



Notice is hereby given that the
WILLARD CITY PLANNING COMMISSION
Will meet in a regular session on
Thursday, May 2, 2024 – 6:30 p.m.
Willard City Hall, 80 West 50 South
Willard, Utah, 84340

AGENDA

The meeting will be held 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. General Public Comments (Input for items not on the agenda. Individuals have three minutes for open comments)
4. Report from City Council
5. Discussion/Action Items
 - a. Review of a conditional use permit issued to Peggy Jo Perry for a fruit stand located at 370 North Main (Parcel No. 02-046-0079) issued November 18, 2005
 - b. Discussion regarding amending Chapter 12-105 of the Willard City Zoning Ordinance to allow short-term rentals in residential zones (continued from April 4 and April 18, 2024)
 - c. Consideration and recommendation to the City Council regarding an amendment to the General Plan Chapter 12-000 of the Willard City Zoning Ordinance to include a future land use map for the South Willard area included in Willard's Annexation Policy Declaration (continued from April 4 and April 18, 2024)
6. Consideration and approval of the April 18, 2024, regular Planning Commission minutes
7. Commissioner/Staff Comments
8. 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/pmni/index.html>, on the Willard City website www.willardcity.com, and sent to the Box Elder News Journal this 26th day of April, 2024.

/s/ Michelle Drago

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.

ITEM 5A

MASTER CONDITIONAL USE PERMIT SPREADSHEET

No.	Address	Applicant	Application Date	Fee	Approval Date	Type	Status and Review Date	Parcel No.
	51 North Main	Moyes, Jeff & Brenda	7/26/2022	\$25.00 PD	9/1/2022	Automobile Repair Shop	Active	02-047-0177
	53 North 100 West	Braegger, Josh	5/28/2020	\$25.00 PD	Approved 6/19/20	Multi-Family (Basement Apartment)	Active Reviewed 9-12-23	02-047-0074
	55 South 100 East	Braegger, Kenneth			Approved 2/5/16	Contractor - Home Business	Active Reviewed 10-5-23	02-050-0074
	105 South 100 East	Loveland, Judy	9/16/1996		Approved 9/20/96	Auto Repair - Home Business	Active Reviewed 10-19-23	02-050-0008
	110 South 200 West	Gilbert, Brian	4/20/2023	\$25.00	Approved 5/18/23	Detached Accessory Dwelling Units	Active	02-051-0008 and 02-051-0242
	110 South 250 West	Heath, Trisha	5/18/2018		1/9/2019	Multi-Family Dwelling	Active Reviewed 11-2-23	02-053-0003
	155 South Spring Street (135 S 100 E)	Dean, Blair & Kathy Davis	6/21/1999		9/23/2005	Single Family Home On Sensitive Land	Active Reviewed 12-7-23	02-050-0077
	300 East 750 North	Granite Construction Company			11/3/2015	Concrete Batch Plant	Active	02-045-0005
	344 East 300 North	Merritts, Bill & Shelley	4/8/1993		5/10/1993	Single Family Dwelling on Sensitive Land	Active Reviewed 4-18-24	02-048-0005
	370 North Main	Perry, Peggy Jo	10/28/2005	\$25.00	Approved 11/18/05	Fruit Stand	Active	02-046-0079
	432 North Main	Francom, Matthew	10/20/2020	\$25.00	Approved 3/7/24	Welding Shop	Active	02-046-0086
	450 North 200 West	Radtke, Robert and Suzie	9/25/2014	\$25.00 PD	10/6/2014	Alpaca Farm	Active	02-046-0047 & 0084
	481 North 200 West	Beard, Lynn			Approved 2/5/15	Multi-Family Dwelling/Duplex	Active	02-046-0075
	500 East 625 South	Nielsen, Darrell (Now Staker Parson)	3/20/1980		4/11/1989	Gravel Removal	Active	02-049-0001 & 02-053-0044
???	500 South 200 East	Wilkes, Melissa			3/15/2015	Home Occupation	Active	02-053-0029
	550 North 200 West	Kilback, Lee	2/16/2018	\$25.00		Multi-Family/Basement Apartment	Active	02-046-0046
	620 North 200 West	Kapp, Meldon & Jan	6/24/1905		2002	Building Permit	Active	02-046-0005
	683 North Main	Palmer, Morgan	2/9/2021	\$25.00 PD	Approved 5/6/21	Wedding Reception Center	Active	02-046-0102
	740 North Main	Grimes, Mike	7/19/1996		9/17/1996	Used Vehicle Sales	Active	02-046-0015
	747 South Main	Gilbert, Scott; Gilbert, Dustin; Russell, Dee	3/22/2016	\$25.00 PD	4/5/2016	Accessory Building	Active	02-053-0059
	769 North Main				2/7/2020	RV Campground	Active	02-041-0067

*Pd 25⁰⁰
for 11-17 mtg*

**WILLARD CITY PLANNING COMMISSION
APPLICATION FOR PLANNING COMMISSION HEARING**

Application Date:
10-28-05

Assessor's Parcel Number

Applicant:
Peggy Jo Perry
Mailing Address

02-046-0078 P.9P.
Parcel Legal Description

370 N. 200 W.
Willard, Ut.
84340

I hereby request a hearing before the Willard City Planning Commission in behalf of my application for:

Project Address
370 N. Main
Willard, Ut. 84340

Conditional Use Permit \$25 Fee

Phone Number
734-9508

Lot Line Adjustment \$25 Fee

Cell Phone
730-0007

Other Fee variable, \$25 Min.

NOTE: Fees will be charged on each application and are non-refundable. Additional applications on the same project will be considered as new applications and be charged accordingly. All applications, with required data and fees, must be filed in the Willard City Office at least two weeks prior to the scheduled hearing date.

Project description: (Attach additional sheets, as required.)
Complete Applicant Affidavit on back of this page.

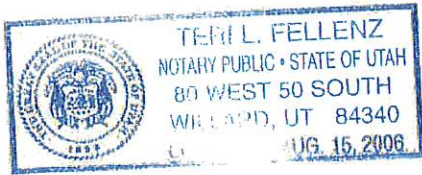
APPLICANT'S AFFIDAVIT

STATE OF UTAH)
) SS
COUNTY OF BOX ELDER))

I, ~~(we)~~ Peggy Jo Perry, being duly sworn, depose and say that I, ~~(we)~~ am ~~(are)~~ the owner~~(s)~~*, or authorized agent~~(s)~~ of the owner, of property located at 370 N. Main Willard, Ut. in Willard City, which property is involved in the attached application and that the statements and answers therein contained and the information provided in the attached plans and other exhibits present thoroughly, to the best of my ~~(our)~~ ability, the argument in behalf of the application herewith requested and that the statements and information above referred to are in all respects true and correct to the best of my ~~(our)~~ knowledge and belief.

SIGNED Peggy Jo Perry
Property Owner(s)
AGENT Brad Ouderkirk P.G.P.

