



Notice is hereby given that the
WILLARD CITY PLANNING COMMISSION
Will meet in a regular session on
Thursday, September 21, 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 petition from Neldon Kapp to rezone approximately 9.15 acres located at approximately 620 North 200 West from A-5 to R ½ (Parcel 02-046-0005)
 - b. Consideration and recommendation to the City Council regarding a petition from Neldon Kapp to rezone approximately 9.15 acres located at approximately 620 North 200 West from A-5 to R ½ (Parcel 02-046-0005)
 - c. Consideration and recommendation to the City Council regarding the General Plan DRAFT which would amend Chapter 12-000 of the Willard City Zoning Ordinance
 - d. Review of a conditional use permit issued to Josh Braegger for a basement apartment located at 53 North 100 West (Parcel 02-047-0074) on June 19, 2020 (continued from September 7, 2023)
6. Consideration and approval of the September 7, 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 15th day of September, 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 PLANNING COMMISSION RE-ZONE APPLICATION

Application Date

Assessor Parcel Number *

02-046-0005

Applicant

Parcel Legal Description*

Nelson Kapp

See attached

Mailing Address

620 N 200 W
Willard, UT 84340

Present Zone

Proposed Zone

A-5

R 1/2

Phone Number

Cell Phone

435-740-9016

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.

Subdivision, to show
re, with emphasis on roads,

Main Street, Brigham, Utah, 84302

WILLARD CITY CORPORATION

80 W 50 S
PO Box 593
Willard UT 84340

435-734-9881

Aug 28, 2023

Receipt No: 1.018038

KAPP, NELSON REZONE APPLICATION

Charges for Services
Charges - PC & B of Adj 125.00
Total: 125.00

KAPP, NELSON SUBDIVISION APP CONCEPT

Charges for Services
Charges - PC & B of Adj 68.00
Total: 68.00

Check
Check No: 9796
Total Applied: 193.00

Change Tendered: .00

Duplicate Copy
08/28/2023 2:39 PM

SURVEYOR'S CERTIFICATE

I, JEFF C. NIELSEN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR HOLDING CERTIFICATE NO. 5152661 IN ACCORDANCE WITH UTAH CODE TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17, HAVE VERIFIED ALL MEASUREMENTS, HAVE PLACED MONUMENTS AS REPRESENTED ON THIS PLAT, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS HEREFTER TO BE KNOWN AS: KAPP SUBDIVISION

Subdivision Boundary

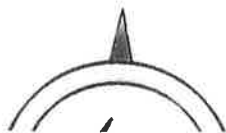
A PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 8 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH LINE OF PARCEL 02-046-0046 ON THE EXTENSION OF AN EXISTING FENCE LINE LOCATED NORTH 43°55'00" WEST, A DISTANCE OF 1598.17 FEET FROM THE REBAR AND CAP MONUMENTING THE CENTER QUARTER OF SAID SECTION 23 FROM WHICH THE BRASS CAP MONUMENTING THE NORTH QUARTER CORNER OF SAID SECTION 23 BEARS NORTH 04°19'52" WEST, A DISTANCE OF 2682.40 FEET; THENCE RUNNING ALONG SAID EXISTING FENCE LINE AND ITS EXTENSION THE FOLLOWING TWO (2) COURSES:

- (1) NORTH 87°33'01" WEST, A DISTANCE OF 393.92 FEET;
- (2) NORTH 88°12'30" WEST, A DISTANCE OF 316.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF 200 WEST STREET AND POINT OF CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES SOUTH 81°34'26" WEST, A RADIAL DISTANCE OF 4,957.07 FEET;

THENCE RUNNING ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

- (1) NORTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 05°19'48", A DISTANCE OF 461.13 FEET WITH A LONG CHORD BEARING NORTH 11°05'28" WEST, A DISTANCE OF 460.96 FEET;
- (2) NORTH 13°45'22" WEST, A DISTANCE OF 71.36 FEET TO THE SOUTHWEST CORNER OF PARCEL 02-046-0099;

THENCE SOUTH 87°56'32" EAST, ALONG THE SOUTH LINE OF SAID PARCEL A DISTANCE OF 841.95 FEET TO THE NORTHWEST CORNER OF WILLOW CREEK MINOR SUBDIVISION SAID POINT BEING LOCATED BY RECORD 101.54 RODS NORTH AND NORTH 88°41'00" WEST 72.32 RODS FROM THE SOUTHWEST CORNER OF THE SAID NORTHWEST QUARTER; THENCE SOUTH 02°54'47" WEST, ALONG THE WEST LINE OF SAID SUBDIVISION A DISTANCE OF 518.82 FEET TO THE POINT OF BEGINNING. CONTAINING 9.16 ACRES IN 2 LOTS



023

SCALE



the owner(s) or operators of utility and duties described therein.

Mountain Power accepts delivery of the or the purpose of confirming that the location of the public utility. Mountain Power may require approval does not affect any right

: or any other provision of law.

APPLICANT'S AFFIDAVIT

STATE OF UTAH)
) SS
COUNTY OF BOX ELDER)

I, (we) Nelson Kapp, 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 630 N 200W 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

Property Owner(s)

