



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, June 20, 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 Sid Bodily, Chairman

Jeremy Kimpton, City Manager

8 Ruth Beebe

Colt Mund, City Attorney

9 Chandler Bingham

Madison Brown, City Planner

10 Chad Braegger

Ellie Pugmire, Secretary

11 Alex Dubovik

12 Brian Gilbert

13
14 Others in attendance: Councilmember Jordan Hulsey; Garth Day, Heritage Homes; David Pischkie; Jay T.
15 Thackery; J. R. Hunt; Corinn Hunt; Keith Larsen; and Ann Larsen.

16
17 The meeting was called to order at 6:30 p.m.

18
19 1. PRAYER: Brian Gilbert

20
21 2. PLEDGE OF ALLEGIANCE: Alex Dubovik

22
23 3. GENERAL PUBLIC COMMENTS

24
25 Time Stamp: 01:14 – 06/20/2024

26
27 Keith Larsen, 150 South 200 West, presented and read a list of questions and comments (see attached
28 copy) regarding the rezone proposed by Heritage Homes for The Orchards at Willard Phase 3 (Item 5B on
29 the agenda). The last time this was on the agenda (February 1, 2024), there was quite a discussion with a
30 lot of different people. One of the objections he had regarding the format of the rezone process was a public
31 discussion at the beginning. Then there wasn't a chance to comment on what occurred afterward. He
32 suggested the city consider changing the format.

33
34 Mr. Larsen said there was a comment from the previous meeting that the reason for the proposed rezone
35 for smaller lots was the sewer system. He asked when the sewer was put in place in Willard. When was
36 The Orchards at Willard Phase 1 first proposed and approved? When was The Orchards at Willard Phase
37 2 first proposed and approved? He believed both occurred after the sewer was installed. When was The
38 Orchards at Willard Phase 3 first proposed? Why would a change be proposed based on sewer being
39 available? Why was Phase 3 deviating so much from the first two phases, seeing they were proposed and
40 approved with the sewer system already in place? The company previously mentioned the sewer opened
41 the door for smaller lots that deviated drastically from the A-4 and R-1/2 master plan for Willard. When was
42 the bike trail along 200 West through downtown Willard first proposed and approved? It was clear that
43 Phase 1 had not accommodated the bike path. There was a Willard City ordinance in place that said
44 bicycles could not be ridden on sidewalks. Mr. Larsen said that was common law in most Utah communities.
45 If a bike trail was put in, major renovations to the whole road would be required. When was the plan for 200
46 West to become a major through street with a speed of 35 mph first proposed and approved and by what
47 organization/body? No one notified the residents on 200 West that was going to occur. He felt every person
48 on 200 West would vote against that today. What is the plan for updating the infrastructure along Phase 1



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49 to allow for a separate bike trail? Why didn't Phase 1 include a plan for the bike trail? If the company didn't
50 plan for the bike trail in Phase 1, what are they planning to do in Phase 3 to accommodate things they
51 haven't thought about?

52
53 Mr. Larsen said the half-acre or greater lot size was not just because of septic requirements. It has been a
54 cultural and lifestyle tradition for many decades to avoid precisely the kind of congestion proposed by Phase
55 3. It allowed for openness, privacy, and room between dwellings. When he built his home 24 years ago,
56 there was a rule requiring a lot to have 100 feet of frontage. Was that rule still in place? If so, then this new
57 development did not meet that requirement. The proposed patio homes did not have 100 feet of frontage.
58 He did not feel the roads in the proposed development wide enough for convenient snow removal and
59 garbage service. What was driving the desire to make smaller lots? He felt it was mostly the developer's
60 desire to make a higher profit, not the needs of the community. When he attended the Planning Commission
61 meeting on February 1st, the developer's representative said that we were responsible to help reduce the
62 housing shortage, and that Willard should capitulate to the smaller lot sizes. Mr. Larsen disagreed. The
63 Willard community was not responsible for solving the problem. It could be solved in many ways, but Willard
64 did not have to shoulder the burden. The extra lots in the proposed plan would solve nothing, but they would
65 cause congestion in an otherwise likeable community. He felt the representative's comments were an
66 attempt to coerce Willard and to give residents a guilt trip. Willard did not have to give in to that manipulation.
67 Let's keep Willard a beautiful place to live, not a crowded, congested, crime-infested place like East San
68 Diego, Clearfield, Sunset, downtown Ogden, and Rose Park in Salt Lake City. He felt the patio home idea
69 had to go.

70
71 Mr. Larsen asked why the common spaces were scattered helter-skelter through the north part of the
72 proposed plan? What was the expected or planned usage for those spaces? He proposed that if this
73 development was to someday be approved, that the common spaces, especially the three large ones, be
74 combined into a large park. Since the lane next to the Wade home was too narrow for a road, it could
75 become an access-way to a large park with adequate spacing for visitors to park. There would be room to
76 include features such as a splash pad, pickleball courts, picnic tables, a bowery, a skate park, an exercise
77 facility, off-leash and on-leash dog spaces, and so forth. With the current plan, none of that was possible.
78 He felt the common spaces would just become vacant lots. If the half-acre lot size could be maintained, he
79 believed this neighborhood could become one of the more beautiful, desirable areas of Willard.

80
81 Mr. Larson said that as a computer scientist when he was assigned a new task that could have multiple
82 solutions, he was expected to come up with a number of possible approaches, identify the advantages and
83 drawbacks of each, identify and mitigate risks, and determine which solution he would choose. He would
84 be asked to explain why he selected a particular solution and how it would benefit his company and its
85 customers. He didn't see any effort being made to do those things with the Phase 3 proposal. Why not?
86 He had spoken with several of the homeowners in Phase 1. They were dismayed at what was being
87 proposed for Phase 3. They were not happy. One particular owner said that the reason he moved to Willard
88 was because of the large lot sizes and the lack congestion and the openness and the space. In his opinion,
89 the proposed plan for Phase 3 needed a major revision, not just cosmetic ones, with several alternatives.
90 He asked the Planning Commission to please hold to the R-1/2 zoning.

