



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, January 20, 2022 – 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 the City Hall and on the State of Utah Public Meeting Notice Website.

The following members were in attendance:

Sid Bodily, Chairman
Diane Baker
Chandler Bingham
Alex Dubovik
Zack Hulse

Chris Davis, City Manager
Colt Mund, City Attorney
Bryce Wheelwright, City Planner
Michelle Drago, Deputy City Recorder

Excused: Blake Harrop

Others in attendance: Mayor Travis Mote; Councilman Jack Seamons; Chad Braegger; and Gordon Sleeman.

The meeting was called to order at 6:30 p.m.

1. PRAYER: Zack Hulse
2. PLEDGE OF ALLEGIANCE: Chandler Bingham
3. ROLL CALL – Attendance was recorded by the secretary.
4. GENERAL PUBLIC COMMENTS (INPUT FOR ITEMS NOT ON AGENDA)

Mayor Travis Mote stated that the City Code which regulated the Planning Commission designated slots A, B, C, D, E, and F. Each slot had a three year term that ended in February. The terms were staggered, but due to incomplete records, the staff wasn't sure whose terms were expiring this year. He asked that the Commission members let him know if they did not want to be reappointed. Those members who had served the longest had been moved to the top of the rotation list. The slot with a fixed term was the chairman's.

Mayor Mote said the City Council planned to discuss the Master Plan Community Zone at a work session on Wednesday, January 26th at 6:00 p.m. The Planning Commission was invited to that work meeting. He asked that the Planning Commission be prepared to provide feedback in person, through a representative, or in writing. He planned to ask that the City Council and Planning Commission consider three questions before digging into the ordinance itself. What was the goal of the Master Planned Community Zone for Willard City? What were the weaknesses of the old PUD Ordinance? What is a rural community? He felt the proposed MPC Ordinance should be outlined to address the weaknesses of the old PUD Ordinance. If there was time he planned to dig into how the proposed ordinance fit or did not fit those principles.

5A. DISCUSSION REGARDING MASTER PLANNED COMMUNITY (MPC) ZONE

Chairman Bodily wasn't sure if the Planning Commission should discuss the MPC Zone if the City Council was going to hold a work session next week.

Bryce Wheelwright stated that discussion regarding the Master Planned Community Zone was put on the agenda in order to make the Planning Commission members aware of the City Council work session on



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January 26th so they would have time to review and think about the proposed ordinance. If all of the Commission members planned to attend the work session, a discussion tonight might not be that productive. However, if the Planning Commission planned to send a representative, the representative needed to understand the Planning Commission's ideas and concerns.

Most of the Commission members said they planned to attend the work session.

Commissioner Dubovik felt it would helpful to discuss the questions just posed by the Mayor. What was the goal of the MPC Zone? What were the weaknesses of the old PUD Ordinance? What was the definition of a rural community?

Commissioner Hulseley felt one goal of the proposed MPC Zone was to provide an opportunity for lower income housing. However, he wasn't sure the MPC Zone would meet that goal. When he looked at some of the new builds in Willard, they ranged in size from a quarter acre to a half acre. The lot size did not seem to affect the price. Prices were all pretty similar. In fact, some of the half acre lots were lower than the quarter acres. The State was encouraging cities to provide opportunities for lower income housing, but he wasn't sure the MPC Zone was the right tool to do it.

Commissioner Bingham felt the purpose of the MPC Zone was to provide a way to organically build the community. Some good development ideas were blocked by the City's Zoning Ordinance. The MPC Zone would provide a way for the City to adapt to those good ideas. He felt one of the reasons the City got rid of the old PUD was the way it handled open spaces. If the MPC Zone was done right, it would give the City the flexibility to address open space. It would allow the City to develop housing communities without having to go through complicated rezones. The hard part would be keeping enough control to prevent builders from manipulating the Planning Commission and City Council like had happened with past developments.

Chairman Bodily felt one purpose of the MPC Zone was to allow lot sizes that were smaller than half an acre but larger than 10,000 square feet.

