



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, August 17, 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:

Chandler Bingham, Vice Chairman
Chad Braegger, Alternate
Alex Dubovik
Brian Gilbert, Alternate
Blake Harrop
Zack Hulsey

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

Excused: Sid Bodily, Diana Baker, Chris Davis

Others in attendance: Mayor Travis Mote; Councilman John Seamons; Chris Marx; Rew Wiley; Doug Thompson; Virginia Thompson; Pat Burns, Lync Construction; Morgan Palmer; Ken Ormond; and Ruth Ormond.

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

1. PRAYER: Alex Dubovik
2. PLEDGE OF ALLEGIANCE: Chad Braegger
3. GENERAL PUBLIC COMMENTS

There were no comments.

4. CITY COUNCIL REPORT

Time Stamp: 03:36 08/17/2023

Councilman Seamons reported on the August 10th City Council meeting.

The City recently had the opportunity to test its emergency preparedness with the flooding that resulted from the August 3rd rainstorm. He felt the City was well prepared, although some people in the community suffered severely. One of those residents, Mike Wetzel, spoke with the Council about his place. The Council determined that Willard Flood Control needed to be involved because they were responsible for controlling surface water. Councilman Mike Braegger, who was on the Flood Control Board, reported that all of the canyons were prepared, but Cooks Canyon. Everyone had counted on the Cooks Canyon trench to direct storm water to the culvert and the storm drain on 1st South. However, in the past few years, homes had been built over the top it. Storm water had found another route that ended up in Mike Wetzel's front yard. The City Council was waiting for a report from the Flood Control about what can be done.

Councilman Seamons said the City Council reviewed an amendment to Chapter 12-101 regarding alternate Planning Commission members. It tabled discussion about the Willard/Perry Interlocal Sewer Agreement due to legal issues.



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The City Council discussed the joint work session with the Planning Commission regarding the General Plan. Councilman Seamons felt the City was headed in the right direction, but the City had spent a lot of time, money, and delay getting the General Plan DRAFT from the planning consultant. During the past week, he reviewed a copy of the City's current General Plan. He personally felt that with a few tweaks the City would have a plan that made sense. It seemed every time the draft General Plan was brought up, there was a lot of discussion about density and other issues. He wasn't sure the plan should be density driven. It was a plan for how Willard should look in 20 years. He wasn't sure the proposed draft provided that plan.

Councilman Seamons stated that the City Council reviewed the Dark Sky Ordinance. Then it discussed the City's Annexation Policy Plan and Box Elder County's new policy regarding development in the unincorporated areas. Anytime the County received a land use request in the unincorporated areas, they were dumping it back on the closest city. Willard was being inundated, and property owners were incurring a lot of extra time and money. The City was planning to do a chip and seal road project. Rocky Mountain Power was installing a line on the west side of the HOP Trail on 200 West. They had bashed up the trail pretty badly. The City met with Rocky Mountain Power about needed repairs. The City wouldn't get everything it had asked for, but most of it would be repaired. The Council scheduled the Annual Day of Service for Saturday, September 16th.

Councilman Seamons stated that he had asked the staff and Planning Commission to pursue a small subdivision ordinance. The objective of the ordinance would be to simplify the process for one, two, and three lot subdivisions so they didn't have the engineering expense of larger subdivisions. The small subdivision would still need to be reviewed by SLUA. Right now small subdivisions had to submit the same paperwork and engineering that a large development did.

Councilman Seamons stated that the Planning Commission would be receiving information about the Annexation Policy Plan. According to the legislation he had reviewed, the Planning Commission put together the Annexation Policy Plan and recommended it to the City Council. The Council would be asking the Planning Commission to review that document because there were issues that weren't being addressed, and it didn't seem that Box Elder County wanted to address them.

Commissioner Harrop asked about the Council's feelings regarding the annexation plan. Councilman Seamons stated that the current Annexation Policy Plan needed to be updated. In light of the new MPC and General Plan, he felt the City could come up with a decent policy that would protect the City and simplify some of the issues being thrown at the City.

Commissioner Dubovik asked if the County wanted the City to annex areas south of the City. Councilman Seamons stated that the City's current Annexation Policy Plan extended south to the Weber County line, then swooped west of I-15, and back north to Willard Bay. The City needed to decide if it really wanted to annex those areas. His neighbor owned property near Anderson Livestock Auction. In order for his neighbor to create a one-acre lot, Box Elder County wanted him to proceed with full annexation into Willard City after which he would have to complete and submit full engineered drawings. Box Elder County wouldn't have anything to do with his neighbor's property until Willard City told him it would not annex his property. Bryce Wheelwright had already received five similar requests.

