



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, April 18, 2024 – 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 Chandler Bingham, Vice Chairman	Jeremy Kimpton, City Manager
8 Diana Baker	Colt Mund, City Attorney
9 Ruth Beebe	Madison Brown, City Planner
10 Alex Dubovik	Michelle Drago, Deputy Recorder
11 Brian Gilbert	

12
13 Excused: Sid Bodily and Chad Braegger
14

15 Others in attendance: Mayor Travis Mote; Duane Dominguez; Ken Ormond; and Ruth Ormond.
16

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

- 19 1. PRAYER: Brian Gilbert
- 20 2. PLEDGE OF ALLEGIANCE: Alex Dubovik
- 21 3. GENERAL PUBLIC COMMENTS
- 22
- 23
- 24

25 There were no comments.
26

- 27 4. CITY COUNCIL REPORT

28
29 Time Stamp: 02:37 04/18/2024
30

31 Mayor Mote reported on the April 11, 2024, City Council meeting. The City Council finalized the Marc
32 Anderson rezone with an ordinance. Two taxes were repealed, and one tax was added back. All three were
33 related to the November 2023 ballot initiative regarding UTA. The UTA taxes were repealed and replaced
34 by a tax that will send Willard funds for roads. Overall, it was a tax cut for the citizens. The City Council was
35 working to vacate some sewer easements by the old Hubbard home and amend the Subdivision Ordinance
36 to clean up issues and add a water allocation plan.
37

- 38 5A. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR DUANE DOMINGUEZ TO REPAIR
39 ALL-TERRAIN AND UTILITY-TERRAIN VEHICLES ON HIS PROPERTY LOCATED AT
40 APPROXIMATELY 369 WEST 200 NORTH (PARCEL NO. 02-057-0030)

41
42 Time Stamp: 04:46 04/18/2024
43

44 Madison Brown, City Planner, stated that Duane Dominguez had applied for a home occupation license to
45 repair all-terrain and utility-terrain vehicles. His request became a conditional use permit because he
46 planned to do the repairs in a shop on his property. The business would not be conducted in his home. Fire
47 Chief Mund had inspected the shop and did not have any issues. The CUP Review Committee had reviewed
48 Mr. Dominguez's application and recommended that it be approved subject to there being no more than



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49 four vehicles parked outside at any time; a 10-pound fire extinguisher in the shop at all times; a metal
50 container for the storage of oily rags; an annual fire inspection; no employees; and no outside storage of
51 materials or contaminants.

52
53 Commissioner Dubovik asked if the conditions had been met.

54
55 Duane Dominguez stated that he had the fire extinguisher, and he had added the metal container for oily
56 rags.

57
58 Commissioner Gilbert asked if a grease separator was needed. Mr. Dominguez said his shop did not have
59 water or sewer.

60
61 Commissioner Baker asked what would be done with the old oil. Mr. Dominguez said he would take it to
62 Auto Zone or O'Reilly Auto Parts to be recycled.

63
64 Commissioner Baker asked if a special permit was needed for the oil. Jeremy Kimpson, City Manager, said
65 a permit was usually needed for larger quantities.

66
67 **Commissioner Dubovik moved to approve a conditional use permit for Duane Dominguez to repair**
68 **all-terrain and utility-terrain vehicles on his property located at 369 West 200 North (Parcel No. 02-**
69 **057-0030) subject to the conditions recommended by the CUP Review Committee. Commissioner**
70 **Gilbert seconded the motion. All voted “aye.” The motion passed unanimously.**

71
72 5B. REVIEW OF A CONDITIONAL USE PERMIT ISSUED TO BILL & SHELLEY MERRITS FOR A
73 SINGLE-FAMILY DWELLING ON SENSITIVE LAND LOCATED AT 344 EAST 300 NORTH
74 (PARCEL NO. 02-048-0005) ISSUED MAY 10, 1993

75
76 Time Stamp: 8:52 04/18/2024

77
78 Madison Brown stated that this was part of the conditional use permit review process. Bill and Shelley
79 Merritts applied for and received a conditional use permit in 1993. A building permit was not granted until
80 2018. Merritt's needed permission to build a home at 344 East 300 North because the parcel was located
81 on sensitive land. The land was part of the well-head protection zone and in the FEMA flood plain. The
82 home was no longer owned by the Merritt's. It was now occupied by Jane Eyre. Because conditional use
83 permits remained with the property, this one needed to remain active because the home was currently
84 being used.

