



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, May 19, 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
Diana Baker
Chandler Bingham
Zack Hulsey

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

Excused: Alex Dubovik and Blake Harrop

Others in attendance: Doug Younger; Steve Brimberry; Jay Thackeray; Chad Braegger; Shane Barthlome; Ted Baird; Blake Crouch; Clint McCormick; and Lisa McCormick.

The meeting was called to order at 6:36 p.m.

1. PRAYER: Chandler Bingham
2. PLEDGE OF ALLEGIANCE: Diana Baker
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.

- 5A. PUBLIC HEARING TO RECEIVE PUBLIC COMMENT REGARDING A PETITION FROM SHANE BARTHLOME TO REZONE APPROXIMATELY 2.4 ACRES LOCATED AT APPROXIMATELY 672 NORTH 200 WEST (PARCEL NO. 02-046-0096) FROM A-5 TO COMMERCIAL GENERAL

Time Stamp: 05/19/2022 1:43

Commissioner Baker moved to open the public hearing at 6:38 p.m. Commissioner Hulsey seconded the motion. All voted "aye." The motion passed unanimously.

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

Bryce Wheelwright, City Planner, stated that the City had received a petition from Shane Barthlome to rezone approximately 2.4 acres he owned that was located on the southeast corner of 750 North 200 West. The City's General Plan planned for both sides of 750 North to be zoned Commercial General and become a commercial business district from the highway to the freeway. Mr. Barthlome's rezone request complied with the General Plan. Mr. Barthlome was thinking about doing some kind of a youth sports complex.

Chairman Bodily asked if the applicant, Shane Barthlome, wanted to make any comments. Mr. Barthlome did not have anything to add.

Chairman Bodily opened the floor for public comments.



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Clint McCormick, 75 West 500 North, asked how far the commercial area on 750 North would extend. Bryce Wheelwright said the future zoning plan showed commercial on both sides of 750 North from Highway 89 to the freeway.

Lisa McCormick, 75 West 500 North, stated that they didn't want any commercial. She felt it was drastic to change from A-5 to Commercial General.

Bryce Wheelwright stated that there was not a reason to deny Mr. Barthlome's petition.

Clint McCormick asked if the City could deny a request for an objectionable business if the area was zoned commercial. Bryce Wheelwright stated that the City could deny a request if it involved hazardous conditions.

Commissioner Baker moved to close the public hearing at 6:42 p.m. Commissioner Hulsey seconded the motion. All voted "aye." The motion passed unanimously.

5B. CONSIDERATION AND RECOMMENDATION REGARDING OF A PETITION FROM SHANE BARTHLOME TO REZONE APPROXIMATELY 2.4 ACRES LOCATED AT APPROXIMATELY 672 NORTH 200 WEST (PARCEL NO. 02-046-0096) FROM A-5 TO COMMERCIAL GENERAL

Time Stamp: 05/19/2022 6:52

Chairman Bodily asked for comments from the Planning Commission.

Commissioner Hulsey supported the rezone. One reason for commercial, especially in a designated place, was to generate more revenue for the City. If the City allowed commercial, it would not have to put in as much high density housing. This was a good area for commercial development because it was right off of the freeway. It was near the Bay and Highway 89.

Commissioner Baker felt that Bay Road (750 North) was the only place left in the City for commercial growth. There were no longer places left on Highway 89. The City needed the tax base. She was good with the rezone.

Commissioner Bingham stated that the rezone request fit the City's Master Plan. Chairman Bodily agreed.

Commissioner Hulsey clarified that after the rezone was approved, Mr. Barthlome would have to apply for a conditional use permit and/or site plan approval. Any new business have to follow the same approval process.

Bryce Wheelwright stated that the Zoning Ordinance included Commercial Neighborhood, Commercial General, and Industrial and Manufacturing Zones. Some uses allowed in a Manufacturing Zone would not be allowed in a Commercial General Zone. Some of the larger uses in a Commercial General Zone would not be allowed in a Commercial Neighborhood Zone.

