fee

☒

Lot Line Adjustment \$25 Fee

☐

Other Fee variable, \$25 Min.

NOTE: Fees will be charged on each application and are non-refundable. Additional applications on the same project will be considered as new applications and be charged accordingly. All applications, with required data and fees, must be filed in the Willard City Office at least two weeks prior to the scheduled hearing date.

Project description: (Attach additional sheets, as required.)

Complete Applicant Affidavit on back of this page.

APPLICANT'S AFFIDAVIT

STATE OF UTAH)
) SS
COUNTY OF BOX ELDER)

I, (we) Betty Child, 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 458 W. 200 N. Willard 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 Betty Child
Property Owner(s)

AGENT _____

Subscribed and sworn before me this 17th day of September 2021



Jalyn T. Huggins
Notary Public

Residing in Box Elder County
My commission expires: 05/31/2024

* 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: _____

XBP Confirmation Number: 106698813

**Receipt for Payment to:
Willard City**

Date/Time: 09/20/2021 3:50:25 PM
Transaction #: 156971673PT
Payment Method: Visa
Transaction Status: Successful

Items

CHARGES PC 25.00

Total: 25.00

BETTY CHILD 84340

**Receipt for Payment to:
Willard City**

Date/Time: 09/20/2021 3:50:26 PM
Transaction #: 156971677PT
Payment Method: Visa
Transaction Status: Successful

Items

SERVICE FEE 1.25

Total: 1.25

BETTY CHILD 84340

**Payment Service Provided By
www.xpressbillpay.com**

old

PART OF SE1/4 OF SECTION 22 TOWNSHIP 8N RANGE 2W

S.L.B.&M.
SCALE 1" = 200'

Book 2 Page 57

WILLARD CITY SURVEY

PREFIX 02-057 TAX UNIT 32
THIS PLAT IS A REFERENCE ONLY
AND NO LIABILITY IS ASSUMED
FOR ACCURACY OR VARIATIONS
WITH THE ACTUAL SURVEY.



SEE PAGE 44

THIS OWNERSHIP PLAT IS FOR
REFERENCE PURPOSES ONLY.
NO LIABILITY IS ASSUMED FOR
ACCURACY OR VARIATIONS WITH
THE ACTUAL SURVEY.

WILLARD BAY

SEE PAGE 44

UTAH DEPT. OF TRANSPORTATION

INTERSTATE 1-15

O. S. L. RAILROAD

O. S. L. RAILROAD

ALICE H. NEFF TTEE ETAL

10.26 AC

0001

RUSSELL CHILD

0035

RUSSELL R CHILD
ETUX

0036

DANIEL J GAMMON ETAL

2.8 AC

0005

GREENE J
(LAWSON) ETAL

BRUCE W.
KELLER TTEE
ETAL

5.77 AC

WHISTLE WATERS
ESTATES SUBD.

SEE PAGE 47

CHRISTINE B. MOORE

9.82 AC

0016

ALAN E. BADLEY
ETUX

0006

Lot 3 in Lot 4

4 AC

PHILIP B. BARLOW

0008

3.85 AC

0009

VERN L. PRICE JT
0040

5.05 AC

VERN L.
PRICE JT

1.9 AC

0041

SHERYL DEARDEN
TTEE ETAL

5.07 AC

0010

MOUNTAIN SHADOWS SUBD.1

SEE PAGE 187

0039

2.46 AC

02-054 (0.7)

SEE PAGE 54

DATE LAST REVISED _____
LAST NO. _____

NARRATIVE

THE PURPOSE OF THE SURVEY WAS TO MAKE A DESCRIPTION OF THE NORTH 3/4 CORNER OF THE AUGUSTIN CHILD PROPERTY, TAX ID NO. 62-053-0-0035 AND TO SET THE PROPERTY CORNERS OF THE PARCELS AS SHOWN AND DESCRIBED ABOVE. THE SURVEY WAS CONDUCTED BY BETTY CHILDS, INC. CONTROL SURVEY TO ESTABLISH THE PROPERTY CORNERS WAS THE EXISTING ROSE LAKE COUNTY SURVEY COMMENCING SECTION 29 & 23, TOWNSHIP 8 NORTH, RANGE 2 WEST, SALT LAKE BASIN AND NEISSON.

THE BASES OF BEARING IS THE SOUTH LINE OF SAID SECTION 23 WHICH BEARS SOUTH 89°03'30" EAST, UTM NORTH, CALCULATED N.A.D.83 BEARING.

PARCEL NO. 1 BOUNDARY DESCRIPTION

A PART OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE
SALT LAKE BASE AND MERIDIAN,
BEGINNING AT A POINT IN AN EXISTING FENCE LINE BORN ON THE EAST LINE OF GRANTEE'S
PROPERTY LOCATED 2367.64 FEET NORTH 74°28'33" WEST FROM THE SOUTHWEST CORNER OF SECTION
23 (CORN OF BOARING IS THE SOUTH LINE OF SAID SECTION 23 WHICH BEARS SOUTH 87°03'19"
EAST);

PARCEL NO. 2 BOUNDARY DESCRIPTION

[illegible]

SURVEYOR'S CERTIFICATE

I, ROBERT C. STACE, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH IN ACCORDANCE WITH TITLE 36, CHAPTER 25, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS ACT; AND BY THE AUTHORITY OF THE OWNERS, I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED AND SHOWN HEREIN. THE PLAT IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS, AND THAT THE SAME HAS BEEN SURVEYED AND MEASUREMENTS HAVE BEEN LOCATED AND/OR PLACED ON THE GROUND AS REPRESENTED ON THE PLAT HEREON.

DAY OF STATEMENT: 2021.

ROGER C. SLADE, PLS
UTAH LAND SURVEYOR LICENSE NO. 11386202



NORTHEAST CORNER OF SITE 26.
E. & N., R. 2 W., SLASH
FOUND B.E. CO. BRASS CAP MONUMENT

SECTION LINE - BASIS OF MEASURING

SECTION CHAIRS

(Dato in Parlamento di Roma)

2000

Willard City Corporation

80 West 50 South
Box 593



Willard, Utah 84340
(435) 734-9881

WILLARD CITY PLANNING COMMISSION

PUBLIC HEARING NOTICE

The Planning Commission of Willard City Corporation will hold a public hearing at 6:30 p.m. on Thursday, September 16, 2021. The public hearing will be held during a regular meeting at the Willard City Hall located at 80 West 50 South, Willard, Utah 84340. The Public Hearing will be held to take public comment regarding a request from Heritage Land Holdings to subdivide property located at approximately 300 South 200 West (Parcel No. 02-051-0086, 02-051-0087, 02-051-0164, and 02-051-0251).

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

I, designated deputy city recorder for Willard City, hereby certify that the foregoing notice was posted at the Willard City Hall and on the State of Utah Pubic Meeting Notice Website, <http://utah.gov/pmn>, September 3, 2021.

/s/ Michelle Drago
Deputy City Recorder



WILLARD CITY PLANNING COMMISSION SUBDIVISION APPLICATION

Application Date 8/30/2021

Applicant
Heritage Dev

Mailing Address
9 West Forest
BRIGHAM City UT

Project Address
200 W 300 S.
Willard UT

Email Address _____

Phone Number 435 730-8208

Cell Phone _____

Fax Number _____

Proposed Subdivision Data

Subdivision Name

Orchards Ph. 2

Application Level (Check One)

☒ Sketch Plan

Date

Approval

☐ Preliminary Plat*

*(Not required for In-fill Subdivisions)

Date

Approval

☐ Final Plat

Date

Approval

Assessor Parcel Number SEE ATTACHED

Number of lots 12

FEES MUST ACCOMPANY APPLICATION SUBMISSION AT EACH LEVEL.

FEE COMPUTATION

	Administrative	Engineering	Attorney	TOTAL
Sketch Plan	\$50 + \$2/Acre <u>\$65.00</u>	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) Garth Day, 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 200 W 300 S 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 Heritage Dev.
Property Owner(s)

AGENT GARTH DAY, V.P. DEV

Subscribed and sworn before me this 30 day of August 2001



Michelle Drago
Notary Public

Residing in Kenner, UT

My commission expires: 2/2/25

* 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: _____

THE ORCHARDS AT WILLARD PHASE 2
 PART OF SECTION 26 & 27, TOWNSHIP 8 NORTH,
 RANGE 2 WEST, MERIDIAN
 SALT LAKE BASIN, UTAH
 SKETCH PLAN



ALLIANCE CONSULTING
 ENGINEERS
 150 EAST 200 NORTH SUITE 100
 SALT LAKE CITY, UTAH 84111
 (801) 555-5121

THE ORCHARDS AT WILLARD PHASE 2
 PART OF SECTION 26 & 27, TOWNSHIP 8 NORTH,
 RANGE 2 WEST,
 SALT LAKE BASIN, UTAH
 SKETCH PLAN

NO.	REVISION / SUBMISSION	DATE
1	INITIAL	
2		
3		
4		
5		
6		
7		
8		
9		
10		



WILLARD CITY
Subdivision Land Use Authority (SLUA) – Special Meeting
August 19, 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 Wes Thompson, Public Works Supervisor
8 Chris Breinholt, City Engineer/Jones & Associates Michelle Drago, Deputy City Recorder
9 Bryce Wheelwright, City Planner

10
11 Excused: Van Mund, Fire Chief, and Colt Mund, City Attorney

12
13 Others in attendance: Garth Day and Aaron Robertson, Heritage Land Holdings/Sierra Homes

14
15 1. CALL TO ORDER

16
17 Bryce Wheelwright called the meeting to order at 1:40 p.m.

18
19 2A. DISCUSSION REGARDING A CONCEPT PLAN FOR THE ORCHARDS AT WILLARD
20 SUBDIVISION LOCATED AT APPROXIMATELY 300 SOUTH 200 WEST (02-054-0005, 02-
21 054-0007, 02-054-0008, 02-054-0009, 02-054-0010, 02-054-0011, 02-054-0012,
22 02-054-0013, 02-054-0017, 02-051-0004, 02-051-0085, 02-051-0087, 02-051-
23 0251, 02-051,0252)

24
25 Bryce Wheelwright stated that the purpose of the meeting was to review a concept plan for
26 the second phase of The Orchards at Willard Subdivision located at approximately 300 South
27 200 West. The Orchards was located on the old Lemon farm. The SLUA had discussed a
28 concept plan for The Orchards before the PUD Ordinance was repealed. The proposed second
29 phase contained lots that were all one-half acre in size.

30
31 Garth Day, Heritage Land Holdings, stated that the lot shown as Lot 107 on the concept plan
32 was quite large. It would probably be split into two lots. They planned to construct a full-width
33 road on the south side of the subdivision. Heritage Land was asking for clarification about a
34 pioneering agreement on the south side of the road because they didn't own the adjoining
35 property. The temporary detention basin at the south end of Phase 1 would be relocated
36 further to the west. The temporary basin would continue to move until a permanent location
37 could be determined.

