WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, January 2, 2025 – 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:

Chandler Bingham, Vice Chairman
Ruth Beebe
Chad Braegger
Brian Gilbert
Ken Ormond, Alternate
John Pierce, Alternate

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

Excused: Sid Bodily and Alex Dubovik

Others in attendance: Mayor Travis Mote and Ruth Ormond.

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

1. PRAYER: Brian Gilbert

2. PLEDGE OF ALLEGIANCE: John Pierce

3. GENERAL PUBLIC COMMENTS

There were no comments.

4. CITY COUNCIL REPORT

Time Stamp: 1:49 – 01/02/2025

Mayor Mote reported that during the December 12th City Council meeting, the Council passed the new Subdivision Ordinance and accompanying water plan. He explained that Willard had hired a water consultant to determine how many water rights it actually owned. By state law, a city could not hold water. Willard had to come up with a plan to use the water it had or turn excess water rights over to the state. The proposed water plan reserved water for current use and future growth, including residential, commercial, and parks. The plan allocated, across the board, about one acre foot of water per acre for new development. Developers who needed more water than had been allocated would have to provide it. Available water was only for property in the city limits. All annexed property would have to provide all needed water.

Mayor Mote discussed the water plan with the Planning Commission.

Mayor Mote said the City Council also discussed dog licensing. It directed the staff to redraft Willard's dog ordinance to remove the requirement for an annual dog license and to make dog licensing optional. All dog licenses sold by Willard would be good for the life of the dog. Microchips would be encouraged. The draft ordinance would be considered by the City Council on January 9th.

5A. PUBLIC HEARING TO RECEVE PUBLIC INPUT REGARDING A PROPOSAL TO AMEND REQUIREMENTS FOR ACCESSORY DWELLING UNITS FOUND IN WILLARD CITY ZONING ORDINANCE CHAPTER 12-102-23-6

Time Stamp: 13:44 – 1/2/2025

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

Vice Chairman Bingham opened the floor for public comments. No public comments were made.

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

5B. CONSIDEARTION 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

Time Stamp: 14:44 – 1/02/2025

Vice Chairman Bingham stated that Ordinance 2025-2 contained the Planning Commission's recommended changes for detached accessory dwelling units.

Commissioner Braegger felt the size table was unclear. Did it mean a half-acre lot was limited to a 1,000 square foot detached ADU, or could it have an ADU with 1,250 square feet? Jeremy Kimpton suggested that the parcel size in the table be defined by square footage.

Vice Chairman Bingham asked that a typo in 24.96.60.B.1 be corrected. Commissioner Beebe felt the word *or* was missing from the last line of 24.96.60.B.

Mayor Mote stated that some people wanted to put ADU's on top of their garage. If the main structure was a ranch, an ADU above the garage would be prohibited because of its height. Jeremy Kimpton, City Manager, said that if the garage was attached to the main structure, an ADU above the garage would become the highest point of the main structure. If the garage was detached, it could not be higher than the main structure. Mayor Mote suggested limiting ADU's to two stories rather than the height of the main structure. The city's building code and zoning ordinance limited the height of a structure.

There was a discussion regarding how the height of an ADU was calculated.

Mayor Mote asked what the goal of an ADU was. Commissioner Braegger said it was to provide affordable housing. Living space above a garage would the be cheapest way to build an ADU.

Vice Chairman Bingham asked if the Planning Commission wanted to recommend a change to the height restriction.

Jeremy Kimpton said the height restriction could be removed from the ADU regulations. Then the Zoning Ordinance would apply.

Madison Brown, City Planner, said the maximum height allowed by the Zoning Ordinance was 2 ½ stories or 35 feet.

The Planning Commission suggested that the ADU height restrictions be changed to no more than two stories or 25 feet.

Commissioner Braegger moved to recommend that the City Council approve the proposal to amend requirements for Accessory Dwelling Units found in Chapter 12-102-23-6 of the Willard City Zoning Ordinance to allow larger ADU's on larger lot sizes with the corrections suggested by the Planning Commission and to change the height restriction to two stories or a maximum of 25 feet. Commissioner Gilbert seconded the motion. All voted "aye." The motion passed unanimously.

5C. DISCUSSION REGARDING AMENDING THE TABLE OF USES FOUND IN CHAPTERS 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)

Time Stamp: 27:01 – 1/02/2025

Madison Brown stated that she had made the changes and added the definitions requested by the Planning Commission. The definitions would be added to the definitions section of the Zoning Ordinance as well.

Commissioner Gilbert felt the changes reflected what was discussed by the Planning Commission.

