



Notice is hereby given that the
WILLARD CITY PLANNING COMMISSION
Will meet in a regular session on
Thursday, January 2, 2025 – 6:30 p.m.
Willard City Hall, 80 West 50 South
Willard, Utah, 84340

AGENDA

(Agenda items may or may not be discussed in the order they are listed and may be tabled or continued as appropriate.) Public comment may or may not be taken.

1. Prayer
2. Pledge of Allegiance
3. General Public Comments (Input for items not on the agenda. Individuals have three minutes for open comments)
4. Report from City Council
5. Discussion/Action Items
 - a. Public hearing to receive public input regarding a proposal to amend requirements for Accessory Dwelling Units found in Willard City Zoning Ordinance Chapter 12-102-23-6
 - b. Consideration and recommendation to the City Council regarding a proposal to amend requirements for Accessory Dwelling Units found in Willard City Zoning Ordinance Chapter 12-102-23-6 (continued from November 7 and December 5, 2024)
 - c. Discussion regarding amending the Table of Uses found Chapter 12-111-3 and 12-112-3 of the Willard City Zoning Ordinance (Continued from August 1, August 15, September 5, September 19, and October 3, 2024))
 - d. Discussion regarding amending Chapter 12-106 of the Willard City Zoning Ordinance the Master Planned Community Zone (continued from April 4, April 18, and December 5, 2024)
 - e. Review of a conditional use permit issued to Marvin Neff on February 7, 2020, for an RV campground located at 769 South Main (Parcel No. 02-053-0059)
6. Consideration and approval of the November 21 and December 5, 2024, regular Planning Commission minutes
7. Commissioner/Staff Comments
8. Adjourn

I, the undersigned duly appointed and acting Deputy City Recorder for Willard City Corporation, hereby certify that a copy of the foregoing notice and agenda was posted at the Willard City Hall, on the State of Utah Public Meeting Notice website <https://www.utah.gov/pmn/index.html>, on the Willard City website www.willardcity.com, and sent to the Box Elder News Journal this 27th day of December, 2024.

/s/ Michelle Drago

Deputy City Recorder

NOTICE OF SPECIAL ACCOMMODATION DURING PUBLIC MEETINGS - In compliance with the American with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City Office at 80 West 50 South, Willard, Utah 84340, phone number (435) 734-9881, at least three working days prior to the meeting.

ITEM 5A

Willard City Corporation

80 West 50 South
Box 593



Willard, Utah 84340
(435)734-9881

NOTICE OF PUBLIC HEARING WILLARD CITY PLANNING COMMISSION

Notice is hereby given that the Willard City Planning Commission will hold a public hearing to receive public comment regarding a proposal to amend requirements for Accessory Dwelling Units found in Chapter 12-102-23-6 of the Willard City Zoning Ordinance.

The public hearing will be held on Thursday, January 2, 2025, at 6:30 p.m. in the Willard City Council Chambers, 80 West 50 South, Willard, Utah, during a regular Planning Commission meeting.

Information regarding this matter is available during business hours by contacting the Willard City Planner at 435-734-9881. Business hours are 8:00 a.m. to 5:00 p.m. Monday through Thursday and 8:00 a.m. to 12:00 p.m. on Friday.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communications, aids, and services) during this meeting should notify the City Office at 80 West 50 South, Willard, Utah, phone number (435) 734-9881, at least three working days prior to the meeting.

I, the undersigned duly appointed Deputy City Recorder for Willard City Corporation hereby certify that a copy of the foregoing notice and agenda was posted at the Willard City Hall; two other places in the community; on the State of Utah Public Meeting Notice website <http://www.utah.gov/pmn/index.html>; on the Willard City website www.willardcity.com; and sent to the Box Elder News Journal this 20th day of December, 2024.

/s/Michelle Drago
Deputy City Recorder

ITEM 5B

**WILLARD CITY
ORDINANCE 2025-02**

**AN ORDINANCE OF THE WILLARD CITY COUNCIL AMENDING AND
REVISING WILLARD'S DETACHED ACCESSORY DWELLING ORDINANCE**

WHEREAS, the Willard City Council, pursuant to the provisions of Utah Code Ann. §10-3-707 has the authority to revise ordinances of the municipality of a general and permanent character;

WHEREAS, Willard City has authority to regulate Accessory Dwelling Units in general pursuant to Utah Code Ann. §10-9a-601 et seq.; and

WHEREAS, the City of Willard, through its Council, has authority to adopt Accessory Dwelling Unit regulations and procedures pursuant to Utah Code Ann. § 10-9a-601 in accordance with the Municipal Land Use, Development, and Management Act, Title 10, Chapter 9a, Utah Code, to establish an administrative land use authority, and

WHEREAS, the Willard City Planning and Zoning Commission recommends the adoption of an ordinance revising, amending, and updating the Willard City Accessory Dwelling Units ordinance; and

WHEREAS, the Willard City Council deems it necessary to amend its ordinances accordingly, and for the protection and preservation of the public health, safety, and general welfare.

NOW THEREFORE, be it ordained by the Council of the Willard City, in the State of Utah, as follows:

SECTION 1: AMENDMENT “24.96.60 Standards For Detached Accessory Dwelling Units” of the Willard City Zoning Code is hereby *amended* as follows:

BEFORE AMENDMENT

24.96.60 Standards For Detached Accessory Dwelling Units

- A. A Detached Accessory Dwelling Unit shall be a permanent structure. Trailers, mobile homes, and other movable structures shall not be permitted as a Detached Accessory Dwelling Unit.
- B. Exterior lighting for a Detached Accessory Dwelling Unit shall provide illumination directed downward with the light source shielded from adjoining properties. Any light source for a Detached Accessory Dwelling Unit shall not encroach be visible from adjacent properties.
 - 1. The height shall not exceed the height of the Primary Dwelling.

2. Exterior stairways and landings shall not encroach into a setback.
3. A Detached Accessory Dwelling Unit shall:
 - a. Not be less than three hundred (300) square feet or more than one thousand (1,000) square feet.
 - b. Not occupy more than twenty five percent (25%) of the available yard area of the lot.
 - c. Meet all accessory building standards for lot coverage, rear yard coverage, height, and any other standards for the zone in which it is located.
- C. Balconies and rooftop decks are prohibited.
- D. Windows on a Detached Accessory Dwelling Unit located above a detached garage facing adjoining properties are prohibited, unless required by building, health, and fire codes, as adopted. If required, a frosted, translucent, or stained type of non-see-through window shall be installed.

AFTER AMENDMENT

24.96.60 Standards For Detached Accessory Dwelling Units

- A. A Detached Accessory Dwelling Unit shall be a permanent structure. Trailers, mobile homes, and other movable structures shall not be permitted as a Detached Accessory Dwelling Unit.
- B. Exterior lighting for a Detached Accessory Dwelling Unit shall provide illumination directed downward with the light source shielded from adjoining properties. Any light source for a Detached Accessory Dwelling Unit shall not encroach be visible from adjacent properties.
 1. The height of an ADU structure shall not exceed the height of the Primary Dwelling.
 2. Exterior stairways and landings shall not encroach into a setback.
 3. A Detached Accessory Dwelling Unit shall:
 - a. Not be less than three hundred (300) square feet or more than ~~one thousand (1,000) square feet~~ the following based on the size of the parcel on record. The square footage numbers include livable space with the ADU and do not include any attached storage or garage space adjacent to the detached ADU.

Parcel Size	ADU maximum SQ FT
1/2 acre or smaller	1,000 sq ft
1/2 acre to 1 acre	1,250 sq ft
1 acre or larger	1,500 sq ft

- b. Not occupy more than twenty five percent (25%) of the available yard area of the lot.

- c. Meet all accessory building standards for lot coverage, rear yard coverage, height, and any other standards for the zone in which it is located.
- C. Balconies and rooftop decks are prohibited.
- D. Windows on a Detached Accessory Dwelling Unit located above a detached garage facing adjoining properties are prohibited, unless required by building, health, and fire codes, as adopted. If required, a frosted, translucent, or stained type of non-see-through window shall be installed.

SECTION 2: DIRECTION Staff are authorized and directed to make such non-substantive changes and take other actions to finalize, post, and publish this Ordinance.

REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

EFFECTIVE DATE This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE WILLARD CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Jacob Bodily	_____	_____	_____	_____
Rod Mund	_____	_____	_____	_____
Mike Breager	_____	_____	_____	_____
Rex Christensen	_____	_____	_____	_____
Jordon Husley	_____	_____	_____	_____

Presiding Officer

Attest

Travis Mote, Mayor, Willard City

Susan O Bray, Recorder, Willard City

ITEM 5C

TABLE 1										Old Willow Township
		MU-40	A-5	A-3	R-1	R-1/2				
1. Accessory buildings and uses customarily incidental to permitted uses...		P	P	P	P	P				P
2. Accessory uses and buildings customarily incidental to conditional uses...		C	C	C	C	C				C
3. Temporary buildings, for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed from completion or abandonment of the construction work.		C	C	C	C	C				C
4. AGRICULTURE AND FORESTRY:										
a. Agriculture, except grazing and pasturing of animals (see definition in 24.01.060)		P	P	P	P	P				P
b. Agriculture including grazing and pasturing of animals		C	C	C	C	C				C
c. Agriculture: business or industry		P	P	P	P	P				P
d. Animals and fowl for recreation or for family food production for the primary use of persons residing on the premises		C	P	P	P	P				P
e. Nursery or green house, wholesale or retail (NEED TO DEFINE)		C	P	P	P	P				P
f. The tilling of soil, the raising of crops, horticulture and gardening		C	P	P	P	P				P
g. Farms devoted to raising and marketing chickens, turkeys or other fowl or poultry, fish or frogs, including wholesale and retail sales		C	C	C	C	C				C
h. Forestry, except forest industry (NEED TO DEFINE)		P	P	P	P	P				P
i. Forest industry, such as sawmill, wood products plant, or others (see definition in 24.01.060)		C	-	-	-	-				-
5. APIARY, Private (subject to requirements of Utah State Code) (NEED TO DEFINE)		P	P	C	C	C				C
6. APIARY, Commercial (subject to requirements of Utah State Code) (NEED TO DEFINE)		C	C	C	-	-				-
7. AVIARY, Private or Commercial (NEED TO DEFINE)		C	C	C	C	C				C
7. PLANNED UNIT DEVELOPMENT (moved to Item 18)										
8. DWELLINGS:										
a. Single-family dwelling		P	P	P	P	P				P
b. Accessory Dwelling Unit, Detached - Per 24.96		P	P	P	P	P				P
c. Accessory Dwelling Unit, Interior - Per 24.96		P	P	P	P	P				P
e. Seasonal Home or Cabin		G	-	-	-	-				-
d. Farm or Ranch Housing (addressed by ADU, detached)		C	C	C	C	C				C
d. Manufactured Housing		P	P	P	P	P				P
e. Mobile Home when located in a mobile home park or subdivision		P	P	P	P	P				P
f. Mobile Home when not located in a mobile home park or subdivision		C	C	C	C	C				C
10. DUDE RANCH, Family Vacation Ranch		C	C	C	-	-				-
11. HOME OCCUPATION (need to fix definition)		P	P	P	P	P				P
12. HOUSEHOLD PETS (Number subject to 16.12.050)		P	P	P	P	P				P
13. KENNEL (subject to 16.12.060)		-	C	-	-	-				-
14. POWER GENERATION (SOLAR? NEED TO DEFINE)		C	P	P	P	P				P
15. PRIVATE PARK OR RECREATIONAL GROUNDS OR PRIVATE RECREATIONAL CAMP OR RESORT, including accessor supporting dwellings or dwelling complexes and commercial service uses which are owned or managed by the recreational facility to which it is accessory		C	C	-	-	-				-
16. PUBLIC AND QUASI-PUBLIC:										
a. Churches		C	P	P	P	P				P
b. Parks, golf courses, swimming pools and other recreation areas:		C	P	P	P	P				P
c. Public buildings		C	P	P	P	P				P
d. Private schools		C	P	P	P	P				P
17. PUBLIC STABLE, RIDING ACADEMY OR RIDING RING, HORSE SHOW BARN OR FACILITIES		C	P	P	-	-				-
18. RESIDENTIAL HOUSING DEVELOPMENTS:										
a. Master Planned Community		C	C	C	C	C				C
b. Mobile home park		C	C	C	C	C				C
c. Mobile home subdivision		C	C	C	C	C				C
d. Planned Unit Development (PUD) or Cluster Subdivision of Single-Family Dwellings		-	-	-	-	-				-
19. SHORT-TERM RENTALS (subject to Short-Term Rental Ord)		C	C	C	C	C				C
20. SIGNS (See Sign Ordinance (See Sign Ordinance WZC 24.60)										