Colt Mund, City Attorney, stated that the City Council had asked if other municipalities in Box Elder County were also dealing with the same issue. His research indicated that other cities in Box Elder County were dealing with the same annexation issues. It wasn't just Willard.



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Commissioner Dubovik asked if this was the County's way of pushing Willard to annex more land. Councilman Seamons felt it was the County's way of getting out of the municipal business. Unincorporated residents were receiving municipal services without having to pay for them. They were being subsidized by all of the residents in Box Elder County.

5A. PUBLIC HEARING TO RECEIVE PUBLIC INPUT REGARDING A PROPOSED AMEND THE WILLARD CITY ZONING ORDINANCE BY ADDING OUTDOOR LIGHTING (DARK SKY) REGULATIONS

Time Stamp: 15:44 08/17/2023

Commissioner Hulsey moved to open the public hearing at 6:46 p.m. Commissioner Dubovik seconded the motion. All voted "aye." The motion passed unanimously.

Vice Chairman Bingham opened the floor for public comments.

Rew Wiley, 75 West 825 North, felt the City needed a dark sky initiative to keep the skies in Willard darker. Well lighted businesses actually invited theft. He realized that businesses needed to worry about safety and security, but when lighting was so bright that nearby residents were impacted, it was too much. A previous mayor had promised him that lighting would not impact him. However, he couldn't find a written record of that promise so he didn't have a way to legally require the adjoining business to turn its light down. He felt the dark sky ordinance regulations should be retroactive so that businesses would have to comply within five years and keep their light within their boundaries. Residents should be able to watch meteor showers from their own yards. Dark sky regulations should address street lights and businesses.

Commissioner Braegger asked if perimeter lighting could be directed back toward a business establishment. Mr. Wiley felt perimeter lighting could be taken out by a criminal, which would leave a business vulnerable. If light was projected toward a business, he didn't feel the light would disturb him. He felt light needed to be limited to what was needed for security. A business did not have to broadcast its location to the whole world.

Pat Burns/Lync Construction, North Ogden, liked the dark sky ordinance. Several of the cities and towns he worked in had dark sky regulations. Technology now allowed light to be guided to within inches of a property line. He owned several businesses. There were programs that paid businesses to change their lighting.

Ken Ormond, 150 North Main, and 186 West 750 North/Ormond Construction, stated that they used lighting on their properties to prevent theft. Since they had installed lighting, the amount of theft had been reduced. Lighting did provide protection. Lighting allowed police officers to see if something was going on. Lighting, whether it was residential or commercial, helped with police enforcement.

Morgan Palmer, 683 North Main, did not feel lighting should be restricted. Her lights were motion activated and shone down. She did not understand how the dark sky regulations would restrict residents and businesses. Commissioner Harrop stated that the goal to have light directed down, not up and out. Morgan Palmer asked about Christmas lights. Commissioner Hulsey said the ordinance contained a lumen restriction. Colt Mund said there were regulations for landscaping lighting; seasonal lighting was excluded.



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Morgan Palmer asked if there was a particular light that was in question. Commissioner Dubovik stated that property owners could light up their property, but they needed to prevent light spillage. Commissioner Gilbert stated that the proposed ordinance was meant to prevent light pollution.

Morgan Palmer asked if there would be another public hearing. Colt Mund stated that there would be another public meeting with the City Council, but there may not be another public hearing. At the Council meeting, the mayor would determine whether further public comments would be allowed.

Commissioner Harrop read from Section C of the Outdoor Lighting Standards by Type, "...may be allowed to accent unique features of a building and/or surrounding landscaping" as long as there wasn't a negative impact. The City wasn't planning to do away with low-lumen accent lighting, but it didn't want spot lights all over.

Morgan Palmer asked about motion lighting. Her lights were directed down, but they were her security. Commissioner Dubovik stated that in Paragraph D of the Section on General outdoor Lighting Standards, it said, "Motion sensing light fixtures shall be fully shielded and properly adjusted, according to the manufacturer's instructions, to turn off when detected motion ceases."

Commissioner Hulsey said the biggest thing was to keep your light on your own property.

Colt Mund stated that all existing lighting in the City was essentially grandfathered in. There was not a requirement to bring lighting into compliance until a property owner submitted a land use application, such as a rezone or a development, or building permit. Then the owner would have to bring his property into compliance.

Morgan Palmer asked about street lighting. Commissioner Dubovik stated that all street lighting was exempt.