Commissioner Bingham felt the MPC Zone was meant to look at the City as a whole; not just lot sizes. The MPC would be its own zone designed around a plan submitted by a builder. The City could look at a plan and decide if it would fit in Willard and in the specific area proposed. He felt the proposed MPC Zone would help the Planning Commission and City Council have more input. Under the old PUD, a developer would submit and receive approval of a PUD. However, by the time a plan was finished it would be totally different than what was initially approved. The City had no control over those changes because the PUD had been approved. Although the new plan met all of the zone requirements, it wasn't what the City wanted in the end. Changed plans left the City with open space it couldn't do anything with.

Commissioner Dubovik understood that every MPC would be an independent zone. The old PUD Ordinance required that the same standards be applied to every planned unit development. The MPC would require an approved development plan in conjunction with zoning approval. The MPC would allow different densities in different areas of the community, such as third-acre lots in one area and five units per acre in another. One size wouldn't fit all. Did the City need to nail down the General Plan update before making a decision on the first master planned community, or approve them in concert? Then the Planning Commission would know the approved MPC was in accordance with the General Plan.

Chairman Bodily asked about the status of the master plan. Chris Davis, City Manager, stated that the City Council would receive an update on the General Plan at its January 27th meeting.



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, January 20, 2022 – 6:30 p.m.
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Commissioner Hulsey did not see a reference to the Planning Commission in the proposed draft. Would the MPC Zone and development plan be approved by the Planning Commission? Colt Mund, City Attorney, stated that 12-106-9 of the proposed ordinance addressed the Planning Commission recommendation: *"After consideration of the site plan, application, and proposed development agreement, the Planning Commission shall make a recommendation to the City Council regarding the MPC Zone. At the same time, the Planning Commission shall approve, approve with conditions, or recommend disapproval of the preliminary site plan for the proposed MPC Zone. Planning Commission approval of a preliminary site plan, application, and/or development agreement shall not be effective unless and until a corresponding MPC Zone is approved by the City Council."*

Mr. Mund said 12-106-6(18) addressed an Impact Statement. The Planning Commission could require an impact statement showing what traffic would look like, what effect the proposed MPC Zone would have on the environment, City utilities, and schools. Mr. Mund felt the Planning Commission would have quite a bit of say. It would have to make a recommendation regarding the MPC Zone to the City Council.

Commissioner Hulsey did not have a copy of the section quoted by Attorney Mund. The Planning Commission realized it did not have the same draft ordinance that Attorney Mund did. Michelle Drago made copies of the draft ordinance proposed by Attorney Mund for the Planning Commission to review and comment on.

Commissioner Hulsey felt that if the Planning Commission would be considering developments on a case-by-case basis, it was super important that there be multiple bodies scrutinizing the proposed development.

Commissioner Hulsey felt that lot size was less important than density. If densities in certain areas could be nailed down, smaller lot sizes could be considered in exchange for larger lots. Then there would be a mix of uses.

Bryce Wheelwright, City Planner, stated that the Planned Development Ordinance had made it difficult to switch things up. The PUD Ordinance, had required a minimum of 10,000 square foot lots, a minimum density of four units per acre, and a minimum of 30% open space. With those parameters, that was exactly what developers had submitted. The MPC variable would provide the City with the opportunity to say it wanted something different than what was proposed by a developer.

Commissioner Hulsey felt the looser the MPC Ordinance was the firmer the Master Plan needed to be so there was teeth to allow the City to say no.

Chairman Bodily did not want to get into a situation where a developer was upset because he couldn't do the same thing that had been allowed elsewhere in the City. Commissioner Bingham did not think it would matter if each zone was separate and distinct. Chairman Bodily felt there needed to be language in the MPC Ordinance to allow the City to consider conditions for each development independently from others in the City.