38
39 Bryce Wheelwright asked if the subdivision would have a homeowner's association. Garth Day
40 said it would not. Mr. Wheelwright asked if the lots would have animal rights. Mr. Day said
41 they would if animals were allowed by the City's R1/2 Zone. Mr. Wheelwright said the R1/2
42 Zone did allow two large animals or four small ones. Mr. Day felt their restrictive covenants
43 would be more restrictive than the City's Zoning Ordinance.

44
45 Chris Breinholt felt the subdivision fit. There was existing sewer available.
46



WILLARD CITY
Subdivision Land Use Authority (SLUA) – Special Meeting
August 19, 2021 – 1:30 p.m.
Willard City Hall – 80 West 50 South
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Chris Davis asked if Phase 2 was zoned R1/2. Mr. Wheelwright said it was currently zoned A5, but the Future Land Use Plan showed this area with an R1/2 Zone. Mr. Davis and Mr. Wheelwright asked if all of the homes would be built by Sierra Homes. Aaron Robertson anticipated that they would be.

Aaron Robertson, Heritage Lane Holdings, said they had been hesitant about submitting plans for half-acre lots. They didn't want the City to think they had abandoned their plans for a Master Community Zone. If a Master Community Zone was approved, the lots in the first two phases would become part of the overall density calculations.

Chris Davis asked about water rights. Heritage Land had to provide one acre foot of water per lot unless they provided an irrigation system. Garth Day said the state engineer said they had roughly 200 acre feet of water between the two wells and their irrigation rights. They needed to calculate how much water that would be per lot.

Aaron Robertson asked how much water would be required per lot if they put in an irrigation system. Chris Breinholt said he would have to average the indoor and outdoor water usage.

Wes Thompson didn't have any issues with the proposed subdivision as long as the streets complied with the City's street standards.

Michelle Drago asked if the sewer shown on Lot 107 would make it difficult to place a home on the lot. Garth Day said the sewer shown on Lot 107 was for the old milk barn. It would be removed.

There was a discussion about whether the existing trailer home on the property was occupied and how it was getting water. Michelle Drago said the water meter for the trailer had been pulled. Mr. Davis was concerned about cross contamination if the occupant was using a garden hose to get water from the old barn. Wes Thompson felt the water meter for the barn would prevent a backflow. Garth Day stated that Randy Lemon told him the trailer would be vacated by June. Bryce Wheelwright said the trailer occupant told him he would be gone by the end of summer.

Chris Breinholt stated that this area was served by an existing 6-inch water line. Heritage Land would have to loop the water system or upsize the line. There was a discussion about the best way to loop the system.

Garth Day asked if it would be possible for the City to consider their subdivision application and rezone petition concurrently. Michelle Drago stated that on September 2nd, the Planning Commission could set a public hearing to consider the preliminary subdivision on September 16th. A public hearing to consider the rezone petition could be held on September 16th as well.

Chris Breinholt moved to approve the concept plan submitted by Heritage Land Holding subject to Heritage Land providing the required water and complying with the water connection required by the City Engineer and to forward the plan to the



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Planning Commission for preliminary approval. Chris Davis seconded the motion. All voted "aye." The motion carried.

2C. APPROVAL OF MAY 6 AND JUNE 10, 2021, MINUTES

Chris Davis moved to approve the minutes of May 6 and June 10, 2021, as written. Chris Breinholt seconded the motion. All voted "aye." The motion carried.

3. ADJOURN

Chris Breinholt moved to adjourn at 2:10 p.m. Michelle Drago seconded the motion. All voted "aye." The motion carried.

Minutes were read individually and approved on: _____

Bryce Wheelwright, City Planner

Michelle Drago, Deputy City Recorder

dc:SLUA 08-19-2021



WILLARD CITY

Planning Commission Meeting – Regular Meeting

September 2, 2021 – 6:30 p.m.

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Commissioner Dubovik stated that the lot line adjustment would maintain both parcels as building parcels.

Bryce Wheelwright stated that both parcels would comply with the City's ordinances when the lot line was adjusted.

Commissioner Hulseley asked if a public hearing was required. Chairman Bodily said it wasn't. Bryce Wheelwright said a public hearing could be held if the lot line adjustment was controversial. He didn't feel this was a controversial issue.

Commissioner Bingham moved to approve a lot line adjustment for Justin Dickson located at approximately 265 East 1000 North (02-042-0009 and 02-042-0010). Commissioner Hulseley seconded the motion. All voted "aye." The motion passed unanimously.

5D. SET A PUBLIC HEARING TO CONSIDER PRELIMINARY APPROVAL OF THE ORCHARDS AT WILLARD SUBDIVISION PHASE 2 LOCATED AT APPROXIMATELY 300 SOUTH 200 WEST (02-051-0251 AND 02-051-0087)

Bryce Wheelwright stated that Heritage Land Holdings had started to develop The Orchards at Willard Subdivision with six lots in Phase 1 along 200 West. They wanted to start Phase 2, which would be located immediately west of Phase 1. However, that area was currently zoned A5. Heritage Land Holdings had submitted a request to rezone the 61 acres they owned in this area from A5 to R1/2. They were also requesting preliminary approval of Phase 2. On August 19th, SLUA reviewed and approved the preliminary plan for Phase 2. Heritage Land Holdings was requesting that the Planning Commission schedule public hearings for the rezone and preliminary approval on September 16, 2021.

Garth Day, Heritage Land Holdings, stated that they had purchased the Lemon orchards. At this time, they were proposing that they do half-acre lots. The Future Land Use Map showed this area with half-acre lots. They wanted to rezone their entire 61 acres at this time. They also wanted to start their next phase, which would consist of eleven lots. Phase 1 included the start of 300 South. The second phase would extend 300 South and add 400 South on the south side of Phase 2. The Planning Commission's earlier discussion about roads connecting did impact their property. Their master development plan showed both 400 West and 500 West stubbing to the north and continuing to the south.

Councilman Fred Ward liked the proposal, but he felt the Planning Commission needed to keep in mind that the City's capacity for water storage. The City had approved a development on the north side of the community that contained 73 lots. He recommended that the City meet with its water engineer to see if the City's current capacity could support the development proposed by Heritage Land Holdings.

Bryce Wheelwright stated that Heritage Land Holdings had the water rights for their development. The City had not approved the units mentioned by Councilman Ward.

Commissioner Dubovik stated that the City could build all the water tanks it wanted, but at some point it just wouldn't have the water capacity. During the last meeting he asked about the City's water current status. How many more lots could be built with the City's current storage capacity? What was the maximum number of homes that could be supported by the flow from the City's well? He asked that that information be available at the public hearing.

Garth Day stated that they were providing the City with 200 acre feet of water which was three times what they would be using.



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Commission Baker moved to set a public hearing on September 16, 2021, at 6:30 p.m. to consider a preliminary plan for The Orchards at Willard Subdivision Phase 2 located at approximately 300 South 200 West. Commissioner Bingham seconded the motion. All voted “aye.” The motion passed unanimously.

Commissioner Baker moved to set a public hearing on September 16, 2021 at 6:30 p.m. to consider a petition from Heritage Land Holdings to rezone approximately 61 acres located at approximately 300 South 200 West from A5 to R1/2. Commissioner Dubovik seconded the motion. All voted “aye.” The motion passed unanimously.

6. CONSIDERATION AND APPROVAL OF AUGUST 5, 2021, REGULAR PLANNING COMMISSION MINUTES

Commissioner Dubovik moved to approve the August 5, 2021, regular Planning Commission minutes as written. Commissioner Hulsey seconded the motion. All voted “aye.” The motion passed unanimously.

7. COMMISSIONER/STAFF COMMENTS

Chairman Bodily asked what was going on at John Riley's. Bryce Wheelwright said the second access for Granite Ridge Phase 4 was being constructed. It started at 600 South. It would eventually loop around to 300 East. Mayor Braegger said the second access for the south side of Granite Ridge would be built when the Murray property developed.

Commissioner Bingham asked about the status of the PUD Ordinance. Bryce Wheelwright said the City's General Plan consultant was working on an ordinance for smaller lots/planned development ordinance. Bruce Parker was supposed to have reported to the City Council on August 26th, but that meeting was cancelled due to Covid. Mr. Parker would probably meet with the City Council on September 9th.

Commissioner Dubovik asked about discussions regarding a pedestrian bridge. Bryce Wheelwright the City had been discussing a pedestrian bridge for years. Because of past discussions, it seemed the City's current discussions with UDOT were carrying more weight. The issue was still alive.

Commissioner Hulsey stated that there was a Box Elder County Active Transportation Plan Meeting on October 12th. It was being sponsored by UDOT, UTA, and the Wasatch Front Regional Council. Planning Commission and City Council members had been invited to make comments. He felt that would be a good time to bring up the pedestrian bridge.

8. ADJOURN

Commissioner Hulsey moved to adjourn at 8:02 p.m. Commissioner Baker seconded the motion. All voted in favor. The motion passed unanimously.

Minutes were read individually and approved on: _____

Planning Commission, Chairman
Sid Bodily
dc:PC 09-02-2021

Planning Commission Secretary
Michelle Drago



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246 traffic; sometimes there was not. He was worried about moving forward without a plan for a second road in
247 and out.

248
249 Bryce Wheelwright said the Subdivision Ordinance stated that a developer was responsible to develop the
250 roads in his subdivision. If Heritage Land purchased the ground south of them, then they would have to
251 pave 200 West to the south. Until someone purchased and developed the land to the south or the City
252 decided to pave the road, 200 West would remain a dirt road.

253
254 Commissioner Bingham felt it would be helpful if someone could put some calcium chloride on 200 West
255 once in a while to keep the dust down. Then people would use 200 West. He felt that would be a big
256 improvement. At this point, he couldn't see anything to stop the Planning Commission from approving the
257 rezone.

258
259 Commissioner Hulsey felt the public was pretty concerned about the traffic. He asked if the planning
260 consultant would have a traffic study the City could look at next week. Mr. Wheelwright said the planning
261 consultant would make a report to the City Council, but he didn't know what the report would entail.
262 Commissioner Hulsey felt the City should wait to make a decision on the rezone until it received traffic
263 numbers.

264
265 In response to a question from Councilman Seamons, Chris Davis stated that he could find out what the
266 planning consultant planned to include in his September 23rd report. The 23rd report would not be a final
267 draft. It would be a preliminary status update.

268
269 Doug Younger felt Heritage Land Holding should be able to proceed according to the current master plan.
270 Why did they have to wait?

271
272 Commissioner Bingham stated that the rezone application submitted by Heritage Land Holding did comply
273 with the current master plan.

274
275 Commissioner Harrop agreed that the application met the requirements set forth in the master plan. He felt
276 the Planning Commission could approve the rezone and address the traffic during the subdivision review.

277
278 Commissioner Dubovik asked if there any agricultural firms interested in purchasing the Lemon orchards
279 and making them a viable business again. Garth Day said they could if they were willing to pay what they
280 paid for the land to farm it. Commissioner Dubovik also agreed there wasn't anything in the ordinance to
281 prevent approval of the rezone application. He would have a hard time moving further than the rezone
282 because of the City's current ordinance.

