



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, April 21, 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 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 Hulsey

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

Excused: Blake Harrop and Bryce Wheelwright, City Planner.

Others in attendance: Mayor Travis Mote; Councilman Kaleb Kunzler; Chad Braegger; Ken Ormond; Ruth Ormond; Doug Younger; Lynn Beard; and Nora Dubovik.

The meeting was called to order at 6:32 p.m.

1. PRAYER: Chandler Bingham
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)

There weren't any public comments.

5B. DISCUSSION REGARDING ADOPTING STANDARDS FOR ACCESSORY DWELLING UNITS

Time Stamp: 04/21/2022 2:30

Chris Davis, City Manager, stated that Bryce Wheelwright was excused. He was attending a Walkability Conference in Provo to learn about trails and pedestrian walkways.

Colt Mund, City Attorney, stated that in the last year both Brigham City and Perry City had passed ordinances that regulated Accessory Dwelling Units. In 2021, the State passed legislation governing internal accessory dwelling units. Internal units were those located within the footprint of an existing dwelling. Detached accessory dwelling units were detached from the primary dwelling. The State had not passed legislation on detached ADU's but probably would at some point. The State's legislation said a city could not prohibit the existence of internal accessory dwelling units, but it did list things the City could impose. The City could require the homeowner to reside in the main dwelling. It could prevent an ADU from being leased on a short-term basis. A lease had to be longer than 30 days. A city could require a business license. A city could prohibit an ADU in a home with a failing septic tank. Mr. Mund felt Willard needed to get an ADU ordinance in place. The Planning Commission had had a few ordinances to look at. He asked what regulations the Planning Commission would like to see.



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, April 21, 2022 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

Mayor Mote felt the Planning Commission needed to address both internal and external units. There already were some external ADU's located in Willard. The City was receiving building permits that indicated future homes would have them. He was not opposed to small, detached ADU's as long as they complied with safety regulations and as long as residents didn't have four tiny homes, or Airbnb's, in one backyard

Chairman Bodily didn't want ADU's to become rental properties. He felt there needed to be adequate parking. Detached ADU's needed to have the same setbacks as a main dwelling so they didn't end up too close to a street.

Colt Mund stated that Brigham City's ordinance was very particular about detached ADU's. It talked about lighting, landscaping, and the need for a fence. Bryce Wheelwright felt there was a need to clarify that there could only be one ADU per lot.

Chairman Bodily felt the ADU regulations needed to address how water was billed.

There was a discussion about how to meter and bill for water usage and other utilities.

Chairman Bodily asked who could reside in an ADU. Could it only be occupied by a family member? Commissioner Bingham felt it should be treated like an apartment. Commissioner Hulsey had read that an ADU could only be occupied by one family or up to three unrelated people. There were some ordinances that limited the number of bedrooms to try to limit the number of occupants.

Commissioner Bingham felt there needed to be regulations about how many families could occupy a home and an ADU. He was aware of a home near him that was occupied by several families. What was the difference between a homeowner charging rent for an ADU and a landlord who had to have separate utilities for each apartment? Every family doubled the water and sewer usage. He felt an ADU should be a conditional use so the City could keep track of them.

Commissioner Hulsey felt a conditional use was a good idea. Every ADU would have its own setup. A conditional use permit would allow the Planning Commission to apply specific conditions for each rather than having a blanket statement for the entire City.

Commissioner Bingham felt there needed to be a way to enforce violations when people took advantage of a situation. Trying to evict someone was not any easy thing to do.

Commissioner Dubovik liked felt the Brigham City ordinance did a good job of laying out very specific requirements. He felt the Planning Commission needed to start with the health and safety of those occupying the ADU and the standards, safety, and livability of the community that surrounded the ADU.

Commissioner Hulsey did not feel the City should allow an accessory dwelling unit if the main dwelling unit was not up to a certain standard.

Colt Mund felt that one reason ADU regulations were so important was to have a remedy if there was a violation. Right now the City didn't have any enforceability.

Commissioner Hulsey felt there needed to be adequate off-street parking to limit the amount of parking on the street. Commissioner Dubovik agreed that parking was important.



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, April 21, 2022 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

Commissioner Baker asked how the City would know about an ADU and when to require a conditional use permit. How would the ordinance be enforced? Commissioner Hulsey felt it would be a matter of getting caught.

Mayor Mote felt only detached ADU's should require a conditional use permit.

There was a discussion about enforcement.

Commissioner Dubovik asked if the City had any specific regulations for Airbnb's in Willard. Colt Mund thought Airbnb's were included when the conditional use tables were updated, but the City didn't have any specific regulations about Airbnb's. ADU's would not qualify as Airbnb's because they could not be leased on a short-term basis.

Commissioner Hulsey asked how the City enforced rentals owned by landlords. Colt Mund said enforcement of rentals in any City was by tenant or neighbor complaints. When the City received a complaint about certain behavior, it investigated and provided enforcement if needed.