Commissioner Dubovik felt that was the beauty of each master planned community being an individually approved zone. There would be a qualitative factor. The Planning Commission and City Council could say there were different conditions in different areas of the community. It wouldn't completely eliminate the City of being accused of playing favorites, but the ordinance would provide levity to allow the City to make different rules for different parts of the community. The decisions of the Planning Commission and City Council had to be backed up by a master plan.



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, January 20, 2022 – 6:30 p.m.
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Commissioner Hulsey stated that when the Planning Commission discussed amending the number of homes allowed in a neighborhood before a second access was required, it was nervous about setting a definite number. He hoped the Master Plan would help with those kind of decisions because the Planning Commission would know what densities would be allowed in different places.

Commissioner Dubovik felt the City could have problems if it received two applications for townhome developments in an area designated for townhomes, and it approved one but not the other. However, if it received two townhomes applications, and one was in an area designated for townhomes and the other was not, the City could tell the second one no based on its Master Plan. The Master Plan would provide the backing to make a negative decision.

Bryce Wheelwright stated that when Granite Ridge was coming in for approval, it had a road system that was equal to what was in the Willard Peak Ranches development where the roads were very narrow. The City had learned from its experience in Willard Pak Ranches, and the Planning Commission told the developer he had to provide roads that complied with the City standards, and the developer had to abide by that decision. It was part of the development agreement.

Colt Mund stated that one of the biggest differences in the proposed draft of the MPC Ordinance was the difference in lot sizes from 12,000 square feet to 15,000 square feet. It also addressed how to handle and manage open space. The proposed ordinance said that a natural geographic feature could not be counted as open space, neither could curb, gutter, and sidewalk. It tried to close loopholes and prevent a developer from declaring unusable land as open space. The proposed ordinance also provided mechanisms for the City to control open space. The Planning Commission could require a park or a trail system, which could be dedicated to the City or managed by an HOA (homeowners' association). However, an HOA would have to be approved by the City, and it would have a one-year probation period to make sure it functioned. The proposed ordinance also provided for a special assessment area. If an HOA ceased to function and maintain its open space, the City could assess the residents that lived and benefitted from the open space a fee to maintain it. He felt the proposed ordinance would provide a big improvement in approval and management of open space. It was a dramatic improvement from what the City had previously had.

Commissioner Hulsey said the proposed ordinance said a development had to follow City standards, but it also allowed developers to set standards. How would those standards differ from the City's? Where was the line? Colt Mund did not feel developers should be allowed to alter City standards. The City should never waive its standards for street width, drainage, building standards, setbacks, etc. The beauty of a development agreement was the leverage it gave the City to insist on certain things. If a developer didn't want to do something, his development agreement would not be approved, and he wouldn't be able to build. The Planning Commission should require a developer to build a master plan community it was comfortable with. The Planning Commission and City Council would have total control over a development.

Commissioner Hulsey asked what standards could be customized. Commissioner Bingham stated that 12-106-11 provided modification by the City Council, *'In considering an application for an MPC Zone, the proposed site plan, application, and development agreement may be modified by the City Council to meet the intent and requirements of this Chapter and may include regulations and standards other than those proposed by this Chapter.'*

Colt Mund stated that 12-106-7 said, *"Compliance with the requirements of this ordinance does not exempt any application from meeting any other applicable requirements of this Chapter and the Willard City Zoning and Land Use Ordinances."* The proposed ordinance did give the City Council the ability to modify a site plan, application, or development agreement. Without a variance request, the City could not waive City



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, January 20, 2022 – 6:30 p.m.
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standards. The staff, Planning Commission, and City Council would have to be mindful about whether a proposed plan met the City ordinances.

Commissioner Baker stated that a few weeks ago *The Standard Examiner* published an article about a development that had been tabled by the Weber County Planning Commission until Weber County's master plan was complete. Weber County had been working on its master plan for over a year. If Weber County was waiting on its master plan, it only made sense for Willard to wait for its own to be completed. For the most part she agreed with Commissioners Bingham and Dubovik. She felt the Planning Commission and City Council should consider the MPC Zone in conjunction with the Master Plan.

