



Notice is hereby given that the
WILLARD CITY PLANNING COMMISSION
Will meet in a regular session on
Thursday, August 17, 2023 – 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. General Public Comment (Input for items not on the agenda. Individuals have three minutes for open comments)
4. Report from City Council
5. Discussion/Action Items
 - a. Public hearing to receive public input regarding a proposal to amend the Willard City Zoning Ordinance by adding outdoor lighting (dark sky) regulations
 - b. Consideration and recommendation to the City Council regarding a proposal to amend the Willard City Zoning Ordinance by adding outdoor lighting (dark sky) regulations
 - c. Consideration and recommendation to the City Council regarding a proposed amendment to Chapter 12-101 to allow for alternate Planning Commission members and to grant alternate members voting rights
 - d. Consideration and recommendation to the City Council regarding a General Plan DRAFT which would amend Chapter 12-000 of the Willard City Zoning Ordinance
 - e. Consideration and recommendation to the City Council regarding a petition from Chris Marx to rezone approximately 10.84 acres located at approximately 297 West 380 North from A-5 to R-1/2 (Parcel Nos. 02-044-0008, 02-046-0010, 02-046-0011, and 02-046-0012) (continued from June 1, 2023)
6. Consideration and approval of the August 3, 2023, 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/pmn/index.html>, on the Willard City website www.willardcity.com, and sent to the Box Elder News Journal this 14th day of August, 2023.

/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.

Willard City Corporation

80 West 50 South
Box 593



Willard, Utah 84340
(435) 734-9881

NOTICE OF PUBLIC HEARING WILLARD CITY PLANNING COMMISSION

Notice is hereby given that the Willard City Planning Commission will hold a public hearing to receive public comment regarding a proposal to amend the Willard City Zoning Ordinance by adding outdoor lighting (dark sky) regulations.

The public hearing will be held on Thursday, August 17, 2023, at 6:30 p.m. in the Willard City Council Chambers, 80 West 50 South, Willard, Utah, during a regular Planning Commission meeting.

Information regarding this matter is available during business hours by contacting the Willard City Planner at 435-723-9881. Business hours are 8:00 a.m. to 5:00 p.m. Monday through Thursday and 8:00 a.m. to 12:00 p.m. on Friday.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communications, aids, and services) during this meeting should notify the City Office at 80 West 50 South, Willard, Utah, phone number (435) 734-9881, at least three working days prior to the meeting.

I, the undersigned duly appointed 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; two other places in the community; on the State of Utah Public Meeting Notice website <http://www.utah.gov/pmn/index.html>; on the Willard City website www.willardcity.com; and sent to the Box Elder News Journal this 4th day of August, 2023.

/s/Michelle Drago
Deputy City Recorder

CHAPTER XX-XXXX. Outdoor Lighting Ordinance

XX-XXX-XX-X Purpose.

It is the purpose and intent of this chapter to balance the goals of providing efficient and practical lighting for residents and businesses in Willard City, maintaining the city's rural character, minimizing light pollution that may interfere with Willard City's residents and visitors' enjoyment, health, safety, and welfare, and reduce unnecessary energy consumption.

XX-XXX-XX-X Conformance with Applicable Codes.

All outdoor lighting and lighting fixtures installed after the effective date of this ordinance shall be required to be installed in conformance with the provisions of this ordinance and the applicable building codes currently in effect in Willard City. All existing outdoor lighting that does not meet the requirements of this ordinance and is not otherwise exempted from compliance herein, shall be considered a nonconforming use or part of a nonconforming structure.

XX-XXX-XX-X Definitions.

- A. "Direct illumination" means illumination resulting from light emitted directly from a lamp, luminary, or reflector. This does not include light reflected from other surfaces such as the ground or building faces.
- B. "Display lot or area" means outdoor areas where active nighttime sales activity occurs and where accurate color perception of merchandise by customers is required. To qualify as a display lot, one of the following specific uses must occur: Automobile sales, boat sales, tractor sales, building supply sales, gardening or nursery sales, and assembly lots. Uses not on this list may be approved as display lot or area upon approval by the Planning Commission.
- C. "Foot-candle" means one lumen per square foot; unit of illuminance. It is the luminous flux per unit area in the imperial system. One foot-candle equals approximately one-tenth (0.093) lux.
- D. "Floodlight" means a fixture or bulb designed to "flood" an area with light. A specific form of bulb or fixture designed to direct its output in a specific direction. Such bulbs are often designated by the manufacturer and are commonly used in residential outdoor lighting.
- E. "Fully shielded light fixture" means a light fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted. Fully shielded light fixtures must be shielded in and of themselves. Surrounding structures, like canopies, are not to be considered when determining if the fixture is fully shielded. Fully shielded fixtures must be appropriately mounted so that the shielding prevents light from escaping above the horizontal plane and all light is directed downward.
- F. "Full cutoff light fixture" means fixtures that are independently certified by the manufacturers, and do not allow light to be emitted above the fixture and the fixture reduces glare by limiting the light output to less than 10 percent at and below 10 degrees below the horizontal.

G. "Glare" means the sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility; blinding light. The magnitude of glare depends on such factors as the size, position, and brightness of the source, and on the brightness level to which the eyes are adapted.

H. "Installed" means a light fixture attached or fixed in place, whether or not connected to a power source, of any outdoor light fixture.

I. "Light pollution" means any adverse effect of manmade light.

J. "Light trespass" means light spill falling over property lines that illuminates adjacent grounds or buildings in an objectionable manner.

K. "Lumen" means a unit used to measure the actual amount of visible light which is produced by a lamp as specified by the manufacturer.

L. "Luminary" means the complete lighting assembly, less the support assembly.

M. "Motion sensing security lighting" means any fixture designed, and properly adjusted, to illuminate an area around a residence or other building by means of switching on a lamp when motion is detected inside the area or perimeter, and switching the lamp off when the detected motion ceases.

N. "Net acreage" means the remaining ground area of a parcel after deleting all portions for proposed and existing public rights-of-way and undeveloped area.