Commissioner Harrop moved to close the public hearing at 7:10 p.m. Commissioner Hulsey seconded the motion. All voted "aye." The motion passed unanimously.

5B. CONSIDERATION AND RECOMMENDATION TO THE CITY COUNCIL REGARDING A PROPOSAL TO AMEND THE WILLARD CITY ZONING ORDINANCE BY ADDING OUTDOOR LIGHTING (DARK SKY) REGULATIONS

Time Stamp 29:50 08/03/2023

Vice Chairman Bingham asked how the Planning Commission felt about the proposed outdoor lighting (dark sky) regulations.

Commissioner Hulsey was in favor of the proposed ordinance. Turning light downward made a huge difference.

Commissioner Gilbert stated that most of the cities he worked and developed in required a photometric plan completed by an electrical engineer to show the lighting and the foot candles to make sure there would not be light pollution on adjoining properties. He recommended that the submission of a photometric plan be required for any new businesses. He felt the cost of a photometric plan would be prohibitive for residences.



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Colt Mund stated that photometric plans were common in a lot of cities. He felt that was a good and appropriate suggestion. There was an application process in the ordinance that would allow the requirement of a photometric plan.

Councilman Seamons stated that the proposed ordinance limited the total outdoor light output to 100,000 lumens per next acre. That was not a lot of illumination. He asked where that number came from. He wanted the ordinance to be defensible. Colt Mund stated that it came from Eagle Mountain's outdoor lighting regulations. The Planning Commission's role was to determine if an ordinance made sense for the community.

Commissioner Gilbert felt the City should move away from low pressure sodium lighting. It was old technology. LED lighting provided the same lighting with a higher efficiency and lower cost.

Rew Wiley asked that existing, grandfathered businesses be advised to change their lighting so that they didn't impact adjoining residents. Commissioner Harrop wasn't sure the ordinance could retroactively require compliance. Colt Mund said some cities had required that every business or residence come into compliance within two to three years. It was something for the Planning Commission to consider. As an attorney, he was uncomfortable with that. That would put a lot of burden on the City's enforcement staff of one.

Commissioner Dubovik said the International Dark Sky Association probably had awards that recognized businesses for compliance. If a business did come into compliance, the City could present an award the business could display. Colt Mund felt that was a good idea.

Commissioner Harrop asked about residential requirements. Colt Mund stated that the standards for residential outdoor lighting were slightly different than commercial, but generally speaking the ordinance applied to all outdoor lighting.

Commissioner Harrop asked if residential homes would be required to submit a photometric plan. Colt Mund said the ordinance did not specifically require a photometric plan. It did require a lighting plan that met the requirements of the City Planner and the Planning Commission. Commissioner Gilbert had suggested that photometric plans apply to businesses and developments. Photometric plans were expensive. Commissioner Gilbert felt a photometric plan for a residential home would be cost prohibitive.

Commissioner Dubovik felt a photometric plan should be added to the list of options in the Plan Submittal Section. Colt Mund felt the ordinance provided the discretion for the City Planner, SLUA, or the Planning Commission to require a photometric plan, or the Planning Commission could require a photometric plan for certain types of development.

Commissioner Braegger asked Pat Burns if a photometric plan was a reasonable requirement. Pat Burns said it absolutely was. He had provided photometric plans before. He understood what the dark sky requirements were and ordered lights that were dark sky compliant. They weren't that expensive. They were lights that were shielded and shone down.

Bryce Wheelwright, City Planner, stated that there was a street light design in the City's Public Works Standards. It was a 14-foot cobra design with a 14-foot pole. Willard City had contracted with Rocky Mountain Power to install those lights. The lights were owned by the power company, and they were dark sky compliant. All contractors had to do was let the City know they were ready for street lights. Then the



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City created a work order to have the lights installed by Rocky Mountain Power. It was up to the Planning Commission if they wanted to be more restrictive than that.

Commissioner Dubovik suggested that street lights be handled similar to the curb and gutter. Street lights would be required to comply with the Dark Sky Ordinance Compliance would be determined by the City Engineer according to certain criteria.

Colt Mund stated that the proposed ordinance required the submission of a site plan that indicated the location of all lighting fixtures, both proposed and existing, and a description of each device that included lamp types, wattages, and initial lumen outputs. The planning director could determine if other information was necessary to ensure compliance of the code. The ordinance did provide flexibility.

The Planning Commission agreed that the proposed language did provide the flexibility to require a photometric plan.