Commissioner Dubovik felt the MPC could be considered parallel with the General Plan update. He didn't feel one had to be put off until the other was done.

Commissioner Bingham stated that the Master Plan was up to the Planning Commission and the City Council. Everyone already had a pretty good idea what it was going to be and which direction to go. The Master Plan would simply provide the City with a framework.

Commissioner Dubovik didn't feel the Planning Commission should be too concerned about treating one entity different than another. There was a level of consistency built into the process that would be insured by the City staff, Planning Commission, and City Council. Every situation would have some variation.

Bryce Wheelwright stated that City ordinances and development agreements were living documents that could be amended and changed as needed.

Commissioner Dubovik asked about the purpose for the maximum open space standard of 50%. Colt Mund did not feel qualified to say why. He felt a planner or engineer would be better qualified to answer that question. A lot of cities had the same standard, and it was the standard in the old PUD Ordinance. Commissioner Bingham felt the number need to be consistent from one development to another.

Commissioner Bingham commented on the lot size threshold. He felt the ordinance should specify that the minimum lot size was for a single-family residential lot. Lot sizes for townhomes would be variable.

Commissioner Dubovik brought up the definition for a rural community. Where he grew up a quarter acre lot was a big lot, which he considered rural. He didn't want that kind of 'rural' in Willard. What did the Planning Commission think?

Chairman Bodily felt the City's mindset was half-acre lots. However, overall the lots in Willard were not half acre.

Commissioner Bingham didn't think rural meant half acre lots. He felt it was a variety of lot sizes where some people had animals and some didn't.

Commissioner Hulsey felt it had to do with types of community activities and how acreage was used. Some communities had large lots full of grass. Other places had lots that were utilized for goats, chickens, and big gardens with fruit trees. A rural community had more agricultural-based activities, such as arenas rather than splash pads; activities that encouraged rural usage. In a lot of places, the most important part of a community was walkability to stores and recreational facilities. He didn't feel walkability was a priority in a rural community. A rural priority might be roads that could accommodate tractors or open spaces geared toward agricultural activities. That was the direction the City should be looking, not necessarily lot size.



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, January 20, 2022 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

Commissioner Bingham said rural to him meant roads without curb, gutter, and sidewalk where people could walk down the middle of the road.

Commissioner Dubovik stated that as he drove south on Highway 89 it felt less rural when buildings started reaching three or four stories, buildings became larger, and the number of businesses became more than the number of houses.

Chairman Bodily felt rural areas were going away as farmers retired and no one wanted to take over their farms.

Commissioner Bingham hoped the MPC Zone would preserve some of the open space. He hoped there would be those who wanted an acre or two to grow and sell fruit on the side. The zoning needed to be friendlier to those types of uses so farmers didn't feel they had to sell to the guy who would divide the land into quarter acre lots because that was where the most money came from.

5B. DISCUSSION REGARDING CONCEPT PLAN FOR TRANSPORTATION ORIENTED DEVELOPMENT (TOD) LOCATED AT APPROXIMATELY 500 WEST 750 NORTH (PARCEL NO. 02-043-0023)

Bryce Wheelwright stated that the staff wanted to make the Planning Commission aware of a pending TOD application. Years ago approximately 18 acres located on the north side of 750 North at approximately 500 West was zoned for Transit Oriented Development. There had been issues with the original design, as well as availability of utilities.

The current property owner was seeking approval of two items – a lot line adjustment and a subdivision. Mr. Wheelwright shared the new concept plan with the Planning Commission. There were two parcels involved. The triangular property along 750 North used to be owned by The Box Elder Credit Union. It had been purchased by UTA. The other parcel was owned by Terry Deru. UTA wanted to do a lot line adjustment with Terry Deru to create a parcel that ran parallel with the Union Pacific right-of-way for Front Runner and a future station. Terry Deru wanted to subdivide his new parcel and sell the east end for high density housing. Mr. Deru planned to retain the commercial area on the west end.