Commissioner Beebe moved to set a public hearing for February 6, 2025, to receive public input regarding proposed amendments to the Tables of Uses. Commissioner Gilbert seconded the motion. All voted "aye." The motion passed unanimously.

5D. DISCUSSION REGARDING AMENDING CHAPTER 12-106 OF THE WILLARD CITY ZONING ORDINANCE REGARDING THE MASTER PLANNED COMMUNITY ZONE (CONTINUED FROM APRIL 4, APRIL 18, AND DECEMBER 5, 2024)

Time Stamp: 31:12 – 1/02/2025

Vice Chairman Bingham stated that his feelings regarding master planned communities had evolved. He felt it would be better to have a complete application, including engineering, upfront.

Commissioner Beebe agreed that it would be better to have more details from applicants.

Commissioner Gilbert also agreed that more details were needed. Engineering was a big expense for developers. He wondered if there was a way for a developer to present a concept that could be reviewed by the Planning Commission. Developers took a risk when they purchased property. He felt Heritage Homes was a good example. The Planning Commission wanted to see more detail that Heritage Homes didn't want to provide because it would be expensive. Part of being a developer was providing cities with required information.

Commissioner Braegger didn't feel the detailed information Willard was asking for was too much.

Commissioner Gilbert said Willard wasn't asking anymore than any other city asked for. The Planning Commission was supposed to review an application and make a recommendation to the City Council. If the Planning Commission didn't have all the information, how could it make a recommendation?

Commissioner Braegger felt it was frustrating to have a developer say he wasn't worried about the Planning Commission because the City Council was the body with the real approval authority. He felt it was the Planning Commission's job to make sure an application was in line before it made a recommendation to the City Council.

Commissioner Pierce didn't feel Heritage Homes had been willing to put in the effort to satisfy the Planning Commission. He felt a developer had to satisfy the Planning Commission before he could move on to the City Council.

Commissioner Gilbert felt most developers wanted to spend as little as possible.

Vice Chairman Bingham said a developer wanted to know his zoning change had been approved before spending a lot of money.

Commissioner Pierce didn't feel a developer could move forward without investing some money.

Commissioner Gilbert asked if there was a way for a developer to present a concept plan that the Planning Commission could provide feedback on.

Commissioner Braegger suggested a work session where a developer could receive feedback from Public Works and administration, as well as the Planning Commission. Then the Planning Commission wouldn't be making long term maintenance commitments for the city.

Jeremy Kimpton stated that he and Colt Mund, the City Attorney, had discussed how to require a master planned community to go through the subdivision process as it was written. There had to be a reasonable balance between information wanted and required by the city and engineering expenses. It was difficult when a developer presented a new development proposal to the Planning Commission and expected a decision made by the end of the meeting. He felt the Planning Commission could be as specific as it wanted.

Commissioner Gilbert stated that in most cities he worked in, a lot of the frontend work was done at the staff level. The staff had the ordinances and knew what the city wanted. The staff could tell developers what the Planning Commission was going to ask for. Jeremy Kimpton stated that the way the MPC Zone was written made the Planning Commission and City Council responsible for determining answers regarding density and amenities. Because it was objective, the MPC Zone was tough for the staff to pin down.

Commissioner Gilbert asked if the MPC process could require a work session. Colt Mund, City Attorney, said it could.

Vice Chairman Bingham felt there should be a work session with the staff, Planning Commission, and the developer.

Madison Brown stated that an application could be created that required submission of information, including maps, plans drawings, and development agreement before it came before the Planning Commission.

Mayor Mote stated that every time a developer came before city, they were trying to sell something a little bit different. Development proposals were always a moving target. He felt it would be helpful if the MPC ordinance provided more guidance regarding lot sizes. The ordinance had been left lose to incentivize creativity, which was causing an issue. If the MPC ordinance said what the minimum lot size was, he felt there would be less back and forth until the city and developer were comfortable. The city needed to determine how flexible it was willing to be and put it in the ordinance. If the Planning Commission wanted the staff to handle more up front, the MPC Ordinance needed more *side bars.*

Jeremy Kimpton felt more guidance would be helpful for the staff. The way the ordinance was written, an applicant could request to go around the staff. There wasn't anything that said an application stopped at the staff level because it didn't' meet the city's ordinance. If an applicant wanted to proceed, the staff had to allow it. An applicant was entitled to due process.

There was a discussion regarding lot sizes, density, open space, and agricultural easements.