283
284 **Commissioner Harrop moved to recommend that the City Council approve the rezone of 61 acres**
285 **located at approximately 300 South 200 West from A5 to R1/2. Commissioner Bingham seconded**
286 **the motion. A roll call vote was taken: Commissioners Bingham, Dubovik, and Harrop voted "aye."**
287 **Commissioners Baker and Hulsey voted "nay." The motion passed.**

288
289 5B. **PUBLIC HEARING TO CONSIDER PRELIMINARY APPROVAL OF THE ORCHARDS AT**
290 **WILLARD SUBDIVISION PHASE 2 LOCATED AT APPROXIMATELY 300 SOUTH 200 WEST**
291 **(PARCEL NOS. 02-051-0251 AND 02-051-0087)**

292
293 Commissioner Dubovik moved to open the public hearing at 7:16 p.m. Commissioner Hulsey
294 seconded the motion. All voted "aye." The motion passed unanimously.



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Bryce Wheelwright stated that the Planning Commission just recommended that the City Council approve Heritage Land's petition to rezone their property from A5 to R1/2. Heritage Land was asking that the Planning Commission grant preliminary approval of their second phase, which would consist of twelve half-acre lots and would be located directly west of Phase 1. It included paving 300 South, 400 South, and 250 West. Heritage Land was bringing water rights with the subdivision that would be turned over to the City. Infrastructure would include curb, gutter, and sidewalk.

Garth Day, Heritage Land Holding, stated that Willard's Zoning Ordinance required the Planning Commission to hold a public hearing prior to approving a preliminary subdivision plan. He understood that their preliminary plan was subject to the City Council approving their rezone request. He explained that Phase 2 would consist of twelve lots. The layout mirrored Phase 1. A full road would be built on the south end of Phase 1 and 2 to provide a second access. He wasn't sure how to address the Planning Commission's traffic concerns. UDOT said that residential traffic at this scale was negligible. These streets weren't Riverdale Road or Main Street in Logan. The traffic consisted of residential trips. He didn't know what the City's traffic study would show. He hadn't seen traffic counters in the area. He didn't know how the planning consultant would generate the traffic information. Two Hundred West (200 West) would extend south to 600 South, which would be a little bit bigger road. Traffic on 600 South would dump onto Highway 89, the arterial street. He didn't know what other plans could be done for their area. They were trying to acquire property further south to give them more access to 200 West so they could develop that road further. They had heard the City and the public loud and clear. They understood that was the direction everything was going. He wasn't sure the City would receive some magic answer about the traffic from its planning consultant. Because traffic wasn't being counted, he felt the planning consultant would use UDOT and Wasatch Front Regional Council numbers to generate an estimate. Those numbers were 1.6 units per acre based on so many trips per day. He felt the Planning Commission would have to take that number and determine if the City roads were big enough to handle that much traffic and how traffic could be circulated out of this area. He wished there was more they could do to help with the traffic, but they were locked into the property they owned. Mr. Day said Heritage Land was committed to the City. They would be happy to participate in some offsite improvements. The residents they were bringing to the City would be their clients. They would be around a long time.

Chairman Bodily opened the floor for public comments.

Travis Mote, 455 South 200 West, stated that the flood control basins that went into these subdivisions needed to be connected to drainage that went to Willard Bay. The basins were a mess. No one maintained them. The one next to his home got plugged with dead organic material. He felt the City needed a different solution. He suggested that the basins be deeded to landowners in the form of easements. Landowners could then maintain them. The basins didn't, and wouldn't, function if they weren't maintained, and they weren't being maintained. He wasn't sure who was responsible for them. At one point he heard it was the Willard Flood Control, but Flood Control said they didn't have money to maintain the basins.

Chad Braegger, 1789 North 200 West, agreed with Chairman Bodily about the pedestrian traffic on 200 West. Two Hundred South (200 South) was much busier. It needed curb, gutter, and sidewalk to keep children out of the roads. He felt Heritage Land Holding's subdivision fit the master plan. Half-acre lots in Willard was not a terrible thing. There were things the City could do to keep the children and pedestrians safe. Finishing 200 West to where the curb and gutter started on the Nathan Braegger Subdivision would help.

Garth Day stated that there were two elements to flood control in Willard City. There was storm water collected by curb and gutter. It ran into the local system which ultimately dumped it out. Flood control was



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a whole other entity. Flood control picked up water off the mountain and ran it through the City. Heritage Land didn't, and couldn't, connect to the Flood Control District. The detention basins were the City's responsibility. One function of the City was to collect storm water. A lot of the Wasatch Front was moving away from curb and gutter because cities didn't want to collect storm water any longer. In Willard, detention basins were built and deeded to the City. In some places, the detention basins could be large enough to be multi-use, such as a park. It was up to the City to determine how to maintain them. Heritage Land did not have any intention of putting water into the Flood Control District.

Bryce Wheelwright clarified that in Willard City storm control basins were actually deeded to the Willard Flood Control District. Willard Flood Control was responsible to maintain them. In the past, City employees had tried to help them by spraying weeds.

Chairman Bodily stated that until the City put in a storm drain system, there wasn't any other choice.

Bryce Wheelwright stated that the Zoning Ordinance required each subdivision to control its storm runoff on site.

Garth Day stated they didn't put any water into the flood control system. Mr. Wheelwright said the storm runoff was maintained and controlled on site.

Councilman John Seamons, 575 North Main, stated that the Master Plan update was started a year ago. The update was the panacea; it was supposed to fix all of the City's problems. Those who had worked with master plans knew the consultants would do the best they could, but they wouldn't be bringing traffic counts to the City. They provide an estimate. When he asked Mr. Mote what he thought the master plan would look like, Mr. Mote thought it would look like the current master plan. If that was the case, what was the City going to get? He wasn't sure what the master plan was going to fix. He didn't think it would show the City where half acre and quarter-acre lots were going to be. The City hadn't even received a first draft. There would be a couple of first drafts and preliminary drafts. When he was interviewed a few weeks ago, he asked when the General Plan would be finished. He was told it probably wouldn't be ready until December. He wasn't sure the City wanted to hold off everything until the master plan update was done.

A question from Commissioner Dubovik generated a discussion about when the current master plan was drafted. Some thought it was done in 2002 and was good until 2016 or 2017. Commissioner Dubovik asked who prepared the current master plan. Bryce Wheelwright said the current master plan was prepared by the Planning Commission, and it was good until 2017.

Commissioner Dubovik stated that the City was paying a lot of money to a professional firm who had deep experience and state-wide knowledge about how other communities had been planned. He expected them to apply their knowledge and expertise to Willard. He expected them to tell the City where it had gone wrong, where it had gone right, and what it needed to consider.

Councilman Seamons agreed with Commissioner Dubovik, but right now he wanted to see more than just the questionnaire that had been sent out. He asked when the City entered into the contract. Chris Davis said the contract was signed in early spring. Councilman Seamons said consultants didn't always do what you wanted unless they were directed. So far the City really hadn't had a chance to direct them.

Commissioner Bingham felt it would a while before the City had a final master plan. It needed to move forward with what it had.



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Bart Wade, 220 South 200 West, understood that Phase 2 would tie into the current subdivision on 200 West. They had enjoyed their view for 30 years, and they totally supported half-acre lots. The traffic was busier than it was. Right now it was livable, but he was concerned about the growth. There needed to be a plan to address the traffic sooner rather than later.

Commissioner Bingham moved to close the public hearing at 7:34 p.m. Commissioner Hulsey seconded the motion. All voted “aye.” The motion carried.

Commissioner Bingham stated that this was the type of subdivision the City was looking for. Based on the size of development Heritage Land was proposing, he didn't feel it would be unreasonable to ask for a traffic study before moving forward. There could be 100 homes before there was a paved road to 600 South. A traffic study could help the Planning Commission see what traffic the road currently had and what a safe amount would be. He also felt a reasonable temporary solution might be putting down dust control a couple of times a year. This area channeled a lot of people. The City would have to deal with growing pains to reach its ultimate goal.

Bryce Wheelwright stated that the City Engineer reviewed subdivision applications before they were brought before the Planning Commission. He had mentioned several times that 100 West, 200 West, 100 East, and 200 East were designed to be collector streets; to bring traffic out to Highway 89. The City Engineer said the current traffic flows on those streets did not come close to capacity at this time. The City Engineer felt the roads could handle what Heritage Land was proposing at this time.

Commissioner Dubovik asked how the City did a traffic study. Bryce Wheelwright stated that three years ago the City received a grant to put in a pedestrian crossing light at 750 North 200 West. When UDOT and BRAG did a traffic study on 200 West, they determined there wasn't enough traffic to warrant a crossing signal, and they withdrew the grant funds.

Commissioner Dubovik said data was data, but perception was reality for the people who lived there. He was concerned that the master plan contract did not include a delivery date. Was there a period of performance? Had all of the money been allocated? Was there grant money still available that could be used for a traffic study? Could the City direct the consultant to do a traffic study as part of the update? Chris Davis, City Manager, stated that the period of performance in the contract was a year. The contract was for \$40,000. Part of the reason, Bruce Parker was hired was because Dr. Joe Perrin was part of the team. Dr. Perrin was a traffic engineer. The City anticipated that part of their recommendation would include a traffic component. Mr. Davis said the consultants had taken traffic counts on South Center. He would check to see if they had taken counts in other areas.

Commissioner Dubovik felt that lack of information from the master plan consultant was holding up development plans for the City.

Commissioner Bingham felt the City needed to move forward with the current plan until an updated plan was available.

