



Notice is hereby given that the  
**WILLARD CITY PLANNING COMMISSION**  
Will meet in a regular session on  
Thursday, July 6, 2023 – 6:30 p.m.  
Willard City Hall, 80 West 50 South  
Willard, Utah, 84340

### **AGENDA**

*The meeting will be hold in accordance with current COVID-19 guidelines.*

*(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. General Public Comment (Input for items not on the agenda. Individuals have three minutes for open comments)
4. Report from City Council
5. Discussion/Action Items
  - a. Public hearing to receive public input regarding a proposal to amend the Curb, Gutter, and Sidewalk regulations found in Chapter 12-102-18 of the Willard City Zoning Ordinance to conform to the Willard City Public Works Standards
  - b. Consideration and recommendation to the City Council regarding a proposal to amend the Curb, Gutter, and Sidewalk regulations found in Chapter 12-108-18 of the Willard City Zoning Ordinance to conform to the Willard City Public Works Standards
  - c. Review the May 2023 General Plan Draft and set a public hearing
6. Consideration and approval of the May 18 and June 1, 2023, 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 Willard City Hall, on the State of Utah Public Meeting Notice website <https://www.utah.gov/pmn/index.html>, on the Willard City website [www.willardcity.com](http://www.willardcity.com), and sent to the Box Elder News Journal this 30<sup>th</sup> day of June, 2023.

*/s/ Michelle Drago*

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Deputy City Recorder

NOTICE OF SPECIAL ACCOMMODATION DURING PUBLIC MEETINGS - In compliance with the American with Disabilities Act, individuals needing special accommodations (including auxiliary communicative 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.



# *Willard City Corporation*

80 West 50 South  
Box 593



Willard, Utah 84340  
(435)734-9881

## **NOTICE OF PUBLIC HEARING WILLARD CITY PLANNING COMMISSION**

Notice is hereby given that the Willard City Planning Commission will hold a public hearing to receive public comment regarding a proposal to amend the Curb, Gutter, and Sidewalk Regulations found in Chapter 12-108-18 of the Willard City Zoning Ordinance to conform with the Willard City Public Works Standards.

The public hearing will be held on Thursday, July 6, 2023, at 6:30 p.m. in the Willard City Council Chambers, 80 West 50 South, Willard, Utah, during a regular Planning Commission meeting.

Information regarding this matter is available during business hours by contacting the Willard City Planner at 435-723-9881. Business hours are 8:00 a.m. to 5:00 p.m. Monday through Thursday and 8:00 a.m. to 12:00 p.m. on Friday.

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, phone number (435) 734-9881, at least three working days prior to the meeting.

I, the undersigned duly appointed Deputy City Recorder for Willard City Corporation hereby certify that a copy of the foregoing notice and agenda was posted at the Willard City Hall; two other places in the community; on the State of Utah Public Meeting Notice website <http://www.utah.gov/pmn/index.html>; on the Willard City website [www.willardcity.com](http://www.willardcity.com); and sent to the Box Elder News Journal this 15th day of June, 2023.

/s/Michelle Drago  
Deputy City Recorder

## **WILLARD CITY ZONING ORDINANCE**

In addition to the private sewage treatment facility noted above, all new construction requiring sewer systems will be provided with a "roughed-in" building sewer extending from the building to the property line, for future connection to the public sanitary sewage system.

### **12-102-18. Curbs, Gutters and Sidewalks**

The installation of curb, gutters, sidewalks or an alternate substitute may be required by the Planning Commission and/or Governing body on any existing or proposed public street. The intent is to provide adequate water drainage, reduced flood hazard and protect the health, safety, improvements, property or the general welfare of the persons residing in the area. Curb, gutters and sidewalks are not required if the street frontage is consistent with the surroundings or conditions of the immediate area and do not conflict with the planned area development. Curb, Gutters and sidewalks may be required in residential housing developments, recreational vehicle or mobile home parks, planned unit developments, school zones, church zones, commercial zones, and/or streets of high traffic intensity. Such curbs, gutters and sidewalks may be required as a condition of building, development or conditional use permit approval.

### **12-102-19. Effect of Official Map**

Wherever a front yard is required for a lot facing on a street for which an official map has been recorded, the depth of such front yard shall be measured from the mapped street line provided by the official map.

### **12-102-20. Lots and Dwellings on Private Streets-Special Provisions**

Lots with frontage on private streets shall be allowed by conditional use permit in a planned unit development only, and subject to all applicable requirements of this Ordinance and the Sub-division Ordinance.

### **12-102-21. Building Code**

All residential and commercial building shall conform to the requirements of Willard City General Ordinances, Chapter 9-500-Building Ordinance of Willard City.

### **12-102-22. Lot-line Adjustments**

(1) Lot-line adjustments may be approved by the Planning Commission, provided:

- (a) No new dwelling lot or housing unit results from the lot-line adjustment;
- (b) The adjoining property owners consent to the lot-line adjustment;
- (c) The lot-line adjustment does not result in remnant land that did not previously exist;
- (d) The adjustment does not result in violation of applicable zoning.
- (e) Parcels located in recorded subdivisions must meet the requirements of Utah Code 10-9a-608.

(2) Applicants (petitioners) will complete an application for a hearing with the Planning Commission, and submit it to the city office accompanied by a non-refundable application fee. Adjoining property owners, affected by the adjustment will complete a concurrence form to accompany the application.

**{DRAFT}**

**June 1, 2023**

**12-102-18. Curbs, Gutters, and Sidewalks**

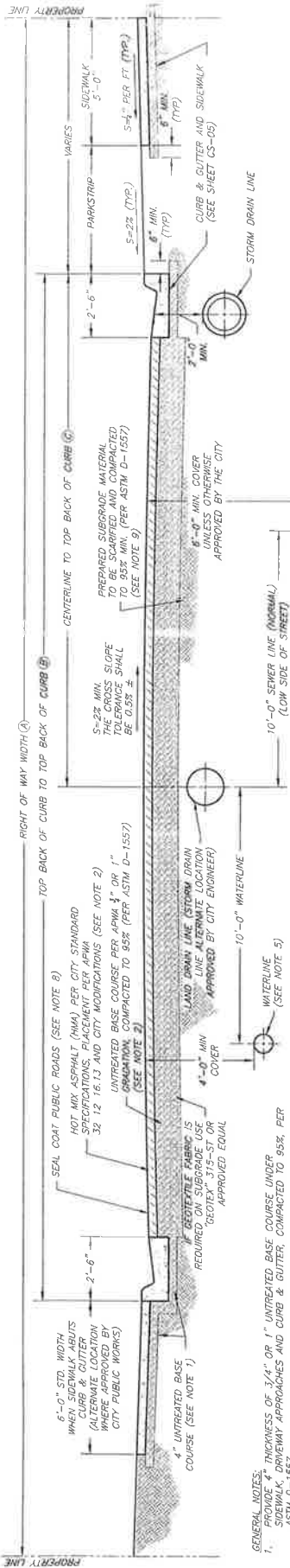
In accordance with Chapter 12-400-11-10, the installation of curbs, gutters, and sidewalks may be required with any residential or commercial subdivision on both sides of all existing or proposed streets in conformance with the Willard City Public Works Standards.

**{DRAFT}**

**April 12, 2022**

**12-400-11-10. Storm water retention and pedestrian travel:**

The intent of this provision is to provide adequate storm drainage, reduced flood hazard and to protect the health, safety, improvements, property, and the general welfare of the persons residing in the area to be subdivided or developed. An applicant of a proposed subdivision or development 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; 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. The plans should be in harmony with the City's Public Work Standards. The City Engineer shall then review the proposed plans and submit a written recommendation approving or denying the proposed plans to the Planning Commission for consideration.



GENERAL NOTES:  
 1. PROVIDE 4" THICKNESS OF 3/4" OR 1" UNTREATED BASE COURSE UNDER SIDEWALK, DRIVEWAY APPROACHES AND CURB & GUTTER, COMPACTED TO 95% PER ASTM D-1557.

2. PAVEMENT COMPONENT THICKNESSES SHALL BE DETERMINED BY THE GEOTECHNICAL ENGINEER BASED ON A DETAILED SOILS ANALYSIS AND USING THE MINIMUM DESIGN PARAMETERS AS FOUND IN APPENDIX B, AND APPROVED BY THE CITY ENGINEER. THE ABSOLUTE MINIMUM PAVEMENT SECTION IS 3-INCH THICK HMA WITH 8-INCH UTBC. IF NO GEOTECHNICAL REPORT IS AVAILABLE (EMERGENCY SITUATION, ETC.), 4-INCH THICK HMA WITH 12-INCH THICK UTBC SHALL BE USED.

3. ALL ROAD CUTS SHALL BE PATCHED PER CS-04 AND CS-12.

4. CURB & GUTTER AND SIDEWALKS SHALL BE CONSTRUCTED USING FIBER REINFORCED CONCRETE AND IN COMPLIANCE WITH WILLARD CITY TECHNICAL SPECIFICATIONS AND THESE DRAWINGS.

5. ALL CULINARY WATER MAINS AND SERVICES MUST MAINTAIN A MINIMUM SEPARATION FROM ALL SEWER MAINS AND LATERALS OF 10'-0" HORIZONTAL AND 18" VERTICAL IN ACCORDANCE WITH THE STATE OF UTAH DIVISION OF DRINKING WATER RULES SECTION R309-350-7.

GENERAL NOTE CONT:

6. THE 9'-0" SIDEWALK SHOWN ABOVE IS TO BE CONSIDERED THE "CITY STANDARD." OTHER LOCATIONS AND TYPES OF SIDEWALK AS REQUESTED BY THE DEVELOPER MUST BE APPROVED BY THE CITY. IF SIDEWALK IS LOCATED AGAINST THE TBC, IT MUST BE A MINIMUM OF 6 FEET IN WIDTH.

7. NATURAL GAS TYPICALLY LOCATED IN THE PARKSTRIP, POWER AND COMMUNICATION LINES TYPICALLY LOCATED BEHIND PROPERTY LINES OR IN LOT EASEMENTS.

8. "SEAL COAT" CONSISTS OF THE FOLLOWING:

a. 1" ASPHALT PER APWA 13 D 01.14 AND CITY MODIFICATIONS; AND

b. FOG SEAL PER APWA 32 D 01.13.50 AND CITY MODIFICATIONS.

