



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, November 2, 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
Chandler Bingham
Chad Braegger
Brian Gilbert
Blake Harrop

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

Excused: Diana Baker, Alex Dubovik, and Zack Hulsey

Others in attendance: Rod Braegger; Rew Wiley; and Mike Bastian.

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

1. PRAYER: Blake Harrop
2. PLEDGE OF ALLEGIANCE: Sid Bodily
3. GENERAL PUBLIC COMMENTS

There were no comments.

4. CITY COUNCIL REPORT

There wasn't one.

- 5A. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR JACKIE SURRAGE TO OPERATE A FOOD TRUCK AT APPROXIMATELY 725 SOUTH MAIN (PARCEL 02-053-0009)

Time Stamp: 03:20 11/02/2023

Bryce Wheelwright, City Planner, stated that the Planning Commission approved a conditional use permit for Jackie Surrage at the last meeting. Since that meeting, a formal document listing the conditions had been prepared and was ready for the Planning Commission to approve. Did the Planning Commission want to add to or remove any of the conditions?

Commissioner Bingham moved to approve the conditional use permit as prepared. Commissioner Braegger seconded the motion. All voted "aye." The motion carried.

- 5B. CONSIDERATION AND RECOMMENDATION TO THE CITY COUNCIL REGARDING AN AMENDMENT TO THE EMERGENCY ACCESS REQUIREMENT FOR THE ROD BRAEGGER SUBDIVISION LOCATED AT APPROXIMATELY 100 SOUTH 400 WEST (02-054-0003)

Time Stamp: 05:23 11/02/2023



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Bryce Wheelwright stated that when the Planning Commission discussed this on October 5th it asked the Braeggers for additional information in the form of an easement agreement with Lindsay Hansen and written confirmation from the Willard City Fire Chief. Braeggers had submitted a written letter from the Fire Chief stating that the proposed emergency access would be sufficient and a temporary easement agreement with Lindsay Hansen. The City had also located a copy of Lindsay Hansen's sewer easement deed, which proved that the easement was there and could be used.

Chairman Bodily asked if Rod Braegger wanted to add anything to what had been said. Mr. Braegger said he did not.

Councilman Harrop asked if there was any further information the Planning Commission had asked for. Bryce Wheelwright stated that when the Braegger Subdivision and The Orchards Subdivisions were completed, there would still be an unfinished portion of 400 West on the Lindsay Hansen property. Who would be responsible to complete that portion so the road could be connected? When that portion was completed, there would no longer be a need for the temporary access easement.

Chairman Bodily asked who owned that road portion. Bryce Wheelwright said it belonged to the City. Commissioner Braegger felt Lindsay Hansen would be responsible for developing the road when he developed his property.

Commissioner Harrop asked if there would be other accesses. Bryce Wheelwright stated that the Braegger's would have their temporary easement, and The Orchards would have more than one access.

Commissioner Bingham stated that the whole subdivision had been screaming for a second ingress/egress. When The Orchards developed, there could be access across the Hansen property, even if it was just road base. Mr. Wheelwright stated that the City would have to make sure the roads lined up when The Orchards developed. Commissioner Braegger felt the City Engineer would catch that.

Bryce Wheelwright felt it would be sometime before 400 West was improved.

Commissioner Harrop moved to recommend that the City Council amend the emergency access requirement for the Rod Braegger Subdivision as requested. Commissioner Gilbert seconded the motion. All voted "aye." The motion passed unanimously.

5C. CONSIDERATION AND RECOMMENDATION TO THE CITY COUNCIL REGARDING AN MPC DESIGNATION FOR THE MIKE BASTIAN AND MIKE SHULTZ ANNEXATION OF 70 ACRES LOCATED AT APPROXIMATELY 8400 SOUTH HIGHWAY 89 (PARCEL NOS. 01-045-0018, 01-045-0015, 01-045-0132, AND 01-045-0016)

Time Stamp 10:19 11/02/2023

Bryce Wheelwright stated that the Planning Commission was aware that there had been discussions about annexing South Willard. The City had received an annexation request from Mike Bastian and Mike Shultz to annex approximately 70 acres located at approximately 8400 South Highway 89. They were requesting a Master Plan Community Zone. The property was located just north of the Trigon Convenience Store, east of the elk farm, and south of the Willard LDS Stake Center. Mr. Wheelwright presented the Planning Commission with a copy of their concept plan, which consisted of 250 residential units with a gross density of 3.31 units per acre. The concept plan included 106 residential units with an average lot size of 15,089



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square feet and 144 townhomes. The plan also included pickleball courts, a playground area, and almost ten acres of open space.