"Nursery or green house" means a retail business where plants are propagated, grown, and sold to the general public, businesses, commercial gardeners, and private nurseries.

"Forestry" refers to the science, management, and practice of growing and maintaining forests, as well as the activities related to the sustainable use of forest resources. It includes the planning, cultivation, conservation, and harvesting of trees and forest products.

"Apiary, private" refers to a location or facility where bees are kept for the purpose of producing honey, beeswax, or other bee-related products, and may also involve the management of bee populations for purposes such as pollination or personal enjoyment. A private apiary specifically implies that the operation is not for commercial or large-scale production, but rather for personal use, hobby, or small-scale beekeeping.

"Apiary, commercial" is a facility or operation where bees are raised primarily for profit or business purposes, such as the production of honey, beeswax, and other bee-related products, as well as providing pollination services to agricultural operations. Unlike a private apiary, which is typically for personal or hobby use, a commercial apiary involves a higher number of hives, a formal business operation, and compliance with various local, state, and federal laws and regulations regarding health, safety, and economic activities.

"Aviary, private or commercial" means an enclosure designed for the keeping and breeding of birds.

Address square footage restrictions in ADU Ordinance

DEFINE POWER GENERATION. Ask engineers what a normal home use amount is. Anything beyond that won't be permitted conditionally.

24.48.030 Uses Not Listed (Chapter 12-112-3)

	M	C-G	C-N	TOD (Per 24.68)	C-R
A. Accessory Buildings/Dwellings/Manufacturing/Storage					
Accessory uses and buildings customarily incidental to the permitted uses	P	P	P	P	
Single-Family Dwelling	C	C	P	-	-
Multi-Family, Twin Home (subject to spacing requirements)	C	C	C	P*	-
Multi-Family, Attached (subject to spacing requirements)	C	C	C	P*	-
Multi-Family, Stacked (subject to spacing requirements)	C	C	C	P*	-
Accessory Dwelling Unit, Detached - Per 24.96	-	-	C	-	-
Accessory Dwelling Unit, Interior - Per 24.96	P	P	P	-	
Manufacturing/Industrial Heavy (NEED TO DEFINE)					
Manufacturing Light (NEED TO DEFINE)	P	P	C	-	C
Refineries (NEED TO DEFINE)	-	-	-	-	-
Renewable Energy Systems (NEED TO DEFINE)	C	C	C	-	-
Storage Facility/Units (NEED TO DEFINE)	P	P	-	-	-
Temporary Buildings (NEED TO DEFINE)	C	C	C	-	C
Warehousing Distribution (NEED TO DEFINE)	P	C	-	-	-

Commercial Retail: A designated area in a city or municipality where commercial businesses, such as retail stores and services, can operate

Utah Code:

ADU Use within Commercial, Neighborhood Commercial, and Industrial Zones

- Commercial buildings within Neighborhood Commercial Zones shall be allowed to have up to two attached accessory dwelling units. ADUs shall be attached to the building. Dwelling Units shall be located either on the rear of the building or on the second story.
- Any Neighborhood Commercial Building shall supply two additional offstreet parking for each ADU.
- Each ADU shall have a separate access apart from the commercial access to the building
- Each ADU must meet all applicable building, zoning, and fire code requirements.

"Heavy Manufacturing/Industrial" : Heavy manufacturing means the manufacture or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process. Typical heavy manufacturing uses include but are not limited to: concrete batch plants; concrete, tile, or brick manufacturing; automobile, truck, and tire assembly; ammonia or chlorine manufacturing; metal casting or foundries; gas manufacturing; grain milling or processing; metal or metal ore production, refining, smelting, or alloying; petroleum or petroleum product refining; boat, pool and spa manufacturing; slaughtering of animals; glass manufacturing; paper manufacturing; and wood or lumber processing.

"Manufacturing Light": Light industry refers to manufacturing activity that uses moderate amounts of partially processed materials to produce items of relatively high value per unit weight. Light industries require only a small amount of raw materials, area and power. Typical light manufacturing activities include but are not limited to manufacturing of clothes, shoes, furniture, consumer electronics and household items, fabrication, and welding.

"Refinery" : A facility where a semi-finished substance such as oil or metal is refined and turned into a higher grader product through electrolysis or distillation.

"Renewable Energy Systems" : methods of facility design and construction and types of equipment for the utilization of renewable energy sources including, but not limited to, hydroelectric power, active or passive solar space heating or cooling, domestic solar water heating, windmills, waste heat, biomass and/or refuse-derived fuels, photovoltaic devices, and geothermal energy.

"Storage Facility" : A business or entity that provides storage space or services related to storage for the public, including self-service storage facilities.

"Temporary Building" : a structure that is designed to be easily dismantled or moved after its intended use has been fulfilled.

Temporary buildings can be used for a variety of purposes, including storage, warehousing, workspace, industrial applications. Building can not exist for more than 90 days in a 365 day period.

"Warehouse Distributing" : an establishment that primarily stores and warehouses merchandise or sells merchandise through non-store means.

Theater/Entertainment (NEED TO DEFINE)	C	C	-	P**	C	Any edifice used for the purpose of dramatic or operatic or other representations, plays, or performances, for admission to which entrance-money is received, not including halls rented or used occasionally for concerts or theatrical representations
D. Retail						
Alcohol or Tobacco Specialty Shop (NEED TO DEFINE)	P	P	-	-	P	"Retail tobacco specialty business" means a commercial establishment in which:
Art and/or Art Supply (NEED TO DEFINE A RETAIL-BUSINESS)	P	P	P	P	P	(i) sales of tobacco products, electronic cigarette products, and nicotine products account for more than 35% of the total quarterly gross receipts for the establishment;
Book Store	P	P	E	P	P	(ii) 20% or more of the public retail floor space is allocated to the offer, display, or storage of tobacco products, electronic cigarette products, or nicotine products;
Christmas Tree Sales	P	P	C	-	C	(iii) 20% or more of the total shelf space is allocated to the offer, display, or storage of tobacco products, electronic cigarette products, or nicotine products
Clothing/Department Store	P	P	P	P	P	
Convenience Store, with drive-through (NEED TO DEFINE)	P	P	P	C	P	"Convenience Store, with drive-through" means a convenience eating establishment having a drive-through component where food and drink are served for consumption on or off the premises.
Convenience Store, without drive-through	P	P	P	C	P	
Fireworks Stand (NEED TO DEFINE)	C	C	C	-	C	"Firework Stand" means a temporary structure used for the sale of safe and sane fireworks. It is subject to the NFPA 1124 Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnics.
Florist Shop/Nursery (NEED TO DEFINE) (Do shop and nursery need to be separate uses?)	C	C	P	P (Florist Only)	C	"Florist" means a retail shop that sells flowers, indoor plants, and arrangements thereof.
Fruit Stand (NEED TO DEFINE)	P	P	P	-	P	"Nursery" means a retail business where plants are propagated, grown, and sold to the general public, businesses, commercial gardeners, and private nurseries.
Grocery Store (NEED TO DEFINE)	P	P	-	P	P	"Fruit stand" means a facility from which seasonal fresh fruits or vegetables are sold to the public.
Hardware Store/Lawn and Garden (NEED TO DEFINE)	P	P	E	P	P	"Grocery store" means any retail establishment, the business of which consists of the sale of food, food products, or beverages for consumption off the premises.
Pet Store, including pet grooming (NEED TO DEFINE)	P	P	P	P	P	"Pet Store" means any retail establishment where animals, including but not limited to dogs, cats, rabbits, guinea pigs, hamsters, gerbils, rats, mice, gophers, chinchillas, birds, and animal merchandise are sold, exchanged, bartered, or offered for sale as pet animals to the general public at retail.
Retail, Big Box Store (NEED TO DEFINE)	P	P	P	P	P	
Retail, General (NEED TO DEFINE)	P	P	P	P	P	
Shoe Store/Repair (NEED TO DEFINE)	P	P	P	P (No Repair)	P	
Sporting Goods (NEED TO DEFINE)	P	P	P	P	P	
E. Restaurant/Food Establishments						
Bakery	P	P	P	P	P	A temporary food truck is a food service operation that is operated from a movable motor driven or propelled vehicle, portable structure, or watercraft and that can change location. It operates for a period of no more than 14 consecutive days in conjunction with a single event.
Candy/Ice Cream Store	P	P	P	P	P	A permanent food truck is a food service operation that is operated from a movable motor driven or propelled vehicle, portable structure, or watercraft and that can change location. A permanent food truck has received permission to operate at a given location continuously for longer than 14 consecutive days.
Food Truck, Temporary (NEED TO DEFINE)	P	P	P	P	P	
Food Truck, Permanent (NEED TO DEFINE)	C	P	C	-	P	
Private Club/Bar/Tavern (NEED TO DEFINE)	P	P	-	-	C	"Private club/bar/tavern" refers to an organization that is not open to the public, operates exclusively for recreational, fraternal, social, patriotic, political, benevolent, or athletic purposes, and only sells alcoholic beverages incidental to its operation/
Restaurant/Fast Food with drive through (NEED TO DEFINE)	P	P	P	C	P	"Fast Food Restaurant with drive-through" means a type of restaurant that serves food primarily prepared in advance and allows customers to order and pick up their food at a drive-through window

Residential Facilities for Persons with Disabilities (NEED TO DEFINE)	P	P	P	P	P
Short Term Rentals (Subject to Short Term Rental Ord)	C	C	C	C	-
Slaughterhouse/Meat Processing (NEED TO DEFINE)	C	C	-	-	-
Towing/Impound Yard (NEED TO DEFINE)	P	C	-	-	-
Transit Station (NEED TO DEFINE) (Included in TOD Ord)	-	-	-	P	-
Transportation/Trucking (NEED TO DEFINE)	P	P	-	-	-
Veterinary services (NEED TO DEFINE) (Included in TOD Ord)	P	P	-	C	C
*Subject to density limit in 24.58.080					
** TOD requires parking study					

"Residential Facilities for Persons with Disabilities" refers to housing arrangements designed to provide a supportive living environment for individuals with physical, mental, or developmental disabilities. These facilities offer specialized services that assist residents with activities of daily living, medical care, and other needs related to their disabilities.

