



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, April 7, 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
Alex Dubovik
Zack Hulsey

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

Excused: Chandler Bingham and Blake Harrop

Others in attendance: Councilman John Seamons; Chad Braegger; Ken Ormond; Ruth Ormond; Nicole Krizmar; Lance Anderson; and Jennifer Johnson.

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

1. PRAYER: Zack Hulsey
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. PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS REGARDING A PROPOSAL TO AMEND THE SUBDIVISION ORDINANCE – CHAPTER 12-400 – OF THE WILLARD CITY ZONING ORDINANCE

Time Stamp: 04/07/2022 1:41

Commissioner Baker moved to open the public hearing at 6:33 p.m. Commission Hulsey seconded the motion. All voted “aye.” The motion passed unanimously.

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

Bryce Wheelwright, City Planner, stated the current Subdivision Ordinance that the City adopted in 2008, had a section on streets that required that a developer to put in curb, gutter and sidewalk whenever property was subdivided. Everything from 100 lots to two lots was required to have curb, gutter, and sidewalk. Curb, gutter, and sidewalk had been an issue in the past. In some areas of the City, curb, gutter, and sidewalk was not conducive to what was there, and it had not benefitted the City.

Mr. Wheelwright said the Planning Commission had suggested that the Subdivision Ordinance be revised to allow curb, gutter, and sidewalk to be required at the discretion of the City Engineer. If the City Engineer felt curb, gutter, and sidewalk was compatible with surrounding development it could be required. The purpose of the public hearing was to receive public input regarding the proposed amendment.



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, April 7, 2022 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

Chairman Bodily opened the floor for public comments.

Jennifer Johnson, 71 East 100 North, felt it would be irresponsible of the City to not mandate sidewalks and curb and gutter. In Willard there wasn't a lot of curb, gutter, and sidewalk. There was an incident on her street where a child was almost hit. The Willard Police Department told her that if a child was hit on her road, it would be the child's fault because there wasn't any curb, gutter, and sidewalk. If there was sidewalk and a child was hit while on the sidewalk, the driver would be at fault. It was irresponsible of the City to say curb and gutter wasn't needed. It shouldn't even be a question. Going forward, every subdivision should have curb, gutter, and sidewalk. Eventually all City properties should have curb and gutter too. Then children in Willard could ride down the streets safely.

Chad Braegger, 3790 South 1200 West, Perry, stated that there was a problem with curb and gutter in all places in Willard because it was illegal to dump water on someone else's property. Curb and gutter everywhere would make sense if Willard had a storm drain system, and there was a place for storm water to go. Right now there were places in the City where curb and gutter did not fit. There were other options for sidewalk, such as walking trails and paths. Just because curb and gutter might not be required did not mean the City couldn't make other provisions for children to keep them off the roads.

There were no further public comments.

Commissioner Dubovik moved to close the public hearing at 6:39 p.m. Commissioner Baker seconded the motion. All voted "aye." The motion passed unanimously.

5B CONSIDERATION AND RECOMMENDATION TO CITY COUNCIL REGARDING A PROPOSAL
TO AMEND THE SUBDIVISION ORDINANCE – CHAPTER 12-400 OF THE WILLARD CITY
ZONING ORDINANCE

Time Stamp: 04/07/2022 7:50

Chairman Bodily stated that the Planning Commission had discussed the proposed amendments to the Subdivision Ordinance in past meetings. Did the Planning Commission have any further thoughts?

Bryce Wheelwright stated that the proposed amendment also included a requirement for developers to install conduit for fiber optics and dry lines for secondary water.

Chris Davis, City Manager, clarified that developers would only be required to put in conduit for fiber optics, not the fiber optics itself. Developers were only being required to put in dry secondary water lines that would ultimately be used for a secondary water system.

Chairman Bodily asked if there were public comments about the other proposed amendments. There were not.

Bryce Wheelwright stated that the proposed amendment gave the City Engineer the option of requiring curb, gutter, and sidewalk at a different date. Maybe curb, gutter, and sidewalk would not make sense at the beginning of a development, but it would at the end. For example, the Granite Ridge development started out with required curb, gutter, and sidewalk prior to the construction of any homes. The City found that as homes were built, the existing curb, gutter, and sidewalk was damaged by equipment, and it had to be replaced. The proposed amendment would provide a developer with the option of putting those



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, April 7, 2022 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

improvements in at a later date. A developer would have to escrow funds for those improvements to guarantee their installation.