Mr. Wheelwright stated that the concept plan had already been approved by Box Elder County as a master planned community. Earlier in the day the Subdivision Land Use Authority had reviewed the concept plan. SLUA had recommended a few changes.

Mike Bastian said the proposed concept plan contained the highest density they could get. There were some issues that had not been considered that would probably shrink the density, such as the sale of a 150-foot preservation corridor to UTA and the Division of Water Rights. The concept plan showed the required 20% of open space located on the west side of the Union Pacific tracks. It also included beautification for Highway 89.

Mr. Wheelwright stated that Mike Bastian and Mike Shultz were asking if Willard City would be willing to annex the property with an MPC Zone.

Commissioner Harrop questioned whether the proposed open space was even accessible due to the railroad tracks. Mr. Wheelwright said there was a crossing at the north end, but its safety was questionable. Mr. Bastian had told SLUA that he would explore options to access the open space from the south.

Bryce Wheelwright said the development would have a homeowner's association. The City Attorney had reviewed their proposed development agreement. Colt Mund, City Attorney, said Mike Bastian and Mike Shultz had accepted all his redlines to the development agreement, except a few minor provisions. He was comfortable with where the development agreement was. The only issue that still needed to be flushed out was open space. The City's MPC Ordinance stated that a developer could assign management of open space to an HOA, but only for a one-year probationary period. If the HOA didn't function, the City would create a special assessment area to maintain it. That provision needed to be included in the development agreement. Mr. Bastian planned to provide maintenance bylaws for him to review that had been successful in the past.

Colt Mund reminded the Planning Commission that its role was to make sure the preliminary site plan satisfied the requirements of the MPC Ordinance. Did it have all the wanted and/or needed information? Did the Planning Commission have any comments or recommendations regarding the development agreement? When the Planning Commission had all the information it needed, it could make a recommendation to the City to approve, approve with conditions, or deny the preliminary site plan.

Commissioner Harrop asked about timing. Did the Planning Commission need to make a recommendation about the MPC Zone now, or did the recommendation need to come after the property was annexed? Colt Mund stated that annexation had not been approved. The City Council planned to hold the required public hearing on December 14th. To approve the annexation, the City Council needed a zoning recommendation from the Planning Commission. If the City wasn't interested in the MPC Zone, he felt Mike Bastian and Mike Shultz would withdraw their petition for annexation.

Bryce Wheelwright stated the Planning Commission also needed to consider whether the proposed development and MPC Zone would be a benefit to the City. He felt it was. Mike Bastian and Mike Shultz wanted to run a sewer trunk line from Willard to the development. If the development was part of Willard City, the City did not have to share the sewer impact fees with Perry City. If the development was in unincorporated Box Elder County, any revenue would be shared with Perry City on a 60/40 basis.



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Commissioner Gilbert stated that annexation meant providing this area with emergency services – fire and police. Mr. Wheelwright stated that according to the Police and Fire Chiefs, Willard already provided services for that area. The City wasn't providing public works services, but the Fire and Police were already first responders for this area.

Commissioner Harrop asked if there would be pre-determined verbiage regarding the HOA. Colt Mund stated that MPC Ordinance provided a one-year probationary period for an HOA. At the end of one year the City Council determined whether it was working. If it wasn't, the City Council could choose to create a special assessment area to maintain it. Commissioner Harrop asked how funds would be generated for maintenance. Mr. Mund said it would require the creation of a special assessment area.

Chairman Bodily stated that 200 West was a main north/south thoroughfare in Willard City. Would the north/south road in this development line up with 200 West? He knew it was a long way off, but lining up the roads would be planning for the future.

Mike Bastian, 1877 West 4000 South, Roy, felt they could line up the bottom road to eventually connect with 200 West. He stated that when the development was approved by Box Elder County, the County Commissioners were also concerned about the HOA. A lot of HOAs were not set up or funded properly and became problems. He had shown the County Commission that there was a way to have an HOA funded properly from the beginning with a State-allowed reinvestment fee and by charging an adequate HOA fee.

Commissioner Harrop asked about the proposed lot size. Mike Bastian said the single family lots would have a minimum of 13,000 square feet. The largest lots were over 17,000 square feet. The average lot size was 15,089 square feet. The minimum lot width would be 100 feet, with a minimum depth of 130 feet.

Commissioner Bingham was concerned that the placement of the open space meant it would never be used. It seemed like developers always wanted to place open space on land that couldn't be developed. If it couldn't be developed, it couldn't be used either. He wasn't sure what could be done with the proposed open space. Colt Mund stated that the MPC Ordinance said land that was unbuildable because of slope, wetlands, flood drainage, or contamination could not be considered as open space.

