Notice is hereby given that the
WILLARD CITY PLANNING COMMISSION
Will meet in a regular session on
Thursday, September 5, 2024 – 6:30 p.m.
Willard City Hall, 80 West 50 South
Willard, Utah, 84340

AGENDA

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

1. Prayer
2. Pledge of Allegiance
3. General Public Comments (Input for items not on the agenda. Individuals have three minutes for open comments)
4. Report from City Council
5. Discussion/Action Items
   a. Public hearing to receive public input regarding a proposal to amend the General Plan found in Chapter 12-000 of the Willard City Zoning Ordinance to include a future land use map for the South Willard area included in Willard's Annexation Policy
   b. Consideration and recommendation to the City Council regarding a proposal to amend the General Plan found in Chapter 12-000 of the Willard City Zoning Ordinance to include a future land use map for the South Willard area included in Willard's Annexation Policy Declaration (continued from April 4, April 18, May 2, May 16, and June 20, 2024)
   c. Public hearing to receive public input regarding a proposal to amend the definition of the Subdivision Land Use Authority (SLUA) found in Chapter 12-400-41 of the Willard City Zoning Ordinance to include a member of the Planning Commission
   d. Consideration and recommendation to the City Council regarding a proposal to amend the definition of the Subdivision Land Use Authority (SLUA) found in Chapter 12-400-41 of the Willard City Zoning Ordinance to include a member of the Planning Commission
   e. Consideration of a preliminary plan for Granite Rudge Subdivision Phase 6 located at approximately 675 South 450 East (Parcel Nos. 02-053-0014 and 02-053-0069) (Continued from August 15, 2024)
   f. Review of a conditional use permit issued to Lynn Beard for a duplex located at 481 North 200 West (Parcel No. 02-046-0075) issued February 5, 2015 (Continued from August 1 and August 15, 2024)
   g. Discussion regarding amending the Table of Uses found Chapter 12-111-3 and 12-112-3 of the Willard City Zoning Ordinance (Continued from August 1, 2024)
6. Consideration and approval of the August 15, 2024, regular Planning Commission minutes
7. Commissioner/Staff Comments
8. Adjourn

I, the undersigned duly appointed and acting Deputy City Recorder for Willard City Corporation, hereby certify that a copy of the foregoing notice and agenda was posted at the Willard City Hall, on the State of Utah Public Meeting Notice website https://www.utah.gov/pmn/index.html, on the Willard City website www.willardcity.com, and sent to the Box Elder News Journal this 30th day of August, 2024.

/s/ Michelle Drago

Deputy City Recorder

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

ITEM 5A

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 General Plan found in Chapter 12-000 of the Willard City Zoning Ordinance to include a future land use map for the South Willard area included in Willard's Annexation Policy.

The public hearing will be held on Thursday, September 5, 2024, 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 435-734-9881. 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.

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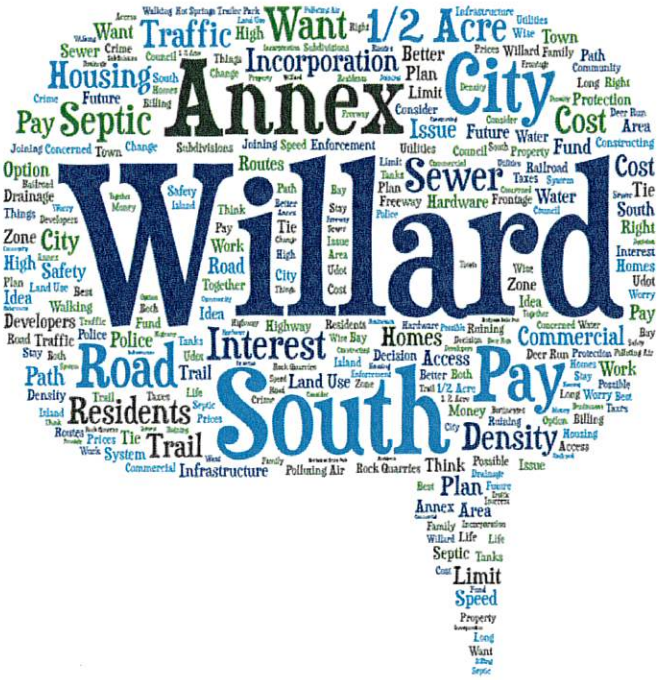
/s/Michelle Drago
Deputy City Recorder

Public Hearing September 5 @ 6:30 pm

Willard City <madison@willardcity.com>

Tue 9/3/2024 9:46 AM

To:mdrago@willardcity.com <mdrago@willardcity.com>



South Willard Public Hearing

Willard City would like you to be aware of the following announcement:

Hi South Willard!

The Commission has requested a final public hearing to hear from South Willard residents about the Future Land Use plan. This meeting is not about annexing South Willard into Willard. While this is happening little by little, the City of Willard has no intention of annexing in all of South Willard at this time. The Willard City Planning Commission has volunteered to help design a new Future Land Use map to help direct the future growth of the area. If you weren't able to attend our Open House in May, if you'd like to share more comments, or if you simply want to be informed, please attend the Public Hearing on **Thursday September 5 at 6:30 pm, 80 W 50 S, Willard**.

The Planning Commission has drawn up a few maps which can be viewed here: https://www.willardcity.com/south-willard.html

If you'd like, you can create your own map for consideration by the Commission. You can use the maps on the website, or create your own using Google Earth or the County map (https://gis.boxeldercounty.org/.../webappvi.../index.html...).

Maps can include future land use zones, potential roadways, and any preservation ideas as well.

If you're unable to attend, you can send comments or questions to me by responding to this email, or drop them off at our office before Thursday.

Please share this with your neighbors and friends. Thank you.

For questions, please contact our office at 435-734-9881. Thank you.

