



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, June 16, 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
Vanessa Bird, Secretary

Excused: Alex Dubovik and Blake Harrop

Others in attendance: Mayor Travis Mote; Nate Swain; Chad Braegger; and Brent Bailey.

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

1. PRAYER: Zack Hulsey
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)

There weren't any public comments.

- 5A. DISCUSSION, REVIEW OF ANNEXATION APPLICATION, AND RECOMMENDATION REGARDING MPC ZONING FOR OLD FARM SUBDIVISION LOCATED AT APPROXIMATE 7140 SOUTH HIGHWAY 89 CONSISTING OF APPROXIMATELY 142.86 ACRES (PARCEL NOS. 02-055-0024, 02-055-0082, 02-055-0031, 02-055-0124, 02-055-0112, 02-055-0051, 02-055-0067, 02-055-0042, 02-055-0043, AND 01-040-0227)

Time Stamp: 1:35 06/16/2022

Chris Davis, City Manager, stated that the Planning Commission was not reviewing the annexation application. The purpose of the discussion was to review and make a recommendation regarding the MPC Zoning requested by the applicant. The annexation itself would be reviewed at a later date. Right now the annexation petition was in the public notification and public protest period. Colt Mund, the City Attorney had recommended that the Planning Commission begin discussing the requested zoning. The MPC Ordinance required the Planning Commission to determine if an application met the criteria for an MPC Zone.

Bryce Wheelwright, City Planner, agreed that the purpose of the discussion was to look at the MPC Zone requested by the annexation applicant. The applicant was asking the property be annexed into the City and assigned an MPC Zone. The Planning Commission had received a copy of a proposed development plan. The applicants proposed to supply their own water and to upgrade the sewer lines from the lift station on 200 West to their development.



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Chris Davis stated that the applicant was proposing to upsize the sewer line and lift station. This would be the first actual subdivision in Willard to have pressurized secondary water from Pineview. The applicant was proposing to build a 500,000 gallon water storage tank, which was more than their development needed.

Commissioner Hulsey asked if the City would be able to access the excess water storage. Mr. Davis said it would. The storage tank would be turned over to the City.

Chris Davis explained that the applicant also proposed to drill a well, which would also be turned over to the City. The well would produce far more water than their subdivision would use. The applicant also planned to donate property to the City for the HOP Trail, which would go toward the City's 20% grant match. UTA wanted to have the water and sewer line done before the trail was put in. The applicant also wanted to get the water and sewer lines in before 2023 when UDOT planned to reconstruct Highway 89, depending on land acquisition and easements.

Commissioner Hulsey understood that the reconstruction would happen in phases. Mayor Mote said City representatives had been attending meetings about the reconstruction. They had been told that the reconstruction in Willard would happen around 2023.

Chris Davis stated that if boring under Highway 89 was necessary to install the water line for the proposed subdivision, this was a good time to do it. The applicant hoped they would be able to do open-trench construction. Mr. Swain and Mr. Bailey had been able to acquire property on the east side of Highway 89 to give them access to their reservoir site.

Mr. Davis said the applicants had provided information on the 18 items required by the MPC Zone

Colt Mund stated that the MPC Zone required 18 elements on the preliminary site plan. Those items needed to be reviewed by the Planning Commission. The staff wanted to give the Planning Commission an opportunity to review and ask questions in order to start moving through the review and approval process.

Chairman Bodily asked if the applicants, Nate Swain and Brent Bailey, had anything to add. They said they were waiting for the Planning Commission's questions.

Chairman Bodily invited discussion from the Planning Commission.

Commissioner Bingham stated that the proposed development plan only had one road stubbed to the north, labeled F, which he assumed lined up with 200 West. He felt there should be another street stubbed to the north further to the east. He asked if the annexation had been approved by the County. Did this annexation having anything to do with Blue Ox? Mr. Wheelwright said the only thing this annexation had to do with Blue Ox was the location of the reservoir. The reservoir would be on Blue Ox property in order to get the needed elevation to feed all of the different pressure zones.

Commissioner Hulsey thought the Master Plan Community Zone prohibited wetlands and trail areas from counting toward open space. Chris Davis said trails were part of open space. Colt Mund read from the MPC Ordinance, "*Open space that is unbuildable because of slope, wetlands, flood drainage, or contamination, shall not be considered as Open Space.*" According to the MPC Ordinance, wetlands would not be considered open space.



