



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, May 2, 2024 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

The meeting was a regular meeting designated by resolution. Notice of the meeting was provided 24 hours in advance. A copy of the agenda was posted at City Hall and on the State of Utah Public Meeting Notice Website.

The following members were in attendance:

Sid Bodily, Chairman
Diana Baker
Chandler Bingham
Chad Braegger
Alex Dubovik
Brian Gilbert

Jeremy Kimpton, City Manager
Colt Mund, City Attorney
Madison Brown, City Planner
Michelle Drago, Deputy Recorder

Others in attendance: Mayor Travis Mote; Ruth Beebe; Ken Ormond; and Ruth Ormond.

The meeting was called to order at 6:30 p.m.

1. PRAYER: Alex Dubovik
2. PLEDGE OF ALLEGIANCE: Diana Baker
3. GENERAL PUBLIC COMMENTS

There were no comments.

4. CITY COUNCIL REPORT

Time Stamp: 02:21 - 05/02/2024

Mayor Mote reported on the April 25, 2024, City Council meeting. Josh Braegger presented the budget for the treatment plant and reported on the detention basin being dug above Spring Street. Josh Braegger was also recognized for his service on the City Council. The City Engineer made a presentation on the road projects – chip and seal and curb and gutter on 200 South. The City Council discussed public hearing dates for the Davis annexation. The Willard Peak Ranches HOA requested approval of lot line adjustments and the creation of two lots. The Council felt their proposal was a good solution, but there were some legal issues that had to be resolved.

- 5A. REVIEW OF A CONDITIONAL USE PERMIT ISSUED TO PEGGY JO PERRY FOR A FRUIT STAND LOCATED AT 370 NORTH MAIN (PARCEL NO. 02-046-0079) ISSUES ON NOVEMBER 18, 2005

Time Stamp: 08:52 - 05/02/2024

Madison Brown, City Planner, stated that a conditional use permit was issued to Peggy Jo Perry in November 2005 for the fruit stand at 370 North Main to be used as a cabinet shop. The building was currently not being used.

Commissioner Bingham stated that there was a cabinet shop in the building at one time.



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There was discussion about who currently owned the property. Commissioner Braegger stated that Thayne Tagge was using the property. Madison Brown said the Box Elder County ownership records said the property was owned by Angelo Avenue, LLC from Holladay, Utah. Colt Mund said that was Thayne Tagge's corporate name.

Commissioner Dubovik said the conditional use permit was for a cabinet shop, which was no longer in operation. Commissioner Bingham felt the conditional use permit should be closed because the cabinet shop was not being used and had not been used for some time.

Colt Mund, City Attorney, felt the evidence showed that the use had been abandoned, and that the conditional use permit could be declared null and void.

The Planning Commission asked Madison Brown to contact Thayne Tagge and ask if he wanted to keep the conditional use permit.

Chairman Bodily tabled this item until the next meeting.

5B. DISCUSSION REGARDING AMENDING CHAPTER 12-105 OF THE WILLARD CITY ZONING ORDINANCE TO ALLOW SHORT-TERM RENTALS IN RESIDENTIAL ZONES (CONTINUED FROM APRIL 4 AND APRIL 18, 2024)

Time Stamp: 15:09 – 05/02/2024

Chairman Bodily stated that this item had been continued from the Planning Commission's last two meetings.

Commissioner Dubovik asked if an accessory dwelling unit could be used as a short-term rental. Colt Mund said an accessory dwelling unit could not be used simultaneously as a short-term rental. There needed to be a distinction. It was one use or the other, but not both.

Chairman Bodily asked about 12-102-24-6(7) on Page 3 which talked about Willard's noise ordinance. There was a typo that needed to be corrected in the last sentence.

Commissioner Dubovik asked if the noise ordinance actually stated those hours of 10:00 p.m. to 7:00 a.m. Colt Mund said it did not. Commissioner Dubovik felt Section 7 needed to align with Willard's noise ordinance.

Commissioner Gilbert asked if the proposed ordinance contained language to allow a short-term rental license to be revoked. Colt Mund said penalties could be found in 12-102-23-12. A short-term rental license could be revoked if there were repetitive violations.

Colt Mund asked if the Planning Commission felt each short-term rental should be reviewed on a case-by-case basis through a conditional use permit in addition to a short-term rental license. The Planning Commission agreed that a short-term rental should have a conditional use permit.

Commissioner Gilbert asked if the ordinance needed to stipulate the number of violations allowed before a license would be revoked. Mr. Mund said the ordinance could include a definite number. There were a number of cities that allowed only three violations in one year before revoking a license. The Planning



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Commission agreed there should be a number to provide consistency and suggested two violations in a 365-day period.

Commissioner Dubovik asked if the ordinance needed to include language to prevent use of a short-term rental as a long-term residence. Mr. Mund felt there was a loophole that could be exploited. Language could be tightened up to state that a short-term rental could not be occupied by the same person for more than thirty consecutive days and not more than a total of 60 days in a calendar year, or just match the language in the RV Park Ordinance.

Michelle Drago asked if the ordinance should include language to prevent use of an RV or camp trailer as a short-term rental. An RV or camp trailer could not be used as an ADU. Mayor Mote felt there was language in 24-6-5 to prevent that from happening.

Colt Mund said that 12-702-4(a) of the RV Park Ordinance was clear that an RV or camp trailer could not be occupied for more than seven days. It was also clear that a recreational vehicle could not be used for residential purposes if it were located outside an RV Park. However, he was not opposed to including similar language in the Short-Term Rental Ordinance.

Chairman Bodily and Commissioner Bingham felt language in 12-102-24-6(5) and in the RV Ordinance would cover the problem. Mr. Mund felt confident he could enforce a violation.

