



WILLARD CITY
Planning Commission Meeting – Special Meeting
November 9, 2021 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

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

The following members were in attendance:

Sid Bodily, Chairman
Chandler Bingham
Alex Dubovik
Blake Harrop
Zack Hulsey

Chris Davis, City Manager
Colt Mund, City Attorney
Bryce Wheelwright, City Planner
Michelle Drago, Planning Secretary

Excused: Diane Baker

Others in attendance: Councilman John Seamons, Councilman Kaleb Kunzler, Marvin Neff; Betty Child, Chad Braegger, David Grant, and Travis Mote.

The meeting was called to order at 6:31 p.m.

1. PRAYER: Sid Bodily
2. PLEDGE OF ALLEGIANCE: Alex Dubovik
3. ROLL CALL – Attendance was recorded by the secretary.
4. GENERAL PUBLIC COMMENTS (INPUT FOR ITEMS NOT ON AGENDA)

Marvin Neff, 325 North 200 West, really appreciated what Bryce Wheelwright and Chris Davis had been doing for the City. Even though there had been some disagreements, he knew they were working hard to make Willard a great place to live. He had been reading about the Master Plan Community Ordinance and all of the applicable minutes. It seemed like everyone was trying to keep half-acre lots in order to maintain a rural feeling in the City. He didn't know if anyone had said anything in opposition to half-acre lots. In his opinion, half-acre or larger lots, were the worst thing the City could do fiscally and aesthetically. It had been proven time and time again, city by city. Large lots were a total waste of water. Willard was trying to conserve water. Most people could not afford to water a large lot. They tried for a while. When they could not afford it, they quit watering. Then the lots became weed patches, pigsties, and parking lots for abandoned vehicles. He had found the same thing happened in the cities he had worked in. He felt saving water and wanting a large lot were diametrically opposed to each other. It was one or the other.

He had read in the paper and on the City's Facebook page that residents wanted to keep a rural feel in Willard. He felt they were doing that at others' expense. They were taking away the freedom and rights of the land owners. If those that moved into Willard really wanted to keep a rural atmosphere, they needed to buy ten acres, twenty acres, or 300 acres. Then they would be participating. Farmers spent their whole lives farming, and they and/or their wives usually worked a second job. Their IRA, or retirement, was selling their land. When people said they could only have half-acre lots, they were restricting a farmer's freedom and retirement because they were saying he could only get half the money out of his retirement. He felt that was unconstitutional. They were saying, let's take away a farmer's 401K and give it to the City. He asked if those who said Willard shouldn't have less than half-acre lots would be willing to give up half of their retirement to Willard City. That's what they were saying to the landowners



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Mr. Neff felt the City needed revenue from water and sewer impact fees to be fiscally solvent. It didn't work with infrastructure costs for larger lots. Right now most utility bills in Willard were about \$100. The City's finances were public knowledge. Right now the City was paying about \$200,000 a year for sewer impact fees. In the next 15 to 20 years that payment would escalate to over \$600,000 a year. If a \$600,000 payment was divided among the City's current population, monthly utility bills would climb to \$400/\$500 a month. The City needed revenue from growth. If growth was restricted to large lots, it wouldn't work. If people wanted to restrict lots, he proposed that they pay \$1,200, \$1,500, or \$2,000 utility bills, and those who weren't opposed could keep their \$100 bill.

- 5A. SET A PUBLIC HEARING FOR DECEMBER 2 2021, AT 6:30 P.M. TO CONSIDER A PETITION FROM DAVID GRANT TO REZONE APPROXIMATELY 3.99 ACRES LOCATED AT APPROXIMATELY 466 SOUTH MAIN FROM A5 TO R ½ (02-051-0172 AND 02-052-0039)

Bryce Wheelwright stated that David Grant had purchased the Lynn Zundel property on South Main. He was building a house on the property. He wanted to rezone the property to R ½ so he could cut off half-acre on the back. The new lot would face the future 100 West. If 100 West went through, Mr. Grant would have a building lot he could sell. The property was surrounded by an R ½ Zone, and his rezone request complied with the City's Future Land Use Map and City ordinances.

Commissioner Bingham asked if this was a lot line adjustment or a subdivision. Mr. Wheelwright said it was a lot line adjustment. Commissioner Bingham asked if this was the same scenario as Jonathan Miller. Mr. Mund said it was not. David Grant had to rezone his property before he could adjust property lines. If they property wasn't rezoned, he would be creating a non-conforming lot.

Commissioner Hulsey asked if the Planning Commission needed to table this item because Mr. Grant was not in attendance. Chairman Bodily said the petitioner was not required to be in attendance. There was further discussion.