Commissioner Hulsey stated as a civil engineer he frequently worked late nights in order to meet work deadlines for a client. If the City wasn't satisfied with the master plan consultant's time frame, it needed to let him know. He didn't feel it would be unreasonable to ask the consultant what the status of the plan was, what percentage was complete, and estimations on completion percentages. He felt the City needed to set up expected deadlines. He did not anticipate that the updated master plan would provide magic answers



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440 about access. He did anticipate that it would provide a threshold for how many homes a road could support.
441 He felt the City should wait to approve the rezone until the City knew what the threshold was.
442

443 Commissioner Bingham stated that with a traffic count the Planning Commission and the City Engineer
444 could come up with a threshold number. What a road could handle and what people felt a road could handle
445 were two different things. If someone lived on a road with very little traffic, they could perceive a few
446 additional cars as a lot of traffic. He felt speed control would make a big impact. There were a lot of
447 pedestrians on the trail. He felt the road could handle this subdivision just fine.
448

449 Commissioner Hulsey also felt the road could handle the traffic. He liked the subdivision and the half-acre
450 lots. However, he was listening to the public, which the Planning Commission was meant to represent. The
451 public wanted a traffic count to see what the capacity of the road was. He recommended that Heritage Land
452 provide that traffic count. Then the Planning Commission could determine if the big influx of traffic would
453 impact safety concerns and understand how many more homes could be approved. He felt the City should
454 understand what the end number was before homes were started.
455

456 Commissioner Dubovik wanted to see two numbers – the actual traffic flow and what the capacity was.
457

458 Commissioner Hulsey felt those numbers would settle a lot of the citizen's concerns. Everyone would know
459 that while the traffic might be uncomfortable, it was safe.
460

461 Commissioner Baker agreed that growth was coming. She didn't have a problem with it. She agreed that
462 the half-acre lots complied with the Zoning Ordinance, current master plan, and was what the public wanted.
463 However, she was concerned about tweaking the ordinances for the developers.
464

465 Commissioner Bingham said ordinances weren't tweaked for developers. Ordinances were changed to
466 meet the needs of the City.
467

468 Commissioner Dubovik stated that the verbiage he put together for the Street Ordinance amendment wasn't
469 tweaking. It would provide the Planning Commission more control over accesses.
470

471 Commissioner Baker felt the City was always changing something to meet someone's need. The City's
472 books were outdated. She understood the City was in the process of getting things updated. She felt there
473 needed to be time stamps on ordinances that were passed. Once the ordinances were digitized, she felt all
474 of the members should have laptops to be able to research the ordinances. Things had been so outdated
475 for so long, everything was a can of worms.
476

477 Commissioner Harrop stated that as growth occurred it was necessary to tweak things. It was hard for the
478 Planning Commission to make decisions that made everyone happy. The Planning Commission had to
479 follow the ordinances. There was always change. The City's ordinances had been changed ever since
480 Willard became a city. They were changed to meet demands, to provide structure, and to properly guide
481 the City in a direction that was pleasing to the majority. It was a never ending evolution. He asked if
482 magnesium chloride could be applied to 200 West and 600 South a few times a year to keep the dust down.
483 He felt that would seal the surface and minimize the dust. If the City approved this subdivision, would the
484 developer be willing to participate in that application? He felt magnesium chloride was pretty inexpensive.
485 It would make the dirt roads much nicer, and hopefully relieve some of the pressure on 200 South.
486

487 Chairman Bodily reminded the Planning Commission that it needed to follow the Subdivision Ordinance.
488



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Bryce Wheelwright stated that the Planning Commission could table consideration of the preliminary plan for The Orchards Phase 2 and send it back to the SLUA for a traffic study.

Chairman Bodily asked how long it would take to complete a traffic study, and how much would it cost. Mr. Wheelwright wasn't sure how long it would take. It would cost the City some money. Chris Davis said a lot of times, a developer paid for a traffic study.

Chairman Bodily wanted to get an answer on 200 West. What was the current traffic count, and what was the road's capacity? Then the Planning Commission would be able to answer the frequent comments it received about traffic.

Chad Braegger stated that the developer was only trying to get approval for twelve lots. He didn't feel traffic from that many homes would overload the streets.

Garth Day stated that during the Planning Commission's discussion, it had implied that Heritage Land needed to do a couple of things – a traffic study and apply magnesium chloride to the dirt road for dust reduction. They would be more than happy to participate in a traffic study. He felt confident showing the Planning Commission the real numbers. It was frustrating to have everyone guessing. Heritage Land planned differently than the City's general plan did. The Planning Commission needed a traffic count on 200 West. He didn't feel the City needed a traffic count to determine the capacity of a 60-foot wide residential street. The City knew how many cars and trips per day that kind of road could handle. The other part that was missing from the discussion was the fact that the 100 or so lots they were proposing would not all use 200 South. Part of their property included 500 West. They planned to build 500 West all the way to 600 South. They could control that connection. As they developed and planned, they didn't just ask if 200 West could handle all 100 homes, because not all of the traffic would use it. They were building another corridor. Heritage Land would be more than happy to participate in a traffic study or a traffic analysis. If the subdivision was sent back to the SLUA there could be a more detailed discussion. Mr. Day said Heritage Land would be willing to budget the cost of a magnesium chloride application to 200 West in their construction costs. He knew there was a dust control issue. He didn't feel it would be super expensive. If it was something that would really help, he felt they should do their share. They could talk to SLUA about both issues.

Commissioner Bingham moved to table consideration of preliminary approval for The Orchards at Willard Subdivision Phase 2 and to send it back to the SLUA for a traffic study. Commissioner Hulsey moved to second the motion. All voted "aye." The motion passed unanimously.

Chris Davis asked if the Planning Commission wanted the traffic study to focus just on 200 West. Commissioner Harrop felt it should address 200 West, 200 South, and the bottleneck at their intersection. The Commission agreed.

5C. CONSIDERATION OF A LOT LINE ADJUSTMENT FOR DAVID GRANT LOCATED AT APPROXIMATELY 466 SOUTH MAIN (PARCEL NOS. 02-052-0039 AND 02-051-0172)

Bryce Wheelwright stated that David Grant had purchased property from Duane Braegger and wanted to adjust property lines. He wasn't proposing to create a new lot. There were currently three parcels. There would be three parcels when the lot lines were adjusted.

Colt Mund, City Attorney, asked that the Planning Commission table consideration of the lot line adjustment in order to allow him to verify that the land had actually exchanged hands and to complete a legal review.

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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,

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.

12-116 STREETS PROPOSED AMENDMENT [DRAFT] {Alternative Language}

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) lots, a second access road into the Residential area, subdivision, or Planned Unit Development may be required prior to the recordation of the subdivision plat or the issuance of a building permit. The Planning Commission, in consultation with the City Engineer and Fire Code Official, shall determine the need of additional access roads based on density, traffic patterns, development location, natural land settings, and the general plan. ; 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.

ALTERNATIVE 2

12-116 STREETS PROPOSED AMENDMENT [DRAFT] Third Alternative

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.

(3) Required Access: A minimum of two (2) separate ingress/egress routes for vehicular access, which are fully improved Public Roads, shall be required when either of the following exist:

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(a) The total number of equivalent residential units, or "ERUs", (including adjacent developments and neighborhoods) served by a single means of access will exceed thirty (30). Thirty (30) ERUs shall include all proposed residential units and all existing single-family Structures and Lots, empty building Lots, approved Accessory Dwelling Units, and each unit in a multi-family Structure (e.g. apartment building, duplex, etc.).

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(b) Exceptions: The Land Use Authority for the Preliminary Subdivision Application may waive these access requirements when any of the following exist:

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(i) Unique topographic circumstances exist or the property is "landlocked" (physically restrained from other access points) from adjacent, existing developments in a manner to prevent practical compliance with the access requirements. A waiver of these regulations may require the final Land Use Authority, with the recommendation of the City Engineer and the Fire Code Official, to apply additional development requirements to enhance public safety standards.

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(ii) Where no point of second access is available within five hundred feet (500'), and where all ERUs are provided with an approved sprinkler system, a second access shall not be required until the number of ERUs reaches sixty (60).

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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.



WILLARD CITY
Planning Commission Meeting – Regular Meeting
May 20, 2021 – 6:30 p.m.
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Commissioner Dubovik asked if the hearing officer would have power to reverse decisions. Mr. Mund said the hearing officer would have authority to reverse decisions. If an applicant didn't like a decision made by the staff, he could appeal it to the hearing officer. If the applicant didn't like the decision made by the hearing officer, he could file an appeal with district court.

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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



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

Chairman Bodily opened the floor for public comment.

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

There was further discussion.

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

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

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

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



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

51
52 58. **CONSIDERATION OF A PROPOSAL TO AMEND WILLARD CITY ZONING ORDINANCE**
53 **CHAPTER 12-116-5 DEDICATION OF STREETS, RIGHTS-OF-WAY, AND EASEMENTS**
54

55 Colt Mund stated that he did not have any new information for the Planning Commission. After the last
56 meeting, he wasn't sure what the Planning Commission wanted to do with proposed amendment.
57

58 Chairman Bodily felt there needed to be a cap on the number of homes allowed on a single access, but he
59 wasn't sure how to come up with that number. If the City didn't like 30, what should the number be?
60 Mr. Mund said the number 30 came straight from the International Fire Code.
61

62 Bryce Wheelwright and Commissioner Bingham felt there needed to be a deadline, or time limit, for
63 completion of a second access.
64

65 Colt Mund stated that the proposed amendment left approval of the exception up to the Fire Chief. Another
66 approach might be a consultation with the Fire Chief, Planning Commission, and City Council before
67 approving an exception.
68

69 Commissioner Hulsey felt the amendment should include very clear guidelines for approving or
70 disapproving an exception. The amendment needed language the City could use to defend itself.
71

72 Commissioner Harrop felt the standard number should be 30 homes. Exceptions could be made with the
73 backing of the Fire Chief with a cap of maybe 35 homes.
74

75 Chairman Bodily asked about a home with its own fire suppression system. Colt Mund stated that Willard's
76 current code did not allow an exception for any homes beyond 30. The International Fire Code did allow an
77 exception for than 30 homes, if they had their own fire suppression system. Chairman Bodily suggested
78 leaving the maximum number of homes on a single access at 30, and requiring all exceptions to have their
79 own fire suppression system.
80

81 Commissioner Hulsey stated that requiring a fire suppression system did not address the issue of access.
82 There could be many additional homes with fire suppression systems that could not get in and out if the
83 access was blocked. Commissioner Bingham agreed that it wasn't just a fire issue. It was also an access
84 issue.
85

86 Commissioner Dubovik suggested that an access be required for every 30 homes. That wouldn't help in
87 the near future, but it might create a map going forward.
88

89 Colt Mund asked if there were other cities that required an access for every 30 homes. Mr. Wheelwright
90 said he had researched other codes. He had not been able to find a city with that type of access
91 requirement. Commission Harrop said there was a subdivision in Farr West that had fifteen to twenty phases
92 with thirty to forty homes in each phase. The subdivision only had four accesses for hundreds of homes.
93

94 Commissioner Bingham felt there needed to be at least two accesses or a really wide road. A standard
95 road did not have the width necessary to allow access if half of the road was blocked. Commissioner Harrop
96 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
166 future was five years not 50.

167
168 Chairman Bodily felt the City could put in a right-of-way if it was really needed.

169
170 Commissioner Hulsey asked if it would be better to address the proposed amendment in a PUD or master
171 plan ordinance rather than in the Street Ordinance/Fire Code. Colt Mund stated that all of the ordinances
172 worked together. If a developer was required to follow the Subdivision Ordinance, he was required to follow
173 the Street Ordinance. The PUD gave the City flexibility to negotiate.

174
175 Commissioner Dubovik asked about a work session with the City Council. He wanted to get the Council's
176 input.

177
178 Colt Mund planned to seriously research how other cities dealt with secondary access.

179
180 Chris Davis suggested that the Planning Commission make a recommendation to the Council outlining its
181 concerns. He felt the Planning Commission's discussion had been excellent.

182
183 Commissioner Dubovik asked what the proposed amendment was meant to fix. Was it meant to allow more
184 than 30 homes on one access? Was it meant to require another access when there was more than 30
185 homes?

186
187 Commissioner Bingham felt the City was trying to prevent growth from being stifled in one area while it
188 waited for growth in another area to occur.