AGENT



Subscribed and sworn before me this 18th day of August 2003

Michelle Drago

Notary Public

Residing in

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

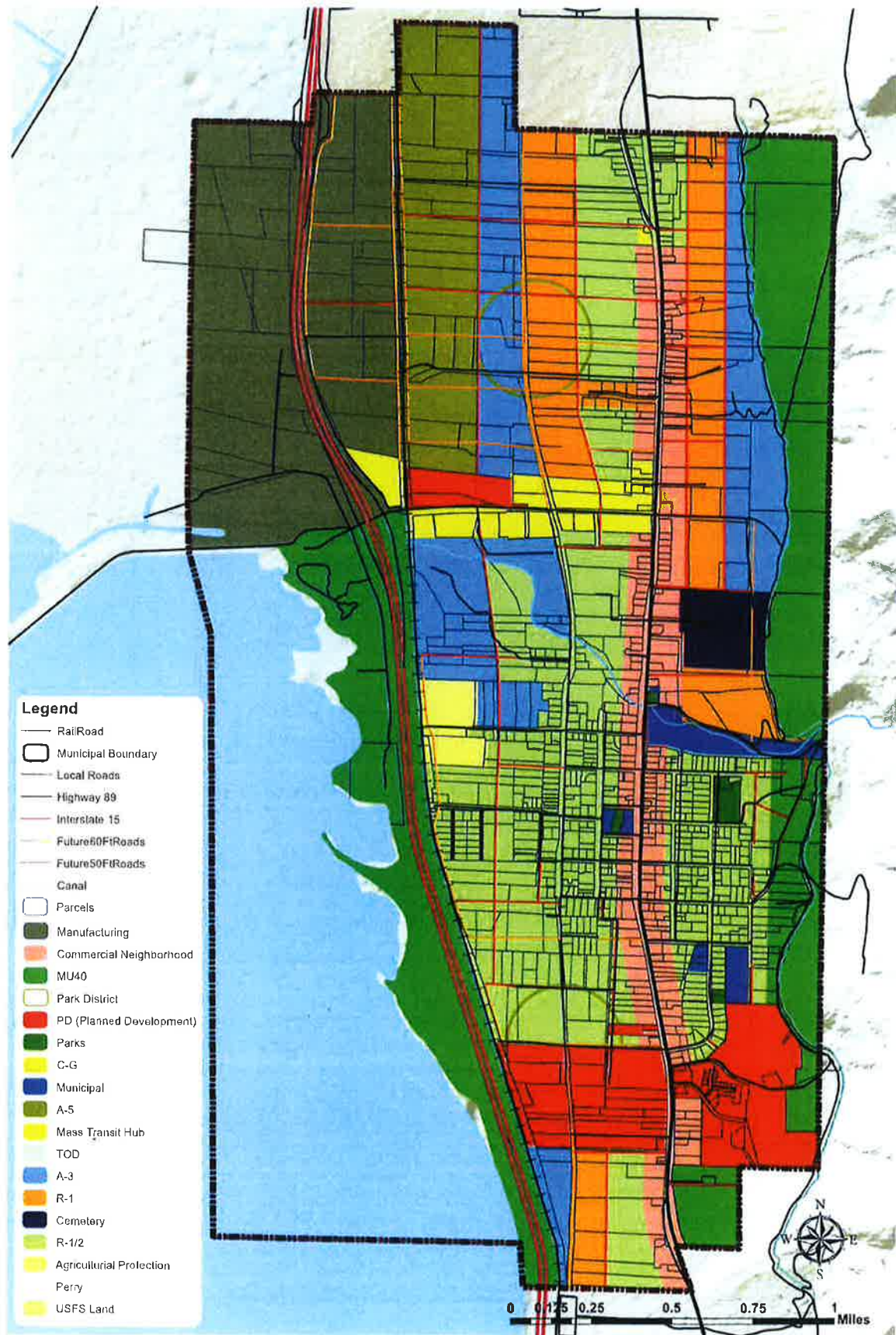
Residing in _____

My commission expires: _____



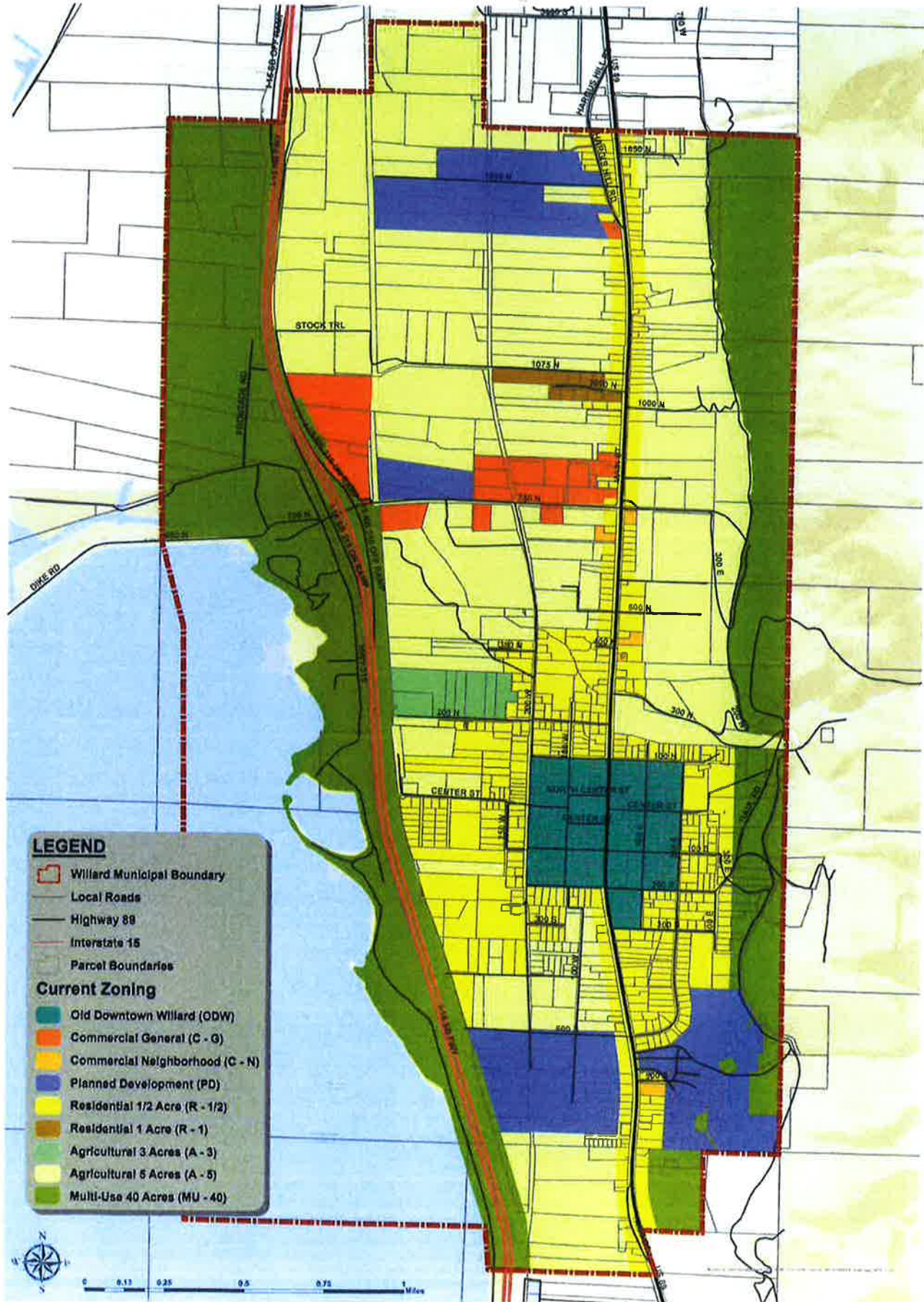
Willard City

Future Land Use - July 2017



WILLARD CITY

Current Zoning - September 2021



SURVEYOR'S CERTIFICATE

Subdivision Boundary

[illegible][illegible][illegible]

ACKNOWLEDGMENT

DATE _____

NAME _____

THE FOREGOING STATEMENT WAS PERSONALLY ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THIS 20 DAY OF NOV 1960, BY SAID PRISONER ON BASIS OF SATISFACTORY EVIDENCE TO BE THE PRISONER(S) WHOSE NAME(S) IS/ARE RECORDED IN THE STATE DEPARTMENT OF CORRECTIONS

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC _____

STATE OF UTAH, COUNTY OF _____, RECORDED AND FILED
AT THE REQUEST OF: _____
DATE: _____ TIME: _____ PER: _____
ABSTRACTED: _____
NOTE
FILED IN: FILE OF PLATS _____ COUNTY RECORDER _____

July 18, 1963

100 sq. ft.

100 ft. long

On the basis of the foregoing, the court is of the opinion that the defendant is entitled to a judgment of acquittal as to the charge of carrying a dangerous weapon. The court will enter a judgment of acquittal as to this charge and will remand the case for a new trial on the charge of carrying a dangerous weapon.

Energy reserves this aid solely for the purpose of confirming that the aid complies with the criteria set out in Article 107(1) of the Treaty on the Functioning of the European Union.