WillardCity.com

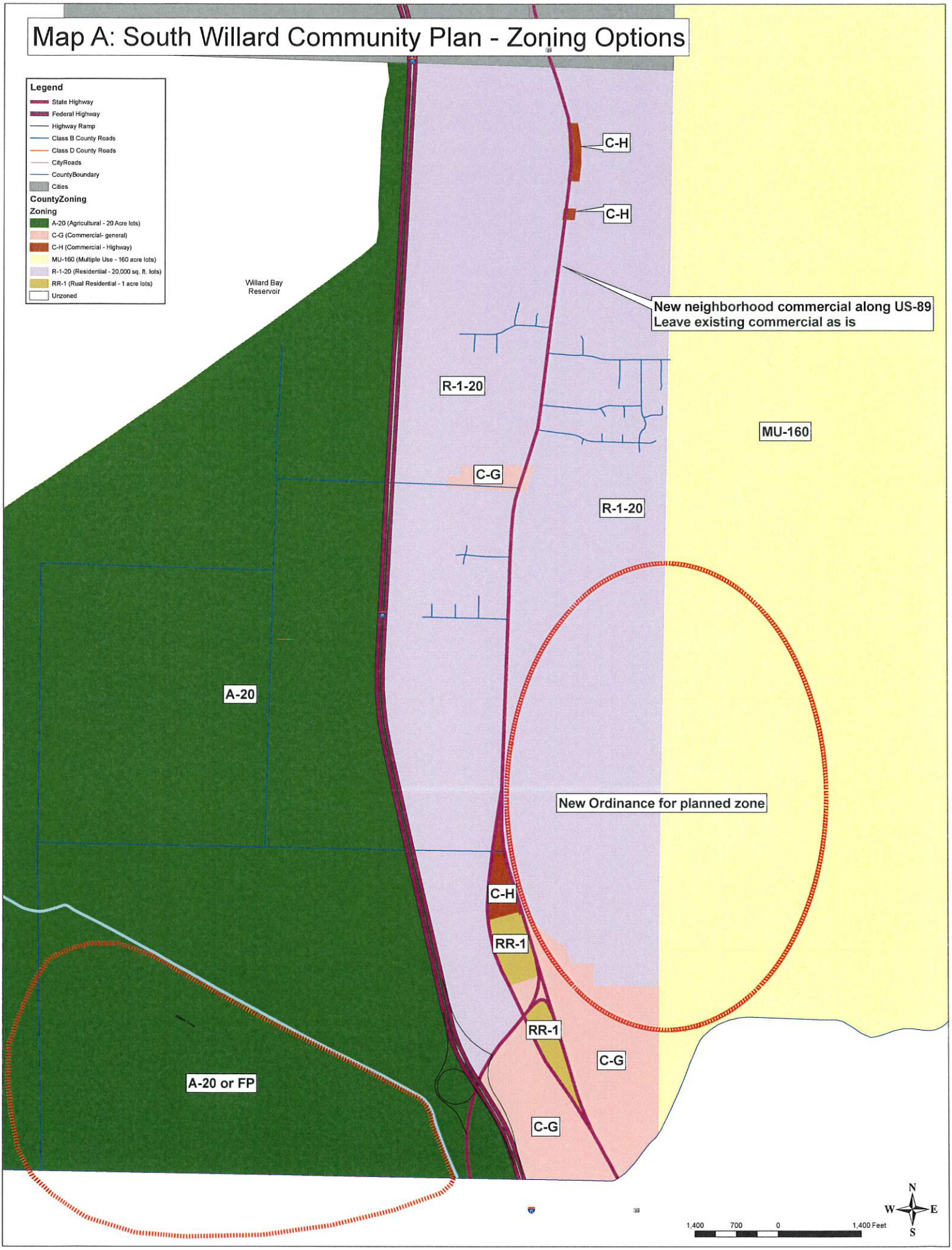
You received this email because you subscribed to our list. You can unsubscribe at any time.

Willard City Corporation
80 W 50 S
PO Box 593
Willard
Utah
84340
United States of America
435-734-9881

City Office Hours:
M-TH 8:00 a.m. - 5:00 p.m.
F 8:00 a.m. – 12:00 p.m.

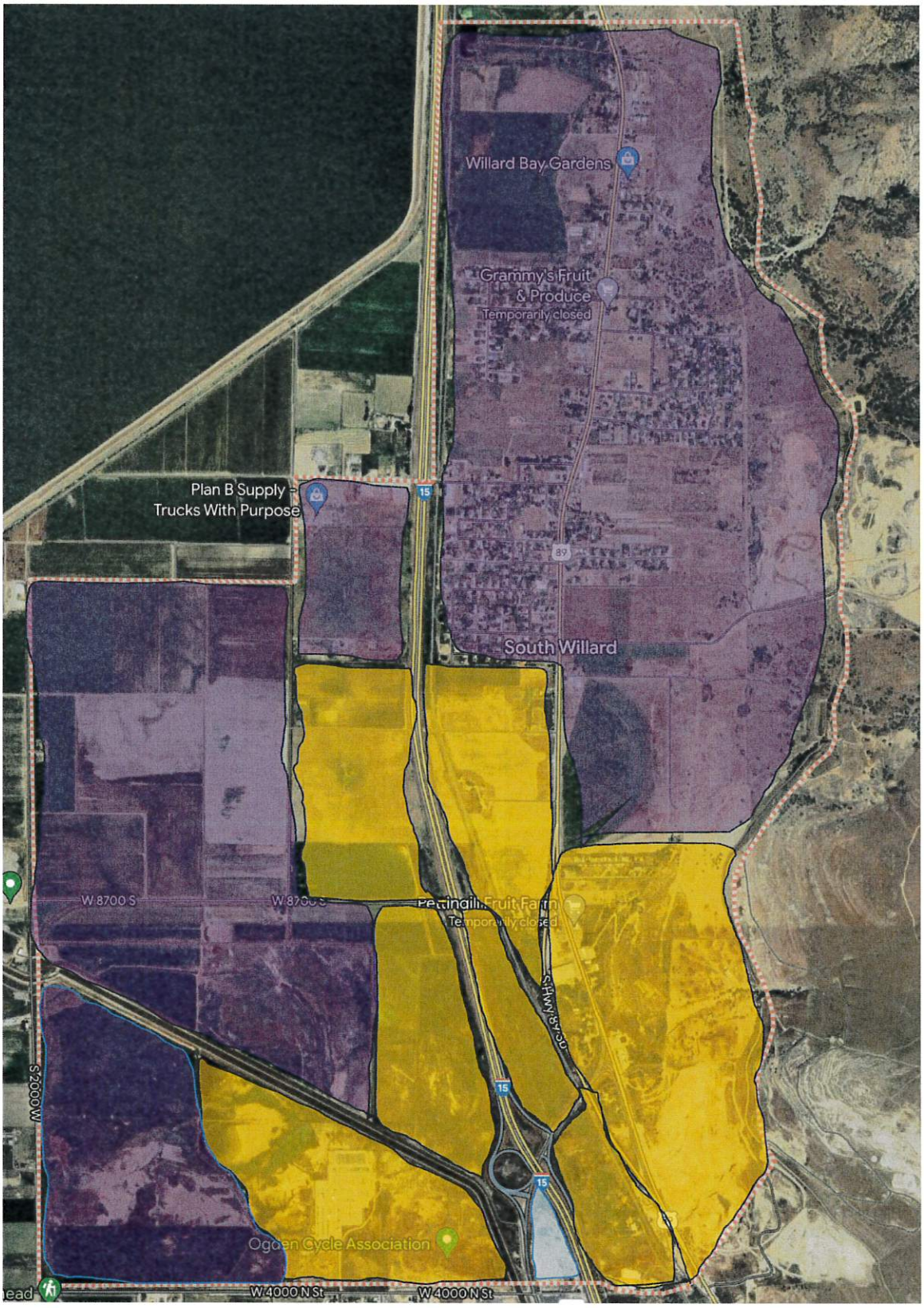
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Map A: South Willard Community Plan - Zoning Options