Commissioner Hulsey didn't have a problem with a property owner having an ADU as long as there weren't any problems. If there were issues, the City needed to have an ordinance to provide enforcement. Commissioner Dubovik agreed,

Commissioner Bingham felt it was important for the main dwelling to be occupied by the homeowner. Otherwise, the home would be a duplex, which was regulated by separate zoning regulations. An accessory dwelling unit was an accessory use for the homeowner. He didn't want to create a duplex loophole.

Commissioner Dubovik felt internal ADU's would be a simple issue. Regulations for detached ADU's would be complicated.

Commissioner Hulsey felt ADU regulations should address parking and a conditional use permit as an enforcement method.

Chairman Bodily asked how the Planning Commission wanted to proceed.

Colt Mund felt he had enough information from tonight's discussion to prepare a draft ordinance for the Planning Commission to review. That would give the Planning Commission a starting point. He would try to have the draft ready for the next Planning Commission meeting.

5A CONSIDERATION OF CONCEPTION APPROVAL FOR LYNN BEARD SUBDIVISION LOCATED AT APPROXIMATELY 295 WEST 750 NORTH (PARCEL NOS. 02-046-0004, 02-46-0044, 02-046-0001, 02-046-0077, 02-046-0076, 02-046-0075, AND 02-046-0045)

Time Stamp: 04/21/2022 25:51

Chris Davis stated that Dr. Lynn Beard wanted to present a proposed concept to the Planning Commission that involved a potential Master Plan Community Zone development.

Lynn Beard, 295 West 750 North, stated that he owned 55 acres in seven different parcels west of 200 West and south of 750 North. His goal was to keep as much of it as rural as possible. His ultimate intent was to put a conservation easement on the vast majority so that it could never be subdivided beyond what



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, April 21, 2022 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

it was. However, he did want to some things with lot line adjustments. He wanted to create four one-half acre lots on 200 West for his children, and he wanted to develop one acre of property on 750 North into some townhouses. He showed the Planning Commission a rough drawing of what he was proposing. The one acre he wanted to develop on 750 North was slated for commercial development on the City's Future Land Use Map.

Dr. Beard felt his proposal was a win-win for the City. He wanted to put 12 townhouses on the southwest corner of 200 West 750 North. His design did not propose any additional streets, waterlines, or sewer. The townhouses would provide revenue for the City and some affordable housing. He felt there was a need for affordable housing. He was frequently asked if he had any places to rent. A lot of people wanted to keep Willard rural. From a personal standpoint he was trying to create an income stream from the townhouses, which he would rent, to take care of his property indefinitely after he was gone. He did not feel his proposal needed subdivision approval. It could be accomplished with lot line adjustments. He already had seven parcels. He would still have seven parcels after all of the lot lines were adjusted. In the past, if a lot line adjustment created a half-acre lot, it was a legal building lot. Bryce Wheelwright had implied that was no longer the case.

Dr. Beard summarized his goals: Keep the farm space in perpetuity; provide lots for his four children; provide a revenue stream to manage the property when he was dead; and provide some affordable housing in Willard. He did want to keep some commercial options open on 750 North. He wanted to develop the minimum amount of his property as possible. Benefits to Willard included a very large chunk of property that remain open in perpetuity; and affordable housing. If he was charged a full impact fee for each townhouse, it would not be affordable housing. He felt he should only be charged two impact fees, rather than 12, because he was only proposing two buildings. The City could afford to do that because his proposal did not include any roads or additional water and sewer lines. The City would collect revenue from utility bills for each unit. The amount of water used by each townhouse would be less than a home on a half-acre lot. His townhouses would not have much landscaping. The water usage would be minimal.

Chairman Bodily asked if UDOT had given Dr. Beard permission to access 750 North. Dr. Beard said he already had three legal accesses to 750 North in the form of three gates. He felt the best entry for the townhouses would be from 200 West.

Commissioner Dubovik asked about disposition of the land in the conservation easement. Would it be open public space? Dr. Beard said it would not. It would be privately owned, but it could never be developed. It could be sold, but whoever purchased it would have a conservation easement to deal with. The land could be bought and used as farm land, but it could not be subdivided. The conservation easement would preserve the rural feel, but it would be privately owned property.

Commissioner Baker asked if the townhouses would consist of two buildings with six units each. Dr. Beard said that was correct. The two buildings would face each other. Based on townhouses he owned in Brigham City, he felt one acre was adequate for 12 units and the required parking. Commissioner Baker asked how tall the buildings would be. Dr. Beard said they would be two stories. Commissioner Baker asked about the four lots on 200 West and flood zoning due to their proximity to the creek. Dr. Beard said there were many springs that originated on his property. Those lots would not be able to have basements.

Dr. Beard said the townhouses would have City water and sewer. The City would collect water and sewer bills from each unit. Their overall impact would be low because they wouldn't have much yard space. There wouldn't be extra roads or utility lines for the City to maintain. The increased traffic would be on 750 North



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, April 21, 2022 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

where there was direct access to the freeway. UTA had purchased the Zundel property. At some point, he felt UTA would want to put in high density, multiple housing.

