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

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
Ruth Beebe
Chandler Bingham
Chad Braegger
Alex Dubovik
Brian Gilbert

Jeremy Kimpton, City Manager
Colt Mund, City Attorney
Madison Brown, City Planner
Ellie Pugmire, Secretary

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

Chairman Bodily called the meeting to order at 6:30 p.m.

1. PRAYER: Brian Gilbert

2. PLEDGE OF ALLEGIANCE: Alex Dubovik

3. GENERAL PUBLIC COMMENTS

Time Stamp: 01:14 – 06/20/2024

Keith Larsen, 150 South 200 West, stated that the last time the rezone proposed by Heritage Homes (Item 5B on the agenda) was on the agenda (February 1, 2024), there was quite a discussion with a lot of different people. One of the objections he had regarding the format of the rezone process was a public discussion at the beginning. Then there was not a chance for the pubic to comment on what occurred afterward. He suggested the city consider changing the format. Mr. Larsen presented and read a list of questions and comments (see attached copy) regarding the rezone.

Jordan Hulsey, 10 South 100 West, stated that there was a discussion at the last Planning Commission meeting about having to vote affirmatively because of the ordinances. She believed that just because the ordinance said something could be approved did not mean it had to be approved. Otherwise, what was the point of having a public hearing? If a public hearing was held to gather input from the public, she assumed that input would factor into the decision. She did not feel that was how the Planning Commission voted. As appointed officials, she encouraged 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 from February 1st 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 for changes, she did not see any changes even when developers said they would make them. She encouraged the Planning Commission to vote against things that did 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.

Council member Hulsey felt changing the zoning of 48 acres in the 200 West area from R-1/2 to Master Planned Community was a decision that required a lot of consideration. She felt the request should be denied because the proposed rezone would exacerbate existing traffic issues, which the Planning Commission had heard about. People who lived on that road had brought traffic to everyone's attention. Increased traffic 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 contradicted the vision statement of Willard City. Willard had long thrived on the principles of responsible planning. She understood there were benefits to MPC Zones in some areas. She did not feel this area aligned with that zone. The proposed rezone would jeopardize 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. They were hard to find. She 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 lots.

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, because she wanted to retire someplace nice, and her husband wanted land. They wanted a half-acre lot, but they had a hard time finding one. The Deer Run Subdivision to the south reminded her 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 people said it would not make a difference. They did not feel the city listened. Last February, the developer said they were fulfilling a need for houses. Their neighbor did not want a corner lot, but he wanted a half-acre, so he took a corner lot.

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 half-acre lots.

4. CITY COUNCIL REPORT

Time Stamp 21:32 – 06/20/2024

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

Madison Brown, City Planner, said the City Council had 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 seeking preliminary approval to divide their five-acre parcel into two separate lots. They were being represented by their real estate agent Joe Adair. Ms. Brown said there were improvement details that would have to be resolved before final approval could be granted, which 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 Vern Price, a property owner down the street, tried to do the same thing a few years ago. Vern Price had been turned down because there were too many homes on Center Street 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 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. There were already more than 30 homes on Center Street. Dearden's were proposing to add another lot but not a second access.

Commissioner Braegger stated that Kenny Braegger was in the same position.

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

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 newer 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, the whole area was locked up. 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 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 did not feel it would count. Rod Braegger had an agreement with 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 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. Heritage Homes started Phase 1 in 2019 and had completed Phases 1 and 2. Both phases had half-acre lots. They really wanted to do something creative and innovative on the rest of the property. When they started in 2019, 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. Heritage Homes had made significant changes to the proposed plan. Their original density was 150 units. The

density was reduced to 125 and was now 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 had heard the concerns about a homeowners' association. So, they were proposing that all the public spaces be city-owned. They only had two maintenance choices – an HOA or the city. The mayor preferred to have publicly owned open spaces. The orientation of the subdivision had been changed to place open spaces on public roads, so they would not be isolated. 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 said that during the public hearing, residents said they wanted to maintain a rural fee. So, Heritage Homes was proposing to eliminate 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. The open space would 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 construction of the open spaces with the city to make sure the city was able to take over the maintenance. They did not want to build something that could not 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.

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 continued throughout the rest of the project. Mr. Day said there would be curb and gutter in the patio home area. They were trying to give the project a rural feel. If they had to, they would put in curb and gutter.

Commissioner Braegger felt this project would be high density for Willard. Where would visitors park? They could not park on the roads because they weren't wide enough. He did not see any nearby parking to accommodate the narrower roads. Garth Day said the asphalt width in the patio home area was 32 feet, which was the same asphalt width as a 66-foot road. The right-of-way width was 43 or 44 feet, but the asphalt width would be 32 feet. Commissioner Braegger asked what was being eliminated. Mr. Day said the park strip was being eliminated. There sidewalk would be right next to the curb and gutter. The city's standard width was 60 feet.

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

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

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

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

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

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

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

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 the proposed density, 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. He didn't feel the proposal should be shut down based on urban legend.

Commissioner Bingham agreed with Commissioner Dubovik. He realized the public thought the Planning Commission had a lot of control, and that members were not listening to them. He attended a BRAG training meeting several weeks ago where he learned the state legislature did not listen to small communities. Legislators listened to lobbyists who were telling them cities were not 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 cities what they had to allow. BRAG (Bear River Association of Governments) and Utah League of Cities and Towns were fighting very hard against the lobbyists. In order fight for cities' ability to have some say, cities had to show they were allowing higher density. If higher density projects were not selling, developers wouldn't try to build and sell them. The city had to show it was allowing for higher density even if there was not a demand for it.