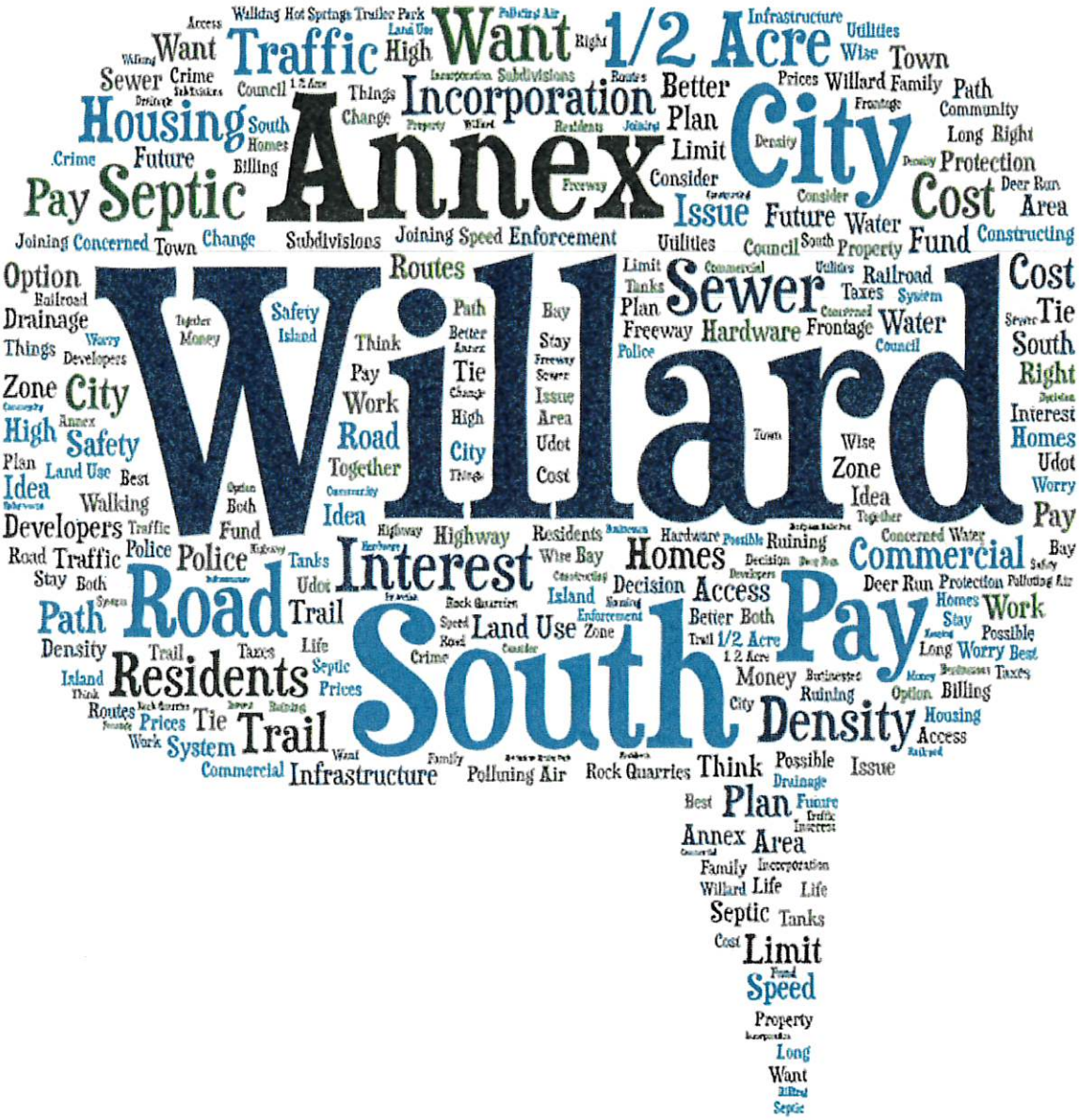
MPZ

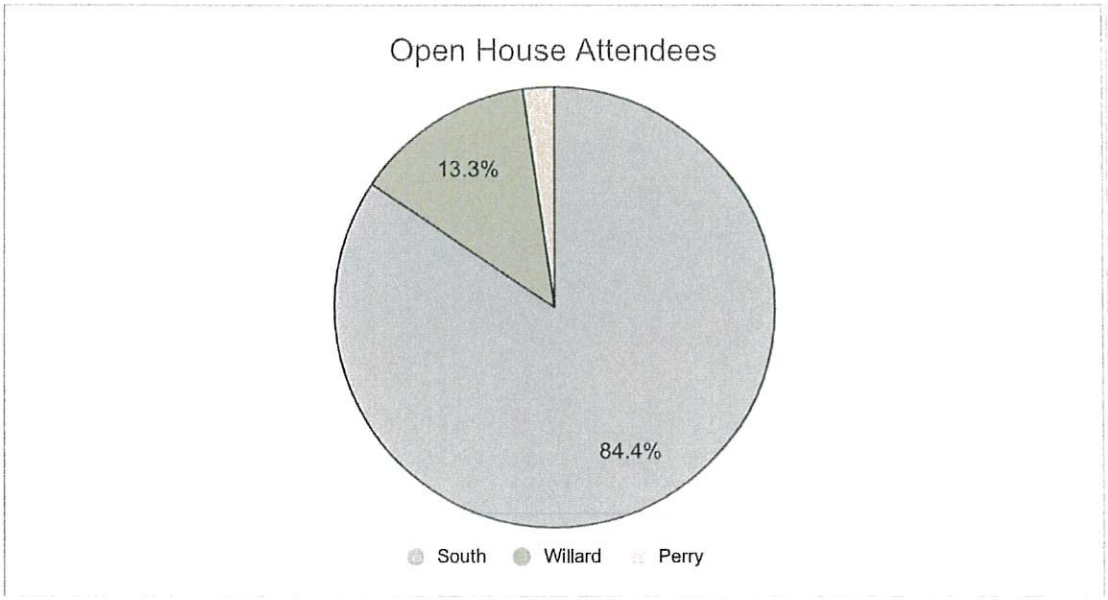
Commercial



South Willard Land Use Open House

Report May 16, 2024





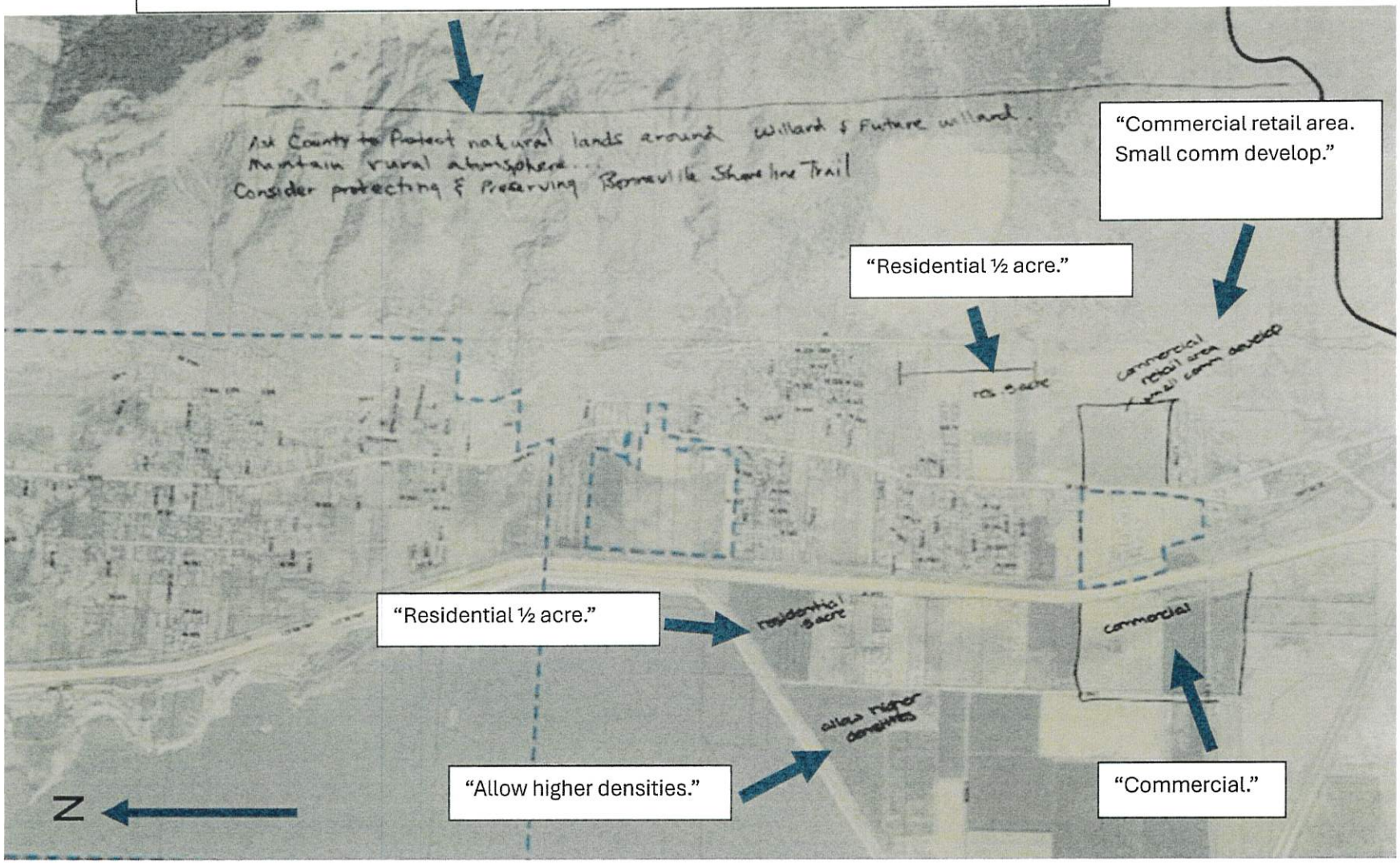
South Willard Open House Attendees

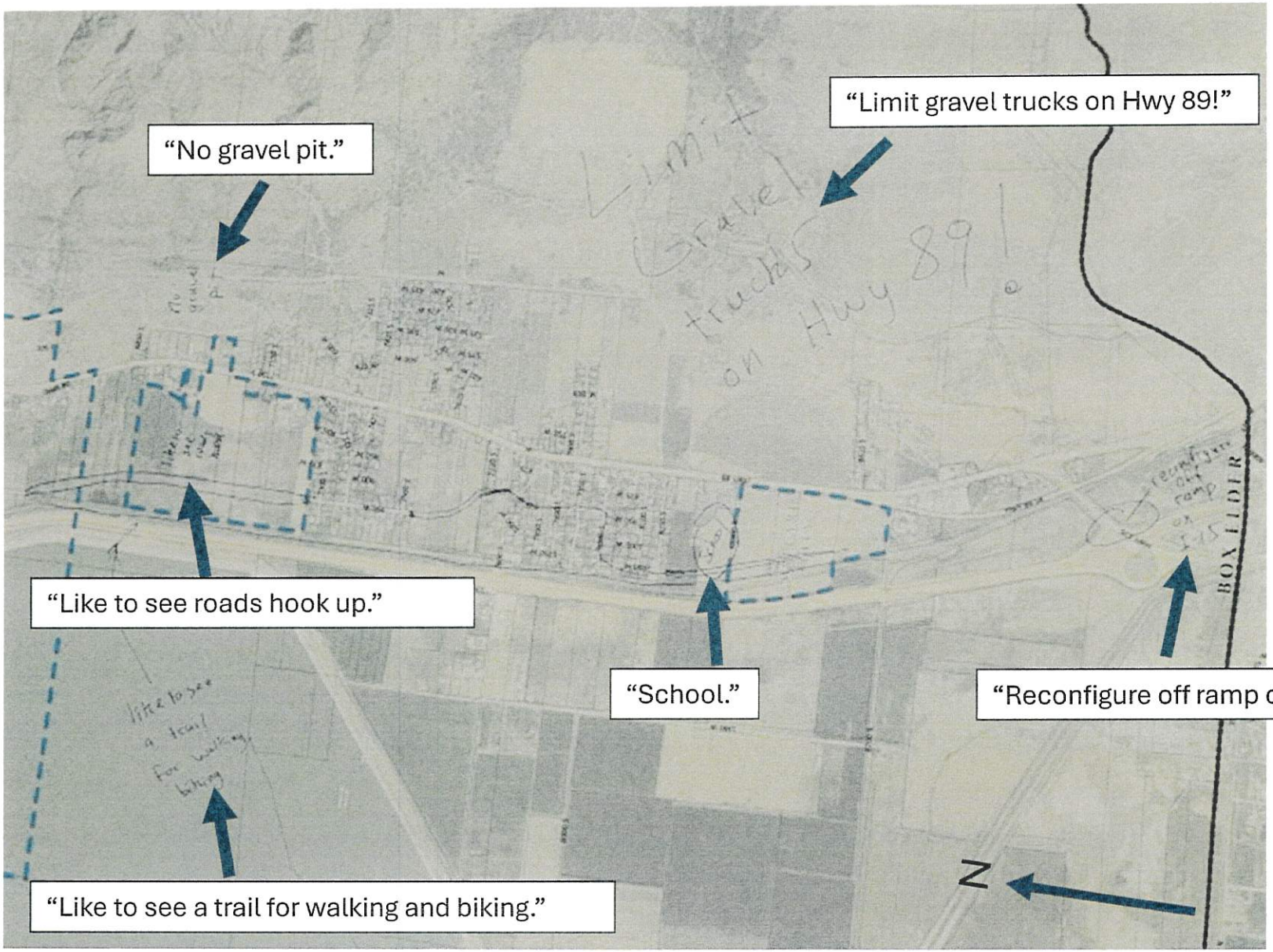
Name	Address	Email	Phone	
David and Eileen Jackson	7359 S 950 W			South
Robert Johnson	728 W 8000 S	robbyjfam@gmail.com		South
Michael Johnson	746 W 8000 S			South
Ken and Ruth Ormond	150 N Main			Willard
Allen W Johnson	9130 S Hwy 89			South
Jaren W Monson	891 W 8000 S			South
Jim Johnson	6995 S Hwy 89			South
Brianna Sederholm	7290 S 600 W	bshea06@gmail.com	PO Box 356	South
Ted Mayo	924 W 7300 S			South
Chad and Annie Arnold	7455 S 425 W	amiearnold8@gmail.com		South
Terry and Tammy Nelson	582 W 7550 S			South
Steven Pettingill	3125 S 1200 W Perry			Perry
Josh Stott	797 W 7425 S			South
Ron Ford	755 W 7950 S	rford1959@gmail.com	8013003255	South
Ruth Beebe	1000 N 80 W			Willard
George Queen	739 W 7325	george.queen@gmail.com		South
Keith Heil	7113 S Hwy 89			South
Hot Spring Mobile Home Park	895 W 8700 S			South
Benny Karlinsey	7867 S Hwy 89			South
Lurleen Coggins	960 W 8100 S	lurcoggins@cs.com		South
Thomas Hutchinson	7340 S 850 W	hutchx2@yahoo.com		South
Susan Orth-Wright	7885 S Hwy 89			South
Clyde Westley	221 E 100 S			Willard
Susan Michaels	1076 W 8000 S			South
Kevin Frye	1076 W 8000 S			South
Kent Davis	8775 S Hwy 89			South
Linda Zito	8960 S Hwy 89	linda.zito@gmail.com	8014301232	South
Rex Christensen	103 W 200 S			Willard

