



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, December 5, 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

Colt Mund, City Attorney
Madison Brown, City Planner
Diana Mund, Secretary

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

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

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

1. PRAYER: Chad Braegger
2. PLEDGE OF ALLEGIANCE: Alex Dubovik
3. GENERAL PUBLIC COMMENTS

There were no comments.

4. CITY COUNCIL REPORT

There wasn't a report.

- 5A. PUBLIC HEARING TO RECEIVE A PUBLIC INPUT 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

Time Stamp: 1:30 – 12/05/2024

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

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

Madison Brown, City Planner, stated that Mayor Mote spearheaded the project based on annexation 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 COMMISSION 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: 1/2/25



Planning Commission, Chairman
Sid Bodily



Planning Commission Secretary
Michelle Drago

dc:PC 12-05-2024