Record Owners: Nelson F. & Ann L. Kopp
10000 13th Avenue, NW
Seattle, Wash 98149

2005 North 600 West, Logan, Utah
438-753-1910

Project No. 23-028 Prepared by JG, 7/10/23

ACKNOWLEDGMENT

COUNTY OF BOY ELDER

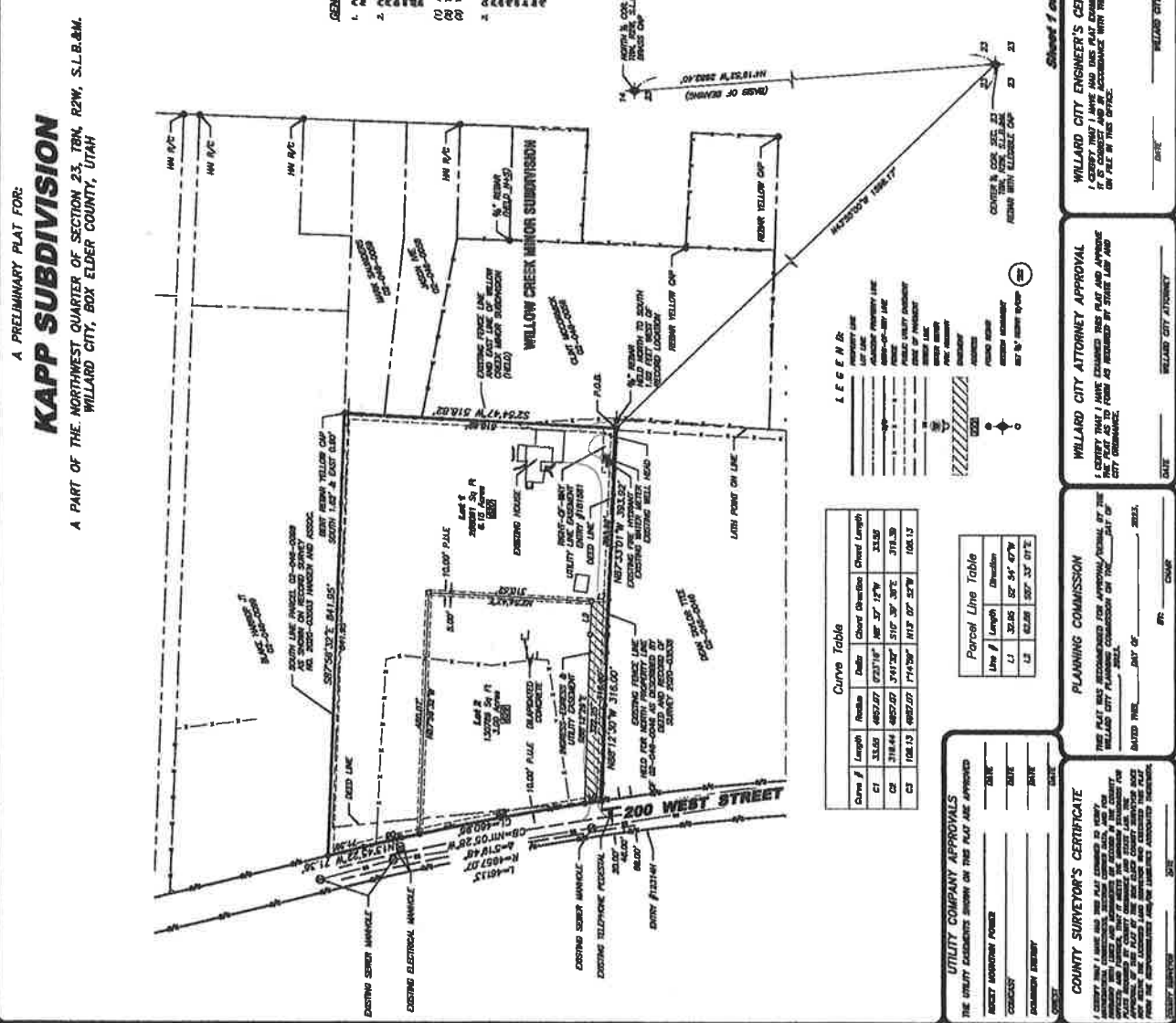
THE FOREGOING INSTRUMENT WAS PERSONALLY ACKNOWLEDGED BEFORE ME, THE
UNDESSIGNED NOTARY PUBLIC THIS 20 DAY OF SEP, 2010,
BY WHO PROVIDED ON BEHALF OF
SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE
SUBSCRIBED TO THIS INSTRUMENT.

BEFORE MY HAND AND OFFICIAL SEAL:

 NOTARY PUBLIC
 READ ONCE HEAVY NOT APPROVAL

THE SUBMISSION DESCRIBED IN THIS PLAY HAS BEEN APPROVED BY
THE NEW YORK HEALTH DEPARTMENT FIRST DAY OF _____, 2012.

WILLARD CITY COMMISSION
 THIS PAY WAS APPROVED AND ACCEPTED BY THE
 MAYOR OF WILLARD CITY COMMISSION ON THE _____ DAY OF
 _____, 1922.
 DATED THIS _____ DAY OF _____, 1922.
 BY: _____ CHAIR _____
 ATTENDED TO: _____ WILLARD CITY CLERK _____



Willard City Corporation

80 West 50 South
Box 593



Willard, Utah 84340
(435)734-9881

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, September 21, 2023, at 6:30 p.m.

The public hearing will be held to take public comment on a request from Neldon Kapp to rezone property located at approximately 9.15 acres located at approximately 620 North 200 West (Parcel No.02-046-0005) from A5 to R1/2.

Written comments will be accepted at the Willard City Offices until September 21, 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 8th day of September, 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.



N 4



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Figure 14: Buildable lots overlooking Interstate 15 and Willard Bay

Future Land Use

The following map details the guide for future land use occurring in Willard City. These uses are reflective of both current uses and the pressures that the City faces as the Wasatch front continues to grow and change. Each of the land uses shown on the map are described in detail. This map was created with strong community input and through several drafts in cooperation with the City Council and Planning Commission, respectively. The map is based on the Land Use related goals that were listed at the beginning of the Land Use chapter. These are:

- Land ownership and recognition and respect for private property rights.
- Existing land uses and the community's needs for housing, nonresidential land uses, including commercial and industrial activities, parks and open space, governmental facilities and services, and other land uses.
- Existing zoning patterns and consistencies between regulations and the community's vision.
- Regional development plans and pressures, and changing land use preferences; and The
- realities of direct and indirect connections between land uses and transportation need