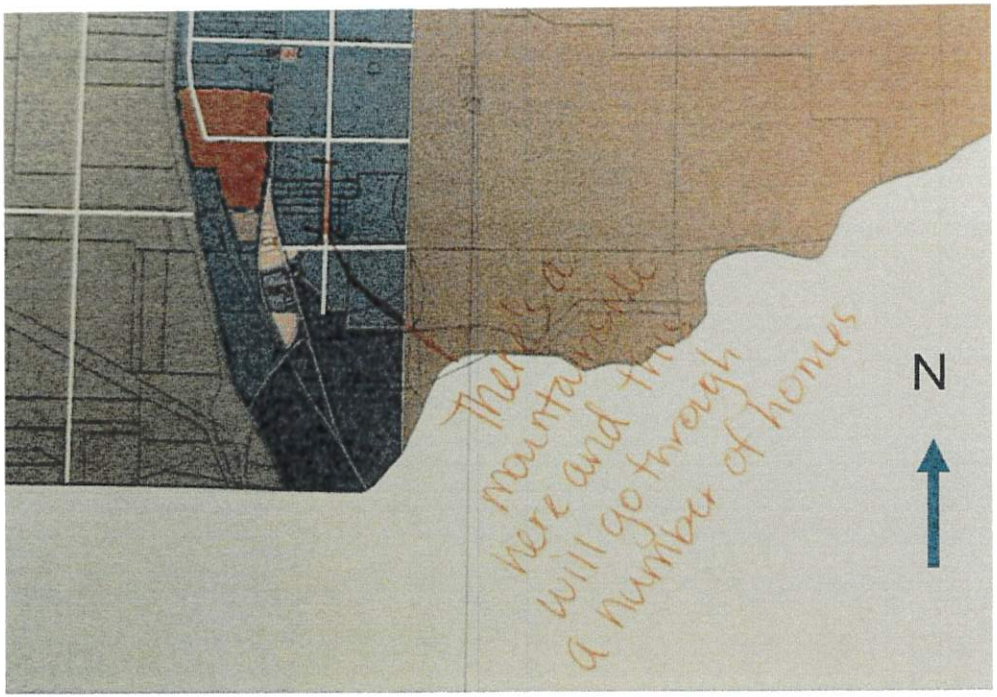
Dale Baroff	7955 S 925 W		South
Glen Larsen	7930 S 925 W		South
Stan and Niki Tubbs	767 W 7425 S	niki.tubbs@gmail.com	South
Joel Murray	1025 S 105 E		Willard
Jen Thorsted	7824 S 875 W	jenn.thorsted@gmail.com	South
Peggy Barker			South
Michael Johnson	2985 S Hwy 89		Willard
Lance Lewis	1005 W 8150 S		South
Loran Walker	664 W 7950 S	walker_loran@yahoo.com	South
Terry and Joyce Pritchard	755 W 7900 S		South
Dave and Verlene Cole	585 W 7615 S	davecole@readytek.net	South
Gregory Sagen	7465 S 425 W	gregory.sagen@ymail.com	South
Pat Chapman	7465 S 425 W	patchapman7469@msn.com	South
Brian Cole	634 W 7150 S	bfr1978@gmail.com	South
Rodney Terry		rodneyterry59@gmail.com	South
Eileen Deleeuw		eileen.deleeuw@gmail.com	South
		n7ywy@yahoo.com	South

Comments	South Willard	Willard	Other
Joel Murray	Annexation should start north and go south, including all land East and West in increments. No jumping over any land parcels.		
	Roads should be figured out before any annexation takes place.		
	Hwy 89 should have some commercial zone to allow businesses that require more than 300'		
	I am against big commercial but would like small commercial, such as hardware stores size wise.		
	since when did the island spot zoning change? I saw no change until tonight.		
	We need a grocery store also.		
	South Willard needs to make a plan and involve all South Willard residents and not just facebook. Send mailings and ring doorbells. Some people don't do facebook.		
	South Willard needs all zones, however, I would like to see a very limited high density area.		
	State of Utah caused the drainage issue by constructing Willard Bay. They need to share in a lof of the cost to run water to safe location by passing Larkin.		
	Police protection could be provided by Willard City for South Willard, like it is done with Tremonton and Garland. This is a safety factor and needs to be done ASAP, regardless of any other issues. Out of room.		
Robert Johnson	Higher density south - blend to 1/2 acre. No commercial north of 8300 S or East of 650 West.		
Anonymous	Traffic is getting so ridiculous. Any plans for stop lights or speed limit enforcement?		
Rodney Terry	It would be wise to work with UDOT planning on access to US 89 to ensure the highway maintains its viability.		
	Good to see planned routes to tie road system together on east and west.		
Anonymous	I do not think annexation is right for the South Willard community. If we are forced into making a decision, incorporation is a better option.		
Anonymous	Please consider walking path from 200 W in town through Deer Run and along the railroad path frontage road down to hot springs trailer park.		
Anonymous	No freeway entrance on 7800 S!		
Josh Stott	Get developers to pay towards a fund to pay into future infrastructure roads. Don't allow island annexation without a chunk of money for future infrastructure.		
Welsch	No multi family housing and keeping property to a minimum of 1/2 acre		
Anonymous	No more annexation!!! Us life long residents don't want anymore more homes, and we sure as hell don't want high density housing and all the crime the comes along with it. Willard city and it's gready council can stay out of South Willard and our pockets.		
Julie Jacobsen	I don't feel this is a good idea to Annex us. We already pay higher prices then Willard. Don't want to worry about Sewer or other things that Willard City wants to pay for them. There isn't enough roads that come in and out for these subdivisions.		
Earl	If the residents of South Willard were to be annexed into Willard City, would it be possible for those homes with septic tanks to have a grace period of 20-25 years before they are required to pay for and use the city sewer.		
Anonymous	Just please no more rock quarries polluting our air and ruining the roads.		
Cooper	We are interested in the development of all of Willard		
Laura	Why should we annex in? It will cost so much if annex in because we have to pay for sewer hook up		