91
92 Jordan Hulsey, 10 South 100 West, stated that there was a lot of discussion at the last Planning
93 Commission meeting about having to vote affirmatively because of the ordinances. She believed that just
94 because the ordinance said something could be approved did not mean it had to be approved. Otherwise,
95 what was the point of having a public hearing? If a public hearing was being held to gather input from the
96 public, she assumed that public input would factor into the decision. After listening to the discussion at the



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last meeting, she did not feel that was how the Planning Commission voted. As appointed officials, she encouraged the Planning Commission members to vote in a way that reflected the desires of the community. A lot of what she had to say had been said before by a lot of different people. She saw that the Orchards rezone request was back on the agenda. She felt the revised proposal contained very minimal changes. She felt very few of the public comments had been taken into consideration. She was very frustrated by the number of times she had seen developers come to the Planning Commission with a development proposal. When the Planning Commission asked that changes be made, the developers said they would make changes, but she didn't see any changes being made. She encouraged the Planning Commission to vote no on things that do not reflect the will of the community, the general plan, or Willard's vision. The Planning Commission should vote no instead of allowing developers to keep coming back and wearing out the Planning Commission with the same request. Changing the zoning of the 48 acres in the 200 West area from an R-1/2 Zone to a Master Planned Community Zone was a decision that required a lot of consideration. She felt it should be denied because the proposed rezone would exacerbate the existing traffic issues, which the Planning Commission had heard about. Many people who lived on that road had brought this everyone's attention. It compromised the safety of the community and undermined the quality of life valued in Willard. She felt the proposed MPC Zone in this particular area contradicts the vision statement of Willard City. Willard had long thrived on the principles of ? (14:44) development and responsible planning. She understood there were a lot of benefits to MPC Zones in some areas. She did not feel this area aligned with that zone. It jeopardized what made Willard a desirable place to live, such as large lots and open spaces. Willard recently adopted a new general plan. The proposed future land use map designated this area for half-acre density. The proposed MPC Zone stood in stark contrast to the Future Land Use Map. Approving the rezone would undermine the effort that went into the general plan. It would send conflicting signals about Willard's commitment to a coherent, well-thought-out development strategy. She was also frustrated because she was personally looking for a half-acre or larger lot in Willard. She was finding them hard to find. She had called this particular development company and was told their future phases would not have half-acre lots. They were moving forward as if the city had already approved the rezone. That did not show good faith on the developer's part and their willingness to work with the city. The developer already had reasonable half-acre lots, and people were moving to Willard for those reasons.

Corinn Hunt, 393 South 200 West, said she lived across the street from the proposed rezone. They moved to Willard from Ogden where they had lived for a long time. She wanted to retire someplace nice, and her husband wanted land. They owned half-an-acre. The Deer Run Subdivision to the south reminded her so much of Ogden. The houses were so close together. She felt Willard was turning into Ogden. There could have been a lot more people here but said it wouldn't make a difference. They didn't feel the city listened. Last February, the developer said they were fulfilling a need for houses. They wanted a half-acre lot, but they had a hard time finding one. They had a neighbor who didn't want a corner lot, but he wanted a half-acre, so he took it.

Commissioner Bingham read a letter from Bart and Jodi Wade, 220 South 200 West, who were unable to attend the meeting (see attached copy).

David Pischke, 196 South 200 West, stated that he had lived in Willard for a long time. He loved the rural feel. He hoped there was a way to maintain the half-acre lots.



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4. CITY COUNCIL REPORT

Time Stamp 21:32 – 06/20/2024

Council member Jordan Hulse reported that sewer rates would be increasing by \$8.50 in October.

Madison Brown, City Planner, the City Council held a long discussion about whether to join the Utah Inland Port Authority. The Council wanted to investigate it further.

5A. CONSIDERATION AND RECOMMENDATION TO THE CITY COUNCIL REGARDING A PRELIMINARY APPROVAL OF THE TJD SUBDIVISION LOCATED AT APPROXIMATELY 352 WEST CENTER STREET (PARCEL NO. AND 02-057-0010)

Time Stamp: 22:34 – 06/20/2024

Madison Brown stated that Craig and Sheryl Dearden owned a home at 352 West Center Street. They were proposing to divide their five-acre parcel into two separate lots and were seeking preliminary approval. They were being represented by their real estate agent Joe Adair. Ms. Brown said there were details that would have to be resolved before final approval could be granted. Those details would be handled at the staff level.

Chairman Bodily asked if it would be a regular subdivision with half acre lots. Ms. Brown said one lot would contain 2.89 acres; the second lot would have two acres. The property was zoned R-1/2, and the lots complied with the 100-foot frontage requirement.

Commissioner Bingham stated that a property owner down the street, Vern Price, had tried to do the same thing, but he had been turned down because there were too many homes without a second emergency access.

Commissioner Dubovik asked if the Dearden's would have the same problem. Commissioner Bingham said they would because it was on the same road.

Commissioner Braegger asked if the city was planning on 400 West going through to the north. Commissioner Bingham said it was, but the road had not been built yet. Madison Brown said that according to the city's road master plan, 300 West would extend north from Center Street and curve west to connect with 400 West, which would intersect with 100 North and 200 North.

Chairman Bodily asked if Dearden's planned to extend 300 West to the north. Madison Brown said they planned to dedicate right-of-way for 300 West, but they were still working with the city to determine whether they would have to build the road or request a deferral agreement.

Commissioner Bingham stated that the Subdivision Ordinance limited a single access to only 30 homes. Dearden's were proposing to add a lot but not a second access.

Commissioner Braegger stated that Kenny Braegger had property on Center Street that he couldn't do anything with until there was a second access.

Chairman Bodily agreed that this subdivision wasn't feasible without a second access.



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Commissioner Bingham stated that Rod Braegger was allowed to divide his property because he provided a second emergency access.

Commissioner Braegger felt this condition should have been caught in the SLUA meeting.

Commissioner Bingham stated that members of the SLUA were not aware of the history regarding second emergency access in this area.