Commissioner Harrop said the Planning Commission was being asked to set a public hearing on December 2nd. If Mr. Grant was at the December 2nd meeting, he felt that would be sufficient. Colt Mund asked if Commissioner Hulsey had a specific concern. Commissioner Hulsey just wanted to make sure Mr. Grant would be at the December 2nd meeting. Bryce Wheelwright said Mr. Grant planned to attend the December 2nd meeting.

Commissioner Bingham moved to set a public hearing on December 2, 2021, at 6:30 p.m. to consider a petition from David Grant to rezone approximately 3.99 acres located at approximately 466 South Main from A5 to R ½ (02-051-0172 and 02-052-0039). Commissioner Hulsey seconded the motion. All voted "aye." The motion passed unanimously.

- 5B. CONSIDERATION OF A LOT LINE ADJUSTMENT FOR BETTY CHILD LOCATED AT APPROXIMATELY 458 WEST 200 NORTH (PARCEL NOS. 02-057-0035 AND 02-057-0036)

Bryce Wheelwright stated that Betty Child owned 16 acres located at 458 West 200 North. Her husband had died, and she needed to sell some land to settle his estate. Mrs. Child wanted to sell three acres located along the north side of her property to Marvin Neff, the adjoining property owner. The two had reached a purchase agreement. Mr. Wheelwright said this was not creating a building lot. It was agricultural ground that could not be accessed by road. The lot line adjustment would increase the size of Mr. Neff's property and reduce the size of Betty Child's. Both parcels would comply with the zoning requirements.



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Commissioner Harrop asked if a third parcel would be created. Mr. Wheelwright said Betty Child only owned two parcels. The number of parcels would not change. The size of one parcel would be reduced by three acres. An adjoining parcel owned by Marvin Neff would increase by three acres.

Commissioner Bingham asked if access to the parcel with the house would be cut off. Betty Child said it would not. The three acres she wanted to sell to Marvin Neff was located on the north side of her property. It wouldn't have anything to do with her house. Access to her home was located on the south side. There was a separate gate to access the parcel she was proposing to sell. It currently contained ten acres. Her home was located on a six-acre parcel.

Commissioner Harrop asked if she planned to keep the six-acre parcel with her home. Betty Child said she did. The north parcel would be reduced to seven acres.

Bryce Wheelwright clarified the location of the lot line adjustment for the Planning Commission.

Commissioner Harrop moved to approve a lot line adjustment located at 458 West 200 North (Parcel Nos. 02-057-0035 and 02-057-0035). Commissioner Dubovik seconded the motion. All voted "aye." The motion passed unanimously.

5C. DISCUSSION REGARDING PROPOSED ORDINANCE NO. 2021-2 – MASTER PLAN COMMUNITY ZONE

Colt Mund, City Attorney, stated that several Council members had asked that discussion of the Master Plan Community Zone be renewed. At their request, he had prepared a revised draft of Ordinance No. 2021-2 for the Planning Commission to review. Last spring one of the issues discussed was the overall density. A density of three units per acre was suggested. Open space was also discussed. The Master Plan Community Zone had been revised to allow the City would have a tighter grasp on what would happen with open space. The draft included language disqualifying certain topography as open space. In the past some people have wanted to include wetlands and non-conforming areas that were not developable, curb gutter, and sidewalk, and yards as open space. The proposed draft tried to address those problems by making open space truly open space. There had been concerns about HOA's. The proposed draft tried to give the City a little more control over whether or not, if ever, an HOA was approved. The City could impose special assessment districts to maintain the open space, parks, and trails. The proposed draft was a work in progress, but it tried to address density, open space and HOA's. The Council wanted to get some feedback from the Planning Commission.

Bryce Wheelwright stated that the Planning Commission and City Council had already held a public hearings on the Master Plan Community Zone and received public comments. The City Council wanted to the Planning Commission to review and comment on the proposed draft. If the Commission members had comments or concerns now was the time to express them.

Chris Davis, City Manager, stated that Councilmen Braegger and Robb met with Chairman Bodily, Colt Mund, Bryce Wheelwright, and himself to review the proposed draft a little over a week ago. Councilman Robb wanted the Planning Commission to have the opportunity to make additional comments. Consideration of Ordinance No. 2021-2 was scheduled for the next City Council meeting on November 16th.

Commissioner Harrop stated that the proposed minimum lot was 15,000 square feet, which was not that much smaller than the half-acre lot currently required. In a MPC, a developer would be giving up a lot more land for open space than he would gain in the extra one or two lots versus a straight half-acre subdivision.