Mike Bastian stated that their proposed open space did not have any of those issues. It was developable and usable ground. They were working with UDOT and Willard Flood Control District because there was a big need for storm water drainage. They were working with Union Pacific to put two 36-inch pipes under the railroad to allow for drainage for Highway 89, McGuire Canyon, and future growth. This was a pretty critical piece.

Commissioner Bingham stated that the open space was meant for people to enjoy. He felt the open space needed to be integrated into the neighborhood. He was also concerned about the overall density of 3.31 units per acre. He felt it was higher than the density the City had been aiming for.

Mike Bastian agreed that townhomes looked dense. They had incorporated trails throughout the development to bring traffic over to the pickleball and open space amenities.

Commissioner Gilbert asked about surface parking for the townhomes. Mike Bastian stated that the townhomes had actual driveways. They were set back 22 to 25 feet from the curb so there was room for two cars to park in front of each unit. In addition, each unit had a garage. Some had two-car garages; some were only one-car.



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Commissioner Braegger asked about guest parking. Mike Bastian stated the need for guest parking had been raised by SLUA. They were going to work to add additional guest parking. This was a concept plan. They would have to come back with a preliminary plan. Commissioner Braegger suggested one guest parking stall per townhome.

Commissioner Gilbert asked about the size of the townhomes. Mr. Bastian said the units with two-car garages would have 1,550 square feet. The units with a one-car garage would be 1,350 square feet. Each unit would have three bedrooms and two bathrooms.

Commissioner Gilbert asked what the Planning Commission needed to approve. Bryce Wheelwright said the Planning Commission needed to accept the concept plan and make a recommendation to the City Council regarding the MPC Zone. If the Planning Commission accepted the concept plan, Mike Bastian and Mike Shultz would still have to submit a preliminary plan and then a final.

Mike Bastian stated that the concept plan was the worst-case scenario. They couldn't do more units. The number of units could go down, but they couldn't increase. The sale of a preservation corridor to UTA meant the concept would have to change because they would have less ground. They were just trying to get directions on which municipality to work with – Box Elder County or Willard City. They already had approval from Box Elder County, but they saw definite advantages to being in Willard. The sewer agreement between Perry City and Willard City wasn't very clear. If their development was entirely in Willard City, there would be clarity regarding sewer impact fees and building permits.

Chairman Bodily stated that if the concept plan and MPC Zone were forward to the City Council for approval, there was still room for adjustments, such as 200 West and open space. Mr. Wheelwright said that was correct.

Colt Mund stated that SLUA recommended that this development be forwarded to the Planning Commission, but there were issues SLUA felt needed to be addressed, such as parking and access to the detention/open space area. The Planning Commission could approve with conditions, deny, or ask for further information.

Commissioner Bingham stated that once it was approved, it was a zone.

Commissioner Harrop was concerned they would try to make up units by adding more townhomes. Mike Bastian stated that the development agreement stipulated the maximum number of multi-family units.

Commissioner Braegger suggested that the open space west of the railroad be used for units, and that the open space be moved to the east side. Mike Bastian stated that the open space was also being utilized for storm water drainage. The storm water had to go under the tracks to get it out of the rest of the development.

Commissioner Braegger felt the loss of 150 feet to UTA and the Division of Water Resources meant the proposed concept plan wouldn't work. He felt it should be redrawn and resubmitted. He wasn't comfortable about moving it forward. He wasn't sure Willard was set up to take the annexation on without knowing what it planned to do about South Willard.

Mike Bastian stated the concern about South Willard was valid. The City recently annexed property owned by Lew Swain. Mr. Swain's property did not percolate, which meant no septic tanks. He needed the City's sewer line. A lot of South Willard probably had the same problem. It couldn't develop without a sewer line.



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They planned to run the sewer line from Willard all the way to the south end of the County. That would allow growth to happen. If people wanted to tie onto the sewer line, they would have to request annexation from Willard City.

Commissioner Braegger agreed that would be a great benefit to Willard City down the road. He was concerned about whether the City's lift station could handle the additional capacity. Mike Bastian stated that they were involved Lew Swain and E. K. Bailey in designing the lift station. The design called for the lift station to be overhauled and upsized to accommodate much of the growth from the south. The sewer agreement the City had entered with Lew Swain, themselves, and Granite included plans for the new sewer line, lift station upgrade, and pumps. Commissioner Braegger asked if they were positive the sewer trunk line from the lift station to the treatment plan would handle the additional capacity. Mike Bastian said it had been engineered by Hansen Engineering. Jones and Associates had reviewed the plans.