Commissioner Dubovik felt there were basic subdivision criteria that should be considered. A second emergency access was one of them.

Commissioner Bingham stated that a second emergency access was supposed to have been built when the Mountain Shadows Subdivision was developed, but for some reason it was never constructed. Because it wasn't built, it locked up the whole area. No one could develop.

Commissioner Dubovik asked how a second access would be built. Did property owners have to wait until the city put it in, or did they build it themselves? Commissioner Braegger said the city would not put it in. It would be a development expense for whoever wanted to build.

Commissioner Dubovik felt the Planning Commissioner either had to deny preliminary approval of the TJD Subdivision or approve it subject to the construction of a second access.

Commissioner Braegger felt the subdivision would have to be denied until The Orchards at Willard Subdivision was built and connected some roads.

Commissioner Bingham asked if the second emergency access for the Rod Braegger Subdivision would count for the Dearden's. Commissioner Braegger felt that was an agreement between Rod Braegger and his neighbor.

Commissioner Bingham did not feel this subdivision, or others, could be considered until Rod Braegger had built his emergency access.

Commissioner Bingham moved to recommend that the City Council deny preliminary approval for the TJD Subdivision because it did not comply with the second access requirement. Commissioner Braegger seconded the motion. All voted "aye." The motion passed unanimously.

5B. CONSIDERATION AND RECOMMENDATION TO THE CITY COUNCIL REGARDING A PETITION FROM HERITAGE LAND DEVELOPMENT TO REZONE APPROXIMATELY 48.19 ACRES LOCATED AT APPROXIMATELY 300 SOUTH 300 WEST FROM R1/2 TO MPC (MASTER PLANNED COMMUNITY) (PARCEL NOS. 02-051-0004, 02-051-0062, 02-051-0085, 02-051-0264, 02-054-0005, 02-054-0007, 02-054-0009, 02-054-0011, 02-054-0012, AND 02-054-0013) (CONTINUED FROM FEBRUARY 1, 2024)

Time Stamp: 34:50 – 06/20/2024

Madison Brown stated that the public hearing for this rezone was held on February 1st. There had been public comments made regarding this rezone earlier in the meeting. Mr. Day had submitted several renditions of the proposed subdivision since February. SLUA reviewed the latest version on May 30th. The



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City Engineer was concerned about the width of the roads in the patio homes. The width of the patio home roads had been increased from 40 feet to 43 feet. The City Engineer was also concerned about the lack of curb and gutter on the west road, which did not meet city standards. Mr. Day wanted the Planning Commission to review the subdivision as proposed.

Garth Day, Heritage Homes, stated that this project had a fairly long history. They started with Phase 1 in 2019. They had completed Phases 1 and 2. Over the past four to five years they had developed half-acre lots. They really wanted to do something creative and innovative on the rest of the property. When they started, the city had a PUD Zone, like the zone in Deer Run. Heritage Homes had applied for the PUD Zone but withdrew their application because they felt an MPC Zone would allow something more creative. They had worked with the city administration on the development of the MPC Zone. Over time, the proposed subdivision changed. The current plan presented to the Planning Commission complied with the MPC Zone.

Mr. Day stated that during the public hearing on February 1st, he heard what the public said. They had made significant changes to the proposed plan. The original density was 150 units. They reduced that to 125 and now to 107, which was 2.1 units per acre. That was not a high-density development. The average size of the larger lots was roughly 16,000 to 18,000 square feet. A half-acre lot was 20,000 square feet. There were several half-acre or larger lots in the proposed development. They were proposing a walking path, not a bike path. There would be an urban path on 200 West. He also heard the concerns about a homeowners' association. They were proposing that all the public spaces be city-owned. They only had two maintenance choices – an HOA or the city. In discussions with the mayor, he indicated he would rather have the open spaces be publicly owned. They changed the orientation of the subdivision to place open spaces on public roads, so they wouldn't be isolated. During the public hearing, he also heard that residents wanted to maintain a rural feel. Mr. Day said the proposed development would be done in five to six phases. The infrastructure was not ready for the subdivision to be developed in one shot. They could not move forward with the larger lots until the sewer caught up. They could probably build two phases of patio homes with existing infrastructure. The patio homes were meant for an older population with appropriate amenities. Willard's general plan talked about offering different types of housing for people at different points in their lives. He felt the patio homes met that criterion.

Mr. Day stated that after they met with the mayor and city administration, they eliminated some of the curb and gutter to provide a more rural feel. The exception would be 500 West, which was a major road that would run north and south through the community. It would be 66 feet wide and would have curb and gutter. The inside roads would be more rural in nature. The original plan included an offset road near 200 South. That road had been eliminated. It was now an emergency and trail access to the open space, which include a gazebo, pickleball courts, and public spaces that they would build and turn over to the city for maintenance. They would have to coordinate its construction with the city to make sure the city was able to take over the maintenance. They didn't want to build something that couldn't be maintained. Mr. Day felt the proposed plan met the MPC criteria and the intent behind the general plan.

In answer to a question from Madison Brown, Garth Day stated that they had changed the west road to include curb and gutter because it would be a collector road. It would be 66 feet wide. Ms. Brown asked which roads would not have curb and gutter. Mr. Day said ??? (see Maddie).

Commissioner Braegger asked why Heritage Homes had moved away from curb and gutter. Garth Day stated that during the public hearing the public clearly said they wanted to have a rural feel. Commissioner Braegger said that the City Council had decided that if a subdivision started out with curb and gutter it should be maintained throughout the rest of the project. Mr. Day said there would be curb and gutter in the



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285 patio home area. They were trying to give the project a rural feel. If they had to do curb and gutter, they
286 would put it in.