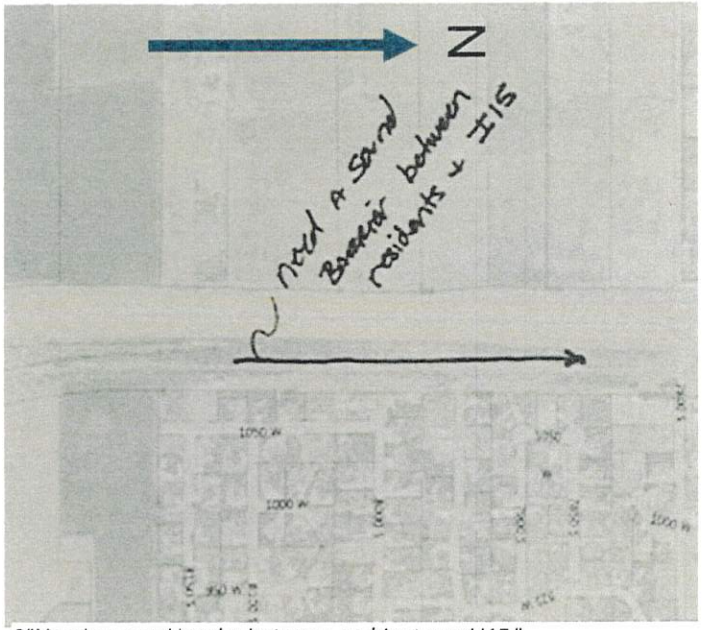
Anonymous	not interested
Tom Burnham	I believe that joining South willard and willard city is in the best interest of both areas. I am concerned with how the utilities are worked out. South Willard is on septic and has its own water. How will this be addressed in taxes and billing?


"Ask county to protect natural lands around Willard and future Willard. Maintain rural atmosphere... Consider protecting and preserving Bonneville Shoreline Trail."
"Commercial retail area. Small comm develop."
"Residential ½ acre."
"Residential ½ acre."
"Allow higher densities."
"Commercial."
N

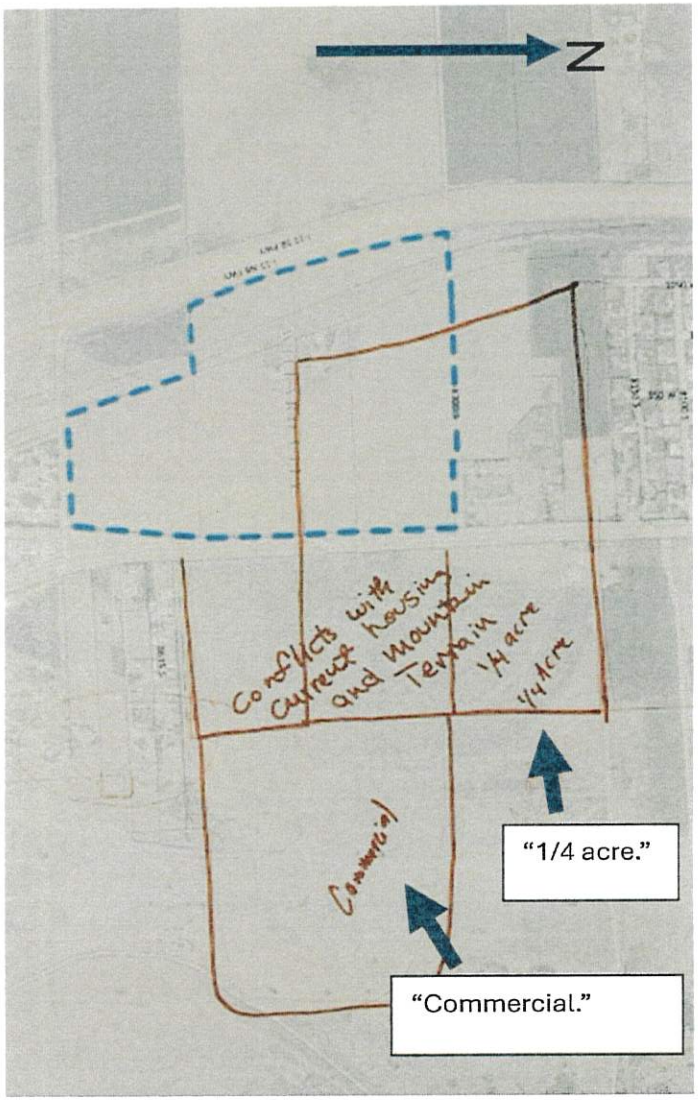

"No gravel pit."
"Limit gravel trucks on Hwy 89!"
"Like to see roads hook up."
"School."
"Reconfigure off ramp on 1-15."
"Like to see a trail for walking and biking."
N
BOX ELDER



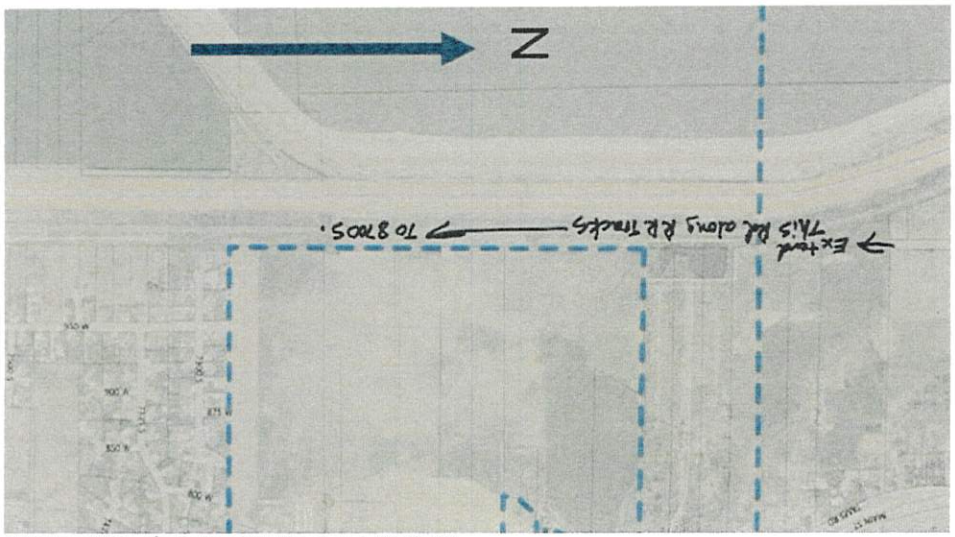
1Comment on Road Map: "There's a mountainside here and this will go through a number of homes."



