



Notice is hereby given that the  
**WILLARD CITY PLANNING COMMISSION**  
Will meet in a regular session on  
**Thursday, July 21, 2022 – 6:30 p.m.**  
**Willard City Hall, 80 West 50 South**  
**Willard, Utah, 84340**

### **AGENDA**

*The meeting will be hold in accordance with current COVID-19 guidelines.*

*(Agenda items may or may not be discussed in the order they are listed and may be tabled or continued as appropriate.) Public comment may or may not be taken*

1. Prayer
2. Pledge of Allegiance
3. Roll Call
4. General Public Comment (Input for items not on the agenda. Individuals have three minutes for open comments)
5. City Council Report
6. Discussion/Action Items
  - a. Review and recommendation regarding Future Land Use Map and portions of the General Plan
  - b. Discussion regarding adopting standards for Accessory Dwelling Units
7. Consideration and approval of the July 7, 2022, regular Planning Commission minutes
8. Commissioner/Staff Comments
9. Adjourn

I, the undersigned duly appointed and acting Deputy City Recorder for Willard City Corporation, hereby certify that a copy of the foregoing notice and agenda was posted at the Willard City Hall, on the State of Utah Public Meeting Notice website <https://www.utah.gov/pmnn/index.html>, on the Willard City website [www.willardcity.com](http://www.willardcity.com), and sent to the Box Elder News Journal this 15th day of July, 2022.

*/s/ Michelle Drago*

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Deputy City Recorder

NOTICE OF SPECIAL ACCOMMODATION DURING PUBLIC MEETINGS - In compliance with the American with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City Office at 80 West 50 South, Willard, Utah 84340, phone number (435) 734-9881, at least three working days prior to the meeting.





# FUTURE LAND USE



1/2 MI

1 MI

N

750 N

I-15

TRANSFER  
DEVELOPMENT  
RIGHTS TO  
OTHER PROPERTIES

## FUTURE LAND USE DISTRICTS

- RESIDENTIAL (1-3 ACRE LOT)
- RESIDENTIAL (1/2 ACRE LOT)
- AGRICULTURE (3-5 ACRE LOT)
- COMMERCIAL
- OLD DOWNTOWN DISTRICT
- TRANSIT ORIENTED DEVELOPMENT
- PLANNED UNIT DEVELOPMENT
- ENVIRONMENTALLY SENSITIVE AREA
- INDUSTRIAL

**Willard City General Plan  
Future Land Use Map  
Future Land Use District Area Descriptions**

**Residential:**

The Future Land Use Map provides two (2) standalone “residential” districts, Residential (1–3-acre lot) and Residential (0.5-acre lot). For each residential district, the lots sizes identified are minimum requirements for each residential district.

The purposes of the two (2) residential districts are similar, to recognize the existing development patten and to provide residential settings that are safe, attractive, convenient, and in desired locations for residential uses and associated activities. As these areas continue to develop, they must provide access to required transportation and circulation systems, including active transportation facilities, including trails, and biking routes.

**Residential 1–3-acre lot – Recommended Use/Density – Residential (and associated activities) / One Dwelling Unit per 1-3 acres, and larger for owners seeking property assessment under the Utah Farmland Assessment Act or Greenbelt Act.**

**Residential 0.5-acre lot – Recommended Use/Density – Residential (and associated activities) / One Dwelling Unit per 0.5 acres, and larger for owners seeking property assessment under the Utah Farmland Assessment Act or Greenbelt Act.**

**Agriculture:**

"Willard City has a rich rural, agriculture-based history. The citizens have worked to maintain the rural and small-town qualities of the City" (Annexation Policy Plan). Residents desire to continue to recognize that heritage of areas where rural pursuits, agricultural activities, and the grazing of animals are allowed and protected. Maintaining small-town and rural ambiance will not be easy as the City faces constant growth pressures from the north and south. City officials and residents must remain committed to protecting the small-town qualities of their City and protecting the City's agricultural heritage. This Plan provides various policy statements to guide future land use and community decisions applicable to the City's Agricultural Heritage Areas.

The Agriculture District (Future Land Use Map) provides areas of the City determined appropriate to provide opportunities for low density residential development patterns (minimum lot size 3 – 5 acres) and the protection of viable agricultural soils. The Agriculture

**Recommended Use/Density – Residential (and associated activities) / One Residential Dwelling Unit per 15,000 square feet.**

**Transit Oriented Development:**

The Utah Transit Authority (UTA) has determined the location at the Interstate 15 (I-15) and 750 North Street as a location for UTA's FrontRunner station. The UTA desires to work with Willard City to promote this area as a desired location for a transit-oriented neighborhood.