287
288 Commissioner Braegger felt that this project would be high density for Willard. Where would visitors park?
289 They couldn't park on the road because they weren't wide enough. He didn't see any nearby parking to
290 accommodate the narrower roads. Garth Day said the road asphalt width in the patio home area was the
291 same asphalt width as a 66-foot road; 32 feet. Commissioner Braegger asked the 43-foot width mentioned
292 by the city planner. Mr. Day said the right-of-way width was 43 or 44 feet, but the asphalt width would be
293 32 feet. The was the same asphalt width as a 66-foot road. Commissioner Braegger asked what was being
294 eliminated. Mr. Day said there would be curb and gutter with sidewalk right next to it. The park strip was
295 being eliminated. The city's standard width was 60 feet.

296
297 Commissioner Braegger stated that the difference between 60 feet and 43 feet was 17 feet. The city would
298 be losing 17 feet somewhere. The math wasn't coming together. Mr. Day said the city would be losing eight
299 feet of park strip.

300
301 Commissioner Braegger asked if the patio homes would have a 30-foot front yard setback. Garth Day said
302 they were proposing a 20-foot setback for the patio homes. Madison Brown said the front yard setback was
303 typically 30 feet. In Deer Run the front yard setback 20 or 25 feet. Mr. Day said the MPC Zone allowed for
304 flexibility to allow creativity. The patio home lots were smaller. They would be 8,500 square feet in size,
305 which was about twice as big as a normal patio home lot. This lot size was considered medium density in
306 other communities. Multi-family housing with 20 to 25 units an acre was high density.

307
308 Commissioner Braegger asked how wide the patio home lots would be. Garth Day said they were 55 to 65
309 feet in width. Commissioner Braegger asked if the patio homes would have a two-car garage. Mr. Day said
310 they would. The homes would be about 30 feet wide. On a 65-foot lot, there would be plenty of side yard
311 space.

312
313 Commissioner Gilbert asked who dictated that residents of the patio homes had to be 55 years or older.
314 Mr. Day said the age would be regulated by CCR's and deed restrictions. These homes were meant for
315 people who didn't want to care for a large yard. This project would be a hybrid because the amenities would
316 be public. They weren't just for this development, they would be for everyone in Willard.

317
318 Commissioner Braegger asked how many lots were originally planned. Garth Day said they started with
319 over 150 lots. Commissioner Braegger asked how many lots were planned in the R-1/2 Zone. Mr. Day
320 thought there were about 98 lots, including the first two phases.

321
322 Commissioner Braegger stated that Mr. Day intimating that Heritage Homes had downgraded from 150 lots
323 to 107. However, when Heritage Homes first came in, the property was zone R-1/2. So, the number of lots
324 had actually increased. To the public, it seemed the number of homes had jumped quite a bit. Mr. Day said
325 that when Heritage Homes first started, only the frontage on 200 West was zoned R-1/2. As they started
326 planning, they rezoned everything to the west R-1/2. He didn't think they ever provided the city with a
327 concept for half-acre lots on the entire property. They never intended to do just straight half-acre lots. They
328 had planned to do a PUD, but that zone was repealed. Then they worked with the city on the MPC Zone.

329
330 Chairman Bodily felt the revised plan still looked pretty busy. He didn't feel it would maintain the small-town
331 atmosphere of Willard. He wasn't sure it benefited the city.



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Commissioner Dubovik stated that if the city was set on only half-acre lots, and there wasn't a desire to accommodate the older population on smaller more affordable lots, then no, this plan did not benefit Willard. He was a proponent of the MPC Zone. Its whole concept was to allow developers to be creative; to vary the lot sizes; to provide smaller lots for older people who could afford and maintain them. If 2.1 units per acre was indeed what the proposed density was, that was .47. He felt that was a good compromise.

Commissioner Beebe felt the density would be a little more if the roads were taken out. Garth Day said he calculated the density after the roads, but he didn't calculate the roads for the overall density. He had to take 20% out for roads. Density was based on what was left.

Commissioner Dubovik said the proposed plan had two open space areas, not tiny ones spread all over. The open spaces were across the street from each other with parking. He wasn't saying he was all in, but he felt there should be a discussion. It should not be shut down based on urban legend.

Commissioner Bingham agreed with Commissioner Dubovik. He realized that the public thought the Planning Commission had a lot of control, and that members weren't listening to them. He attended a BRAG training several weeks ago where he learned that the state legislature didn't listen to the small communities. Legislators listened to lobbyists who were telling them cities weren't allowing high density housing. The state legislature would like nothing more than to take away the city's ability to regulate what it wanted. The state legislature wanted to be able to tell the cities what they had to allow. BRAG (Bear River Association of Governments) and Utah League of Cities and Towns fought very hard against the lobbyists. In order fight for cities to have the ability to have some say, cities had to show they were allowing higher density. If higher density projects weren't selling, developers wouldn't try to build and sell them. The city had to show it was allowing for higher density even if there wasn't a demand for it.

Councilmember Hulsey felt those regulations applied for communities with a population of 5,000 and higher. Willard's population was only about 2,000. Commission Bingham said the state legislature was trying to lower the population requirement. If Willard didn't allow varied lot sizes, it would end up like Huntsville. The property taxes in Huntsville had increased. Now the older population with a half-acre lot and smaller home had been priced out of being able to remain in Huntsville.

Commissioner Braegger said that was the price to pay for half-acre lots. Was that a price Willard was willing to pay?

Commissioner Bingham said property taxes affected everyone. The property taxes his parents were currently paying were higher per month than their original house payment. He wasn't arguing about density. He was just saying the Planning Commission had to look at a lot of different things when it considered a rezone and a subdivision plan. The people who were saying they wanted a rural feel would leave if and when their property taxes exceeded their mortgage.

Commissioner Beebe stated that higher density would cost the city money. Mr. Day did not feel that was true.

Commissioner Bingham said lower density would the city less money. One of the best things the city could do to save money was change from a 100-foot frontage down to 90. It would allow one more lot every ten houses, which meant less infrastructure to be maintained in linear feet.



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Commissioner Gilbert asked if Commissioner Bingham had agreed to the blanket half-acre density. Commissioner Bingham said he had. He was just trying to bring up points that needed to be considered. So, they looked at it from every point of view.