O. "Nit" means the standard unit of brightness for electronic and digital signage. It is a measure of the light being emitted by the sign, in contrast to foot-candles which measure the brightness of the surface area or object that is being lighted.

P. "Nonessential commercial exterior lighting" means any signs, parking lot lighting, display lighting, exterior building lighting, directional lighting or landscape lighting that is primarily for aesthetic or advertising purposes and does not directly contribute to the safety or security of the premises.

Q. "Outdoor light fixture" means an outdoor illuminating device, outdoor lighting or reflective surface, lamp, or similar device, permanently installed or portable, used for illumination, decoration, or advertisement. Such devices shall include, but are not limited to, lights used for:

1. Buildings and structures;
2. Recreational areas;
3. Parking lot lighting;

4. Landscape lighting;
5. Architectural lighting;
6. Signs (advertising or other);
7. Street lighting;
8. Product display area lighting;
9. Building overhangs and open canopies;
10. Security lighting.

R. "Outdoor recreation facility" means an area designed for active recreation, whether publicly or privately owned, including, but not limited to, parks, baseball diamonds, soccer and football fields, golf courses, tennis courts, and swimming pools.

S. "Partially shielded light fixture" means a fixture shielded in such a manner that no more than ten percent (10%) of the light emitted directly from the lamp or indirectly from the fixture is projected at an angle above the horizontal, as determined by photometric test or certified by the manufacturer. Luminaries mounted under canopies or other structures such that the surrounding structure effectively shields the light in the same manner are also considered partially shielded for the purposes of this code.

T. "Seasonal decorations" means strings of holiday lights, uplighting or internally lit inflatable or plastic decorations, or other lighting of holiday or seasonal decorations.

U. "Uplighting" means lighting that is directed in such a manner as to shine light rays above the horizontal plane.

V. "Security lighting" means lighting designed to illuminate a property or grounds for the purpose of visual security.

W. "Unshielded fixture" means any fixture that allows light to be emitted above the horizontal directly from the lamp or indirectly from the fixture or a reflector.

X. "Watt" means the unit used to measure the electrical power consumption (not the light output) of a lamp.

XX-XXX-XX-X Applicability.

A. New Lighting. All outdoor lighting installed after the effective date of the ordinance codified in this chapter shall conform to the standards established in this chapter.

B. Existing Lighting. All lighting installed prior to the effective date of the ordinance as codified in this chapter shall not be subject to the requirements of this ordinance, except that any existing lighting that is directly impacted as part of a project that requires an application for a Willard City site plan or building permit or any land use application is required to be brought into conformance with this ordinance prior to the approval of any such application. All lighting shall be upgraded to conform to this ordinance prior to the issuance of certificate of occupancy, final inspection, or approval of any land use application.

C. Public Roadways. This chapter does not apply to lights owned or maintained by Willard City, Box Elder County, the State of Utah or the federal government which are within any road rights-of-way or used for traffic or safety purposes.

XX-XXX-XX-X General Outdoor Lighting Standards

A. Unless specifically exempted by this section, all outdoor lighting shall use fully shielded fixtures and shall be installed so light is directed downward with no light emitted above the horizontal plane of the fixture

B. Lamp and Shielding. All permanent light fixtures are required to be full cutoff fixtures with the light source fully shielded for all uses and directed downward, including single-family and multifamily residential uses. In order to qualify as a "fully shielded" fixture, a light fixture must have the top and sides made of completely opaque material such that light only escapes through the bottom of the fixture. Simply placing a light fixture under an eave, canopy, patio cover, or other similar cover does not qualify as fully shielded

C. Low Pressure Sodium Lighting. Due to their high energy efficiency, long life and spectral characteristics, low pressure sodium (LPS) lamps are the preferred illumination source throughout Willard City. Their use is encouraged for outdoor illumination whenever it would not be detrimental to the use of the property.

D. Light Trespass Standard. All light fixtures, including security lighting, shall be aimed, and shielded so that the direct illumination shall be confined to the property boundaries of the source. Care is to be taken to assure that the direct illumination does not fall onto or across any public or private street or road. Motion sensing light fixtures shall be fully shielded and properly adjusted, according to the manufacturer's instructions, to turn off when detected motion ceases.

E. Total Outdoor Light Output Standards – Nonresidential and Multifamily Uses. Total outdoor light output shall not exceed 100,000 lumens per net acre for all development except single-family residential uses. This cap is not intended to be achieved in all cases or as a design goal. Instead, design goals should be the lowest levels of lumens necessary to meet the lighting requirements of the site.

F. Total Outdoor Light Output Standards – Single-Family Residential Uses. Outdoor lighting for single-family residential uses is not subject to a lumens per net acre cap, but is subject to the lamp fixture and shielding requirements.

G. Height. Any lighting fixture attached to a structure shall be placed below the eave or parapet, whichever is lower. Different height restrictions may be imposed as a condition of approval by SLUA, or the Planning Commission.

H. Commercial Lighting Time Limitations. All nonessential commercial exterior lighting shall only continue in operation until 11:00 p.m. or for as long as the business is open or area is in active use and shall remain off until the business reopens or until daylight the following day.

XX-XXX-XX-X Outdoor Lighting Standards by Type.

A. Parking Lot Standards. Parking lot lighting poles shall be sized in such a manner that the top of any fixture does not exceed 17 feet above adjacent grade. Parking area lights are encouraged to be greater in number, lower in height and lower in light level, as opposed to fewer in number, higher in height and higher in light level. Low pressure sodium (LPS) lamps are encouraged. Alternatively, in industrial areas, parking lot lighting poles may be allowed to a height of 30 feet above adjacent grade provided full-cut-off light fixtures with built-in motion sensors for each pole are used. Motion sensors must reduce the light level to 50 percent when no motion is detected for 30 minutes.

B. Luminaire Mounting Height. Freestanding luminaires within a residential zone, except street lights, shall be mounted at a height no greater than 12 feet from ground level to the top of the luminaries.