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If the City was going to make exceptions for a high density area, he was not opposed to lowering the lot size to 12,000 square feet while maintaining a certain frontage width for a better curb appeal. By doing that, the open space might be better utilized. More than likely, a Master Plan Community would be a high density situation.

Commissioner Bingham asked if it would be better to have density for the entire development versus lot size. Then lot sizes could be adjusted for a townhome or condominium development. Chairman Bodily said lot sizes could be adjusted, but the smallest lot would be one-third of an acre.

Commissioner Hulsey liked Commissioner Bingham's suggestion. Density would not go up, but there would be smaller lots.

Commissioner Bingham stated that the Master Plan Community Zone was meant to give the City the ability to allow a higher density, lower income type housing. . He would not have a problem with an average lot size based on a density of three units per acre. Colt Mund liked Commissioner Bingham's suggestion to have an overall density rather than a minimum lot size.

Commissioner Dubovik felt the ordinance could have both – a density average and a minimum lot size for single family developments.

Bryce Wheelwright asked if the ordinance needed to include a paragraph stating that if a MPC was a single family development the minimum lot size would be 15,000 square feet. If not, the density would be three units per acre.

Commissioner Harrop stated that a comment made by the master plan consultant had stuck with him. As people grew older they didn't want a big lot. They couldn't take care of it anymore. But, they didn't want to leave their neighbors or families. He felt the MPC Zone should include language for a zero lot line for an adult community.

Bryce Wheelwright felt that could be addressed in a development agreement. Colt Mund said it could.

Commissioner Harrop asked if the MPC Zone had a minimum frontage requirement. Colt Mund said the frontage requirement would have to comply with the Subdivision Ordinance. Councilmember Kunzler had suggested incorporating setbacks so that when someone brought in a concept plan, setbacks could be discussed. The setbacks would also have to comply with the Subdivision Ordinance.

Commissioner Bingham felt the density of 15,000 square foot lots didn't leave much to plan. Bryce Wheelwright asked what density Commissioner Bingham suggested.

Commissioner Hulsey felt the master plan update would give the City a target density. Colt Mund didn't feel the General Plan could give specifics. Commissioner Hulsey said he was asked what density he would like. There were also questions on the survey alluding to density. Colt Mund said the City's current General Plan, and others he knew of, did not discuss density. It might say preserve agricultural or a rural feel, but he didn't feel it would have a density recommendation. Chris Davis said the master plan consultant might make a density recommendation, but the update had not gotten that far yet. Commissioner Hulsey felt the City should wait to set density numbers until the General Plan was updated. The City had paid to have the survey done. He felt the results should be used.



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Commissioner Harrop asked when a draft of the updated General Plan would be ready. Chris Davis said the master plan consultant had indicated that it would be the end of the year before a draft was ready.

Commissioner Bingham felt the MPC Ordinance could reference the density in the updated General Plan. It could be amended later to include the densities recommended in the General Plan. Bryce Wheelwright said the MPC Ordinance was a living document. It could be amended at any time. Commissioner Bingham said the MPC Ordinance would allow the City to work with a builder to plan a community, but it would have to comply with the master plan.

Commissioner Hulsey didn't know why it was necessary to discuss the Master Plan Community Zone now if an updated draft of the General Plan would be ready by the end of the year.

Chairman Bodily stated that consideration of the Master Plan Community Zone would be on the November 16th City Council agenda. If the Planning Commission had any comments, they needed to voice them now.

Chris Davis stated that the City Council had asked the Planning Commission to look at the updated draft of the Master Plan Community Zone because it would be discussed during its November 16th City Council meeting. The Council could potentially pass the ordinance that night.

Commissioner Dubovik felt there should be language to allow a good mix of large and small lots with a density of around three units per acre.

Commissioner Hulsey asked why the ordinance included a maximum amount of open space. There should be a minimum, but he didn't feel a maximum was necessary.

Commissioner Dubovik felt the nature of the open space should be better defined. The draft said the open space could not be non-buildable land, but the ordinance did not talk about whether a developer would have to improve the open space. Should the open space landscaping be consistent with other common areas? The City didn't want a weed patch that was labeled open space. He felt the ordinance should include language that the open space be consistent with the landscaping of the general community so a developer would leave it nice.

Colt Mund felt the open space would really be defined in the development agreement. The development agreement would address what the open space would look like and who would maintain it. However, it was a good suggestion to add tighter language about the appearance of the open space in the MPC Ordinance.

Commissioner Harrop asked if funds to complete open space would be held with the development bond until it was complete. Mr. Mund said they would.

Commissioner Bingham felt the MPC Ordinance needed to address open space that would be left as an agricultural easement. Mr. Mund said that would be addressed in a development agreement.

