



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, February 17, 2022 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

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

The following members were in attendance:

Sid Bodily, Chairman
Diane Baker
Chandler Bingham
Blake Harrop
Zack Hulsey

Chris Davis, City Manager
Colt Mund, City Attorney
Bryce Wheelwright, City Planner
Michelle Drago, Deputy City Recorder

Excused: Alex Dubovik

Others in attendance: Mayor Travis Mote; Councilman Jack Seamons; Police Chief Theron Fielding; Chad Braegger; Doug Younger; Larry Holmes; Richard Sawyer; Lindsey Wells; Corinne Hunt; J. Russell Hunt; Peggy Baker; and Marvin Neff.

The meeting was called to order at 6:31 p.m.

1. PRAYER: Blake Harrop
2. PLEDGE OF ALLEGIANCE: Zack Hulsey
3. ROLL CALL – Attendance was recorded by the secretary.
4. GENERAL PUBLIC COMMENTS (INPUT FOR ITEMS NOT ON AGENDA)

There weren't any public comments.

- 5A. PUBLIC HEARING TO RECEIVE PUBLIC COMMENT REGARDING A PROPOSAL TO ADOPT CHAPTER 12-106 OF THE WILLARD CITY ZONING ORDINANCE ESTABLISHING A MASTER PLANNED COMMUNITY ZONE

Commissioner Bingham moved to open the public hearing at 6:34 p.m. Commissioner Hulsey seconded the motion. All voted “aye.” The motion passed unanimously.

Chairman Bodily read Willard City Planning Commission's rules of order.

Bryce Wheelwright, City Planner, stated that last year the City rescinded Chapter 12-106 of the Willard City Zoning Ordinance, which contained regulations for Planned Unit Developments, which had allowed for smaller lot sizes and cluster housing. A Master Plan Community Zone had been proposed, which was a different approach to higher density housing. The MPC Ordinance would make each development and development agreement its own zone. MPC Zones would be independent from each other. What worked in one area of the community may not work in another area. The City, at its discretion, had the option to determine what would work for each location.

Chairman Bodily opened the floor for public comments.



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Mayor Travis Mote, 455 South 200 West, stated that the Planning Commission had received four written comments. One was anonymous. The other three were from Fred Barker, Clyde Westley, and Fred and Linda Ward. The Planning Commission had also received input from Bruce Parker, the City's Master Plan consultant. (All written comments have been attached to the minutes). He did not feel the Planning Commission would have time to review all of the written comments during the meeting. The City Council would not hold a public hearing on this matter until March 10th, which was after the Planning Commission's next meeting. He asked that the Planning Commission take time to review the written comments during the next few weeks. Then it could be prepared to make a recommendation to the City Council regarding Chapter 12-106 on March 3rd.

Mayor Mote stated that several citizens had called him during the week, or communicated with him in various forms. He told them he would relay their feelings to the Planning Commission. He would also relay the same feelings to the City Council. Some of the discussions were very emotional. Small lots were not popular in this town. There was some desire for commercial alternatives on 750 North and along Highway 89. People were concerned the MPC tool could ruin the rural nature of the community; they were concerned about small houses. If the MPC Zone was implemented, it needed to be used in appropriate situations and should not be the expectation of every developer. People loved Willard as it was. They realized it was going to change but wanted the change to be influenced to maintain larger lots. Some discussions mentioned one, two, and three acre lots. That was the desire of people who had spoken to him. He had encouraged them to submit written comments.

There were no other comments.

Commissioner Baker moved to close the public hearing at 6:40 p.m. Commissioner Harrop seconded the motion. All voted "aye." The motion passed unanimously.

5B. CONSIDERATION OF A RECOMMENDATION TO THE CITY COUNCIL REGARDING THE ADOPTION OF CHAPTER 12-106 OF THE WILLARD CITY ZONING ORDINANCE ESTABLISHING A MASTER PLANNED COMMUNITY ZONE

Chairman Bodily asked if the Planning Commission wanted time to review the written comments. Commissioner Hulsey said he did. Chairman Bodily suggested that the discussion be tabled to allow time to review the comments and be prepared to make a recommendation at the next meeting.