Chris Davis stated that the proposed amendment would also provide an option for a deferral agreement. If a property developed that was not adjacent to other properties with curb and gutter, the City could require the homeowner to sign and record a deferral agreement. The agreement would state that, if at some point in time curb, gutter, and sidewalk was installed on that street, the property owner would be responsible to install curb, gutter, and sidewalk on their property.

Commissioner Dubovik asked about the validity of Ms. Johnson's comments regarding responsibility for a child/automobile incident. Chris Davis said it would be a civil issue and would become a factual matter. Commissioner Dubovik felt it was a safety issue to have roads with no pedestrian thoroughfare. The proposed amendment read, "*Prior to considering the waiver of the curb, gutter, and sidewalk requirement to any subdivision or development, the application shall provide the following to the Planning Commission and SLUA: (1) A proposed storm water retention and drainage plan for the proposed subdivision or development that alleviates the need for curb and gutter; and (2) a proposed plan to address traffic circulation and pedestrian travel within the subdivision or development that preserves the safety and general welfare of pedestrians without a sidewalk...*" Developers would be required to have a road and some sort of walking path that was not part of the road if curb, gutter, and sidewalk was waived.

Colt Mund, City Attorney, felt the Planning Commission needed to be mindful that curb, gutter, and sidewalk was for more than just water runoff. It also dealt with pedestrian safety. If curb, gutter, and sidewalk was waived, pedestrian safety had to be addressed in addition to storm water.

Commissioner Hulsey stated that he had looked up the City's engineering standards which were adopted in March of 2020 at the recommendation of Jones and Associates. The standards laid out very clearly the storm water concerns in Willard. Even if a development had curb and gutter, it had to conform to the engineering standards because the storm water had to go somewhere. Curb and gutter did not manage storm water, it just moved it. After looking at the engineering standards, he felt the Planning Commission was reinventing the wheel and making it harder on itself. The existing engineer standards referenced the national standards which addressed pedestrian safety and storm water concerns. He felt the proposed amendment should state that a development had to conform to City engineering standards. Those standards meant they would have to accommodate storm water and pedestrian travel in approved ways.

Commissioner Hulsey said there were other ways to address pedestrian safety than sidewalk. Sidewalks did not have to be accompanied by curb and gutter. Other options might make more sense in other places.

Commissioner Baker asked if curb and gutter and sidewalk could be broken apart. Could one be installed without the other? Chairman Bodily felt there could be sidewalk without curb and gutter. The engineer would look at safety concerns as well as what to do with storm water.

Commissioner Hulsey stated that when curb, gutter, and sidewalk was installed it automatically conformed to the safety standards because they were an approved safety method. But it was not the only one option. It might not be the best option, but it met the national safety standards. There were other options that were as safe.

Commissioner Dubovik stated that if the City waived curb, gutter, and sidewalk, the waiver would have to be approved by the City Engineer who would refer to the national standards. The proposed amendment read, "*The City Engineer shall then review the proposed plans and submit a written recommendation to the*



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, April 7, 2022 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

Planning Commission for consideration.” If there wasn’t curb, gutter, and sidewalk, a developer would have to address storm water and pedestrian safety to comply with the national standard.

Commissioner Dubovik asked if the proposed amendment needed to address national standards. Commissioner Hulsey said the City’s existing engineering standards referred to the national standards and included specificity for Willard. During the General Plan update process, the Planning Commission had heard from many residents who didn’t want curb and gutter because it didn’t have a rural feel. If the City offered a waiver but kept curb, gutter, and sidewalk, he was concerned that the default would be curb, gutter, and sidewalk. The amendment could include trails and sidewalk for pedestrian travel.

Commissioner Baker asked Chad Braegger if he had noticed any auto/pedestrian problems with the trail on 200 West. Chad Braegger said he had not. South Willard and Mantua did swales, and they seemed to be getting by just fine. Roads and high traffic areas would be addressed by the City Engineer. The Planning Commission was not proposing to eliminate curb and gutter and sidewalk. There would be places with both, or there could be places with sidewalk but no curb. If the City didn’t have a storm drain system to collect storm water funneled by curb and gutter, it was illegally dumping water on someone else. He felt swales were designed to manage storm water. The ground would actually absorb 90% of storm water.

Commissioner Hulsey felt the biggest concerns were managing storm water and keeping pedestrians safe. The engineering standards clearly spelled out how much storm water to anticipate and how big swales needed to be for certain percolation rates. Swales also provided bigger buffers from roads.