Commissioner Dubovik felt there should be more teeth regarding open space up front. He felt that would satisfy citizens' concerns about open space.

Commissioner Harrop asked about a fee in lieu of open space. Commissioner Dubovik said that was included in the MPC Ordinance. Commissioner Hulsey asked how a fee in lieu of would be valued. Colt Mund said it would be based on an appraisal. Commissioner Hulsey felt the conditions for a fee in lieu of



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should be pretty clear if that was an option. Commissioner Dubovik felt the ordinance should establish objective criteria to protect the Council's decision-making process.

Commissioner Harrop clarified that the minimum open space was 20%. If a development contained ten acres and a developer wanted to use it all, two acres would be appraised. The developer would then pay the value of those two acres to the City, and those funds would go directly to the City's Parks Fund.

Commissioner Dubovik asked if the value of the lots would be what the developer was selling them for. Mr. Davis said the value would probably be negotiated. Right now land values were skyrocketing.

Commissioner Hulsey felt the ordinance contained some vague terms, such as *meaningful construction*. What did *meaningful construction* look like? The City and the developers needed to know what that meant. Anything that was vague to the Planning Commission and the City Council would be vague to developers. It could work for or against the City or for or against developers. Anything that wasn't exactly clear could be exploited on both ends. He did not feel that was fair to anybody. There were just a few things that needed more specificity.

Commissioner Dubovik felt there needed to be a balance between being so tight that no one could satisfy the ordinance and being too lenient. Commissioner Bingham felt that was why the MPC Zone would be better than a PUD. With a Master Planned Community, issues could be addressed when a plan was submitted, versus a checklist of requirements.

Commissioner Bingham asked about the sunset provision. Commissioner Dubovik said it was one year.

Commissioner Dubovik asked if the new Paragraph K was the catch all. A conceptual plan could be general, but a permit would not be issued until a zone was approved. Mr. Mund said that was correct.

Commissioner Hulsey asked if the MPC Ordinance was applicable anywhere someone had ten acres to develop. Colt Mund said the ordinance would be applicable to anyone who wanted to do a higher density development that had at least ten acres. Commissioner Bingham said a developer would have to apply for a rezone and have a plan for the zone. Commissioner Hulsey asked if a master plan community would be limited to certain areas. Anyone who met the ten-acre requirement could potentially apply for an MPC. Colt Mund said that was correct. If an applicant met the requirements, the zone could then be created. Commissioner Bingham said it would have to meet the General Plan.

Commissioner Hulsey asked what in the General Plan would prevent an MPC. Commissioner Bingham said that an area that could not be rezoned to R ½, could not be rezoned to an MPC R ½. Colt Mund said the MPC had to be compatible with the surrounding uses. He felt Commissioner Hulsey had a point. Wherever there was ten acres, someone could apply for a Master Plan Community Zone. They could potentially be approved.

Commissioner Hulsey felt a developer could make arguments for anything to be compatible. It might be worth setting some parameters, such as no housing in a commercial district. Maybe MPCs should be limited to residential areas. Mr. Mund felt it came down to the discretion of the Planning Commission and the City Council in the development agreement. At the end of the day, the City Council would make the determination. Compatibility was at the discretion of the City Council. A developer did not have a vested right for an MPC. A developer could argue one way or another, and the City Council could say they respectfully did not agree that a use was compatible.



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Commissioner Dubovik said the City had already addressed compatible uses in another ordinance. He asked if the 50-line matrix ordinance addressing uses had been finalized. Mr. Mund said it had. That got into conditional use tables where uses were determined per zone.

Commissioner Hulsey asked if the MPC Ordinance referenced that ordinance. Colt Mund said the MPC was tied to the entire Zoning Ordinance. The MPC did not specifically address street requirements, but the Street Ordinance applied and so on and so forth.

Commissioner Hulsey asked if it was worth looking at the City's ordinances were before allowing master planned communities. He felt master planned communities could get out of hand really quickly. Did the City want to make sure all of its ducks were in a row before the MPC Ordinance was released for use? He felt there were options that could be exploited.

Chairman Bodily said the ordinance was going before the City Council. If the Planning Commission had any input, it needed to be given now.

Commissioner Hulsey wanted the City Council to be aware that he did not feel the Master Plan Community Ordinance was ready for approval. It needed more work. He felt the City should definitely wait until it had received the survey results to get more input regarding what the citizens wanted.

Commissioner Bingham liked the idea of an MPC Zone. It was a living document that changed from one development to another. He felt it would be faster and easier to address issues of importance. In the past, problems had not been manifested until someone had exploited a problem. Then it took months to change the ordinance so the next developer couldn't do the same thing. He liked the idea that the City wasn't just cookie cutting out half-acre lots. It would be working to build a community that would benefit everybody.