Commissioner Dubovik wanted to make sure that the commercial lighting time limitation of 11:00 p.m. coincided with the City's Noise Ordinance. He felt the lighting and noise should both be reduced at the same time. Colt Mund stated that he could not find a time limit in the City's Noise Ordinance. He had verified that fact with Bryce Wheelwright, the City Planner. The City's Noise Ordinance did not include a time restriction. Generally the time restriction had thought to be 11:00 p.m., and that time was even included in some conditional use permits. However, the City's Noise Ordinance did not include a specific time. Bryce Wheelwright stated that the City's Nuisance Ordinance was very broad.

Commissioner Dubovik stated that Prohibited Lighting Section A talked about *approved special events*. What was an approved special event? Colt Mund stated that it could be something similar to a concert in the park. An event approved by the City that would be accompanied by a lighting plan. Commissioner Hulsey asked if the City had a special event permit process. Bryce Wheelwright said it did. Colt Mund said he could add language that said a City approved special event.

Colt Mund listed the changes recommended by the Planning Commission: Willard City approved special events in Prohibited Lighting; removal of low-pressure sodium lighting in General Outdoor Lighting Standards; the Planning Commission felt the current language in Plan Submittal and Evidence of Compliance provided the discretion to require a photometric plan; and making sure the time restriction in commercial lighting time limitation coincided with the City's Noise Ordinance.

Commissioner Harrop moved to recommend that the City Council approve the outdoor lighting (dark sky) regulations with the changes listed by the City Attorney. Commissioner Dubovik seconded the motion. All voted "aye." The motion passed unanimously.

5C. CONSIDERATION AND RECOMMENDATION TO THE CITY COUNCIL REGARDING A PROPOSED AMENDMENT TO CHAPTER 12-101 TO ALLOW FOR ALTERNATE PLANNING COMMISSION MEMBERS AND TO GRANT ALTERNATE MEMBERS VOTING RIGHTS

Time Stamp: 46:00 08/17/2023

Colt Mund stated that the need for alternate members had been discussed. He had prepared a draft to the revise existing code that would allow two alternate members to sit on the Planning Commission and to be voting members. The additional changes in Subsection F (4) and (6) were to clean up the existing Planning Commission Code. Changes had been made regarding consideration of conditional use permits through a



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Conditional Use Permit Review Committee, and in (6) the Board of Adjustment had been replaced with a Hearing Officer who heard land use appeals regarding decisions made by the Planning Commission.

Commissioner Hulsey said the Planning Commission had talked about periodically reviewing conditional use permits. Should that be included in the amendment? Cold Mund stated that when the Conditional Use Permit Code was amended, a review clause was added. It said, "The Planning Commission may review compliance with an issued conditional use permit at regular intervals at the discretion of the Planning Commission, or upon recommendation of the City Planner."

There was a discussion about the conditional use permit review process. Commissioner Hulsey stated that the Planning Commission was asking that the conditional use permits be reviewed regularly. Commissioner Braegger felt the fairest way to do it was start at the top of the list and work down.

Commissioner Hulsey moved to recommend that the City Council approve the proposed amendment to Chapter 12-101 to allow for alternate Planning Commission members, to grant alternate members voting rights, and duties and powers of the Planning Commission as drafted. Commissioner Harrop seconded the motion. All voted "aye." The motion passed unanimously.

Mayor Mote arrived at 7:24 p.m.

5D. CONSIDERATION AND RECOMMENDATION TO THE CITY COUNCIL REGARDING A GENERAL PLAN DRAFT WHICH WOULD AMEND CHAPTER 12-000 OF THE WILLARD CITY ZONING ORDINANCE

Time Stamp 52:44 08/17/2023

Vice Chairman Bingham stated that this item was a continuation of the work session held at the last meeting.

Commissioner Hulsey stated that he made some rough density calculations based on the discussion from the work session. Councilman Kunzler said he liked the density of Old Town Willard. He had suggested counting the number of houses in Old Town Willard and repeating that density in the rest of the community. Using aerial imagery, he counted the number of houses and calculated that Old Town Willard had a rough density of 1 acre. He looked at a blanket density based on the current zoning map, excluding the existing PUD's, commercial, industrial, and TOD and came up with 1.75 acres per lot. He then looked at the map from the draft plan, and again excluded the PUD's, the commercial, industrial, and TOD. He came up with a .66 to .75 acre density. (See attached calculations).