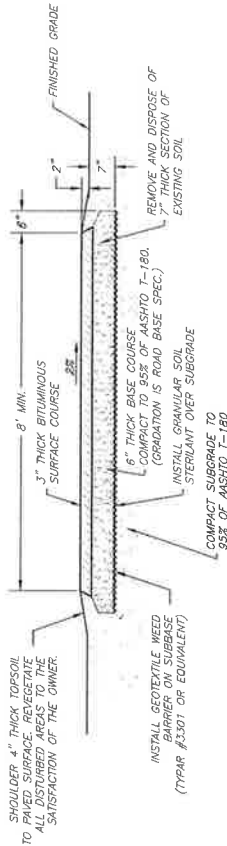
9. IMPORTED FILL UNDER ROADWAY SHALL BE GRANULAR BORROW, 2" MAX.

## CURBED ROAD SECTION

| STREET DESIGNATION     | R.O.W. WIDTH (A) | T.B.C. TO T.B.C. (B) | § TO T.B.C. (C) |
|------------------------|------------------|----------------------|-----------------|
| STANDARD RESIDENTIAL   | 60'              | SEE SHEET 2A         | SEE SHEET 2A    |
| LOW IMPACT RESIDENTIAL | 60'              | SEE SHEET 2A         | SEE SHEET 2A    |
| MINOR RESIDENTIAL      | 50'              | SEE SHEET 2A         | SEE SHEET 2A    |
| LOCAL                  | 66'              | SEE SHEET 2B         | SEE SHEET 2B    |
| COLLECTOR              | 66'              | SEE SHEET 2B         | SEE SHEET 2B    |
| FLD                    | 60'              | SEE SHEET 2B         | SEE SHEET 2B    |

NOTE:  
 THE ABOVE AND ALTERNATIVE ROAD SECTIONS REQUIRED SHALL BE AS DETERMINED BY THE CITY ENGINEER & PLANNING COMMISSION BASED UPON ZONING, GENERAL PLAN, SIZE OF DEVELOPMENT, ESTIMATED TRAFFIC VOLUME, & PROXIMITY TO HIGH VOLUME ROADS OR COMMERCIAL ZONING.

## STANDARD STREET SECTION



## 8' ASPHALT TRAIL CROSS SECTION

TRAIL NOTES:

A1. TRAILS SHOULD BE DESIGNED AND CONSTRUCTED AT GRADES LESS THAN 8% GRADE TO PROMOTE ACCESSIBLE USE.

B1. GRADE DISTANCES OF LESS THAN 6\"/>

C1. WHERE POSSIBLE A SLIGHT MEMORERING ALIGNMENT SHOULD BE USED.

D1. WHERE REQUIRED BENCHES SHOULD BE SPACED APPROXIMATELY EVERY 1/4 MILE.

TOP BACK OF CURB  
 DIFF. IN ELEV. = 1'-0" MAX



## CROWN LOCATION FOR VARIOUS CROSS SLOPES

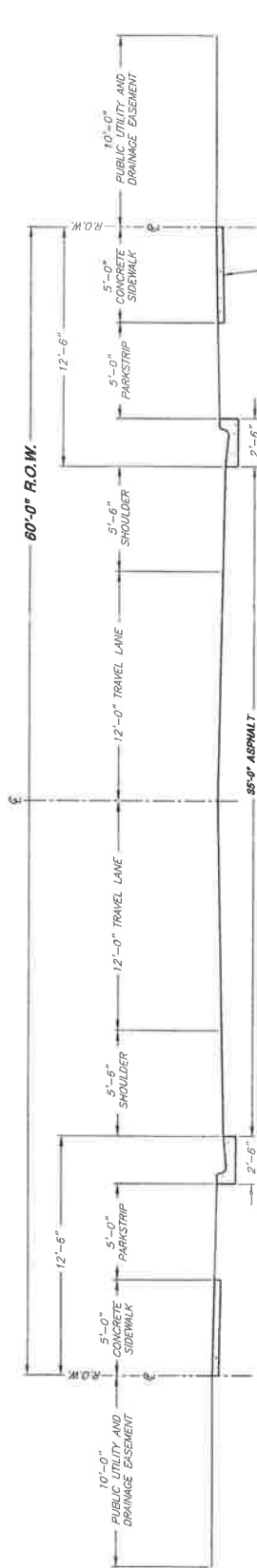
CROWN NOTES:

A. MAXIMUM DIFFERENCE IN ELEVATION BETWEEN CURBS ON OPPOSITE SIDES OF THE STREET SHALL NOT EXCEED 1'-0" AS SHOWN IN DETAIL.

B. ON ARTERIAL STREETS AND CERTAIN STREETS APPROVED BY THE CITY COUNCIL, THE CITY ENGINEER MAY VARY THE LOCATION OF SIDEWALK AND CURB & GUTTER MAY VARY PER DIRECTION OF THE CITY ENGINEER.

C. ALL OTHER PROPOSED STREET CROSS SECTIONS SHALL BE AS APPROVED BY THE CITY ENGINEER.

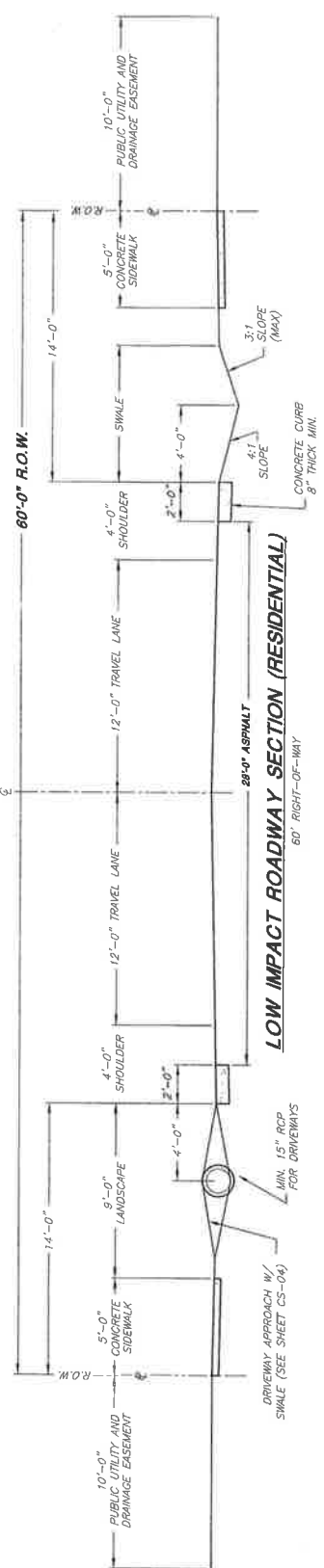
|                                                                                                                         |  |                 |  |
|-------------------------------------------------------------------------------------------------------------------------|--|-----------------|--|
| PROJECT NUMBER<br>JULY 2020                                                                                             |  | DATE            |  |
| DESIGNED<br>N.T.S.                                                                                                      |  | DRAWN<br>N.T.S. |  |
| CHECKED                                                                                                                 |  | DATE            |  |
| APPROVED                                                                                                                |  | DATE            |  |
| CONSULTING ENGINEERS<br>6000 Fashion Park Drive<br>South Ogden, Utah 84403 (801) 476-9787<br>www.jonesandassociates.com |  |                 |  |
| WILLARD CITY CORPORATION<br>PUBLIC WORKS STANDARDS<br><b>PUBLIC ROADS - TYPICAL STREET SECTION &amp; TRAIL DETAILS</b>  |  |                 |  |
| SHEET<br><b>CS-02</b><br>OF 11 SHEETS                                                                                   |  |                 |  |



### STANDARD RESIDENTIAL ROADWAY SECTION

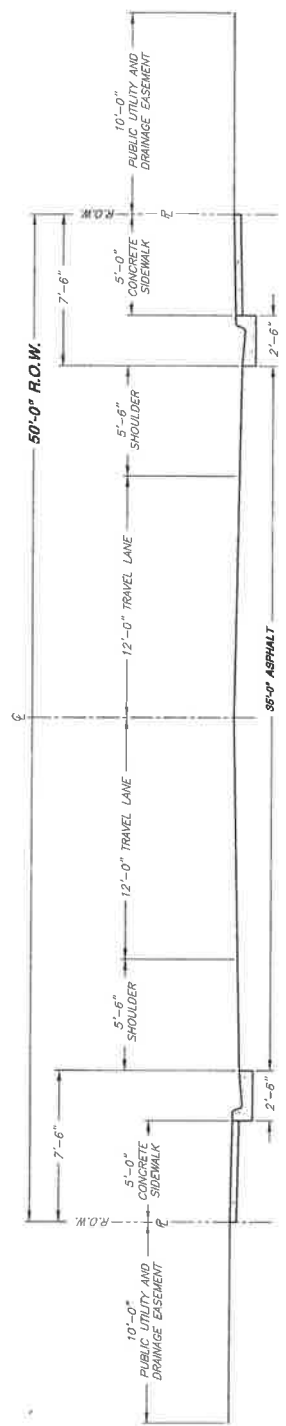
THE 60'-0" ROADWAY SECTION SHOWN ABOVE IS TO BE CONSIDERED THE "CITY STANDARD". WHERE EXISTING CONDITIONS ARE DIFFERENT FROM THE CITY STANDARD, THE ENGINEER SHALL INDICATE THE ALTERNATE STREET CROSS SECTION DESIGNS MAY BE USED WITH THE PRIOR APPROVAL OF THE CITY ENGINEER AND THE CITY PUBLIC WORKS DEPARTMENT.

THE SIDEWALK LOCATION MAY BE MOVED TO THE SIDE OF THE ROADWAY IN AREAS WITH OTHER CONSTRAINTS WHEN APPROVED BY THE CITY.