C. Landscape and Accent Lighting. Subject to the approval of the City Planner, SLUA, or Planning Commission, ground-mounted lighting may be allowed to accent unique features of a building and/or surrounding landscaping (such as outstanding architectural features, specimen trees with dense year-round foliage or large native shrub masses). Architectural lighting is allowed; provided, that a full cutoff light fixture is used, and the source of illumination is directed downward.

D. Flagpoles. Uplighting for flags is permitted, provided the flag is of a government and the maximum lumen output is 1,300 lumens.

XX-XXX-XX-X Prohibited Lighting.

A. Searchlights, laser source lights, strobe or flashing lights, illusion lights or any similar high intensity light shall not be permitted except in emergencies by police and fire personnel or for approved special events.

B. Uplighting. Except as specifically allowed by Willard City ordinance, uplighting is prohibited.

XX-XXX-XX-X Special Uses.

A. Outdoor Recreational Facilities. Lighting for outdoor recreation facilities that does not comply with this chapter may be approved with the project site plan based on the following:

1. When the proposed lumens per acre exceed the lumens per net acre limits, the installation shall be designed to achieve no greater than the minimum illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).
2. Every such lighting system design shall be certified by a Utah registered engineer as conforming to all applicable restrictions of Willard City ordinances, Utah State code or federal regulations.
3. Such lighting shall not include any light trespass as determined by the City Planner or their designee.
4. Fully cutoff light fixtures shall be required for fields designed for amateur, recreational, or nonprofessional sports activity. For professional level sports facilities where full cutoff fixtures are not utilized, acceptable luminaries shall include those which:
 - a. Are provided with internal or external glare control louvers, or both, and installed to minimize uplight and off-site light trespass as determined by the planning director; and
 - b. Are installed and maintained with aiming angles that permit no greater than two percent of the light emitted by each fixture to project above the horizontal.

B. Service Station Canopies. All service station canopies shall comply with the following:

1. Shielding. All luminaries shall be flush with the lower surface of canopies and utilize flat glass or plastic covers.
2. Total Under-Canopy Output. The total light output used for illuminating service station canopies, defined as the sum of under-canopy initial bare-lamp outputs in lumens, shall not exceed 40 lumens per square foot of canopy. All lighting mounted under the canopy, except internally illuminated signs, shall be included in the total. Fifty percent of the total lumen output of all lamps mounted within or under a canopy shall be included in the lumen per acre cap.

C. Other Special Use Lighting. Lighting for special uses that are not specified in this chapter must be approved by the Planning Commission through a conditional use permit or along with a site plan application.

XX-XXX-XX-X Exemptions and Nonconforming Lights.

A. Emergency lighting, used by police, firefighting, or medical personnel, or at their direction, is exempt from all requirements of this code for as long as the emergency exists.

B. Spotlights are permitted for single-family residential, provided they are fully shielded and directed downward.

C. Swimming Pool and Decorative Water Fountain Lighting. Underwater lighting used for the illumination of swimming pools and decorative water fountains is exempt from the lamp type and shielding standards, though they must conform to all other provisions of this code.

D. Seasonal Decorations. Seasonal decorations are exempt from this chapter.

XX-XXX-XX-X Plan Submittal and Evidence of Compliance.

A. Plan Submittal. Whenever a person is required to obtain a permit for outdoor lighting or signage, a conditional use permit, building permit, subdivision approval or any development plan approved by Willard City, the applicant shall, as part of the application process, submit sufficient information to enable SLUA, the Planning Commission, City Council, or the City Planner (as the case may demand) or their designee to determine whether proposed lighting complies with this code.

B. Applications. All applications shall include the following:

1. A site plan indicating the location of all lighting fixtures, both proposed and any already existing on the site.
2. A description of each illuminating device, fixture, lamp, support, and shield, both proposed and existing. The description shall include, but is not limited to, manufacturer's catalog cuts and illustrations (including sections where required); lamp types, wattages, and initial lumen outputs.
3. Such other information that the planning director may determine is necessary to ensure compliance with this code.

C. Plan Approval. If it is determined that any proposed lighting does not comply with this ordinance, the permit shall not be issued or the plan approved.

D. Lamp or Fixture Substitution. Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the City Planner for their approval, together with adequate information to assure compliance with this ordinance, which must be received prior to substitution.

E. Certification of Installation. For all projects where the total initial output of the proposed lighting equals or exceeds 100,000 lamp lumens, certification that the lighting, as installed, conforms to the approved plans shall be provided by a certified engineer before the certificate of occupancy is issued. Until this certification is submitted, approval for use of a certificate of occupancy shall not be issued for the project.

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XX-XXX-XX-X Installation/Operation.

A. Approval of Alternatives. The provisions of this ordinance are not intended to prevent the use of any design, material, or method of installation or operation not specifically prescribed by this ordinance, provided any such alternate has been approved by Willard City. Willard City may approve any such proposed alternate if it:

1. Provides at least approximate equivalence to that applicable specific requirement of this ordinance, and
2. Complies with the intent of this ordinance.

XX-XXX-XX-X Violations, Legal Actions and Penalties.

A. Violations and Legal Actions. If, after investigation, the City Planner or their designee finds that any provision of this ordinance is being violated, the City Planner or their designee shall give notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/or occupant of such premises, demanding that the violation be abated within 30 days of the date of hand delivery or of the date of mailing of the notice. The City Planner shall be available to assist in working with the violator to correct said violation. If the violation is not abated within the 30-day period, the City Planner or their designee may institute actions and proceedings, either legal or equitable, to enjoin, restrain or abate any violations of this ordinance and to collect penalties for such violations.

B. Penalties. A violation of this chapter, or any provision thereof, shall be punishable by a civil penalty of \$75.00 per day and each day of violation after the expiration of the 30-day period shall constitute a separate offense for the purpose of calculating the civil penalty.