189
190 Commissioner Dubovik clarified that the amendment was meant to allow more than 30 homes if more
191 development was impending. Commissioner Bingham felt that correct.

192
193 Colt Mund felt it was more than just second access. If the amendment was approved, a developer could
194 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. 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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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.



WILLARD CITY
Planning Commission Meeting – Regular Meeting
September 2, 2021 – 6:30 p.m.
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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 Bryce Wheelwright, City Planner
8 Diane Baker Michelle Drago, Planning Secretary
9 Chandler Bingham
10 Alex Dubovik
11 Zack Hulsey

12
13 Excused: Chris Davis City Manager, Colt Mund, City Attorney, and Blake Harrop

14
15 Others in attendance: Mayor Kenneth Braegger, Councilman John Seamons; Councilman Fred Ward,
16 Rachel McIntire; Trisha Heath, Rob Braegger; Jo Baird; Duane Roper; Ann Larsen; Keith Larsen, Travis
17 Mote; Jean Loveland; Judy Loveland; Lindsey Hansen.

18
19 The meeting was called to order at 6:34 p.m.

20
21 1. PRAYER: Zack Hulsey

22
23 2. PLEDGE OF ALLEGIANCE: Diane Baker

24
25 3. ROLL CALL – Attendance was recorded by the secretary.

26
27 4. GENERAL PUBLIC COMMENTS (INPUT FOR ITEMS NOT ON AGENDA)

28
29 There were no public comments.

30
31 5A. **CONSIDERATION OF A PROPOSAL TO AMEND WILLARD CITY ZONING ORDINANCE**
32 **CHAPTER 12-116-5(2) DEDICATION OF STREETS, RIGHTS-OF-WAY, AND EASEMENTS –**
33 **RESIDENTIAL, COMMERCIAL OR INDUSTRIAL SUBDIVISION, OR PLANNED UNIT**
34 **DEVELOPMENT (DISCUSSION CONTINUED FROM AUGUST 5, 2021)**

35
36 Bryce Wheelwright stated that during the last meeting, the Planning Commission tabled discussion
37 regarding a proposal to amend the street regulations in the Zoning Ordinance in order to receive additional
38 information from the City Attorney and the City's General Plan consultant. The City Attorney was not in
39 attendance. He had provided the Planning Commission with three proposed amendments. The first was
40 the original amendment labeled *Original*. The second alternative was labeled *Alternative 1*; the third
41 alternative was labeled *Alternative 2*.

42
43 Commissioner Baker stated that she didn't like Alternative 2. She was concerned about use of the word
44 *future*. How long was the future? She felt *future development* needed to be better defined. The City's current
45 Road Master Plan was prepared in 2007. She felt the City should wait until the General Plan and road plan
46 were updated before amending the street regulations.



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Commissioner Hulsey liked Alternative 2, but he had some questions about the exceptions. It referred to the Land Use Authority. Who was the Land Use Authority? Bryce Wheelwright said the Land Use Authority would be the Planning Commission in conjunction with the City Engineer and Fire Marshal.

Commissioner Hulsey said the Planning Commission had discussed removing the sprinkling system exception because of Willard's unique physical configuration. Fires were a reason for a second access; wind storms were another. He wasn't comfortable having an exception for a home with a sprinkling system.

Chairman Bodily felt it was about more than just emergency access. Regular access needed to be considered as well.

Commissioner Bingham arrived at 6:41 p.m.

Commissioner Baker stated that if there were thirty homes, there needed to be two public accesses that allowed traffic in and out.

Commissioner Bingham felt the City needed some type of tool to allow it to work with property owners who were willing to improve their properties. The tool needed to allow the Planning Commission to judge where and when two public accesses were needed. He was concerned about an arbitrary cut off at 30 home without a way to work with property owners. An arbitrary line cut the City's hands off. It made it impossible for people to be the next step in the connection process. It left the City waiting for someone with a lot of money who could build a lot of roads at one time. It made it impossible for the City to plan anything.

Commissioner Dubovik asked if Commissioner Bingham felt the City should require a second access after 30 homes. Commissioner Bingham felt it should be up to the Planning Commission, City Council, City Engineer, and SLUA to decide if existing roads could handle additional traffic. The decision might involve getting a traffic study to determine if a road was overworked. Those types of tools gave the City the ability to plan and move forward. Unfortunately, those tools left a lot of interpretation up to the people serving on the Planning Commission. The Planning Commission had to rely on the people who would replace them to make good judgments.

Commissioner Hulsey felt Alternative 2 addressed Commissioner Bingham's concerns. Commissioner Bingham liked Alternative 2.

Commissioner Dubovik agreed that access wasn't just about fires. Access needed to address natural disasters and other circumstances that could cause a blockage, no matter how wide a road was. He questioned why 30 was the magic number. He was okay drawing a line in the sand and requiring a second access after 30 homes, but he was also concerned about the 60th house, or the 70th. He felt there should be something in writing that required an access review for every home after 30. If the ordinance was written right, the Planning Commission would have some regulatory backing to prevent someone from saying it was making an arbitrary decision. He liked the verbiage in Alternative 2 because it gave the City some flexibility, but he also wanted some hooks that required review after the 30th house and second access was granted. He didn't want to end up with 80 houses and only two accesses.

Commissioner Hulsey felt the ordinance could be phrased to require a study for every home after 30 and a second access.

Commissioner Bingham f wasn't sure the City could hold to 20, 30, or 60. There needed to be some kind of trigger to help the City begin planning for a second access. There needed to be a way to determine who



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97 paid for the second access. It wasn't always a big developer coming in. It wasn't fair for a single owner to
98 be required to put in a second access that would benefit 30 other owners.
99

100 Bryce Wheelwright stated that the proposed amendment was based on exceptions allowed by the
101 International Fire Code. If a dead end street would be connected to future development, the number 30 did
102 not apply.
103

104 Chairman Bodily asked what '*future development*' meant. Future development needed to be defined.
105

106 Commissioner Baker asked how long the City waited for future development.
107

108 Commissioner Dubovik liked the idea of starting to review traffic when the 20th home was built on a dead
109 end street. Maybe a second access would be required when the 27th home was built based on the Fire
110 Chief's recommendation. The hard requirement for a second access was the 30th home. After 30, every
111 subsequent home would be reviewed.
112

113 Commissioner Bingham asked about the form of the second access. What is it only emergency access or
114 a full public access? Chairman Bodily felt it needed to be a public access.
115

116 Commissioner Bingham felt there needed to be flexibility regarding the form of the second access. A second
117 access could be an emergency access that could help the City get by until roads were connected. The
118 Planning Commission was looking at the big picture of how roads connected. If a road could handle the
119 traffic that was on it, the only second access necessary would be an emergency access.
120

121 Chairman Bodily felt the City needed to come up with a number and move on.
122

123 Commissioner Dubovik felt the review should start at 20. The hard requirements came at 30, but a second
124 access might be required at 25 based on a recommendation from the Fire Chief. Commissioner Bingham
125 agreed; so did Commissioner Baker.
126

127 Chairman Bodily asked Bryce Wheelwright to work with the City Attorney to draft an amendment based on
128 the Planning Commission's discussion.
129

130 Commissioner Dubovik stated that he would send Bryce and the City Attorney the verbiage he was thinking
131 of.
132

133 Commissioner Hulsey asked if the Commission was considering Alternative 2 with the sprinkling system
134 exception removed. Commissioner Dubovik agreed the sprinkling system exception should be removed.
135 Commissioner Hulsey felt Alternative 2 with the verbiage Commissioner Dubovik was proposing would
136 resolve everyone's concerns.
137

138 **Commissioner Baker moved to table discussion regarding a proposal to amend Willard City Zoning**
139 **Ordinance 12-116-5(2) until the City Attorney could prepare a new draft. Commissioner Bingham**
140 **seconded the motion. All voted in favor. The motion passed unanimously.**
141

From: Alex Dubovik
Sent: Tuesday, September 14, 2021 6:30 PM
To: Bryce Wheelwright; Mund, Colt; Michelle Drago; sid Bodily
Subject: 12-116 Streets - AI input

As discussed at the last PC meeting, attached is verbiage I'd propose to edit the "3rd alternative".

I tried to pull back the 30 ERU hard rule to start reviews at 15. Imposed a 2nd access at 40 ERUs max and gave the PC, in consultation with the engineer and fire chief, the option to define the type of 2nd and subsequent accesses required. Also took out that waiver option for sprinklers since fire really wasn't the main concern here.

Hope this helps advance the conversation Thursday. Colt, please feel free to edit as you see fit!

Also, I lucked out, the late flight from ABQ Thurs was booked, so I'll be taking the earlier flight and should be in attendance.

Please let me know if you have any questions.

Best,
AI

3) Required Access: Due to the unique topographic features and potential for seismic activity and wildfire that exists in Willard City, Residential, Commercial or Industrial Subdivision or Planned Unit Developments may require two or more ingress/egress routes for vehicular access prior to the issuance of building permits as determined by the Planning Commission in consultation with the City Engineer and Fire Code Official under certain conditions as follows:

(a) Newly proposed and expanding developments will be evaluated along with adjacent developments and neighborhoods to determine their combined impact on current, shared ingress/egress routes

(b) When the total number of equivalent residential units (ERUs) utilizing a single, common ingress/egress route exceeds 15, each subsequently proposed ERU, or block of ERUs, will be reviewed by the Planning Commission, City Engineer and Fire Code official to determine if and at what point in the development cycle additional vehicular ingress/egress routes are required.

(i) The Planning Commission, in consultation with the City Engineer and Fire Code Official will determine the type of ingress/egress required, i.e., emergency access or fully improved public road

(c) A minimum of two (2) separate ingress/egress routes, which are fully improved public roads, are required for vehicular access for ERUs exceeding forty (40) units.



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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 Hulsey	

13
14 Others in attendance: Mayor Kenneth Braegger, Councilman John Seamons, Chad Braegger, Randy
15 Braegger, Lindsey Wells, Beth Ann Smith, Garth Day, Rod Braegger, Debbie Braegger, Travis Mote, Bart
16 Wade, Jodi Wade, Sandy Huthman, Chris Davis, Jordan Hulsey, Peggy Baker, and Doug Younger.

17
18 The meeting was called to order at 6:32 p.m.

19
20 1. PRAYER: Alex Dubovik

21
22 2. PLEDGE OF ALLEGIANCE: Blake Harrop

23
24 3. ROLL CALL – Attendance was recorded by the secretary.

25
26 4. GENERAL PUBLIC COMMENTS (INPUT FOR ITEMS NOT ON AGENDA)

27
28 Travis Mote, 455 South 200 West, stated that the Planning Commission had been working on the second
29 access requirement in the Street Ordinance. He felt the Planning Commission needed to specify the
30 difference between emergency access and general access.