Commissioner Gilbert wasn't against some patio homes. He liked the concept of 55 and older. He had in-laws that would probably buy one. He just felt this one was too dense. Garth Day asked how it was too dense. If they did everything half-acre, all the open space and amenities would be lost. The city wouldn't get anything.

Garth Day stated that he had spent many years as an urban planner. Cutting a city up into half-acre lots wasn't planning. It was cutting it up into half-acre lots. It was engineering. High density might cost the city more in social services, but density like they were proposing would bring revenue to the city. Twenty-five years ago, residential development did not pay for itself. Today's home prices generated significant property taxes. The city had to start planning infrastructure replacement costs the moment it turned over. The more a developer could do to generate taxes dollars was planning. Commissioner Bingham said that only half-acre lots were selling, but the proposed patio homes would be gone before the city even knew it. There were people in the community who would move to a patio home.

Commissioner Braegger said the Planning Commission wasn't against patio homes. It was against roads that no one could park on, frontage that was only 50 feet wide, and no curb and gutter. He felt those were the issues that needed to be addressed. Patio homes were great. They just needed to be done right.

Garth Day said they would be more than happy to widen the roads and put in curb and gutter. With 32 feet of asphalt, there would still be room for parking on the street.

Garth Day felt Heritage Homes had made changes. They were trying to listen to the public. He asked for some direction. They wanted to do what would make the community happy. They were going to be partners with Willard for many years. Their proposal would probably take 15 years to build out. They wanted to build something everyone could be proud of. The worst thing they could do was put in a bad neighborhood. They would have to pay the price.

Chairman Bodily asked how wide the street needed to be. Jeremy Kimpton said different uses determined different roadway widths. Commissioner Braegger's concerns were valid. They were the same concerns SLUA members had.

Commissioner Dubovik asked what other concerns the Planning Commission had if the roads were a standard size with curb and gutter. He felt the Planning Commission owed Heritage Homes some specific directions so they could determine if they made sense or not.

Commissioner Braegger stated that there was parking for the parks, but the patio homes needed two to three overflow parking stalls per unit.

Commissioner Dubovik felt the proposed plan was very close to what he had in mind when the MPC Zone was adopted. It had creativity and met the needs of different populations in the city. Now the Planning Commission was talking about details and practicality.

Commissioner Braegger felt the density was around a half-acre, which was fair. He felt the plan was close.



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Commissioner Bingham felt Heritage Homes was moving in the right direction.

Commissioner Braegger asked if the city staff would be able to maintain the additional open space. Jeremy Kimpton, City Manager, stated that was something that had been discussed with the mayor and Mr. Day. He felt the Planning Commission and City Council needed to consider what they wanted the parks to look like. Did they want natural vegetation, which was easier to maintain, or did they want something more refined? The Planning Commission needed to give Heritage Homes some guidance.

Commissioner Braegger felt it would be better for the city to take care of the parks than an HOA. Garth Day said the use and users of parks had changed. It was expensive to maintain a big square of grass, and it was inefficient for a lot of utilities. What people wanted activities. They wanted to walk or play pickleball. Trails weren't difficult to maintain. They were not free, but they weren't as intense as mowing lawns. Pickleball courts were a hard surface, which was less maintenance. It just had to be striped every few years. They had tried to plan amenities that fit the needs of the market but help balance the cost to the city. In the development agreement, they could time the construction of the open spaces. Another alternative was a public improvement district. It was somewhat like an HOA, but for a short period of time. A PID would allow the open space to be built quicker.

Commissioner Bingham liked that curb and gutter was proposed where it was needed and no curb where it wasn't. He felt that was in line with discussions the Planning Commission had had about curb and gutter.

Garth Day stated that on their rural road standard they did put in a 2-foot ribbon curb at the edge of the asphalt to protect it. The road consisted of the asphalt width plus a 2-foot ribbon on either side. Commissioner Braegger asked if swales would catch the water with pipes under the driveway. Mr. Day said that was correct. Commissioner Braegger didn't like the way the rural road looked, Weeds grew in the swale area, people drove off the edge of the culverts, and there was maintenance involved. If there was curb and gutter already in the subdivision, he felt that it should be continued.

Garth Day said they had some large areas for detention. If they put in curb and gutter, detention wouldn't be a problem.

Commissioner Bingham said the state had been moving away from curb and gutter by allowing water to percolate where it sat. The city had been moving that way too. He liked the rural road with ribbon curb. Commissioner Braegger asked how the city could tell Heritage Homes where to put curb and gutter and where not to. Commissioner Bingham said he couldn't. Commissioner Braegger said there was curb and gutter on 200 West, then it skipped a few roads until there was curb and gutter again on 500 West. The city was catching the water anyway.

Commissioner Gilbert agreed with Commissioner Braegger. He liked curb and gutter. It was cleaner and had less maintenance.

Commissioner Braegger agreed that if a subdivision started without curb and gutter, like Fitzgerald Pond, a rural road would make sense. In The Orchards, there would be curb and gutter on 500 West that would be catching the water anyway. He felt there should be curb and gutter throughout the development.

Garth Day asked if he added curb and gutter through the entire project and a storm drain system on the larger lots and wider roads in the patio home area that were closer to the 60-foot standard would the Planning Commission be more comfortable?



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, June 20, 2024 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

Commissioner Beebe asked how parking was being compensated in the patio home area where lots were less than 100 feet wide. Commissioner Braegger said 100 feet of frontage was required for a standard half-acre lot. In the MPC Zone, lot widths could vary. Garth Day said lot frontage didn't have anything to do with parking. The patio home would have a double-car garage. That was two parking spaces. The driveway could count as another two. Typically, a single-family home had four parking spaces. Extra parking then stacked up on the road. The goal was to have a road with a lane of travel, which was 12 to 14 feet in width and parking next to the curb. A lot with 65 feet of frontage would handle 99% of an owner's parking needs.

Commissioner Bingham was willing to consider narrower roads if there were visitor parking spaces within walking distance. Garth Day said there was a row of parking on 300 West and some on the south on 300 South on the south end of the open space.