Chairman Bodily stated that at one time a bank had been proposed on this property. Then it changed to a gas station, and then a motel. He thought there was supposed to be apartments above the commercial uses. Mr. Wheelwright stated that the original plan had proposed mostly retail with apartments above it, but it had evolved. There was a certain residential density allowed in the TOD Zone. The current owner wanted to place that density on the east side of his property. At one time there was going to be a vehicle service center and some food. Since none of those plans had come to fruition, the current property owner didn't know what the commercial would consist of. He thought the plan still included a hotel.

Commissioner Hulseley asked if multi-family was allowed in a TOD Zone. Mr. Wheelwright said it was.

Commissioner Baker asked if the development was located between the railroad tracks and the storage units on the north side of 750 North. Mr. Wheelwright said that was correct.

Commissioner Hulseley asked about wetland issues. Bryce Wheelwright said the property owners had found that the property was wet because a drain under the railroad tracks had been plugged. When the drain was unplugged much of the wetland problem had cleared up. This area did have a high water table.



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, January 20, 2022 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

Commissioner Baker stated that the only commercial area in Willard was along 750 North. That was the only area that could generate sales tax revenue for the City. She was concerned that an apartment complex would reduce the City's sales tax revenue. She didn't feel there would be much commercial development along Highway 89 because a lot of it was built out.

Bryce Wheelwright felt those were good thoughts that could be discussed when the plan was presented.

Colt Mund asked if the area was already zoned TOD. Mr. Wheelwright said it was, and it had already been given its density.

Commissioner Hulsey said the concept plan showed a Front Runner station on the northwest corner. He thought UTA had purchased land on the south side of 750 West for a station.

Chris Davis stated that UTA had not committed to a station on the northwest corner of the Deru property. UTA had indicated to the City staff that they had purchased the Zundel property so they could put the Front Runner station on the south side of 750 West. However, UTA had not committed one way or the other.

Bryce Wheelwright stated that UTA was swapping land with Terry Deru in order to ensure a north-south right-of-way for Front Runner. UTA now claimed that it had locked up about 25% of the corridor preservation they needed between Weber County and Brigham City.

Commissioner Baker stated that she had been attending the flood board meetings. It did sound like UTA had a pretty good hold. The flood board might be losing a lot of retaining basins.

Chairman Bodily stated that the final location of the Front Runner station had not been determined. Anything could happen between now and then because it was so far down the road. There couldn't be a station in Willard and Perry. There could be a station in Willard and one by Walmart in Brigham City. The original TOD plan was a walkable commercial area.

Commissioner Hulsey asked what responsibility the Planning Commission had if it received a development plan showing a Front Runner station. If UTA had not made a formal commitment, did the Planning Commission approve the site plan pending UTA approval?

Colt Mund felt that was an excellent question. The City's TOD ordinance said the property had to be located within a quarter mile of a Front Runner station. There wasn't a Front Runner station there, and there might never be a Front Runner station there.

Commissioner Bingham pointed out that if there wasn't a Front Runner station, there wasn't a transit for a transit-oriented district.

Commissioner Dubovik felt this was a convenient place for the City to have high density housing. Between Willard and Salt Lake, the only station with convenient housing and shopping was Farmington Station. If the City wanted an area with commercial and high density, the concept design was attractive. When Willard Bay was in use, there would be an economic benefit to having businesses in this location. This could be something special, if it was done right.

Commissioner Hulsey asked if the property owner would have to get a letter from UTA regarding the Front Runner station before they could build anything. Bryce Wheelwright said he had a copy of a letter written by UTA years ago committing to a station in this area, but nothing was set in concrete.



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, January 20, 2022 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

Commissioner Dubovik said it was a chicken and egg issue. UTA would not put in a station until there was more density. This development would move toward the eventuality of having a station.