The provision of higher density residential uses associated with various compatible nonresidential activities is reminiscent of the nation's historical development patterns with residential dwellings with convenient access to required supporting services. This pattern encourages efficiencies in providing necessary utilities and services, supporting pedestrian and biking convenience, and avoiding inefficiencies in the use of land, water, and other services.

The City provides a Transit-Oriented Development Zone (TOD). This zone is intended to provide a variety of uses in proximity to various public transit services, including the UTA's Willard City Front Runner Station. A variety of residential uses and dwelling unit types can be offered, including providing moderate-income and affordable housing opportunities. Residential use areas may integrate nonresidential uses, including compatible local and regional shopping and professional offices.

**Recommended Use/Intensity – A variety of compatible residential and nonresidential uses. Density and intensity of use is not predetermined but shall be established during the project and site plan approval processes, complying with the intensity standards of the City's ordinances, as adopted.**

**Planned Unit Development:**

The Future Land Use Map provides, in 2022, three (3) areas for Planned Unit Development. With the necessary General Plan amendment other areas of the City may also be appropriate for designation for Planned Unit Development style projects.

For Willard City the Planned Unit Development designation fosters innovative subdivision and development designs by providing opportunities for a variety of residential densities and housing unit types. The Planned Unit Development District allows development flexibility. In exchange, development must provide beneficial amenities for the development itself, the

**Recommended Use/Intensity – Light Industrial complying with the intensity standards of the City's ordinances, as adopted.**

DRAFT





WILLARD CITY  
**Planning Commission Meeting – Regular Meeting**  
Thursday, July 7, 2022 – 6:30 p.m.  
Willard City Hall – 80 West 50 South  
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1 The meeting was a regular meeting designated by resolution. Notice of the meeting was provided 24 hours  
2 in advance. A copy of the agenda was posted at City Hall and on the State of Utah Public Meeting Notice  
3 Website.

4  
5 The following members were in attendance:

|    |                        |                                 |
|----|------------------------|---------------------------------|
| 6  | 7 Sid Bodily, Chairman | Chris Davis, City Manager       |
| 8  | Diana Baker            | Colt Mund, City Attorney        |
| 9  | Chandler Bingham       | Bryce Wheelwright, City Planner |
| 10 | Alex Dubovik           | Michelle Drago, Deputy Recorder |

11  
12 Excused: Blake Harrop and Zac Hulsey

13  
14 Others in attendance: Mayor Travis Mote; Councilman Jack Seamons; Ted Baird; Jo Baird; Tammy  
15 Brimberry; Steve Brimberry; Chad Braegger; Ken Ormond; Ruth Ormond; Jay Thackeray; Lew Swain; Nate  
16 Swain; and Brent Bailey.

17  
18 The meeting was called to order at 6:35 p.m.

19  
20 1. PRAYER: Alex Dubovik

21  
22 2. PLEDGE OF ALLEGIANCE: Diana Baker

23  
24 3. ROLL CALL – Attendance was recorded by the secretary.

25  
26 4. GENERAL PUBLIC COMMENTS (INPUT FOR ITEMS NOT ON AGENDA)

27  
28 There weren't any public comments.

29  
30 5A. DISCUSSION, REVIEW OF ANNEXATION APPLICATION, AND RECOMMENDATION  
31 REGARDING MPC ZONING FOR OLD FARM SUBDIVISION LOCATED AT APPROXIMATE 7140  
32 SOUTH HIGHWAY 89 CONSISTING OF APPROXIMATELY 142.86 ACRES (PARCEL NOS.  
33 02,055-0024, 02-055-0082, 02-055-0031, 02-055-0124, 02-055-0112, 02-055-0051, 02-055-0067,  
34 02-055-0042, 02-055-0043, AND 01-040-0227

35  
36 Time Stamp: 1:38 7/7/2022

37  
38 Chris Davis, City Manager, stated that the Planning Commission had received a copy of the development  
39 agreement for the Old Farm Subdivision, the subdivision being proposed on the Lew Swain/Brent Bailey  
40 annexation. He explained that the Planning Commission wasn't reviewing the annexation application. It  
41 was reviewing the Master Plan Community Zone, development agreement, and the other documents that  
42 went with it in order to make a recommendation to the City Council. The MPC Zone included a lengthy list  
43 of items that needed to be considered.