Mayor Mote invited the Planning Commission members to attend the City Council work session on Wednesday, February 23rd, at 6:00 p.m.

Commissioner Baker stated that notes from the February 10th City Council meeting explained why the MPC Zone had come back to the Planning Commission in its current form.

Commissioner Baker moved to table consideration of a recommendation to the City Council regarding the adoption of Chapter 12-106 of the Willard City Zoning Ordinance establishing a Master Planned Community Zone until the next Planning Commission meeting. Commissioner Harrop seconded the motion. All voted "aye." The motion passed unanimously.



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5C. DISCUSSION AND REVIEW OF POSSIBLE AMENDMENTS TO THE SUBDIVISION ORDINANCE – CHAPTER 12-400 OF THE WILLARD CITY ZONING ORDINANCE

Bryce Wheelwright, City Planner, stated a member of the Planning Commission had suggested that the Planning Commission review the curb, gutter, and sidewalk requirements; secondary water requirements; and requirements for fiber optics in the Subdivision Ordinance. The Subdivision Ordinance currently required curb, gutter, and sidewalk on all streets in new subdivisions. The current ordinance also required that a developer bring water for every new development in the amount of 1 acre foot of water per residential unit for inside and outside use. There was a provision in the Zoning Ordinance that allowed the water requirement to be waived if the City Council felt it wasn't necessary.

Chairman Bodily asked if 12-400-11-01(3) covered installation of fiber optics and dry lines for secondary water. Colt Mund, City Attorney, felt the code should clearly state that subdivision improvements included fiber optics and dry lines for secondary water.

Commissioner Bingham felt that curb, gutter, and sidewalk requirements needed to be modified in addition to fiber optics and secondary water dry lines. Trying to integrate the old and new parts of the community had caused problems in the past. He felt there needed to be wording in the Subdivision Ordinance that to make curb, gutter, and sidewalk comply with an overall drainage and accessibility plan approved by the City Engineer. Everyone wanted to keep Willard rural. He didn't feel curb, gutter, and sidewalk was rural. He had never been in a rural area that had sidewalk.

Commissioner Hulsey had similar thoughts. He suggested wording to allow curb, gutter, and sidewalk to be consistent with Willard City's drainage plan and approved by the City Engineer.

Commissioner Bingham felt changing the curb, gutter, and sidewalk requirements would help the City comply with new mandates from the State of Utah. The State was moving to a '*perc where it sits*' drainage plan rather than having settling ponds all over the place. There were places in Willard that had to have curb and gutter, such as the east side of the City.

Chairman Bodily stated that the problem with curb and gutter was a storm drain to handle the water that was collected. If the City put in curb and gutter, where would it send the storm water? The City didn't have a storm drain.

Commissioner Bingham felt that was why curb, gutter, and sidewalk had to adhere to the City's Capital Facilities Storm Drain Plan. Generally requiring curb, gutter, and sidewalk was not a solution. It was just a bunch of cement that sometimes caused more problems than it fixed. Curb, gutter, and sidewalk should be required in newer areas of the community but not in the older areas. He understood people complained that rolled curb, or berms, filled up. He felt maintaining rolled berms would be easier than maintaining curb and gutter. Curb and gutter was like pipelines that broke and washed out. There were problems with berms being filled, but he felt the City's maintenance personnel could easily check them when reading water meters. In trying to match newer parts of the City with older areas, regulations were needed that didn't tie the hands of the Planning Commission and City staff so much.

Chairman Bodily felt that at some point in the future, the City would put in a storm drain.

Chairman Bingham didn't feel a storm drain would ever happen in areas that did not have a drainage plan. The State was moving away from curb and gutter. It was trying to get drainage to percolate where it sat



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instead of having big retention ponds that filled with debris. If storm water could percolate where it sat, it was better for the aquifers.

Commissioner Hulsey agreed with Commissioner Bingham. If the City did get a storm drain system, it could look at how to control storm water. At this point, curb gutter, and sidewalk should be considered on a case-by-case basis.