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Commissioner Hulsey asked about the density of the lots. Did the density calculation in the ordinance include areas for roads and open space, or did it take the number of lots and divide by average lot size? Colt Mund said MPC Zone required that the density be consistent with the policies of the General Plan. There had been discussion about putting a cap on lot size, but ultimately the wording in the final ordinance was that density consistent with the General Plan.

Commissioner Hulsey asked if the updated General Plan had been approved. The staff said it had not. Commissioner Hulsey asked about the density requirement in the current General Plan. Mayor Mote pointed out that this area was not in the General Plan because it was not in the City. In his opinion, the Planning Commission needed to review the annexation based on the City's smallest lot size, which was half an acre.

Commissioner Hulsey stated that if the whole area was considered the density was half an acre, but if roads and open space were excluded the density dropped down to one-third of an acre or a little smaller.

Colt Mund stated that the Planning Commission had copies of the goals and policies of the current General Plan. He encouraged the Commissioners to review them.

Commissioner Hulsey had reviewed the plans for the proposed subdivision. The protective covenants limited the use of animals, such as horses, cows, pigs, goats, etc. He wasn't sure that restriction would further the City's goal to have a rural feel. One of Willard's big appeals was animal rights.

Chairman Bodily thought animals would be allowed for private use. Commissioner Hulsey said the only animals Old Farm would allow were chickens. He didn't feel that was consistent with the vision of Willard.

Commissioner Baker stated that the residents she had talked to were concerned about annexing an island south of the City limits. She was concerned about the open space/swamp land area by the railroad tracks being included in the overall density. It was the same wetland problem. It would be given to the City, and then the City would be stuck with it.

Commissioner Bingham questioned whether the open space was technically a wetland. There was a railroad track running through it. He was under the impression that the City adopted the MPC Zone to accommodate subdivisions similar to what was being proposed. It had a combination of lot sizes. It fit very well into what the City had in mind when it designed the MPC Zone. The MPC Zone was meant to be beneficial to both the City and the developer.

Chairman Bodily felt the proposed plan was moving in the right direction. He agreed that it needed to have the right density.

Colt Mund said the developer was proposing a fee in lieu of some open space. They would make a payment to not meet the open space threshold.

Brent Bailey, North Ogden, stated that the big open space/wetland the Planning Commission was concerned about was taken from an old FEMA map. Only 2.8 acres of the 6.32 acres of open space was actually wetland. They planned to have their storm water detention in the wetland area, which was located in the northwest corner.

Commissioner Hulsey asked if the stub street labeled F would line up with Willard City streets. If so, which street would it line up with?



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Brent Bailey stated that it was as close to 200 West as they could get it. Because of the pond location, 200 West would have to shift about 50 feet to line up with Street F. Street F would have utilities to continue north.

Commissioner Baker was concerned that there were only two entrances onto Highway 89 for the proposed 264 units. Commissioner Hulsey didn't feel UDOT would allow more. Brent Bailey stated that UDOT had spacing requirements for ingresses onto state roads.

Commissioner Baker asked about schools. Were any schools planned for South Willard? Chris Davis stated that the school district owned property west of the Willard Stake Center at 8230 South Highway 89. Chad Braegger thought the school district also owned property just below the Macguire gravel pit. Chairman Bodily said the school district would determine when and where schools were needed.

Commissioner Bingham liked the broad range of proposed lot sizes. There were 27 half acre lots, 23 that were over half an acre, and 214 that were one-third of an acre. Brent Bailey stated that none of the lots were less than 100 feet wide. Commissioner Bingham felt the proposed subdivision had a lot of the features the City had been looking for when it considered the MPC Zone.

Chairman Bodily agreed. He felt this subdivision was headed in the right direction. Like Commissioner Baker hated to see an island of unincorporated county between two areas of the city.

Brent Bailey stated that they wanted to be the City's model MPC subdivision.