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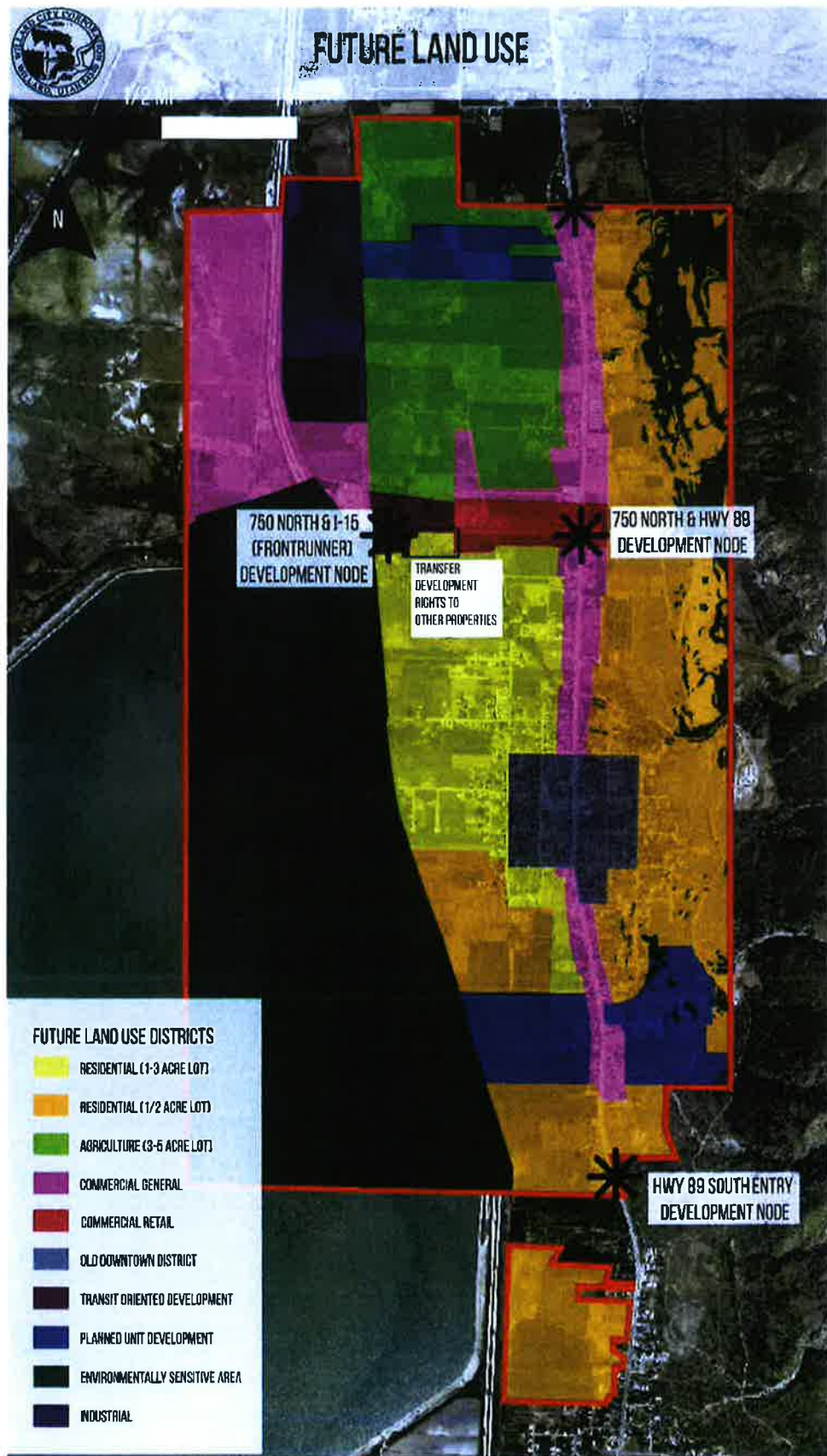


Figure 15: Willard Future Land Use Map (2023)

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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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	02-047-0074
	55 South 100 East	Braegger, Kenneth			Approved 2/5/16	Contractor - Home Business	Active	02-050-0074
	105 South 100 East	Loveland, Judy	9/16/1996		Approved 9/20/96	Auto Repair - Home Business	Active	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	02-053-0003
	105 South 100 East	Loveland, Judy	9/16/1996		Approved 9/20/96	Auto Repair - Home Business	Active	02-050-0008
	110 South 250 West	Heath, Trisha	5/18/2018		1/9/2019	Multi-Family Dwelling	Active	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	02-050-0077
	188 South 250 West	Hansen, Lindsey B.	5/3/2006	\$25.00		Single Family Dwelling	Active	02-054-0021
	234 South 100 East	Olson, John	3/3/1989	\$25.00	3/22/1989	Business Trailer	Active	02-051-0126
	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	02-048-0005
	370 North Main	Perry, Peggy Jo	10/28/2005	\$25.00	Approved 11/18/05	Fruit Stand	Active	02-046-0079
???	426 North 200 West	Thurgood, Ryan			1/24/2007	Home Occupation - Construction Business	Active	02-046-0080
	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	Kilpack, Lee	2/16/2018	\$25.00		Multi-Family/Basement Apartment	Active	02-046-0046
	620 North 200 West	Kapp, Neldon & 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

			Barthorne, Shane	10/31/2013	\$25.00	12/9/2013	Truss Manufacturing	Active	02-041-0030
		850 North Main (filed in 960 N Main)	Venture Outdoor Advertising		\$25.00	8/27/1990	Off-Premise Sign (Billboard)	Active	02-043-0013
		875 North Main	E. K. Bailey			5/15/2008	Home Furnishings Store	Active	02-041-0045
		1348 North Main	Dorothy Cail & Garrick Cail	4/18/2023	\$25.00	5/18/2023	Detached Accessory Dwelling Unit	Active	02-039-0055
		1357 North Main	Owest & Maurice Roche			4/19/2001	Communications Tower	Active	02-040-0005
		45 North Main	Comer, William				Trailer Court	???	02-051-0183
		95 North 100 West	Bingham, Stephen						02-047-0205
	???	426 North 200 West	Thurgood, Ryan			1/24/2007	Home Occupation - Construction Business	Active	02-046-0080
	???	500 South 200 East	Wilkes, Melissa			3/15/2015	Home Occupation	Active	02-053-0029
		595 South Main	Ross, Terry	10/28/2016		12/29/2016	Temporary Business Use		02-053-0005
		1305 North Main	Bodily, Jacob				Home Occupation - Auto Repair		02-040-0035
		39 South Main	Woodard, Bryce & Karen	2/15/2022	\$25.00 PM	Denied 3/3/22	Health Food Store & Airbnd	DENIED	02-051-0183
		51 North Main	Peterson, Kevin	9/17/1996	\$25.00	Approved 1/9/97	Auto Repair	Closed	02-047-0177
		51 North Main	Sherrod, Bruce T. /Rhino Linings	5/6/2004		Approved 5/27/04	Automotive Servicing	Closed	02-047-0177
		51 North Main	Gillespie Alexander & Heather	2/22/2018		4/9/2018	Automobile Repair Shop	Closed	02-047-0177
		65 North 200 West	Barlow, Phillip	4/26/2005	\$25.00	Approved 2/17/05	Single Family Dwelling	Expired 2/17/06 Due to No Action	02-047-0044 & 0046
		76 North 200 West	Younger, Stacy	10/28/2011		Approved 5/31/12	Temporary Residential use	Expired November 2013	02-047-0071
		76 North Main	Taylor, April	3/1/2013		Approved 3/8/13	Beekeeping	Expired May 2015	02-047-0102
		88 North Main	Huntsman, Tonya			Approved 8/30/17	Day Care	Expired January 2022	02-047-0101
								Closed Expired	02-038-0030
		100 West 1700 North	Wilson, Gerald W.G.	6/5/1991		Anmended 9/16/91	Auto Repair - Home Business		

135 East Center	Rose, Nonna Mae	11/4/1988	\$25.00	11/16/1988	In Home Day-Care	Closed 2022 Expired January 2023	02-048-0029
155 East 100 South	Shropshire/S & K Trucking			7/18/2002	Home Business-Trucking Business	Expired	02-050-0085
155 South 100 West	Braegger, Tammy	2/13/2003		3/3/2003	In Home Day Care	Closed 2021 Expired January 2023	02-051-0107
250 East 100 North	Condie Construction	1/12/2009	\$25.00		Construction Trailer	Closed 2010 Expired 2011	02-048-0038
369 South Main	Mitchell, Craig	3/29/2016		4/5/2016	Temporary Residential Use	Closed Expired	02-051-0099
432 North Main	Francom, Matthew & Keldi	10/20/2020	\$25.00 PD	Tabled 11/19/20	Welding Shop	Tabled	02-046-0086
595 West 750 North	Zundel, Robert	6/8/1978		Denied 6/28/78	Campground	DENIED	02-044-0007
683 North Main	Palmer, Damon & Morgan	4/1/2018		4/12/2018	Temporary Residential Use	Expired 2/14/19	02-046-0102
725 North Main	Cox, Udine	8/1/2005			In Home Day Care	Expired	02-046-0055
769 North Main	Wellison, Virginia	5/4/1990	\$25.00	6/15/1990	RV Park	Closed	02-041-0067
769 North Main	Gibbons, Gary			Approved 10/15/02	RV Campground	Closed	02-041-0067
781 North 200 West	Sanders, Jeff & Marshall, Brice			2/2/2009	Truss Manufacturing	Closed	02-041-0030
845 North Main	Neeley, Andrew	4/28/2014		6/20/2014	Small Engine Repair	Closed	02-041-0046
1494 North Main	Parrott, Anniece	1/19/1999		2/11/1999	In Home Day Care	Expired	02-040-033
1590 Hargis Hill Road	Hunsaker, Adrienne	4/20/2005		Approved 05/12/05	In Home Day Care	Expired	02-038-0049

Willard City Corporation

80 West 50 South
Box 593



Willard, Utah 84340
(435)734-9881

CONDITIONAL USE PERMIT

Date Issued: June 19, 2020

Applicant's Name: Josh Braegger

53 North 100 West

Willard UT 84340

Parcel # 02-047-0074

A conditional Use Permit is issued for multi-unit housing, (basement apartment), with the following conditions.