44  
45 Colt Mund, City Attorney, stated that the City Recorder had already certified the annexation petition, and  
46 the annexation petition had been accepted by the City Council. According to the Utah State Code, the  
47 Planning Commission did not have a formal role in providing a recommendation regarding an annexation  
48 to the City Council. The Planning Commission's role was to review the Old Farm Subdivision development



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49 proposal. If the Planning Commission had any concerns about the proposed MPC Zone, the site plan, or  
50 any of the accompanying documents, now was the time to have that discussion.

51  
52 Chairman Bodily asked if the developer had any comments.

53  
54 Lew Swain, partner in the Old Farm/Willard Land Development, said they had been having development  
55 conversations with Willard City since 2019. There might be some uncertainty about what had happened  
56 and where the project currently was. In relation to the proposed site plan, the only reason the MPC Zone  
57 was being considered was because third acre lots were included on the site plan. However, there was not  
58 a lot that had less frontage than was necessary under the current zoning code for half-acre lots. All of the  
59 lots had a minimum of 100 feet of frontage. The lots would not be small and narrow.

60  
61 Mr. Swain stated that they had agreed to provide a water system that would include a new well, which  
62 would be located on the corner of the common space located in the center of the subdivision. The payment  
63 and risk for the well would be on them, the developers. Once the well was proved and producing the water  
64 anticipated, it would be given to the City. As an enhancement to the City, they planned to build a 500,000  
65 gallon water storage tank with all connectivity back to the City main. They would front all of the money. In  
66 accordance with the proposed water agreement, which they had submitted to the City for review, they would  
67 be reimbursed based on each connection. The City would receive a portion of the connection fee, and they  
68 would as well. In addition, they were proposing, and the City Council had approved, the installation of a  
69 major sewer line that would connect from their property to the City lift station one-half mile to the north. The  
70 sewer main line would be 18 inches. It would accommodate future connections to the system for a long  
71 time.

72  
73 Mr. Swain said they were aware of and compliant with the open space required by the MPC Zone. The  
74 open space shown on the site plan represented just slightly less than 14 acres. The open space required  
75 was approximately twice what was shown. In accordance with the MPC Zone, they had agreed to provide  
76 cash in lieu of the open space. The City could use the cash in lieu to do anything it wanted, such as build a  
77 City park on the common space shown in the center of the subdivision.

78  
79 A water agreement had been submitted to the City that would enhance the City's infrastructure  
80 considerably. The water system was being designed by the City Engineer and would include a pump house  
81 and the system needed to connect to the existing infrastructure. They also had a sewer agreement.

82  
83 The unique nature of the MPC Zone was that it was governed by a development agreement. Everything  
84 that was supposed to happen in the Old Farm development would be set forth in the development. They  
85 had submitted the development agreement to the City for review. Mr. Swain felt the project had the  
86 opportunity to enhance the infrastructure of the City considerably

87  
88 Chairman Bodily asked what would happen to the homeowners' association after all of the lots were sold.  
89 Until all of the lots were sold, all reviews would be conducted by Lew Swain and Brent Bailey. Mr. Swain  
90 said there would not be a homeowners' association. After all of the lots were sold, there wouldn't be anything  
91 to run. Chairman Bodily said the agreement he read provided for three residents, who would have three  
92 year terms, to review projects after all of the lots were sold. Mr. Swain asked if Chairman Bodily was  
93 referring to the Covenants, Conditions, and Restrictions. Chairman Bodily said he was. Lew Swain stated  
94 that the CCR's was a document that stipulated what materials could be used to build the homes, how high  
95 the homes could be, and setbacks. Those restrictions would be enforced by himself and Mr. Bailey. After  
96 the subdivision was built out, the CCR's would remain. Residents would have to comply with them to be a  
97 resident of the subdivision. They would review proposed homes for compliance with the CCR's before the



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City would receive building plans for a technical review. If Chairman Bodily read about a three member review board, he, Mr. Swain, must have sent the City the wrong copy of the CCR's. Colt Mund said the CCR's did refer to a three-member Architectural Review Board after all of the lots were sold. Mr. Swain said he had sent the wrong agreement. There would not be anything to enforce after the homes were built. He felt that clause needed to be changed.

Chairman Bodily liked the 100 foot frontages and the proposed lot sizes. The amount of open space would have to be verified. If the amount of proposed open space was there, he was okay with it.

Chairman Bodily wondered about the animal restriction. The CCR's allowed chickens and household pets. It restricted larger animals, which did not seem rural. He thought the MPC Zone encouraged animals, but he couldn't find it. Bryce Wheelwright, City Planner, stated that the Zoning Ordinance required half an acre to have large animals. Chairman Bodily asked if the larger lots in Old Farm could have animals. Mr. Wheelwright said they could unless the CCR's prohibited them. Chairman Bodily said the Old Farm CCR's did prohibit large animals. Lew Swain did not feel a half acre was workable for a horse when most of the lot was used for the home.