Commissioner Bingham stated that in light of the City's small Public Works staff the impact of infrastructure that wasn't quite contiguous to the City needed to be taken into consideration in the development agreement. Chris Davis stated that Lewis, Young, and Burningham completed a study on this piece of property. The study indicated that this development would pay for itself. It would provide enough income to the City to be able to take care of police, fire, and public works. Copies of the studies were included in the Commissioner's packets.

Commissioner Hulsey noticed that there wasn't any trail access. Was there a way for trails to connect to the park? Mr. Bailey felt there would be room to put an access in.

Nate Swain clarified that the open space would not be a wetland of unimproved, boggy cattails. It wouldn't be manicured, but it would be a graded area with trails. It would be usable space.

Brent Bailey stated that a lot of the wetland on their property was due to the diversion of water from other properties and lack of maintenance on the canal systems. The overflow had created wetlands. He felt that a lot of the wetland would go away once it was cleaned out and maintained. Essentially, these were artificial wetlands.

Chairman Bodily encouraged Brent Bailey and Nate Swain to follow the rules of the MPC Zone.

Colt Mund stated that a copy of the development agreement for The Old Farm Subdivision was included in the Planning Commission packet. He invited the Commission members to review the agreement and be prepared to discuss questions and concerns so the development could be moved forward. It would be very helpful for the City Council.



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Mayor More felt it would be helpful to have the Planning Commission's questions documented so the City Council didn't have to re-ask the same questions.

5B. DISCUSSION REGARDING ACCESSORY DWELLING UNITS

Time Stamp: 06/16/2022 27:35

Colt Mund stated that he had modified the ADU Ordinance to include both interior and detached accessory dwelling units. The State Legislature recently passed an amendment that said cities could not impose impact fees for interior accessory dwelling units. In accordance with that amendment, he had stricken the 20% impact fee proposed for interior ADU's. In the regulations for detached ADU's he tried to address lighting and composition. The Planning Commission needed to discuss the size of a detached ADU. Some cities only required that a detached ADU comply with the City's height requirements. Some cities did not allow detached ADU's to be taller than the primary dwelling unit. Some cities limited ADU's to lots of a certain size.

Chairman Bodily asked if the City limited the amount of backyard space that could be utilized by accessory buildings. Bryce Wheelwright said it did. Only 25% of a backyard could be used for accessory buildings.

Colt Mund stated that there was not a State law that prevented cities from collecting impact fees for detached ADU's. The draft ordinance he prepared included a 25% impact fee for water and sewer. In Willard that would be \$1,590.25 and \$1,800.00 respectively. The Planning Commission needed to consider impact fees for detached ADU's.

Commissioner Hulsey asked if the State amendment that just passed made any assumptions or comments regarding a new connection for an interior dwelling unit. He felt that if there was a new connection, the City could charge an impact fee. Colt Mund stated that the State law prohibited separate meters for interior dwelling units. He did not recall reading anything about assumptions regarding utility lines other than prohibiting cities from assessing impact fees for interior ADU's.

Commissioner Hulsey felt that if there was a new connection there should be an impact fee.

Colt Mund stated that a lot of cities had impact fees for detached ADU's. The State Legislature had stepped in to prohibit impact fees on interior units. Based on a conference he attended a few weeks ago, he felt the State would adopt legislation for detached ADU's in the next few years.

Colt Mund felt the Planning Commission needed to discuss whether detached ADU's should be allowed in any zone in the city. Should ADU's be allowed in agricultural or manufacturing zones, or should they be limited to residential zones?

Chairman Bodily asked if zoning was covered by the State regulations. Mr. Mund said it was not. In Brigham City, ADU's were limited to certain zones. A lot of cities kept ADU's in residential areas. The draft he prepared limited ADU's to residential zones as a discussion starting point.

Chairman Bodily directed the Planning Commission to review the latest draft of the ADU ordinance and be prepared to discuss it at the next meeting.



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6. CONSIDERATION AND APPROVAL OF MAY 19, 2022, REGULAR PLANNING COMMISSION MINUTES

Commissioner Baker moved to approve the regular Planning Commission minutes of May 19, 2022, as corrected. Commissioner Hulsey seconded the motion. All voted "aye." The motion passed unanimously.