85
86 There were no comments.

87
88 5C. DISCUSSION REGARDING AMENDING CHAPTER 12-105 OF THE WILLARD CITY ZONING
89 ORDINANCE TO ALLOW SHORT-TERM RENTALS IN RESIDENTIAL ZONES (CONTINUED
90 FROM APRIL 4, 2024)

91
92 Time Stamp: 10:55 04/18/2024

93
94 Colt Mund, City Attorney, stated that he had been working on an ordinance for short-term rentals using the
95 Richmond ordinance as a model. He would have a proposed ordinance ready for the Planning Commission
96 to review at the next meeting. He did have a few questions. Richmond and other cities made short-term



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97 rentals a conditional use. Willard's code included short-term rentals in the Commercial Neighborhood,
98 Commercial General, and Manufacturing zones as a conditional use, but they were not mentioned in
99 residential zones. Did the Planning Commission want short-term rentals to be permitted in some zones or
100 be reviewed as a conditional use on a case-by-case basis?

101
102 Vice Chairman Bingham felt short-term rentals should be conditional uses and reviewed case-by-case. The
103 Commission agreed.

104
105 Commissioner Dubovik felt each application should be reviewed so that each applicant understood the
106 rules.

107
108 Commissioner Baker asked about the difference between a short-term rental and an accessory dwelling
109 unit. Mr. Kimpton explained that a short-term rental had a lease that was less than 30 days in duration.

110
111 Commissioner Gilbert asked if an accessory dwelling unit could be changed to a short-term rental. Colt
112 Mund said the ordinance he was proposing would require a short-term rental license, which was distinct
113 from a business license. If someone wanted an ADU to be a short-term rental, they would have to go
114 through the review process to be licensed by the city. He felt enforcement of short-term rentals and ADU's
115 would be a challenge. He proposed that violation of the short-term rental ordinance be a Class B
116 Misdemeanor as a land use violation, which was the default of the state code. He hoped that would function
117 as a deterrent.

118
119 Vice Chairman Bingham asked about the ADU ordinance and how it was enforced. Mr. Mund said the
120 ordinance included a criminal violation and a lien provision. If the city determined there was a violation, it
121 could use those tools. Enforcement was complaint driven.

122
123 Mayor Mote asked how many ADU's were allowed per property. Mr. Mund said only one ADU – internal or
124 external - per parcel was allowed.

125
126 Vice Chairman Bingham's biggest worry was safety. What if there was a fire in an accessory building, and
127 the Fire Department did not know people were living there?

128
129 Mayor Mote asked how the City would determine the difference between an internal ADU and a short-term
130 rental. Jeremy Kimpton said there were building code characteristics that defined an ADU. Typically, an
131 ADU had its own HVAC system, there was not an entryway between the rental and the main dwelling, and
132 it had its own ingress/egress. The city would have to consider whether the rental was being used by family.

133
134 Colt Mund stated that an ADU was defined as a rental. What was a rental? If a homeowner allowed a child
135 or parent to live in part of the home and not pay rent, was that a rental? It was a gray area. In his opinion,
136 a rental meant some exchange of money or services, some type of compensation or consideration.

137
138 Mayor Mote felt the city would see more multi-generational families because of housing prices.

139
140 Colt Mund felt there were certain indicators that an accessory dwelling was being rented, such as
141 advertising. The city could use that as a basis for compliance.