Commissioner Hulsey moved to recommend that the City Council approve Shane Barthlome's petition to rezone approximately 2.4 acres located at approximately 672 North 200 West from A-5 to Commercial General. Commissioner Bingham seconded the motion. All voted "aye." The motion passed unanimously.

Chris Davis was excused at 6:45 p.m.



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5C. DISCUSSION REGARDING ACCESSORY DWELLING UNITS

Time Stamp: 05/19/2022 10:21

Chairman Bodily asked if the Planning Commission members had reviewed the draft Accessory Dwelling Unit Ordinance prepared by Colt Mund and if they had any comments. He felt the draft ordinance was a really good starting point.

Commissioner Baker asked about detached dwelling units. Colt Mund, City Attorney, stated that the draft ordinance only addressed internal accessory dwelling units. The State Legislature had made internal ADU's a permitted use. Cities had very little latitude in regulating internal ADU's. The draft ordinance he had prepared stated that detached ADU's were not allowed in Willard City. The Planning Commission needed to determine whether or not to allow detached ADU's.

Commissioner Hulsey felt the ordinance was well done. The proposed draft specified that bathroom and kitchen facilities were required for internal ADU's, but it did not specify whether they were required for detached ADU's. Colt Mund stated that the draft ordinance said the creation of a detached ADU was prohibited. If the ordinance was approved, a landowner would not be able to apply to use a garage or shed as an accessory dwelling unit. The ordinance, as written, would only apply to internal dwelling units.

Commissioner Hulsey felt the ordinance should address both internal and detached accessory dwelling units. Accessory dwelling units would not chop up properties. He felt the City would receive petitions for both. He felt allowing both types was a good idea.

Commissioner Bingham was concerned about detached accessory dwelling units. There was a whole can of worms attached to them. Where did the City draw the line between an accessory dwelling unit and a rented apartment or a flag lot? How many should the City allow?

Commissioner Hulsey felt it would be good to establish regulations now and get ahead of the problem. He thought the Planning Commission had decided to limit the number of accessory dwelling units per property to one whether it was internal or detached. The landowner had to reside on the property as well. He felt requirements for both types of accessory dwelling units could mirror each other pretty well. He felt a property owner should have the right to create an accessory dwelling unit on his property. Accessory dwelling units would prevent the construction of a whole bunch of housing. The ordinance could include size requirements. Not all property owners would be eligible.

Commissioner Bingham stated that when he lived in Brigham City, he could have a basement apartment, but it had to be occupied by a family member. Where was the line? How did the City address the extra water line and the extra sewer line? The City was proposing to drop the amount of water allowed at the base rate. How would an ADU impact water usage?

Commissioner Hulsey said the City could charge separate impact fees for an ADU. The draft ordinance proposed that each time the property was sold, the new owner would have to make application for the ADU. Could the City charge an impact fee for every new owner or a new rental fee agreement? The landowner was essentially running a business. Those types of fees might discourage some property owners from having ADU's.



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Commissioner Bingham said he was neither for nor against ADU's, but he could see some issues. Where was the line from homeowner to investment property? What would prevent someone from purchasing ten acres and covering it with small houses by claiming they were accessory dwelling units yet only have one water line and one sewer line?

Commissioner Bingham felt that a property owner needed to be limited to one accessory dwelling unit. It could be either internal or detached, but he could have only one per parcel or property.

Colt Mund stated that was what Brigham City did.

Commissioner Hulsey asked if limiting a property to one ADU would comply with the State regulations. Mr. Mund said it would. The State only allowed a landowner to have one ADU per parcel or lot.

Doug Younger, 116 South Main, asked what the accessory dwelling units were for. Were they for gaining people, or could someone put one in their backyard for their kids. Commissioner Hulsey said anyone who owned a home could put in an internal or detached accessory dwelling unit. An ADU could be occupied by a parent, adult children, or someone unrelated. There were rules that an ADU had to comply with, such as parking and status of utilities.