Commissioner Baker asked about the location of the ponds in relation to the sewer lines. Lew Swain stated that the ponds would be located on the west side of the subdivision. The primary sewer line would run in the UTA easement parallel to the railroad tracks. The sewer line would enter the subdivision and run on the east side of the ponds. It would miss the wet area and run in the 200 West right-of-way to the lift station. UTA had secured funding for a fairly significant trail system through this area.

Chairman Bodily verified that the road shown as F would connect with 200 West. Mr. Swain said that was correct.

Commissioner Bingham felt there should be another road stubbed to the north to provide for future connectivity. Mr. Swain said they would be happy to consider that. The proposed points of access were reviewed and approved by a traffic engineer as part of a traffic report commissioned in 2020. The same engineer had recently updated the traffic report. The updated report would be submitted to the City in the next few days.

Commissioner Bingham asked what Lew Swain and Brent Bailey planned to do with the open space in the middle of the subdivision. Lew Swain said they had had considerable discussions with City representatives about making the central open space a fully improved park. It was large enough to accommodate a regulation size soccer field with a lot of play areas around it. The City could choose to leave it as unimproved open space or use the cash in lieu of payment to install irrigation, planting, and other park improvements. They would do as the City directed.

Commissioner Dubovik asked if the park improvements would be funded by the City. Lew Swain stated that the fee in lieu of would technically provide the City with all of the funds that would be necessary to improve the park. The appraisal had been completed on the property. The appraisal would establish the value per acre they would pay to the City for the open space deficiency. If the City decided it wanted to build a park on the open space, it would not have to use tax base dollars to do so.

Commissioner Dubovik asked if the payment in lieu of was to allow an increased density. Mr. Swain did not feel the density would be affected. The MPC Zone required that a development have 20% of open space. Their proposal only had 10%. A provision in the MPC Zone said that if the open space was deficient, a developer could make a payment to the City in lieu of the deficiency.



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Commissioner Bingham stated that generally open space was developed by the developer to enhance the property. He did not feel the idea behind the payment in lieu of open space was to give the City unimproved land and money the City would have to use to improve it. The payment in lieu was to allow the City to possibly purchase land somewhere else.

Commissioner Dubovik liked the proposed lot sizes and proposed frontage. He was disappointed with the open space and payment in lieu of. He did not feel the spirit and intent of the MPC Zone was to maximize the density, and then pay the City to develop the open space within that specific development. The payment in lieu of was to provide the City with excess, or additional, funds to build a central City park to serve all of the residents. What was proposed was not illegal, but he did not feel Lew Swain and Brent Bailey were meeting the spirit and intent of the MPC Zone. The MPC Zone was meant to provide areas for commercial space, but he did not see any commercial space on the proposed site plan. His expectation of an MPC plan was a little different than what was being proposed.

Lew Swain stated that the MPC Zone did contemplate different aspects for the development because of its size and its unique location. Some of those different aspects included commercial. Based on his 35 years of experience developing shopping centers, he did not feel mid-block commercial locations would attract even a convenience store. Commercial property needed to be located on an intersection of a road that went somewhere. He did not feel this property was the right place for commercial space. One of the problems most communities had with open space was the lack of specificity in their open space requirements. Ordinances did not say open space had to be usable and worth something. In Willard's current ordinance, a fallow hillside could be considered open space. They were trying to create an area that could become a park if the City wanted. They were giving the City the land and the money to create a park. If the City wanted to create a regional park, the payment in lieu of could be used for that regional park.

Commissioner Bingham agreed this was not a good place for a commercial area. The MPC Zone was designed to work with the area surrounding a property. He felt the City Council would want to address the open space issue.

Commissioner Dubovik asked about the number in of entrances and exits in relation to the number of residential units. Did any of the proposed connecting roads currently exist? Mr. Swain said that Pettingill Estates located on the south side did have a stub which Old Farm Market Subdivision would connect to. There weren't any stub roads to connect to on the north side.

Chairman Bodily stated that 200 West was a main road that ran north and south. He asked if the Deer Run Subdivision had a north/south road known as 100 West. Mr. Wheelwright said it did, but it did not continue to the south. It would be nice to have another north/south road besides 200 West.