Garth Day asked how wide the roads in the patio home area needed to be. If he widened the roadway to 60 feet, there wouldn't be more than 32 feet of asphalt. The 43-foot road they proposed would have 32 feet of asphalt with curb and gutter. The sidewalk would be six feet wide and would be right next to the sidewalk. A 6-foot sidewalk would allow room for snow removal and pedestrians. Madison Brown asked if there would be sidewalk on both sides of the road. Mr. Day said they planned to have a sidewalk on only one side of the street because of the trail system. Commissioner Braegger didn't like the idea of a sidewalk on only one side of the street. He suggested four feet of sidewalk on each side. Mr. Day proposed 32 feet of asphalt, 5 feet of curb and gutter (2 ½ feet on each side), and 6 feet of sidewalk on each side. That would widen the road out to nearly 50 feet. That would give them some flexibility, and it would be large enough for the city infrastructure and large enough for the city to maintain. It would probably cost them a couple of lots.

Commissioner Braegger asked about setbacks. Garth Day said they were proposing 20-foot front yard setbacks with 8-feet on each side. Commissioner Braegger asked how deep the garages would be. Mr. Day said they were 22 feet deep. Commissioner Braegger stated that a homeowner would not be able to park a full-size truck in the garage or in the driveway without it sticking out into the sidewalk. Most full-size long bed trucks were about 22 feet in length. He felt a 25-foot parking area would be sufficient.

Commissioner Beebe asked what a normal setback was. Madison Brown stated that the front yard setback for a normal half-acre lot was 30 feet. In the MPC Zone, setbacks could be different. Colt Mund, City Attorney, said setbacks could be changed in an MPC Zone through a development agreement.

Commissioner Braegger asked about the backyard setback. Mr. Day felt the backyard setback for the patio homes would still be 30 feet.

Chairman Bodily was concerned that an 8-foot side yard would make it difficult for homeowners to access their rear yards. Garth Day said the patio homes would not be building sheds in their backyards due to deed restrictions. They didn't want homeowners to park trucks and trailers in the side or rear yards. A small garden shed might be okay, but nothing larger. The CCR's would limit the size of an accessory building and its setbacks.

Commissioner Braegger asked what would happen to enforcement of the CCR's in future years. Garth Day felt that was a great question. It was one he had struggled with his entire career because cities could not enforce CCR's. In an MPC Zone, the CCR criteria became part of the zone itself. The city could enforce the zone.



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Commissioner Dubovik asked if the Planning Commission's motion. Was it just recommending approval or disapproval of the rezone petition to the City Council? Colt Mund stated that the Planning Commission needed to make a recommendation to the City Council regarding the rezone, any changes to the development agreement, and any changes to the proposed development plan. The Planning Commission was making a recommendation on everything Mr. Day had presented.

Commissioner Braegger stated that Mr. Day was aware of how the Planning Commission felt. He recommended that Garth Day go back to the drawing board.

Commissioner Bingham agreed. He acknowledged that Heritage Homes had made a lot of changes to the proposed plan since February, but he wanted to see the changes recommended by the Planning Commission. He felt the density was really close. He wanted to see parking and the adjusted road widths. He also suggested a wider front yard setback.

Garth Day sensed he needed to add curb and gutter to the larger lot section. In the patio home section, he needed to work on the road width that was closer to the city standard, and he would work on the setbacks. To get a larger front yard setback, the rear yard setback might be less than 30 feet.

Commissioner Gilbert stated that if the patio home lots were double what normal patio homes were, there should be room to provide flexibility for a larger front yard setback with a decent back yard. Commissioner Gilbert asked about side yard setbacks. Madison Brown said the side yard setback for an accessory building was three feet.

Garth Day asked how the Planning Commission felt about the proposed open spaces and the trail system.

Commissioner Gilbert liked the open spaces but hoped to see more half-acre lots. Mr. Day said he would do his best.

Commissioner Beebe felt the open space was a positive aspect of the MPC Zone, but she felt the proposed density was too high. If the total acreage was divided into half-acre lots, there would not be residences. She liked the patio home concept, but she objected to the proposed density. Garth Day said the higher density of the MPC Zone was a bonus to the developer for providing amenities like the open space and the trail system. Commissioner Braegger said there had to be some give and take somewhere.

Commissioner Braegger felt the walking trail Keith Olsen had referred to was the HOP Trail on 200 West. The HOP Trail had been designed by the City in conjunction with other entities after Heritage Homes started The Orchards Subdivision. That was why there was a four-foot sidewalk there now instead of an eight-foot walking path.

Commissioner Braegger asked for clarification about the sewer issue beyond Phase 2. Garth Day said they could not currently provide sewer to the southwest part of the property until the adjoining Deer Run Subdivision extended further to the north. They would start on the patio home section. They could build to about the middle by running sewer back to 200 West. If needed, they would figure out a way to cooperate with Deer Run to extend the sewer line to the north.

Chairman Bodily asked if Garth Day had enough information from the Planning Commission. Mr. Day felt he did. Chairman Bodily asked that this item be placed on the next agenda.



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5C. PUBLIC HEARING TO RECEIVE PUBLIC INPUT REGARDING AN AMENDMENT TO CHAPTER 12-105 OF THE WILLARD CITY ZONING ORDINANCE TO ALLOW SHORT-TERM RENTALS

Time Stamp: 1:36:32 – 06/20/2024

Commissioner Dubovik moved to open the public hearing at 7:36 p.m. Commissioner Gilbert seconded the motion. All voted “aye.” The motion passed unanimously.

Chairman Bodily opened the floor for public comments. There weren't any comments.

Commissioner Bingham made a motion to close the public hearing at 7:37 p.m. Commissioner Beebe seconded the motion. All voted “aye.” The motion passed unanimously.