### LOW IMPACT ROADWAY SECTION (RESIDENTIAL)

60' RIGHT-OF-WAY



### MINOR RESIDENTIAL ROADWAY SECTION

50' RIGHT-OF-WAY

|                                     |  |                 |  |                              |  |                                                                                                                                                                                           |  |                                                                                                                |  |                                        |
|-------------------------------------|--|-----------------|--|------------------------------|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------|--|----------------------------------------|
| PROJECT NUMBER<br>JULY 2020<br>DATE |  | SCALE<br>N.T.S. |  | DESIGNED<br>DRAWN<br>CHECKED |  | <b>JONES &amp; ASSOCIATES</b><br>CONSULTING ENGINEERS<br>6950 Fashion Point Drive<br>South Ogden, Utah 84403 (801) 476-8787<br><a href="http://www.jonesassoc.com">www.jonesassoc.com</a> |  | WILLARD CITY CORPORATION<br>PUBLIC WORKS STANDARDS<br><b>PUBLIC ROADS - STANDARD RESIDENTIAL ROAD SECTIONS</b> |  | SHEET<br><b>CS-02A</b><br>OF 11 SHEETS |
|-------------------------------------|--|-----------------|--|------------------------------|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------|--|----------------------------------------|

ORDINANCE 2023-\_\_\_\_\_

AN ORDINANCE OF THE WILLARD CITY COUNCIL AMENDING TITLE  
12- 102-18 REGARDING CURBS, GUTTERS AND SIDEWALKS AND  
ADOPTING TITLE 12-400-11-10 STORM WATER RETENTION AND  
PEDESTRIAN TRAVEL

**WHEREAS** The Willard City Council determined to address an ordinance regarding the imposition of curbs, gutters and sidewalks ; and

**WHEREAS** the Willard City Planning Commission held public hearings regarding the proposed ordinances to seek public input regarding the two ordinances which address the issue of curbs, gutters, sidewalks and pedestrian travel; and

**WHEREAS** the Willard City Planning Commission recommended adoption of the attached two ordinances; and

**WHEREAS** the Willard City Council has met and discussed the proposed ordinances and made amendments as they deemed appropriate; and

**WHEREAS** the Willard City Council finds that adopting these two ordinances provides consistency, clarity and provides for the safety of Willard residents;

**NOW THEREFORE BE IT ORDAINED** that the Willard City Council approves the following:

1. The attached ordinances amending Title 12-102-18 and adopting Title 12-400-11-10 attached hereto are hereby adopted and incorporated into the Willard City Code.
2. This Ordinance shall be effective immediately upon approval and posting as required by law.

Willard City

ATTEST:

\_\_\_\_\_  
Recorder Susan Obray

By \_\_\_\_\_  
Mayor Travis Mote





WILLARD CITY  
**Planning Commission Meeting – Regular Meeting**  
Thursday, May 18, 2023 – 6:30 p.m.  
Willard City Hall – 80 West 50 South  
Willard, Utah 84340

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

4  
5 The following members were in attendance:

|    |                      |                                      |
|----|----------------------|--------------------------------------|
| 6  |                      |                                      |
| 7  | Sid Bodily, Chairman | Chris Davis, City Manager            |
| 8  | Diana Baker          | Colt Mund, City Attorney             |
| 9  | Chandler Bingham     | Bryce Wheelwright, City Planner      |
| 10 | Alex Dubovik         | Michelle Drago, Deputy City Recorder |
| 11 | Blake Harrop         |                                      |
| 12 | Zack Hulse           |                                      |
| 13 |                      |                                      |

14 Others in attendance: Mayor Travis Mote; Councilman John Seamons; Ken Ormond; Ruth Ormond;  
15 Dorothy Call; Jenny Call; Morgan Palmer; Judy Loveland; Peggy Barker; Chris Marx; Chad Braegger;  
16 Michelle Breider; Nonna-Rose Carr; Brian Gilbert; and Melinda Gilbert.

17  
18 The meeting was called to order at 6:31 p.m.

- 19  
20 1. PRAYER: Chandler Bingham
- 21
- 22 2. PLEDGE OF ALLEGIANCE: Zack Hulse
- 23
- 24 3. ROLL CALL: Attendance was recorded by the secretary.
- 25
- 26 4. GENERAL PUBLIC COMMENTS
- 27

28 There were no comments.

- 29
- 30 5. CITY COUNCIL REPORT

31  
32 Time Stamp: 2:15 05/18/2023

33  
34 Councilman John Seamons stated that during the May 11<sup>th</sup> meeting, the Council spent a considerable  
35 amount of time discussing a vehicle policy but had not reached a resolution due to legal question. The  
36 Council received a financial presentation from Child Richards, and it approved a tentative budget for FY23-  
37 24. The budget was short by \$50,000 to \$150,000, but there would be some income from a new source  
38 called the Scale Tax. Gravel companies would now pay a scale tax rather than a point-of-sale tax. It would  
39 represent some income to the City, but the administration was not sure how much. The Police and Fire  
40 Departments had been directed to pursue a new radio system. There was a lengthy discussion about their  
41 needs and the cost. There had been a little flooding in the canyon, but so far the snowmelt seemed to be  
42 staying within the creek banks. The Council had discussed purchasing some equipment. There was also a  
43 HOP Trail meeting. There was a matching fund issue. The City only had half the matching funds it needed,  
44 but it did have a contingency plan.

45  
46 Chris Davis, City Manager, stated that the administration had received an email that afternoon approving  
47 the City's right-of-way grant.



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Councilman Seamons stated that approval would allow the City to get the Memorandum of Understanding signed and the project started. If anyone was opposed to the HOP Trail, they could speak with him or Bryce Wheelwright. The City Council also held a closed session with Box Elder County to discuss the gravel pits and the easements for the water tanks.

Commissioner Bingham asked about the status of the internet. Councilman Seamons stated that Connex still had a franchise agreement, but he had heard they were frantically working somewhere else. There was another company that received a grant to provide rural fiber optics. It looked like they would beat Connex into Willard.

6A. CONSIDERATION OF A REQUEST FROM LYNC CONSTRUCTION AND CHAD BRAEGGER TO REZONE APPROXIMATELY 32.77 ACRES LOCATED AT APPROXIMATELY 3710 SOUTH 1200 WEST/PERRY STREET FROM A-3 AND A-5 TO MASTER PLANNED COMMUNITY-MPC (PARCEL NOS. 02-035-0061, 02-035-0063, 02-035-0075, AND 02-035-0079) - REVIEW AND SET A PUBLIC HEARING

Time Stamp: 8:28 05/18/2023

Bryce Wheelwright, City Planner, stated that the City had received a petition from Lync Construction and Chad Braegger to rezone approximately 32.77 acres located at approximately 3710 South 1200 West/Perry Street from A-3 and A-5 to Master Planned Community (MPC). The developer had submitted a concept plan that showed lots that were close to half an acre. The lots would be a builder's half acre, which was around 20,000 square feet. The petitioners were not in attendance.

Chad Braegger, 3790 South 1200 West, stated that he was not planning to develop his property. Lync Construction had approached him about trading land that would allow them to own the whole pond. Because of the land swap, they felt it would be easier to rezone both properties at the same time. The proposed concept plan included a north/south road east of the pond. He would keep everything east of the road in trade for land directly to the north of him. Lync Construction wanted the subdivision to have a rural feel with a pathway down one side of the road and swales rather than curb, gutter, and sidewalk. The roads would be asphalt with a concrete border for protection. The north/south road would also provide access to the Stokes property. Lync Construction had also spoken with them about developing their property.

Bryce Wheelwright said the Lync Construction had met with the administration who recommended that they approach the Planning Commission.

Commissioner Hulsey asked about the minimum acreage for an MPC Zone. Bryce Wheelwright said the minimum acreage was 20 acres.

Colt Mund, City Attorney, stated that the Planning Commission needed to set a public hearing before any decisions were made.

Commissioner Dubovik verified that the Planning Commission would not start talking about subdivision specifics until the property was zoned MPC.

Chris Davis stated that the Planning Commission needed to set a public hearing. It could deny a petition, but it had to be done after the public hearing.



WILLARD CITY

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Thursday, May 18, 2023 – 6:30 p.m.

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Willard, Utah 84340

Commissioner Harrop asked about the current zoning. Bryce Wheelwright stated that the current zone was A-5. The Future Land Use Map showed that the zoning could go down to A-3.

Commissioner Baker stated the proposed General Plan, with its new Future Land Use Map, had not been adopted. Mayor Mote stated that the draft Future Land Use Map still showed this area with an A-5 Zone. He didn't feel the future land use would change.

Commissioner Harrop stated that the Planning Commission could not base today's decision on tomorrow's changes.

Commissioner Dubovik stated that the requested MPC Zone was a residential zone, which was different that the future land use zones of A-5 and A-3.

Commissioner Hulsey said he was a fan of following the Future Land Use Map.

Commissioner Bingham felt the Planning Commission needed to set a public hearing and listen to what the neighbors had to say before making a decision.

Colt Mund stated that the Planning Commission was reviewing the application to determine if it had the information it needed. The Planning Commission could certainly ask for more information if it felt it was warranted.

Commissioner Bingham asked where the water would be coming from. Would it come from Perry? Bryce Wheelwright stated Willard could provide the water.

Chairman Bodily stated that Willard wanted to remain rural. The MPC Zone wasn't rural, but the property owner had rights to. The proposed zone would match up with what was happening in Perry, not Willard.

Commissioner Dubovik stated that the Planning Commission and City Council had put a lot of time and energy into finalizing the future land use. He felt the proposed rezone was contrary to that effort, but the Planning Commission could not deny the petitioner a public hearing.

Commissioner Hulsey asked if there was any further information the Planning Commission needed. Was it too soon to ask for information about an HOA or restrictive covenants?

Commissioner Dubovik felt it would be to the petitioner's advantage to bring information about lot sizes to the public hearing to plead their case.

**Commissioner Bingham moved to set a public hearing to consider the rezone petition from Lync Construction and Chad Braegger for June 1, 2023, at 6:30 p.m. Commissioner Harrop seconded the motion. All voted "aye." The motion passed unanimously.**

6B. CONSIDERATION OF A LOT LINE ADJUSTMENT FOR WILLARD LAND LLC LOCATED AT APPROXIMATELY 7045 SOUTH HIGHWAY 89 (PARCEL NO. 02-055-0048)

Time Stamp 19:15 05/18/2023

Chris Davis stated that the representative of Willard Land, LLC was not in attendance due to a family conflict. The land in question was the smaller annexation recently completed by Willard Land. It was located



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on the east side of Highway 89 at approximately 7045 South. The total acreage was about 3.66 acres. The City just received notification from the Lieutenant Governor's office that the annexation had been approved.

Mr. Davis stated that Willard Land wanted to carve out the old home. The revised lot lines complied with the frontage requirement of 100 feet and would leave more than 100 feet to the north. The revised Parcel 1 also complied with the lot size requirement. The lot line adjustment would allow Willard Land to sell the home. Parcel 2 would be used for the water tank for the Old Farm Subdivision.