"Slaughterhouse" refers to a facility or establishment that is legally authorized and regulated for the purpose of slaughtering animals for the production of meat and other by-products. It is where animals, such as cattle, pigs, sheep, and poultry, are slaughtered and processed into consumable meat products. Slaughterhouses may also handle the initial processing of the meat, including dressing, cutting, and packaging.

"Towing/Impound Yard" refers to a facility where vehicles are stored after being towed.

"Transit station" refers to a designated facility where passengers can board or alight from public transportation vehicles, such as buses, trains, subways, or trams.

"Transportation/Trucking" refers to a site or premises used for activities related to the transportation of goods by truck, and it typically encompasses a range of operations that support the movement of freight.

"Veterinary services" refers to the provision of medical and surgical care for animals by licensed veterinary professionals. This includes a broad range of services aimed at maintaining or improving the health of animals, diagnosing and treating diseases, injuries, and other health conditions, and promoting the well-being of animals through preventive care.

ITEM 5D

ORDINANCE 2021-2

AN ORDINANCE OF THE WILLARD CITY COUNCIL ADOPTING CHAPTER 12-106 OF THE WILLARD CITY ZONING ORDINANCES ESTABLISHING A MASTER PLANNED COMMUNITY ZONE

CHAPTER 12-106. MASTER PLANNED COMMUNITY ZONE

12-106-1. Purpose. Each Master Planned Community Zone ("MPC Zone") is intended to allow a master planned, architecturally designed development where customized zoning requirements apply in order to permit flexibility and initiative in a large-scale site development while maintaining the rural nature of Willard City. Each MPC Zone will be developed in accordance with an approved development agreement and compliance with the Willard City Zoning and Land Use Ordinances and with the general requirements outlined herein. Further, this ordinance is intended to provide a benefit to Willard City and is not intended to solely benefit an applicant of an MPC Zone.

12-106-2. Minimum Size: Each MPC Zone shall be at least ten (20) acres. Parcels must form one (1) contiguous area and cannot be bisected except by a public right-of-way, easement, or natural barrier.

12-106-3. Open Space Required: A minimum of twenty percent (20%) Open Space shall be provided in each MPC Zone to include natural maintained choice Open Space, improved parks as approved by the City Council. Open Space that is unbuildable because of slope, wetlands, flood drainage, or contamination, shall not be considered as Open Space.

1. Detention basins may count as Open Space only if they provide recreational amenities, including but not limited to: Playgrounds, gazebos, exercise stations, or sports fields with parking lots.
2. Park strips, curb, gutter, sidewalks, common yards, private yards and publicly dedicated streets shall not count as Open Space.
3. A method approved by the City Council to maintain Open Space shall be established prior to the sale of any lots in an MPC Zone. Preservation, maintenance, and ownership of required Open Spaces within the MPC Zone may be accomplished by any of the following:
 - a. Dedication of the land as a public park or trails system.
 - b. Granting to the City a permanent Open Space easement on or over any privately owned Open Space to guarantee that the Open Space remains perpetually in public recreational use, with ownership and maintenance being the responsibility of the owner of a Home Owner's Association ("HOA") established by bylaws which are satisfactory to and approved by the City.
 - bi. If an applicant desires to transfer ownership of the Open Space to an HOA, (1) year period, beginning at the time the HOA is controlled by the property the City may provide temporary approval of an HOA for a probationary one

owners within the MPC Zone. During this probationary period, the City Council may monitor the effectiveness of the HOA in preserving and maintaining the Open Space. If at the end of the one (1) year probationary period it is determined by the City Council that the HOA is unable or unwilling to maintain the Open Space within the bylaws established for the HOA and the approved Development Agreement the City may terminate the probationary approval of the HOA and create a special assessment area for the purposes of maintaining the Open Space.. An HOA may have the right to appeal a City Council decision to terminate the approval of the HOA by filing a written notice of the appeal with the City Recorder within 15 days of the City Council's decision. Any such appeal shall be heard the Hearing Officer.

bii. The City may at their discretion, create a special assessment area to provide for the benefit, improvement, and maintenance of the Open Space areas.

c. An agricultural conservation easement in a manner approved by the City Council.

12-106-4. Fee in Lieu of Open Space: As an alternative, the City Council may at its discretion charge a fee in lieu of open space to allow for more centralized parks of other municipal off-site improvements as the City Council determines.

1. A fee in lieu of Open Space may be provided if the following requirements are met:
 - a. The amount of acreage that is required as Open Space shall be reviewed and recommended by the Planning Commission as part of the MPC Zone application process.
 - b. The fee in lieu of Open Space shall be determined by an appraised price per acre and the amount shall be approved by the City Council.

12-106-5. Density: The density of the MPC Zone shall be consistent with the policies of the General Plan.

12-106-6. Preliminary Site Plan: A preliminary site plan shall be submitted and considered concurrently with an application for approval of a MPC Zone. The preliminary site plan shall show at least the following:

1. The proposed zone name and location.
2. A proposed development agreement.
3. Permitted, conditional, accessory uses proposed for and in the MPC Zone.
4. Proposed residential use density.
5. Minimum lot sizes.
6. The range of average lot sizes.
7. Building locations.
8. Building elevations.
9. Open Space in the MPC Zone.
10. Parking.

11. Landscaping.
12. Pedestrian and traffic circulation.
13. Drainage and stormwater retention plan.
14. Utility Layout including a plan for the installation of fiber optic lines and a secondary water system.
15. Plans for grading.
16. Proposed development standards providing:
 - a. Lot standards establishing requirements for lot area and dimensions;
 - b. Building, setback standards for front, side and rear yards; and
 - c. Building regulations addressing building height, building orientation, and architectural design guidelines.
17. A conceptual master plan showing:
 - a. The location of any proposed and/or existing easements, and rights-of-way.
 - b. The location, arrangement and configuration of Open Space, including the location, arrangement, and configuration of any parks and/or trails.
 - c. The location and design of street infrastructure and that the proposed street infrastructure is in harmony with the City's Road Master Plan.
18. Impact statement, showing the effect the proposed MPC Zone will have on the environment, city utilities, traffic, and schools. The City Engineer may on their own or at the request of the Planning Commission or City Council conduct a traffic and/or environmental studies to determine the impact the proposed MPC Zone may impose on existing infrastructure and future development. The application shall solely bear the costs of any impact study, either done at the applicant's direction or at the direction of the City Engineer, City Council, or Planning Commission.

12-106-7. Subdivision Requirements: Compliance with the requirements of this ordinance does not exempt any applicant from meeting any other applicable requirements of this Chapter and the Willard City Zoning and Land Use Ordinances.

12-106-8. Phase Development: If the MPC Zone is proposed to be developed in phases, the preliminary site plan shall also show phase boundaries. Each phase shall be of such size, composition, and arrangement so that construction and operation of each phase is feasible as a unit, independent of any subsequent phase.

12-106-9. Planning Commission Recommendation: After consideration of the site plan, application, and proposed development agreement, the Planning Commission shall make a recommendation to the City Council regarding the MPC Zone. At the same time, the Planning Commission shall approve, approve with conditions or recommend the disapproval of the preliminary site plan for the proposed MPC Zone. Planning Commission approval of a preliminary site plan, application, and/or development agreement shall not be effective unless and until a corresponding MPC Zone is approved by the City Council.

12-106-10. Development Standards: The development standards may include development regulations regarding processing of applications, common and private Open Space guidelines, natural resource protections, grading, drainage and street standards.

12-106-11. Modification By City Council: In considering an application for an MPC Zone, the proposed site plan, application, and development agreement may be modified by the City Council to meet the intent and requirements of this Chapter and may include regulations and standards other than those proposed by this Chapter.

12-106-12. Development Agreement: An MPC zone shall only be established with the concurrent approval of a development agreement that is mutually agreeable between the applicant of an MPC Zone and the City.

12-106-13. No Guarantee of Approval: Submittal of an application for an MPC Zone does not guarantee the application will be approved. An MPC Zone may be approved only if the City Council, after receiving a recommendation from the Planning Commission, finds the MPC Zone and the associated preliminary plan, application, and development agreement meet the findings required for approval.

12-106-14. Findings Required for Approval: The proposed MPC Zone may be approved only if the City Council makes all of the following findings:

1. The proposed MPC Zone conforms to the guidelines and policies of the General Plan.
2. The MPC Zone provides equal or greater compatibility with surrounding land uses.

12-106-15. Additional Factors Considered but not Required:

1. The MPC Zone is necessary to provide land use or design standards tailored to a specific geographic area and development program that cannot otherwise be provided through conventional zoning.
2. The MPC Zone provides equal or greater protection to sensitive lands than would occur with conventional zoning.
3. The MPC Zone avoids incompatible development on lands subject to natural hazards.
4. The MPC Zone promotes efficient land use by allowing housing and/or commercial develop at densities that are appropriate for the area.
5. The MPC provides equal or greater opportunities for alternative modes of transportation such as walking, bicycling, or transit, than would occur with conventional zoning by:
 - a. Encouraging or requiring significant mixed-use development where appropriate; and

Providing a master plan with direct and convenient pedestrian or bicycle connections between all land uses.

12-106-15. Designation: Upon approval, each MPC Zone shall be given a unique name following the designation "MPC—" and shall be independent of any other MPC Zones.

12-106-16. Permit Approval: Within an MPC Zone, applications for subdivision approval, site plan, conditional use permits and any other needed permits shall be submitted and approved as required to implement the conceptual master plan. The conceptual master plan shall meet the conceptual subdivision review requirements of the Willard City Ordinances.

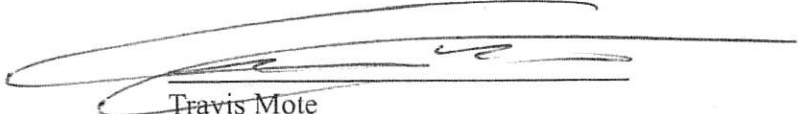
12-106-17. Amendments to Plan: Amendments to an approved preliminary plan and application shall be obtained by following the procedures required for first approval as set forth in this section.