Commissioner Dubovik said the proposed amendment said *it may be required*, and then it went right into *prior to considering a waiver*. Did that verbiage need to be eliminated? Should the amendment simply state that an alternative to curb, gutter, and sidewalk may be...? The word *waiver* implied that curb, gutter, and sidewalk was required. He asked about replacing the word *waiver* with *an alternative to curb, gutter, and sidewalk may be...*

Commissioner Hulsey said the next line referred to *a storm water retention and drainage plan*. That was basically what curb and gutter was. The curb and gutter line could be changed to say something like, *“The requirement is curb, gutter, and sidewalk or an approved alternative...”* He was concerned that the proposed amendment made it sound like Willard wanted curb, gutter, and sidewalk unless a waiver was requested. He didn’t feel the ordinance should make it sound like the City wanted curb and gutter everywhere. What it wanted was to have storm water and pedestrian safety managed.

Chairman Bodily didn’t feel that was what the proposed amendment was inferring.

Commissioner Dubovik suggested flipping the paragraph wording. Instead of ending with engineering approval, it could read, *“Will require engineer approval. Options to this plan may include curb, gutter, and sidewalk, or”*

Commissioner Hulsey agreed with that suggestion.

Colt Mund asked if the Planning Commission was suggesting a complete revocation of the curb, gutter, and sidewalk ordinance. Commissioner Dubovik said it was making curb, gutter, and sidewalk one of many options.



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, April 7, 2022 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

Cold Mund said curb, gutter, and sidewalk as the default now. The proposed amendment was based on Commissioner Bingham's request for a waiver to the curb, gutter, and sidewalk requirement.

Commissioner Hulsey felt the default should not be a waiver. He felt the default should be to manage storm water and pedestrian safety.

Commissioner Dubovik asked if the discussion should be tabled until the amendment could be rewritten. Chris Davis did not feel it was necessary to rewrite the proposed amendment. The Planning Commission could make a motion to the City Council with that recommendation.

Commissioner Hulsey moved to recommend that the City Council amend sections of the Subdivision Ordinance – Chapter 12-400 of the Willard City Zoning Ordinance as proposed; with the caveat that it be reworded to reflect that curb, gutter, and sidewalk was not the default. The default was pedestrian safety and storm water management as approved by the City Engineer. Commissioner Baker seconded the motion. All voted "aye." The motion passed unanimously.

5C. CONSIDERATION OF CONCEPT APPROVAL FOR WILLARD COMMERCIAL SUBDIVISION
LOCATED AT APPROXIMATELY 500 WEST 750 NORTH (PARCEL NOS. 02-043-0023 AND 02-043-0025)

Time Stamp: 04/07/2022 24:25

Bryce Wheelwright stated that in 2008 and 2009, a Transit Oriented District (TOD) Zone was proposed along the north side of 750 North east of Flying J. The TOD Zone included a mixed use of high density residential and commercial. The current owner was proposing to subdivide the TOD area into three lots. The east lot would be used as a residential area. The two west lots would be commercial. Lance Anderson from Cache Landmark Engineering was in attendance representing the current property owner Terry Deru.

Lance Anderson stated that the proposed subdivision would also include two access roads onto 750 North.

Bryce Wheelwright stated that the staff had a Zoom meeting with UDOT regarding this subdivision and the two intersections proposed on 750 North. UDOT seemed to be amicable about the intersections.

Lance Anderson stated that there always seemed to be interest in this project, and they had done a lot of concept plans since it started in 2008. Part of the project was originally owned by Box Elder Credit Union. UTA had purchased their land and did a boundary line adjustment with Mr. Deru to straighten out the property lines. UTA now owned the parcel on the far west of the TOD Zone. Tonight they wanted to solidify the road accesses. They had made application to UDOT and met with both UDOT and the City staff regarding spacing. Both felt the proposed spacing would work. Right now they were trying to generate marking interest in the lots. Lots 2 and 3 were adjacent to the 80-foot right-of-way. They would be marketed as commercial lots. Lot 1 was located on the east side of the proposed subdivision. It would be high-density residential and would have private, internal roads depending on the final layout. Tonight they were asking for concept approval of the three lots and two platted City roads.

Commissioner Hulsey asked if the commercial lots would just be commercial, or would they have a mix of commercial and residential uses. Mr. Anderson said there was still an option for mixed use depending on the end users. Over the years they had had several parties come and go, such as a credit union, gas station, and a hotel. Now they had parties interested in Lots 1 and 3.



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, April 7, 2022 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

Commissioner Hulsey stated that TOD's had to be within a certain distance of the actual station. If the station ended up on the south side of 750 North, would the commercial lots comply with the ordinance? Bryce Wheelwright said the TOD development had to be located within one-quarter mile of the station. If the station ended up on the south side of 750 North, he felt the Deru property would still comply with the distance requirement.

