



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

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

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

Excused: Zack Hulseley

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

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

1. PRAYER: Blake Harrop
2. PLEDGE OF ALLEGIANCE: Diana Baker
3. ROLL CALL: Attendance was recorded by the secretary.
4. GENERAL PUBLIC COMMENTS

Time Stamp: 2:07 06/01/2023

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

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

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



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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 25th 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 25th, 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.



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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 25th. 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 check 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.



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- 6B. CONSIDERATION OF 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 22:43 06/01/2023

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

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

- 6C. PUBLIC HEARING TO RECEIVE PUBLIC INPUT REGARDING 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 25:08 06/01/2023

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

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

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

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

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



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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.



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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. Commissioner 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.



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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



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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.



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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.



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Minutes were read individually and approved on: 7/6/23

Sid Bodily
Planning Commission, Chairman
Sid Bodily

Michelle Drago
Planning Commission Secretary
Michelle Drago

dc:PC 06/01/2023