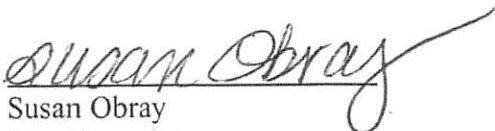
12-106-18. Commencement of Work: Any Developer of an MPC Zone created under this ordinance shall begin and show diligent and consistent work towards the construction of an MPC Zone commenced within one (1) year of the date from which the City Council grants approval of the Zone and the accompanying development agreement; or the MPC Zone application shall be denied and the zone shall revert to the previous zone.

12-106-19. Performance Bonds: Prior to the commencement of "Development Activities" as defined in Utah Code Ann. §10-9A-101 *et seq.*, or the recording of any subdivision plat, a developer must file a cash bond, or an escrow bank account bond, or an irrevocable letter of credit as an improvement assurance in a form approved by the Willard City Attorney.

Section 2. Effective Date. This ordinance shall take effect immediately upon posting and publication in the manner so required by law.

PASSED by the City Council on this 10 day of March, 2022, by a vote of
4 For and 1 against.


Travis Mote
Mayor


Susan O Bray
City Recorder



ITEM 5E

MASTER CONDITIONAL USE PERMIT SPREADSHEET								
No.	Address	Applicant	Application Date	Fee	Approval Date	Type	Status and Review Date	Parcel No.
	51 North Main	Moyes, Jeff & Brenda	7/26/2022	\$25.00 PD	9/1/2022	Automobile Repair Shop	Active	02-047-0177
	53 North 100 West	Braegger, Josh	5/28/2020	\$25.00 PD	Approved 6/19/20	Multi-Family (Basement Apartment)	Active Reviewed 9-12-23	02-047-0074
	55 South 100 East	Braegger, Kenneth			Approved 2/5/16	Contractor - Home Business	Active Reviewed 10-5-23	02-050-0074
	105 South 100 East	Loveland, Judy	9/16/1996		Approved 9/20/96	Auto Repair - Home Business	Active Reviewed 10-19-23	02-050-0008
	110 South 200 West	Gilbert, Brian	4/20/2023	\$25.00	Approved 5/18/23	Detached Accessory Dwelling Units	Active	02-051-0008 and 02-051-0242
	110 South 250 West	Heath, Trisha	5/18/2018		1/9/2019	Multi-Family Dwelling	Active Reviewed 11-2-23	02-053-0003
	155 South Spring Street (135 S 100 E)	Dean, Blair & Kathy Davis	6/21/1999		9/23/2005	Single Family Home On Sensitive Land	Active Reviewed 12-7-23	02-050-0077
	300 East 750 North	Granite Construction Company			11/3/2015	Concrete Batch Plant	Active	02-045-0005
	344 East 300 North	Merritts, Bill & Shelley	4/8/1993		5/10/1993	Single Family Dwelling on Sensitive Land	Active Reviewed 4-18-24	02-048-0005
	432 North Main	Francom, Matthew	10/20/2020	\$25.00	Approved 3/7/24	Welding Shop	Active	02-046-0086
	450 North 200 West	Radtke, Robert and Suzie	9/25/2014	\$25.00 PD	10/2/2014	Additional dogs	Active Reviewed 6/20/24	02-046-0047 & 0084
	481 North 200 West	Beard, Lynn			Approved 2/5/15	Multi-Family Dwelling/Duplex	Active Reviewed 9/5/24	02-046-0075
	500 East 625 South	Nielsen, Darrell (Now Staker Parson)	3/20/1980		4/11/1989	Gravel Removal	Active	02-049-0001 & 02-053-0044
	550 North 200 West	Kilpack, Lee (now owned by Dean Taylor)	2/16/2018	\$25.00		Multi-Family/Basement Apartment	Active Reviewed 9/19/24	02-046-0046
	620 North 200 West	Kapp, Neldon & Jan	10/15/05?		2/11/2003	Building Permit for Single Family Dwelling	Active Reviewed 10/03/24	02-046-0005
	683 North Main	Palmer, Morgan	2/9/2021	\$25.00 PD	Approved 5/6/21	Wedding Reception Center	Active Reviewed 5/18/23	02-046-0102
	740 North Main	Grimes, Mike	7/19/1996		9/17/1996	Used Vehicle Sales	Active Reviewed 11/7/24	02-046-0015
	755 South Main	Gilbert, Scott; Gilbert, Dustin; Russell, Dee	3/22/2016	\$25.00 PD	4/5/2016	Accessory Building	Active Reviewed 12/5/24	02-053-0059

769 North Main	Marvin Neff	2/7/2020	RV Campground	Active	02-041-0067
781 North 200 West	Barthlome, Shane	10/31/2013	Truss Manufacturing	Active	02-041-0030
850 North Main (filed in 960 N Main)	Venture Outdoor Advertising		Off-Premise Sign (Billboard)	Active	02-043-0013
875 North Main	E. K. Bailey		Home Furnishings Store	Active	02-041-0045
1348 North Main	Dorothy Call & Garrick Call	4/18/2023	Detached Accessory Dwelling Unit	Active	02-039-0055
1357 North Main	Qwest & Maurice Roche	4/19/2001	Communications Tower	Active	02-040-0005

Willard City Corporation

60 West 50 South
Box 593



Willard, Utah 84340
(435)734-9881

Conditional Use Permit

Issued to Still Water Ranches for the Willard Peak Campground 769 North Main

This Conditional Use Permit is issued to Still Water Ranches to operate the Willard Peak Campground and may be revoked at any time for noncompliance.

The following conditions will apply:

1. The campground has 18 months to come into compliance with length of stay for all guests as outlined in Willard City Ordinance 12-504 paragraph 11
2. Approved privacy fence on property with landscape and surfaces per submitted drawings.

These conditions are agreed to by Still Water Ranches and Willard City

Mamm 2/6/20
Still Water Ranches Rep. Date

Byron White 2-7-20
Willard City Rep. Date

City Planner Wheelwright gave an overview of the property. He reported this is the Jean Waite property located at 1127 North Main. It is a narrow 11 acre parcel of land that runs from Hwy 89 to 200 West. There is a home on the south side of the property in the R ½ Zone and they would like to cut off the house and ½ acre parcel and keep the remaining 10.5 acres intact for possible future development. It meets all the criteria of the Subdivision Ordinance. The Planning Commission determines if it meets all the criteria of the Subdivision Ordinance would then make a recommendation to forward the proposal to SLUA (Subdivision Land Use Authority). Commissioner Dubovik asked if it would maintain the frontage needed along the hwy. City Planner Wheelwright stated they have approx. 130 ft. of frontage. Commissioner Bingham stated it would be hard to put a road off of the Hwy into the subdivision unless they worked with their neighbors. City Planner Wheelwright stated they would have 100 ft. with the home with 131 ft. left over. There are no plans to do anything with the remaining parcel. Chairperson Bodily stated 200 ft. off the highway the property changes to the A-5 zone and asked how this would come into play when they subdivide the remaining parcel. City Planner Wheelwright state they would have to go through a re-zone. Chairperson Bodily asked for additional comments and a motion.

A motion was made by Commissioner Dubovik to recommend approval of the concept plan for the White Rock Ranch 2 Lot Subdivision and move it forward. The motion was seconded by Commissioner Bingham. The motion carried with a unanimous vote.

c. Discussion/Action on proposed changes to Conditional Use Permit for Willard Peak Campground located at 769 North Main – Parcel #02-041-0055 submitted by Brinton Neff

City Planner Wheelwright reported he has talked with legal counsel and property rights ombudsman and was told the Planning Commission cannot require an applicant to do more than what is required in the ordinance but you can allow less. They have agreed to meet the ordinance with their design. The previous design did not meet the requirements of the ordinance. The new design shows the 15' buffer zone around the property and also installation of a privacy fence. They have also agreed to meet the 18 month compliance with the existing residents if the Planning Commission agrees. The handouts are only a draft and can be changed if needed. Commissioner Bingham asked if it would be a full height privacy fence. City Planner Wheelwright stated it would be up to the Planning Commission to decide what they want. He asked Marv Neff to explain what he is proposing. Mr. Neff presented pictures and stated they would be continuing the north/south privacy fence with slats and then by the road would be a rail type fence.

Commissioner Baker asked how many acres there were. Mr. Neff stated 3 acres. Commissioner Bingham asked about the plans for the storage units. Mr. Neff said he has submitted plans for review.

Commissioner Baker stated she likes the plan and cannot wait to see what they have planned for the area to bring business into town.

City Planner Wheelwright asked for input on the 18 months to come into compliance and read an email from Commissioner Hart expressing concerns about the approval of the Conditional Use Permit. Commissioner Dubovik felt to add those terms into the

CUP would be violation of the ordinance. The Planning Commission felt they were ok with allowing 18 months to come into compliance for the existing residents and look at changing the ordinance.

Commissioner Dubovik felt the applicant was in the business to make money so they would be formatting their rules and policies in order to attract business.

Commissioner Baker suggested for the existing residents they need to have addresses on their trailers so medical or police can find them easier. Mr. Neff stated he would be adding pedestal with numbers.

Commissioner Bingham made a motion to approve version #2 Conditional Use Permit for Steelwater Ranches LLC Parcel #02-041-0055 submitted by Brinton Neff. The motion was seconded by Commissioner Baker. The motion carried with a unanimous vote.

d. Discussion/Action on revisions to Section 12-105 Conditional Use Ordinance and Section 12-112 Commercial and Manufacturing Zones with a possible recommendation to the City Council

Willard City Attorney Colt Mund presented two versions of the Conditional Use Permit Ordinance. One that is alphabetical and one by use category. He has taken the current ordinance and cut it down 175 uses to 70 uses to make it easier to read and understand. Commissioner Dubovik stated in reviewing the ordinance the disclaimer was still written in the ordinance stating "that if something is not listed in the table it would be at the sole discretion of the City Council to approve or disapprove." The Planning Commission member liked the by category use the best. There was discussion held on the blank areas within the document. Attorney Mund stated some of the blanks were not previously listed and would need to be resolved. Chairperson Bodily suggested the Planning Commission table this item to allow the Planning Commissioners time to review the document and come back with proposed changes for the next meeting.

A motion was made by Commissioner Dubovik to table discussion on Section 12-105 Conditional Use Permit and Section 12-112 Commercial and Manufacturing with a possible recommendation to the City Council. The motion was seconded by Commissioner Bingham. The motion carried with a unanimous vote.

e. Report on Capital Facilities Plan for Storm Drain

The Flood Control is still working on this. Mayor Braegger reported they will be discussing this issue at the next Flood Control meeting. He has been in discussion with the City Engineer and Flood Control Engineer and will be working to get more information.

6. Approval of Minutes

Commissioner Bingham had questions on the minutes but did not have a copy of the minutes with him. Chairperson Bodily suggested to table this agenda item until the next meeting.

A motion was made by Commissioner Bingham to table the approval of the January 16, 2020 Planning Commission meeting. The motion was seconded by Commissioner Dubovik. The motion carried with a unanimous vote.