Subscribed and sworn before me this 28th day of Oct 2005



Teri L. Felenz
Notary Public

Residing in Willard
My commission expires: 8-15-06

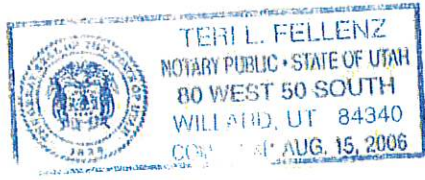
* May be owner of record, contract owner, part to valid earnest money agreement, option holder or have other legal control of property.

AGENT AUTHORIZATION

I, ~~(we)~~ Peggy Jo Perry, the owner~~(s)~~ of real property described above, hereby appoint Brad Ouderkirk P.G.P., as my ~~(our)~~ agent~~(s)~~ to represent me ~~(us)~~ with regard to this application affecting the above described real property, and do authorize them to appear on my ~~(our)~~ behalf before any Willard City Boards considering this application.

SIGNED Peggy Jo Perry
Property Owner(s)

Subscribed and sworn before me this 28th day of Oct 2005



Teri L. Felenz
Notary Public

Residing in Willard
My commission expires: 8-16-05

4. New Business:**a. Peggy Perry - Conditional Use Permit for 370 North Main (Perry Fruit Stand)
Parcel# 02-046-0079 for a Cabinet Making Business**

Commissioner Graham asked what type business it would be retail or wholesale? How many cars would there be? What about fire hazards such as sawdust and extra lumber? What about the noise from the machinery and neighbors? Eric Ouderkirk, who is purchasing the property, stated he would be selling wholesale to contractors with the possibility of retail sales in the future. He would be building kitchen and bathroom cabinets. There will be a bin for any extra wood out back of the building and there would be a dust collector. Chairperson Krum stated it would be up to the Fire Marshall to give approval for the fire sprinklers. He was asked about the type of varnish he would be using and if there would be a smell. He stated he would be using laquer varnish which would have a filter and there would not be much smell. He stated there would only be one or two trucks per week picking up cabinets, but he would be doing most of the deliveries.

When asked where he would be storing his cabinets he stated with the cost of wood he would be storing it inside. When asked how late he would be working, he stated he would be done around 5:00 pm or 6:00 pm and there may be an occasional Saturday. Zoning Administrator Jacobson stated most businesses with a Conditional Use Permit are allowed to work until 10:00 pm. Chairperson Krum asked what conditions would need to be set. The following were discussed:

- *Fire Department approval. The owner must meet all requirements of the Fire Department and receive approval by the Fire Department.
- *The owner must meet the requirements of the Willard City Zoning Ordinance on Sign Ordinances (12-115).
- *There will be no storage of finished, or raw, or waste products visible from the street.
- *The hours of operation will be from 6:00am to 9:00pm.
- *The owner will adhere to section 12-107 of the Willard City Zoning Ordinance titled Performance Standards.

A motion was made by Commissioner Sleeman to approve the Conditional Use Permit for Peggy Perry for the property listed as Perry's Fruit Stand located at 370 North Main. The motion was seconded by Commissioner Marsing. The motion carried.

Willard City Corporation

80 West 50 South
Box 593



Willard, Utah 84340
(435)734-9881

CONDITIONAL USE PERMIT

Date Issued: November 18, 2005

Applicant's Name: Peggy Jo Perry

Business Name: Perry's Fruit Stand
Business Address: 370 North Main
Willard, UT 84340

Business Phone: 734-9508

A Conditional Use Permit is issued for the above named business. The conditions are as follows:

- 1. The owner must meet all Fire Department requirements and receive Fire Department approval.*
- 2. The owner must meet the current Willard City Sign Ordinances 12-115.*
- 3. There will be no storage of furnished, or unfurnished, or waste product visible from Highway 89.*
- 4. The hours of operation will be from 6:00 a.m. to 9:00 p.m.*
- 5. The owner must adhere to the Willard City Zoning Ordinance 12-107 Performance Standards.*

Peggy Jo Perry
Applicant's Signature

11-18-05
Date

Jan Baker
City Representative - Title
Deputy Recorder

11-18-05
Date

ITEM 5B

CHAPTER 12-102-24. Short-Term Rentals

12-102-24-1 Purpose.

The purpose of this section is to accomplish the following:

- (1) To promote the public health, safety, and welfare by requiring short-term rentals to be safe and fit for human occupancy;
- (2) To provide contact information, through licensing, for each short-term rental to allow problems to be resolved expeditiously;
- (3) To provide consistency with licensing of all other businesses in the city by requiring licensing of short-term rentals;
- (4) To allow an existing residential dwelling to be used and occupied as a short-term rental while also maintaining its character and function as a dwelling; and
- (5) To minimize the impact of short-term rentals on adjacent properties, residential dwellings, and surrounding neighborhood.

12-102-24-2 Definitions.

Short-Term Rental. Temporary lodging typically located in a residential dwelling for charge or fee and for a rental period of less than thirty (30) continuous days. A short-term rental excludes hotels, motels, bed & breakfast establishments, and Accessory Dwelling Units.

12-102-24-3. Requirements for Approval.

- (1) No dwelling or structure shall be occupied or used as a Short-Term Rental within the corporate limits of Willard City without the owner having first obtained a conditional use permit, and Short-Term Rental business license from Willard City.
- (2) All Short-Term Rentals must obtain a conditional use permit. A conditional use permit may be granted by the Planning Commission for a Short-Term Rental, provided that the requirements of this section are met in addition to the requirements of Chapter 12-105.
- (3) The granting of a conditional use permit for a Short-Term Rental shall not exempt the owner and/or applicant from meeting other applicable ordinances, covenants, or law.

12-102-24-4. License Application. An application for a Short-Term Rental business license and conditional use permit shall conform to the requirements of the Willard City Code and shall also include the following information:

- (1) A detailed floor plan drawn to scale with labels on rooms indicating uses or proposed uses;

- (2) A copy of the Utah State tax license number for remittance of transient lodging taxes;
- (3) The name and contact information of the owner, and if applicable, the designated local contact, residing in the State of Utah, who is authorized by the owner for service of process.

12-102-24-5. License Fee.

- (1) The fee for a Short-Term Rental license shall be as set forth in the fee schedule adopted by the Willard City Council;
- (2) The business license shall be paid annually and shall be due and payable on or before the license expiration date of owner's application for a business license. A license shall be delinquent if paid after said date in the year for which it is due.

12-102-24-6. Minimum Requirements

- (1) All Short-Term Rental properties shall, at all times, have a designated local contact or property manager that resides within one (1) hour travel time of the property. The property owner shall provide the registered local contact person's contact information at the time of submission of their application. The local contact shall be available twenty-four (24) hours per day to respond to questions or concerns.
- (2) Upon receipt of a notification regarding a complaint, the designated local contact shall contact the occupant of the Short-Term Rental and resolve the issue giving rise to the complaint. The designated local contact shall have sixty (60) minutes from the time of notification of a complaint to resolve the problem giving rise to the complaint. Failure to resolve the problem within sixty (60) minutes shall constitute a violation of this code unless the designated local contact can demonstrate that they contacted the occupant of the Short-Term Rental within sixty (60) minutes and attempted to resolve the problem but were unable to do so. In that event, the designated local contact shall visit the Short-Term Rental property to address the problem and resolve the complaint if reasonably possible within sixty (60) minutes thereafter.
- (3) Failure to resolve any complaints as required in this Section, may be a violation of this Chapter and may be cause for the issuance of enforcement action, criminal penalties, administrative fines, and potential termination of business licensing. The City may take enforcement action against a Short-Term Rental for any violation of this Section separately from and in addition to any enforcement action taken to address the violation underlying the complaint, if any.
- (4) The Short-Term Rental floor plan and principal function shall remain as a residential dwelling to be used for its main purpose when not used as a Short-Term Rental.