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August 17, 2023

12-101-1. PLANNING COMMISSION

A. Establishment of the Commission

The establishment of the commission shall be in accordance with the policies and procedures as set forth in state law. The commission shall have and perform such duties as are assigned to it by law and/or ordinance relating to planning and zoning and land use administration. The commission shall consist of six (6) members, including the chairperson. Two (2) alternate members may be appointed to act as voting members of the commission in the absence of any regular voting member(s). Additionally, one (1) member of the Willard City Council shall be permitted to be appointed as liaison to the commission. Such member of the City Council shall have the right to attend all meetings and participate in all commission discussions, but shall not vote on commission decisions.

F. Duties and Powers

(4) Conditional-Use Permits. Consistent and in conjunction with Willard City Code 12-105, the commission shall review, hear, and decide conditional use permit applications.

(6) Appeals and Hearing. Any person with standing who desires to appeal any land use decision of the commission shall follow and comply with the requirements as set forth in Willard City Code 12-102(E) and submit any such appeal to the designated Hearing Officer for Willard City or to the Willard City Council where appropriate.

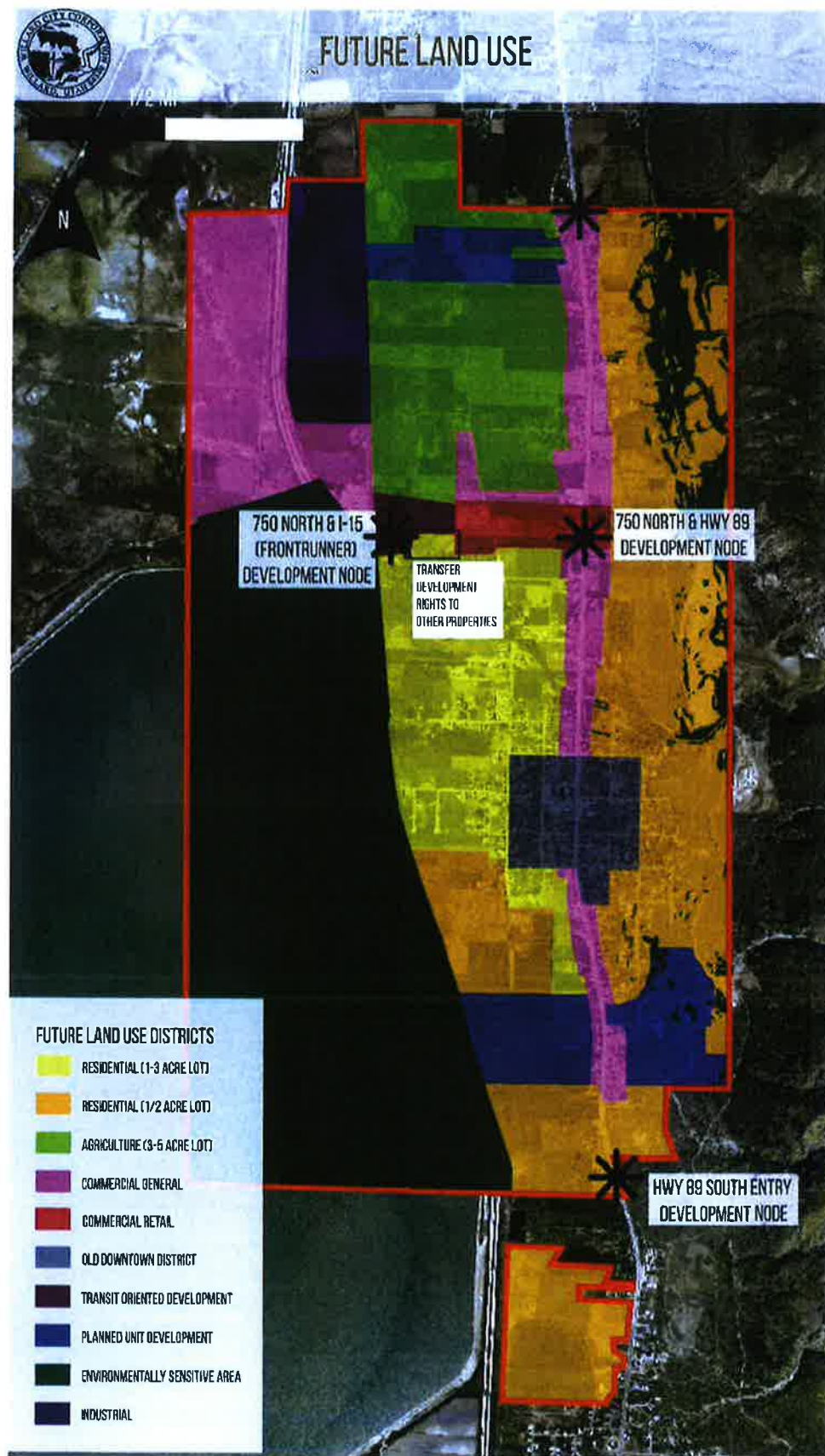


Figure 15: Willard Future Land Use Map (2023)

Residential:

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

The purposes of the two (2) residential districts are similar, to recognize existing development patterns and provide residential settings that are safe, attractive, convenient, and in desirable locations for long-term residential enjoyment, 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 – 1 acre, and larger for owners seeking property assessment under the Utah Farmland Assessment Act or Greenbelt Act.

Agriculture:

"Willard City has a rich rural, agricultural 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 the 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 area promotes agriculture, as determined by the landowner, based on the area used for viable agriculture, the opportunity to qualify such areas under farmland, or green belt, property taxation assessments. Agriculture provides protection for existing agricultural and rural activities and uses, including alfalfa and other cropping, orchards, and associated fruit and produce stands, vegetable gardens, and the keeping of animals.

Recommended Use/Density – Residential (and associated activities) / One Dwelling Unit per 3 to 5 acres, and larger for owners seeking property assessment under the Utah Farmland Assessment Act or Greenbelt Act.

Commercial:

Two (2) "Commercial" districts are provided. "Commercial General" provides opportunity for the establishment of various nonresidential uses. These uses may include professional

and government offices, light industrial, and various other nonresidential activities that are determined compatible with their adjacent Agriculture and Residential Use categories. The "Commercial Retail" district is provided for the exclusive use of retail sales of commercial goods and services. Both the Commercial General and Commercial Retail districts required that any uses proposed to be located on Highway 89 and 750 North Street must demonstrate and include necessary vehicular and pedestrian safety strategies in all site development plans.