Commissioner Dubovik felt the MPC Ordinance contained the criteria that would allow a developer to obtain a rezone for a master plan community. Then a development plan would have to be approved. Colt Mund saw that as one step. A rezone application and a development agreement would be submitted together.

Commissioner Bingham felt the rezone, master plan, and development agreement offered the City some protection. The City could see up front what uses were being proposed. It could decide what it would and wouldn't allow in that particular development.

Commissioner Hulsey stated that in previous subdivision and rezone discussions, it had been stated that the City could not ask for plans at the rezone level. He felt the ordinance should clearly state that the rezone application was tied to a plan. An MPC Zone should not be approved if the City didn't know what the plan was. A rezone application and a plan needed to be hand in hand.

Colt Mund stated that Paragraph E talked about filing a petition for an MPC. The petition would include the location, the name of the zone, the development agreement, proposed uses, proposed land use standards, and proposed building and architectural standards. A developer would also provide a conceptual master plan. All of that information would be provided up front. An MPC application was distinct from a general rezone application. If a developer wanted an MPC, he would have to show the City what he was proposing and give specifics before it was approved. If there was further information the Planning Commission wanted to see, it could be included. The more information the City received the better.

Commissioner Harrop said each MPC would be approved case by case.



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Commissioner Dubovik said that if the City Council approved the MPC Zone, the Planning Commission needed to review the conditional use tables. A column would have to be added for the new zone, and permitted and conditional uses for the zone would have to be determined.

Colt Mund thought there was a column for planned unit developments. It might be just a matter of changing a heading. The use tables could definitely be tweaked.

Commission Bingham asked if the MPC Ordinance addressed a development plan zone that encompassed commercial uses. Colt Mund said it could. The City's previous planned unit ordinance had commercial provisions.

Chairman Bodily asked if Colt Mund had the information he needed. Mr. Mund said he did. He felt it had been a good discussion.

Commissioner Bingham suggested that the City Council not rush approval of the Master Plan Community Ordinance. It needed to take time to think about it, but not too much time.

6. CONSIDERATION AND APPROVAL OF OCTOBER 7, 2021, REGULAR PLANNING COMMISSION MINUTES

Commissioner Bingham moved to approve the regular Planning Commission minutes of October 7, 2021, as corrected. Commissioner Hulsey seconded the motion. All voted "aye." The motion passed unanimously.

7. COMMISSIONER/STAFF COMMENTS

Bryce Wheelwright stated that 300 North, the dike road, had been repaved by Parsons at their expense. The City was making progress on tying up the south end of 300 East.

He expressed condolences to Commissioner Baker on the passing of her father.

Chris Davis did not have any comments.

Colt Mund did not have any comments.

Commissioner Harrop did not have any comments.

Commissioner Hulsey read a letter from Jean Loveland that she had given him just before the meeting started. A copy of the letter is attached for the record.

Chairman Bodily asked about the status of the conditional use permit for Matthew Francom's welding shop. Was Mr. Francom supposed to come back to the Planning Commission? Bryce Wheelwright said Mr. Francom had not made enough progress to come back. He had met with UDOT and completed his water connection, but he had a lot of internal improvements left to do. Mr. Francom knew he had to come back to the City for his conditional use permit. Chairman Bodily asked if Mr. Francom had a deadline. This could drag on for a long time. He felt these were the types of uses the City needed to get a handle on.

Commissioner Dubovik asked if the City had the ability to use Zoom to allow citizens to attend meetings electronically. It would provide more people access to what was going on. He also felt it would be helpful



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for the public attending the meetings to be able to view the packet information the Planning Commission received. Then the Planning Commission's discussion would not be a mystery to them.

Commissioner Bingham did not have any comments.

Chairman Bodily asked the date for the next Planning Commission meeting. Bryce Wheelwright said it would be December 2nd.

Commissioner Hulsey asked if the rush for the special meeting was so the City Council could have the Master Plan Community Zone on their November 16th agenda. Bryce Wheelwright said the City Council had requested the special Planning Commission meeting. Chris Davis said the City Council wanted to get input from the Planning Commission.

8. ADJOURN

Commissioner Dubovik moved to adjourn at 7:28 p.m. Commissioner Harrop seconded the motion. All voted in favor. The motion passed unanimously.

Minutes were read individually and approved on: 12/2/21



Planning Commission, Chairman
Sid Bodily



Planning Commission Secretary
Michelle Drago

dc:PC 11-09-2021