Commissioner Baker asked if 200 West would end at the Old Farm Subdivision. Mr. Wheelwright hoped that 200 West would continue south on the stub road labeled E. Commissioner Bingham felt the stops and turn proposed on 200 West in the Old Farm Subdivision would slow down traffic. Lew Swain felt a straight road through the entire development would encourage speed. The proposed intersections would slow the traffic.

Commissioner Baker asked if Lew Swain and Brent Bailey owned the property on either side of Roads A and B, which connected to Highway 89. Mr. Swain said they owned property on the south side of B. Commissioner Baker asked if the City was condemning property to put Roads A and B in. Lew Swain said it was not. They owned the property and rights-of-way for the roads that were shown.



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Lew Swain stated that 2 ½ years ago, they started working with UDOT to secure access approval for Roads A and B. UDOT was ready to approve the accesses, but was waiting until the development had received entitlement. After the Planning Commission and City Council approved the site plan, UDOT could approve the access permits.

Commissioner Baker asked how wide Roads A and B were. Lew Swain was not sure of the exact width, but he did know it complied with the City's standards. Chris Davis thought the City standard was 66 feet wide.

Commissioner Dubovik clarified that the Planning Commission was considering whether or not to recommend the MPC Zone to the City Council. Mr. Davis said it was, along with any recommendations it felt were needed, such as an additional stub road to the north as suggested by Commissioner Bingham. He knew that Bryce Wheelwright wanted to add a condition regarding the HOP Trail.

Bryce Wheelwright stated that on July 5<sup>th</sup>, the City had received full funding for the HOP Trail, plus the 10% match. Commissioner Baker clarified that the HOP Trail would follow 200 West south through town. Mr. Wheelwright said the trail would follow the old UIC corridor. At the south end of town, 200 West tied into the UIC corridor and another trail on the UTA right-of-way. The UTA trail would follow the tracks and come out at 750 North where UTA planned to have a park and ride. If Lew Swain and Brent Bailey put in the meandering trail shown on the site plan, it would add to the HOP Trail system.

Jo Baird, 175 West Center Street, stated that as long as they had lived in Willard they had heard that Willard would have to grow. They knew that sooner or later it would have to happen. She asked if there was anything in the development plans about putting in a school. Willard Elementary school was inundated. Chairman Bodily stated that the planning for and construction of schools was the responsibility of the Box Elder County School District.

**Commissioner Bingham moved to recommend that the City Council approve an MPC Zone for the Old Farm Subdivision located at approximately 7140 South Highway 89 subject to an additional stub road to the north, the HOP Trail master plan, and discussion regarding completion of the open space. Commissioner Dubovik seconded the motion. Commissioners Bingham and Dubovik voted "aye." Commissioner Baker voted "nay."**

Chairman Bodily asked if he could vote. Mr. Davis and Mr. Mund said he could not.

Commissioner Bingham asked Commissioner Baker why she voted against the motion. Commissioner Baker said she did not want to create a city island. Commissioner Bingham explained that the City Council had already accepted the annexation application. The Planning Commission was not making a decision regarding the annexation. It was making a recommendation on the zoning and the site plan.

**Commissioner Baker changed her vote to "aye" so the issue could be forwarded to the City Council to make a final decision. The motion carried.**

Chris Davis stated that the City Council would hold a public hearing regarding the annexation on July 14<sup>th</sup>. At that time, Commissioner Baker could express concerns about creating an island. It was a valid point of view.

Chairman Bodily asked if the City had a say in creating an island. If the State said the annexation could happen could the City deny the annexation? Colt Mund said the City and the County could deny it. In



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245 this case, Box Elder County had already approved the annexation. The final decision would be made by  
246 the City Council. He was not aware of any protests that were filed against the annexation.  
247

248 Mayor Mote pointed out that Commissioner Baker did not have to change her vote. The recommendation  
249 would still have been forwarded to the City Council. It just would have been forwarded with a defeated  
250 motion.  
251

252 Commissioner Baker felt that if she voted 'nay' it would kill the whole project. Mayor Mote said that in this  
253 particular case it wouldn't because the Planning Commission wasn't the legislative, or decision-making,  
254 body.  
255

256 Commissioner Baker stated that even though she was opposed to the annexation, she changed her vote  
257 because the Planning Commission was only considering the design.  
258

259 Mayor Mote felt that Commissioner Baker's concerns should be noted and reported to the City Council.  
260

261 Colt Mund stated that the Planning Commission's motion should be to approve with conditions or to deny  
262 the requested MPC. That is what should be transmitted to the City Council. In this case, Commissioner  
263 Baker could vote 'nay,' and the defeated motion would still be forwarded to the City Council.  
264