Recommended Use/Intensity – Commercial uses, complying with the intensity standards of the City's ordinances, as adopted.

Old Town District:

The area bounded by 200 North, 200 South, 200 East, and 200 West Streets is recognized as the City's historic core. Presently, this area includes a mix of uses, including residential, commercial, and civic activities, including the elementary school and City Hall. This area contains historic buildings and features, including excellent examples of the City's rock-built homes and the City's original "grid pattern" of streets and lots.

Willard's Old Town District is centrally located. All efforts must be made to protect the continued integrity and amenity of this area. Designated on the National Register of Historic Places, the City shall work closely with various historic preservation agencies, including the Utah Division of State History, to protect, preserve, and enhance this area. The Old Town District must continue to be fully recognized and acknowledged in the City's history and as a centrally located civic gathering place.

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 will integrate commercial 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 – Master Planned Zoning:

The Future Land Use Map, 2022, provides three (3) areas for Master Planned Development opportunities. With the required General Plan amendment other areas of the City may also be appropriate for flexibly designed projects. For Willard City the Master Planned Zone can foster innovative subdivision and development designs by providing opportunities for a variety of residential densities and housing unit types. The Master Planned Zone allows development flexibility. In exchange, development must provide beneficial amenities for the development itself, the neighborhood, and for the City. Such amenities may include the protection of sensitive areas, parks and open spaces, infrastructure enhancements, design, and other benefits determined advantageous by City officials.

Recommended Use/Density – A variety of residential uses and housing types are allowed. Density shall be determined in conjunction with the project, neighborhood, and City benefits voluntarily being provided, complying with the intensity standards of the City's ordinances, as adopted.

Environmentally Sensitive Areas:

Lands designated as Environmentally Sensitive are so designated because of a naturally occurring landscape feature. These include the waters of Willard Bay, areas of steep slopes, high groundwater, and lands subject to seasonal or intermittent flooding. The waters of Willard Bay are managed by the authorities of the State of Utah. Included are the areas managed by Utah State Parks immediately adjacent to Willard Bay and including the Willard Bay State Park and its associated recreational and camping areas. An area of steep slopes exists on the eastern most boundary of the City. If any private parcels exist in these steep slope areas, and access is safely available, the allowed residential density is one (1) dwelling unit per 40 acres. If any area is identified as suitable for any residential use several goals must be achieved, the most important being to protect the personal safety and property of all persons residing in any environmentally sensitive area. As secondary goals, activities occurring on any environmentally sensitive area shall; (a) reduce requirements for public utility and service expenditures, (b) avoid placing residents in harm's way, and (c) minimize damage to natural slopes, watershed areas, groundwater, and associated wildlife habitats, soil erosion, and avoidance of degradation uses and activities.

Recommended Use/Density – Recreation and in areas that are privately owned – Residential (and associated activities) / One Residential Dwelling Unit per 40 acres if access and a safe building location can be determined. All publicly owned areas shall be preserved in their existing state.

Industrial:

One (1) "Industrial" area is provided, located in the north-western portion of the City. It is envisioned that this area will provide opportunities to establish light manufacturing activities and provide associated light industrial, manufacturing, and warehousing services employment. This area provides immediate access to the interstate freeway system via the 750 North-Interstate-15 (I-15) interchange.

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

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WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, June 1, 2023 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

- 6B. CONSIDERATION OF A PETITION FROM LYNC CONSTRUCTION AND CHAD BRAEGGER TO REZONE APPROXIMATELY 32.77 ACRES LOCATED AT APPROXIMATELY 3710 SOUTH 1200 WEST/PERRY STREET FROM A-3 AND A-5 TO MASTER PLANNED COMMUNITY-MPC (PARCEL NOS. 02-035-0061, 02-035-0063, 02- 035-0075, AND 02-035-0079)

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Commissioner Dubovik moved to table consideration of a rezone petition from Lync Construction and Chad Braegger until the City received the information required by the MPC Zone, at which time a second public hearing would be held. Commissioner Harrop seconded the motion. All voted “aye.” The motion passed unanimously.

Commissioner Dubovik stated that the City had a Future Land Use plan. This particular petition was not in accordance with the City's Future Land Use Map. He felt the petitioners needed to present a very significant reason for why their rezone request should be considered and the Future Land Use plan altered.

- 6C. PUBLIC HEARING TO RECEIVE PUBLIC INPUT REGARDING A PETITION FROM CHRIS MARX TO REZONE APPROXIMATELY 10.84 ACRES LOCATED AT APPROXIMATELY 297 WEST 380 NORTH FROM A-5 TO R-1/2 (PARCEL NOS. 02-044-0008, 02-046-0010, 02-046-0011, AND 02-046-0012)

Time Stamp 25:08 06/01/2023

Commissioner Harrop moved to open the public hearing at 6:55 p.m. Commissioner Baker seconded the motion. All voted “aye.” The motion passed unanimously.

Bryce Wheelwright stated that the Planning Commission had discussed the rezone petition submitted by Chris Marx at its last meeting. Chris Marx had requested that 10.84 acres he had purchased at 297 West 380 North be rezoned from A-5 to R-1/2. He was proposing to extend 380 North to the west to create nine half-acre lots. Mr. Marx's property was currently zoned A-5, but it was contiguous to an existing R-1/2 Zone. He felt the rezone petition complied with the City ordinance.

Mr. Wheelwright stated that the subdivision proposed by Chris Marx would comply with the R-1/2 Zone. Mr. Marx was hoping to receive approval to build a 'country' road in his subdivision; a road without curb, gutter, and sidewalk. The utilities were available.

