



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, July 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
Diana Baker
Alex Dubovik
Blake Harrop

Chris Davis, City Manager
Colt Mund, City Attorney
Bryce Wheelwright, City Planner
Vanessa Bird, Secretary

Excused: Chandler Bingham and Zac Hulseley

Others in attendance: Mayor Travis Mote; Councilman John Seamons; and Chad Braegger.

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

1. PRAYER: Blake Harrop
2. PLEDGE OF ALLEGIANCE: Sid Bodily
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.

5. CITY COUNCIL REPORT

Time Stamp 1:46 7/21/2022

Councilman John Seamons reported on the movability audit, the annexation, and the loss of police officers due to the pay schedule and workload. The City Council held a work session to discuss how to come up with money to fund another officer. The newspaper had done a really good job of reporting recent meetings.

- 6A. REVIEW AND RECOMMENDATION REGARDING FUTURE LAND USE MAP AND PORTIONS OF THE GENERAL PLAN

Time Stamp: 7:54 7/21/2022

Bryce Wheelwright, City Planner, stated that the City had not received additional information from Bruce Parker, the City's General Plan consultant, regarding the Future Land Use Map. He asked if the Planning Commission members had reviewed the information the City did have, and if they had any suggestions. He pointed out that the area around 750 North was zoned for Commercial General, which was retail. The Commercial Neighborhood Zone along Highway 89 was for really light commercial. If the City was going to have a more intensive commercial area, where did the Planning Commission feel it should be located? Another topic to be considered was residential density. He asked the Planning Commission to look at the Future Land Use Map and consider where uses should be located. Then there could be a discussion regarding pros and cons.



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Chairman Bodily stated that the Future Land Use Map showed Transit Oriented Development on both sides of 750 North. He thought the TOD Zone was only located on the north side. Mr. Wheelwright said the Planning Commission was considering a Future Land Use Map, not a Zoning Map. The current TOD Zone in the City was located on the north side of 750 North. However, UTA had purchased the Zundel property on the south side of 750 North. When UTA was ready to develop that property, they would ask for a TOD Zone. The proposed Future Land Use Map reflected that future possibility.

Commissioner Dubovik clarified that the Future Land Use Map contained future zoning recommendations, and that the Planning Commission was looking for further details about those recommendations.

Commissioner Baker asked if there was a plan to extend 500 West south from 750 North to Center Street. Chris Davis said UTA wanted to have 500 West. Commissioner Baker felt that portion of 500 West would be a good place for commercial. It would have good visibility and access from the Interstate.

Bryce Wheelwright stated that the County had a Corridor Preservation Fund, which was used to purchase land to preserve a Front Runner corridor. It might be a possible funding source for the completion of 500 West. The construction of 500 West would provide a solution for a second access for the Mountain Shadows Subdivision. Another commercial/industrial spot was north of Flying J.

Chairman Bodily asked that the Planning Commission members review the Future Land Use Map and be prepared to discuss it at the next meeting.

6B. DISCUSSION REGARDING ADOPTING STANDARDS FOR ACCESSORY DWELLING UNITS

Time Stamp: 14:58 07/21/2022

Chairman Bodily noted that the City Engineer had made a recommendation regarding impact fees for detached accessory dwelling units. Chris Davis, City Manager, said the City Engineer felt the standard for detached accessory dwelling units should be 66%, or 2/3, of the impact fees for single-family dwelling units.

Bryce Wheelwright said that according to the City Engineer a multi-family unit was 2/3 of an ERU (equivalent residential unit) because they didn't do outside watering. So the impact fees should be 2/3, or 66% of an ERU.

In response to a question from Commissioner Dubovik, Colt Mund, City Attorney, stated that the impact fees would only apply to detached ADU's. The State Code did not allow cities to charge impact fees for internal ADU's.

Commissioner Harrop asked if there had been a demand for ADU's in Willard. Chairman Bodily stated that the State had mandated that cities allow internal ADU's. The staff and Planning Commission were trying to come up with regulations to enforce that mandate. Colt Mund stated that two years ago the State passed a law that restricted municipalities from not allowing internal accessory dwelling units.

Commissioner Harrop asked if these were flag lots. Mr. Mund said they were not. Internal ADU's were located inside an existing single-family structure. The State passed the law because there was such a demand for housing along the Wasatch Front. The City could regulate certain portions of the internal dwelling units. There currently wasn't a State code regarding detached ADU's, but he felt the State would soon address them. If the State passed a law governing detached ADU's, it would limit how much the City could regulate them.



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Mayor Mote stated that he had asked the staff to address both internal and detached ADU's so enforcement could be provided for some existing conditions in the City.

Commissioner Harrop asked if existing ADU's would be grand-fathered and protected from enforcement. Colt Mund felt there might be a gray area that could be used to bring existing units into compliance.