Chairman Bodily asked if the City was moving forward to annex all South Willard. Colt Mund stated that he and Chris Davis had met with Commissioner Perry to discuss that issue. At some point a town hall meeting would be scheduled between the County Commission, the Willard City Council, and residents of Willard and South Willard. The Mayor and City Council held a work session to review the pros and cons of annexing South Willard. At some point, it would move forward again, and Willard City would seriously look at annexation depending on what was said at the town hall meeting.

Commissioner Braegger felt the City needed to decide about which direction to pursue regarding South Willard before taking on the Mike Bastian and Mike Shultz annexation.

Bryce Wheelwright asked if there were any conditions the Planning Commission felt should be attached to the concept plan and MPC Zone.

Commissioner Bingham felt the density needed to be reduced to 3 units per acre rather than 3.31. He felt the density needed to be consistent throughout Willard. He liked the concept, but wished there was open space on the east half. He liked the traffic flow. It appeared to be a nice neighborhood.

Commissioner Harrop asked about snow removal. Mike Bastian stated that all the streets were designed to City standards, even those in the townhomes, and would be maintained by the City. The HOA would take care of the common areas.

Commissioner Harrop agreed with Commissioner Bingham that the density should be lowered to three units per acre.

Commissioner Bingham stated that there were so many things that would benefit Willard, but there were a couple of huge issues. This development was not close to the rest of the city.

Commissioner Gilbert wanted to see more information regarding the annexation.

Mike Bastian felt they would move forward with the development in the County. The County had approved their development agreement. If they developed in the County, it would create a hard situation for Willard and Perry to negotiate.

Commissioner Bingham asked how annexation would affect the Perry/Willard split. Colt Mund wasn't sure Willard had taken a formal position on how the fees should be split with Perry. If this area was annexed and



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part of Willard City, the fees would be Willard's according to the agreement. Commissioner Bingham asked how this would affect Willard's capacity. Mr. Mund wasn't sure how this annexation would impact Willard's capacity, Commissioner Bingham felt that eventually all South Willard would want to be on the treatment plant. If that happened, he felt the sewer plant would have to be expanded.

Mike Bastian stated that if this area remained unincorporated, Perry City felt that even the monthly utility bill should be split.

Commissioner Bingham asked how utility bills would be collected. What repercussions would there be for non-payment? It would be difficult to turn off someone's sewer. Mike Bastian stated that their water was being provided by Bear River Water. Bear River Water planned to wholesale the water to Willard City. Willard would then bill for the water and the sewer.

Chairman Bodily stated that this development was going to happen. The only question was whether it would happen in Box Elder County or Willard City. Mike Bastian said that was correct. He felt it would be better to be in Willard City. It would make everything cleaner. Chairman Bodily felt it would be better for Willard City to get on board now. If the property was annexed, Willard City would have more control.

Commissioner Bingham agreed there would be a better benefit if this was annexed into Willard.

Commissioner Harrop stated that Box Elder County had already approved this concept plan. Mike Bastian and Mike Shultz were asking Willard City for approval of an MPC Zone and a concept plan. They still had to get preliminary and final approvals. He asked if there was more than a financial benefit to Willard City. Bryce Wheelwright stated that the City would be receiving property taxes.

Colt Mund stated that at some point, Willard would have to have a low to moderate income housing plan. At that time, the multi-family in this subdivision would be a benefit.

Commissioner Braegger felt the proposed concept plan needed some adjustments. He felt the trails on the east side should be changed into streets. Pedestrians could use sidewalks for access.

Chairman Bodily understood that the proposed plan would be adjusted. Mike Bastian stated that Box Elder County had approved their concept plan with the ability to go down in density, but not up. The plan would have to be readjusted if 150 feet were sold to UTA for a preservation corridor. The development agreement meant they could not have more than what was shown on the concept plan.

Commissioner Braegger asked if the development was even feasible if they lost 150 feet for an easement, and Willard City was stuck on three units per acre. Mr. Bastian wasn't sure what the density would be after losing 150 feet. It would probably go down some.

Commissioner Bingham felt this should be forwarded to the City Council. If this development was going to happen it might as well be in Willard rather than the unincorporated county.

Chairman Bodily agreed.

Commissioner Bingham moved to approve the concept plan and the development agreement, as outlined for the Mike Bastian and Mike Shultz development located at approximately 8400 South Highway 89 subject to more open space east of the railroad tracks, lining up 200 West if possible,



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guest parking for the townhomes, access to the open space, and documentation from Perry City regarding their perspective. Commissioner Harrop seconded the motion.