Commissioner Hulsey asked if Dr. Beard would have a homeowners' association to manage the townhouses. Dr. Beard said he would maintain ownership. The townhouses would be the revenue stream needed to maintain the property in the conservation easement.

Commissioner Bingham stated that Dr. Beard's proposal was what the City had been hoping for when it adopted the Master Plan Community Zone.

Dr. Beard asked for a general approval from the Planning Commissioner before he started spending a lot of money on surveying and engineering.

Commissioner Dubovik said there staff notes about access onto 200 West interfering with the Historic Orchard Pathway. Chris Davis stated that Bryce Wheelwright had talked with Wasatch Front and UDOT about the trail. Commissioner Hulsey asked if Dr. Beard would be willing to work with the trail on 200 West. Dr. Beard did not think that would be a problem. There was quite a bit of space between the pavement and his property. The City had enough right-of-way to put a trail along his property.

Mayor Mote felt the trail would have to flip to the east side of 200 West at some point because of where the City right-of-way was located further south on 200 West.

Commissioner Dubovik agreed with Commissioner Bingham. Dr. Beard's proposal was what the City had been looking for.

Commissioner Baker felt she could live with two-story townhomes.

Commissioner Hulsey said the City was scared of townhomes, but Dr. Beard's proposal was next to where other multi-family was being proposed as part of the TOD. Dr. Beard felt it made sense to have multi-family housing near a freeway entrance and close to the Front Runner Station.

Colt Mund cautioned the Planning Commission about giving Dr. Beard any kind of approval. Feedback was appropriate. The next step for Dr. Beard was to submit a preliminary site plan as required by ordinance, which would provide more specific details.

Dr. Beard felt he had submitted a preliminary site plan. Commissioner Hulsey felt Dr. Beard's drawings were rough conceptual ideas. A preliminary site plan would specifically lay out what the plan really was.

Colt Mund stated that the City recently adopted a Master Plan Community Zone. It contained a specific list of information the City was looking for before it could consider an application. Chris Davis said the City would provide Dr. Beard with a copy of the new ordinance. The staff would be meet with Dr. Beard to answer any questions.

Mayor Travis Mote asked who would hold the conservation easement. Dr. Beard was not sure. He had hired an attorney to prepare the easement. He would like to put it in a farm land trust. He was not looking for any money. The value of his property would go down dramatically once the easement was in place because it could no longer be developed. If he could do townhomes, he would not need to develop any commercial along 750 North.



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, April 21, 2022 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

Commissioner Hulsey asked if Dr. Beard intended to maintain ownership of the townhomes Dr. Beard said he did. His heirs might decide to do something differently. He did not feel 12 impact fees would be affordable. If there were only two impact fees, one for each building, it could work financially.

Chairman Bodily said Dr. Beard would have to work with the City on impact fees.

Dr. Beard asked if the next step was to meet with Chris Davis and Bryce Wheelwright. Mr. Davis said it was. They would review the ordinance with him so he could prepare something more specific for the Planning Commission.

There was a discussion about the need for a motion.

Commissioner Hulsey did not feel the Planning Commission had received an official concept. He didn't feel any motion was needed.

5C. DISCUSSION REGARDING OPEN AND PUBLIC MEETINGS ACT TRAINING VIDEO

Time Stamp: 04/21/2022 49:15

Commissioners Baker, Bingham, and Hulsey stated that they had watched the video.

Chris Davis asked that they sign an affidavit in front of Michelle Drago after the meeting.

6. CONSIDERATION AND APPROVAL OF APRIL 7, 2022, REGULAR PLANNING COMMISSION MINUTES

Commissioner Dubovik moved to approve the regular Planning Commission minutes of April 7, 2022, as corrected. Commissioner Baker seconded the motion. All voted" aye." The motion passed unanimously.

7. COMMISSIONER/STAFF COMMENTS

Time Stamp: 04/21/2022 52:08

Commissioner Baker

Commissioner Baker said there was a massive solar field that could be viewed from Promontory right now.

Commissioner Hulsey

Commissioner Hulsey asked how many hours of annual training Planning Commission members were required to have. Chris Davis said each member was required to have four hours of annual training.

Commissioner Hulsey asked if the Open and Public Meetings Act video could count for two hours as it was two hours long.

Commissioner Dubovik

Did not have any comments.



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, April 21, 2022 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

Commissioner Bingham

Did not have any comments.

Chris Davis

Chris Davis stated that the City had received an official petition for annexation from Lou Swain and Brent Bailey for property west of Highway 89. The annexation process would now begin. They had also filed a petition with Box Elder County because the property was not contiguous to Willard City. Box Elder County would have to approve the petition as well.

Commissioner Baker asked how big the gap was between the Swain/Bailey property and Willard's southern boundary. Chris Davis said he would find out.

Colt Mund

Did not have any comments.

8. ADJOURN

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

Minutes were read individually and approved on: 5/5/22

Sid Bodily
Planning Commission, Chairman
Sid Bodily

Michelle Drago
Planning Commission Secretary
Michelle Drago

dc:PC 04-21-2022