142
143 Vice Chairman Bingham asked that the draft ordinance be scheduled for discussion at the next meeting.
144



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145 5D. DISCUSSION REGARDING AMENDING CHAPTER 12-106 OF THE WILLARD CITY ZONING
146 ORDINANCE THE MASTER PLANNED COMMUNITY ZONE (CONTINUED FROM APRIL 4,
147 2024)
148

149 Time Stamp: 23:06 04/18/2024
150

151 Vice Chairman Bingham said he had asked that this item be placed on the agenda. He wanted to make
152 sure the MPC Ordinance worked with the new General Plan. One area of concern was the minimum size.
153 Another was whether the density in an MPC Zone should be consistent with the underlying zone.
154

155 Mayor Mote said the signed ordinance had a typographical error in 12-106-2 that needed to be corrected.
156 Was the minimum size ten acres or twenty?
157

158 Commissioner Dubovik felt the Planning Commission and City Council verbally agreed that the minimum
159 size would be twenty acres. Since the MPC was adopted, there had been discussion about how few twenty-
160 acre parcels were left in Willard. If the city wanted more control over more parcels, the minimum MPC
161 should be reduced to ten acres.
162

163 Vice Chairman Bingham felt the way open space was administered needed to be clarified. The ordinance
164 provided for payment in lieu of open space, but it was not clear about how it worked.
165

166 Commissioner Gilbert asked how the value of the open space was determined. Was it the value of raw land
167 or improved land? He felt it should be improved land. How many parks did Willard need?
168

169 Mayor Mote stated that developers were proposing small open spaces for their individual developments.
170 Yet the residents of Willard wanted more open lots and access to the parks that were developed. If the
171 minimum MPC size was reduced to ten acres, the open spaces would become smaller and harder to
172 manage. The discussion of value came up for Lew Swain's Old Farm Subdivision. The city had to take the
173 appraised value, which was raw land. He thought city officials had been thinking the fee-in-lieu-of would be
174 based on improved land, but it was not in the ordinance. There were definitely some administrative issues
175 that needed to be cleaned up. MPC's took a lot of staff time. He was concerned that if the size was reduced
176 to ten acres, every development would be an MPC.
177

178 Commissioner Dubovik said an MPC would only be proposed if lots were less than a half-acre. Mayor Mote
179 felt every developer wanted lots smaller than a half-acre because they wanted to maximize their return on
180 investment.
181

182 Vice Chairman Bingham felt the payment-in-lieu of gave the city the ability to decide where parks should
183 be.
184

185 Mayor Mote felt the density cap would lead developers to do half-acre density because there was not a
186 benefit for them. The city needed to decide what the maximum density would be. If the underlying density
187 on the General Plan was half-acre, what would developers be paying in lieu of?
188

189 Commissioner Dubovik said a ten-acre MPC with 20% open space meant two extra lots if they paid a fee-
190 in-lieu-of. Mayor Mote felt that calculation needed to be in the ordinance, so it was clear to everyone.
191 Developers thought they could pay the city for 20% of open space and have carte blanche on the lot size.



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192 The ordinance needed to define the value of the open space and how open space and lot sizes would be
193 calculated.

194
195 Vice Chairman Bingham asked the Planning Commission to review the MPC ordinance to see if any other
196 changes were needed.

197
198 Commissioner Gilbert asked if there was a dollar figure attached to the staff time for a ten-acre parcel
199 versus twenty acres. Mayor Mote stated that each MPC had to have a development agreement, which took
200 a lot of time for the City Attorney to review and negotiate. The City Planner had to administer the ordinance.
201 MPC's might take less than if the ordinance had more guidance. The administration was amending the
202 Subdivision Ordinance to allow developers to be charged for attorney fees.

203
204 Commissioner Dubovik asked if developers would be less attracted to a ten-acre parcel. Mayor Mote felt
205 developers would be attracted to ten-acre parcels if the MPC Zone allowed them because they would be
206 more financially lucrative.

207
208 Commissioner Dubovik asked how the fee-in-lieu-of funds would be administered. Mayor Mote stated that
209 the city did not have an assigned account or an ordinance that tied the fee-in-lieu-of to parks. Currently the
210 funds went into a discretionary account. He felt the intent was to use the fee-in-lieu-of funds for parks and
211 parks' activities. Commissioner Dubovik felt the city needed to account for the fee-in-lieu-of funds.