Colt Mund stated that State Code had changed. Amendments to subdivision plats would no longer have to be approved by the Planning Commission. The proposed lot line adjustment was not amending the subdivision plat.

Commissioner Baker said this was the second or third lot line adjustment for Willard Land. Mr. Davis said it was the second. Willard Land had made a lot line adjustment on the west side of Highway 89 to make room for the required access to the Old Farm Subdivision.

Commissioner Bingham was concerned that the lot line adjustment would create a flag lot. Mr. Davis said both Parcel 1 and Parcel 2 would have the required 100 feet of frontage.

Commissioner Hulseley asked if Parcel 1 would have the needed size if its width had been reduced to make sure both parcels had 100 feet. Mr. Davis said the east boundary line for Parcel 1 had been moved to the east to make sure it met the lot size requirement.

**Commissioner Harrop moved to approve the lot line adjustment for Willard Land located at 7045 South Highway 89 (Parcel 02-055-0048). Commissioner Dubovik seconded the motion. All voted "aye." The motion passed unanimously.**

6C. CONSIDERATION OF A REQUEST FROM CHRIS MARX TO REZONE APPROXIMATELY 10.84 ACRES LOCATED AT APPROXIMATELY 297 WEST 380 NORTH FROM A-5 TO R-1/2 (PARCEL NOS. 02-044-0008, 02-046-0010, 02-046-0011, AND 02-046-0012) – REVIEW AND SET A PUBLIC HEARING

Time Stamp 23:43 05/18/2023

Bryce Wheelwright stated that the City had received a petition from Chris Marx to rezone approximately 10.84 acres located at approximately 297 West 380 North. The property in question was located at the west end of 380 North. Chris Marx had purchased the property and home from the Roger Wells estate. He wanted to create a nine-lot subdivision with half-acre lots for his family. The proposed subdivision would extend 380 North further to the west to almost 500 West. Mr. Marx was leaving a place for 400 West to stub in from the south. Mr. Marx would also have to extend the waterline to the west.

Mr. Wheelwright said the property was currently zoned A-5. Mr. Marx would like to have it rezoned to R-1/2. The property to the south and to the north was owned by Marvin Neff. Further to the north was Lynn Beard's property. Lynn Beard was proposing to place his property in a conservation easement, which meant 400 North would probably not continue to the north. He did not see a problem with the proposed rezone, except that it would be smaller lots.

Commissioner Dubovik asked about the future land use designation. Mr. Wheelwright said the Future Land Use Map designated this area for half-acre lots.



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Commissioner Harrop asked if the conservation easement would interfere with 500 West. Bryce Wheelwright stated that Lynn Beard's property did not extend all of the way to the tracks. UTA owned the property between Lynn Beard and the railroad tracks. Chris Davis said UTA planned for 500 West to run south from 750 North through their own property.

Commissioner Baker asked about the 400 West stub street shown on the concept plan. Bryce Wheelwright stated that 400 West would stub into the Marvin Neff property to the south. Commissioner Baker felt 400 West would die there. Mr. Wheelwright said 400 West would not be extended to the south until something happened with the Marvin Neff property.

In response to a question from Chairman Bodily, Bryce Wheelwright said that Chris Marx was asking that the property be rezoned from A-5 to R-1/2.

**Commissioner Hulsey moved to set a public hearing for June 1, 2023, at 6:30 p.m. to consider a rezone petition from Chris Marx. Commissioner Bingham seconded the motion. All voted "aye." The motion passed unanimously.**

6D. CONSIDERATION OF A REQUEST FROM MORGAN PALMER TO AMEND THE LANDSCAPING AND FENCING REQUIREMENTS FOR THE CONDITIONAL USE PERMIT FOR AN EVENT CENTER LOCATED AT APPROXIMATELY 683 NORTH MAIN (PARCEL NO. 02-048-0098)

Time Stamp: 30:08 05/18/2023

Bryce Wheelwright stated that the Planning Commission had been reviewing the conditional use permit for Morgan Palmer. During its last meeting, the Planning Commission directed her to submit a revised landscaping and fencing plan. Ms. Palmer had submitted a revised landscaping and fencing plat which showed a split rail, vinyl fence along the west property line. The Planning Commission needed to determine whether or not to approve the revised plan.

Morgan Palmer, 683 North Main, stated that on April 6<sup>th</sup>, the Planning Commission gave her three months to submit a revised landscaping and fencing plan and to have the fencing installed. She submitted the revised landscaping plan on April 10<sup>th</sup>, but the last two Planning Commission meetings had been cancelled. She still planned to have the fence installed, but the past month and a half was not on her.

Commissioner Baker didn't have a problem with the revised plan as long as the fence was installed by July.

Commissioner Hulsey stated that the intent of the fence was to prevent Ms. Palmer's guests from stumbling onto adjoining property. The proposed rail fence would meet that intent. The conditional use permit did not say the fence had to be 6-foot, privacy fencing. It just said the fence had to be vinyl.

Chairman Bodily agreed.

Commissioner Hulsey did not have a problem with the revised landscaping plan as long as the landscaping was installed. This was her event center.

Commissioner Bingham wanted the record to be clear that if there was a problem with the neighbor to the west, the Planning Commission could require the ranch rail to be changed to a privacy fence.



WILLARD CITY  
**Planning Commission Meeting – Regular Meeting**  
Thursday, May 18, 2023 – 6:30 p.m.  
Willard City Hall – 80 West 50 South  
Willard, Utah 84340

Colt Mund felt that whatever the Planning Commission decided regarding the fence on the west property line would be final. The City couldn't change the requirements at a later date.

Commissioner Hulsey felt the property owners themselves could dispute the fence, but the City's involvement would end with the requirements of the conditional use permit.

Colt Mund felt the City should be very hesitant to make modifications to a conditional use permit; especially modifications that were more stringent than were originally required. The Planning Commission originally required a 6-foot privacy fence around Morgan Palmer's property. The Planning Commission was considering an alteration to that requirement to make it less burdensome. If the Commission agreed upon that change, he would advise them not to retroactively impose obligations upon Ms. Palmer if there were future complaints.

Commissioner Dubovik felt the split rail fence was a good faith effort to satisfy the intent of the conditional use permit and the Planning Commission.

Commissioner Baker agreed. She cautioned Ms. Palmer to be aware of the noise.

Commissioner Hulsey asked if the neighbor to the west had any issues with the fence.

Commissioner Harrop said he was the property owner to the west. He understood that the original plan showed a fence all the way around the site, but he preferred to not have a fence. Morgan Palmer had given him access so that he could get to his pump, and he rode his horses through there all of the time. However, he also understood that no fence was contrary to what was agreed upon.

Colt Mund recommended that Commissioner Harrop recuse himself from voting on this issue whereas he was a neighbor and would be impacted by the decision. Commissioner Harrop agreed that he should abstain.

**Commissioner Dubovik moved to approve the revised conditional use permit and revised site and landscaping plan for the Palmer Event Center located at 683 North Main. Commissioner Baker seconded the motion. All voted "aye," except Commissioner Harrop who abstained. The motion passed unanimously.**

Colt Mund stated that Morgan Palmer had 90 days from the April review to have the fence installed.

6E. CONSIDERATION OF A LOT LINE ADJUSTMENT FOR DOROTHY CALL LOCATED AT APPROXIMATELY 1352 NORTH MAIN (PARCEL NOS. 02-039-0055 AND 02-039-0004)

Time Stamp: 36:46 05/18/2023

Bryce Wheelwright stated that the next two items were tied together. Dorothy Call was requesting approval of a lot line adjustment between two parcels she owned at 1348 and 1352 North Main. She wanted to increase the size of 1352 North Main by reducing the parcel at 1348 North Main down to approximately one acre. Her son Garrick planned to build a home at 1348 North Main. However, there was an existing, older home on the property. Mrs. Call was asking that the existing, older home at 1348 North Main be classified as a detached accessory dwelling unit. The proposed lot at 1348 North Main would have the required 100 feet of frontage. The proposed ADU and the proposed new home would both comply with setback



WILLARD CITY  
**Planning Commission Meeting – Regular Meeting**  
Thursday, May 18, 2023 – 6:30 p.m.  
Willard City Hall – 80 West 50 South  
Willard, Utah 84340

requirements. The only caveat was that the ADU would be in front of the new home. Normally ADU's were located behind the primary dwelling unit.

Chairman Bodily stated that the Conditional Use Review Committee had reviewed the conditional use application for the ADU and determined that it complied with the required conditions.

Bryce Wheelwright stated that the Conditional Use Review Committee had recommended that the Dorothy Call's conditional use application for an ADU be approved by the Planning Commission.

Dorothy Call, 1352 North Main, stated that the older home at 1348 North Main was built in 1840. It was currently occupied by her workers. They were getting older, and would probably be returning to Mexico in a few years. At that time, the old home would be torn down. They had worked for her and lived in the home for 29 years. She didn't feel she could kick them out. She had a total of 20 acres between the two parcels, but six of them were not farmable.

Commissioner Hulsey asked how large the ADU would be. Dorothy Call said it was about 900 square feet.

Commissioner Hulsey asked if the ADU Ordinance contained language about the condition of the building. Bryce Wheelwright stated that 12-102-23-4(3) required an ADU had to comply with Willard's Building, Health, and Fire Codes.

Commissioner Baker reminded the Planning Commission that Don Waite had warned the Planning Commission that it could end up considering ADU's that were in front of the primary dwelling. She was in favor of the lot line adjustment and the conditional use permit.

Commissioner Dubovik clarified that the lot line adjustment met all of the zoning requirements. Bryce Wheelwright said it did.

**Commissioner Dubovik moved to approve a lot line adjustment for Dorothy Call for 1352 and 1348 North Main (Parcel Nos. 02-039-0055 and 02-039-0004). Commissioner Hulsey seconded the motion. All voted "aye." The motion passed unanimously.**

6F. REVIEW AND CONSIDERATION OF A REQUEST FROM GARRICK CALL FOR A CONDITIONAL USE PERMIT FOR A DETACHED ACCESSORY DWELLING UNIT LOCATED AT APPROXIMATELY 1348 NORTH MAIN (PARCEL NOS. 02-039-0055 AND 02-039-0004)

Time Stamp: 43:52 05/18/2023

Chairman Bodily stated that this application had been reviewed by the Conditional Use Permit Review Committee who recommended that it be approved.