Colt Mund stated that the Draft ADU ordinance had been updated to include the impact fees recommended by the City Engineer, criminal penalties for violations and non-compliance, and separate addresses.

Commissioner Harrop asked about parking. Colt Mund the State Code talked about parking. The proposed City Code did as well. Both said that if an ADU was created additional parking had to be provided. If a carport was turned into an ADU, the lost parking and additional parking would have to be required.

Chairman Bodily asked if the ADU Ordinance limited the size of a detached ADU to 25% of the rear yard space. Bryce Wheelwright said the City's Zoning Ordinance already limited accessory buildings to 25% of total rear yard space. Chairman Bodily felt sizing would be covered by the City's limitations on use of rear yard space and the minimum and maximum size of 300 square feet and 1,000 square feet in the ADU Ordinance.

Colt Mund referred to 12-102-23-4(5), which said, "*Accessory Dwelling Units shall be allowed as a Permitted Use in R-1, R-1/2, and C-N Zones.*" State Code said internal ADU's had to be permitted uses. Did the Planning Commission want to consider ADU's in other zones. Should detached ADU's be permitted or conditional?

Chairman Bodily wasn't sure about allowing an ADU in a Manufacturing Zone. Mr. Mund said an ADU would be a conditional use in a Manufacturing Zone. An ADU would not be permitted in the Industrial or Agricultural Zones.

Commissioner Dubovik asked about the process for a conditional use. Would a citizen apply for a conditional use if he did not comply with something in the ordinance? Mr. Mund said all ADU's had to comply with the ADU regulations. A citizen could apply for a conditional use if he wanted to locate an ADU in a zone where an ADU was allowed as a conditional use. If someone applied for a conditional use, what other conditions would the Planning Commission consider?

Commissioner Baker stated that most lots in the City were half-an-acre or more. She felt that allowed ample room between neighbors.

Commissioner Harrop clarified that an ADU had to be located on an established residential lot. Mr. Mund said that was correct.

Chairman Bodily asked about A-5 Zones. Colt Mund said that an ADU was an accessory use. There had to be a primary dwelling on the property before there could be an ADU. Most properties in the agricultural zones did not have primary dwelling units.

Commissioner Baker felt a lot of families in Willard would put in ADU's.

Commissioner Dubovik felt the ordinance was well written, but a few areas did not fit Willard's personality. The ordinance said part of its purpose was to produce additional income. Why did the ordinance restrict ADU's from short-term rentals? Colt Mund said an internal ADU was defined as something that was offered



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for rent for 30 consecutive days or more. If someone offered to rent their basement for 5 days it did not meet the definition of an ADU. It met the definition of an Airbnd. In his legal opinion, Airbnb's were a separate issue from ADU's. Airbnb's were included in the City's conditional use tables. The City could come up with an ordinance for Airbnb's.

Commissioner Dubovik asked if someone could apply for a conditional use permit to use an ADU as an Airbnd. Mr. Mund felt there could be a way to do that.

Commissioner Harrop asked if there was a difference between an Airbnd and an ADU. Colt Mund said the difference was the length of stay. He did not feel an internal ADU offered for short-term rental fell within the ADU ordinance. There was a difference between short-term and long-term rentals. The City could regulate a detached ADU however it wanted.

Bryce Wheelwright said a short-term rental was more like a business.

Commissioner Dubovik said someone could Airbnd a bedroom. Mr. Mund said someone could Airbnd their own house. It would not be an ADU because another apartment or dwelling was not being created within the home.

Commissioner Harrop said the purpose of an ADU and an Airbnd was extra income. Was there much separation between the two?

Commissioner Dubovik didn't want to restrict that type of opportunity. The City had provisions for an Airbnd, which could be a bedroom or a whole house. If something was permitted as an ADU, an extra step might be needed to address the 30-day restriction.

Colt Mund felt he and Bryce Wheelwright needed to look at the Table of Uses in the Zoning Ordinance to see what was allowed. An ADU was meant for long-term rental. He felt there was space for someone to run an Airbnd contingent on application for a conditional use permit.

Chad Braegger, 3790 South 1200 West, asked if the ordinance limited a single property to one primary dwelling unit and one ADU. Mr. Mund said it did. The ADU could be internal or detached, but a homeowner could not have both.

Chad Braegger asked if an ADU would be prohibited on a one-acre lot. Colt Mund said an ADU would be permitted on a residential one-acre. The proposed ordinance permitted ADU's on any residential lot and in the Commercial Neighborhood Zone.

Chad Braegger asked if there would be an issue with a structure that contained 1,000 square feet of living space and 2,000 square feet of barn space. Colt Mund said that if it was a structure considered for dwelling it would be classified as an ADU.