Vice Chairman Bingham felt the .66 to .75 was the density he was thinking about. By the time land was taken out for roads, it would leave about a half-acre lot. Half-acre lots always seemed to be the number Willard revolved around. He liked the idea of a blanket density, with the exception of the commercial and industrial areas. It would be an even playing field for everyone. If a blanket density was applied, the Planning Commission needed to revise the MPC Zone to allow developments smaller than 20 acres, such as five to 10 acres, in order to get clustering and various lot sizes. Then the blanket density could be utilized more effectively.

Commissioner Hulsey understood that the Commission was worried about being fair to property owners, but there was also something to be said for property owners who had purchased a large property based on the current zoning map because they didn't want neighbors. If the City did away with the large lot size



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requirement, it wasn't fair to them either. There were different types of property owners. Some purchased property to maximize it. Others wanted to keep open space.

Vice Chairman Bingham stated that he was looking at the lots and houses already in the 1-3 acre area shown on the Draft Future Land Use Map. A lot of that area was already in half-acre lots or different variations. He had always felt that property owners shouldn't rely on City ordinances to ensure open space around them. If you wanted it to remain open around you, you should purchase the property because you can't dictate what someone does with their property.

Commissioner Hulsey said people could choose to live somewhere based on a zoning map.

Commissioner Dubovik didn't feel the City had to sell the farm. It didn't have to make future land use equitable. If the City planned for an area to have quarter acre lots hoping there would be a varied lot size, developers would come in and do nothing but quarter acre lots. The General Plan narrative talked about a rural feel. He didn't feel a half-acre grid from Willard to Brigham City would have a rural feel. The hard part was trying to balance everything. He liked the idea of varied lot sizes. How did the City ensure them?

Vice Chairman Bingham felt encouraging the MPC Zone would provide varied lot sizes. He didn't feel there weren't going to be large farms in Willard anymore. That was one of the things that was going away. There weren't going to be many left who made their sole living by farming. However, there would be people with smaller farms. The only way to keep open space was to have varied lot sizes.

Commissioner Braegger stated that he was running for City Council. He had been asked to answer a question about affordable housing. He wasn't sure what that was anymore. He didn't feel current rent prices was affordable. The only affordable housing he could see in Willard right now was an ADU. Things were going to get hard, and people would have to look out for their kids. Having space in your backyard was not a bad thing. The land had been purchased, and the utilities were there.

Commissioner Dubovik felt the work session was open ended. He asked if there would be another one. Commissioner Harrop said there wasn't a definite closure. Councilman Seamons didn't feel there was closure either. He had taken good notes during the work session. The Commission and City Council were focused on density. The point was property rights. How did the City tell a property owner he couldn't sell the farm?

Commissioner Hulsey said the City wasn't telling property owners they couldn't sell land, but City was saying the lot size had to be larger than half-an-acre. Councilman Seamons said the City was telling a property owner he could only get so much for his land. Commissioner Hulsey the lot size was dictated by the Future Land Use Map. If an area was designated for large lots, that was the minimum lot size.

Commissioner Harrop didn't want to be the one to dictate what someone's land was worth. He could see the issue from the landowner's perspective.

Commissioner Hulsey stated that he would tell a property owner what the zoning was. Councilman Seamons said that would determine what land was worth. The Planning Commission had to consider property rights.

Vice Chairman stated that the DRAFT Future Land Use Map in its current configuration made the MPC Zone useless.



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Commissioner Hulsey felt the MPC Zone would be most applicable in the area designated for 3 to 5 acres. Vice Chairman said it was also the area that couldn't utilize the MPC Zone.

Commissioner Dubovik asked what would stop the City from rezoning an agricultural property to the MPC Zone if someone brought in a compelling plan. Vice Chairman stated that if a property owner submitted a rezone petition in the A-5 Zone, the entire density could only be five acres. Commissioner Dubovik said an MPC would be a new zone. Vice Chairman Bingham said the MPC referred back to the density of the Master Plan. Commissioner Dubovik thought the MPC gave the applicant the opportunity to have a different density. Vice Chairman Bingham said the MPC was tied to the density in the master plan.

Vice Chairman Bingham didn't want Willard to be a half-acre grid. He wanted to provide a way for there to be a variety of lot sizes.

Commissioner Dubovik asked if the MPC Zone could be reworded to allow a density that wasn't tied to the master plan if a compelling development plan was submitted.

Commissioner Hulsey felt that would make the review process too subjective. It would be hard to make sure it was fair for everyone. He felt decisions needed to be tied to something concrete.

Commissioner Dubovik felt the MCP Zone was written to provide some levity so the Planning Commission could pick ideas it felt were better for the City.

Councilman Seamons stated that landowner incentives were discussed in the work session.