Jenny Call, 1352 North Main, clarified that the address for the ADU would be 1348 North Main Unit B, and the new home would be 1348 North Main Unit A.

Commissioner Hulsey was concerned about the condition of the ADU. It had to meet the Building, Health, and Fire Codes.

Dorothy Call stated that the home was older, but it was there were people residing in it.



WILLARD CITY

**Planning Commission Meeting – Regular Meeting**

Thursday, May 18, 2023 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

Commissioner Dubovik asked how the City could evaluate the condition of the existing home at 1348 North Main.

Chris Davis, City Manager, stated that the Fire Chief was part of the Conditional Use Permit Review Committee, which also included the Police Chief, Public Works Director, and City Engineer. They had all reviewed the application and felt comfortable with it.

Commissioner Hulseley stated that the ADU requirements included a kitchen and bathroom. Before he approved anything, he wanted to see a floor plan of the ADU to verify those amenities. Dorothy Call said it was an existing house. It had a kitchen, bathroom, front room, and bedroom.

Peggy Barker, North Ogden, stated that she had lived in the home. It had a kitchen and a bathroom. It was a lovely older home.

Commissioner Hulseley wanted to make sure the Planning Commission had gone through the ADU requirements and verified that it met them.

Bryce Wheelwright stated that the CUP Review Committee had discussed the location of the nearest fire hydrant and verified that it would have fire protection.

Commissioner Harrop asked about parking. Bryce Wheelwright stated that there was plenty of parking, and it would all be off-street.

Dorothy Call stated that the driveway for the new home would include a turn-around for emergency vehicles.

Commissioner Hulseley felt that his concerns had been addressed.

Bryce Wheelwright asked if the Planning Commission wanted to add any other conditions.

Commissioner Bingham and Chairman Bodily felt it should comply with all of the ADU conditions and requirements.

Commissioner Dubovik asked if it would be appropriate for the CUP Committee to review the conditional use permit annually.

Colt Mund said it could be reviewed annually. He reminded the Planning Commission that the proposed ADU was an existing home, which was a challenge. If the Planning Commission was reviewing new construction, it could request floor plans. Because this was an existing building, the CUP Review Committee had some questions. The Fire Chief had the most questions, which had been satisfied. The Planning Commission needed to be comfortable with the conditions outside of the ADU Ordinance, if any, when this was approved. The ADU Ordinance would govern a significant part of the use of the property. The CUP Review Committee did have some conditions relating to a turn-around for emergency access, proper addressing, approval of the lot line adjustment, and recording of the conditional use permit with Box Elder County.

Mr. Mund said the City administration had discussed the need for a written report to the Planning Commission from the CUP Review Committee in the future. Commissioner Dubovik felt a written recommendation would be nice to have.



WILLARD CITY  
**Planning Commission Meeting – Regular Meeting**  
Thursday, May 18, 2023 – 6:30 p.m.  
Willard City Hall – 80 West 50 South  
Willard, Utah 84340

Commission Dubovik asked if there were any outstanding items or recommendations from the CUP Committee that had not been completed. Chairman Bodily and Colt Mund felt the concerns had been addressed.

**Commissioner Bingham moved to approve a conditional use permit for a detached accessory dwelling unit at 1348 North Main subject to the recommendation and conditions of the CUP Review Committee and subject to the ADU Ordinance. Commissioner Baker seconded the motion. All voted “aye.” The motion passed unanimously.**

6G. REVIEW AND CONSIDERATION OF A REQUEST FROM BRIAN GILBERT FOR A CONDITIONAL USE PERMIT FOR DETACHED ACCESSORY DWELLING UNIT LOCATED AT APPROXIMATELY 110 SOUTH 200 WEST (PARCEL 02-051-0008 AND 02-051-0242)

Time Stamp 54:11 05/18/2023

Bryce Wheelwright stated that Brian Gilbert had requested approval to construct a detached accessory dwelling unit on his property at 110 South 200 West. The ADU would be used by a family member. Mr. Gilbert’s application had been reviewed by the CUP Review Committee. The CUP Review Committee had recommended that the application be approved subject to the ADU unit meeting the setback requirements.

Commissioner Hulsey asked about the size of the proposed ADU. Brian Gilbert, 110 South 200 West, stated that the ADU would be 999 square feet.

Commissioner Dubovik asked if the CUP Committee had reviewed the building plans. Bryce Wheelwright stated that the CUP Review Committee had looked at the site plan. The building plans would be reviewed by the Building Inspector when the City received an application for a building permit.

Chairman Bodily stated that Mr. Gilbert would have to meet the requirements of the ADU Ordinance if his application was approved.

Commissioner Harrop asked if there was a building permit ADU checklist.

Commissioner Dubovik felt Mr. Gilbert should submit a building plan that the CUP Review Committee could review.

Colt Mund understood Commissioner Dubovik’s concern. The City had an ordinance that listed the requirements that had to be met. The CUP Review Committee had reviewed the ADU checklist.

Chairman Bodily asked who would make sure the ADU did not exceed 999 square feet. Bryce Wheelwright stated that Brian Gilbert would have to submit engineering and building plans in order to receive a building permit. The plans would be reviewed at that time.

Chris Davis stated that the ADU would be inspected by Box Elder County, the City’s contracted building inspector. The building inspector would determine when the ADU was ready for occupancy.

Commissioner Dubovik felt the conditional use permit could be approved subject to the ADU meeting all of those requirements. Mr. Mund felt that was a good suggestion.



WILLARD CITY  
**Planning Commission Meeting – Regular Meeting**  
Thursday, May 18, 2023 – 6:30 p.m.  
Willard City Hall – 80 West 50 South  
Willard, Utah 84340

Commissioner Harrop felt there should be a specific plan check for ADU conditional use permits. Mr. Wheelwright agreed.

**Commissioner Bingham moved to approve a conditional use permit for a detached accessory dwelling unit located at 110 South 200 West subject to the recommendation and conditions of the CUP Review Committee, subject to the ADU Ordinance, and compliance with building code requirements. Commissioner Harrop seconded the motion.**

Commissioner Hulseley asked if the motion needed to include a time line. Bryce Wheelwright stated that the Conditional Use Permit Ordinance stated that if a conditional use did not happen within a year from the date of approval it would become null and void. Building permits were only good for 180 days.

**All voted “aye.” The motion passed unanimously.**

6H. DISCUSSION REGARDING AMENDING SUBDIVISION ORDINANCE 12-400-11-10 REGARDING THE REQUIREMENT FOR SIDEWALKS, CURBS, AND GUTTERS IN ALL SUBDIVISIONS AND ZONING ORDINANCE 12-102-18 REGARDING CURBS, GUTTER, AND SIDEWALKS

Time Stamp 1:01:46 05/18/2023

Bryce Wheelwright stated that curb, gutter, and sidewalk was an issue that never went away. During the SLUA meeting to review Chris Marx's subdivision, the City Engineer pointed out that in the Zoning Ordinance it said *all subdivision shall include sidewalks, curb, and gutters, meeting the requirements of the Willard City Public Works Standards...*

Colt Mund stated that the City recently adopted updated Public Works Standards that provided the option for a low impact roadway section, which did not require curb, gutter, and sidewalk. Due to the perceived conflict, he felt the simplest solution was to amend the Zoning Ordinance to state that curb, gutter, and sidewalk will be installed as required by the Public Works Standards. The Subdivision Ordinance was amended last year. The Planning Commission was the body that had to consider that kind of change to the land use ordinance.

Commissioner Harrop asked if curb, gutter, and sidewalk would be considered on a case-by-case basis. Colt Mund stated that the use of the low impact roadway section would be determined by the City Engineer and Planning Commission based on drainage, zoning, general plan, size of development, traffic volume, amount of open space, and proximity to high volume road and commercial zoning.

Chairman Bodily asked if the City Engineer would determine whether or not sidewalk, curb and gutter would be required. Colt Mund felt the requirement of curb, gutter, and sidewalk could be negotiated by the City Council in a development agreement. By default, curb, gutter, and sidewalk would be based on what the City Engineer required.

Commissioner Baker stated when she first started attending the Planning Commission, the City was working on a Capital Facilities Plan. She thought that plan dealt with curb and gutter. The plan was completed in 2020, but the Planning Commissioner never booked at it.



**WILLARD CITY**

**Planning Commission Meeting – Regular Meeting**

Thursday, May 18, 2023 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

Commissioner Bingham stated that the City Engineer did refer to the Capital Facilities Plan during his review. For years he had argued that curb and gutter wasn't the best solution in all cases. All discussions seemed to be superseded by the Subdivision Ordinance.

Commissioner Baker felt there should have been a work session where the City Engineer explained the Capital Facilities Plan to the Planning Commission.

Chairman Bodily asked what would happen with the storm water that was collected by the curb and gutter. The City did not have a storm drain. Bryce Wheelwright stated that developments were required to retain their storm water onsite.

Commissioner Baker stated that Isakson's wanted to do the same thing that Chris Marx was proposing to do in order to provide a building lot for their son, but the City said they had to put in a road with curb and gutter. Isakson's finally gave up. Chris Davis said the big issue for the Isakson's was the road. Chris Marx was planning to put a road in his subdivision. Colt Mund agreed that the issue with the Isakson's was the road. A road requirement was not something that could be waived. Commissioner Baker felt the City Engineer needed to explain the Capital Facilities Plan.

Chris Davis stated that the Planning Commission and City Council had said they wanted Willard to have a rural feel. A subdivision with swales had a rural feel. From an engineering perspective, swales could work if the subdivision had the right kind of pipe and as long as the swales did not get filled in. The City Engineer could review the Capital Facilities Plan with the Planning Commission.

Commissioner Hulsey felt the ordinance should simply require a drainage plan to be reviewed by the City Engineer. As long as the City Engineer and Planning Commission had considered the items listed in 12-108-18 – health, safety, improvements, property, or the general welfare of those residing in the area – he felt the City would be pretty well covered.

Commissioner Bingham said that had been his argument from the beginning.

Commissioner Harrop felt there were areas, like the east side on the hill, where curb and gutter was a given.

Commissioner Bingham felt the wording should be similar to Commissioner Hulsey's suggestion – an approved drainage plan. He wasn't sure how to address sidewalks. Sidewalks and drainage were two different issues.