Doug Younger asked if there would be minimum and maximum square footage limitations. He was concerned about the current trend of tiny homes. Commissioner Hulsey said there weren't any square footage regulations in the current draft. However, an ADU did have to provide kitchen and bathroom facilities.

Bryce Wheelwright felt the ADU regulations needed to consider access for emergency services – police, fire, and medical. The quality of the living conditions should comply with the residential code.

Chad Braegger, 3790 South 1200 West, felt getting a permit for an ADU would be like getting a permit to build a house. He felt there should be impact fees for water and sewer because it would be impacting the City's system. Construction would have to be built to standard. There should be a size limit. Compliance with the standards would weed people out.

Commissioner Baker stated that the draft prohibited ADU's in mobile homes, mobile home parks, and recreational vehicles.

Doug Younger did not feel many people would apply for an ADU permit. They would just put them in.

Lisa McCormick felt the State had passed the law allowing ADU's because there was such a need for housing. She felt impact fees should be charged for detached ADU's, but did not feel there should be impact fees for an internal unit. Recharging the impact fees for every new property owner did not seem fair.

Doug Younger was concerned about internal ADU's in basements of older homes. Chad Braegger said that was why the ADU's would have to comply with the current code.

Commissioner Hulsey felt landowners would want the legal protection of complying with permits and City regulations. If the City received complaints and found an ADU without a permit, there would be an ordinance with teeth that could be enforced. There might be residents with existing ADU's. It would be hard for the City to monitor them unless they were reported.



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Jay Thackeray, 1562 Hargis Hill Road, stated that even if an illegal ADU was reported the City could do nothing about enforcement.

The Planning Commission felt that once an ordinance was in place the City would have something to enforce.

Commissioner Baker stated that the proposed ordinance had an enforcement clause. It said that in addition to any other legal or equitable remedies available, the City could pursue a lien against the property in the amount of \$100 per day of violation after notice of noncompliance had been provided.

Jay Thackeray felt it was important for the City to have an ordinance so it could enforce the violations that existed in the City. There were plenty of people in town doing what the City was creating an ordinance for.

Doug Younger felt this ordinance would be just like the Nuisance Ordinance. No one would enforce it. Why have an ordinance if it wouldn't be enforced?

Chairman Bodily agreed that enforcement was a problem. He hoped the City would get an enforcement officer. If the City had an ordinance and it had a problem, it would have something to go by. If there wasn't an ordinance, the City couldn't do anything.

Jay Thackeray stated that the City needed an ordinance to enforce, regardless of whether it was enforced or not.

Doug Younger felt it was important for everyone to be treated equally.

Lisa McCormick felt the City should let everyone who was trying to be honest have an ADU.

Chad Braegger agreed that it was time to have regulations for both types of ADU's in place. ADU's were already an issue.

Commissioner Hulsey stated that some residents who chose to do things illegally were caught; some were not. When people choose to speed, some are caught and some are not.

Clint McCormick stated that when you observe someone getting a ticket you become little more careful about what you are doing.

Chairman Bodily stated that the City was not out trying to catch the residents. There needed to be an ordinance so the City had something to go by.

There was further discussion.

Doug Younger felt it would be easier to catch the detached ADU's than the internal ones because they would be more visible. He was concerned about the City's ability to provide fire protection for detached ADU's on smaller lots due to a lack access. He felt detached ADU's would be nothing but trouble.

Bryce Wheelwright stated that the City's Zoning Ordinance only allowed 25% of a rear yard to be covered by accessory buildings. An ADU would have to comply with that requirement.



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Doug Younger felt allowing ADU's was turning single family dwellings into multiple family dwellings. Commissioner Bingham said the State had already done that. The City was trying to adopt an ordinance to have some kind of control.

Commissioner Hulsey stated that if the City did not have regulations, someone could build a shop with living quarters above it, and the City would have no way to require parking or access for fire protection.

Chad Braegger stated that Perry City was going this direction. Willard was a pretty small scale. He felt an ordinance similar to Perry's would be more suited to Willard.