31
32 5A. PUBLIC HEARING TO CONSIDER A REQUEST FROM HERTIAGE LAND HOLDINGS, LLC TO
33 REZONE APPROXIMATELY 61 ACRES LOCATED AT APPROXIMATELY 300 SOUTH 200
34 WEST FROM A5 TO R1/2 (PARCEL NOS. 02-051-0004, 02-051-0085, 02-051-0087, 02-051-
35 0251, 02-051-0252, 02-054-0005, 02-054-0007, 02-054-0008, 02-054-0009, 02-054-0010, 02-054-
36 0011, 02-054-0012, 02-054-0013, and 02-054-0017)

37
38 Chairman Bodily read the Willard City Planning Commission Rules of Order Statement.

39
40 **Commissioner Bingham moved to open the public hearing at 6:36 p.m. Commissioner Harrop**
41 **seconded the motion. All voted “aye.” The motion passed unanimously.**

42
43 Bryce Wheelwright stated that the City had received an application from Heritage Land Holdings, LLC to
44 rezone approximately 61 acres located at approximately 300 South 200 West from A5 to R1/2. During its
45 last meeting, the Planning Commission reviewed the application and set a public hearing. The area under
46 consideration extended from 200 West to the railroad tracks and from 300 South to approximately 400
47 South. Heritage Land Holdings had received approval for a subdivision known as The Orchards at Willard
48 Subdivision Phase 1, which consisted of six lots half-acre lots along 200 West. The R1/2 Zone requested
49 by the petitioner complied with the City's Future Land Use Map.



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Garth Day stated that he represented Heritage Land Holdings, LLC, which was located in Tremonton, Utah. They had purchased property formerly known as the Lemon Orchards and completed Phase 1. The homes were currently under construction. They had been in a holding pattern because Willard City had changed some of its zoning rules by repealing the PUD Ordinance. However, they needed to move forward. They proposed to rezone the remainder of their property for half acre lots. They were in the process of acquiring additional property to the south.

Chairman Bodily opened the floor for public comments.

A written comment was received from Vanessa Bird, 83 South 500 West, "I have lived at 83 South 500 West for ten years. I am opposed to putting a new subdivision at 300 South 200 West. There is already enough traffic in Willard and having more homes in town will only make it worse and put extra wear and tear on the asphalt. Also, the City of Willard just raised the rates on their utility bill. The extra stress on a water supply in the middle of a drought will only cost more for the residents of Willard. I also strongly oppose putting in the subdivision south of my residence for that reason, and more. Ask me about that if you want to. Thank you for your time."

Travis Mote, 455 South 200 West, felt the City had three main functions – public safety, allocation of resources, and maintenance of existing infrastructure. When property was rezoned, all three functions were affected. The City was in the process of creating a General Plan, which would include a traffic study. The Utah Traffic Trip Report showed a minimum of seven trips per house hold per day. If the Lemon property was rezoned and 100 homes were built, there could be 700 household trips per day. Two Hundred West (200 West) was not paved to 600 South, and the Doug Young project had not yet paved 600 South. Without paved roads, all of the traffic would use 200 West and 200 South. He felt the intersection of 200 West 200 South could see 1,400 cars a day if the subdivision was completed prior to paving of 200 West and 600 South. He felt that was a safety issue. He had asked the Planning Commission and City Council several times how much traffic the City roads could handle. No one knew. He had never been given a number. He hoped the General Plan update would include traffic numbers. He felt consideration of the rezone should wait until the General Plan was complete and the City knew how much traffic its roads could handle to ensure citizens were safe. There were six bus stops on that street. He felt the Planning Commission needed to be very cognizant of the safety of the citizens.

Bart Wade, 220 South 200 West, was concerned about the traffic situation as well. He was also concerned water. If the City was struggling with water, what would this development do to the City's water? He felt those things needed to be considered.

Jordan Hulsey, 10 South 100 West, was concerned about the potential approval of the petition to rezone 61 acres. It could mean well over 100 homes. Her main concern was about water. This year had shown that water rights did not equal water flow. She had heard City staff say on numerous occasions that developers brought water rights with them, but that didn't mean the City springs had the capacity to support that many new homes. Even if they paid to drill new wells for this development, she was still concerned about the effect it would have on the existing aquifer. Further study of the aquifer capacity needed to be done to plan realistically for the needs of current residents and homes. Her second concern was infrastructure. Even if 600 South was paved and brought up to a decent standard, over 100 new homes would need more than two access roads. Two Hundred West (200 West) was not designed to support that kind of traffic. She understood that the current ordinance said a development just needed two ways in and out for any development with more than 30 homes, but she felt safety needed to be considered a top priority. She knew the Planning Commission had been working to update the access requirements. She didn't feel any rezones should be approved until that ordinance was complete. Various City Council and Planning



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Commission members had said those issues didn't need to be addressed until a subdivision plan was submitted, which happened well after the rezone. She felt that practice had set the community up for a lot of frustration. The earlier those issues could be addressed in the process, the less headache there would be for everyone. She didn't feel the City should be approving any large rezones until the General Plan was completed. Then the Planning Commission would have information about what the citizens of Willard wanted their town to look like, as well as information about better infrastructure and water capacity. Anyone who had ever worked with any sector of government knew that if it wasn't written down it didn't really happen. Those things needed to be written down, and there needed to be a plan in place. As of now Willard's vision statement still read, "Most importantly, the impact of growth will be handled in a way that seeks as its prime goal to preserve the rural agricultural quality of life, preservation of its natural resources, and enhancement of its community pride and value." She fully expected the City staff and Planning Commission to uphold that vision.

Jodi Wade, 220 South 200 West, was concerned about traffic and water. There was only one stop sign on this road. People drove so fast it was ridiculous. There wasn't any way they were driving the speed limit. She couldn't even imagine the impact of all these new homes on the road. It would be worse than Highway 89. All she had heard this year was that there wasn't enough water. If the City was having a hard time with the amount of water for the citizens who were here, adding 100 more houses would not help out the situation.

Doug Younger, 116 South Main, stated that many of the people in attendance were transplants to Willard. Back in the day, past residents didn't want transplants either. They wanted a rural community, but growth came and was continuing to come. It was admirable that Heritage Land Holding wanted to do half-acre lots, versus one-third or one-quarter. He felt approving the rezone was the best thing for Willard to do. Why make the developer wait another year before he could get started on his project? Maybe he would be able to purchase ground further to the south and put in 600 South. No one knew how fast the subdivision would develop. He felt the proposal was a good deal and that it should be approved.

Mayor Ken Braegger, 55 South 100 East, wanted to clear up the misunderstanding about water. Somehow the idea of water conservation due to the heat of the summer turned into the idea that the City was out of water. The City was not out of water. It had sufficient water. It was in good shape for well into the future. Would the City eventually need more water? Yes, it would if the whole City was built out. Water was not an issue at this point.

Janna Vail, 195 South 200 West, was not opposed to half-acre lots, but she did feel 600 South needed to be completed. It would be too much if all of the homes from this development used 200 South. The development would be completed over time, but by the time the southern portion was finished, there needed to be another way for people to get out.

Doug Younger, 116 South Main, stated that the Heritage Land development would not happen overnight. It would take the Young subdivision (Deer Run) another few years. People were worried about traffic that would not happen for four to five years.

Bard Wade, 220 South 200 West, felt the traffic situation needed to be addressed first. There would be a lot of homes using a 25 MPH road. This was a residential area. It wasn't the highway, and they didn't want it to become the highway.

Garth Day, Heritage Land Holding, stated that right now they were proposing a second phase that would consist of 12 lots, which would take them well into next year. Their overall plan would take five to six years



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to build out. They were still interested in the results of the updated General Plan. They were hopeful that things might change. The housing industry had changed over the past 18 months; he couldn't imagine what it would do in the next 18 months. They were taking a slower, more deliberate approach. He totally understood the traffic issues. If they had control of 200 West and 600 South, they would absolutely build those roads. He felt their completion was a great plan. He hoped they could participate in some manner, through impact fees or a development agreement. Heritage Land wasn't trying to drop things off and leave; they were building the community as well. People that they were building for would have safety concerns as well. They would have the same issues with traffic. They wanted to build a product and community that would benefit Willard, not take away from it. Heritage Land Holding was a land owner in Willard too. They had land rights and property rights allowed by the State law. Farming was an incredibly important industry, but so was housing. Of the two major, basic necessities that people had – food and shelter; they built one. There was a giant housing deficit in the State of Utah. The pressure of housing would not lessen, it would increase. They were trying to build a development with the least impact possible. They wanted to be a good partner with Willard, and they would do whatever they could to help solve the transportation issues. However, they would only help with things they had control of. If they owned the property going south on 200 West, they would absolutely build it, but they didn't own it. If they had a way, they would build 600 South as well. However, both roads were beyond what they owned. The second phase they were proposing provided an inlet and an outlet. It did meet the City's double access requirements. They did want to be a good partner with Willard.

Chairman Bodily closed the public comments.

Commissioner Baker moved to close the public hearing at 6:53 p.m. Commissioner Hulsey seconded the motion. All voted "aye." The motion passed unanimously.

Chairman Bodily stated that he had personally viewed 200 West several times. It seemed there were more pedestrians than cars; although he was sure the road was busier than it used to be. He didn't disagree that it was an issue. He asked about the status of the General Plan's traffic study. Bryce Wheelwright stated that the General Plan consultant would be making a presentation to the City Council during its September 23rd meeting. Then the City would know how far along the plan was.

Commissioner Harrop asked how many existing homes were located on 200 West. Bryce Wheelwright estimated there were 50 homes. Commissioner Harrop felt there were that many homes heading north on 200 West.

Commissioner Baker stated that unless you lived on a road you didn't know what the traffic was like. She lived on Center Street, and she saw a lot of traffic. You had to live on 200 West to experience the traffic. She was concerned about the roads. There needed to be a second in and a second out. She felt the roads needed to be situated first. Every time there was a rezone, the City ended up with a subdivision and a whole can of worms.

Commissioner Hulsey felt the amount of traffic could be relative. There was a scientific way to determine the actual amount. He wanted to see the results of the General Plan traffic study before making any major decisions. The Mayor said there was enough water. The Planning Commission had been asking to see status reports. Did the Mayor know where those reports could be found?

Mayor Braegger stated that the wells had been monitored all summer. There had been very little drawn down. The City lived on a great aquifer. The City Council had asked residents to be careful about their summer water usage because it didn't want residents burning a lot of water to keep their grass green. The



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City used 300,000 gallons of water a month in the winter. The usage jumped to three million gallons a month in the summer. The majority of that water went on lawns. That was a problem, and that was a problem with half-acre lots. Half-acre lots had bigger lawns. The City seriously needed to look at secondary water in the future.

Commissioner Hulseley asked if Bryce Wheelwright knew where the water reports could be found. Mr. Wheelwright said the City received a water usage report every month from the utility bills. Commissioner Hulseley was interested in seeing reports on the well draw downs and how they were recovering.