Commissioner Hulsey suggested an approved drainage and pedestrian access plan.

Commissioner Dubovik suggested that the ordinance require water drainage and handling and dedicated pedestrian access.

Commissioner Hulsey felt that would allow the Planning Commission to determine whether a plan was consistent with what was happening in a neighborhood. It would give everyone flexibility.

Colt Mund stated that the City Engineer was concerned about consistency.

Commissioner Bingham stated that the Subdivision Ordinance and Zoning Ordinance had always been fighting with each other. There was also the issue of requiring subdivision improvements fairly.



WILLARD CITY  
**Planning Commission Meeting – Regular Meeting**  
Thursday, May 18, 2023 – 6:30 p.m.  
Willard City Hall – 80 West 50 South  
Willard, Utah 84340

Commissioner Dubovik asked about the shortfall of copying 12-102-18 in the Zoning Ordinance to 12-400-11-10 in the Subdivision Ordinance. Commissioner Hulsey said the Subdivision Ordinance could just refer to the Zoning Ordinance.

Commissioner Bingham felt the City Engineer needed to be mentioned. The City Engineer had to be involved. The requirement or non-requirement of curb, gutter, and sidewalk had to be based on a recommendation from the City Engineer. The City Engineer was not mentioned in either the Zoning Ordinance or the Subdivision Ordinance.

Commissioner Dubovik felt a development plan should be considered by the City Engineer before it ever came to the Planning Commission.

Colt Mund stated that the City still had to follow its Public Works Standards. If the Public Works Standards and City Engineer said a road had to be built a certain way that conflicted with the ordinances, there was still a problem. The staff was concerned about making all of the ordinances work together. At some point the two ordinances had to be consistent.

Bryce Wheelwright stated that someone could, and would, argue that they were being required to do something that others had not been required to do. Chairman Bodily agreed. When the word *if* was inserted into an ordinance, then it was 'why do I have to when he didn't?' Mr. Wheelwright felt that put a lot of pressure on the City Engineer.

Colt Mund stated that if the City's process was consistent, whatever it was, then the City could stand behind it, and it would not appear that the City was picking and choosing.

Mr. Mund felt the simplest approach was to amend whatever ordinances addressed curb, gutter, and sidewalk to simply state that their installation would be in accordance with Public Works Standards. That leave the City Engineer to determine where curb, gutter, and sidewalk made sense.

Commissioner Hulsey agreed that it made sense to have all the ordinances refer to one standard. The Subdivision Ordinance could state that the drainage/pedestrian plan shall be approved by the City Engineer in conformance the ordinances.

Commissioner Dubovik suggested that all plans be approved by the City Engineer in accordance with the Public Works Standards. The other Commission members agreed. Colt Mund felt that would work. The SLUA would consider other things around the development.

Colt Mund asked that this item be continued to the next meeting when he could have draft language prepared for the Planning Commission to consider. If the Planning Commission was satisfied with the proposed draft, it could schedule a public hearing.

Commissioner Dubovik proposed that the first sentence of 12-12-18 be rewritten to read, "*The installation of curb, gutter, sidewalks, or an alternate substitute will be required by the City Engineer in accordance with Public Works Standards.*"



WILLARD CITY  
**Planning Commission Meeting – Regular Meeting**  
Thursday, May 18, 2023 – 6:30 p.m.  
Willard City Hall – 80 West 50 South  
Willard, Utah 84340

7. CONSIDERATION AND APPROVAL OF APRIL 6, 2023, REGULAR PLANNING COMMISSION MINUTES

**Commissioner Bingham moved to approve the April 6, 2023, minutes as corrected. Commissioner Hulsey seconded the motion. All voted "aye." The motion passed unanimously.**

8. COMMISSIONER/STAFF COMMENTS

Time Stamp: 1:22:53 05/18/2023

Bryce Wheelwright

Bryce Wheelwright suggested that the City Council appoint a few alternates to the Planning Commission so there could always be a full quorum. Chairman Bodily asked if the alternates could be required to attend all of the meetings so they would be up-to-date on what was going on. Mayor Mote felt that regular attendance would be part of the requirements.

Chris Davis

Did not have any comments.

Colt Mund

Did not have any comments.

Commissioner Bingham

Commissioner Bingham said he had read in the paper that Willard's dam had a leak. Commissioner Baker said the dam was scheduled for an inspection. Chris Davis said the inspection would be conducted on May 24<sup>th</sup>.

Commissioner Dubovik

Did not have any comments.

Commissioner Harrop

Did not have any comments

Commissioner Baker

Did not have any comments

Commissioner Hulsey

Did not have any comments

Chairman Bodily



WILLARD CITY  
**Planning Commission Meeting – Regular Meeting**  
Thursday, May 18, 2023 – 6:30 p.m.  
Willard City Hall – 80 West 50 South  
Willard, Utah 84340

Chairman Bodily asked about the outhouse at the Baseball Park. Bryce Wheelwright said the Baseball Park restrooms were open, and they did work. The outhouse was there for the winter months when the restrooms were not open.

9. ADJOURN

**Commissioner Hulseley moved to adjourn at approximately 7:58 p.m. Commissioner Dubovik 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 05-18-2023





WILLARD CITY  
**Planning Commission Meeting – Regular Meeting**  
Thursday, June 1, 2023 – 6:30 p.m.  
Willard City Hall – 80 West 50 South  
Willard, Utah 84340

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

4  
5 The following members were in attendance:

|    |                      |                                      |
|----|----------------------|--------------------------------------|
| 6  |                      |                                      |
| 7  | Sid Bodily, Chairman | Chris Davis, City Manager            |
| 8  | Diana Baker          | Colt Mund, City Attorney             |
| 9  | Chandler Bingham     | Bryce Wheelwright, City Planner      |
| 10 | Alex Dubovik         | Michelle Drago, Deputy City Recorder |
| 11 | Blake Harrop         |                                      |

12  
13 Excused: Zack Hulse

14  
15 Others in attendance: Mayor Travis Mote; Councilman John Seamons; Ken Ormond; Ruth Ormond; Rolin  
16 Hinrichsen; Ronda Hinrichsen; Judy Gulliford; Larry Holmes; Guy Isakson; Tammy Isakson; Chad  
17 Braegger; James Settlemire; Todd Richards; Chris Marx; and Jim Flint, Hansen & Associates.

18  
19 The meeting was called to order at 6:3 p.m.

- 20  
21 1. PRAYER: Blake Harrop  
22  
23 2. PLEDGE OF ALLEGIANCE: Diana Baker  
24  
25 3. ROLL CALL: Attendance was recorded by the secretary.  
26  
27 4. GENERAL PUBLIC COMMENTS

28  
29 Time Stamp: 2:07 06/01/2023

30  
31 Mayor Travis Mote explained how the SLUA (Subdivision Land Use Authority) Committee functioned. After  
32 SLUA meetings were held, the staff provided verbal updates to the Planning Commission. He was  
33 concerned that the communication between the SLUA and the Planning Commission wasn't effective. He  
34 didn't feel the Planning Commission had enough time to digest the SLUA's review. He suggested that the  
35 SLUA provide a written statement outlining how a project complied or did not comply with the City Code.  
36 That statement could be provided in the Planning Commission's packet. In order for SLUA to have time to  
37 provide a written statement, projects might be delayed a week or two.

38  
39 Commissioner Dubovik asked when SLUA meetings were held. Chris Davis said the SLUA met as needed.  
40 Meetings were usually held on Thursday afternoons because that was when the City Engineer was  
41 available.

42  
43 Chad Braegger, 3790 South 1200 West, stated that he and Lync Construction were on the agenda for a  
44 public hearing. They were told in a SLUA meeting last week that there would not be a public hearing. Chris  
45 Davis said SLUA told Lync Construction that the staff would recommend that the public hearing be tabled.  
46 Neither the staff nor the SLUA had authority to cancel a public hearing scheduled by the Planning  
47 Commission.  
48



WILLARD CITY  
**Planning Commission Meeting – Regular Meeting**  
Thursday, June 1, 2023 – 6:30 p.m.  
Willard City Hall – 80 West 50 South  
Willard, Utah 84340

Mr. Braegger said that Lync Construction was not prepared to attend the hearing because they were under the impression that there would not be one. They had not been aware that they were on the last Planning Commission agenda, nor was he. It was difficult for him to make a presentation for them. The only reason he was involved was because Lync Construction wanted to do a land swap with him.

5. CITY COUNCIL REPORT

Time Stamp: 7:40 06/01/2023

Councilman John Seamons stated that he did not have anything to report. The Council did not hold a meeting on May 25<sup>th</sup> because UDOT was holding a public open house at Willard Elementary regarding the reconstruction of Highway 89.

6A. PUBLIC HEARING TO RECEIVE PUBLIC INPUT REGARDING A PETITION FROM LYNC CONSTRUCTION AND CHAD BRAEGGER TO REZONE APPROXIMATELY 32.77 ACRES LOCATED AT APPROXIMATELY 3710 SOUTH 1200 WEST/PERRY STREET FROM A-3 AND A-5 TO MASTER PLANNED COMMUNITY-MPC (PARCEL NOS. 02-035-0061, 02-035-0063, 02-035-0075, AND 02-035-0079)

Time Stamp: 8:31 06/01/2023

Chairman Bodily read the Planning Commission's Rules of Order Statement.

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

Bryce Wheelwright stated that during its last meeting the Planning Commission briefly discussed the rezone petition received from Lync Construction and Chad Braegger and set a public hearing. Lync Construction was notified that they were on the last agenda, but they didn't send a representative. Lync Construction wanted to rezone a parcel they owned on the north end of the City, at approximately 3710 South 1200 West, from A-3 and A-5 to Master Planned Community (MPC). They wanted to create 'builder's lots.' They were good sized lots, but they weren't exactly half-an acre. He spoke with Lync Construction earlier in the day. They were not able to attend the meeting and asked that the hearing be tabled.

Mr. Wheelwright said a SLUA meeting was held on Thursday, May 25<sup>th</sup>, to review Lync's proposed subdivision. The SLUA felt there were issues that needed to be addressed, and it recommended that the Planning Commission table a decision regarding the rezone until Lync Construction could provide further information. Because the public hearing had been set, the Planning Commission might want to allow public comments from those in attendance.

Commissioner Dubovik felt there could be a second public hearing. Hearing the public input might be an advantage to Chad Braegger and Lync Construction so they could be better prepared in the future.