ITEM 6



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, November 21, 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
8 Ruth Beebe
9 Chandler Bingham
10 Chad Braegger
11 Alex Dubovik
12 Brian Gilbert

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

13
14 Others in attendance: John Pierce, Alternate; Ken Ormond, Alternate; Ruth Ormond; Councilmember
15 Jordan Hulsey, Rew Wiley; and Garth Day.

16
17 Chairman Bodily called the meeting to order at 6:30 p.m.

18
19 1. PRAYER: Sid Bodily

20
21 2. PLEDGE OF ALLEGIANCE: Alex Dubovik

22
23 3. GENERAL PUBLIC COMMENTS

24
25 Time Stamp 1:24 – 11/21/2024

26
27 There were no comments.

28
29 4. CITY COUNCIL REPORT

30
31 Time Stamp: 1:30 – 11/21/2024 Part 1

32
33 Councilmember Jordan Hulsey reported that during its November 14th meeting, the City Council discussed
34 whether the city should continue to license dogs and water allocation.

35
36 5C. CONSIDERATION AND RECOMMENDATION TO THE CITY COUNCIL REGARDING A
37 PETITION FROM HERITAGE LAND DEVELOPMENT TO REZONE APPROXIMATELY 48.19
38 ACRES LOCATED AT APPROXIMATELY 300 SOUTH 300 WEST FROM R1/2 TO MPC
39 (MASTER PLANNED COMMUNITY) (PARCEL NOS. 02-051-0004, 02-051-0062, 02-051-0085,
40 02-051-0264, 02-054-0005, 02-054-0007, 02-054-0009, 02-054-0011, 02-054-0012, AND 02-054-
41 0013) (CONTINUED FROM FEBRUARY 1, MAY 30, JUNE 20, AND AUGUST 15, 2024)

42
43 Time Stamp: 2:32 – 11/21/2024

44
45 Madison Brown, City Planner, stated that during its last discussion with Garth Day from Heritage Homes
46 on August 15th, the Planning Commission asked him for information regarding plans for the open space,
47 allocation of water, and an updated development agreement.



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49 Garth Day, Heritage Homes, stated that the Planning Commission had seen the proposed Orchards project
50 many times. The proposed open space consisted of two large areas and a trail system throughout the
51 development. In August, the Planning Commission asked for two things – the exact number of water rights
52 and how they would be transferred. Heritage Homes hired Riley Water Consulting who had determined that
53 they had 205-acre feet of water. He felt Heritage Homes would need to transfer about 120-acre feet to
54 Willard City. The transfer process had been started but would not be completed until the final stages of the
55 development agreement because, constitutionally, the city was not allowed to transfer water back. Heritage
56 Homes would work with Willard's attorney on the timing of the transfer. Riley Water did not anticipate that
57 the transfer would include much of a haircut; maybe one or two shares.
58

59 Mr. Day stated that the Planning Commission asked for more clarity regarding the open space
60 improvements. He explained that he could not provide some of the information requested by the Planning
61 Commission until Heritage Homes received some entitlements. Heritage Homes had provided several
62 landscape options for the open space areas. There were three options for the path improvements: Asphalt,
63 concrete, or gravel. All three had different long-term maintenance and cost issues. He asked the Planning
64 Commission to determine which option it wanted to move forward with. Then the trail system could be
65 designed. If the Planning Commission chose asphalt, the trail would be designed to the typical trail
66 standard, which included width and thickness. If the Planning Commission chose concrete, the trail would
67 be designed like a typical 4-foot or 6-foot sidewalk that was 3.5 inches thick with road base underneath.
68 Gravel was the low end of the three options.
69

70 Mr. Day said another issue was maintenance of the improvements. He had struggled with this because the
71 Planning Commission and City Council had clearly indicated that it did not like homeowners' associations
72 (HOAs). Heritage Homes could not maintain the improvements if they did not have a mechanism to do so.
73 The other option was a city parks department, which Willard did not have. A third option was a hybrid of the
74 two. Heritage Homes could start with an HOA. It could build the open areas, maintain them, and sunset the
75 HOA when the city parks department was ready.
76

77 Mr. Day said the Planning Commission needed to determine what service level Willard wanted. The
78 landscape architect designed open areas with a lot of grass, which included a disk golf course. Open space
79 with grass came with required maintenance. Developed grass areas had a higher service level. The
80 Planning Commission could opt for natural vegetation with a lower service level. He asked the Planning
81 Commission to tell him what Willard wanted. Then he could put it into the development agreement.
82

83 Mr. Day said Heritage Homes would provide a detailed tree planting schedule as part of the final landscape
84 plan. The development agreement would include a detailed construction schedule for the open space
85 improvements along with a final landscape plan approved by the City Council. A lot of issues would have
86 to be determined by the City Council, such as whether Willard wanted a parks department. If the City
87 Council chose to go with an HOA, he could prepare a schedule for development. If Willard wanted to
88 ultimately take over the open spaces, they had to consider the timing of construction and the timing for the
89 takeover.
90

91 Mr. Day said the Planning Commission made it very clear that it wanted curb and gutter through the whole
92 development, but residents wanted a rural feel. So, the proposed plan included road options. He wanted to
93 be clear and transparent that he planned to present the option for a rural road standard to the City Council.
94



WILLARD CITY

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Mr. Day said another issue was the pickleball facilities. He had learned that pickleball courts had to face north and south, not east and west. If Willard opted for pickleball courts, they would be constructed in accordance with the National Pickleball Association Facility Standards.

Mr. Day stated that Phases 1 and 2 of the Orchards Subdivision had been built. There were seventeen lots in the two phases. There were probably six more phases to go. He contemplated that construction of the open space would happen in conjunction with Phase 5. By then, there would be residents to use it. The Planning Commission had the option to recommend a different construction schedule. The construction schedule could be inserted into the development agreement. Heritage Homes anticipated it would take six to eight years to complete the entire project. If the open space was constructed in Phase 5, it would be constructed in four to five years. They planned to start with the patio home area to allow the Deer Run project to extend sewer lines further to the north. The sewer in the patio home area had gravity feed.

Chairman Bodily if the 48.19 acres included Phases 1 and 2. Garth Day said it did not. If Phase 1 and 2 were included, the overall development would have around 53 acres.

Commissioner Bingham asked what kind of lighting was planned for the open spaces. Garth Day said lighting would depend on the service level that was chosen. There were lighting standards for the pickleball courts, but he had not gotten into the details because he did not know what level of service Willard wanted. There would be lighting around the parking areas. He did not have an answer for lighting the trail system.

Commissioner Braegger was concerned about 300/320 West. There was not a way to continue that street to the north. He felt the subdivision should be rearranged to make 400 West the main thoroughfare. He realized a sewer line ran through 300 West, but Willard had a road easement for 400 West through the Lindsey Hansen property, and Rod Braegger had built 400 West in his subdivision. Garth Day felt Willard had said it wanted a road at 300 West when it put the sewer in. Road locations were not up to property owners. Road locations were determined by block patterns approved by the city. Commissioner Braegger felt 400 West should be a straight road without a dog leg. Eventually it would connect with 500 West.

There was further discussion. Garth Day felt the city would want the 300 West connection when adjoining land developed. The road spacing met the fire code and length requirements between intersections. Commissioner Bingham felt a cul-de-sac could be developed from the 320 West into Lindsey Hansen's property. Commissioner Braegger felt 400 West would open up the area, not 300 West. Commissioner Bingham said 400 West would have to connect to 500 West at some point, and it would have to connect with a 90-degree dog leg. Commissioner Dubovik did not like straight roads because they became drag strips. He did not like the 90-degree connection either. Commissioner Braegger agreed the location of the dog leg did not matter. There had to be a 90-degree connection wherever the roads connected. The property was not square because of the angle of the railroad tracks. Garth Day said street intersections had to be perpendicular, and they could not be offset.

Commissioner Gilbert asked if the next phase would be the patio homes. Mr. Day said it would.

Garth Day stated that there was a 50-foot strip of property between the Pischke and Wade properties on 200 West. They originally planned to use it as a private road, but it would create an offset intersection with 200 West. Heritage Homes was proposing to dedicate that strip to the two adjoining property owners, which meant there would not be a trail between 200 West and the open space. One way to divide the property was to dedicate the strip as a public street. Then it could be vacated. When a public street was vacated, it was divided between the adjoining property owners. Commissioner Gilbert liked the trail access from 200



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West. Commissioner Braegger suggested giving 30 feet to the Wade's for their garage access and using the remaining 20 feet as a trail access. Mr. Day asked that the Planning Commission articulate that option in its approval motion.

Commissioner Braegger was concerned about the L-shaped configuration of Lot 131 at the east end of 200 South. Mr. Day said the shape of the lot was the result of the dead end and remnant property. They anticipated that the 'L' would be used to stack snow in the winter. Commissioner Braegger asked if that would cut off development potential for the Pischke property. Mr. Day did not feel Heritage Homes was obligated to stub a road into the Pischke property. Commissioner Gilbert felt that the owner of Lot 131 would need the 'L' for access. Mr. Day felt there would be a better solution for the 'L' when the final subdivision plat was prepared.

In answer to a question from Commissioner Gilbert, Garth Day said the proposed landscaping plans were meant to provide Willard with some options. With those options, the Planning Commission could make recommendations regarding service levels. Did Willard want natural vegetation or something more intense? If this was going to be public space, not private, the city needed to Heritage Homes what it wanted.

Commissioner Gilbert felt the Planning Commission had already discussed the need for a city parks department. If Willard approved subdivisions with public open spaces, it would have to hire employees to maintain them. Commissioner Braegger agreed. Willard would have to be set up to take care of this open space when it was constructed in a few years.

Jeremy Kimpton, City Manager, stated that it was a chicken and egg scenario. Did Willard fund a position without tax dollars, or did it wait for tax dollars to provide funding? He had talked with the mayor about parks. There was a need for more open space in Willard. The mayor preferred larger parks instead of small ones spread all over.

Commissioner Gilbert liked the proposed open space design proposed by Heritage Homes. The open space would be a good size.

Garth Day stated that Willard had some time. Heritage Homes needed to build a few phases to generate revenue and people before they started to construct the open spaces. Or Willard could take over the open spaces immediately with a plan to upgrade them in the future.

Commissioner Dubovik liked the hybrid approach of using an HOA to build the open spaces and then in five years, or so, it could be transitioned to the city. Ms. Brown said that Deer Run was using that method.

Commissioner Gilbert stated that if the open space was going to transition to the city, he felt Willard should know exactly what kind of product it was getting. That was his sticking point. Once the Planning Commission sent this project to the City Council, would it see it again?

Garth Day felt the Planning Commission would see the Orchards project again. They had to complete the development agreement. The current version of the development agreement did not address open spaces. He had provided a cafeteria of choices for the Planning Commission. There were a range of options that were almost endless. He needed direction. If the open space remained in an HOA, it would be designed for their residents only. It would be a private park. The Planning Commission would see preliminary and final plats for each phase individually once the property was zoned. The open space would be dedicated in



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the appropriate phases. Heritage Homes needed to know when the city wanted them to begin building the open space.