Commissioner Dubovik understood the City was in good water shape. The City had gone down the road of not having enough storage. When did the amount of storage the City currently have become insufficient? The City needed to plan. If the City had the flow, did it need more storage? He wanted to see what that number was. Bryce Wheelwright stated that the developer of the Deer Run Subdivision put in a 500,000 gallon storage tank. That 500,000 gallons would allow the Deer Run Subdivision to build out, which was almost 300 homes. There was also some excess water for development on the north side of the City. Right now there was storage capacity for well over 300 or 400 extra units. The City was working on another 500,000 gallon tank. The second tank would increase the storage capacity to one million gallons.

Commissioner Dubovik stated there was an average amount of flow that could be expected from the spring every month or every year. At what point could the spring no longer fill storage tanks? Would the City run into a physical water shortage at some point? That might be ten to fifteen years in the future. Someone had to have done that math. Mayor Braegger said the City Engineer knew at what point the City would have to look at another well. The City required developers to bring water with their developments so the City would have the ability to put in another well if one was needed. The Lemon property had a couple of wells with water rights that would have to be converted to culinary. The City didn't want to be in the position that it didn't have water. Commissioner Dubovik wanted to have actual numbers as the Planning Commission looked at updating the General Plan.

Chairman Bodily asked if someone was monitoring the water situation. Mayor Braegger stated that the City had a telemetry system that monitored the wells. The wells were constantly monitored.

Commissioner Dubovik sympathized with everyone who was concerned about the traffic. He moved to Willard from a high traffic area in West Layton. The half-acre lots requested by Heritage Land Holding was in accordance with what the community desired. No one wanted a 500 house subdivision of quarter-acre lots. There was much ambiguity in the number of accesses currently required by the City's Street Ordinance. The Planning Commission was in the process of rewriting that ordinance to require traffic and accesses to be evaluated as the community grew. Traffic and accesses would be reviewed by the Planning Commission, the Fire Chief, and the City Engineer. Additional accesses could be required as needed. He realized that rezoning seemed like a threat, but the complete development was many years down the road. He felt the rezone was a step in the right direction, but the City needed to make sure ordinances supported the growth and needed infrastructure.

Commissioner Bingham stated that he had the same concerns about this rezone and development that he had had about the Rod Braegger Subdivision. It proposed to add more homes to an area with only one access. He asked how soon roads to the south would be paved. Bryce Wheelwright stated that 600 South would be paved from 200 West to the highway when the Deer Run development started working on Phase 6. They were working on Phase 4 now. Commissioner Bingham asked if there was any way they could be persuaded to speed up the paving of 600 South. There really wasn't a second access in this area. Two Hundred West (200 West) was an unpaved, emergency access. Heritage Land Holding was trying to accomplish what the City was looking for – larger lots. He lived on 200 West. Sometimes there was a lot of



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246 traffic; sometimes there was not. He was worried about moving forward without a plan for a second road in
247 and out.

248
249 Bryce Wheelwright said the Subdivision Ordinance stated that a developer was responsible to develop the
250 roads in his subdivision. If Heritage Land purchased the ground south of them, then they would have to
251 pave 200 West to the south. Until someone purchased and developed the land to the south or the City
252 decided to pave the road, 200 West would remain a dirt road.

253
254 Commissioner Bingham felt it would be helpful if someone could put some calcium chloride on 200 West
255 once in a while to keep the dust down. Then people would use 200 West. He felt that would be a big
256 improvement. At this point, he couldn't see anything to stop the Planning Commission from approving the
257 rezone.

258
259 Commissioner Hulsey felt the public was pretty concerned about the traffic. He asked if the planning
260 consultant would have a traffic study the City could look at next week. Mr. Wheelwright said the planning
261 consultant would make a report to the City Council, but he didn't know what the report would entail.
262 Commissioner Hulsey felt the City should wait to make a decision on the rezone until it received traffic
263 numbers.

264
265 In response to a question from Councilman Seamons, Chris Davis stated that he could find out what the
266 planning consultant planned to include in his September 23rd report. The 23rd report would not be a final
267 draft. It would be a preliminary status update.

268
269 Doug Younger felt Heritage Land Holding should be able to proceed according to the current master plan.
270 Why did they have to wait?

271
272 Commissioner Bingham stated that the rezone application submitted by Heritage Land Holding did comply
273 with the current master plan.

274
275 Commissioner Harrop agreed that the application met the requirements set forth in the master plan. He felt
276 the Planning Commission could approve the rezone and address the traffic during the subdivision review.

277
278 Commissioner Dubovik asked if there any agricultural firms interested in purchasing the Lemon orchards
279 and making them a viable business again. Garth Day said they could if they were willing to pay what they
280 paid for the land to farm it. Commissioner Dubovik also agreed there wasn't anything in the ordinance to
281 prevent approval of the rezone application. He would have a hard time moving further than the rezone
282 because of the City's current ordinance.

283
284 **Commissioner Harrop moved to recommend that the City Council approve the rezone of 61 acres**
285 **located at approximately 300 South 200 West from A5 to R1/2. Commissioner Bingham seconded**
286 **the motion. A roll call vote was taken: Commissioners Bingham, Dubovik, and Harrop voted "aye."**
287 **Commissioners Baker and Hulsey voted "nay." The motion passed.**

288
289 5B. PUBLIC HEARING TO CONSIDER PRELIMINARY APPROVAL OF THE ORCHARDS AT
290 WILLARD SUBDIVISION PHASE 2 LOCATED AT APPROXIMATELY 300 SOUTH 200 WEST
291 (PARCEL NOS. 02-051-0251 AND 02-051-0087)

292
293 **Commissioner Dubovik moved to open the public hearing at 7:16 p.m. Commissioner Hulsey**
294 **seconded the motion. All voted "aye." The motion passed unanimously.**



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Bryce Wheelwright stated that the Planning Commission just recommended that the City Council approve Heritage Land's petition to rezone their property from A5 to R1/2. Heritage Land was asking that the Planning Commission grant preliminary approval of their second phase, which would consist of twelve half-acre lots and would be located directly west of Phase 1. It included paving 300 South, 400 South, and 250 West. Heritage Land was bringing water rights with the subdivision that would be turned over to the City. Infrastructure would include curb, gutter, and sidewalk.

Garth Day, Heritage Land Holding, stated that Willard's Zoning Ordinance required the Planning Commission to hold a public hearing prior to approving a preliminary subdivision plan. He understood that their preliminary plan was subject to the City Council approving their rezone request. He explained that Phase 2 would consist of twelve lots. The layout mirrored Phase 1. A full road would be built on the south end of Phase 1 and 2 to provide a second access. He wasn't sure how to address the Planning Commission's traffic concerns. UDOT said that residential traffic at this scale was negligible. These streets weren't Riverdale Road or Main Street in Logan. The traffic consisted of residential trips. He didn't know what the City's traffic study would show. He hadn't seen traffic counters in the area. He didn't know how the planning consultant would generate the traffic information. Two Hundred West (200 West) would extend south to 600 South, which would be a little bit bigger road. Traffic on 600 South would dump onto Highway 89, the arterial street. He didn't know what other plans could be done for their area. They were trying to acquire property further south to give them more access to 200 West so they could develop that road further. They had heard the City and the public loud and clear. They understood that was the direction everything was going. He wasn't sure the City would receive some magic answer about the traffic from its planning consultant. Because traffic wasn't being counted, he felt the planning consultant would use UDOT and Wasatch Front Regional Council numbers to generate an estimate. Those numbers were 1.6 units per acre based on so many trips per day. He felt the Planning Commission would have to take that number and determine if the City roads were big enough to handle that much traffic and how traffic could be circulated out of this area. He wished there was more they could do to help with the traffic, but they were locked into the property they owned. Mr. Day said Heritage Land was committed to the City. They would be happy to participate in some offsite improvements. The residents they were bringing to the City would be their clients. They would be around a long time.

Chairman Bodily opened the floor for public comments.

Travis Mote, 455 South 200 West, stated that the flood control basins that went into these subdivisions needed to be connected to drainage that went to Willard Bay. The basins were a mess. No one maintained them. The one next to his home got plugged with dead organic material. He felt the City needed a different solution. He suggested that the basins be deeded to landowners in the form of easements. Landowners could then maintain them. The basins didn't, and wouldn't, function if they weren't maintained, and they weren't being maintained. He wasn't sure who was responsible for them. At one point he heard it was the Willard Flood Control, but Flood Control said they didn't have money to maintain the basins.

Chad Braegger, 1789 North 200 West, agreed with Chairman Bodily about the pedestrian traffic on 200 West. Two Hundred South (200 South) was much busier. It needed curb, gutter, and sidewalk to keep children out of the roads. He felt Heritage Land Holding's subdivision fit the master plan. Half-acre lots in Willard was not a terrible thing. There were things the City could do to keep the children and pedestrians safe. Finishing 200 West to where the curb and gutter started on the Nathan Braegger Subdivision would help.

Garth Day stated that there were two elements to flood control in Willard City. There was storm water collected by curb and gutter. It ran into the local system which ultimately dumped it out. Flood control was



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344 a whole other entity. Flood control picked up water off the mountain and ran it through the City. Heritage
345 Land didn't, and couldn't, connect to the Flood Control District. The detention basins were the City's
346 responsibility. One function of the City was to collect storm water. A lot of the Wasatch Front was moving
347 away from curb and gutter because cities didn't want to collect storm water any longer. In Willard, detention
348 basins were built and deeded to the City. In some places, the detention basins could be large enough to be
349 multi-use, such as a park. It was up to the City to determine how to maintain them. Heritage Land did not
350 have any intention of putting water into the Flood Control District.

351 Bryce Wheelwright clarified that in Willard City storm control basins were actually deeded to the Willard
352 Flood Control District. Willard Flood Control was responsible to maintain them. In the past, City employees
353 had tried to help them by spraying weeds.

354
355 Chairman Bodily stated that until the City put in a storm drain system, there wasn't any other choice.

356
357 Bryce Wheelwright stated that the Zoning Ordinance required each subdivision to control its storm runoff
358 on site.

359
360 Garth Day stated they didn't put any water into the flood control system. Mr. Wheelwright said the storm
361 runoff was maintained and controlled on site

362
363 Councilman John Seamons, 575 North Main, stated that the Master Plan update was started a year ago.
364 The update was the panacea; it was supposed to fix all of the City's problems. Those who had worked with
365 master plans knew the consultants would do the best they could, but they wouldn't be bringing traffic counts
366 to the City. They provide an estimate. When he asked Mr. Mote what he thought the master plan would
367 look like, Mr. Mote thought it would look like the current master plan. If that was the case, what was the City
368 going to get? He wasn't sure what the master plan was going to fix. He didn't think it would show the City
369 where half acre and quarter-acre lots were going to be. The City hadn't even received a first draft. There
370 would be a couple of first drafts and preliminary drafts. When he was interviewed a few weeks ago, he
371 asked when the General Plan would be finished. He was told it probably wouldn't be ready until December.
372 He wasn't sure the City wanted to hold off everything until the master plan update was done.