Chris Marx, 297 West 380 North, stated that he was not trying to be a big developer. He just wanted a place for his kids to live close by. He would have to sell a few lots to pay for the subdivision improvements. He planned to build a house on one of the lots as well. He loved Willard and wanted to be part of the community. He was asking that the entire 10.84 acres be zoned R-1/2, but he planned to keep the west five acres in the green belt during his lifetime. He wanted to continue the existing look of the neighborhood, which was why he was asking that curb, gutter, and sidewalk be waived. He had discussed a low impact residential road with the City Engineer and SLUA. A low impact road would have swales to collect storm water.

Bryce Wheelwright stated that the subdivision design provided by Chris Marx included a stub for 400 West to continue to the south. The preliminary plan also showed the location for the future 500 West. UTA had asked that their preservation corridor for the future Front Runner be shown on the west five acres.



WILLARD CITY
Planning Commission Meeting – Regular Meeting
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Willard City Hall – 80 West 50 South
Willard, Utah 84340

Chris Marx stated that the City had asked that is preliminary plan show a place for 400 West to continue south from 380 North. The City Engineer and SLUA determined that 400 West could not continue to the north due to a pond and a conservation easement. He did not plan to build to 500 West because he planned to keep that area in the green belt. However, the future location of 500 West was shown on his preliminary plan.

Chairman Bodily opened the floor for public comments. There were none.

Commissioner Bingham moved to close the public hearing at 7:01 p.m. Commissioner Harrop seconded the motion. All voted “aye.” The motion passed unanimously.

6D. CONSIDERATION OF A PETITION FROM CHRIS MARX TO REZONE APPROXIMATELY 10.84 ACRES LOCATED AT APPROXIMATELY 297 WEST 380 NORTH FROM A-5 TO R-1/2 (PARCEL NOS. 02-044-0008, 02-046-0010, 02-046-0011, AND 02-046-0012)

Time Stamp: 31:04 06/01/2023

Commissioner Bingham stated that the 400 West stub shown on the preliminary plan lined up with a structure on the property to the south. Chris Davis stated that Chris Marx was providing an easement for the future location of 400 West. The location for the stub was based on the City Engineer's recommendation. The stub would not be paved at this time.

Bryce Wheelwright said the location of the 400 West stub was based on the Master Road Plan.

Commissioner Bingham asked about the SLUA's discussion regarding the use of swales versus curb, gutter, and sidewalk. Chris Davis stated that the SLUA's discussion had led to the recommendation that the Subdivision and Zoning Ordinances be amended to comply with the Public Works Standards. In this case, the City Engineer felt the low impact roadway made sense because of the existing improvements. The low impact road would include a cement strip to prevent the asphalt from eroding.

Bryce Wheelwright stated that the Public Works Standards provided the waiver of curb, gutter, and sidewalk if the City Engineer felt it was appropriate. The waiver wasn't included in the ordinances, hence the need for the ordinances to be amended.

Colt Mund stated during the SLUA meeting, the City Engineer said this subdivision would be a low impact development. In the Public Works Standards that were adopted in 2020, swales were allowed in lieu of curb, gutter, and sidewalk. The Planning Commission had amended the Subdivision Ordinance to require a drainage plan that could allow the waiver of curb, gutter, and sidewalk based upon a recommendation from the City Engineer. The proposed amendment to the Zoning Ordinance would provide consistency by eliminating one part of the ordinance that said curb, gutter, and sidewalk *shall* be installed and another saying it *may* be allowed. The Public Works Standards allowed for alternatives to curb, gutter, and sidewalk based on the development.

Commissioner Baker was concerned that the alternative meant there wouldn't be any consistency. She asked who would determine whether curb, gutter, and sidewalk would be required. Mr. Mund said the determination would be made by the City Engineer and the Planning Commission. The Planning Commission had already taken action to waive curb, gutter, and sidewalk based on a storm water detention plan approved by the City Engineer. The Public Works Standards provided for alternatives as well.



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Willard, Utah 84340

Chris Davis stated that the City Engineer was concerned about swales being filled in. In this subdivision, the lots would be owned by Chris Marx and his family. There wasn't a significant likelihood that Chris Marx would fill in the swales. If they did, they would be flooding each other or themselves. Mr. Marx also planned to construct a detention basin to retain storm water along with proper piping in the driveways that would not be crushed.

Commissioner Bingham felt swales worked great. There were swales all over South Willard. If the County could make swales work in South Willard, he felt Willard could too. The biggest problem the City had was enforcement.

Chairman Bodily felt the Planning Commission needed to consider this as a regular subdivision, not something that would be owned by one family. The family situation could change very quickly.

Chad Braegger stated that in South Willard, Box Elder County required swales to have 24" perforated pipe covered with gravel.

Commissioner Baker felt this subdivision needed curb and gutter.

Commissioner Bingham reminded the Planning Commission that it was considering the rezone, not the subdivision.

Commissioner Dubovik asked if the requested R-1/2 Zone complied with the Future Land Use Map.

Bryce Wheelwright stated that the property was currently zoned A-5. The 2017 Future Land Use Map showed the east part of the property with a future land use of R-1/2; the west portion had a future land use of A-3. The proposed rezone was contiguous to an existing R-1/2 Zone.

Commissioner Harrop didn't want to allow a rezone from A-5 for one subdivision but not another one.

Commissioner Bingham stated that the requested rezone was contiguous to an existing R-1/2 Zone. He felt the contiguous use should allow the rezone. If there wasn't a contiguous zone, then Planning Commission would follow the Future Land Use Map.

Commissioner Baker asked about following the future road plan. Commission Bingham said the future roads were shown on the proposed subdivision plan. Commissioner Baker felt the 400 West stub needed to move one way or the other so it didn't run into a structure on the neighboring property.

Commissioner Dubovik asked if there was something in writing that allowed the Planning Commission to approve a rezone that did not comply with the Future Land Use Map if the requested rezone was contiguous to an existing zone. Commissioner Bingham and Bryce Wheelwright did not know if there was something in writing. It had been the City's practice in the past to follow the contiguous zone. Commissioner Dubovik didn't want to change the zoning on something that was in conflict with the Future Land Use Map.