Commissioner Gilbert asked if the Planning Commission could see a phasing plan. Mr. Day said he did not have a phasing place yet because Heritage Homes had not assessed the needed infrastructure. He anticipated that the north portion of the development, which included the patio homes, would consist of three phases; the south half would probably be done in two phases.

Commissioner Dubovik asked about the hybrid option. Garth Day said that with the hybrid option, the open space would start out as private, but it would eventually be dedicated to the city. It would probably be three to four years before the open space was constructed, and it would probably take about a year to build. They could then maintain it for three to four years before sunsetting it over to Willard. It would be almost a decade before Willard would need to be ready to maintain the open space. Heritage Homes started Phase 1 in 2019 and was just completing Phase 2. It had taken five years to build out seventeen lots. Completion of the development would depend on the sales velocity.

Commissioner Gilbert felt the patio homes would sell faster. Mr. Day agreed. There was more of a demand for patio homes than cities thought. People were looking for smaller lots with less maintenance.

Commissioner Braegger asked if the Planning Commission could give Mr. Day some direction regarding the open space. The Commission members liked the proposed landscaping plans.

Commissioner Dubovik suggested asphalt for the trail system. Garth Day said he would probably pick asphalt too. Asphalt was a little more maintenance than concrete because it would not last as long. Concrete would last a long time, but it would cost more when it had to be replaced. Gravel would probably cost less to maintain, but it would have to be maintained a lot more.

Garth Day asked what kind of service level the Planning Commission wanted. Commissioner Dubovik felt there needed to be some grass, but not a huge amount. Mr. Day said the proposed landscaping plan was a mix of grass and natural vegetation. Commissioner Dubovik suggested a balance of grass around the frisbee golf area and xeriscape around the pickleball courts or vice versa.

Garth Day asked about an open space construction schedule.

Madison Brown stated that this development would be governed by the Master Plan Community Zone Ordinance, which was different than the Subdivision Ordinance. The Planning Commission was reviewing and recommending a preliminary site plan to the City Council. After the preliminary plan was approved, the City Council would grant final approval. The development agreement could be written to require Planning Commission approval of the individual phases. The Planning Commission would not see the whole project again once it was forwarded to the City Council.

Colt Mund, City Attorney, wanted to make it clear that under the Subdivision Ordinance, a development went to SLUA and then the Planning Commission for preliminary and then back to SLUA for final approval. The MPC Zone was set up differently. The proposed development plan was called a preliminary site plan. Upon recommendation from the Planning Commission, the City Council would approve the rezone, preliminary site plan, and a development agreement. Then the development would be off and running.



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Garth Day stated that he would be bringing back the individual phases. Mr. Mund said that would have to be written into the development agreement. There was not anything in the city code that said it had to come back to the Planning Commission or the City Council. Mr. Day said he would be happy to put those approvals back in the agreement because the questions were so fluid.

Colt Mund suggested that Heritage Homes bring in a preliminary plat if there was not anything else to consider. He felt updates to the development agreement were needed.

Garth Day said it was difficult to prepare a preliminary plat without the zoning in place. He preferred a more traditional approach. If the MPC Zone was approved with densities and a layout with open space, then Heritage Homes would come back with phases. He was worried about the Planning Commission forwarding the project without ever seeing it again and being surprised with the outcome.

Commissioner Braegger wanted to see the development agreement before the rezone was approved. Mr. Day felt the development agreement was a city council issue. He had tried to provide the Planning Commission with options it could put in the development agreement. Commissioner Braegger said the City Council would be acting on the Planning Commission's recommendation. The City Council would assume the Commission had gone through the agreement and was happy with it.

Commissioner Braegger felt there were loose ends that needed to be tied up before he felt comfortable sending this to the City Council. Garth Day asked him to name the loose ends. Commissioner Braegger said one was open space. Mr. Day said the Planning Commission's recommendations regarding the open space would go into the development agreement that would be considered by the City Council.

Commissioner Dubovik asked if there were any loose ends that could not be put in a statement to the City Council. Commissioners Braegger and Gilbert wanted to see product submittals.

Commissioner Gilbert wanted to know what kind of pickleball court Heritage Homes was going to do. Were they going to hire a certified installer to install the court itself? There was a broad range of specifications. What was the playground equipment going to look like? Garth Day said those were service level questions the City Council would have to consider because they had tax implications. The Planning Commission could make recommendations about what it wanted to see. Those recommendations could be put in a development agreement and sent to the City Council. The City Council might decide it wanted something completely different. He needed a recommendation that he could put in a development agreement for the City Council to consider. He felt he was spinning in circles. He had to get city approval before he could give the city product submittals.

Garth Day said he was willing to move away from the MPC development process and bring in each phase and negotiate each part of it so they could not be accused of a bait and switch.

Colt Mund asked if Garth Day would be comfortable with language in the development agreement stating that when zoning was approved, Heritage Homes would submit a preliminary plat and would follow the approval process. Garth Day said he would prefer that because there were loose ends he could not answer without City Council approval. It would be helpful to get the zoning done. Then they could move forward with preliminary design. He did not feel comfortable preparing a preliminary plat at this point. A lot of money was required to engineer a preliminary plat. He didn't feel comfortable spending a lot of money right now.



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Commissioner Dubovik clarified that the Planning Commission would give their recommendation to the City Council who would make a final decision. Then the preliminary plan would come back to the Planning Commission. Garth Day said that when it came back to the Planning Commission, the preliminary plat would have densities, a basic layout and road design, and a final landscaping plan.

Commissioner Gilbert stated that the Planning Commission had seen the proposed development plan enough. If the language proposed by the City Attorney was in the development agreement, he was comfortable moving the rezone to the City Council as long as the city and Planning Commission could see the phases and what the city would be given in the long run.

Commissioner Bingham agreed.

Commissioner Bingham moved to recommend that the City Council approve the petition from Heritage Land Development to rezone approximately 48.19 acres located at approximately 300 South 300 West (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) from R-1/2 to Master Planned Community subject to the development agreement being amended to stipulate that the preliminary plat with phasing be brought back to the Planning Commission for preliminary approval; that each phase be brought back to the Planning Commission for review and approval; more details regarding the open space, including asphalt trails, a medium service level (a mix of grass and natural vegetation), a hybrid HOA, and commencement of park construction after Phase 4 was complete; and that the 50-foot strip on 200 West be divided between the property owner to the south and a trail between 200 West and the subdivision (30 feet to the property owner and 20 feet for the trail).

Commissioner Braegger asked if the motion needed to address the dead end by Lot 131. Garth Day said he would address that on the preliminary plat. Commissioner Gilbert asked about the HOA and the sunset provision. Garth Day said Heritage Homes would not be creating the HOA until it got to the park construction. The length of the sunset provision could be negotiated at that point. He anticipated the sunset provision would be four to five years.

Commissioner Dubovik seconded the motion. All voted “aye.” The motion passed unanimously.

Commissioner Bingham suggested that the MPC Ordinance be amended to require preliminary plat approval by the Planning Commission after the zoning was approved. He could understand it was hard for developers to spend money on engineering for a project they were not sure would be approved, and the Planning Commission didn't like to recommend a project that never came back. Colt Mund said the staff had talked about several appropriate changes needed in the MPC Zone.

5A. PUBLIC HEARING TO RECEIVE PUBLIC INPUT REGARDING A REVISION OF THE SUBDIVISION REGULATIONS FOUND IN CHAPTER 12-400 OF THE WILLARD CITY ZONING ORDINANCE

Time Stamp: 1:07:52 – 11/21/2024 – Part 1

Chairman Bodily read the Planning Commission's Rules of Order statement.

Commissioner Bingham moved to open the public hearing at 7:39 p.m. Commissioner Braegger seconded the motion. All voted “aye.” The motion passed unanimously.



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Madison Brown stated that the state legislature had stipulated that all municipal subdivision ordinances had to be revised to comply with new state regulations by the end of 2024. The Planning Commission had received the proposed revisions for Willard's Subdivision Ordinance. The Planning Commission was required to hold a public hearing to receive public comments regarding the proposed amendments.

Chairman Bodily opened the floor for public comments. There were none.

Commissioner Beebe moved to close the public hearing at 7:41 p.m. Commissioner Gilbert seconded the motion. All voted "aye." The motion passed unanimously.

5B. CONSIDERATION AND RECOMMENDATION TO THE CITY COUNCIL REGARDING A REVISION OF THE SUBDIVISION REGULATIONS FOUND IN CHAPTER 12-400 OF THE WILLARD CITY ZONING ORDINANCE

Time Stamp: 00:00 – 11/21/2024 – Part 2

Madison Brown stated that the main change to the Subdivision Ordinance was the approval process. The current Subdivision Ordinance required that improvement plans, or construction drawings, be submitted with the preliminary plan. The staff felt improvement drawings should be submitted with a final plat. Engineering for improvement plans was expensive. It was a large expense for a plan that could be changed or not approved. She recommended that the Subdivision Ordinance be amended to require improvement plans with a final subdivision plat.

Jeremy Kimpton stated that the City Engineer agreed with Ms. Brown's recommendation.

Commissioner Bingham agreed as well. Commissioner Dubovik felt it was reasonable.

Madison Brown shared a checklist from the City Engineer (see attached copy). She planned to add the checklist to the city's subdivision application. The checklist showed that Willard asked an incredible amount of detail on a preliminary plan.

Commissioner Gilbert felt the recommended change made sense.

Jeremy Kimpton asked if the Planning Commission had any concerns or questions about the revised Subdivision Ordinance. The substance of the ordinance itself was not changing, but the order was because it did not flow very well.

Commissioner Gilbert said the city was now using a software system for submittals. An applicant could see what information was missing and why a project was not progressing.

Jeremy Kimpton said applying the subdivision was a work in progress. Additional changes might be needed after it has been adopted.

Chairman Bodily asked if the ordinance had to be adopted by the end of the year. Madison Brown said that was correct, and there would only be one City Council meeting in December due to the holiday.

Madison Brown said the proposed changes to the Subdivision Ordinance would not affect the Master Plan Community Zone.



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The Planning Commission didn't have any other changes.

Commissioner Braegger moved to recommend that the City Council approved the revised Subdivision Ordinance found in 12-400 of the Willard City Zoning Ordinance subject to improvement plans being required with a final subdivision plat rather than a preliminary. Commissioner Gilbert seconded the motion. All voted "aye." The motion passed unanimously.

5D. REVIEW OF A CONDITIONAL USE PERMIT ISSUED TO SCOTT AND DUSTIN GILBERT ON APRIL 5, 2016, FOR AN ACCESSORY BUILDING LOCATED AT 747 SOUTH MAIN (PARCEL NO. 02-053-0059))

Time Stamp: 7:57 – 11/21/2024 – Part 2

Madison Brown stated that Box Elder County showed that the address for this parcel was 755 South Main, not 747. She felt the conditional use permit needed to be updated to reflect the correct address. The conditional use permit was still active. The Gilbert's were still using the building.