1. The property is to remain the primary residence of the owner
2. If a second gas meter or electrical meter is installed, then sewer and water impact fees will be required.
3. No on street parking for rental unit.

Applicant Signature

Date

City Representative - City Planner

Date

Chairperson Pro-Tem Bingham asked Mr. Lemon to explain what is behind the Lemon house. Randy stated there is a paved lane running along the north side, the front lot is the Helen Jane Lemon house, with a lane running to the original house, to the west is an existing barn, labor house and mobile home. The original house was built in 1948 and the newer house in 1962. They are not wanting to do anything with the existing structures on the property but thought they would eventually be gone.

Commissioner Harrop asked why they were separating the lot. Mr. Lemon stated their intent is to sell the house. Mr. Lemon stated he has lived here his entire life and there have never been any issues at the house.

Commissioner Hart asked City Planner Wheelwright prior to the flag lot ordinance would this proposal be ok. City Planner Wheelwright stated yes.

Commissioner Harrop asked about grandfathering. Willard City Attorney Mund stated with the initial grandfathering it prevents the city from applying current ordinances retroactively. Moving forward with the lot line adjustment the grandfather status no longer exists. It would be up to this body to see if they violated our ordinances which he stated it does. He also stated the Planning Commission cannot deviate from what the ordinance state. The Planning Commission can deny the Lemons their request and they would then be able to appeal to the City Council for a variance.

Commissioner Dubovik asked what the purpose of the Flag Lot Ordinance was. City Planner Wheelwright state on west Center Street there was a few flag lots that were created and public safety personnel have expressed concerns about being able to access those properties and the city decided to do away with flag lots.

Commissioner Baker reported there was an application for a flag lot a few months previously and the Planning Commission denied them their request.

Commissioner Hart asked if they had the option of going south around the second house. Mr. Lemon stated they did not want to go that direction. He also asked if the Planning Commission could approve the variance. Attorney Mund stated no. Chairperson Pro-Tem Bingham felt the only option was to deny and ask for a variance with the City Council.

A motion was made by Commissioner Hart the deny the proposed Lot Line Adjustment submitted by Kenneth Lemon/HJ Lemon Family Trust for the property located at 254 South 200 West – Parcel #02-051-0237. The motion was seconded by Commissioner Harrop. The motion carried with a unanimous vote.

c. Conditional Use Permit for Josh Braegger for Multi-Unit Housing to allow an apartment in basement at 53 North 100 West – Parcel #02-047-0074

City Planner Wheelwright reported Josh Braegger is requesting a Conditional Use Permit to allow him to rent out his basement. The Planning Commission will need to address what conditions need to be applied. Josh Braegger stated there is plenty of parking in the back and there would be no parking out front.

Commissioner Baker asked if there would be separate utilities. Mr. Braegger stated no.

Commissioner Hart asked if there was a requirement for rentals to have separate utilities. City Planner Wheelwright stated it would be up to the homeowner if they wanted to have separate utilities.

Commissioner Harrop asked if there are any other emergency vehicle issues other than on street parking. City Planner Wheewright stated no.

Commissioner Hart felt the only condition would be no on street parking.

Chairperson Pro- Tem Bingham stated the only condition he would have would be the owner should be one of the primary occupant. He asked for a motion.

A motion was made by Commisisoner Harrop to approve the Conditional Use Permit for

Josh Braegger for the property located at 53 North 100 West with the following conditions.

1) No on street parking allowed

2) Owner of property must be the primary occupant.

The motion was seconded by Commissioner Baker. The motion carried with a unanimous vote.

d. Discussion on proposed design to meet the Planned Development requirements for possible Annexation of the Old Farms Subdivision submitted by Willard Land LLC located at 7090 South Main for Parcels 01-040-0227, 02-055-0024, 02-055-0112 and 02-053-0051

City Manager Chris Davis gave an overview of proposal. He has had meeting with Brent Bailey and Lew Swain on a petition for Annexation and they are working through some issues. One issue is where they will be putting the sewer line the right of way is owned by UDOT. UDOT wants to sell the right of way to UTA and are working on an agreement with UTA and UDOT. They are also working on a retainment agreement with the 3 developers looking at annexing. The property is located in southern Box Elder County. The subdivision being discussed tonight meets the requirements of a Planned Unit Development as far as density and will meet the requirements for green space. This meeting will only be a discussion and no action will be taken tonight. If they can work out the pre-annexation agreement and the sewer agreement would they be able to move forward with the development. The sewer is a 1.8 million dollar project that will be paid for by the 3 developers and will not affect Willard City. The line will go to the south almost to the county line. He and Attorney Mund have spent a large amount of time reviewing the Development Agreement and will not be discussed tonight. They are only looking for feedback. The State Legislature has passed a statute with in the last year to allow the annexation of property that is not contiguous to the city. This proposal is 134 acres and will consist of 264 homes. They will bring with them water rights and will need to address how to get water to them and is currently working with their engineer.

Lew Swain and Brent Bailey are present at the meeting to discuss the proposal and answer questions.

Lew Swain – stated there are a variation of lot sizes ranging from 1/3 to ½ acre. The open space will be a well maintained 3.84 acre soccer field/city park with trees around the perimeter. The CCR's will address the height, setbacks and the type of materials used. The houses will not be built by EK Bailey but by the homeowners. The price range will be \$450,000-\$550,000. There will be multiple points of access into the development. They will connect the roads to the subdivision to the south and will put in stub roads to the north.

They have submitted documents to the City Attorney and City Manager. They will bring water rights with them for culinary and will be putting in secondary water from Pineview for outside watering. An 18" sewer line running north and south at the far west portion of property that will continue 20,000 ft. from 8300 South to the existing lift station. They will install the lines and preform upgrades to the lift station to accommodate the 3 proposed developments. This will allow the sewer treatment plant to have significant increase in sewer connections.

They have submitted the pre-annexation development agreement to the City Attorney and City Manager outlining the conditions they will be bound to and the different phases and the nature of the development. He showed the phasing plan for the development and stated they are looking at 25-30 homes per year with 10 total phases in the development. Incorporation of trails on the west side and they have an agreement with UTA to sell them 66' for an extension of the

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

Application Date: 5/28/20

Assessor's Parcel Number

Applicant:

Josh Braegger

02-047-0074

Mailing Address

Parcel Legal Description

PO Box 374

Willard UT 84340

Project Address

53 N 100 W

Phone Number

Cell Phone 801-940-1031

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



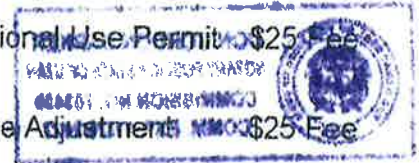
Conditional Use Permit \$25 Fee



Lot Line Adjustment \$25 Fee



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.