- (5) Each Short-Term Rental unit shall meet the zoning, building code requirements for installation, maintenance, and operation in effect at the time the Short-Term Rental unit was legally permitted.
- (6) Each sleeping room must meet current international code requirements for egress and be equipped with smoke and carbon monoxide detectors. A fire exiting plan and maximum occupancy number must be posted in each sleeping room.
- (7) Each Short-Term Rental shall comply with the noise ordinance of the Willard City Code. Quiet hours shall be established, posted, and enforced for the Short-Term Rental and which shall be between the hours of ten o'clock (11:00) p.m. and seven o'clock (7:00) a.m.
- (8) The Short-Term Rental owner and designated local contact, upon notification that the Short-Term Rental occupants and/or their guests have created unreasonable noise or disturbances or violated any provision of the Willard City Municipal Code pertaining to noise or disorderly conduct, will promptly act within sixty (60) minutes to prevent continuation and/or reoccurrence of such conduct by those Short-Term Rental occupants and/or their guests.
- (9) No later than ten (10) days following the issuance of a Short-Term Rental license, the property owner shall disseminate the designated local contact information, a copy of the conditional use permit, and a copy of the Short-Term Rental license to all properties located within a three hundred (300) foot radius of the Short-Term Rental. The property owner shall also mail the same information to each property owner of record as listed with the Box Elder County Assessor's office within the three hundred (300) foot radius. Proof of mailing and a copy of the information sent to residents and adjoining property owners shall be provided to the Willard City Recorder within fourteen (14) days of mailing.

12-102-24-7. Parking Regulations.

- (1) The owner of any property licensed as a Short-Term Rental shall provide off street parking for the guests in accordance with the following:
 - a. Off street parking shall be provided on the same lot as the dwelling which is licensed as a Short-Term Rental.
 - b. Parking shall be provided at one (1) vehicle per bedroom. Tandem spaces on a driveway may be used. The number of vehicles allowed by occupants of the Short-Term Rental shall be restricted to the number of off-street parking spaced provided by the owner.

12-102-24-8. License Renewal.

- (1) The owner shall include with their renewal application evidence that minimum Utah State Sales Tax and Transient Taxes were submitted for the prior year.

- (2) Failure to renew the business license within thirty (30) days of the license expiration date may result in revocation of the license and subject the property to the license limitations as outlined in Willard City Code.

12-102-24-9. Business License Not Transferable. A business license for a Short-Term Rental is not transferable. Any owner holding a license shall give written notice within thirty (30) days to the City Recorder after having transferred or otherwise disposed of legal or equitable control of any Short-Term Rental. Such notice of transferred interest shall include the name, address, and information regarding the person(s) or entity succeeding to the ownership or control thereof. The new owner shall obtain a business license within thirty (30) days of the date of purchase and as required by this Chapter.

12-102-24-10. Required Posting. The following information must be posted in a clear, concise, and unambiguous manner in a conspicuous location inside all Short-Term Rentals:

- (1) A copy of the Short-Term Rental license.
- (2) The name, address, and phone number of the owner/property manager.
- (3) Emergency exit plan and the location of all fire extinguishers.
- (4) A list of all rules applicable to Short-Term Rentals.
- (5) The maximum occupancy of the Short-Term Rental, the maximum number of vehicles allowed, and the location of parking stalls.

12-102-24-11. Inspections.

- (1) The City or authorized agency shall conduct a safety inspection of the Short-Term Rental at the time of application for the initial short term rental license. License renewals will not automatically require subsequent re-inspections unless the City Planner, in their discretion, determines a renewal inspection is necessary.
- (2) The City or other authorized agency shall be permitted to inspect any Short-Term Rental unit to enforce any part of this title or any other applicable statute or ordinance if the Short-Term Rental unit has a recorded and valid complaint. Complaints may be submitted by any person including a Willard City employee.
- (3) No owner, occupant, or any other person having charge, care, or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to properly permit entry therein by the business license official or their

designee for the purpose of inspection and examination to ensure compliance with this title. If the property owner or other responsible person refuses to allow an inspection, the business license official or their designee may obtain and execute an administrative search warrant.

12-102-23-12. Penalties.

- (1) Violation of any of the provisions of this Chapter may be punishable by a Class B misdemeanor upon conviction and subject to a \$750.00 fine.
- (2) Any Short-Term Rental that fails to comply with any duty imposed under this chapter may face suspension, denial, or revocation of a Short-Term Rental License and/or business license.

12-102-23-13. Appeals. The owner of a Short-Term Rental shall have the right to appeal by filing a written notice of appeal within 15 days of the receipt of the notice of denial, suspension, revocation of a Short-Term Rental and/or business licenses to the Hearing Officer of Willard City.

ITEM 5C

South Willard Land Use Plan Open House

Engage in discussion, ask questions, and let your voice be heard.

Join the Willard City Planning Commission for a discussion and open house regarding the future of South Willard. City and County officials will be present.