Colt Mund stated that the land use needed to conform to the General Plan. He felt the General Plan would have to be amended before Chris Marx's rezone could be approved. Following a contiguous use would alleviate spot zoning, but the State Code did say the land use had to conform to the General Plan. The Future Land Use Map could be amended because it would not be spot zoning.



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Commissioner Dubovik suggested rezoning the area where Chris Marx wanted the half-acre lots to R 1/2 and rezoning the rest to conform to the General Plan since he wanted to keep the area in the green belt.

Mayor Mote stated that the final draft of the new General Plan was ready for the Planning Commission to review. He believed the new Future Land Use Map showed this area with an R-1/2 use.

Commissioner Dubovik suggested that the rezone be tabled until after the new General Plan was reviewed and adopted.

There was further discussion.

Commissioner Dubovik moved to table consideration of the Chris Marx rezone petition until after the new General Plan was reviewed and adopted. Commissioner Bingham seconded the motion. All voted "aye." The motion passed unanimously.

6E. DISCUSSION REGARDING AMENDING SUBDIVISION ORDINANCE 12-400-11-10 REGARDING THE REQUIREMENT FOR SIDEWALKS, CURBS, AND GUTTERS IN ALL SUBDIVISIONS AND ZONING ORDINANCE 12-102-18 REGARDING CURBS, GUTTER, AND SIDEWALKS

Time Stamp 52:07 06/01/2023

Chairman Bodily stated that Colt Mund had prepared a draft amendment for 12-102-18 – **Curbs, Gutter, and Sidewalks** of the Zoning Ordinance, which read, "In accordance with Chapter 12-400-11-10, the installation of curbs, gutters, and sidewalks may be required with any residential or commercial subdivision on both sides of all existing or proposed streets in conformation with the Willard City Public Works Standards."

Commissioner Baker asked why the discrepancy had not been brought up when the City adopted the Master Planned Community (MPC) Zone last year.

Commissioner Bingham stated that this had always been an issue. The curb, gutter, and sidewalk requirement was in the Subdivision and Zoning Ordinances, not the MPC Zone. So it wouldn't have been addressed when the MPC Zone was adopted. The Planning Commission amended 12-400-11-10 in the Subdivision Ordinance. Now 12-102-18 was being amended so there would be consistency in the City Code.

Colt Mund stated that since he had been the City Attorney, there had been discussions about curb, gutter, and sidewalk. The ordinances said subdivisions *shall* put in curb, gutter, and sidewalk. In 2020, the Public Works Standards were adopted by ordinance. In 2022, based on a recommendation from the Planning Commission, the City Council amended the Subdivision Ordinance to require a storm drainage water plan that could waive the requirement of curb and gutter. That amendment read:

12-400-11-10. Storm water retention and pedestrian travel: The intent of this provision is to provide adequate storm drainage, reduced flood hazard and to protect the health, safety, improvements, property, and the general welfare of the persons residing in the area to be subdivided or developed. An applicant of a proposed subdivision or development shall provide the following to the Planning Commission and SLUA: (1) A proposed storm water retention and drainage plan for the proposed subdivision or development; and (2) a proposed plan to address

Willard City Corporation

80 West 50 South
Box 593



Willard, Utah 84340
(435)734-9881

CORRECTED NOTICE

Notice is hereby given that the Willard City Planning Commission of Willard City Corporation will hold a public hearing at the Willard City Hall, 80 West 50 South, on Thursday, June 1, 2023, at 6:30 p.m.

The public hearing will be held to take public comment on a request from Chris Marx to rezone property located at approximately 297 West 380 North (Parcel Nos. 02-044-0008, 02-046-0010, 02-046-0011, and 02-046-0012) from A5 to R1/2.

Written comments will be accepted at the Willard City Offices until June 1, 2023. If you have any questions, please contact Bryce Wheelwright at 435-734-9881.

A copy of the proposal is available for review on the State of Utah Public Meeting Notice Website at the Willard City Hall, 80 West 50 South, Willard, Utah 84340 during regular business hours Monday – Thursday 8:00 a.m. to 5:00 p.m. and Fridays 8:00 a.m. to 12:00 p.m.

I, the undersigned duly appointed and acting Deputy City Recorder for Willard City Corporation, hereby certify that a copy of the foregoing notice was posted at the City Hall and on the State of Utah Public Meeting Notice Website this 18th day of May, 2023.

A handwritten signature in blue ink that reads "Michelle Drago".

Michelle Drago
Willard City Deputy Recorder

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City Officer at 80 West 50 South, Willard, Utah 84340, phone number 435-734-9881, at least working days prior to the meeting.



WILLARD CITY PLANNING COMMISSION RE-ZONE APPLICATION

5/10/23

Application Date

CHRIS MARX

Applicant

297 W. 380 N.

Mailing Address

Willard, UT 84340

435-720-3085

Phone Number

Cell Phone

Assessor Parcel Number *

02-046-0012, 02-046-0011,
02-046-0010, 02-044-0008

Parcel Legal Description*

10.84 acres/approximately

A-5

Present Zone

R 1/2

Proposed Zone

This completed application, must be submitted at least 15 days prior to the April or October Planning Commission meeting and be accompanied by:

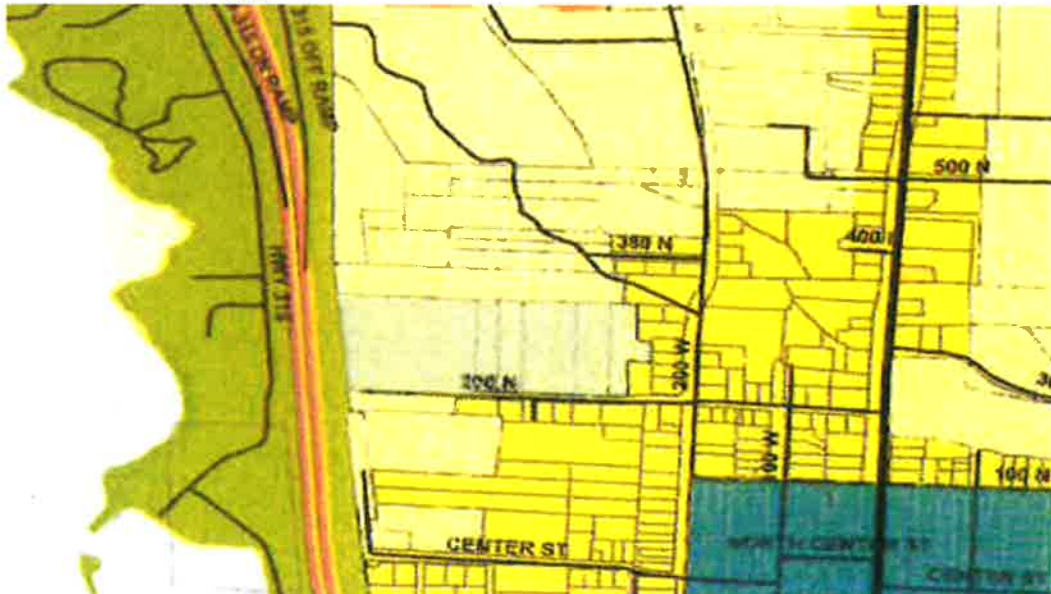
- 1) Proof of ownership.*
- 2) Non-refundable application fee of \$125.00.
- 3) Written petition designating the change desired and the reason for such change, bearing the signature(s) of the fee title owner(s) of the parcel or designated agent. (See reverse of this form for required Applicant's Affidavit.)
- 4) List of all property owners within 1/4 mile of the parcel.*
- 5) Map (Assessor's Plat* or suitable drawing) of the proposed re-zone area, annotated to show the location and boundaries of the parcel to be re-zoned.
- 6) If a subdivision is planned, supply sketch of possible subdivision, to show compatibility with existing and planned infrastructure, with emphasis on roads, water supply and other utilities.

* Available at the office of the Box Elder County Registrar, 01 South Main Street, Brigham, Utah, 84302



PROPOSED SUBDIVISION PLAN ATTACHED

1. LOCATION MAP - Attached
2. SITE ADDRESS - 297 W 380, Willard
3. Parcel Numbers:
 - a. 02-046-0012
 - b. 02-046-0011
 - c. 02-046-0010
 - d. 02-044-0008
4. CURRENT AND PROPOSED ZONING BY PARCEL NUMBER AND AREA IN ACRES;
 - a. The east section of 380 N is R-1/2, West of it is A-3.
 - b. Requesting to turn A-3 section to R-1/2



- c.
5. ROAD ACCESS PROVIDED:
6. UTILITY PLAN
 - a. Extension of water line
 - b. Sewer line already existing
7. REASON FOR REQUESTED CHANGE
 - a. To allow for ½ acre lots

8. IMPACTS (FINANCIAL AND OTHERS) OF THE CHANGE TO SURROUNDING PROPERTIES AND THE CITY AS A WHOLE:
 - a. To have smaller than 3 acre ag parcels

APPLICANT'S AFFIDAVIT

STATE OF UTAH)
) SS
COUNTY OF BOX ELDER)

I, (we) Chris Marx, 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 400 W 380 N 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 Chris Marx
Property Owner(s)

AGENT _____

Subscribed and sworn before me this 14th day of May 20023



Michelle Drago
Notary Public

Residing in Sandy, Utah
My commission expires: 2/2/25

* 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) _____, the owner(s) of real property described above, hereby appoint _____, 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 _____
Property Owner(s)

Subscribed and sworn before me this _____ day of _____ 200_____

Notary Public

Residing in _____
My commission expires: _____



Willard City
80 W 50 S | PO Box 593
Willard, UT 84340
(435) 734-9881
willardcity@comcast.net

XBP Confirmation Number: 144390436

► Transaction detail for payment to Willard City.			Date: 05/11/2023 - 10:44:48 AM MT
Transaction Number: 197686961 Mastercard — XXXX-XXXX-XXXX-8464 Status: Successful			
Account #	Item	Quantity	Item Amount
	Charges PC	1	\$125.00
Notes: CHRIS MARX REZONE			

TOTAL: \$125.00

► Transaction detail for payment to Willard City.			Date: 05/11/2023 - 10:44:49 AM MT
Transaction Number: 197686963 Mastercard — XXXX-XXXX-XXXX-8464 Status: Successful			
Account #	Item	Quantity	Item Amount
	Service Fee	1	\$4.25
Notes: CHRIS MARX REZONE			

TOTAL: \$4.25

Billing Information
CHRIS MARX
, 84340

Transaction taken by: Admin mdragoCaselle MD

Xram Subdivision

CONCEPT PLANS FOR

300 WEST A 100 SOUTH

WILKINS CITY, UTAH

Quarter of Section 22 Township 10 North, Range 2 West, 11 East

Drawing No. 22-124

Scale 1" = 100'

Approved By: _____

Drafted By: _____

Drawn By: _____

DATE: 04/29/21

HANSEN & ASSOCIATES, INC.

Consulting Engineers and Land Surveyors

1557 W. 1000 N. Suite 100, Ogden, UT 84403

Phone: 435-765-1100 Fax: 435-765-1101

www.hanseninc.com

UTAH STATE BOARD OF SURVEYORS

License No. 11000

Exp. Date: 12/31/2021



CURRENT ZONE A-5, PROPOSED ZONE R-1/2 REQUIREMENTS

REQUIREMENT	MINIMUM LOT SIZE	MIN. LOT WIDTH	MIN. LOT DEPTH	MIN. LOT AREA
MINIMUM LOT SIZE	21,780 S.F.			
MIN. LOT WIDTH	100'			
MIN. LOT DEPTH	30'			
FRONT YARD SETBACK	30'			
REAR YARD SETBACK	30'			
SIDE YARD SETBACK	30'			
SIDE YARD SETBACK FACING STREET	30'			
TOTAL OF BOTH SIDE YARDS	30'			
REAR SETBACK	30'			