WILLARD CITY CORPORATION
80 W 50 S
PO Box 593
Willard UT 84340
435-734-9881
May 29, 2020
Receipt No: 1.007880

JOSH BRAEGGER
Charges for Services
Charges - PC & B of Adj

Total:	25.00
Cash	25.00
Total Applied:	25.00
Change Tendered:	.00

Duplicate Copy
05/29/2020 4:27 PM

APPLICANT'S AFFIDAVIT

STATE OF UTAH)
) SS
COUNTY OF BOX ELDER)

I, (we) Joshua J. Bruegger, 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 53 N. 100 W. 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 Joshua J. Bruegger
Property Owner(s)
AGENT Don Barker

Subscribed and sworn before me this 29 day of May 2020



Don Barker
Notary Public

Residing in Brigham City
My commission expires: 11/26/20

* 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 _____ 20 _____

Notary Public

Residing in _____
My commission expires: _____



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, September 7, 2023 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

1 The meeting was a regular meeting designated by resolution. Notice of the meeting was provided 24 hours
2 in advance. A copy of the agenda was posted at City Hall and on the State of Utah Public Meeting Notice
3 Website.

4
5 The following members were in attendance:

6
7 Sid Bodily, Chairman

Chris Davis, City Manager

8 Diana Baker

Colt Mund, City Attorney

9 Chandler Bingham

Bryce Wheelwright, City Planner

10 Chad Braegger, Alternate

Michelle Drago, Deputy City Recorder

11 Brian Gilbert, Alternate

12 Blake Harrop

13
14 Excused: Alex Dubovik and Zack Hulsey

15
16 Others in attendance: Mayor Travis Mote; Councilman John Seamons; Councilman Kunzler; Councilman
17 Mike Braegger; Councilman Rod Mund; Doug Thompson; Rew Wiley; Ken Ormond; Ruth Ormond; Nate
18 Stobbe; Chris Marx; Colton Kapp; Nelson Kapp; Leland Steve Davies; Rod Braegger; Debbie Braegger;
19 Brett Hubbard; Julie Simmons; and Pat Burns, Lync Construction.

20
21 The meeting was called to order at 6:30 p.m.

22
23 1. PRAYER: Sid Bodily

24
25 2. PLEDGE OF ALLEGIANCE: Diana Baker

26
27 3. GENERAL PUBLIC COMMENTS

28
29 There were no comments.

30
31 4. CITY COUNCIL REPORT

32
33 Time Stamp: 02:27 09/07/2023

34
35 Councilman Seamons reported on the August 24th City Council meeting:

36 The City Council approved a new contract with the Mann, Hadfield, and Thorne, the City's legal
37 counsel.

38 The Council then considered a petition for annexation from Make Bastian for property located on
39 the south side of South Willard.

40 The City Council considered and approved the Dark Sky Ordinance.

41 The Council also approved the amendment to the Zoning Ordinance to allow alternate Planning
42 Commission members and to give them voting rights.

43 The City Council scheduled a joint work session with the Planning Commission on Thursday,
44 August 31st, to discuss Willard's annexation policy.

45 The City Council received an update regarding repairs to the HOP Trail by Rocky Mountain Power.

46 The Council also discussed building a pickleball court at Central Park.
47



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, September 7, 2023 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

- 5A. PUBLIC HEARING TO RECEIVE PUBLIC INPUT REGARDING A PROPOSAL FROM CHRIS MARX TO AMEND THE 2017 FUTURE LAND USE MAP OF THE WILLARD CITY GENERAL PLAN (CHAPTER 12-000) BY CHANGING THE FUTURE LAND USE DESIGNATION FOR APPROXIMATELY 10.84 AACRES LOCATED AT APPROXIMATELY 297 EST 380 NORTH FROM A-3 TO R 1/2

Time Stamp: 8:20 09/07/2023

Commissioner Bingham moved to open the public hearing at 6:38 p.m. Commissioner Gilbert seconded the motion. All voted “aye.” The motion passed unanimously.

Chairman Bodily read the Planning Commission’s Rules of Order statement.

Bryce Wheelwright, City Planner, stated that the Planning Commission had discussed this issue several times. Chris Marx lived at the west end of 380 North at approximately 300 West where he owned about 11 acres. Mr. Marx wanted to extend 380 North to the west and create about nine half-acre lots and one five-acre lot. At this time, part of the acreage was designated R ½ by the Future Land Use Map; some of the acreage was designated A-3. Chris Marx was asking that the 2017 Future Land Use Map be amended to change the future designation of all the half-acre lots to R ½. Mr. Marx wanted to keep the rural feel of Willard. The subdivision he was proposing would continue the existing improvements on 380 North, which did not include curb, gutter, and sidewalk. Storm water would be collected by swales on either side of the road. Mr. Marx wanted to keep a five-acre parcel at the end of 380 North for himself.

Mr. Wheelwright said the existing Future Land Use Map had been in existence since 2017. A General Plan was designed to be a living document. It was not set in stone. It was meant to be changed when it was necessary and advantageous to the City. The General Plan was meant to provide a general idea for the City’s future. It was a guideline, but sometimes it needed to be amended.

Chris Marx, 297 West 380 North, stated that although he owned 10.84 acres, he didn’t feel the future land use designation needed to be changed on all of it. He planned to keep a five acre lot on the west side. All that really needed to be changed was the half-acre lots that were currently designated A-3..

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

Commissioner Bingham moved to close the public hearing at 6:44 p.m. Commissioner Harrop seconded the motion. All voted “aye.” The motion passed unanimously.

- 5B. CONSIDERATION AND RECOMMENDATION TO THE CITY COUNCIL REGARDING A PROPOSAL FROM CHRIS MARX TO AMEND THE 2017 FUTURE LAND USE MAP OF THE WILLARD CITY GENERAL PLAN (CHAPTER 12-000) BY CHANGING THE FUTURE LAND USE DESIGNATION FOR APPROXIMATELY 10.84 ACRES LOCATED AT APPROXIMATELY 297 WEST 380 NORTH FROM A-3 TO R 1/2

Time Stamp 15:12 09/07/2023

Commissioner Bingham stated that he didn’t have a problem changing the future land use designation to R ½. The subdivision proposed by Chris Marx looked like what the Planning Commission hoped to promote.



WILLARD CITY

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Thursday, September 7, 2023 – 6:30 p.m.

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95 The part that was designated A-3 contained a five acre lot and three half-acre lots. The overall density
96 would be A-3.

