



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

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

The following members were in attendance:

Sid Bodily, Chairman
Ruth Beebe
Chandler Bingham
Chad Braegger
Alex Dubovik
Brian Gilbert

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

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

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

1. PRAYER: Sid Bodily
2. PLEDGE OF ALLEGIANCE: Alex Dubovik
3. GENERAL PUBLIC COMMENTS

Time Stamp 1:24 – 11/21/2024

There were no comments.

4. CITY COUNCIL REPORT

Time Stamp: 1:30 – 11/21/2024 Part 1

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

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

Time Stamp: 2:32 – 11/21/2024

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



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

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

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

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

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

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



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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 plan 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: 1/2/25

Sid Bodily
Planning Commission, Chairman
Sid Bodily

Michelle Drago
Planning Commission Secretary
Michelle Drago

dc:PC 11-21-2024