265 Commissioner Baker asked about the Planning Commission making motions without a full quorum. Chris  
266 Davis said the Planning Commission had to have a quorum to take a vote. Three members of the Planning  
267 Commission constituted a quorum.  
268

269 Chairman Bodily said a motion had to pass by three votes.  
270

271 There was a discussion with members of the audience about the motion. Colt Mund clarified that if the  
272 motion would have failed, the zoning for the Old Farm Subdivision would have gone to the City Council  
273 without a recommendation from the Planning Commission. The Planning Commission did not act as a veto.  
274 It acted as an advisory body.  
275

276 Chad Braegger felt it was premature to forward the zoning and subdivision to the City Council because the  
277 developers still had to comply with the conditions of the motion. Colt Mund stated that a subdivision plan  
278 could be approved by the Planning Commission with conditions.  
279

280 Mayor Mote said this was the second time he had seen a member of the Planning Commission have to  
281 change a vote in order for a motion to pass. If an item wasn't ready for the City Council, the City Council  
282 shouldn't take it up. Colt Mund stated that the City Council could receive the recommendation and choose  
283 to send it back to the Planning Commission for further review. That was not an uncommon practice.  
284

285 Mayor Mote felt it was the City Council's responsibility to make recommendations from the Planning  
286 Commission productive.  
287

288 Commissioner Dubovik stated that if the Planning Commission's task was to send the plan for the Old Farm  
289 Subdivision forward with a recommendation, he did not feel there had been any discussion that would  
290 disqualify the plan from going to the City Council absent the recommendation.  
291

292 Mayor Mote felt it would be helpful for him and the Council to have a work session with Planning  
293 Commission members to discuss an effective role for the Planning Commission. There were things the



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294 Planning Commission could handle before an item was sent to the City Council. He felt the Planning  
295 Commission should have a stronger role.  
296

297 Commissioner Bingham stated that the City Council was the legislative body. It was up to the City Council  
298 to make legislative decisions. The Planning Commission's role was administrative and advisory. The  
299 Planning Commission could make recommendations, but it could not approve a development agreement.  
300 His question to Commissioner Baker was meant to make sure that all of the Planning Commission members  
301 understood what the motion was for. He had not been trying to ramrod a vote. He only intended to make  
302 sure that everyone was voting for the same thing.  
303

304 Mayor Mote felt there were specific open space requirements in the MPC Zone. The Planning Commission  
305 could have directed that changes be made to the open space and brought back.  
306

307 Chad Braegger, 3790 South 1200 West, felt it was a waste of time to push a development on to the City  
308 Council when there were conditions that had not been met.  
309

310 Commission Dubovik asked what elements of the ordinance the Old Farm Subdivision did not meet.  
311

312 Mayor Mote felt the MPC Ordinance would go array if everyone didn't realize an MPC development was  
313 meant to benefit the City. The goal of the MPC Zone was *what is the City getting out of this?* How did the  
314 City benefit from an MPC development? He felt everyone had to stop asking if an MPC development met  
315 the letter of the law because that wasn't the goal. The goal was to determine if a development was beneficial  
316 to the City. If a development wasn't a benefit to the City, the City did not have to enter into a development  
317 agreement.  
318

319 Commissioner Bingham felt it was the City Council's job to approve or disapprove the development  
320 agreement. The Planning Commission's job was to make recommendations. There had been several times  
321 in the past that the City Council had chosen not to follow the recommendations of the Planning Commission.  
322

323 Mayor Mote wanted to improve communication between the City Council and the Planning Commission.  
324 He felt the Planning Commission should make a recommendation about whether an MPC development  
325 would benefit the City or not. A development might meet the letter of the law but not be a benefit to the City.  
326

327 Commissioner Dubovik stated that he brought up the spirit and intent of the ordinance. Even if a plan met  
328 the qualitative aspects of the MPC Zone, the City did not have to approve it. He made his comments based  
329 on that fact. He didn't feel the open space proposal met the spirit and intent of the MPC Ordinance. He  
330 made his comments with City Council members in the audience. Would the Mayor have preferred him to  
331 have voted against the proposed plan until he felt it met the spirit and intent?  
332

333 Mayor Mote felt there was more to the Planning Commission's recommendation that whether a plan met  
334 the letter of the law. The Planning Commission also needed to determine whether the proposed MPC would  
335 benefit the City.  
336

337 Commissioner Dubovik felt that he should have added his concern regarding the open space to  
338 Commissioner Bingham's motion.  
339

340 Mayor Mote also wanted to have minutes of the Planning Commission's discussion included in the City  
341 Council packets.  
342



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There was a discussion between the Planning Commission and members of the audience regarding a homeowners' association.