7. COMMISSIONER/STAFF COMMENTS

Time Stamp: 06-16-2022 34:35

Bryce Wheelwright

Bryce Wheelwright updated the Planning Commission on the HOP Trail on 200 West. The HOP Trail had received funding from the State. The City had to come up with the 20% match. He met with the Box Elder's Planning Association earlier in the day during which UTA indicated they were willing and wanted to contribute to the trail. He felt there would be plenty of funds for the trail. UDOT would be responsible for the project design and engineering of the trail and would assign a project engineer. The project funds would be administered by UDOT.

Bryce Wheelwright stated that UDOT planned to widen the shoulder area along Highway 89 through Willard. The shoulder would not include a bike lane, but it would be lined. The shoulders would be about 18 inches wide.

Commissioner Hulsey asked if UDOT had completed a crosswalk study. Mayor Mote said they had asked about a crosswalk. The City was given the number of UDOT's safety guy. Mr. Wheelwright said the City had been talking with UDOT for years about crosswalks, an overpass, an underpass, or a stoplight. UDOT had never been really open. Commissioner Hulsey said a bridge over Highway 89 was on their 50-year plan. Mayor Mote felt Perry had the same concerns.

Chris Davis stated that UTA wanted to help fund the trail. Commissioner Bingham asked if UTA's participation would go toward the City's match. Mr. Davis said they would find out. Bryce Wheelwright felt the City would be okay with the required match if The Old Farm Subdivision was annexed. The value of the property the developers would be giving up for the trail could be used as the City's match. The property value along with funds the City already had should be sufficient.

Colt Mund

Did not have any comments.

Commissioner Bingham

Did not have any comments

Commissioner Hulsey

Did not have any comments



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Commissioner Baker

Commissioner Baker asked if the Alpaca Farm at 450 North 200 West had a conditional use permit or was it a private farm. Bryce Wheelwright said it was a private, agricultural farm.

Commissioner Baker asked about all of the travel trailers that were parked there. Were the owners operating some kind of Airbnb? Chris Davis said the owners were part of an association that raised alpacas. Bryce Wheelwright said they were part of a social media group that met, toured the facilities, and left the next morning. Mayor Mote said there had been complaints, and Bryce had visited with the owners about the City's Nuisance Ordinance. The ordinance allowed them to have visitors that could not stay longer than seven days.

Chairman Bodily

Chairman Bodily stated that the City was looking at raising water rates. He did not have a problem with the proposed increase. The City had always had fairly cheap water. He was concerned that there wasn't an alternative to offer the citizens. The only option for the citizens was to pay the higher price. The City had talked about secondary water, but nothing had happened. He felt the City needed to move forward with secondary water.

Chad Braegger, 3790 South 1200 West, stated that a secondary water system would cost a lot more than increasing water rates. Chairman Bodily agreed that the secondary water would be metered and billed monthly. Chad Braegger wasn't sure Willard could afford to put in a secondary water system.

Mayor Mote stated that the City would have to bond to put in a secondary system just like it did for the sewer system. The proposed Old Farm Subdivision would include a secondary water system from Pineview. There seemed to be secondary water available from Pineview north and south of town. In town the secondary water from Pineview was owned by the irrigation company. He felt the place to start was to require new subdivisions to put in secondary water systems. If the Pineview water rights in Willard were not used, they could be pulled back.

Chris Davis stated that the City was taking steps toward a secondary water system. It had spoken with Granite Construction about an agreement for a potential secondary water reservoir site above the canal. The City had also been working with the NRCS about funding for a reservoir. A secondary water system would be a multi-million dollar project.

Commissioner Bingham stated that the culinary water and secondary water came from the same source. He felt the City was going about funding a secondary system the right way by requiring new subdivisions to provide it. The cost of treating and running water in the old part of town was a lot less than a secondary water system. A secondary system would have to pay for itself.

Commission Hulseley stated that if secondary water was a priority for the City, plans would be considered when the General Plan update got to the Capital Facilities Plan.

8. ADJOURN

Commissioner Bingham moved to adjourn at 7:26 p.m. Commissioner Hulseley seconded the motion. All voted in favor. The motion passed unanimously.



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Minutes were read individually and approved on:

7/7/22

Sid Bodily

Planning Commission, Chairman
Sid Bodily

Vanessa Bird

Planning Commission Secretary
Vanessa Bird

dc:PC 06-16-2022