Commissioner Bingham said the City wasn't eliminating curb and gutter, but the Subdivision Ordinance should allow options. Every development would have to have an approved drainage system. It could be a swale, a rolled berm or sidewalk. It could be any number of things, it just had to be approved by the City Engineer. In the past, curb and gutter had been required in places that had no place to drain. Developers had tried creative ways to get around the curb, gutter, and sidewalk requirement. The City needed regulations that helped the whole City work together. It needed regulations that would provide latitude so that people could determine what was best for an area instead of binding everyone's hands.

Chairman Bodily agreed that curb and gutter didn't make sense in every area.

Commissioner Harrop asked where the storm water in the Deer Run Subdivision drained to. Bryce Wheelwright said there was a detention basin in the southwest corner. He felt curb and gutter with a retention area made sense in higher density areas. In areas with half-acre or more lots, he didn't feel curb and gutter was necessary. He felt curb, gutter, and sidewalk would have to be considered case by case.

Commissioner Bingham felt improvements plans should to be approved by the City Engineer. The City Engineer could then determine if curb, gutter, and sidewalk was needed to handle storm drainage.

Commissioner Hulsey asked if new developments were required to have 100% retention. Bryce Wheelwright said they were. Commissioner Hulsey felt new developments could be considered case by case.

Chairman Bodily asked if the City had a storm drainage plan. Mr. Wheelwright said it did. Chairman Bodily felt implementation of a City storm drain was a long way in the future. He felt curb and gutter didn't make sense in a town where one home had it and another didn't. What did the City do with the water that was collected?

Commissioner Bingham stated that storm drainage would have to comply with the requirements of the Storm Drainage Capital Facilities Plan and the City Engineer. The City Engineer knew what the City's storm drainage plan was, and he would be able to determine what improvements were best for each situation. He didn't think anyone should be let off the hook. The whole point of requiring curb and gutter was to save the City from having to put it in in the future

Chairman Bodily stated that if the City put in a storm drain, homeowners would be responsible to put in their own curb and gutter. He felt the time would come that curb and gutter would be necessary. He agreed that right now there were areas where curb and gutter didn't make sense.

Commissioner Hulsey felt everyone was in agreement. He asked if the Subdivision Ordinance could be changed to require curb, gutter, and sidewalk based on a drainage plan approved by the City Engineer in line with the Capital Facilities Plan. Colt Mund said it could.



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Commissioner Bingham said the Planning Commission needed to remember that a subdivision was any time land was divided. A subdivision wasn't always big. Fiber optics and dry secondary water lines might not make sense for a small, two-lot subdivision.

Commissioner Hulsey felt fiber optics and dry secondary water lines should be put in when roads were torn up, even if it was a small subdivision.

Commissioner Bingham said there had to be a plan that homeowners and developers could follow. He didn't want homeowners and developers to get around or get away with anything. He wanted to do what made sense for an area. The City Engineer should have a really good idea what improvements were needed.

Commissioner Hulsey felt the Subdivision Ordinance should require whatever improvements were needed to make the City Engineer feel comfortable.

Bryce Wheelwright suggested that curb and gutter requirement be tied to a lot size. Commissioner Bingham felt the curb and gutter requirement should be based on the City Engineer's recommendation after evaluating exiting improvements.

Bryce Wheelwright suggested that the Planning Commission review the entire Subdivision Ordinance to determine if there were other areas that needed to be amended.

Chairman Bodily asked the Planning Commission to study the proposed changes to the Subdivision Ordinance and be prepared to discuss it at the next meeting.

6. CONSIDERATION AND APPROVAL OF FEBRUARY 3, 2022, REGULAR PLANNING COMMISSION MINUTES

Commissioner Bingham moved to approve the regular Planning Commission minutes of February 3, 2022, as corrected. Commissioner Baker seconded the motion. All voted" aye." The motion passed unanimously.

7. COMMISSIONER/STAFF COMMENTS

Bryce Wheelwright

Mr. Wheelwright stated that the City had received an application for a conditional use permit, and the Transit Oriented District, by Flying J, had submitted a request for a lot line adjustment. Both applications would be on the next Planning Commission agenda. The City had received inquiries about a few other commercial activities. One was a sports complex in the commercial on 750 North.