Lance Anderson said they were heavily involved in developing the TOD Ordinance. He agreed the Deru property would comply with the distance requirement if UTA's station was located on the south side of 750 North. Something would have to be done about foot traffic across 750 North.

Bryce Wheelwright asked how many acres Terry Deru had left after UTA's purchase of the west portion. Mr. Anderson said there was 13 to 14 acres plus the roads. Mr. Wheelwright reminded the Planning Commission that the TOD Ordinance limited the high-density residential to 20 units per acre. Both Lance Anderson and Commissioner Hulsey asked if the 20 units per acre was based on the entire development or just Lot 1. Mr. Wheelwright said he would have to research the TOD Ordinance to determine the answer to that question.

Lance Anderson stated that the proposed layout had not changed much from the original design. UTA had taken a little bit more property. The west road had been slid a little bit further to the east because UDOT wanted the road to be 600 feet from the railroad tracks. Commissioner Hulsey asked if they had received a firm approval from UDOT. Mr. Anderson said they had made a pre-application. UDOT had said it could work with the proposed locations and given them instructions on what they needed for approval.

Chairman Bodily asked if they had any idea what the commercial uses would be. Lance Anderson said the plan had always been to have commercial along the west corridor and high density residential on the east end. That was still the plan. They were still working on firming up commercial users. Chairman Bodily asked what high density residential meant. Mr. Anderson said it was 20 units per acre. Commissioner Hulsey said there was still a debate about whether the 20 units per acre was for the entire TOD or just Lot 1.

Commissioner Baker asked if the streets would be 400 West and 500 West. Bryce Wheelwright said the proposed roads would line up more with 300 West and 400 West. Lance Anderson said the east road would definitely be 300 West because it was 660 feet west of 200 West. The other road would be closer to 470 or 480 West. Commissioner Baker asked how the roads matched up to other development on the north end of the city. Commissioner Hulsey asked if Mr. Anderson could prepare an aerial exhibit that showed how the proposed subdivision would line up with existing and proposed roads.

Commissioner Dubovik asked if they had prepared architectural elevations. Mr. Anderson said they had not. When the TOD was created, they had created a lot of imagery that helped formulate the ordinance. Commissioner Dubovik asked about elevations for the residential. Mr. Anderson said he didn't have any residential elevations because they were still in the negotiation stage. Right now they were focusing on establishing locations for the roads and lots so they could market the property. They also needed to put in some infrastructure and bring a water line from 200 West. They had cleared up some drain issues.

Commissioner Hulsey clarified that the road proposed between Lots 2 and 3 could not be moved further west per UDOT. Mr. Anderson said that was correct. Commissioner Hulsey asked about moving it east to line it up with 400 West. Mr. Anderson said the roads had been located to avoid springs and wetland areas on the property. The proposed road locations also provided the best frontage options for commercial property.



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, April 7, 2022 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

Chairman Bodily said it appeared that the proposed roads would not line up with the City's road master plan. After a discussion, Lance Anderson said that the west road they were proposing would link up with 400 West on the City's road master plan.

Bryce Wheelwright stated that the west road was where UDOT wanted it. If someone developed on the south side of 750 North, UDOT would tell them to line up their roads with those in the TOD.

Commissioner Hulsey stated that if the roads lined up, he was okay with the concept.

Bryce Wheelwright stated that if the Planning Commission approved the conceptual plan, the subdivision would be sent to the SLUA. When the subdivision was ready for preliminary approval, it would be brought back to the Planning Commission.

Commissioner Dubovik moved to approve the concept plan for the Willard Commercial Subdivision located at 500 West 750 North. Commissioner Hulsey seconded the motion. All voted "aye." The motion passed unanimously.

5D. DISCUSSION REGARDING ADOPTING STANDARDS FOR ACCESSORY DWELLING UNITS

Time Stamp: 04/07/2022 46:11

Bryce Wheelwright stated that in 2021 the State Legislature mandated that internal accessory dwelling units could be located on any residential lot. An internal accessory dwelling unit had to be attached to or be part of the main dwelling. A lot of people wanted to add accessory dwelling units, but Willard did not have an ordinance to regulate them. The Planning Commission needed to start considering regulations for ADU's that the city could live with.

Chairman Bodily asked if an ADU had to be connected to an existing building. Commissioner Hulsey asked if an existing shed could be converted into an ADU. Colt Mund stated that an internal accessory dwelling unit was something that was located within the existing footprint of a dwelling. The Legislature had not done anything about detached accessory dwelling units yet.

Bryce Wheelwright said the ADU could be in a basement or an existing room.