Chris Davis shared a response from Hal Johnson, UTA's Research and Development Project Manager, regarding the land swap and the location of the station. Mr. Johnson said, *"We've been working with Deru to swap some property north of 750. We had an appraiser evaluate the property transaction. Felt the swap was fair to all parties. UTA is paying a little over \$200,000 to Deru as we are purchasing a larger piece than we are trading for. We have not committed to a station yet. UTA is holding land on the south side of 750 as well. That is a more likely location for the station. We have a site on the north side to have as an additional option. A final decision will be made as part of the environmental review process."*

Colt Mund reiterated that the City's ordinance required that a transit-oriented development be within one quarter mile of a station.

Chairman Bodily asked if the Planning Commission approved a plan as if the station would be there. Mr. Davis didn't feel the Planning Commission could assume the station would be there.

Commissioner Dubovik asked if the Planning Commission could go through the motions of reaching an agreeable plan in lieu of the station going in. Mr. Davis said it could.

Commissioner Dubovik asked about a time frame. Mr. Wheelwright said the staff had met with the property owner a week ago. The staff was just waiting for him to submit an application.

6. CONSIDERATION AND APPROVAL OF DECEMBER 2, 2021, REGULAR PLANNING COMMISSION MINUTES

Commissioner Baker moved to approve the regular Planning Commission minutes of December 2, 2021, as corrected. Commissioner Hulsey seconded the motion. All voted "aye." The motion passed unanimously.

7. COMMISSIONER/STAFF COMMENTS

Bryce Wheelwright

Mr. Wheelwright reminded the Planning Commission about the City Council work session scheduled for Wednesday, January 26th at 6:00 p.m.

Colt Mund

Did not have any comments.

Chris Davis

Did not have any comments.

Commissioner Bingham

He had been working in the Granite Ridge Subdivision. He thought everyone who obtained a building permit for a single family home was supposed to provide a portable restroom. In Granite Ridge there were only two portable restrooms for eight houses under construction. Mr. Wheelwright said the developer's SWPPP



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, January 20, 2022 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

permit required him to regulate portable restrooms and concrete washout facilities. Granite Ridge had had problems. The City staff met with them two weeks ago. Since that time, they were starting to address issues that should have been addressed some time ago.

Mr. Wheelwright stated that in Granite Ridge Phase 4, the phase off of 600 South, there were quality issues. The developer was having to redo storm drains that were constructed at wrong elevations, as well as curb and gutter. The City would not be issuing building permits in Phase 4 until issues were rectified.

Commissioner Bingham asked if the right-of-way width in Granite Ridge was narrower than the City standards. Bryce Wheelwright said Granite Ridge had the same right-of-way width as other streets.

Commissioner Dubovik

He had noticed more people were using the canal road. Some were dumping debris. People did not understand the privilege of use. He assumed the area was policed by Box Elder County and Pineview Water. He felt there might come a time when the canal road became a concern for the Willard citizens. He hoped people understood it was a rare road to be able to use and enjoy. If people were going to dump debris it probably would not go well.

Mr. Wheelwright felt that explained a lot. The gate had been open on the haul road to Parsons Pit through most of last summer. A few weeks ago it had been closed and locked. Maybe the debris had been discovered. People needed to be good neighbors. It was a privilege to use the road.

Commissioner Hulsey

Did not have any comments.

Commissioner Baker

She had driven around after the Flood Board meeting. There were a lot of dead end streets in South Willard that went nowhere. She felt a master road plan was needed.

Chairman Bodily

He asked if the convenience store at 39 South Main had closed. Mr. Wheelwright said it had.

8. ADJOURN

Commissioner Dubovik moved to adjourn at 7:37 p.m. Commissioner Baker seconded the motion. All voted in favor. The motion passed unanimously.

Minutes were read individually and approved on: 2/3/22

Sid Bodily
Planning Commission, Chairman
Sid Bodily

Michelle Drago
Planning Commission Secretary
Michelle Drago

dc:PC 01-20-2022