Commissioner Gilbert asked if there had been any issues. Ms. Brown was not aware of any.

Commissioner Braegger asked what the building was used for. Madison Brown said the Gilbert's fixed up cars.

Michelle Drago, Deputy Recorder, asked if the Gilbert's were running a business. If they were, they did not have a business license.

Madison Brown did find that an accessory dwelling unit had been added to the building. She asked that this item be tabled until the next meeting. She would contact the Gilbert's to make sure a business was not being operated and to verify the address.

6. CONSIDERATION AND APPROVAL OF THE NOVEMBER 7, 2024, REGULAR PLANNING COMMISSION MINUTES

Commissioner Dubovik moved to approve the November 7, 2024, minutes as written. Commissioner Beebe seconded the motion. All voted "aye." The motion passed unanimously.

8. COMMISSIONER/STAFF COMMENTS

Time Stamp: 12:10 – 11/21/2024 – Part 2

Colt Mund

Did not have any comments.

Jeremy Kimpton

Did not have any comments.



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Madison Brown

Madison Brown asked if the Planning Commission wanted to hold a meeting on December 19th. The Planning Commission asked that the December 19th meeting be canceled.

Commissioner Bingham

Did not have any comments.

Commissioner Dubovik

Did not have any comments.

Commissioner Beebe

Did not have any comments.

Commissioner Gilbert

Did not have any comments.

Commissioner Braegger

Commissioner Braegger reported that he had spoken with Shane Barthlome about what was happening on his property at 750 North 200 West. Mr. Barthlome was constructing panels for a building he was building in Corinne. The project would be finished in a few weeks.

9. ADJOURN

Commissioner Gilbert moved to adjourn at 7:56 p.m. Commissioner Dubovik 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 11-21-2024



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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

Colt Mund, City Attorney

8 Ruth Beebe

Madison Brown, City Planner

9 Chandler Bingham

Diana Mund, Secretary

10 Chad Braegger

11 Alex Dubovik

12 Brian Gilbert

13
14 Excused: Jeremy Kimpton, City Manager; and Michelle Drago, Deputy Recorder

15
16 Others in attendance: John Pierce, Alternate; Ken Ormond, Alternate; Councilmember Rex Christensen;
17 Ruth Ormond; David Jackson; Eileen Jackson; Ted Mayo; Chad Anderson; Gregory Sagen; Pat Capman;
18 Dave Orth-Wright; Jen Thorsted; Robert Thorsted; Terry Pritchard; Jeremy Broos; Diane Bennett; Corby
19 Adams; and Brady Adams.

20
21 Chairman Bodily called the meeting to order at 6:32 p.m.

22
23 1. PRAYER: Chad Braegger

24
25 2. PLEDGE OF ALLEGIANCE: Alex Dubovik

26
27 3. GENERAL PUBLIC COMMENTS

28
29 There were no comments.

30
31 4. CITY COUNCIL REPORT

32
33 There wasn't a report.

34
35 5A. PUBLIC HEARING TO RECEIVE A PUBLIC INPUT REGARDING A PROPOSAL TO AMEND THE
36 GENERAL PLAN FOUND IN CHAPTER 12-000 OF THE WILLARD CITY ZONING ORDINANCE
37 TO INCLUDE A FUTURE LAND USE MAP FOR THE SOUTH WILLARD AREA INCLUDED IN
38 WILLARD'S ANNEXATION POLICY DECLARATION

39
40 Time Stamp: 1:30 – 12/05/2024

41
42 Chairman Bodily read the Planning Commission's Rules of Order statement.

43
44 **Commissioner Beebe moved to open the public hearing at 6:35 p.m. Commissioner Braegger**
45 **seconded the motion. All voted "aye." The motion passed unanimously.**

46
47 Madison Brown, City Planner, stated that Mayor Mote spearheaded the project based on annexation
48 petitions Willard City had been receiving from South Willard property owners. Box Elder County had a future



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land use plan for South Willard, but it wasn't very thorough. Mayor Mote felt an up-to-date future land use map of South Willard would be a helpful tool for Willard to have when considering annexation petitions.

Ms. Brown presented the proposed future land use map of South Willard that had been compiled from public comments received from the May open house, the September public hearing, online forums, and comments from the Willard Planning Commission members. A future road map had also been prepared. Both maps were guidelines. They could be changed and adapted over time. This public hearing was meant to provide one more opportunity for South Willard residents to make comments about what they did or didn't like before it was forwarded to the City Council for approval.

Ms. Brown stated that the plan focused on a Commercial Neighborhood Zone along the highway. Many people wanted to keep Fruit Highway alive and well. An industrial area was proposed around the interchange on the south end of South Willard, and an agricultural area was proposed west of I-15 where it could be more environmentally sensitive due to wetlands. Everyone seemed to feel the elk farm was a good place for a more General Commercial area. The smallest lot size proposed in the residential areas was a half-acre. If someone wanted lots smaller than a half-acre, they would have to apply for a Master Planned Community Zone.

Chairman Bodily opened the floor for public comments.

Dave Orth-Wright, 7885 South Highway 89, stated that he lived by the elk farm. He didn't want to see any commercial there. If this area had a future commercial use, it would create problems if he tried to sell his property. Any residential improvements he made wouldn't matter. Ms. Brown stated that Mr. Orth-Wright's property would remain in a residential zone. The proposed future land use map would apply if or when someone wanted to rezone, annex, or develop it.

The Planning Commission assured Mr. Orth-Wright the future land use map was not proposing to change the current zone of his property. The proposed plan applied to what might happen in the future.

Commissioner Dubovik stated that if a developer purchased property by Mr. Orth-Wright and wanted to change the zoning to industrial, Box Elder County would direct him to seek annexation and zoning from Willard City. The proposed future land use map would give Willard City a legal and legitimate reason to turn that zoning request down.

Terry Pritchard, 755 West 7900 South, understood that the proposed road map was a projection for the future. He asked what road width was required by the state. Commissioner Bingham felt the road width would be 60-feet. Mr. Pritchard said that some places where roads were projected did not have the needed 60 feet. Commissioner Bingham felt road widths and locations would be finalized in the future.

Chairman Bodily said road widths were determined by use and capacity.

Commissioner Braegger said 60 feet was the entire right-of-way, which included park strips, sidewalk, curb and gutter.

Terry Pritchard stated that he lived on a private, dirt road. The proposed road map marked it as a future road, but there wasn't enough room to put a road. In. Commissioner Braegger said right now, Willard was just trying to connect and making things flow as best as possible.



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Commissioner Dubovik said a road master plan would give Willard a legal and legitimate reason to require a road where someone might only propose a cul-de-sac.

Greg Sagen, 7465 South 425 West, was concerned about the proposed commercial. How could they prevent the elk farm from becoming a Walmart? He preferred that the area be residential. That would make his property more valuable. The West Weber Corridor would require changes to the interchange. The future of this area was going to be a mess. Was there any way to require the elk farm to become a residential zone if it was sold?

Commissioner Gilbert said there were only certain areas that should be commercial. Commercial areas had to be carved out for a needed tax base. Residential development, over time, didn't pay for itself. A lot of people didn't like commercial development, but cities had to have them. Based on the input from everyone, the elk farm was the best place for a commercial area, especially with the interchange so close. South Willard needed a future land use plan so that if a developer did approach Willard City about annexation, there could be a discussion about the impact. Willard City wasn't approving any annexations or developments with this plan. It was simply looking at concepts.

Commissioner Braegger stated that most open land on Highway 89 had been swallowed up by residential and a few fruit stands. There wasn't a lot of room for commercial development, even in Willard. Commercial on the elk farm area made sense because it was so close to the freeway, and there was already some commercial there.

Madison Brown stated that if a commercial development was proposed on the elk farm, it would have to go through the annexation process. There would be multiple meetings between Box Elder County and Willard City. It would not happen overnight.

A woman from the audience asked if the future land use map would provide teeth for the future. Would it give Willard and South Willard a power base to be able to have control? Would it predict the future?

Commissioner Dubovik stated that Willard had considered annexation of property in South Willard that contained residential and some high-density housing. Because South Willard didn't have a future land use plan, Willard City didn't have a tool to use to push back on densities. If there had been a future land use plan, Willard could have required a different development plan.

Mr. Sagen thanked Willard for looking out for South Willard's future.

Chad Anderson, 6927 South Highway 89, completely understood that the future land use map would not change the current use of his property. However, the future land use map split his two-acre parcel in half between commercial and residential. Ms. Brown said she would make sure the map was corrected before it was sent to the City Council.

Mr. Anderson asked if industrial, commercial general, and commercial neighborhood had been defined. Commissioner Dubovik said they were defined in Willard City's code. Mr. Anderson asked if the minimum lot size was a half-acre. Commissioner Dubovik said it was. Mr. Anderson hoped that would make it difficult to put high density in, which he appreciated.

Jeremy Broos, 7560 South Highway 89, was concerned about residential development with only one access. As residential development occurred, would Willard really follow the proposed road plan? One of



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the roads was proposed through his house. Ms. Brown stated that ingress and egress onto Highway 89 would have to be approved by UDOT. Commissioner Braegger stated that Willard's ordinance restricted a single access to only 30 homes. If more than 30 homes were proposed, a developer would have to provide a second access.

Madison Brown stated that part of the subdivision process was notification of adjoining property owners.

Commissioner Dubovik stated that the minimum lot size in Willard was a half-acre lot. If a developer wanted smaller lots, he could request a zoning change to MPC (Master Planned Community). An MPC Zone required submission of a detailed plan, and there would be a lot of discussion to determine whether the development would be in the best interest of the community.

Chairman Bodily stated that the minimum acreage for a master planned community was 20 acres.

Commissioner Dubovik said there were protections in Willard's Zoning Ordinance.

Mr. Broos asked if an MPC could have duplexes and fourplexes. Commissioner Gilbert stated that anything smaller than a half-acre would require the creation of an MPC Zone. When Willard received a petition for an MPC Zone, it would have to decide whether it made sense for the community. Willard did get approached for MPC Zones quite often. It was a long approval process. Nothing like that would happen without many meetings.

Commissioner Beebe said an MPC involved a trade off of density for green space, so the overall density remained close to a half-acre.

Commissioner Bingham stated that compared to what South Willard now had, the proposed future land use plan would provide more control for the future.

Commissioner Bingham moved to close the public hearing at approximately 7:05 p.m. Commissioner Beebe seconded the motion. All voted "aye." The motion passed unanimously.

5B. CONSIDERATION AND RECOMMENDATION TO THE CITY COUNCIL REGARDING A PROPOSAL TO AMEND THE GENERAL PLAN FOUND IN 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, MAY 16, JUNE 20, SEPTEMBER 5, OCTOBER 3, AND NOVEMBER 7, 2024)

Time Stamp: 32:57 – 12/05/2024

Chairman Bodily asked if the Planning Commission had any questions or comments.

Commissioner Dubovik asked if there were any changes needed other than the corrected for Mr. Anderson's property.