Chad Braegger stated that if the Planning Commission did not feel comfortable about the design of an MPC, the project should be sent back to the drawing board. If the Planning Commission forwarded such an MPC to the City Council, it would be sent right back. Then everyone's time was wasted. Willard did not have a good reputation about getting things done. A project should only be forwarded to the City Council when the Planning Commission was comfortable with it.

Commissioner Dubovik felt the Planning Commission had experienced a learning curve. He felt his comments about the qualitative aspects would be included in the minutes sent to the City Council. He didn't mind being the bad guy. He felt there should be a discussion about how to make the MPC approval process work.

Mayor Mote wanted to empower the Planning Commission.

Commissioner Baker liked the clarification on the spirit and intent and knowing that a development did not have to be approved even if it met the requirements of the ordinance. Mayor Mote reminded the Planning Commission that an MPC project was an agreement and was approved differently than other zoning issues that had to abide by the City code.

Chairman Bodily asked if a developer could take the City to court if an agreement could not be reached. Mayor Mote said a developer could always follow the Zoning Ordinance and do half-acre lots.

5B. REVIEW AND RECOMMENDATION REGARDING FUTURE LAND USE MAP AND PORTIONS OF THE GENERAL PLAN - TABLED

Time Stamp: 07/07/22 59:40

Chris Davis stated that the Planning Commission had not received the latest information regarding the Future Land Use Map. He asked that this item be tabled until the next meeting.

5C. DISCUSSION REGARDING ACCESSORY DWELLING UNITS

Time Stamp: 07/07/22 1:00:22

Chairman Bodily stated that Colt Mund had updated the draft ordinance to include detached accessory dwelling units.

Chairman Bodily allowed a question from the audience.

Jay Thackeray, 1562 Hargis Hill Road, asked how existing detached accessory dwelling units would be affected by an Accessory Dwelling Unit Ordinance. Would existing ADU's be forced to comply with the new standards? Colt Mund stated that the City could not enforce a law retroactively. The City currently did not have any regulations regarding accessory dwelling units.

Mayor Mote stated that the current Zoning Ordinance only allowed one dwelling unit per parcel. Colt Mund agreed the City could currently enforce the one-dwelling-unit-per-parcel ordinance.



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Jay Thackeray asked if the Accessory Dwelling Unit ordinance could include a provision to require that existing accessory dwelling units be brought up to code. Colt Mund said the new ordinance would require that the City issue a permit for either an internal or detached accessory dwelling unit. If someone currently had an accessory dwelling unit, they would always be out of compliance because the use would be grandfathered under the one-unit-per-parcel regulations. If they continued the use without obtaining a permit, they would be violating the ordinance. The teeth would always be enforcement.

There was a discussion about enforcement.

Bryce Wheelwright stated that if a complaint was filed it was investigated. Enforcement was applied if it was necessary. Colt Mund stated that at various times the City had filed a notice of non-compliance on properties. A notice of non-compliance was an encumbrance on a property. He had recommended and did recommend that the City include criminal penalties in its ordinances. If necessary, land use violations could become a criminal penalties and could be enforced with prosecution. Prosecution seemed to get people's attention.

Chairman Bodily stated that there had been past discussions about several cities joining together to hire a code enforcement officer.

Tami Brimberry, 42 South 250 West, asked if the proposed ordinance would allow an additional dwelling unit on a lot. Commissioner Bingham said it would allow an accessory dwelling unit as long as it complied with the adopted regulations. The ordinance had not been finalized and adopted.

Colt Mund stated that the State felt people needed more places to live. Last year the State Legislature passed a law that said cities could not prohibit internal accessory dwelling units. The City could adopt regulations to regulate ADU's, but they couldn't prohibit them. He felt the State would also mandate detached ADU's in the future. The proposed ordinance regulated both internal and detached ADU's. A detached ADU was a separate structure from the primary residence.

Chad Braegger asked if the Planning Commission had talked about impact fees. Chairman Bodily said the ordinance proposed that a detached ADU be charged 25% of the culinary water and sanitary sewer impact fees. Colt Mund reminded the Planning Commission that the State Legislature recently prohibited charging impact fees for internal ADU's.

Chairman Bodily stated that a detached ADU could not be less than 300 square feet and no more than 1,000, and it could not use more than 25% of rear side space.

Commissioner Baker said the enforcement clause charged a \$100 penalty per day. Jay Thackeray asked about a criminal penalty. Colt Mund said the ordinance did not currently include a criminal penalty.