Colt Mund stated that Perry City allowed both internal and detached ADU's. Its code supported and encouraged them. Brigham City's code was much more restrictive and very particular. Logan City did not allow detached ADU's, but its internal ADU regulations were very broad. Cities were approaching the ADU's very differently. Some cities were very supportive; some were supportive but very restrictive; and others only allowed what the State allowed. Willard needed to find what worked for Willard. The Planning Commission was following the process to do that.

Doug Younger stated that if the City was going to allow ADU's it needed to have some well-designed parameters.

Colt Mund stated that if someone wanted to build an internal ADU, they would come into the City and fill out an application. The application had to meet all zoning, building requirements, and comply with the health/fire code. An inspection would be associated with the application to make sure the home was suitable. A business license would be issued for the rental, and an affidavit would be recorded with the County. The business license and affidavit would allow the City to track who had ADU's. If the property changed hands, the use ceased. The new owner would have to go through the same approval process. Criminal codes did not completely deter criminals. The City would not catch everyone who was not in compliance, but if the City had an ordinance it had something to enforce. Enforcement could always get better; it could always be improved. Some enforcement was through the criminal process. The proposed draft did not have a criminal violation. The City could say that operating a business without a license was a misdemeanor and pursue criminal action. He felt that would be a pretty strong deterrent. Other cities had had success with that route. Code enforcement was a problem state-wide. It was a difficult process. There wasn't a lot of public support for code enforcement. It was challenging. Enforcement had been, was, and would be an issue no matter what ordinance the City had.

The Planning Commission asked that Colt Mund revise the draft ordinance to allow detached ADU's for discussion on the next agenda.

6. CONSIDERATION AND APPROVAL OF MAY 5, 2022, REGULAR PLANNING COMMISSION MINUTES

Commissioner Bingham moved to approve the regular Planning Commission minutes of May 5, 2022, as corrected. Commissioner Baker seconded the motion. All voted "aye." The motion passed unanimously.

7. COMMISSIONER/STAFF COMMENTS

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Colt Mund

Did not have any comments.

Bryce Wheelwright

Bryce Wheelwright stated that the Utah Land Institute had sent each Planning Commission member a complimentary copy of *Ground Rules: Your Handbook to Utah Land Use Regulation*.

Bryce Wheelwright reported on the Walk Study that occurred on Saturday, May 14th. City representatives met and looked at the HOP Trail planned along 200 West. The trail was already built on 200 West north of 750 North. Money was available to continue the trail through town if the City could qualify for it. The trail would be built all of the way to the Weber County line where it would tie into Weber County's Rail Trail. When the trail was complete someone would be able to ride or walk from Brigham City to Provo. The trail would provide the area with alternative transportation. The Walk Study had been completed quickly in order to have a presentation ready for the Centers for Disease Control on May 26th. Commissioner Dubovik used his drone to fly the trail corridor and get some really good video. The City would be able to present a quality product. The State Legislature had approved \$40 million for trail projects. Willard's HOP Trail had been on UDOT's, WFRC's, and Utah Trails dockets for a long time. The State had made trail projects a high priority. If the City could come up with the required match, it would qualify for some of the \$40 million.

Chad Braegger asked who was responsible to maintain the trail north of 750 North. Mr. Wheelwright said Willard Public Works was responsible for trail maintenance. Mr. Braegger was concerned about adding more trails, when the City could not maintain the trail it had. Mr. Wheelwright said the City had approved funds to purchase equipment to help maintain the trail.

Commission Bingham

Did not have any comments.

Commissioner Hulsey

Did not have any comments.

Commissioner Baker

Did not have any comments.

8. ADJOURN

Commissioner Hulsey moved to adjourn at 7:23 p.m. Commissioner Baler seconded the motion. All voted in favor. The motion passed unanimously.

Minutes were read individually and approved on: 4/16/22

Sid Bodily
Planning Commission, Chairman
Sid Bodily

Michelle Drago
Planning Commission Secretary
Michelle Drago