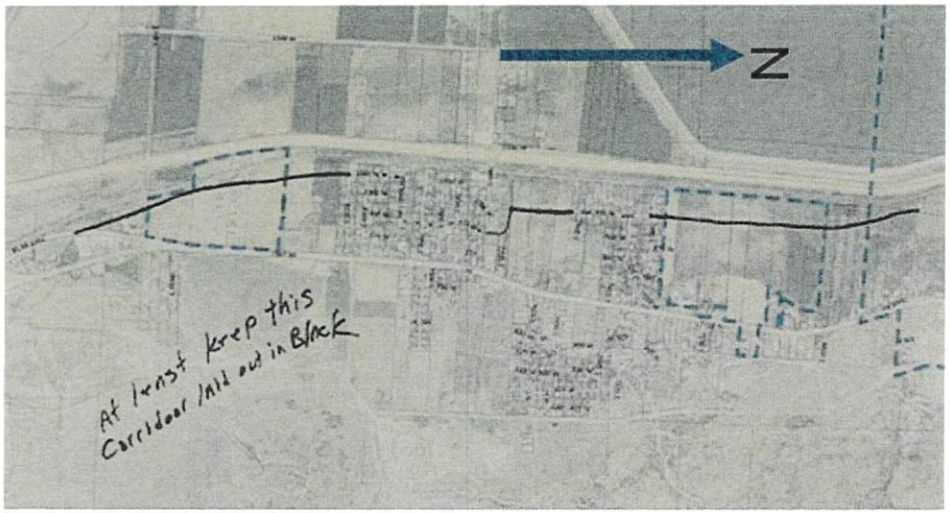
3"Need a sound barrier between residents and I15."



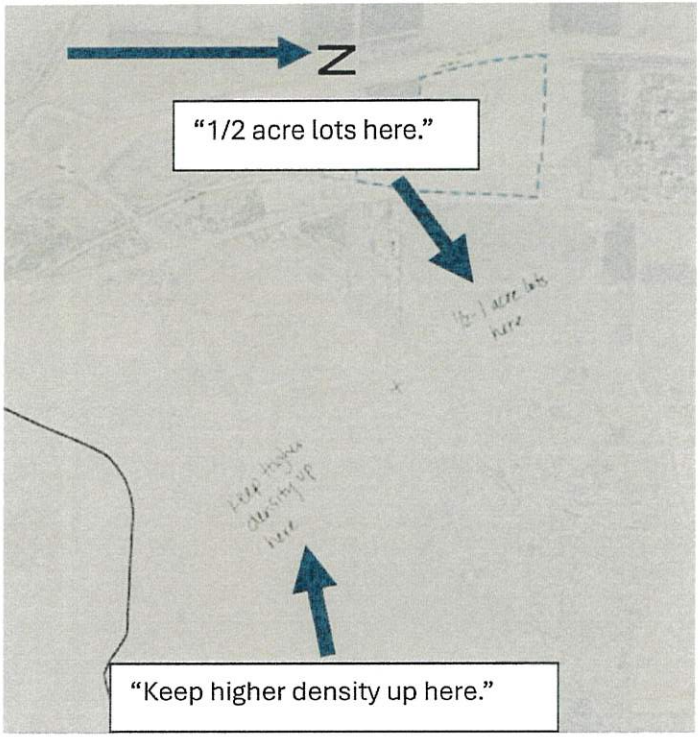
2"Conflicts with current housing and mountain terrain."



4"Extend this road along RR tracks to 8700 S."



5"At least keep this corridor laid out in black."



ITEM 5C

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 definition of the Subdivision Land Use Authority (SLUA) found in Chapter 12-440-41 of the Willard City Zoning Ordinance to include a member of the Planning Commission.

The public hearing will be held on Thursday, September 5, 2024, at 6:30 p.m. in the Willard City Council Chambers, 80 West 50 South, Willard, Utah, during a regular Planning Commission meeting.

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/s/Michelle Drago
Deputy City Recorder

12-400-41

24.80.140 Definitions - Subdivision Ordinance

"Act" means Utah Code titl. 10, ch. 9a, as amended.

"Affected Entity" means a county, municipality, independent special district under Utah Code titl. 17A, ch. 2, Independent Special Districts, local district under Utah Code titl. 17B, ch. 2, Local Districts, school district, interlocal cooperation entity established under Utah Code titl. 11, ch. 13, Interlocal Cooperation Act, specified public utility, a property owner, a property owners association, or the Utah Department of Transportation, if:

A. The entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;

B. The entity has filed with the municipality a copy of the entity's general or long-range plan; or

C. The entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under this chapter.

"Agent" means the person with written authorization to represent a property owner.

"Appeal Authority" means the person, board, commission, agency, or other body designated by this Ordinance to decide an appeal of a decision of a Land Use Application.

"Applicant" means any person or persons (or authorized representative in writing) presenting an Application for an approval required by this Ordinance.

"Application" means a written request for an approval and completed in a manner prescribed by this Ordinance for review and decision by a Land Use Authority.

"Chief Executive Officer" means the:

A. Mayor in municipalities operating under all forms of municipal government except the Council-Manager form; or

B. City Manager in municipalities operating under the Council-Manager form of municipal government. For the purposes of this Ordinance, the Willard City Mayor is identified as the Willard City Chief Executive Officer.

"City Attorney" means an attorney admitted to practice law in the State of Utah and so appointed by the City.

"City Engineer" means a registered Civil Engineer so appointed by the City, or designee.

"City Recorder" means the person so appointed by the City.

"Code" means the Utah Code Annotated, 1953, as amended

"Commission" means the Planning Commission of Willard City.

"Constitutional Taking" means a governmental action that results in a taking of private property so that compensation to the owner of the property is required by the:

A. Fifth or Fourteenth Amendment of the Constitution of the United States; or

B. Utah Constitution Article I, Section 22.

"Council" means the duly elected City Council of Willard City.

"Culinary Water Authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property. For the purposes of this Ordinance, the Willard City Public Works Director is identified as the Willard City Culinary Water Authority.

"Dedication" means the setting aside of land by an owner for any public use for the enjoyment of the public and owned by a public agency.

"Density" means the ratio of the total number of dwelling units within a development divided by the total area.

"Easement" means that portion of a lot, parcel, or tract reserved for present or future use by a person or agency other than the fee owner(s) of the property. The easement may be for use under, on, or above said lot or land parcel.

"Exaction" means a requirement or condition imposed on a Subdivision Application if:

A. an essential link exists between a legitimate governmental interest and each exaction; and

B. each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.

"General Plan" means the Willard City General Plan, such document setting forth general guidelines for proposed future development of the land within Willard City.

"Land Use Application" means an application required by a municipality's land use ordinance. For the purposes of this Ordinance, a Sketch Plan Application, a Preliminary Subdivision Application, and Final Subdivision Application are determined to be Land Use Applications.

"Land Use Authority" means a person, board, commission, agency, or other body designated by the local legislative body to act upon a land use application. For the purposes of this Ordinance, the Zoning Administrator or City Planner and Council are both identified as a Land Use Authority, being designated as such by the passage of this Ordinance by the Willard City Council.

"Land Use Ordinance" means a planning, zoning, development, or subdivision ordinance of the municipality, but does not include the general plan. This Ordinance is a Land Use Ordinance of Willard City.