Commissioner Gilbert felt the plan had been thoroughly discussed.. It had been under review for more than six months. He felt the plan needed to be sent to the City Council and adopted so everyone was protected.



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Commissioner Bingham moved to recommend that the City Council approve an amendment to the General Plan found in 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 subject to the proposed map being corrected as discussed. Commissioner Dubovik seconded the motion. All voted "aye." The motion passed unanimously.

5C. DISCUSSION REGARDING A PROPOSAL TO AMEND REQUIREMENTS FOR DETACHED ACCESSORY DWELLING UNITS FOUND IN 12-102-23-6(5a) TO ALLOW UNITS LARGER THAN 1,000 SQUARE FEET IN R-1, A-3, AND A-5 ZONES (CONTINUED FROM NOVEMBER 7, 2024)

Time Stamp: 34:25 – 12/05/2024

Madison Brown stated that the Planning Commission had discussed this amendment during its November 7th meeting. The Commission had agreed to adjust the maximum size of an accessory dwelling unit based on the parcel size and directed the staff to prepare a draft amendment. While preparing the draft amendment, she included a few clarifications. When the staff met with Spencer Ormsby regarding his ADU application, he asked how the height of an ADU was calculated. The draft clarified that height was measured from ground to the highest peak. The height of an ADU could not be higher than the main house. Mr. Ormsby also asked if the maximum square footage included a garage. The proposed draft clarified that living space did not include any attached storage or garage space. The proposed draft included a table outlining the maximum living space per parcel size – ½ acre or smaller – 1,000 square feet; ½ acre to one acre – 1,250 square feet; and 1 acre or larger – 1,500 square feet.

Chairman Bodily stated that Spencer Ormsby also wanted to access his ADU from a street that was different from the main house. Did the ordinance need to be amended to address access from a street that was different from the main house? Ms. Brown said the staff was not recommending that the address requirements be changed. Commissioner Braegger said the address of the ADU had to be the same as the main house for emergency services. A parcel could not have two addresses.

Ms. Brown said the staff did tell Mr. Ormsby that he could put a driveway for his ADU on 250 West as long as he had safe and secure emergency access to the ADU from 200 West.

Chairman Bodily asked if the Planning Commission needed to hold a public hearing before making a recommendation to the City Council. Mr. Mund, City Attorney, said it did. This meeting was for discussion only. Chairman Bodily said the Planning Commission needed to set a public hearing to allow for public comments regarding the proposed amendment.

Commissioner Gilbert said the ADU ordinance prohibited balconies. Could an ADU have a deck? Mr. Mund felt a deck at ground level would be fine. A detached ADU could not have a balcony or roof top deck. Commissioner Gilbert felt the ordinance needed to clarify what a balcony was.

Madison Brown felt a balcony was anything one-story or above. She felt a porch at ground-level would be okay. Commissioner Gilbert asked about a deck that was four feet off the ground. The ordinance needed to clarify what was and wasn't allowed. Colt Mund didn't know that there was a legal definition that said a balcony was a certain height. He felt that was something the Planning Commission needed to decide what a balcony was and what it was not.



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Commissioner Dubovik felt it was reasonable to prohibit a rooftop deck, but he felt a two-story detached ADU could have a balcony.

Colt Mund explained the history of the ADU ordinance. When Willard was adopting an internal ADU ordinance to comply with the state mandate, it decided to address detached ADU's as well. When the ordinance was written, ideas were pulled from several jurisdictions.

Commissioner Braegger felt a deck or balcony was fine as long as it wasn't bigger than the ADU.

Commissioner Gilbert felt the ADU regulations should define the size of a deck and establish setbacks.

Commissioner Braegger felt the parcel size and the ADU maximum size allotment was confusing. Could a half-acre parcel have a 1,250 ADU? Commissioner Dubovik suggested the addition of *greater than one-half acre* to line two, and *greater than one acre* to line 3.

Commissioner Braegger asked if ADU's were allowed on parcels with less than a half-acre. Mr. Mund was not aware of a lot size restriction. A detached ADU just had to meet setback requirements.

There was further discussion.

Commissioner Dubovik asked if there was a required setback between a primary dwelling and a detached ADU. Commissioner Gilbert said the fire code required that they be ten feet apart. A detached ADU also had to meet the front, side, and rear yard setbacks. Commissioner Bingham said only a certain percentage of a parcel could be occupied by accessory buildings.

Commissioner Braegger asked if the ADU ordinance needed to clarify how impact fees were charged. Madison Brown said an ADU was only assessed 66% of the water and sewer impact fees whether there was a separate meter or not.

Commissioner Dubovik asked that a typo be corrected. The ordinance should read *Not be less than three hundred (300) square feet*.

Chairman Bodily asked how the Planning Commission wanted to define a balcony or a deck. Commissioner Braegger felt a balcony for an ADU was excessive. He was okay with a deck as long as it was ground level, or ground floor.

Commissioner Gilbert asked if the deck size should be limited.

Commissioner Bingham said a balcony was a platform enclosed by a wall or balustrade on the outside of a building with access from an upper floor window or door. That definition did not apply to decks.

Commissioner Gilbert felt most people would be limited by the space they had and the required setbacks.

Commissioner Bingham moved to hold a public hearing on January 2, 2025, to receive public input regarding a proposal to amend requirements for detached Accessory Dwelling Units found in 12-102-23. Commissioner Gilbert seconded the motion. All voted "aye." The motion passed unanimously.



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D. DISCUSSION REGARDING AMENDING CHAPTER 12-106 OF THE WILLARD CITY ZONING ORDINANCE – THE MASTER PLAN COMMUNITY ZONE

Time Stamp: 53:27 – 12/05/2024

Madison Brown stated that Jeremy Kimpton, City Manager, asked that this item be placed on the agenda based on discussion at the last Planning Commission.

Colt Mund said the typo regarding the minimum size of a master planned community needed to be corrected. The Planning Commission had also asked that the *fee in lieu* be clarified. The ordinance did not address how land value would be established.

Commissioner Bingham said the Planning Commission felt the MPC Ordinance should be changed to provide a way for a developer to move forward with a rezone subject to approval of preliminary plans by the city afterward. Madison Brown agreed there was not a clear process about how preliminary and final plans were approved.

Colt Mund stated that the MPC Ordinance fell outside the review changes required by state code. When an MPC applicant came before the Planning Commission, the Planning Commission would really be able to dive in on what the MPC would look like, what would be required, and what would be in the development agreement. The Planning Commission needed to be comfortable with what was in the development agreement. That required an applicant to come with detailed plans, architecture, and engineering. The application would be treated as a preliminary and final approval all at once. In his opinion, a development needed to be pretty close to complete by the time the Planning Commission forwarded it to the City Council.

Commissioner Gilbert stated that most cities he worked in required that everything come before the Planning Commission – pictures, colors, layout, etc.

Commissioner Braegger felt the Planning Commission's job was to review the nitty gritty stuff so the City Council didn't have to.

Commissioner Gilbert felt the Planning Commission also needed to feel comfortable with the development agreement.

Commissioner Bingham asked if the MPC process should be changed to provide a developer with confidence to put money into preparing such detailed plans. Commissioners Gilbert and Braegger felt that was a risk a developer would have to take.

Colt Mund hesitated to deviate too far from the requirements of the MPC Ordinance. By design, an MPC was different from a subdivision application.

Councilmember Rex Christensen felt the documentation required by the MPC application was the cost of doing business for the developer. The Planning Commission and City Council needed to make sure developers were meeting the development agreements. As a City Council member, he relied on the Planning Commission to make sure developments were complete before they were forwarded to the City Council. He did not have much sympathy for a developer who did not want to submit the required documentation because it would cost a lot of money. That was part of his cost of doing business. A developer would try to worm out of as much as possible due to the monetary cost.



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Commissioner Gilbert agreed. That was the risk they took as a developer.

Colt Mund wondered if the name of the preliminary site plan should be changed to *site plan*. Maybe the word *preliminary* led developers to think in terms of preliminary information. Developers needed to realize Willard needed real, hard information.

Commissioner Gilbert felt that was a good idea.

Colt Mund said this had been a learning process. All the suggestions were helpful to refine the MPC Ordinance and make it work better for Willard City.

Commissioner Dubovik asked that the typo regarding the minimum size be correct for discussion at the next meeting. He suggested that the *fee in lieu* of be based on a current land market appraisal conducted by a third party identified by the city.

Colt Mund said Mayor Mote was concerned about how the land would be appraised. The appraisal needed to account for the open space being adjacent to a higher density development. He did not want Willard to receive a low-ball appraisal. Did the appraisal need to be the entire development or just the open space?

Commissioner Braegger suggested having the appraisal done after the development was approved.

Commissioner Dubovik stated the idea behind the *fee in lieu* of was removing open space for a building lot. The developer sold lots at a certain price. He felt the buy out should be whatever the lots would be sold for.

Commissioner Braegger said there was also timing of the appraisal to consider.

Commissioner Gilbert felt there had to be some value for the developer, but Willard did not want to get the short end of the stick either. He would rather have a developer put in the open space.

The Planning Commission tabled the discussion until the next meeting.

5E. REVIEW OF A CONDITIONAL USE PERMIT ISSUED TO SCOTT AND DUSTIN GILBERT ON APRIL 5, 2016, FOR AN ACCESSORY BUILDING LOCATED AT 747 SOUTH MAIN (PARCEL NO. 02-053-0059)) (CONTINUED FROM NOVEMBER 21, 2024)

Time Stamp: 1:13:11 – 12/05/2024

Madison Brown reported that she spoke with Scott Gilbert. They were not using the building to restore vehicles anymore. It was mostly used for storage. Someone was living in the ADU. The conditional use permit was still active.

Chairman Bodily asked if the building was ever used for commercial purposes. Ms. Brown said no. The building never had a commercial use.

Commissioner Braegger asked about the address. Ms. Brown said Scott Gilbert said at one point the address was 747 South Main. When the adjacent home was built, the address was changed to 755 South Main. She had updated the city records.



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6. CONSIDERATION AND APPROVAL OF THE NOVEMBER 21, 2024, REGULAR PLANNING
COMMISSISON MINUTES – TABLED

Madison Brown stated that the minutes for the November 21st meeting had not been completed.

Commissioner Dubovik moved to table approval of the November 21, 2024, minutes. Commissioner Beebe seconded the motion. All voted “aye.” The motion passed unanimously.

8. COMMISSIONER/STAFF COMMENTS

Time Stamp: 1:16:07 – 12/05/2024

Colt Mund

Did not have any comments.

Madison Brown

Did not have any comments.

Commissioner Bingham

Did not have any comments.

Commissioner Dubovik

Did not have any comments.

Commissioner Beebe

Did not have any comments.

Commissioner Gilbert

Did not have any comments.

Commissioner Braegger

Did not have any comments.

Chairman Bodily

Did not have any comments.



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9. ADJOURN

Commissioner Gilbert moved to adjourn at 7:49 p.m. Commissioner Bingham 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 12-05-2024