Mike Bastian asked how to proceed obtaining documentation from Perry City. Colt Mund felt it would be helpful to have something in writing from Perry City regarding how the sewer impact fees should be split. It would provide more clarity.

Mike Bastian wasn't willing to commit to three units per acre at this time. He would bring back a preliminary design after meeting with UTA for the Planning Commission's review and comments. If the City insisted on three units per acre, he would develop in the County.

All voted "aye." The motion passed unanimously.

5D. REVIEW OF A CONDITIONAL USE PERMIT ISSUED TO TRISHA HEATH FOR A HOME OCCUPATION – MULTI-FAMILY DWELLING LOCATED AT 110 SOUTH 250 WEST (PARCEL NO. 02-053-0003) ISSUED ON JANUARY 9, 2019

Time Stamp: 1:06:21 11/02/2023

Bryce Wheelwright stated that the City issued a conditional use permit to Trisha Heath for an accessory dwelling unit at 110 South 250 West on January 9, 2019. He spoke with Trisha Heath. The ADU was still being used. She wanted to continue with the conditional use permit and expressed interest in adding to it. However, the City's ordinance did not allow that at this time.

Chairman Bodily asked if there had been any problems with the conditional use permit. Mr. Wheelwright said there hadn't been any problems. Chairman Bodily felt the conditional use permit had been reviewed.

Chairman Bodily stated that based on recent training he listened to, if a conditional use permit was not used for six months, the use was abandoned and lost. Colt Mund felt that was accurate. The City's code said that if a use was not used for six months, it was abandoned.

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

Time Stamp 1:00:00 11/02/2023

Bryce Wheelwright stated that this had been discussed extensively. Most of the concern was about density and the Future Land Use Map. In the last joint work session with the City Council, the consensus was to blanket Willard in an R ½ Zone, for which there were advantages and disadvantages. The Planning Commission needed to decide what it wanted to recommend to the City Council.

Chairman Bodily stated that the two Planning Commission members that had questions about the half-acre zoning – Commissioners Dubovik and Hulsey – were not in attendance.

Commissioner Braegger asked if they had submitted the redlines they were going to put together. Colt Mund stated that the City Manager contacted the City's consultant who revised the General Plan and Future Land Use Map to reflect half-acre lots. However, Commissioner Dubovik still had some questions.



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Chairman Bodily stated that the Planning Commission would never get the right number. Someone would always be looking for a change. Bryce Wheelwright said that was why a General Plan was considered a living document.

Commissioner Bingham felt if any lots were less than half-an-acre, it would have to be in an MPC Zone.

Commissioner Braegger did not feel comfortable voting on the General Plan when Commissioners Dubovik and Hulse were not in attendance. He suggested that this item be tabled for two weeks.

Commissioner Harrop felt if they wanted to compile any information it needed to be done.

The Planning Commission did have a question about the zoning shown on the northeast corner of the Future Land Use Map.

Commissioner Harrop moved to table consideration of a recommendation to the City Council regarding the General Plan DRAFT until the next Planning Commission meeting. Commissioner Gilbert seconded the motion. All voted “aye.” The motion passed unanimously.

6. CONSIDERATION AND APPROVAL OF THE OCTOBER 19, 2023, REGULAR PLANNING COMMISSION MINUTES

Commissioner Braegger moved to approve the October 19, 2023, minutes as corrected. Commissioner Bingham seconded the motion. All voted “aye.” The motion passed unanimously.

7. COMMISSIONER/STAFF COMMENTS

Time Stamp: 1:17:33 11/02/203

Colt Mund

Did not have any comments.

Bryce Wheelwright

The Fizz store was moving forward. Their sign permit had been approved. The owners of Fizz, Grumpy Goat, and the candy store were working together as a group to support each other.

Commissioner Bingham

Did not have any comments.

Commissioner Braegger

Did not have any comments.

Commissioner Gilbert

Did not have any comments.



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Commissioner Harrop

Commissioner Harrop had been told about a home in Willard that was renting out rooms. Was that a legal use? Colt Mund felt that would be considered an Airbnb, which was a conditional use throughout Willard. Bryce Wheelwright stated that the City staff could investigate.

Chairman Bodily

Did not have any comments.

8. ADJOURN

Commissioner Bingham moved to adjourn at approximately 7:51 p.m. Commissioner Braegger seconded the motion. All voted in favor. The motion passed unanimously.

Minutes were read individually and approved on:

12/7/23

Sid Bodily
Planning Commission, Chairman
Sid Bodily

Michelle Drago
Planning Commission Secretary
Michelle Drago

dc:PC 11-02-2023