212
213 Jeremy Kimpton said the fee-in-lieu-of might need to go into a restricted fund. Mayor Mote said the city did
214 not have an ordinance that tied the funds received for open space to the purchase and maintenance of
215 open space. He was not sure if the state code did. He felt the moral thing to do was make sure that was
216 what the funds were used for. Mr. Kimpton agreed.

217
218 Jeremy Kimpton stated that he would speak with the city's auditor about how to account for any fees-in-
219 lieu-of received by the city.

220
221 Vice Chairman Bingham asked how the Planning Commission felt about the minimum size of an MPC.

222
223 Commissioner Gilbert felt the ordinance requirements needed to be clear for the developer. It was
224 frustrating for them to pay for wasted engineering fees.

225
226 Mayor Mote stated that he created a checklist for the staff to use when reviewing an MPC. He acknowledged
227 that the questions were subjective. Yes, the city wanted the MPC ordinance to be flexible, but it was so
228 flexible that the city and developers were on opposite sides. There needed to be a way to bridge the gap.

229
230 Vice Chair Bingham asked if the MPC Ordinance needed to include language about payment of attorney's
231 fees. Colt Mund felt that the proposed amendment to the Subdivision Ordinance would be sufficient.

232
233 Vice Chairman Bingham said the Planning Commission needed to determine a minimum size, a formula
234 for calculating the amount and value of open space, and overall density.

235
236 There was further discussion. Vice Chairman Bingham felt the goal was to get a little bit of money for parks
237 and various lot sizes. Mayor Mote felt the open space benefits were limited with the smaller size.
238 Commissioner Gilbert felt a twenty-acre minimum would deter smaller MPC's, and it gave the city some
239 control. Mayor Mote felt every annexation request from South Willard would include an MPC request. Mayor



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240 Mote also felt information from the auditor might change the way the city looked at fees-in-lieu of.
241 Commissioner Baker felt twenty acres would provide for more conformity in appearance. Commissioner
242 Beebe felt twenty acres would provide more room for better planning. Vice Chairman Bingham was not
243 sure how the MPC ordinance could be worded to encourage a variety of lot sizes. Commissioner Dubovik
244 felt a ten-acre minimum could be attractive if there was a net density of a half-acre.
245

246 Vice Chairman Bingham asked the city manager to investigate how fees-in-lieu of could be used. He asked
247 the staff and Planning Commission to calculate a formula for the ordinance. He also asked the staff to
248 determine if anything needed to be added to the ordinance to make MPC's easier to process. The ordinance
249 needed to contain language defining the value of open space as improved land, not raw land.
250

251 Jeremy Kimpton said the staff would try to gather some answers for the Planning Commission.
252

253 Vice Chairman Bingham tabled discussion regarding the MPC Ordinance until the staff had information for
254 the Planning Commission.
255

256 5E. CONSIDERATION AND RECOMMENDATION TO THE CITY COUNCIL REGARDING AN
257 AMENDMENT TO THE GENERAL PLAN CHAPTER 12-000 OF THE WILLARD CITY ZONING
258 ORDINANCE TO INCLUDE A FUTURE LAND USE MAP FOR THE SOUTH WILLARD AREA
259 INCLUDED IN WILLARD'S ANNEXATION POLICY DECLARATION (CONTINUED FROM APRIL
260 4, 2024)
261

262 Time Stamp: 50:35 04/18/2024
263

264 Mayor Mote stated that during the last meeting, the Planning Commission discussed the future land use
265 map for South Willard and the need to drive through South Willard to be prepared for the open house on
266 May 16th. The open house would include a brief presentation about what had led to the current situation.
267 Box Elder County had promised to send a representative to answer questions about the County's position.
268 Then Willard and South Willard residents would be invited to provide feedback. The goal was to have Box
269 Elder County adopt whatever plan was formulated. Mayor Mote felt it was becoming increasingly apparent
270 that South Willard would either have to incorporate or become part of Willard. Either way, Willard needed
271 to make sure roads connected and that development was orderly. Box Elder County really did not have a
272 plan. He asked the Planning Commission members to document any ideas they had.
273