97
98 Commissioner Gilbert liked it and its rural feel.
99

100 Commissioner Harrop asked how much acreage would be left below 500 West. Chris Marx stated that he
101 had shown the location of a future 500 West at the City's request. Its location was subject to change based
102 on the location of the sewer line so he didn't know the exact acreage.
103

104 Commissioner Braegger said the sewer line ran north and south from 750 North to Center Street. He felt
105 the sewer line needed to be located in 500 West or the UTA easement.
106

107 Commissioner Baker asked how UTA's development would affect the five-acre lot. Chris Marx stated that
108 he had planned extra acreage on the west side so he would still have five acres after UTA's easement
109 purchase. He wanted that five acres to remain in the green belt. Commissioner Braegger said the sewer
110 was 20 to 25 feet from the west property line. Mr. Marx said UTA was trying to purchase 27 feet from the
111 west property line.
112

113 Chairman Bodily did not have a problem with the proposed amendment. It fit the area. The Planning
114 Commission needed to keep in mind that any change would be permanent.
115

116 Commissioner Bingham suggested that 400 North be stubbed to the north as well. Commissioner Braegger
117 felt it would dead-end into Lynn Beard's property.
118

119 Commissioner Braegger asked about 400 West. Chris Marx stated that the City Engineer had asked him
120 to include a stub for 400 West to extend to the south. Bryce Wheelwright stated that 400 West was shown
121 on the master road plan. Commissioner Braegger suggested that the stub be moved further to the west so
122 that it didn't run into a structure on the adjoining property.
123

124 Bryce Wheelwright reminded the Planning Commission that they were considering an amendment to the
125 Future Land Use Map, not the subdivision design.
126

127 **Commissioner Bingham moved to recommend that the City Council approve a proposal from Chris**
128 **Marx to amend the 2017 Future Land Use Map of the Willard City General Plan (Chapter 12-000) by**
129 **changing the future land use designation for approximately 10.84 acres located at approximately**
130 **297 West 380 North from A-3 to R ½. Commissioner Braegger seconded the motion. All voted "aye,"**
131 **except Commissioner Baker who voted "nay." The motion carried.**
132

133 5C. CONSIDERATION AND RECOMMENDATION TO THE CITY COUNCIL REGARDING A
134 PETITION FROM CHRIS MARX TO REZONE APPROXIMATELY 10.84 ACRES LOCATED AT
135 APPROXIMATELY 297 WEST 380 NORTH FROM A-5 TO R ½ (PARCEL NOS. 02-044-0008, 02-
136 046-0010, 02-046-011, AND 02-046-0012) (CONTINUED FROM JUNE 1 AND AUGUST 17, 2023)
137

138 Time Stamp: 25:15 09/07/2023
139

140 Bryce Wheelwright stated that based on the Planning Commission's recommendation to amend the Future
141 Land Use Map, it could now make a recommendation regarding the rezone petition from Chris Marx.
142



WILLARD CITY

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Commissioner Baker felt the Planning Commission should wait to make a recommendation after the new General Plan was adopted.

Commissioner Harrop moved to recommend that the City Council approve 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 subject to approval of an amendment to the 2017 Future Land Use Map . Commissioner Gilbert seconded the motion. All voted “aye,” except Commissioner Baker who voted “nay.” The motion carried.

5D. SET A PUBLIC HEARING TO CONSIDER A PETITION FROM NELDON KAPP TO REZONE APPROXIMATELY 9 ACARE LOCATED AT APPROXIMATELY 620 NORTH 200 WEST FROM A-5 TO 4 ½

Time Stamp 28:13 09/07/2023

Bryce Wheelwright stated that Neldon Kapp was requesting that nine acres he owned on the east side of 200 West at 620 North be rezoned from A-5 to R ½. The property was contiguous to the R ½ Zone, and the Future Land Use map designated this area for half-acre lots. Mr. Kapp was proposing to create a three-acre building lot for his son. His property was currently zoned A-5, which did not allow a lot smaller than five acres.

Neldon Kapp, 620 West 200 North, stated that he was supporting his son's dream to own a home.

Commissioner Braegger asked if Nelson Kapp planned to retain ownership of the remaining six acres. Mr. Kapp said he did.

Commissioner Bingham moved to set a public hearing for September 21st at 6:30 p.m. Commissioner Gilbert seconded the motion. All voted “aye.” The motion passed unanimously.

5E. CONSIDERATION OF A LOT LINE ADJUSTMENT FOR NORRIS HUBBARD FOR PROPERTY LOCATED AT APPROXIMATELY 1094 SOUTH MAIN (PARCEL NOS. 02-055-0010, 02-055-0011, AND 02-055-0012)

Time Stamp: 32:10 09/07/2023

Bryce Wheelwright sated that the Norris Hubbard Estate owned three parcels at approximately 1094 South Main. All three were agricultural; no easements were involved. The proposed lot line adjustment would decrease the size of Parcel 02-055-0010 and increase Parcel 02-055-0012.

Julie Simmons, North Ogden, stated that the shape of the house parcel was being adjusted as well. The acreage would remain the same, but the parcel would now run north and south instead of east and west. The current property line cut through the corner of the house. The adjustment made sure the house was all on one parcel.

Commissioner Braegger asked about the size of the house lot (Parcel 02-055-0011). Julie Simmons said it was .41 acres.



WILLARD CITY

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Commissioner Harrop asked if the size of the adjusted lots complied with the zoning requirement. Mr. Wheelwright said the 80-foot frontage of Parcel 2 (02-055-0010) was too narrow to be considered a building lot. Ms. Simmons said she was aware of that.

Commissioner Baker moved to approve the lot line adjustment for the Norris Hubbard property located at approximately 1094 South Main (Parcel Nos. 02-055-0010, 02-055-0011, 02-055-0012). Commissioner Harrop seconded the motion. All voted “aye.” The motion passed unanimously.

5F. REVIEW OF CONDITIONAL USE PERMIT ISSUED TO JOSH BRAEGGER FOR A BASEMENT APARTMENT LOCATED AT 53 NORTH 100 WEST (PARCEL NO. 02-047-0074) ON JUNE 19, 2020

Time Stamp: 37:19 09/07/2023

Bryce Wheelwright stated that the Planning Commission approved a conditional use permit for Josh Braegger for a basement apartment located at 53 North 100 West on June 19, 2020. He had spoken to Mr. Braegger about the Planning Commission's review. Mr. Braegger still had renters, and nothing had been changed. However, since the conditional use permit was issued, the State Legislature had legalized internal accessory dwelling units. Last year the City adopted ADU regulations. Mr. Braegger could choose to abandon the conditional use permit and abide by the City's new ADU ordinance.

There was a discussion about the conditional use permit list.

Chairman Bodily asked if a conditional use permit had to go with a property. If there was an approved conditional use, and a new property owner did something different, shouldn't the conditional use permit go away? Colt Mund stated that a conditional use permit ran with the land. A conditional use permit could be abandoned through non-use or non-compliance. When the Planning Commission amended the Conditional Use Ordinance, it talked about reviewing the conditional use permits. If there was a situation where a landowner received a conditional use permit and then sold the land, the Planning Commission could terminate the conditional use permit.

Colt Mund stated that in the case of Josh Braegger, the City now had an ADU Ordinance. Was there any difference between the ADU regulations and what was required when the conditional use permit was issued? If there wasn't, the conditional use permit could be terminated, and Mr. Braegger could just comply with the ADU Ordinance. Mr. Braegger would have to determine whether or not to keep the CUP. If Mr. Braegger terminated the CUP, he would have to come into compliance with the ADU Ordinance.

Bryce Wheelwright stated that the apartment was probably larger than 1,000 square feet. Colt Mund stated that the apartment was grandfathered in. He was comfortable keeping the conditional use permit in place as long as Josh Braegger was using it. It might be if the conditional use permit remained active and Mr. Braegger complied with the conditions of the conditional use permit.

Chris Davis, City Manager, suggested that the Planning Commission table its review until Bryce Wheelwright had spoken with Josh Braegger about how he wanted to proceed.

Commissioner Baker moved to table the review of Josh Braegger's conditional use permit until Bryce Wheelwright spoke with him about how he wanted to proceed. Commissioner Bingham seconded the motion. All voted “aye.” The motion passed unanimously.



WILLARD CITY

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6. CONSIDERATION AND APPROVAL OF AUGUST 17, 2023, REGULAR PLANNING COMMISSION MINUTES

Commissioner Baker moved to approve the August 17, 2023, minutes as corrected. Commissioner Gilbert seconded the motion. All voted “aye.” The motion passed unanimously.