5D. CONSIDERATION AND RECOMMENDATION TO THE CITY COUNCIL REGARDING AN AMENDMENT TO CHAPTER 12-105 OF THE WILLARD CITY ZONING ORDINANCE TO ALLOW SHORT-TERM RENTALS IN RESIDENTIAL ZONES (CONTINUED FROM APRIL 4 AND APRIL 18, MAY 2, AND JUNE 6, 2024)

Time Stamp: 1:37:48 – 06/20/202

Colt Mund stated that during the June 6th discussion, there was discussion about hours of the noise ordinance.

Commissioner Beebe was concerned about including a specific time in the ordinance.

Colt Mund said the ordinance could be written either way. If there was a time, that was the time short-term rentals would have to comply. It was something the police officers could enforce. The ordinance could be worded to comply with the city's noise ordinance which allowed enforcement at any time.

Commissioner Braegger felt the ordinance needed to have enough teeth to shut down noise that was a nuisance. Colt Mund said that a few years ago, the city talked about including a decibel in the noise ordinance. The police chief felt a decibel meter would require a lot of training and maintenance. If the ordinance was vague, it was subjective. Willard's noise ordinance was vague, which meant it was broad and could be enforced in a lot of areas. A lot of communities did have specific quiet hours. If there was quiet time, property managers would have to deal with violations or be cited.

Commissioner Dubovik liked the idea of a specific time. These were temporary rentals. If the quiet time was violated, the property manager would be contacted, even if a ticket wasn't issued. Airbnb's and Verbo were self-policing. If a renter got bad marks it went against their reputation on that platform.

Commissioner Braegger asked about the definition of noise. Some were louder than others. What was overboard? He wanted the ordinance to have something that was enforceable.

Commissioner Gilbert felt that if someone complained, they were probably being too noisy.

Colt Mund stated that a body camera recorded noise that could then be played back for a judge. Sometimes there wasn't any noise when an officer showed up. If multiple complaints were received in one night, a ticket could be issued, and it could be sorted out in court. With a short-term rental, an officer would call the



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property manager and instruct them to resolve the problem. He agreed that enforcement was not perfect. It wouldn't be perfect even with a decibel meter.

Commissioner Braegger suggested that the administration talk to Police Chief Fielding. If Chief Fielding felt the way the ordinance was written justified him and his officers to take care of a noise problem, then he felt the Planning Commission would be happy with it. Mr. Mund felt that was a good idea.

Chairman Bodily said there wasn't a time frame in the city's current noise ordinance. He thought the ordinance used to have quiet hours between 10:00 p.m. and 6:00 a.m. He just didn't want ordinance with conflicting hours.

Chairman Bodily asked if there were any other issues.

Commissioner Bingham made a motion to recommend that the City Council approve an amendment to Chapter 12-105 of the Willard City Zoning Ordinance to allow short-term rentals in residential zones subject to the Police Chief approving the wording for enforcement of noise complaints. Commissioner Dubovik seconded the motion. All voted "aye." The motion passed unanimously.

5E. REVIEW OF A CONDITIONAL USE PERMIT ISSUED TO ROBERT AND SUZIE RADTKE FOR AN ALPACA FARM LOCATED AT 450 NORTH 200 WEST (PARCEL NO. 02-046-0047 AND 02-046-0084) ISSUED OCTOBER 6, 2014

Time Stamp: 1:44:56 – 06/20/2024

Madison Brown stated the conditional use permit was actually for additional dogs. She spoke with Suzie Radtke. They had three guardian dogs and one house dog when the conditional use permit was approved. Two of the guardian dogs had since passed, and they were training another. The conditional use permit was for guardian dogs and was still active.

There was a brief discussion regarding Radtke's participation in the Harvest Host RV parking program.

5F. DISCUSSION REGARDING AMENDING THE TABLE OF USES FOUND CHAPTER 12-111-3 AND 12-112-3 OF THE WILLARD CITY ZONING ORDINANCE

Time Stamp: 1:47:46 – 06/20/2024

Chairman Bodily asked if the Planning Commission members had reviewed the Table of Uses to see if uses needed to be eliminated or added. The city was trying to move away from conditional use permits.

Colt Mund stated that the Planning Commission spent a lot of time condensing the uses in the Manufacturing, Commercial Neighborhood, and Commercial General Zones. Conditional uses were disfavored. Uses should either be permitted or not. He pointed out that the Table of Uses for Manufacturing, Commercial Neighborhood, and Commercial General Zones listed Airbnbs (short-term rentals) as a conditional use, but that use wasn't address in the Table of Uses for the residential zones. The Commission needed to consider that use.

Madison Brown agreed that short-term rentals needed to be added to the Table of Uses for the residential zones.



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Commissioner Gilbert asked about conditional uses in the MU-40 Zone. Mr. Mund said that in his tenure as city attorney, the uses in that zone had not been reviewed. That zone probably needed a complete overhaul.

There was a discussion about what P, C -, and A meant. P was a permitted use. C was a conditional use. A – meant a use was not allowed, and A meant there was a regulation that applied.

Colt Mund stated that the tables were not meant to be exhaustive. Several years ago, the code had been amended to address uses that were not listed. If a use was not listed in the tables, the city planner in conjunction with the Planning Commission could decide if the use was similar to one that was already listed.

Commissioner Gilbert asked for more time to review the tables.

Chairman Bodily asked that this item be added to the next agenda.

5G. 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, APRIL 18, MAY 2, AND MAY 16, 2024)

Time Stamp: 1:54:17 – 06/20/2024

Madison Brown shared a report (see attached copy) she had prepared based on the comments received at the May 16th open house. The majority of those who attended were from South Willard. She asked the Planning Commission to review the comments so planning for South Willard could be started. She could email the report to South Willard residents who provided email addresses. How did the Planning Commission want to proceed?

Commissioner Bingham said a small group of people were trying to gather support to incorporate South Willard, but the majority of people he talked to at the open house were in favor of slowly annexing into Willard.

Ms. Brown said she received an email from a South Willard resident who was interested in taking the lead on planning South Willard. The mayor had offered use of the Multipurpose Room, but the resident had not contacted her again.

Commissioner Gilbert felt the biggest complaint from the South Willard residents was the lack of notification. Ms. Brown agreed. South Willard residents wanted to be notified. Commissioner Braegger suggested that the city provide the interested parties with notices about annexation hearings.