274 Vice Chairman Bingham liked the road map proposed by Commissioner Gilbert. Commissioner Gilbert said
275 he had tried to find a way to continue 200 West to the south. Some areas were tight. He was not sure it
276 would work.
277

278 Commissioner Gilbert felt that maps of the watershed would be very helpful. Mayor Mote felt a wetland map
279 could be pulled from Box Elder County's website and that the city's engineer could provide information
280 about sensitive land and slopes on the east side of South Willard.
281

282 Commissioner Dubovik asked if there was a way to combine his proposed zoning map with Commissioner
283 Gilbert's road map. He felt that would be a good start and would give the public something to throw darts
284 at.
285

286 Commissioner Gilbert felt the elk farm on the east side of Highway 89 was premier commercial land.
287



288 There was further discussion.

289

290 6. CONSIDERATION AND APPROVAL OF THE APRIL 4, 2024, REGULAR PLANNING
291 COMMISISON MINUTES

292

293 **Commissioner Baker moved to approve the April 4, 2024, minutes as written. Commissioner Beebe**
294 **seconded the motion. All voted “aye.” The motion passed unanimously.**

295

296 7. COMMISSIONER/STAFF COMMENTS

297

298 Time Stamp: 1:02:34 04/18/2024

299

300 Colt Mund

301

302 Colt Mund stated that he had discussed the ADU Ordinance and the City’s zoning tables with Jeremy
303 Kimpton. There was a need to clean things up. The zoning table referenced ADU’s, but it did not distinguish
304 between internal or external. Some changes would be proposed to the Planning Commission in a few
305 weeks.

306

307 Jeremy Kimpton said the Zoning Ordinance did not list any ADU as a CUP. He asked if the Planning
308 Commission wanted all ADU’s to be conditional uses, or just external.

309

310 Colt Mund said the state code made an internal ADU a permitted use in any residential zone. The city had
311 some flexibility with external or detached ADU’s.

312

313 Vice Chairman Bingham felt detached ADU’s should be a conditional use in residential zones.

314

315 Michelle Drago, Deputy Recorder, said the ADU ordinance said an ADU was required to have a license.
316 Did that mean both, or just external? Colt Mund felt a license would be required for either one if it was
317 intended to be used as a rental. The state code said *rental*. He interpreted *rental* to mean an exchange, or
318 some type of consideration, for the use of the living space.

319

320 Jeremy Kimpton

321

322 Did not have any comments.

323

324 Madison Brown

325

326 Madison Brown stated that she had ordered maps for the open house. They were supposed to be ready by
327 May 1st.

328

329 Jeremy Kimpton said they would also print the maps proposed by Commissioners Dubovik and Gilbert.

330

331 The Planning Commission decided to hold a work session at 6:00 p.m. on May 2nd.

332

333 Madison Brown asked for help with an agenda for the open house.

334

335 Commissioner Beebe



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336
337 Commissioner Beebe said the denser the housing was, the more it would cost the city to provide services.
338

339 Commissioner Dubovik

340
341 Did not have any comments.

342
343 Commissioner Gilbert

344
345 Did not have any comments.

346
347 Commissioner Baker

348
349 Did not have any comments.

350
351 Michelle Drago

352
353 Michelle Drago suggested that the short-term rental ordinance include a limit or a cap.

354
355 Vice Chairman Bingham

356
357 Did not have any comments.

358
359 8. ADJOURN

360
361 **Commissioner Baker moved to adjourn at 7:55 p.m. Commissioner Beebe seconded the motion. All**
362 **voted in favor. The motion passed unanimously.**

363
364
365 Minutes were read individually and approved on: _____

366
367
368
369
370 _____
371 Planning Commission, Vice Chairman
372 Chandler Bingham
373

Planning Commission Secretary
Michelle Drago

dc:PC 04-18-2024