



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, March 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
Alex Dubovik
Zack Hulsey

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

Excused: Blake Harrop

Others in attendance: Councilman John Seamons; Chad Braegger; Burt John Miller; Kari Miller; Dan Warr; Francis Wilson; and Brandi Wilson.

The meeting was called to order at 6:43 p.m.

1. PRAYER: Alex Dubovik
2. PLEDGE OF ALLEGIANCE: Diane Baker
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. CONSIDERATION OF A LOT LINE ADJUSTMENT FOR BURT JOHN MILLER LOCATED AT APPROXIMATELY 1469 HARGIS HILL ROAD (PARCEL NOS. 02-040-0011, 02-040-0039, AND 02-040-0040)

Time Stamp: 3/17/22 1:47

Bryce Wheelwright, City Planner, stated that the City had received an application for a lot line adjustment from Burt John and Kari Miller. The property in question was located at approximately 1469 North Hargis Hill Road. The lot line adjustment involved Parcel Nos. 02-040-0011 and 02-040-0002. The Miller's wanted to move the west property line of Parcel No. 02-040-0011 to the east until it matched the property line of Parcel No. 02-040-0039, which was owned by Sam Kunzler. Parcel No. 02-040-0002 would become bigger while Parcel No. 02-040-0011 became smaller. Parcel No. 02-040-0002 would end up being 0.748 acres in size. The Miller's would end up with a nice building lot in the R ½ Zone. Mr. Wheelwright didn't see a reason to deny the application.

Commissioner Hulsey asked if the property in question was zoned R ½. Mr. Wheelwright said it was. The R ½ Zone extended 220 feet west of Hargis Hill Road. Everything west of that line was zoned A-5.

Chairman Bodily asked the applicants if they had any comments. Mr. Miller said they did not.



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Commissioner Baker asked if the Miller's intended to build a home. Burt Miller said they did. Commissioner Baker asked about future intentions for the remainder of the property. Kari Miller said the remainder of the property was owned by her parents, Sam and Joann Kunzler. It was part of the Kunzler family trust.

Commissioner Hulsey did not have a problem with the lot line adjustment. It was already zoned R ½. The adjustment complied with the zoning.

Commissioner Baker didn't have any concerns either.

Dan Warr, 1710 North Hargis Hill Road, asked the purpose for the remainder of the land. Commissioner Dubovik said the remainder of the property was zoned A-5 and had an agricultural use. Bryce Wheelwright said there was a potential planned development on the remaining property.

Commissioner Bingham moved to approve a lot line adjustment for Burt John Miller located at approximately 1469 North Hargis Hill Road (Parcel Nos. 02-040-0011, 02-040-0039, and 02-40-0040). Commissioner Dubovik seconded the motion. All voted "aye." The motion passed unanimously.

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

Time Stamp: 3/17/22 6:48

Bryce Wheelwright stated that Colt Mund, the City Attorney, had researched the amendments proposed by the Planning Commission and prepared draft language.

Commissioner Dubovik thought the Planning Commission might want to discuss curb and gutter requirements that could be waived versus curb and gutter that might be required. The draft prepared by Colt Mund read, "*The installation of curb, gutter, and sidewalk **may be required** by the Planning Commission and/or City Council with any proposed subdivision or development*" He suggested the following, "*Installation of curb, gutter, and sidewalk **are required** with any proposed sub division or development. These requirement may be waived by the City Engineering, with concurrence from the Planning Commission and City Council, if the following conditions are met...*"

Chairman Bodily felt that was a good idea.

Colt Mund stated that curb, gutter, and sidewalk were required in the Subdivision Ordinance. Section 12-102-18 of the Supplemental Standards said curb, gutter, and sidewalk may be waived if surrounding areas did not have them. The City Code had two ordinances that were arguably in competition; although the supplementary standards seemed to apply more to planned developments and commercial properties. Mr. Mund suggested that the curb, gutter, and sidewalk requirement in the Subdivision Ordinance be repealed, and that the City only use the requirements in the Supplemental Standards. It had more permissive language. If the curb, gutter, and sidewalk requirements were changed, the City's Public Works Standards would also have to be changed.

Commissioner Hulsey stated that there were other ways to manage storm water besides curb and gutter. Curb, gutter, and sidewalk seemed to take away from the rural feel the City wanted to keep. Was the City going to require curb and gutter, or was it going to require storm water management?

Bryce Wheelwright said the City already required storm water management.



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Commissioner Hulsey suggested language that required storm water to be managed on site rather than just stating that curb and gutter would be required.

Chairman Bodily said that storm water management would have to be approved by the City Engineer. Commissioner Hulsey agreed. The ordinance could require an approved storm water management plan. He felt keeping it that simple would be okay.