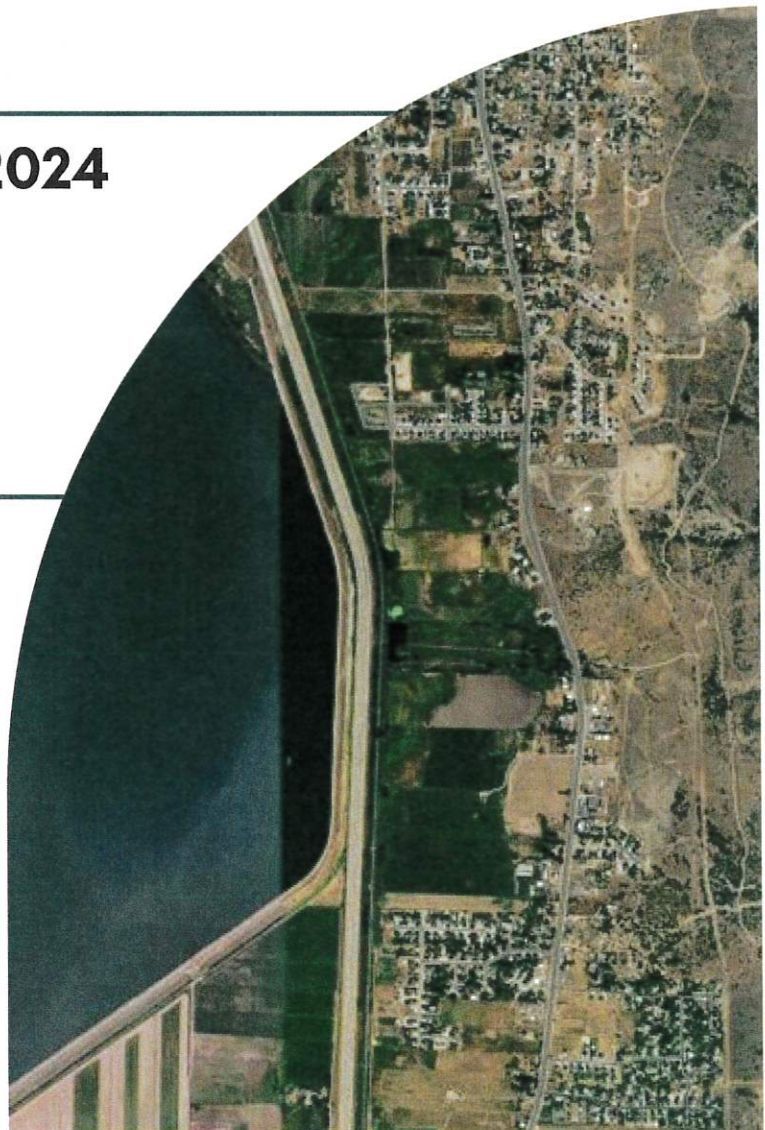
Thursday May 16, 2024

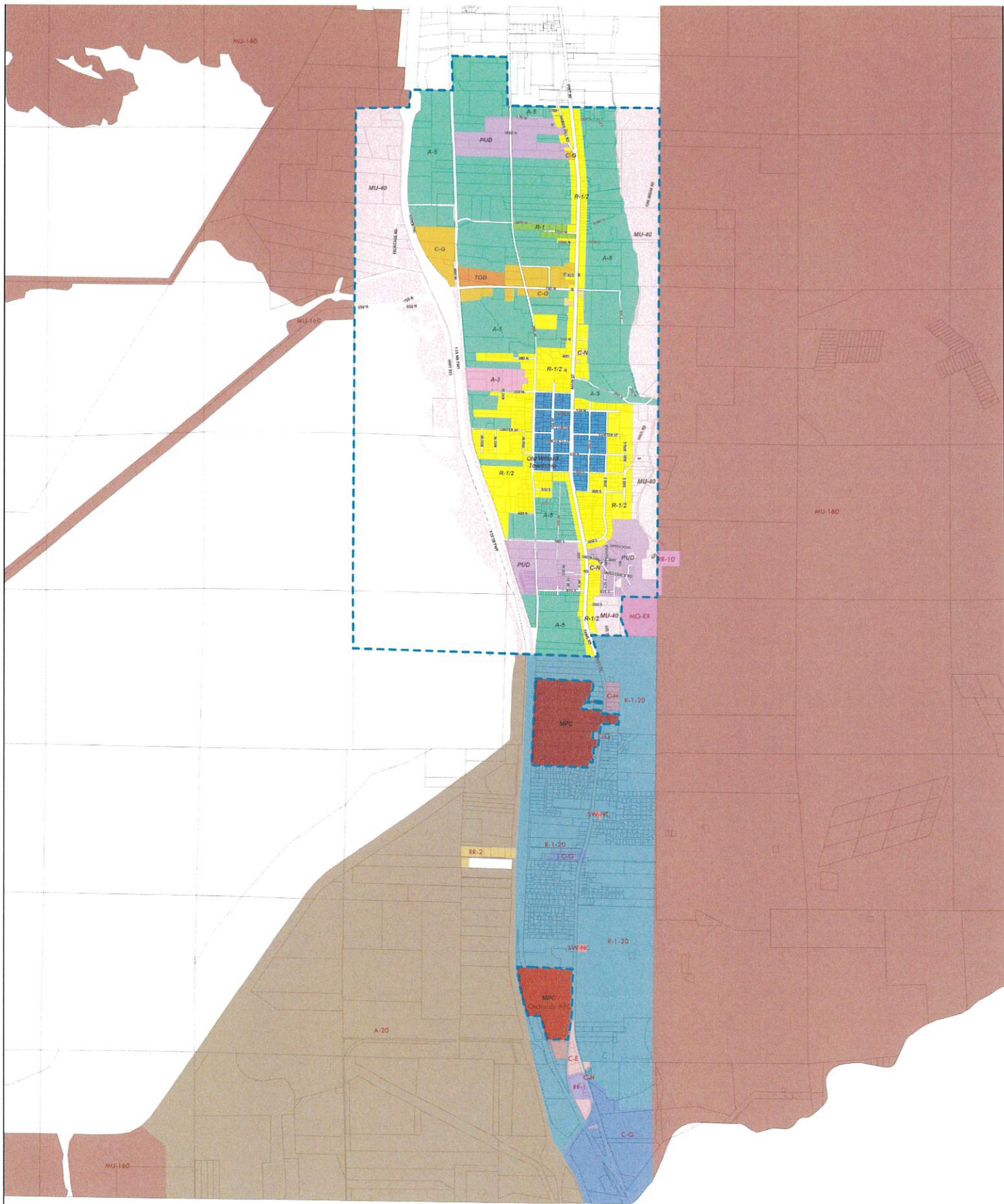
Willard City Hall

80 W 50 S Willard

6:30 PM

Scan the QR code to electronically submit your questions and comments.