Commissioner Harrop asked if there was a way to implement incentives without showing favoritism. Commissioner Dubovik felt qualitative statements with a weighted scale could be added to the MPC Zone.

Vice Chairman Bingham wanted to provide as many tools as possible to get the density the City was looking for without telling a property owner they had to have five acres here, three acres here, or one acre over there. He felt the City wanted to have varied lot sizes that could provide affordable housing.

Commissioner Hulsey wasn't sure lot sizes had much to do with affordable housing. He felt house size was what really dictated the value. His greatest fear about a blanket density was a big grid that maximized the land as much as possible.

Vice Chairman Bingham felt the MPC Zone would allow various lot sizes. Commissioner Hulsey asked why clustering lots would allow a developer to save on infrastructure costs. He agreed with clustering, but what would give a developer incentive to do that? Pat Burns, Lync Construction, stated clustering homes did save on infrastructure costs. However, he felt a developer needed to be able to get more density for clustering and leaving open space. A developer needed a reason not to develop an entire piece of property.

Commissioner Hulsey asked if a developer would cluster solely to have on infrastructure costs. Pat Burns felt the Planning Commission was talking about two different animals – the price of a lot and density. Density was everything. The price of the land was one cost. If you get ten lots out of it, the price of the land didn't change. Land cost was one-third the cost of a development. Infrastructure costs was another third. Infrastructure costs could change and go up. Density made it worth it to change a development. It was the key. A developer could to a three-acre lot and get more money for the bigger lot. But, could he still put in the infrastructure in, pay for the land, and still get a return out of it? The cost to develop a big lot with a large frontage was huge, but if a developer could cluster lots and get more density, open space could be



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created, which is what everyone wanted. Density allowed a landowner to be able to sell land for more money. It gave the developer the ability to pay for the infrastructure and the land. In the MPC Zone, if he had a 20-acre parcel, and he could only have 20 lots, there wasn't a benefit. If he could have 30 lots on 20 acres if he got creative, everyone got what they wanted – open space, density, or buying back. He thought the option to buy back was a great idea. An appraiser did not care about zoning. An appraiser looked at other uses within a half-mile to a mile.

Commissioner Braegger asked who took care of the open space in developments. Pat Burns stated that the open space was the responsibility of an HOA, a city, or a county. They were setting up HOA's that were run by a management company.

Commissioner Gilbert asked if the rural feel was more parks, or was it small farms. Open space was a broad term. He didn't want more parks. He wanted small farms. The Planning Commission agreed.

Commissioner Hulseley wanted to figure out how to get more agricultural conservation easements. If open space was in a conservation easement, it could be sold or leased at a much more reasonable price. That would keep the rural feel. Mayor Mote said that was what Dr. Beard was doing. He explained how conservation easements worked. Commissioner Hulseley asked if a property owner made money by selling agricultural rights to a conservation easement. Mayor Mote said there were some programs that might help offset some of the cost of a conservation easement.

Vice Chairman Bingham felt the only agricultural easement the City would get was someone willing to purchase property and work it. That was why he felt the City needed a tool to get large and small lots over the entire city. The City had to do something to incentivize people to sell larger lots. The intention of blanket zoning wasn't to have everything be the same. Maybe the Planning Commission needed to change the MPC Ordinance so that it wasn't tied so tightly to the Future Land Use Map. He didn't feel the proposed Draft Future Land Use Map made sense, except for the commercial and industrial areas. It inhibited the MPC Zone. Open space wasn't just parks. It was land without houses. He didn't feel the City would be able to maintain that kind of open space. If a property owner could put all of his property in half-acre lots, the five acre lot would never be for sale.

Commissioner Dubovik stated that if the City established a blanket density to encourage MPC developments, what would prevent developers from just developing a half-acre grid.

Vice Chairman Bingham hoped an MPC would encourage clustering of homes to save on infrastructure costs. He felt that was the only way to get the best of both worlds. Otherwise, the City was going to get a grid of houses, no matter what. Once property was in an MPC Zone, the property would be locked up. It was the only way everybody wins.

Commissioner Braegger stated that the City could not require a property owner to do an MPC Zone.

Commissioner Harrop stated that a land owner needed to make money, and so did a developer. There was a need for developers, but it had to be financially feasible or they would walk away. If the City provided an incentive, a developer could capitalize. The City would get the open space, the developer could make money, and so could a landowner.

Vice Chairman Bingham felt the Planning Commission needed to work on the MPC Zone. There needed to be a density bonus, but the City didn't want a loophole that would make everything go crazy. The City didn't want anything like the old PUD Ordinance.