Chairman Bodily opened the floor for public comments.

Rolin Hinrichsen, 3580 South 1200 West, Perry, stated that he owned the adjoining property to the north. He had received notice about the meeting, but he wasn't sure what was going on.



WILLARD CITY

**Planning Commission Meeting – Regular Meeting**

Thursday, June 1, 2023 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

Chairman Bodily stated that Lync Construction had submitted a petition to rezone his property from A-5 to MPC. The subdivision they were proposing would have lots that were about half an acre in size.

Commissioner Baker asked if the pond was natural. Larry Holmes, 1561 Hargis Hill, stated that the pond had been there as long as he could remember. The pond was fed by a spring. Its level was pretty constant year round.

Rolin Hinrichsen stated that they purchased their property many years ago from the Reese family. The Reese family was concerned that their property never be developed. They wanted it to remain as it was. He had been true to their wishes. He had raised his family on this property. When he purchased the property, the road in front was blocked from the public to keep the traffic down. The road had now been opened up, and it had become a four-wheeler/ATV playground. He felt Perry had been unwise in the amount of development they had allowed in the area. The development had brought in a slew of problems, such as drugs. He had asked about the fastest vehicle the police had clocked. It was in excess of 80 mph. This used to be a peaceful, quiet area. That had been lost. Adding more development would only make it worse. He did not see that the proposed development would improve the value of his property. It would increase demand on roads, water, and resources. He wasn't sure how the developer planned to bring in water and sewer. He was frightened that people would complain about his farm, dust, and noise. He felt development would destroy his way of life. Perry residents didn't want development. They wanted the area to be quiet and peaceful. The area had already lost its innocence. He did not feel the proposed development would help at all.

Mayor Travis Mote, 455 South 200 West, stated that the Master Plan Community process was brand new. He had listened to the SLUA meeting held on May 25<sup>th</sup>. He wasn't sure Lync Construction had read the MPC Ordinance and was aware of its requirements. He felt a second public hearing would be in order after the City received a development agreement. He had relayed his concerns to the SLUA. He felt SLUA needed to go through the Code and inform the Planning Commission about how this development met the criteria of the ordinance. 12-106-14 listed the findings required for approval. One of the findings was that the MPC meet the General Plan. The MPC had to provide equal or greater compatibility to the surrounding land uses. There was a similar PUD, but there was also a lot of agricultural around the subject property. The SLUA and Planning Commission needed to carefully go through the ordinance and click off the requirements.

Mayor Mote said the MPC Zone talked about protecting environmental resources. As Commissioner Baker had noted, there was a pond on this property. A soils map showed that a large part of this property was hydric. Lync Construction would have to complete a wetland determination to see what the Army Corps of Engineers would let them do. There was a lot of work that needed to be done before the City took a standing. The MPC Zone required a minimum of 20% open space. Section 12-106-4 allowed a developer to pay a fee in lieu of to buy down the open space, but 12-106-5 set the density consistent with the General Plan. This area was zoned for three to five acres. In his opinion, to buy that acreage down would be a massive expense. He didn't feel the MPC Zone was intended to completely alter the General Plan. He felt the MPC Zone was intended to allow density to be moved to part of a property in order to preserve open space or farmland and the ability to economically develop. He felt the developer needed to be informed of the requirements up front before spending a lot of money and resources.

There were no further public comments.

**Commissioner Baker moved to close the public hearing at 6:52 p.m. Commissioner Dubovik seconded the motion. All voted "aye." The motion passed unanimously.**



WILLARD CITY  
**Planning Commission Meeting – Regular Meeting**  
Thursday, June 1, 2023 – 6:30 p.m.  
Willard City Hall – 80 West 50 South  
Willard, Utah 84340

- 146 6B. CONSIDERATION OF A PETITION FROM LYNC CONSTRUCTION AND CHAD BRAEGGER TO  
147 REZONE APPROXIMATELY 32.77 ACRES LOCATED AT APPROXIMATELY 3710 SOUTH 1200  
148 WEST/PERRY STREET FROM A-3 AND A-5 TO MASTER PLANNED COMMUNITY-MPC  
149 (PARCEL NOS. 02-035-0061, 02-035-0063, 02- 035-0075, AND 02-035-0079)  
150

151 Time Stamp 22:43 06/01/2023  
152

153 **Commissioner Dubovik moved to table consideration of a rezone petition from Lync Construction**  
154 **and Chad Braegger until the City received the information required by the MPC Zone, at which time**  
155 **a second public hearing would be held. Commissioner Harrop seconded the motion. All voted**  
156 **“aye.” The motion passed unanimously.**  
157

158 Commissioner Dubovik stated that the City had a Future Land Use plan. This particular petition was not in  
159 accordance with the City's Future Land Use Map. He felt the petitioners needed to present a very significant  
160 reason for why their rezone request should be considered and the Future Land Use plan altered.  
161

- 162 6C. PUBLIC HEARING TO RECEIVE PUBLIC INPUT REGARDING A PETITION FROM CHRIS MARX  
163 TO REZONE APPROXIMATELY 10.84 ACRES LOCATED AT APPROXIMATELY 297 WEST  
164 380 NORTH FROM A-5 TO R-1/2 (PARCEL NOS. 02-044-0008, 02-046-0010, 02-046-0011, AND  
165 02-046-0012)  
166

167 Time Stamp 25:08 06/01/2023  
168

169 **Commissioner Harrop moved to open the public hearing at 6:55 p.m. Commissioner Baker**  
170 **seconded the motion. All voted “aye.” The motion passed unanimously.**  
171

172 Bryce Wheelwright stated that the Planning Commission had discussed the rezone petition submitted by  
173 Chris Marx at its last meeting. Chris Marx had requested that 10.84 acres he had purchased at 297 West  
174 380 North be rezoned from A-5 to R-1/2. He was proposing to extend 380 North to the west to create nine  
175 half-acre lots. Mr. Marx's property was currently zoned A-5, but it was contiguous to an existing R-1/2 Zone.  
176 He felt the rezone petition complied with the City ordinance.  
177

178 Mr. Wheelwright stated that the subdivision proposed by Chris Marx would comply with the R-1/2 Zone. Mr.  
179 Marx was hoping to receive approval to build a 'country' road in his subdivision; a road without curb, gutter,  
180 and sidewalk. The utilities were available.  
181

182 Chris Marx, 297 West 380 North, stated that he was not trying to be a big developer. He just wanted a place  
183 for his kids to live close by. He would have to sell a few lots to pay for the subdivision improvements. He  
184 planned to build a house on one of the lots as well. He loved Willard and wanted to be part of the community.  
185 He was asking that the entire 10.84 acres be zoned R-1/2, but he planned to keep the west five acres in  
186 the green belt during his lifetime. He wanted to continue the existing look of the neighborhood, which was  
187 why he was asking that curb, gutter, and sidewalk be waived. He had discussed a low impact residential  
188 road with the City Engineer and SLUA. A low impact road would have swales to collect storm water.  
189

190 Bryce Wheelwright stated that the subdivision design provided by Chris Marx included a stub for 400 West  
191 to continue to the south. The preliminary plan also showed the location for the future 500 West. UTA had  
192 asked that their preservation corridor for the future Front Runner be shown on the west five acres.  
193



WILLARD CITY  
**Planning Commission Meeting – Regular Meeting**  
Thursday, June 1, 2023 – 6:30 p.m.  
Willard City Hall – 80 West 50 South  
Willard, Utah 84340

Chris Marx stated that the City had asked that is preliminary plan show a place for 400 West to continue south from 380 North. The City Engineer and SLUA determined that 400 West could not continue to the north due to a pond and a conservation easement. He did not plan to build to 500 West because he planned to keep that area in the green belt. However, the future location of 500 West was shown on his preliminary plan.

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

**Commissioner Bingham moved to close the public hearing at 7:01 p.m. Commissioner Harrop seconded the motion. All voted “aye.” The motion passed unanimously.**

6D. CONSIDERATION OF A PETITION FROM CHRIS MARX TO REZONE APPROXIMATELY 10.84 ACRES LOCATED AT APPROXIMATELY 297 WEST 380 NORTH FROM A-5 TO R-1/2 (PARCEL NOS. 02-044-0008, 02-046-0010, 02-046-0011, AND 02-046-0012)

Time Stamp: 31:04 06/01/2023

Commissioner Bingham stated that the 400 West stub shown on the preliminary plan lined up with a structure on the property to the south. Chris Davis stated that Chris Marx was providing an easement for the future location of 400 West. The location for the stub was based on the City Engineer's recommendation. The stub would not be paved at this time.

Bryce Wheelwright said the location of the 400 West stub was based on the Master Road Plan.

Commissioner Bingham asked about the SLUA's discussion regarding the use of swales versus curb, gutter, and sidewalk. Chris Davis stated that the SLUA's discussion had led to the recommendation that the Subdivision and Zoning Ordinances be amended to comply with the Public Works Standards. In this case, the City Engineer felt the low impact roadway made sense because of the existing improvements. The low impact road would include a cement strip to prevent the asphalt from eroding.

Bryce Wheelwright stated that the Public Works Standards provided the waiver of curb, gutter, and sidewalk if the City Engineer felt it was appropriate. The waiver wasn't included in the ordinances, hence the need for the ordinances to be amended.

Colt Mund stated during the SLUA meeting, the City Engineer said this subdivision would be a low impact development. In the Public Works Standards that were adopted in 2020, swales were allowed in lieu of curb, gutter, and sidewalk. The Planning Commission had amended the Subdivision Ordinance to require a drainage plan that could allow the waiver of curb, gutter, and sidewalk based upon a recommendation from the City Engineer. The proposed amendment to the Zoning Ordinance would provide consistency by eliminating one part of the ordinance that said curb, gutter, and sidewalk *shall* be installed and another saying it *may* be allowed. The Public Works Standards allowed for alternatives to curb, gutter, and sidewalk based on the development.

Commissioner Baker was concerned that the alternative meant there wouldn't be any consistency. She asked who would determine whether curb, gutter, and sidewalk would be required. Mr. Mund said the determination would be made by the City Engineer and the Planning Commission. The Planning Commission had already taken action to waive curb, gutter, and sidewalk based on a storm water detention plan approved by the City Engineer. The Public Works Standards provided for alternatives as well.