Commissioner Gilbert asked if the Planning Commission was asking for information that was outside the bounds. Colt Mund said it wasn't. The MPC Zone was designed to give a lot of flexibility to the Planning Commission and the City Council. The ordinance wasn't asking for anything that was arbitrary or outside what someone doing a subdivision would be asked to provide. The biggest difference was the city was asking for all the information upfront. One concern was that a plan would change between the time it was presented to the Planning Commission and the City Council. The Planning Commission wanted to see what a development was going to look like and not be completely modified by the City Council.

Jeremy Kimpton said Heritage Homes had agreed to submit preliminary and final plans for The Orchards. The Planning Commission would be able to see the subdivision again before it was approved.

Commissioner Gilbert felt the city and Planning Commission needed a more definitive direction for any development that came in. Jeremy Kimpton stated that developers and landowners wanted the city to tell them what they could do. Commissioner Gilbert said good developers did their homework before they ever purchased property.

Vice Chairman Bingham stated that when the Deer Run development was presented it was planned down to the types of trees on the streets. Unfortunately, it had not turned out the way it was planned. That was one of the reasons Willard repealed the PUD Ordinance.

Commissioner Pierce agreed that the MPC Ordinance was too loose.

Commissioner Gilbert felt having a work session with a developer would be beneficial.

Mayor Mote stated that the MPC Ordinance was written to allow maximum negotiation between the city and a developer. It was difficult for the staff to administer because the staff couldn't' make negotiation decisions. He felt the ordinance needed some negotiation boundaries so the staff could give direction to developers.

Vice Chairman Bingham didn't want to tie things so tight that all Willard got was a regular subdivision. Jeremy Kimpton agreed that there needed to be room for give and take on both sides.

There was discussion about mixed use developments.

Commissioner Gilbert suggested that the staff provide the Planning Commission with suggestions about what it would like the MPC Ordinance to have.

Mayor Mote felt side bars would help the staff and Planning Commission say no up front.

Commissioner Braegger felt the ordinance should stipulate the minimum square footage of a lot.

Jeremy Kimpton stated that he would research ordinances from other cities and discuss possibilities with the City Attorney. Parameters would help the staff.

5E. REVIEW OF A CONDITIONAL USE PERMIT ISSUED TO MARVIN NEFF ON FEBRUARY 7, 2020, FOR AN RV CAMPGROUND LOCATED AT APPROXIMATELY 769 NORTH MAIN (PARCEL NO. 02-041-0067))

Time Stamp: 1:06:35 – 01/02/2025

Vice Chairman Bingham stated that when Marvin Neff purchased the campground, it had some long-term residents, which did not comply with Willard's ordinances. It was way past the 18 months Marvin Neff was given to come into compliance. Vice Chairman Bingham knew there was at least one person that had been living in the campground for more than 90 days. He wanted to know what Neff's were doing to prevent tenants from staying in the campground for more than 90 days in a year.

Commissioner Braegger thought Neff's were supposed to keep a log.

Jeremy Kimpton said the campground could not tie up more than 25% of its spaces with long-term occupants. The ordinance regulated the conditions for someone to stay beyond the initial 90 days.

Mayor Mote felt the Neff's should be notified that their conditional use permit had come up for regular review and ask them to provide their logs for the past year.

Vice Chairman Bingham stated that the park was being managed better, but he didn't want Willard to have the same problems it had with the previous owner.

Jeremy Kimpton suggested that the review be tabled until the next meeting to allow the Neff's to be contacted.

6. CONSIDERATION AND APPROVAL OF THE NOVEMBER 21 AND DECEMBER 5, 2024, REGULAR PLANNING COMMISISON MINUTES

Commissioner Gilbert moved to approve the November 21 and December 5, 2024, minutes as written. Commissioner Beebe seconded the motion. All voted "aye." The motion passed unanimously.

8. COMMISSIONER/STAFF COMMENTS

Time Stamp: 1:16:08 01/02/2025

Colt Mund

Did not have any comments.

Jeremy Kimpton

Jeremy Kimpton stated that there would be a public hearing at the next meeting regarding a change needed in the Subdivision Ordinance. The sketch plan section needed to be repealed.

Madison Brown

Did not have any comments.

Commissioner Ormond

Did not have any comments.

Commissioner Pierce

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.

Michelle Drago

Did not have any comments.

Mayor Mote

Did not have any comments.

Vice Chairman Bingham

Did not have any comments.

9. ADJOURN

Commissioner Braegger moved to adjourn at 7:47 p.m. Commissioner Beebe seconded the motion. All voted in favor. The motion passed unanimously.

Minutes were read individually and approved on: _____

_____	_____
Planning Commission, Chairman	Planning Commission Secretary
Sid Bodily	Michelle Drago

dc:PC 01-02-2025