Chad Braegger asked about utilities. Would separate water and sewer lines be required for a detached ADU, or would lines be ran from the main house? Chairman Bodily said the ordinance included impact fees in the amount of 25%. Colt Mund said it was up to the Planning Commission to determine if an impact fee should be charged. He understood that detached ADU's would require a separate connection.

Commissioner Dubovik stated that an ADU could not be leased for a period of less than 30 days, which would preclude someone from using an ADU as an Airbnb. Mr. Mund said that was corrected.

Commissioner Baker liked the proposed ordinance, but felt criminal penalties should be added.



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Chris Davis stated that a lot of the language in the proposed ordinance was mandated by the State of Utah. Zoning was controlled by the Utah State Legislature. It could tell cities what they could and could not do. Most of the language Colt Mund had included in the draft ordinance was mandated. The City did have a little more latitude with the detached ADU's.

Chairman Bodily asked if the 25% impact fees seemed reasonable. Colt Mund suggested that the question about amount of the impact fees be answered by the City Engineer.

There was a discussion about impact fees and addresses

Bryce Wheelwright felt that if a detached ADU had its own water and sewer connection, it should pay the full impact fee. If lines were ran from the home, the impact fee would be only 25%

Commissioner Dubovik felt the ordinance included regulations for addresses.

Commissioner Dubovik asked if the City had consciously chosen to not allow Airbnb's in the community. Colt Mund said the proposed ordinance did not address Airbnb's. It did prohibit ADU's from being used for short term rentals, rentals that were less than 30 days. He felt Airbnb's would need a separate conditional use permit. They were addressed in the Table of Uses.

Chairman Bodily asked how Colt Mund had arrived at a 25% impact fee. Colt Mund said he had looked at what other cities were charging. It was up to the Planning Commission to determine what the impact fee should be. Bryce Wheelwright stated that the Zoning Ordinance limited accessory buildings to 25% of the rear yard space. Commissioner Bingham felt a 25% impact fee seemed fair if an ADU was limited to 25% of rear yard space.

Michelle Drago, Deputy Recorder, stated that the culinary water impact fee was \$6,361.00. Twenty-five percent (25%) of that would be \$1,590.25. Twenty-five percent (25%) of the sewer impact fee would be \$1,800.00.

**Commissioner Dubovik moved to table discussion of the ADU Ordinance until the Planning Commission had received information from the City Engineer regarding impact fees and the ordinance had been amended to include criminal penalties and address regulations for detached ADU's. Commissioner Baker seconded the motion. All voted "aye." The motion passed unanimously.**

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

**Commissioner Baker moved to approve the regular Planning Commission minutes of June 16, 2022, as corrected. Commissioner Dubovik seconded the motion. All voted "aye." The motion passed unanimously.**

7. COMMISSIONER/STAFF COMMENTS

Time Stamp: 07-02-2022 1:24:20



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Colt Mund

Did not have any comments.

Chris Davis

Did not have any comments.

Bryce Wheelwright

Bryce Wheelwright said he had already updated the Planning Commission on the HOP Trail.

Commissioner Baker

Did not have any comments.

Chairman Bodily

Chairman Bodily felt the staff needed to investigate the Old Post Office. He felt there was someone living there at night.

Commissioner Dubovik

Commissioner Dubovik asked who provided enforcement on the Canal Road. He was concerned that someone would be injured due to the speeds vehicles were traveling. Chris Davis said the Canal Road belonged to the Bureau of Reclamation. It was federal property. Commissioner Dubovik understood that the road was available for the public to use, but some people took their use to the extreme. He felt people were disrespecting the privilege and causing a safety hazard.

Commissioner Dubovik asked about the results of the land sale. Chris Davis stated that Willard City had advertised land for sale east of the City Shop at approximately 300 East 300 South. The bidding period had ended. The property was purchased by Chad Call for approximately \$550,000. The land was sold without water.

Commissioner Bingham

Commissioner Bingham stated that on the 4<sup>th</sup> of July he noticed the condition of the playground grass at the elementary school. Chris Davis stated that Payden Vine, the City's Public Works Director, had been working with the School District to get the sprinklers fixed.

8. ADJOURN

**Commissioner Dubovik moved to adjourn at 8:04 p.m. Commissioner Baker seconded the motion. All voted in favor. The motion passed unanimously.**



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Minutes were read individually and approved on: \_\_\_\_\_

\_\_\_\_\_  
Planning Commission, Chairman  
Sid Bodily

\_\_\_\_\_  
Planning Commission Secretary  
Michelle Drago

dc:PC 07/07/2022