WILLARD CITY  
**Planning Commission Meeting – Regular Meeting**  
Thursday, June 1, 2023 – 6:30 p.m.  
Willard City Hall – 80 West 50 South  
Willard, Utah 84340

Chris Davis stated that the City Engineer was concerned about swales being filled in. In this subdivision, the lots would be owned by Chris Marx and his family. There wasn't a significant likelihood that Chris Marx would fill in the swales. If they did, they would be flooding each other or themselves. Mr. Marx also planned to construct a detention basin to retain storm water along with proper piping in the driveways that would not be crushed.

Commissioner Bingham felt swales worked great. There were swales all over South Willard. If the County could make swales work in South Willard, he felt Willard could too. The biggest problem the City had was enforcement.

Chairman Bodily felt the Planning Commission needed to consider this as a regular subdivision, not something that would be owned by one family. The family situation could change very quickly.

Chad Braegger stated that in South Willard, Box Elder County required swales to have 24" perforated pipe covered with gravel.

Commissioner Baker felt this subdivision needed curb and gutter.

Commissioner Bingham reminded the Planning Commission that it was considering the rezone, not the subdivision.

Commissioner Dubovik asked if the requested R-1/2 Zone complied with the Future Land Use Map.

Bryce Wheelwright stated that the property was currently zoned A-5. The 2017 Future Land Use Map showed the east part of the property with a future land use of R-1/2; the west portion had a future land use of A-3. The proposed rezone was contiguous to an existing R-1/2 Zone.

Commissioner Harrop didn't want to allow a rezone from A-5 for one subdivision but not another one.

Commissioner Bingham stated that the requested rezone was contiguous to an existing R-1/2 Zone. He felt the contiguous use should allow the rezone. If there wasn't a contiguous zone, then Planning Commission would follow the Future Land Use Map.

Commissioner Baker asked about following the future road plan. Commission Bingham said the future roads were shown on the proposed subdivision plan. Commissioner Baker felt the 400 West stub needed to move one way or the other so it didn't run into a structure on the neighboring property.

Commissioner Dubovik asked if there was something in writing that allowed the Planning Commission to approve a rezone that did not comply with the Future Land Use Map if the requested rezone was contiguous to an existing zone. Commissioner Bingham and Bryce Wheelwright did not know if there was something in writing. It had been the City's practice in the past to follow the contiguous zone. Commissioner Dubovik didn't want to change the zoning on something that was in conflict with the Future Land Use Map.

Colt Mund stated that the land use needed to conform to the General Plan. He felt the General Plan would have to be amended before Chris Marx's rezone could be approved. Following a contiguous use would alleviate spot zoning, but the State Code did say the land use had to conform to the General Plan. The Future Land Use Map could be amended because it would not be spot zoning.



WILLARD CITY  
**Planning Commission Meeting – Regular Meeting**  
Thursday, June 1, 2023 – 6:30 p.m.  
Willard City Hall – 80 West 50 South  
Willard, Utah 84340

Commissioner Dubovik suggested rezoning the area where Chris Marx wanted the half-acre lots to R 1/2 and rezoning the rest to conform to the General Plan since he wanted to keep the area in the green belt.

Mayor Mote stated that the final draft of the new General Plan was ready for the Planning Commission to review. He believed the new Future Land Use Map showed this area with an R-1/2 use.

Commissioner Dubovik suggested that the rezone be tabled until after the new General Plan was reviewed and adopted.

There was further discussion.

**Commissioner Dubovik moved to table consideration of the Chris Marx rezone petition until after the new General Plan was reviewed and adopted. Commissioner Bingham seconded the motion. All voted "aye." The motion passed unanimously.**

6E. DISCUSSION REGARDING AMENDING SUBDIVISION ORDINANCE 12-400-11-10 REGARDING THE REQUIREMENT FOR SIDEWALKS, CURBS, AND GUTTERS IN ALL SUBDIVISIONS AND ZONING ORDINANCE 12-102-18 REGARDING CURBS, GUTTER, AND SIDEWALKS

Time Stamp 52:07 06/01/2023

Chairman Bodily stated that Colt Mund had prepared a draft amendment for 12-102-18 – **Curbs, Gutter, and Sidewalks** of the Zoning Ordinance, which read, "In accordance with Chapter 12-400-11-10, the installation of curbs, gutters, and sidewalks may be required with any residential or commercial subdivision on both sides of all existing or proposed streets in conformation with the Willard City Public Works Standards."

Commissioner Baker asked why the discrepancy had not been brought up when the City adopted the Master Planned Community (MPC) Zone last year.

Commissioner Bingham stated that this had always been an issue. The curb, gutter, and sidewalk requirement was in the Subdivision and Zoning Ordinances, not the MPC Zone. So it wouldn't have been addressed when the MPC Zone was adopted. The Planning Commission amended 12-400-11-10 in the Subdivision Ordinance. Now 12-102-18 was being amended so there would be consistency in the City Code.

Colt Mund stated that since he had been the City Attorney, there had been discussions about curb, gutter, and sidewalk. The ordinances said subdivisions *shall* put in curb, gutter, and sidewalk. In 2020, the Public Works Standards were adopted by ordinance. In 2022, based on a recommendation from the Planning Commission, the City Council amended the Subdivision Ordinance to require a storm drainage water plan that could waive the requirement of curb and gutter. That amendment read:

**12-400-11-10. Storm water retention and pedestrian travel:** The intent of this provision is to provide adequate storm drainage, reduced flood hazard and to protect the health, safety, improvements, property, and the general welfare of the persons residing in the area to be subdivided or developed. An applicant of a proposed subdivision or development 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; and (2) a proposed plan to address



WILLARD CITY

**Planning Commission Meeting – Regular Meeting**

Thursday, June 1, 2023 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

traffic circulation and pedestrian travel within the subdivision or development that preserves the safety and general welfare of pedestrians. The plans should be in harmony with the City's Public Work Standards. The City Engineer shall then review the proposed plans and submit a written recommendation approving or denying the proposed plans to the Planning Commission for consideration.

Mr. Mund stated that when the SLUA was reviewing the subdivision proposed by Chris Marx, the City Engineer indicated that the Public Works Standards provided the option for a low impact road with swales rather than curb, gutter, and sidewalk. SLUA members brought up the conflicting Zoning Ordinance requirement and recommended that the conflict be resolved. The proposed amendment simply referred to the Subdivision Ordinance and the Public Works Standards. Curb, gutter, and sidewalk may be required based on the City Engineer, SLUA, and Planning Commission reviews.

There was further discussion.

Chairman Bodily asked about the next step. Colt Mund stated that the Planning Commission needed to hold a public hearing to receive public input before it could make a recommendation to the City Council.

**Commissioner Bingham moved to set a public hearing on June 15, 2023, to receive public input regarding a proposed amendment to Zoning Ordinance 12-102-18 regarding curb, gutter, and sidewalks. Commissioner Dubovik seconded the motion. All voted "aye." The motion carried.**

7. CONSIDERATION AND APPROVAL OF MAY 18, 2023, REGULAR PLANNING COMMISSION MINUTES

Chairman Bodily tabled consideration of the May 18, 2023, minutes until the next meeting as the minutes had not been completed.

8. COMMISSIONER/STAFF COMMENTS

Time Stamp: 0:00 06/01/2023

Colt Mund

Did not have any comments

Chris Davis

Christ Davis stated that the staff would make hard copies of the Draft General Plan for the Planning Commission members to review.

Bryce Wheelwright

Bryce Wheelwright updated the Planning Commission on the HOP Trail. The City had been struggling with the funding process and trying to get the matching funds. It had just received notice that it had been approved to use the value of property along 200 West as a matching amount for the grant. The City needed to get the property appraised in order to submit a definite dollar amount. He felt the property value would be more than enough to receive the grant. As soon as the City had a dollar amount and the grant, it could finalize the interlocal agreement with the County, Perry City, and UDOT. Then engineering work could start.



WILLARD CITY  
**Planning Commission Meeting – Regular Meeting**  
Thursday, June 1, 2023 – 6:30 p.m.  
Willard City Hall – 80 West 50 South  
Willard, Utah 84340

Commissioner Bingham

Did not have any comments.

Commissioner Dubovik

Did not have any comments.

Commissioner Harrop

Commissioner Harrop stated that he was not a big advocate of the HOP Trail. The trees along the road were beautiful and attracted walkers and photographers. He felt the construction of the trail would lead to the removal of about 50% of the trees. He realized there was a safety issue because of the walkers and bicyclists. However, the road was only 25 mph. He didn't feel the public safety issue was justifiable.

Commissioner Bingham said he lived on 200 West as well and agreed with Commissioner Harrop about the trees. However, his wife drove to work on 200 West early every morning and complained about the walkers. She had almost hit walkers because they weren't wearing reflective clothing. He saw the need for the trail.

Commissioner Harrop was not opposed to a small trail, but what was being proposed was big enough for a ten wheeler. The trail would wipe out a ton of trees.

Chris Davis said the trail was only 10-feet wide. Commissioner Harrop said that two to three feet would be added along the road for a swale, and two to three feet would be added to the other side. When all was said and done the trail would be about 15-feet wide. He invited the City to consider what would happen to this area. He didn't feel the road would be beautiful and attractive after the trail was installed.

Commissioner Baker

Commissioner Baker gave a shout out to J & B Auto. They worked on her truck and did an awesome job.

Chairman Bodily

Chairman Bodily was concerned about the cables that were hanging along North Center Street and by Hatton's Dental Lab. He didn't think the cables were electric, but they looked dangerous. He asked the staff to get in touch with the proper utility company to have them cleaned up

Chairman Bodily asked about the status of the Fizz Shop. Bryce Wheelwright stated that they had run into some issues.

9. ADJOURN

**Commissioner Harrop moved to adjourn at approximately 7:36 p.m. Commissioner Bingham seconded the motion. All voted in favor. The motion passed unanimously.**



WILLARD CITY  
**Planning Commission Meeting – Regular Meeting**  
Thursday, June 1, 2023 – 6:30 p.m.  
Willard City Hall – 80 West 50 South  
Willard, Utah 84340

438 Minutes were read individually and approved on: \_\_\_\_\_  
439  
440

441  
442

443 \_\_\_\_\_  
444 Planning Commission, Chairman  
445 Sid Bodily  
446

\_\_\_\_\_  
Planning Commission Secretary  
Michelle Drago

dc:PC 06/01/2023