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Pat Burns stated that a developer/property owner would still have to apply for a rezone. He suggested that the rezone be accompanied by a preliminary plan and a development agreement. The City could then dictate through the development agreement. The rezone and plat would be tied to the development agreement. That would stop developers from a bait and switch. A rezone with a development agreement was a tool that would provide the City with teeth.

Commissioner Dubovik felt there would be subjectivity in that process. The Planning Commission would be making a subjective decision on whether or not a plan benefitted the community. He didn't feel the City could get away from subjectivity if it wanted to do an incentive program. The Planning Commission would have to be consistent. The Planning Commission would need objective criteria. It was easier to say than do.

Commissioner Gilbert felt there was some subjectivity with every development.

After further discussion, Commissioner Dubovik said he wanted to pitch these ideas to the City Council.

Commissioner Braegger asked if the City was sure it had set aside enough commercial land. There wasn't a lot of room for commercial on Highway 89 or 750 North. In 20 years would the City lack the commercial area it needed to support the City? There was a lot of wet ground west of 200 West that wasn't ideal for building, but might be good for commercial.

Councilman Seamons stated that there was land west of I-15 north of Willard Bay that needed to be addressed.

The Planning Commission discussed scheduling another work session with the City Council.

Commissioner Dubovik moved to table consideration of the General Plan DRAFT and recommend that the City Council schedule a work session with the Planning Commission. Commissioner Harrop seconded the motion. All voted "aye." The motion passed unanimously.

- 5E. CONSIDERATION AND RECOMMENDATION TO THE CITY COUNCIL 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) (CONTINUED FROM JUNE 1, 2023)

Time Stamp: 1:43:37 08/17/2023

Bryce Wheelwright stated that in June, the Planning Commission held a public hearing regarding a rezone request from Chris Marx. After the hearing, the Planning Commission tabled consideration of the rezone until the General Plan was updated. Chris Marx wanted to move forward with the rezone process and approval of his development concept. He planned to have half-acre lots on the east part of his property. The west end would remain a larger parcel.

Commissioner Dubovik asked if the rezone area matched the existing Future Land Use Map. Bryce Wheelwright said part of the east side did. The west half had a future designation of A-3. The east part was contiguous with half-acre development.

Chris Marx, 297 West 380 North, stated that he was asking for half-acre lots 300 feet west into the area designated for future A-3 zoning. He planned to leave a five-acre lot on the west side for himself, which



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would comply with the designed A-3. Part of his land was already zoned R ½. He was just asking to stretch that area a little further to the west. He felt his concept plan fit the criteria the Planning Commission had been discussing. It had a variety of lot sizes with half-acre lots for his kids and a large open lot for himself. He had listened to input from the City. His concept plan included a stub road to the south and showed where a future 500 West would be, as well as the future UTA corridor.

Commissioner Harrop asked about the total acreage. Chris Marx said he had 11.45 acres, which included his current home.

Commissioner Braegger asked about water rights. Chris Marx said he had both water rights and water shares. Commissioner Braegger asked if the road had been designed around the location of the sewer trunk line. Mr. Marx said it had. Commissioner Braegger asked if the sewer line running north had been lined up with the future 500 West. Mr. Marx felt it was actually west of the future 500 West. Commissioner Braegger felt Mr. Marx needed to be aware of the sewer's location so it didn't mess up plans for the large 5-acre parcel.

Commissioner Dubovik was concerned that making a decision that did not follow the Future Lane Use Map would set a legal precedence.

Colt Mund stated that his previous concern regarding the rezone petition was that the current Future Land Use Map did not contemplate half acre lots on all of Chris Marx's property. Under State Code, a general plan was an advisory document. A city could put as much weight on it as it wanted. However, Willard City's General Plan was mandatory. It said that when the City considered a rezone application, it had to conform to the General Plan. Although the City was in the process of updating the General Plan, there was an existing plan.

Vice Chairman Bingham asked if being contiguous to other half-acre lots carried any weight. Colt Mund didn't feel contiguous zoning was relevant unless the City was discussing spot zoning.

Colt Mund stated there were ways to make the rezone work while protecting the City. A Future Land Use Map could be amended. In situations like this one, an applicant could submit a request to amend the General Plan in conjunction with the rezone. Chris Marx could request that the Future Land Use Map be changed from A-3 to R ½. He preferred to have the Future Land Use Map updated in conjunction with the rezone to avoid setting a precedent.