Commissioner Harrop asked if the area around Flying J was commercial. Mr. Wheelwright said that was where the commercial was supposed to go, but it was not all zoned commercial.

Mr. Wheelwright stated that most of the repairs had been completed for Granite Ridge Phase 4.

Chairman Bodily asked about the status of Matt Francom's welding shop. Mr. Wheelwright said Mr. Francom was still waiting for UDOT to approve his access, as well as equipment for hazardous waste. Mr. Francom knew he still had to receive approval of his conditional use permit.



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Commissioner Baker asked if conditional use permits were reviewed on a yearly basis. Mr. Wheelwright said it depended on the use. The Planning Commission could make a yearly review part of the conditional use requirements.

Chris Davis

Mr. Davis hoped to have a lot line adjustment for Corey Barton, John Gilmore, and Willard City on the next Planning Commission agenda. The lot line adjustment would resolve issues on 300 East.

Mr. Davis said that Utah League of Cities and Towns and Utah Local Governments Trust had a number of training videos for Planning Commissions. When the Planning Commission had a shorter agenda, additional training could be added.

Bryce Wheelwright stated that the State now required Planning Commission members to have four hours of training per year.

Colt Mund

Did not have any comments.

Commissioner Bingham

Commissioner Bingham said the Planning Commission and City Council kept the minimum lot size in the MPC Zone vague for a reason. The proposed ordinance was written to let the area decide what was best for the area. Sometimes the Planning Commission got caught up on lot size. As soon as one thing was restricted so was another. As the MPC Ordinance was considered, future Planning Commissions and City Councils needed to be taken into account. Lot sizes would be determined by those that considered the development agreements and zones. The MPC Ordinance was meant to be broad and able to take into consideration things that could not be foreseen. The MPC Ordinance was meant to keep the rural areas rural and allow development in other areas. It was a way to fit the City's Master Plan and not cram in multiplexes in the middle of farm land.

Commissioner Hulsey

Did not have any comments.

Commissioner Baker

Did not have any comments.

Commissioner Harrop

Commissioner Harrop realized there were pro's and con's for the MPC Ordinance. He invited citizens to make comments. He knew that if the City opened up third-acre lots, developers would come, and land would move quickly. That wasn't what the City wanted. On the other aspect, if the City kept a minimum half-acre size, a lot of ground would be burned up really, really fast. He had run water calculations. If the City kept half-acre lots, in a summer's time the City could use almost half a million gallons of water. The City was in a hard position.



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He grew up in Hooper and watched all of this take place in Hooper 15 to 20 years ago. Hooper held off and held off and held off. They wanted only one-acre lots, but they realized they were burning up a lot of land and water. They opened up third-acre lots and people crowded in. Hooper had to slow it down again. He felt case by case would be good. He also understood that developers put out a lot of money. In order to make money they needed smaller lots. It was a sword with ten edges.

Chairman Bodily

Chairman Bodily said there was a mindset about half-acre lots, even though most lots in Willard were not a half-acre in size. Half acre lots were difficult to take care of. Everyone wanted Willard to stay rural, but he felt the big farms were going to go away.

Commissioner Bingham felt the MPC Ordinance worked with those scenarios and provided control. The ordinance would have some growing pains.

Commissioner Harrop stated that if City wanted to maintain more open space, the City needed to allow smaller lots. Would the City burn up 200 to 300 building permits in half acre lots or save open space with third-acre lots? It was an ugly truth. The demand for lots was high. Utah was a wonderful place.

Commissioner Bingham said sometimes the smaller lot allowed more open space. He felt the MPC Ordinance would provide for more open space. If you wanted open space, you had to buy it. It was the only way to ensure anything. You couldn't legislate what someone else did with their property.

8. ADJOURN

Commissioner Bingham moved to adjourn at 7:23 p.m. Commissioner Hulsey seconded the motion. All voted in favor. The motion passed unanimously.

Minutes were read individually and approved on: 3/3/22

Sid Bodily
Planning Commission, Chairman
Sid Bodily

Michelle Drago
Planning Commission Secretary
Michelle Drago

dc:PC 02-17-2022