Commissioner Hulsey said there were some existing basement apartments in the City. Did the State law legalize them? Bryce Wheelwright said it did. Colt Mund said the State law said the City could not restrict an accessory dwelling unit period. ADU's could not be restricted based on lot size, frontage, or how large the internal ADU was in relation to the existing dwelling. The City could impose restrictions for septic tanks, metering and water usage, and parking spaces. ADU's were not allowed in mobile homes. Brigham City and Perry City had passed regulations for ADU's. Brigham City also had regulations for detached accessory dwelling units. He felt it would be a good idea to address both internal and external ADU's.

Bryce Wheelwright agreed.

Colt Mund said he would forward the regulations from Brigham City and Perry City to the Planning Commission. Commissioner Hulsey asked if Mr. Mund could also forward Logan City's ADU regulations.

Commissioner Baker asked if creating a detached ADU would be creating a flag lot. Colt Mund said it wouldn't because the ADU had to be on the same lot as the main dwelling.



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, April 7, 2022 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

Commissioner Hulsey felt ADU's were a good solution for high density housing.

Commissioner Baker asked what would prevent someone from using an RV trailer as an ADU. Bryce Wheelwright said the City's RV ordinance limited the number of days an RV could be occupied on a residential lot to one week.

Bryce Wheelwright asked the Planning Commission to begin thinking about standards for ADU's.

Colt Mund felt the City needed to move quickly on internal ADU's because it was lagging behind. There currently wasn't any State legislation regarding detached ADU's. The Planning Commission could take more time on those.

6. CONSIDERATION AND APPROVAL OF MARCH 17, 2022, REGULAR PLANNING COMMISSION MINUTES

Commissioner Baker moved to approve the regular Planning Commission minutes of March 17, 2022, as corrected. Commissioner Hulsey seconded the motion. All voted" aye." The motion passed unanimously.

7. COMMISSIONER/STAFF COMMENTS

Time Stamp: 04/07/2022 53:54

Colt Mund

Did not have any comments.

Chris Davis

Chris Davis stated that the City had listed the property at 300 East 300 South on KSL. It would accept sealed bids until May 26th. The City Council would act on those bids that night.

Bryce Wheelwright

Did not have any comments.

Commissioner Dubovik

Did not have any comments.

Chairman Bodily

Chairman Bodily asked about what was happening with The Shack. Bryce Wheelwright said the new owner had been seen taking measurements, but the City had not received any applications.

Commissioner Hulsey

Commissioner Hulsey asked what kind of equipment would be needed for the City to be able to stream its City Council, Planning Commission, and CERT meetings. A lot of citizens had asked if they could watch



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, April 7, 2022 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

the meetings. Chris Davis said the City had a budget work session on April 20th. If Commissioner Hulsey had information about what equipment and cost estimates would be needed, the City Council could look at it.

Commissioner Baker said the City tried Zooming meetings during the Pandemic, but it hadn't worked very well. Bryce Wheelwright said the City's internet had not worked very well.

Chairman Bodily asked if the City was making progress with fiber optics. Chris Davis said the City had entered into a franchise agreement with Connex. He would check with Connex to see what was happening. Box Elder County had received a \$5 million grant to help augment broadband in rural areas. Unfortunately, Willard City was not high on the priority list.

Commissioner Baker

Commissioner Baker stated that through Facebook she had learned about a man on South Main who had enclosed a fifth wheel on his property and had someone living in it. She had also received a private message about someone living in a trailer on 2nd East. Bryce Wheelwright stated that the City had contacted the property owner on South Main. A worker was living in the trailer. When the owner received notice from the City, they did something about the trailer. He could check on it again. There were several others around town the City was looking at.

5C. TRAINING VIDEO – OPEN AND PUBLIC MEETINGS ACT

Time Stamp: 04/07/2022 59:42

Bryce Wheelwright stated that two Commission members were not in attendance. The Planning Commission could move forward with the video, or he could send a link and everyone could watch the training on their own. State law required that each Planning Commission member receive four hours annual of training. Training on the Open and Public Meetings Act was required annually. If the Commission members opted to watch the training at home, they could sign an affidavit attesting that they had watched it.

Commission members preferred to watch the training at home. Commissioner Dubovik suggested that everyone watch the training and discuss it at the next meeting.

Bruce Wheelwright said he would email a link to the Planning Commission members.

8. ADJOURN

Commissioner Hulsey moved to adjourn at 7:33 p.m. Commissioner Dubovik seconded the motion. All voted in favor. The motion passed unanimously.

Minutes were read individually and approved on:

Sid Bodily
Planning Commission, Chairman
Sid Bodily

4/21/22
Michelle Drago
Planning Commission Secretary
Michelle Drago

dc:PC 04-07-2022