Madison Brown stated that Michelle Drago had suggested capping the number of short-term rentals in a specified geographic area, such as a city block. She felt that might be a good idea, especially in master planned communities.

Commissioner Gilbert asked if other cities limited numbers. Colt Mund said other cities did provide limits.

Commissioner Dubovik did not feel a limitation would be fair.

Commissioner Baker stated that Willard's minimum lot size was half-acre. It was possible that every property owner could seek approval of an ADU. If there was not a cap, Willard's density could become much more than two units per acre.

After further discussion, Commissioner Bingham felt the Planning Commission should wait to see if there was a problem. The Planning Commission agreed.

Chairman Bodily asked Colt Mund to make the suggested changes for review at the next meeting.

Colt Mund asked that the next agenda include a discussion about revising the Table of Uses found in 12-112-3.

Mayor Mote felt multi-family housing should be removed from the Table of Uses and that a Multi-Family Zone should be created so that Willard's commercial areas were not burned up by multi-family housing.



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

Time Stamp: 35:41 - 05/02/2024

Madison Brown updated the Planning Commission on preparations for the May 16th South Willard open house. She had posted notices throughout Willard – Trigon, Fizz, the Amish store, and the post office. The notice was included in the newsletter and posted on the city's website and Facebook page. The city was receiving comments through the QR code.

The Planning Commission members reviewed and discussed maps of South Willard.

Commissioner Bingham suggested that the commercial/residential corridor on Highway 89 in Willard be continued south through South Willard. He felt the commercial area around the old Flying J could be expanded. Heavy commercial could be located west of the tracks.

Madison Brown stated that she had spoken with Mellonee Wilding, the chair of the Box Elder County Planning Commission and a South Willard resident. Mellonee liked the idea of having everything along the highway commercial but felt that everything a few blocks from the highway should remain residential. Ms. Wilding did not feel the large commercial areas would be widely accepted.

Chairman Bodily felt there needed to be more commercial than just along the highway.

Mayor Mote felt there were pockets of open land where commercial could expand, such as the elk farm and the old Flying J. There had to be commercial infrastructure for city finances because residential development did not pay for itself. The watershed areas on the east bench needed to be protected.

Commissioner Baker felt there should be industrial areas west of the tracks, like Willard.

Commissioner Gilbert said he would combine his road map with the Planning Commission's suggestions.

Mayor Mote felt the residential zoning needed to establish a density because the MPC Zone reflected the underlying density. The overall objective might be to have MPC Zones, but there needed to be an underlying density in order to interpret the number of houses and open space. If the land use map did not have a density, he felt there would be a lot of ambiguity developers would take advantage of.

Commissioner Bingham felt most of the lots in South Willard were a builder's half-acre, but they also included roads. So, the lots were really about one-third of an acre.

Commissioner Dubovik felt the density should be R-1/2.

Mayor Mote stated that Willard might have to create a zone for third acre lots if that was what South Willard residents wanted. Willard needed to create a Commercial Retail Zone.



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Commissioner Braegger felt Willard had to be careful about lot sizes. South Willard residents were on septic systems, which required a minimum of half-an-acre. Lots could not be smaller until a sewer system was in place.

Mayor Mote felt the density could be set at R-1/2. If a master planned community wanted smaller lots, they would have to hook into the sewer trunk line.

Commissioner Baker stated that a lot of the existing subdivisions only had one way in and one way out. It would be difficult to line up through roads.

There was a discussion about addressing. Mayor Mote said emergency services suggested that the addressing be left alone unless it all annexed at once.

Chairman Bodily asked who would be at the open house. Mayor Mote said he would be there. Madison Brown said Commissioner Perry would be there, as well as Mellonee Wilding, Box Elder County Planning Commission Chair.

Mayor Mote stated that he planned to make a presentation and answer questions. Then he would turn the meeting over to the residents to review and comment on maps and talk with members of the Willard Planning Commission.

Commissioner Braegger appreciated the maps Commissioners Dubovik and Gilbert had put together.

6. CONSIDERATION AND APPROVAL OF THE APRIL 18, 2024, REGULAR PLANNING COMMISSION MINUTES

Commissioner Baker moved to approve the April 18, 2024, minutes as corrected. Commissioner Dubovik seconded the motion. All voted “aye.” The motion passed unanimously.

7. COMMISSIONER/STAFF COMMENTS

Time Stamp: 57:44 - 05/02/2024

Colt Mund

Did not have any comments.

Jeremy Kimpton

Did not have any comments.

Madison Brown

Did not have any comments.

Commissioner Bingham

Did not have any comments.



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Commissioner Dubovik

Commissioner Dubovik asked if the natural street project progression would mean curb and gutter on 300 South next year. Mayor Mote said the most requested maintenance project after 200 South was actually 600 South. Public Works wanted to take care of 600 South this year, but three of the Council members disagreed. Every time there was a rainstorm, 600 South trenched badly.

Commissioner Gilbert

Did not have any comments.

Commissioner Baker

Did not have any comments.

Commissioner Braegger

Did not have any comments.

Chairman Bodily

Chairman Bodily suggested that Public Works check the watering schedule at the upper park. Baseball games started at 5:00 p.m. The sprinklers were running at 3:00 p.m. earlier in the day. Jeremy Kimpton said Public Works had been working on the sprinkling system. He would double-check.

8. ADJOURN

Commissioner Baker moved to adjourn at 7:59 p.m. Commissioner Gilbert seconded the motion. All voted in favor. The motion passed unanimously.

Minutes were read individually and approved on: 6/6/24

Sid Bodily
Planning Commission, Chairman
Sid Bodily

Michelle Drago
Planning Commission Secretary
Michelle Drago

dc:PC 05-02-2024