373
374 A question from Commissioner Dubovik generated a discussion about when the current master plan was
375 drafted. Some thought it was done in 2002 and was good until 2016 or 2017. Commissioner Dubovik asked
376 who prepared the current master plan. Bryce Wheelwright said the current master plan was prepared by
377 the Planning Commission, and it was good until 2017.

378
379 Commissioner Dubovik stated that the City was paying a lot of money to a professional firm who had deep
380 experience and state-wide knowledge about how other communities had been planned. He expected them
381 to apply their knowledge and expertise to Willard. He expected them to tell the City where it had gone
382 wrong, where it had gone right, and what it needed to consider.

383
384 Councilman Seamons agreed with Commissioner Dubovik, but right now he wanted to see more than just
385 the questionnaire that had been sent out. He asked when the City entered into the contract. Chris Davis
386 said the contract was signed in early spring. Councilman Seamons said consultants didn't always do what
387 you wanted unless they were directed. So far the City really hadn't had a chance to direct them.

388
389 Commissioner Bingham felt it would a while before the City had a final master plan. It needed to move
390 forward with what it had.



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Bart Wade, 220 South 200 West, understood that Phase 2 would tie into the current subdivision on 200 West. They had enjoyed their view for 30 years, and they totally supported half-acre lots. The traffic was busier than it was. Right now it was livable, but he was concerned about the growth. There needed to be a plan to address the traffic sooner rather than later.

Commissioner Bingham moved to close the public hearing at 7:34 p.m. Commissioner Hulsey seconded the motion. All voted “aye.” The motion carried.

Commissioner Bingham stated that this was the type of subdivision the City was looking for. Based on the size of development Heritage Land was proposing, he didn't feel it would be unreasonable to ask for a traffic study before moving forward. There could be 100 homes before there was a paved road to 600 South. A traffic study could help the Planning Commission see what traffic the road currently had and what a safe amount would be. He also felt a reasonable temporary solution might be putting down dust control a couple of times a year. This area channeled a lot of people. The City would have to deal with growing pains to reach its ultimate goal.

Bryce Wheelwright stated that the City Engineer reviewed subdivision applications before they were brought before the Planning Commission. He had mentioned several times that 100 West, 200 West, 100 East, and 200 East were designed to be collector streets; to bring traffic out to Highway 89. The City Engineer said the current traffic flows on those streets did not come close to capacity at this time. The City Engineer felt the roads could handle what Heritage Land was proposing at this time.

Commissioner Dubovik asked how the City did a traffic study. Bryce Wheelwright stated that three years ago the City received a grant to put in a pedestrian crossing light at 750 North 200 West. When UDOT and BRAG did a traffic study on 200 West, they determined there wasn't enough traffic to warrant a crossing signal, and they withdrew the grant funds.

Commissioner Dubovik said data was data, but perception was reality for the people who lived there. He was concerned that the master plan contract did not include a delivery date. Was there a period of performance? Had all of the money been allocated? Was there grant money still available that could be used for a traffic study? Could the City direct the consultant to do a traffic study as part of the update? Chris Davis, City Manager, stated that the period of performance in the contract was a year. The contract was for \$40,000. Part of the reason, Bruce Parker was hired was because Dr. Joe Perrin was part of the team. Dr. Perrin was a traffic engineer. The City anticipated that part of their recommendation would include a traffic component. Mr. Davis said the consultants had taken traffic counts on South Center. He would check to see if they had taken counts in other areas.

Commissioner Dubovik felt that lack of information from the master plan consultant was holding up development plans for the City.

Commissioner Bingham felt the City needed to move forward with the current plan until an updated plan was available.

Commissioner Hulsey stated as a civil engineer he frequently worked late nights in order to meet work deadlines for a client. If the City wasn't satisfied with the master plan consultant's time frame, it needed to let him know. He didn't feel it would be unreasonable to ask the consultant what the status of the plan was, what percentage was complete, and estimations on completion percentages. He felt the City needed to set up expected deadlines. He did not anticipate that the updated master plan would provide magic answers



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440 about access. He did anticipate that it would provide a threshold for how many homes a road could support.
441 He felt the City should wait to approve the rezone until the City knew what the threshold was.
442

443 Commissioner Bingham stated that with a traffic count the Planning Commission and the City Engineer
444 could come up with a threshold number. What a road could handle and what people felt a road could handle
445 were two different things. If someone lived on a road with very little traffic, they could perceive a few
446 additional cars as a lot of traffic. He felt speed control would make a big impact. There were a lot of
447 pedestrians on the trail. He felt the road could handle this subdivision just fine.
448

449 Commissioner Hulsey also felt the road could handle the traffic. He liked the subdivision and the half-acre
450 lots. However, he was listening to the public, which the Planning Commission was meant to represent. The
451 public wanted a traffic count to see what the capacity of the road was. He recommended that Heritage Land
452 provide that traffic count. Then the Planning Commission could determine if the big influx of traffic would
453 impact safety concerns and understand how many more homes could be approved. He felt the City should
454 understand what the end number was before homes were started.
455

456 Commissioner Dubovik wanted to see two numbers – the actual traffic flow and what the capacity was.
457

458 Commissioner Hulsey felt those numbers would settle a lot of the citizen's concerns. Everyone would know
459 that while the traffic might be uncomfortable, it was safe.
460

461 Commissioner Baker agreed that growth was coming. She didn't have a problem with it. She agreed that
462 the half-acre lots complied with the Zoning Ordinance, current master plan, and was what the public wanted.
463 However, she was concerned about tweaking the ordinances for the developers.
464

465 Commissioner Bingham said ordinances weren't tweaked for developers. Ordinances were changed to
466 meet the needs of the City.
467

468 Commissioner Dubovik stated that the verbiage he put together for the Street Ordinance amendment wasn't
469 tweaking. It would provide the Planning Commission more control over accesses.
470

471 Commissioner Baker felt the City was always changing something to meet someone's need. The City's
472 books were outdated. She understood the City was in the process of getting things updated. She felt there
473 needed to be time stamps on ordinances that were passed. Once the ordinances were digitized, she felt all
474 of the members should have laptops to be able to research the ordinances. Things had been so outdated
475 for so long, everything was a can of worms.
476

477 Commissioner Harrop stated that as growth occurred it was necessary to tweak things. It was hard for the
478 Planning Commission to make decisions that made everyone happy. The Planning Commission had to
479 follow the ordinances. There was always change. The City's ordinances had been changed ever since
480 Willard became a city. They were changed to meet demands, to provide structure, and to properly guide
481 the City in a direction that was pleasing to the majority. It was a never ending evolution. He asked if
482 magnesium chloride could be applied to 200 West and 600 South a few times a year to keep the dust down.
483 He felt that would seal the surface and minimize the dust. If the City approved this subdivision, would the
484 developer be willing to participate in that application? He felt magnesium chloride was pretty inexpensive.
485 It would make the dirt roads much nicer, and hopefully relieve some of the pressure on 200 South.
486

487 Chairman Bodily reminded the Planning Commission that it needed to follow the Subdivision Ordinance.
488



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Bryce Wheelwright stated that the Planning Commission could table consideration of the preliminary plan for The Orchards Phase 2 and send it back to the SLUA for a traffic study.

Chairman Bodily asked how long it would take to complete a traffic study, and how much would it cost. Mr. Wheelwright wasn't sure how long it would take. It would cost the City some money. Chris Davis said a lot of times, a developer paid for a traffic study.

Chairman Bodily wanted to get an answer on 200 West. What was the current traffic count, and what was the road's capacity? Then the Planning Commission would be able to answer the frequent comments it received about traffic.

Chad Braegger stated that the developer was only trying to get approval for twelve lots. He didn't feel traffic from that many homes would overload the streets.

Garth Day stated that during the Planning Commission's discussion, it had implied that Heritage Land needed to do a couple of things – a traffic study and apply magnesium chloride to the dirt road for dust reduction. They would be more than happy to participate in a traffic study. He felt confident showing the Planning Commission the real numbers. It was frustrating to have everyone guessing. Heritage Land planned differently than the City's general plan did. The Planning Commission needed a traffic count on 200 West. He didn't feel the City needed a traffic count to determine the capacity of a 60-foot wide residential street. The City knew how many cars and trips per day that kind of road could handle. The other part that was missing from the discussion was the fact that the 100 or so lots they were proposing would not all use 200 South. Part of their property included 500 West. They planned to build 500 West all the way to 600 South. They could control that connection. As they developed and planned, they didn't just ask if 200 West could handle all 100 homes, because not all of the traffic would use it. They were building another corridor. Heritage Land would be more than happy to participate in a traffic study or a traffic analysis. If the subdivision was sent back to the SLUA there could be a more detailed discussion. Mr. Day said Heritage Land would be willing to budget the cost of a magnesium chloride application to 200 West in their construction costs. He knew there was a dust control issue. He didn't feel it would be super expensive. If it was something that would really help, he felt they should do their share. They could talk to SLUA about both issues.

Commissioner Bingham moved to table consideration of preliminary approval for The Orchards at Willard Subdivision Phase 2 and to send it back to the SLUA for a traffic study. Commissioner Hulseley moved to second the motion. All voted "aye." The motion passed unanimously.

Chris Davis asked if the Planning Commission wanted the traffic study to focus just on 200 West. Commissioner Harrop felt it should address 200 West, 200 South, and the bottleneck at their intersection. The Commission agreed.

5C. CONSIDERATION OF A LOT LINE ADJUSTMENT FOR DAVID GRANT LOCATED AT APPROXIMATELY 466 SOUTH MAIN (PARCEL NOS. 02-052-0039 AND 02-051-0172)

Bryce Wheelwright stated that David Grant had purchased property from Duane Braegger and wanted to adjust property lines. He wasn't proposing to create a new lot. There were currently three parcels. There would be three parcels when the lot lines were adjusted.

Colt Mund, City Attorney, asked that the Planning Commission table consideration of the lot line adjustment in order to allow him to verify that the land had actually exchanged hands and to complete a legal review.



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Commissioner Harrop moved to table consideration of a lot line adjustment for David Grant located at approximately 466 South Main until the next meeting in order to allow the City Attorney time to complete a legal review. Commissioner Dubovik seconded the motion. All voted "aye. The motion passed unanimously.

6. CONSIDERATION AND APPROVAL OF SEPTEMBER 2, 2021, REGULAR PLANNING COMMISSION MINUTES

Commissioner Baker moved to approve the September 2, 2021, regular Planning Commission minutes as written. Commissioner Harrop seconded the motion. All voted "aye." The motion passed unanimously.

7. COMMISSIONER/STAFF COMMENTS

Chris Davis, City Manager, reported that the trail on 200 West had been narrowed.

Commissioner Bingham felt the City needed to get moving on a new PUD Ordinance. The Planning Commission could move forward with the PUD Ordinance while it waited for completion of the General Plan.

Chairman Bodily asked about The Shack. Bryce Wheelwright stated that the new owner was talking about creating office spaces.

8. ADJOURN

Commissioner Harrop moved to adjourn at 8:01 p.m. Commissioner Hulsey 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 09-16-2021