Councilmember Hulsey felt those regulations applied to 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 did not 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 asked if Willard was willing to pay that price for half-acre lots.

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 was not arguing about density. He was just wanted to make sure the Planning Commission and the public looked at looked 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 Willard if and when their property taxes exceeded their mortgage.

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

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

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 would not get anything.

Garth Day stated that he had spent many years as an urban planner. Cutting a city up into half-acre lots was not 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 a developer turned it over. The more a developer could do to generate taxes dollars was planning.

Commissioner Bingham said everyone was saying that only half-acre lots were selling, but he felt 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 was not 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 build a bad neighborhood. They would have to pay the price.

Chairman Bodily asked how wide the streets 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 if the Planning Commission had other concerns besides roads that were standard sized with curb and gutter. He felt the Planning Commission owed Heritage Homes specific direction about details and practicality. He 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.

Commissioner Braegger stated that there was parking for the parks, but he felt the patio homes needed two to three overflow parking stalls per unit. The density was around a half-acre, which was fair. He felt the plan was close.

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 being 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. People wanted activities. They wanted to walk or play pickleball. Trails weren't difficult to maintain. They were not free, but they were not as intense as mowing lawns. Pickleball courts were a hard surface, which was less maintenance. They just had to be striped every few years. Heritage Homes had tried to plan amenities that fit the needs of the market while balancing the cost to the city. The development agreement 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 constructed faster.

Commissioner Bingham liked that curb and gutter was proposed only where it was needed. He felt that was in line with discussions the Planning Commission had had about curb and gutter.

Garth Day stated that their rural road standard consisted of the asphalt width plus a 2-foot ribbon on either side to protect the asphalt. Commissioner Braegger did not like the way the rural roads 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, it should be continued.

Garth Day said they had some large areas for detention. If they put in curb and gutter, detention would not 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 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 rural roads would make sense if a subdivision started that way. 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 the Planning Commission would be more comfortable with the proposed plan if he added curb and gutter through the entire project, a storm drain system on the larger lots, and wider roads in the patio home area that were closer to the 60-foot standard.

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 did not have anything to do with parking. The patio homes would have double-car garages. 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 did not 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 rear yard setback. Mr. Day felt the rear yard 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 homeowners would not be building sheds in their backyards due to deed restrictions. Heritage Homes 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.

Commissioner Dubovik asked about 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 felt 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 tonight. He felt the density was really close. He wanted to see parking and the adjusted road widths. He also suggested a deeper 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 the size of normal patio homes, there should be room to provide for a larger front yard setback with a decent back yard.

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 over 100 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 agreed 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 on 200 West 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 sewer 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.

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 8:06 p.m. Commissioner Gilbert seconded the motion. All voted "aye." The motion passed unanimously.

Chairman Bodily opened the floor for public comments. There were not any comments.

Commissioner Bingham made a motion to close the public hearing at 8:07 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 last meeting, the Planning Commission had discussed hours for noise enforcement.

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

Colt Mund said the ordinance could be written either way. If the ordinance had quiet hours, those were the hours 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 the city talked about including a decibel level 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 would go against their reputation on that platform.

Commissioner Braegger asked about the definition of noise. Some people 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 was not 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 property manager and instruct them to resolve the problem. He agreed that enforcement was not perfect. It would not 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 was not 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 did not 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 it 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 stated that the city was trying to move away from conditional use permit. He asked if the Planning Commission members had reviewed the Table of Uses to see if anything needed to be eliminated or added.

Colt Mund stated that conditional uses were disfavored. Uses should either be permitted or not. Several years ago, the Planning Commission spent a lot of time condensing the uses in the Manufacturing, Commercial Neighborhood, and Commercial General Zones. 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 was not addressed in the residential zones. The Commission needed to consider that use.

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 dash/hyphen (-) 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. 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 get started. She would email the report to the South Willard residents who provided email addresses. She asked how the Planning Commission wanted 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 future annexation hearings.

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.

Commissioner Beebe said people felt roads should be connected.

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 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 COMMISISON 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. 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

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, the city might be subject to a lawsuit if the Planning Commission voted against it.

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 things they didn't like. If an applicant didn't agree with 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 said 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.

Commissioner Braegger suggested an inexpensive landscaping permit 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 Planning Commission was very short-handed at the last meeting. After the public hearing regarding a rezone request, there was some miscommunication regarding the motion. He asked for directions about what a real quorum was. Colt Mund stated 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. If a motion was not seconded, the chairman could ask for another motion or say the motion died for lack of a second.

Colt Mund stated that there were applications that required city action. The Planning Commission could give an applicant redline changes. It was not 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 an application wasn't being moved forwarded.

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 noticed incorrect information in the newspaper that a correction be printed as soon as possible.

Chairman Bodily

Did not have any comments.

Commissioner Dubovik

Commissioner Dubovik asked how the Planning Commission should oversee 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. The MPC Zone 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: 8/1/24

Sid Bodily
Planning Commission, Chairman
Sid Bodily

Michelle Drago
Planning Commission Secretary
Michelle Drago

dc:PC 06-20-2024