Commissioner Hulsey felt the City needed to stick to the map, which made this situation hard. The concept presented by Chris Marx had various lot sizes. In order to be fair to everyone, the City had to stick to the Future Land Use Map. He would be more open to amending the map. In this circumstance, the planned subdivision met the spirit and intent of what the City was trying to do.

Commissioner Gilbert felt Chris Marx's proposal felt rural.

Commissioner Harrop liked the plan as well. He realized that amending the Future Land Use Map meant a longer process for Chris Marx.

Chris Marx asked if the Planning Commission could make a double recommendation to the City Council regarding a Future Land Use Map amendment and his rezone petition so he didn't have to wait. The Planning Commission just stretched out the approval of the proposed Future Land Use Map another month. He felt it would be December or January before it was actually approved.



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Colt Mund stated that public notice and a public hearing was necessary to amend the General Plan. Mr. Marx could submit an application to amend the General Plan, the Planning Commission could hold the required public hearing, and it could forward a recommendation regarding the General Plan amendment to the City Council along with a recommendation to approve the rezone subject to the General Plan amendment.

There was a discussion about setting a public hearing and the application process.

Commissioner Hulsey clarified that Chris Marx would submit an application for a General Plan amendment, the Planning Commission would hold a public hearing at the next meeting, and then the Planning Commission would make a recommendation regarding the General Plan amendment and the rezone petition to the City Council. Mr. Mund said that was correct.

Commissioner Dubovik was concerned that would set a precedence for more amendment requests. How could the Planning Commission document criteria used to decide whether to amend the General Plan? Colt Mund stated that there was criteria for a rezone. Amending the General Plan was more discretionary. There wasn't criteria in the Zoning Ordinance.

Commissioner Hulsey felt the role of the Planning Commission was to interpret the intent of the plan.

Mayor Mote stated that the General Plan included a vision statement. Any amendment should support that vision statement.

Commissioner Hulsey moved to table consideration of the rezone petition submitted by Chris Marx and set a public hearing to consider a General Plan amendment at the next meeting subject to Chris Marx submitting an application. Commissioner Harrop seconded the motion. All voted “aye.” The motion passed unanimously.

6. CONSIDERATION AND APPROVAL OF AUGUST 3, 2023, REGULAR PLANNING COMMISSION MINUTES

Commissioner Dubovik moved to approve the August 3, 2023, minutes as written. Commissioner Harrop seconded the motion. All voted “aye.” The motion passed unanimously.

7. COMMISSIONER/STAFF COMMENTS

Time Stamp: 2:08:40 08/17/2023

Colt Mund

Did not have any comments.

Bryce Wheelwright

Bryce Wheelwright stated that he had attended the August 16th Box Elder County Commission meeting. During that meeting, the County Commission approved the recommendation that the Mike Bastian property in South Willard be annexed into Willard City. That would probably be coming before the Planning Commission.



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Commissioner Braegger

Did not have any comments.

Commissioner Dubovik

Commissioner Dubovik was concerned about the number of cars being parked in front of J & B Auto. Bryce Wheelwright stated that he had spoken with Jeff Moyes about the amount of cars. Mr. Moyes said he would take care of the cars.

Commissioner Hulsey

Commissioner Hulsey asked if there was a plan to move the fire station to the east side of the community. Bryce Wheelwright said there wasn't a plan. Mayor Mote stated that the City had been given some land on the east side, and he had spoken with the Fire Chief about the possibility prior to the budget year. Chief Mund was going to look into a design and a cost.

Commissioner Gilbert

Did not have any comments.

Commissioner Harrop

Did not have any comments.

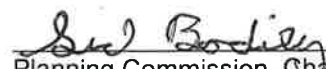
Vice Chairman Bingham

Vice Chairman Bingham stated that there was a campground in Willard operating without a conditional use permit. They weren't charging, but there were four or five people camping there year-round. Bryce Wheelwright stated that the property owner was running an agricultural business. Commissioner Dubovik said they were probably part of Harvest Hosts, which was a national organization. Upon payment of a membership, members could stay at a farm for a day and then move on. It was supposed to promote patronization of businesses. The benefit for the camper was a free spot for the night. Mayor Mote stated that the City code allowed a property owner to have a guest stay in a motor home up to a week. It appears to be within the City's code.

8. ADJOURN

Commissioner Harrop moved to adjourn at approximately 8:46 p.m. Commissioner Dubovik seconded the motion. All voted in favor. The motion passed unanimously.

Minutes were read individually and approved on: 9/7/23



Planning Commission, Chairman
Sid Bodily
dc:PC 08-17-2023



Planning Commission Secretary
Michelle Drago