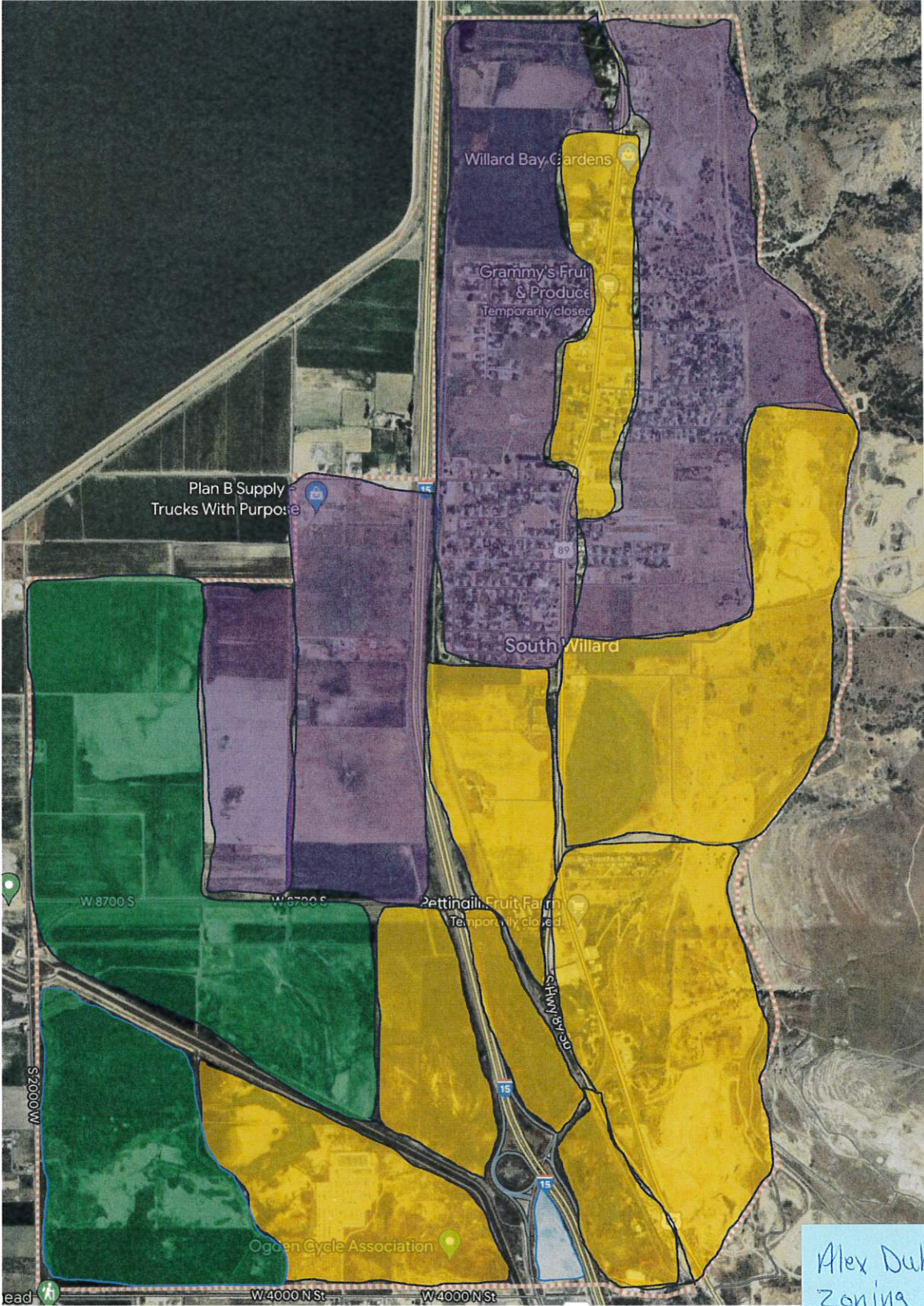


Zoning	Box Elder County Zoning
MU-40	A-20
A-5	C-E
C-N	C-G
C-G	C-H
A-3	MG-EX
R-1	MU-160
MPC	R-1-20
R-1/2	RR-1
TOD	RR-10
	RR-2

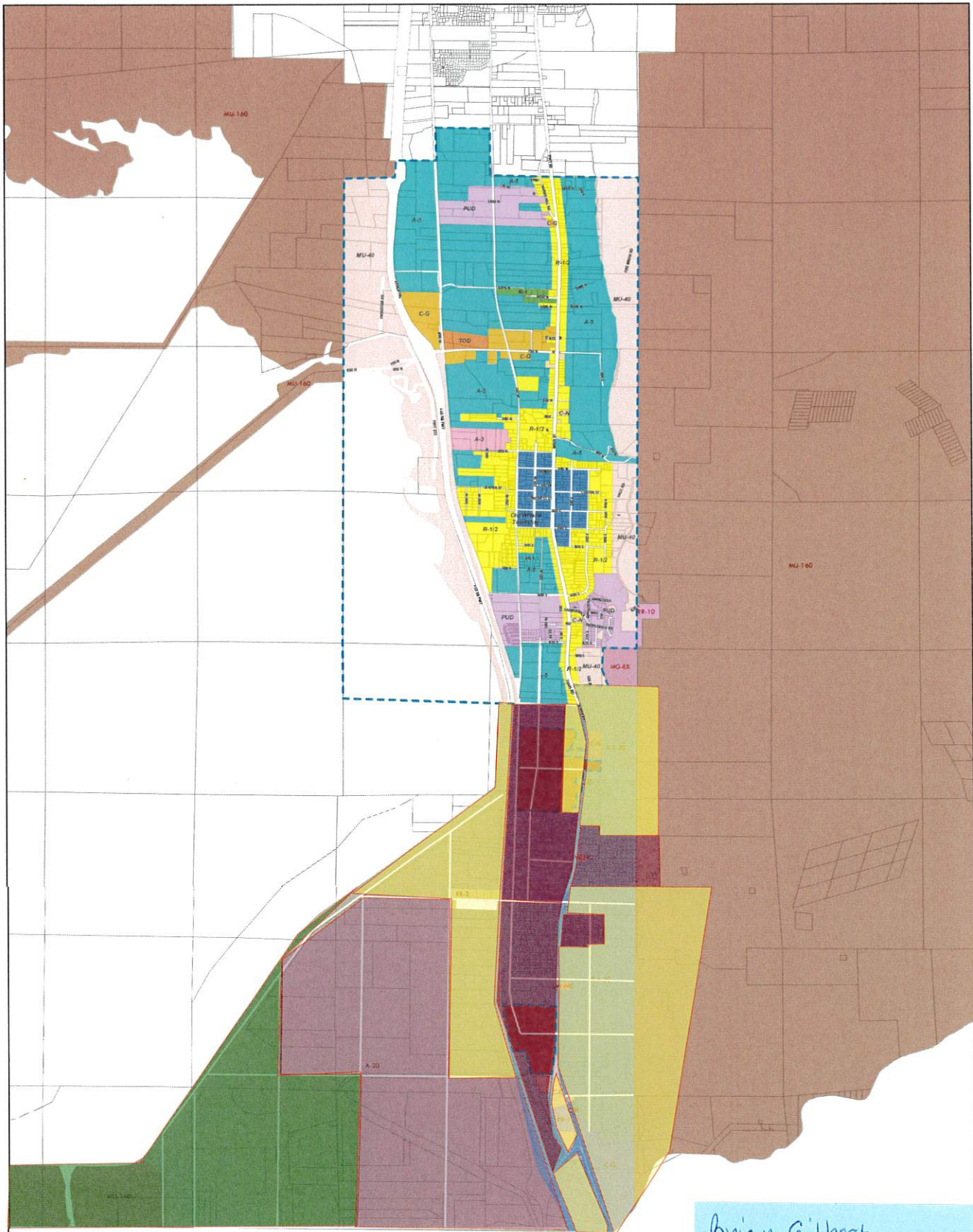
MPZ

Commercial

Ag



Alex Dubovik
Zoning



Brian Gilbert
Zoning

Zoning	Box Elder County Zoning
PUD	A-20
MU-40	C-E
A-5	C-G
C-N	C-N
C-G	MG-EX
A-3	MA-150
R-1	R-1-20
MPC	RR-1
R-172	RR-10
TOD	RR-2
Old Willard Township	SW-4C
City Boundary	Orchards MPC
Box Elder County Parcels	

