



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

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 City Hall and on the State of Utah Public Meeting Notice Website.

The following members were in attendance:

Sid Bodily, Chairman
Diana Baker
Chandler Bingham
Alex Dubovik
Blake Harrop
Zack Hulsey

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

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

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

1. PRAYER: Chandler Bingham
2. PLEDGE OF ALLEGIANCE: Zack Hulsey
3. ROLL CALL: Attendance was recorded by the secretary.
4. GENERAL PUBLIC COMMENTS

There were no comments.

5. CITY COUNCIL REPORT

Time Stamp: 2:15 05/18/2023

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

Chris Davis, City Manager, stated that the administration had received an email that afternoon approving 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 Hulse 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.



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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 Lane 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 Hulsey 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 6th, 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 10th, 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.



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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



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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.



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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.



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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.



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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 Hulsey 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.



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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.



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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 24th.

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.
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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: 7/6/23



Planning Commission Chairman
Sid Bodily



Planning Commission Secretary
Michelle Drago

dc:PC 05-18-2023