Mayor Mote felt the detached ADU needed to be more defined to allow a detached garage with an apartment above it.

Commissioner Dubovik felt the detached ADU should only take into consideration the living space, not the overall size of the structure.



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Colt Mund stated the dwelling unit would be subject to the 1,000 square foot restriction, not the entire structure itself.

Commissioner Harrop said the City could fall back on the not-to-exceed 25% of the backyard space to prevent some monstrosity.

Mayor Mote asked if there would be setback restrictions for a detached garage with an ADU. Bryce Wheelwright said an accessory building had to be 10 feet behind the main structure. It could not take up more than 25% of the rear yard, and it had to meet the side yard requirements.

Commissioner Dubovik asked about the necessity of having a dedicated kitchen for an ADU. He agreed with the need for a dedicated kitchen in a detached ADU, but he did not feel a dedicated kitchen or bathroom should be required for an internal unit. Mr. Mund said the State Code did not state anything about a kitchen. A kitchen could be left to the discretion of the City.

Commissioner Dubovik asked about exterior lighting for detached ADU's found in 12-102-23-6(2). He did not feel a light existed that could comply with the ordinance and provide enough light for safety. Could there be a distinction between ground lights and flood lights? Chairman Bodily said lights could be directed downward. Colt Mund felt the section could be reworded to prevent light from encroaching onto a neighboring property.

Chairman Bodily asked that Bryce and Colt look at the Table of Uses for Airbnb's. He asked that Mr. Mund make the change regarding lighting. Commissioner Dubovik asked that the 'either or' statement regarding addresses be fixed. The Commission liked using the main address with the letter of 'B.'

Commissioner Harrop asked that the word *year* found in the third paragraph on Page 4 be changed to *yard*.

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

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

8. COMMISSIONER/STAFF COMMENTS

Time Stamp: 44:17 07/21/2022

Commissioner Harrop

Did not have any comments.

Commissioner Baker

Commissioner Baker asked if Tikki Ice, 68 North Main, was back in business. Bryce Wheelwright said he had seen an open sign.

Chairman Bodily



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Chairman Bodily felt the advertisement signs hanging on the elementary school's fence along Highway 89 were an eyesore. Did the City's Sign Ordinance allow temporary signs? Bryce Wheelwright said the City had allowed the school to have the signs as a fundraiser. Chairman Bodily realized the signs were a revenue source for the school, but they were against the Sign Ordinance.

Commissioner Baker said she had raise the same concern two years ago.

Bryce Wheelwright said the City did have regulations for temporary signs, which the school had complied with. Chairman Bodily said some of the signs had been up for the entire school year.

Chairman Bodily was concerned about the appearance of the old Flying J building located on the east side of Highway 89 just south of the Willard City boundaries. It was an eyesore too. Did the County have nuisance standards?

Commissioner Dubovik

Did not have any comments.

Bryce Wheelwright

Bryce Wheelwright reminded the Planning Commission that some time ago, it had approved a conditional use permit for The Shack, located at 30 North Main, to become a Fizz store. The applicants were currently working on their engineering. Some of the building would be removed to create a drive through. He felt the City would soon start seeing some activity.

Chairman Bodily asked about the status of Matt Francom's conditional use. Mr. Francom had appeared before the Planning Commission well over a year ago. The Planning Commission had not approved the conditional use because the building wasn't finished. He felt Mr. Francom needed to move forward. It had been so long he couldn't remember what needed to be finished.

Bryce Wheelwright said Mr. Francom needed an oil separator. Chad Braegger said the separator had been installed. The water and sewer had been connected, and Mr. Francom had a water meter. Mr. Francom had also received access approval from UDOT.

Bryce Wheelwright stated that Mr. Francom was not powder coating. He wasn't sure if he was welding.

Chris Davis said that Mr. Francom had to have handicap parking and a bathroom, which he did not have yet.

Bryce Wheelwright stated that he had spoken with Mr. Francom several times. Mr. Francom always indicated that he was working on it.

Chairman Bodily felt it was time for Mr. Francom to finalize his conditional use.

Chris Davis

Chris Davis gave each Planning Commission member a Conflict of Interest form. The State Auditor's office required that the forms be completed each year. The forms would have to be notarized.



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Mayor Mote

Mayor Mote stated that there had been rumors that Apple Creek, located at 875 North Main, was closing. He spoke with the owner yesterday. They were not closing and did not want the rumor spread.

Colt Mund

Did not have any comments

9. **ADJOURN**

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

Minutes were read individually and approved on: 8/18/22

Sid Bodily
Planning Commission, Chairman
Sid Bodily

Vanessa Bird
Planning Commission Secretary
Vanessa Bird

dc:PC 07/21/2022