7. COMMISSIONER/STAFF COMMENTS

Time Stamp: 47:03 09/07/2023

Chris Davis

Chris Davis stated the City was still working with lobbyists to write a grant for an economic development plan. It had to be submitted by October 1st.

Chris Davis stated that City had received a map showing the location of a fence at the mouth of Willard Canyon. The fence would be located east of the parking area. The fence would be barbed wire. Mining would begin soon.

Commissioner Harrop asked if the trails in the canyon would now be cut off. Mr. Davis said they would.

Chris Davis said there might be an opportunity to apply for a grant to access a trail that was on City property or Forest Service property. Bryce Wheelwright said the City owned property above the Wells property. Forest Service property was located above the City's property. The spring the City got its water from was in Willard City.

Colt Mund

Did not have any comments.

Commissioner Harrop

Did not have any comments

Commissioner Baker

Did not have any comments.

Commissioner Gilbert

Did not have any comments.

Chairman Bodily

Did not have any comments.

Commissioner Braegger



WILLARD CITY

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Commissioner Braegger stated that there was an address in Granite Ridge at 271 East 600 South that needed to be changed. The address was impossible to find. Bryce Wheelwright agreed that it needed to be changed. This was a corner lot. Two addresses were assigned to the lot depending on the orientation of the house. The address needed to be changed to the other orientation.

Commissioner Bingham

Did not have any comments.

Bryce Wheelwright

Did not have any comments.

8. ADJOURN

Commissioner Harrop moved to adjourn at approximately 7:21 p.m. Commissioner Bingham seconded the motion. All voted in favor. The motion passed unanimously.

9. WORK SESSION WITH THE CITY COUNCIL REGARDING THE GENERAL PLAN DRAFT WHICH WOULD AMEND CHAPTER 12-000 OF THE WILLARD CITY ZONING ORDINANCE

Time Stamp: 00:00 09/07/2023 Work Session with the City Council

The Planning Commission held a work session with the City Council to discuss the Future Land Use Map of the General Plan DRAFT. The work session began at 7:27 p.m. Those in attendance were:

Planning Commission – Sid Bodily, Chairman; Diana Baker; Chandler Bingham, Chad Braegger/Alternate, Brian Gilbert/Alternate, and, Blake Harrop.

Staff – Chris Davis, City Manager; Colt Mund, City Attorney; Bryce Wheelwright, City Planner, Michelle Drago, Deputy City Recorder.

City Council – Mayor Travis Mote, Councilman Mike Braegger; Councilman Kaleb Kunzler, Councilman Rob Mund; and Councilman John Seamons.

Others – ; Ken Ormond; Ruth Ormond; Rew Wiley; Rod Braegger; Debbie Braegger; and Pat Burns, Lync Construction.

Mayor Mote stated that the City Council and Planning Commission had talked a lot about lot sizes and property rights. The purpose of the work session was to refine that discussion. He felt resources needed to be discussed with the General Plan. Water was one of those resources.

The City Engineer estimated that there were 1,800 developable acres left in Willard. Mayor Mote shared calculations he had made for needed water based on half-acre and one acre densities (see attached copy). He felt water would constrain the City more than lot sizes. He also felt the City needed to set a base lot size/density. After running the calculations, he felt that the amount of water needed for half-acre and one-acre lots was less than third-acre lots. The City Engineer did not set aside any water for commercial use. He didn't feel it would be wise to allocate all of the water. The City needed to have a water reserve. He felt



WILLARD CITY

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Willard City Hall – 80 West 50 South

Willard, Utah 84340

the City could allocate about 1 acre foot per acre across the City for the remaining 1,800 acres for indoor use. Developers would have to figure out how to get water for outdoor use. He didn't feel the City had the water to get wild with lot sizes. The City was mandated to have a water plan as part of the General Plan by 2025. He proposed that the City draft its ordinance to allocate water in a format similar to his calculations. Water was a stumbling block for anyone coming into Willard. There were other finite resources besides land.

There was a discussion about water.

Time Stamp: 24:17

Councilman Kunzler stated that he calculated the density of Old Town Willard. It was roughly a .75% density. If town square and the church were excluded, then the density was roughly .66, which was equivalent to half-acre lots.

Councilman Mund didn't feel a half-acre lot size would lock anything in stone. The General Plan was not a static document. It was prolific; it could be changed. There were a lot of pieces to the puzzle besides water that the City needed to be mindful of going forward.

There was a discussion about xeriscaping, secondary water, and culinary water usage.

Time Stamp 35:19

Mayor Mote stated that there seemed to be a consensus about a blanket zone for the entire city.

Councilman Braegger felt a combination of things needed to occur. Requirements for some xeriscaping; then secondary water had to come into play. Any new developments would have to bring their own secondary water. The City would only provide culinary water. He felt that would be a pretty simple process. Then lot size wouldn't matter at all.

Councilman Mund stated that when the City wrestled with the General Plan 20 years ago, it went back and forth and finally decided to make everything half acre lots. He didn't know any other way to be fair.

Time Stamp 38:35

Pat Burns, Lync Construction, stated that Ogden Valley created transferrable development rights. TDR's were assigned to each property and could be bought and sold. Marriott-Slaterville had done something similar.

There was discussion about development rights, property rights, and planning tools.

Time Stamp: 53:00

Mayor Mote felt the City Council and Planning Commission needed to determine density, what the City would look like, and how it would get there. Everyone was looking at tools before it had the vision.

Commissioner Braegger asked Pat Burns if the City's MPC Zone worked. Pat Burns said the negative thing about Willard's MPC Zone was the lack of a density bonus. The smart thing about it was the requirement



WILLARD CITY

Planning Commission Meeting – Regular Meeting

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for a development agreement. The development agreement superseded every City ordinance. A development agreement created an ordinance and zone for a development. A development agreement was the strongest tool the City had.

Colt Mund stated that a development agreement was a binding agreement that could be enforced.

There was a discussion about development agreements.

Time Stamp 1:00:42

Mayor Mote stated that the Planning Commission and City Council were still talking about tools. He polled each individual about their vision:

Commissioner Bingham felt a blanket density of .75 or .66, which was equivalent to a half-acre lot, and usage of the MPC Zone would accomplish the same thing as a TDR.

Commissioner Braegger – leaned toward a blanket lot size of a half-acre.

Chairman Bodily – half-acre lot size

Commissioner Gilbert – half-acre lot size

Commissioner Harrop – half-acre acre with ability to have larger lots

Commissioner Baker – half-acre with interest in TDR's

Councilman Seamons – half-acre

Councilman Braegger – half-acre

Councilman Kunzler – leaned toward three-quarter density

Councilman Mund – no issues with half-acre

Mayor Mote felt that lot size had been the sticking point for moving the General Plan forward. There had been a lot of discussion with the community. A lot of people felt disenfranchised by the proposed future land use map with some merit. He felt the City absolutely had to protect the commercial areas. Annexation was also a topic of discussion. The City Attorney recommended that the City consider zoning for South Willard in case annexation ever took place.

Mayor Mote felt the Planning Commission now had a feel for what to recommend to the City Council – half-acre lot zoning.

Bryce Wheelwright asked if that would eliminate zoning. There was discussion about rezoning the entire City half-acre after the General Plan was finished, except for the commercial area.

Mayor Mote felt the Zoning Ordinance needed to define the Retail Zone.

The work session adjourned at 8:39 p.m.

Minutes were read individually and approved on: _____

Planning Commission, Chairman

Sid Bodily

dc:PC 09-07-2023

Planning Commission Secretary

Michelle Drago