AG
MPZ
COMMERCIAL

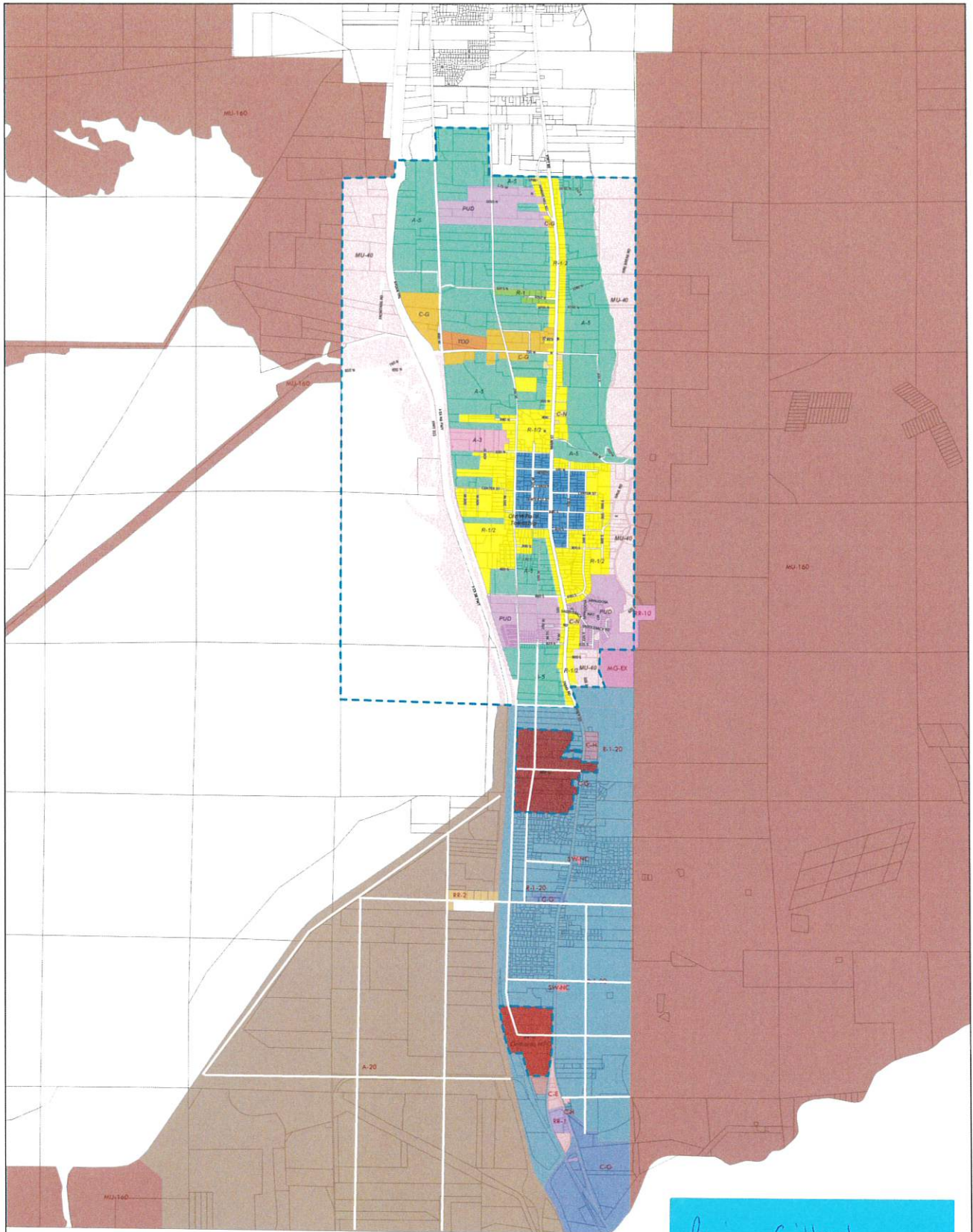


DESIGNED: JTS
DRAWN: JTS
CHECKED: ZMB
DATE: 2/7/2024

JONES & ASSOCIATES CONSULTING ENGINEERS
200 Fulton Street
South Ogden, Utah 84403 (801) 478-9100

WILLARD CITY CORPORATION
ZONING MAP





Zoning		Box Elder County Zoning	
	PUD		A-20
	MU-40		C-E
	A-5		C-G
	C-N		C-H
	C-G		MG-EX
	A-3		MU-160
	R-1		R-1-20
	MPC		RR-1
	R-1/2		RR-10
	TOD		RR-2
	Ohio Willard Township		SW-NC
	City Boundary		SW-NC
	Box Elder County Parcels		Declsd MPC

Brian Gilbert
Road Suggestions

ITEM 6



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, April 18, 2024 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

49 four vehicles parked outside at any time; a 10-pound fire extinguisher in the shop at all times; a metal
50 container for the storage of oily rags; an annual fire inspection; no employees; and no outside storage of
51 materials or contaminants.

52
53 Commissioner Dubovik asked if the conditions had been met.

54
55 Duane Dominguez stated that he had the fire extinguisher, and he had added the metal container for oily
56 rags.

57
58 Commissioner Gilbert asked if a grease separator was needed. Mr. Dominguez said his shop did not have
59 water or sewer.

60
61 Commissioner Baker asked what would be done with the old oil. Mr. Dominguez said he would take it to
62 Auto Zone or O'Reilly Auto Parts to be recycled.

63
64 Commissioner Baker asked if a special permit was needed for the oil. Jeremy Kimpson, City Manager, said
65 a permit was usually needed for larger quantities.

66
67 **Commissioner Dubovik moved to approve a conditional use permit for Duane Dominguez to repair**
68 **all-terrain and utility-terrain vehicles on his property located at 369 West 200 North (Parcel No. 02-**
69 **057-0030) subject to the conditions recommended by the CUP Review Committee. Commissioner**
70 **Gilbert seconded the motion. All voted "aye." The motion passed unanimously.**

71
72 5B. REVIEW OF A CONDITIONAL USE PERMIT ISSUED TO BILL & SHELLEY MERRITS FOR A
73 SINGLE-FAMILY DWELLING ON SENSITIVE LAND LOCATED AT 344 EAST 300 NORTH
74 (PARCEL NO. 02-048-0005) ISSUED MAY 10, 1993

75
76 Time Stamp: 8:52 04/18/2024

77
78 Madison Brown stated that this was part of the conditional use permit review process. Bill and Shelley
79 Merritts applied for and received a conditional use permit in 1993. A building permit was not granted until
80 2018. Merritt's needed permission to build a home at 344 East 300 North because the parcel was located
81 on sensitive land. The land was part of the well-head protection zone and in the FEMA flood plain. The
82 home was no longer owned by the Merritt's. It was now occupied by Jane Eyre. Because conditional use
83 permits remained with the property, this one needed to remain active because the home was currently
84 being used.

85
86 There were no comments.

87
88 5C. DISCUSSION REGARDING AMENDING CHAPTER 12-105 OF THE WILLARD CITY ZONING
89 ORDINANCE TO ALLOW SHORT-TERM RENTALS IN RESIDENTIAL ZONES (CONTINUED
90 FROM APRIL 4, 2024)

91
92 Time Stamp: 10:55 04/18/2024

93
94 Colt Mund, City Attorney, stated that he had been working on an ordinance for short-term rentals using the
95 Richmond ordinance as a model. He would have a proposed ordinance ready for the Planning Commission
96 to review at the next meeting. He did have a few questions. Richmond and other cities made short-term



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, April 18, 2024 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