Commissioner Dubovik suggested scheduling a public hearing and inviting South Willard residents to provide more feedback after they received Ms. Brown's report.

Commissioner Gilbert felt Mayor Mote did a great job of presenting all the facts. The Commission agreed.

Ms. Brown felt that most of those who attended the open house agreed with the maps prepared by Commissioners Dubovik and Gilbert.



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Commissioner Beebe said people felt roads should be connected.

Commissioner Gilbert said he would go through the comments and see if they could be integrated into the proposed future land use map. He agreed with Commissioner Dubovik that the residents should be invited back to see the plan created by their comments.

The Planning Commission asked that a public hearing be scheduled for September 5th and that the South Willard residents who attended the public open house be notified.

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

Commissioner Beebe moved to approve the June 6, 2024, minutes as corrected. Commissioner Bingham seconded the motion. All voted “aye.” The motion passed unanimously.

7. COMMISSIONER/STAFF COMMENTS

Time Stamp: 2:04:14 – 06/20/2024

Colt Mund, City Attorney

Did not have any comments.

Jeremy Kimpton, City Manager

Jeremy Kimpton explained that the city was going to change how applications were processed to allow more time for SLUA members to review them. The city was going to require that applications be submitted 14 days before a meeting. Then staff will have needed review time and time to provide feedback to applicants.

Commissioner Braegger asked if it would be possible to have a Planning Commission member included on the SLUA. The Commission felt it was a good idea. Jeremy Kimpton felt that would be advantageous, even if the Planning Commission member didn't have a vote. Commissioner Braegger volunteered to attend when he could. Chairman Bodily and Commissioner Bingham said they were available as well.

Madison Brown, City Planner

Madison Brown stated that Ruth Beebe had agreed to fill Diana Baker's place on the Planning Commission subject to the approval of the Mayor and City Council. She also spoke with Blake Harrop. He was willing to give up his alternate position if someone else was interested. That meant the Planning Commission needed two alternates. Commissioner Braegger had provided the name of an interested citizen. The Mayor had a few as well. She asked the Commission members to let her, or the Mayor know if they knew of anyone who might be interested in serving.

Ms. Brown recommended that the Planning Commission members watch the training videos she sent out.

Commissioner Bingham



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Commissioner Bingham wanted to clarify Council member Hulsey's comment about not having to vote in agreement with city ordinances. He understood that the Planning Commission could not vote in opposition to the city ordinances. The Planning Commission didn't get to interpret the ordinances to be whatever they wanted. Otherwise, why have ordinances?

Commissioner Dubovik agreed, unless the ordinance was written to allow some qualitative decisions.

Chairman Bodily felt an applicant could have a legal claim if the Planning Commission voted against the ordinance.

Jeremy Kimpton stated that property owners had property rights and were entitled to due process. The public had the right to come and speak their mind during a public hearing or when public comments were allowed. The state was trying to put together a state-controlled commission that would review applications, which take control away from cities. It was hard for the staff as well. He felt the state was taking away transparency, not the cities. If the ordinance said something was allowed and it met the standards, if the Planning Commission voted against it, the city might be subject to a lawsuit.

Colt Mund stated that the state code said it was a vested right if an applicant met the subdivision requirements. The Planning Commission did have discretion in the Master Planned Community Zone. In the MPC Zone, the Planning Commission had a lot of input and could articulate if it didn't like something. If an applicant didn't like the Planning Commission's reasoning, he could do a regular half-acre subdivision. When reviewing a rezone application, the Planning Commission had discretion to determine if it fit the General Plan. In other areas, the Planning Commission was simply applying the ordinance to an application.

Commissioner Beebe

Did not have any comments.

Commissioner Gilbert

Commissioner Gilbert asked how the city-controlled backflow prevention devices. Jeremy Kimpton understood that homeowners were put on a list and the Public Works Director inspected the devices once a year. The state mandated that the city have a plan in place to look for contamination issues. When the city completed a sanitary survey, it had to document its plan, ordinances, and licensed backflow administrator. The city didn't actually inspect backflow prevention devices, but it was supposed to send letters requesting inspection letters.

Commissioner Braegger suggested an inexpensive landscaping permit just to provide a tracking method and to make sure a backflow prevention device was installed. The permit could be included with the building permit.

Commissioner Braegger

Commissioner Braegger stated that the last meeting, the Planning Commission was very short-handed. There was a public hearing regarding rezoning the Fitzgerald property. There was some miscommunication regarding the motion. He asked for some direction about what a real quorum was.



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Colt Mund stated that if a motion was not seconded, the chairman could ask for another motion or say the motion died for lack of a second. There had to be a quorum to hold a meeting. A majority of the quorum was needed to pass any action. A quorum was a majority of voting members.

Mr. Mund stated that there were applications that required city action. Because Willard was smaller, it might have more time to process applications. The Planning Commission could give an application redline changes. It wasn't appropriate for the Planning Commission to deny something because it wasn't sure what to do. The Planning Commission could table an item for a specific reason. There had to be a reason why an application wasn't being moved forward.

Commissioner Braegger asked that Commission members call or email Michelle Drago or Madison Brown if they planned to be gone.

Commissioner Braegger asked that when the city make sure any incorrections in the newspaper were corrected with a reprint.

Chairman Bodily

Did not have any comments.

Commissioner Dubovik

Commissioner Dubovik asked how the Planning Commission should handle edits to correct verbiage in the MPC Zone. Jeremy Kimpton said the staff was working on answers for the Planning Commission regarding property value and the fee-in-lieu of. It would be a future agenda item.

8. ADJOURN

Commissioner Dubovik moved to adjourn at approximately 8:58 p.m. Commissioner Beebe seconded the motion. All voted in favor. The motion passed unanimously.

Minutes were read individually and approved on: _____

Planning Commission, Chairman
Sid Bodily

Planning Commission Secretary
Michelle Drago

dc:PC 06-20-2024