Bryce Wheelwright reminded the Commission about the curb and gutter problems the City encountered with an infill subdivision a few years ago. The City Attorney at that time said the requirements of the Subdivision Ordinance took precedence over the Supplemental Standards because it was newer.

Chairman Bingham said that was also how the City Council had interpreted the ordinance.

Colt Mund stated that 12-102-18 had more permissive language. He agreed that if someone was subdividing land, the Subdivision Ordinance would be the governing ordinance. The only legal concern he had about adopting waiver language was that it had to be applied even handedly. There could be problems when there was latitude. He had prepared a draft ordinance based on the direction from the Planning Commission.

Commissioner Dubovik felt the default position for anyone developing land should be installation of curb and gutter or a viable storm water plan. He didn't feel gravel was a viable plan.

Chairman Bodily felt it was important to have the storm water plan approved by the City Engineer.

Commissioner Dubovik stated that he liked the draft prepared by Colt Mund. He just wanted to have a discussion about a different approach.

Chairman Bodily felt it was a good idea to have the requirement in place. Then the City wouldn't be in the position of trying to come up with a way to require it. The requirement could then be waived if needed.

Commissioner Hulsey asked if the Commission wanted the default position to be curb and gutter. He agreed there needed to be a default. Curb and gutter was simple that way. The Commission could include language about accommodating a 100 year storm, or it could include language requiring a plan approved by the City Engineer. Then the City Engineer would determine what kind of storm the plan would have to accommodate.

Commissioner Bingham stated that he had spoken with Dr. Joe Perrin about curb, gutter, and sidewalk requirements after the City Council General Plan work session. Dr. Perrin said a lot of cities used curb and gutter because it was easy. It did mean more maintenance. There wasn't a lot of precedence for other options. Curb and gutter might not make sense for Willard financially because Willard did not have a city-wide storm drain system. The Planning Commission was trying to come up with a long term plan for the entire community that didn't break the City. Dr. Perrin said the City had to think about maintenance and pedestrians.

Commissioner Dubovik felt the sidewalk subject was important when the Planning Commission started talking about a growing population and traffic. He wasn't sure how those could be mitigated without sidewalk.



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Commissioner Bingham said Dr. Perrin said there were options for pedestrians, such as trails or a berm and a sidewalk.

Commissioner Hulsey said there were a lot of options, such as wider shoulders, trails, and bike lanes. The City wasn't limited. Sidewalks did not have to be with curb and gutter.

Commissioner Bingham stated that amending the Subdivision Ordinance was the way to go if the Planning Commission wanted to continue in the direction most residents wanted.

Bryce Wheelwright stated that there was a lot of drainage and erosion problems on the east side of the community. He didn't think the Planning Commission should eliminate curb and gutter all together.

Commissioner Hulsey agreed that curb and gutter made perfect sense in some places. In other places it didn't. That was why there should be a requirement for an approved storm water plan rather than a blanket statement that everything had to have curb and gutter. There were places on the west side of the community where curb and gutter would do more harm than good.

Commissioner Bingham felt the proposed amendment would allow the City Engineer to get more involved.

Commissioner Dubovik stated that after listening to the Commission's discussion, he liked Colt Mund's language more and more.

Chad Braegger, 725 North Main, stated that if the City was going to consider swales, it was very crucial that everyone used the same size and quality of drainage pipe in their driveways. If cheaper pipe was used, it would collapse, and smaller pipe sizes would not be able to handle 100-year storms. He recommended reinforced concrete pipe in driveways. If a swale was on the City right-of-way, the City would be responsible if there was a backup. Curb and gutter all looked the same, but swales did not. He felt swales should all be the same, size and color so there was a uniform look.

Commissioner Baker liked the California curbing on 200 South. If there was two to three feet of pavement next to the curbing there would be a type of sidewalk. She liked the proposed language.

Commissioner Hulsey moved to hold a public hearing on April 7, 2022, at 6:30 p.m. to receive public comments on the proposed amendments to the Subdivision Ordinance. Commissioner Baker seconded the motion. All voted "aye." The motion passed unanimously.

5C. TRAINING VIDEO - TABLED

Time Stamp: 3/17/22 22:25

Chairman Bodily tabled the training video in order to allow Commission members to attend a CERT training meeting.

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

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



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7. COMMISSIONER/STAFF COMMENTS

Time Stamp: 03/17/22 24:05

Chairman Bodily waived Commissioner/Staff comments to allow Commission members to attend a CERT training meeting.

8. ADJOURN

Commissioner Hulseley moved to adjourn at 7:07 p.m. Commissioner Baker seconded the motion. All voted in favor. The motion passed unanimously.

Minutes were read individually and approved on: 4/17/22



Planning Commission, Chairman
Sid Bodily



Planning Commission Secretary
Michelle Drago

dc:PC 03-17-2022