97 rentals a conditional use. Willard's code included short-term rentals in the Commercial Neighborhood,
98 Commercial General, and Manufacturing zones as a conditional use, but they were not mentioned in
99 residential zones. Did the Planning Commission want short-term rentals to be permitted in some zones or
100 be reviewed as a conditional use on a case-by-case basis?
101
102 Vice Chairman Bingham felt short-term rentals should be conditional uses and reviewed case-by-case. The
103 Commission agreed.
104
105 Commissioner Dubovik felt each application should be reviewed so that each applicant understood the
106 rules.
107
108 Commissioner Baker asked about the difference between a short-term rental and an accessory dwelling
109 unit. Mr. Kimpton explained that a short-term rental had a lease that was less than 30 days in duration.
110
111 Commissioner Gilbert asked if an accessory dwelling unit could be changed to a short-term rental. Colt
112 Mund said the ordinance he was proposing would require a short-term rental license, which was distinct
113 from a business license. If someone wanted an ADU to be a short-term rental, they would have to be go
114 through the review process to be licensed by the city. He felt enforcement of short-term rentals and ADU's
115 would be a challenge. He proposed that violation of the short-term rental ordinance be a Class B
116 Misdemeanor as a land use violation, which was the default of the state code. He hoped that would function
117 as a deterrent.
118
119 Vice Chairman Bingham asked about the ADU ordinance and how it was enforced. Mr. Mund said the
120 ordinance included a criminal violation and a lien provision. If the city determined there was a violation, it
121 could use those tools. Enforcement was complaint driven.
122
123 Mayor Mote asked how many ADU's were allowed per property. Mr. Mund said only one ADU – internal or
124 external - per parcel was allowed.
125
126 Vice Chairman Bingham's biggest worry was safety. What if there was a fire in an accessory building, and
127 the Fire Department did not know people were living there?
128
129 Mayor Mote asked how the City would determine the difference between an internal ADU and a short-term
130 rental. Jeremy Kimpton said there were building code characteristics that defined an ADU. Typically, an
131 ADU had its own HVAC system, there was not an entryway between the rental and the main dwelling, and
132 it had its own ingress/egress. The city would have to consider whether the rental was being used by family.
133
134 Colt Mund stated that an ADU was defined as a rental. What was a rental? If a homeowner allowed a child
135 or parent to live in part of the home and not pay rent, was that a rental? It was a gray area. In his opinion,
136 a rental meant some exchange of money or services, some type of compensation or consideration.
137
138 Mayor Mote felt the city would see more multi-generational families because of housing prices.
139
140 Colt Mund felt there were certain indicators that an accessory dwelling was being rented, such as
141 advertising. The city could use that as a basis for compliance.
142
143 Vice Chairman Bingham asked that the draft ordinance be scheduled for discussion at the next meeting.
144



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Willard, Utah 84340

145 5D. DISCUSSION REGARDING AMENDING CHAPTER 12-106 OF THE WILLARD CITY ZONING
146 ORDINANCE THE MASTER PLANNED COMMUNITY ZONE (CONTINUED FROM APRIL 4,
147 2024)

148
149 Time Stamp: 23:06 04/18/2024

150
151 Vice Chairman Bingham said he had asked that this item be placed on the agenda. He wanted to make
152 sure the MPC Ordinance worked with the new General Plan. One area of concern was the minimum size.
153 Another was whether the density in an MPC Zone should be consistent with the underlying zone.

154
155 Mayor Mote said the signed ordinance had a typographical error in 12-106-2 that needed to be corrected.
156 Was the minimum size ten acres or twenty?

157
158 Commissioner Dubovik felt the Planning Commission and City Council verbally agreed that the minimum
159 size would be twenty acres. Since the MPC was adopted, there had been discussion about how few twenty-
160 acre parcels were left in Willard. If the city wanted more control over more parcels, the minimum MPC
161 should be reduced to ten acres.

162
163 Vice Chairman Bingham felt the way open space was administered needed to be clarified. The ordinance
164 provided for payment in lieu of open space, but it was not clear about how it worked.

165
166 Commissioner Gilbert asked how the value of the open space was determined. Was it the value of raw land
167 or improved land? He felt it should be improved land. How many parks did Willard need?

168
169 Mayor Mote stated that developers were proposing small open spaces for their individual developments.
170 Yet the residents of Willard wanted more open lots and access to the parks that were developed. If the
171 minimum MPC size was reduced to ten acres, the open spaces would become smaller and harder to
172 manage. The discussion of value came up for Lew Swain's Old Farm Subdivision. The city had to take the
173 appraised value, which was raw land. He thought city officials had been thinking the fee-in-lieu-of would be
174 based on improved land, but it was not in the ordinance. There were definitely some administrative issues
175 that needed to be cleaned up. MPC's took a lot of staff time. He was concerned that if the size was reduced
176 to ten acres, every development would be an MPC.

177
178 Commissioner Dubovik said an MPC would only be proposed if lots were less than a half-acre. Mayor Mote
179 felt every developer wanted lots smaller than a half-acre because they wanted to maximize their return on
180 investment.

181
182 Vice Chairman Bingham felt the payment-in-lieu of gave the city the ability to decide where parks should
183 be.

184
185 Mayor Mote felt the density cap would lead developers to do half-acre density because there was not a
186 benefit for them. The city needed to decide what the maximum density would be. If the underlying density
187 on the General Plan was half-acre, what would developers be paying in lieu of?

188
189 Commissioner Dubovik said a ten-acre MPC with 20% open space meant two extra lots if they paid a fee-
190 in-lieu-of. Mayor Mote felt that calculation needed to be in the ordinance, so it was clear to everyone.
191 Developers thought they could pay the city for 20% of open space and have carte blanche on the lot size.



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192 The ordinance needed to define the value of the open space and how open space and lot sizes would be
193 calculated.
194

195 Vice Chairman Bingham asked the Planning Commission to review the MPC ordinance to see if any other
196 changes were needed.
197

198 Commissioner Gilbert asked if there was a dollar figure attached to the staff time for a ten-acre parcel
199 versus twenty acres. Mayor Mote stated that each MPC had to have a development agreement, which took
200 a lot of time for the City Attorney to review and negotiate. The City Planner had to administer the ordinance.
201 MPC's might take less than if the ordinance had more guidance. The administration was amending the
202 Subdivision Ordinance to allow developers to be charged for attorney fees.
203

204 Commissioner Dubovik asked if developers would be less attracted to a ten-acre parcel. Mayor Mote felt
205 developers would be attracted to ten-acre parcels if the MPC Zone allowed them because they would be
206 more financially lucrative.
207

208 Commissioner Dubovik asked how the fee-in-lieu-of funds would be administered. Mayor Mote stated that
209 the city did not have an assigned account or an ordinance that tied the fee-in-lieu-of to parks. Currently the
210 funds went into a discretionary account. He felt the intent was to use the fee-in-lieu-of funds for parks and
211 parks' activities. Commissioner Dubovik felt the city needed to account for the fee-in-lieu-of funds.
212

213 Jeremy Kimpton said the fee-in-lieu-of might need to go into a restricted fund. Mayor Mote said the city did
214 not have an ordinance that tied the funds received for open space to the purchase and maintenance of
215 open space. He was not sure if the state code did. He felt the moral thing to do was make sure that was
216 what the funds were used for. Mr. Kimpton agreed.
217

218 Jeremy Kimpton stated that he would speak with the city's auditor about how to account for any fees-in-
219 lieu-of received by the city.
220

221 Vice Chairman Bingham asked how the Planning Commission felt about the minimum size of an MPC.
222

223 Commissioner Gilbert felt the ordinance requirements needed to be clear for the developer. It was
224 frustrating for them to pay for wasted engineering fees.
225

226 Mayor Mote stated that he created a checklist for the staff to use when reviewing an MPC. He acknowledged
227 that the questions were subjective. Yes, the city wanted the MPC ordinance to be flexible, but it was so
228 flexible that the city and developers were on opposite sides. There needed to be a way to bridge the gap.
229

230 Vice Chair Bingham asked if the MPC Ordinance needed to include language about payment of attorney's
231 fees. Colt Mund felt that the proposed amendment to the Subdivision Ordinance would be sufficient.
232

233 Vice Chairman Bingham said the Planning Commission needed to determine a minimum size, a formula
234 for calculating the amount and value of open space, and overall density.
235

236 There was further discussion. Vice Chairman Bingham felt the goal was to get a little bit of money for parks
237 and various lot sizes. Mayor Mote felt the open space benefits were limited with the smaller size.
238 Commissioner Gilbert felt a twenty-acre minimum would deter smaller MPC's, and it gave the city some
239 control. Mayor Mote felt every annexation request from South Willard would include an MPC request. Mayor



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240 Mote also felt information from the auditor might change the way the city looked at fees-in-lieu of.
241 Commissioner Baker felt twenty acres would provide for more conformity in appearance. Commissioner
242 Beebe felt twenty acres would provide more room for better planning. Vice Chairman Bingham was not
243 sure how the MPC ordinance could be worded to encourage a variety of lot sizes. Commissioner Dubovik
244 felt a ten-acre minimum could be attractive if there was a net density of a half-acre.
245

246 Vice Chairman Bingham asked the city manager to investigate how fees-in-lieu of could be used. He asked
247 the staff and Planning Commission to calculate a formula for the ordinance. He also asked the staff to
248 determine if anything needed to be added to the ordinance to make MPC's easier to process. The ordinance
249 needed to contain language defining the value of open space as improved land, not raw land.
250

251 Jeremy Kimpton said the staff would try to gather some answers for the Planning Commission.
252

253 Vice Chairman Bingham tabled discussion regarding the MPC Ordinance until the staff had information for
254 the Planning Commission.
255

256 5E. CONSIDERATION AND RECOMMENDATION TO THE CITY COUNCIL REGARDING AN
257 AMENDMENT TO THE GENERAL PLAN CHAPTER 12-000 OF THE WILLARD CITY ZONING
258 ORDINANCE TO INCLUDE A FUTURE LAND USE MAP FOR THE SOUTH WILLARD AREA
259 INCLUDED IN WILLARD'S ANNEXATION POLICY DECLARATION (CONTINUED FROM APRIL
260 4, 2024)
261

262 Time Stamp: 50:35 04/18/2024
263

264 Mayor Mote stated that during the last meeting, the Planning Commission discussed the future land use
265 map for South Willard and the need to drive through South Willard to be prepared for the open house on
266 May 16th. The open house would include a brief presentation about what had led to the current situation.
267 Box Elder County had promised to send a representative to answer questions about the County's position.
268 Then Willard and South Willard residents would be invited to provide feedback. The goal was to have Box
269 Elder County adopt whatever plan was formulated. Mayor Mote felt it was becoming increasingly apparent
270 that South Willard would either have to incorporate or become part of Willard. Either way, Willard needed
271 to make sure roads connected and that development was orderly. Box Elder County really did not have a
272 plan. He asked the Planning Commission members to document any ideas they had.
273

274 Vice Chairman Bingham liked the road map proposed by Commissioner Gilbert. Commissioner Gilbert said
275 he had tried to find a way to continue 200 West to the south. Some areas were tight. He was not sure it
276 would work.
277

278 Commissioner Gilbert felt that maps of the watershed would be very helpful. Mayor Mote felt a wetland map
279 could be pulled from Box Elder County's website and that the city's engineer could provide information
280 about sensitive land and slopes on the east side of South Willard.
281

282 Commissioner Dubovik asked if there was a way to combine his proposed zoning map with Commissioner
283 Gilbert's road map. He felt that would be a good start and would give the public something to throw darts
284 at.
285

286 Commissioner Gilbert felt the elk farm on the east side of Highway 89 was premier commercial land.
287



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288 There was further discussion.

289
290 6. CONSIDERATION AND APPROVAL OF THE APRIL 4, 2024, REGULAR PLANNING
291 COMMISISON MINUTES

292
293 **Commissioner Baker moved to approve the April 4, 2024, minutes as written. Commissioner Beebe**
294 **seconded the motion. All voted “aye.” The motion passed unanimously.**

295
296 7. COMMISSIONER/STAFF COMMENTS

297
298 Time Stamp: 1:02:34 04/18/2024

299
300 Colt Mund

301
302 Colt Mund stated that he had discussed the ADU Ordinance and the City's zoning tables with Jeremy
303 Kimpton. There was a need to clean things up. The zoning table referenced ADU's, but it did not distinguish
304 between internal or external. Some changes would be proposed to the Planning Commission in a few
305 weeks.

306
307 Jeremy Kimpton said the Zoning Ordinance did not list any ADU as a CUP. He asked if the Planning
308 Commission wanted all ADU's to be conditional uses, or just external.

309
310 Colt Mund said the state code made an internal ADU a permitted use in any residential zone. The city had
311 some flexibility with external or detached ADU's.

312
313 Vice Chairman Bingham felt detached ADU's should be a conditional use in residential zones.

314
315 Michelle Drago, Deputy Recorder, said the ADU ordinance said an ADU was required to have a license.
316 Did that mean both, or just external? Colt Mund felt a license would be required for either one if it was
317 intended to be used as a rental. The state code said *rental*. He interpreted *rental* to mean an exchange, or
318 some type of consideration, for the use of the living space.

319
320 Jeremy Kimpton

321
322 Did not have any comments.

323
324 Madison Brown

325
326 Madison Brown stated that she had ordered maps for the open house. They were supposed to be ready by
327 May 1st.

328
329 Jeremy Kimpton said they would also print the maps proposed by Commissioners Dubovik and Gilbert.

330
331 The Planning Commission decided to hold a work session at 6:00 p.m. on May 2nd.

332
333 Madison Brown asked for help with an agenda for the open house.

334
335 Commissioner Beebe



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336
337 Commissioner Beebe said the denser the housing was, the more it would cost the city to provide services.
338

339 Commissioner Dubovik

340
341 Did not have any comments.

342
343 Commissioner Gilbert

344
345 Did not have any comments.

346
347 Commissioner Baker

348
349 Did not have any comments.

350
351 Michelle Drago

352
353 Michelle Drago suggested that the short-term rental ordinance include a limit or a cap.

354
355 Vice Chairman Bingham

356
357 Did not have any comments.

358
359 8. ADJOURN

360
361 **Commissioner Baker moved to adjourn at 7:55 p.m. Commissioner Beebe seconded the motion. All**
362 **voted in favor. The motion passed unanimously.**

363
364
365 Minutes were read individually and approved on: _____

366
367
368
369
370 _____
371 Planning Commission, Vice Chairman
372 Chandler Bingham
373 _____
374 Planning Commission Secretary
375 Michelle Drago

dc:PC 04-18-2024