"Land Use Permit" means a permit issued by a Land Use Authority. For the purposes of this Ordinance, a Preliminary Subdivision Application approval and a Final Subdivision Application approval are identified as a Land Use Permit.

"Legislative Body. Means the duly elected City Council of Willard City.

"Lot Line Adjustment" means the relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record.

"Mayor" means the duly elected Mayor of Willard City.

"Monument" means a permanent survey marker established by the Box Elder County Surveyor or a survey marker set in accordance with the City Engineer's specifications and referenced to Box Elder

County survey monuments.

"Noncomplying Structure" means a structure that:

A. legally existed before its current land use designation; and

B. because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern the use of land.

"Nonconforming Use" means a use of land that:

A. legally existed before its current land use designation;

B. has been maintained continuously since the time the land use ordinance governing the land changed; and

C. because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

"Official Map" means a map drawn by municipal authorities and recorded in a county recorder's office that:

A. shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;

B. provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and

C. has been adopted as an element of the municipality's general plan.

"Owner" means any person who alone, jointly or severally with others, has a legal or equitable title to property.

"Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

"Plat" means a map or other graphical representation of lands being laid out and prepared in accordance with Utah Code §§ 10-9a-603, 17-23-17 or 57-8-13.

"Public Hearing" means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

"Public Meeting" means a meeting that is required to be open to the public under Utah Code titl. 52, ch. 4, Utah Open and Public Meetings Act.

"Public Works Director" means the person so appointed by the City.

"Public Works Standards" means the Willard City Public Works Standards, as adopted.

"Record of Survey Map" means a map of a survey of land prepared in accordance with Utah Code § 17-23-17.

"Right-of-Way" means any area provided for conveying vehicle and pedestrian traffic.

"Sanitary Sewer Authority. Means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems. For the purposes of this Ordinance, the Willard City Public Works Director is identified as the Willard City Sanitary Sewer Authority.

"Site Analysis Submittal" means an analysis in summary written form which indicates the existence and location on the property proposed for development any existing resources, structures, wetlands, streams, slopes (including approximate degrees), canals, trails, existing and proposed sewer and culinary water lines, and the location of proposed and existing utility services.

"SLUA" See Subdivision Land Use Authority.

"Special District" means an entity established under the authority of Utah Code titl. 17A, Special Districts, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or unit of the state.

"Special Exception" means an adjustment to a subdivision development standard and authorized as an adjustment to the requirements of this Ordinance, such adjustment requiring careful review.

"Specified Public Utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Utah Code § 54-2-1, as amended.

"Street" means a public right-of-way, including a highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other way.

"Subdivision" means "subdivision" as defined by Section [ ] herein, and the Act. Subdivision does not include any action, as identified and defined by Section [ ] herein, and the Act.

"Subdivision Land Use Authority (SLUA)" SLUA shall mean and be comprised of the Zoning Administrator or City Planner, City Engineer, City Public Works Director, City Recorder, Deputy City Recorder, City Manager, Willard City Fire Chief, and City Attorney

"Subject Property" means the land area, identified by the Parcel Identification Number, provided by the Box Elder County Recorder's Office or Box Elder County Assessor's Office, for which an approval is required to comply with this Ordinance or the Act.

"Unincorporated. Means the area outside of the incorporated area of a city or town.

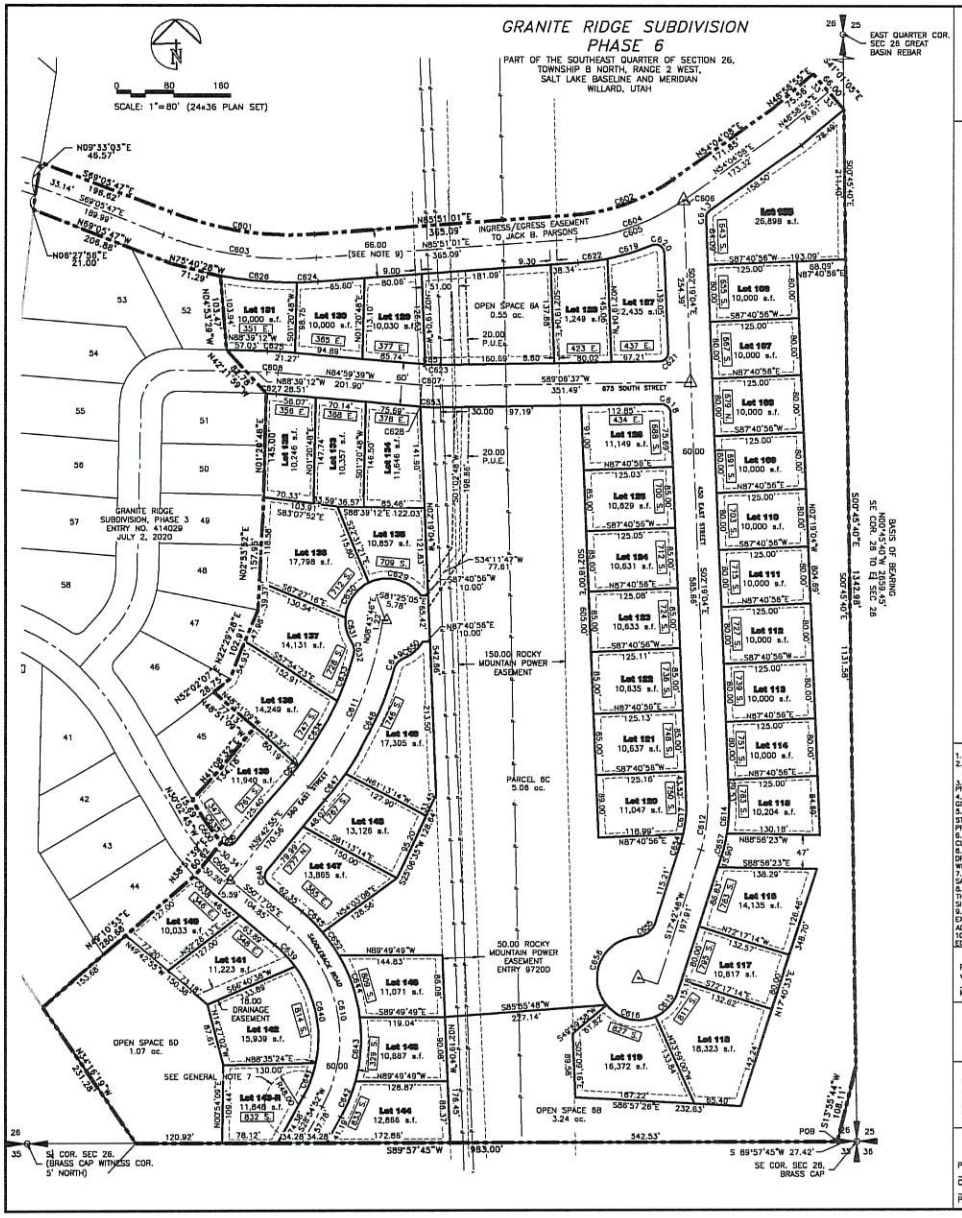
"Willard City's Development Standards, Engineering Requirements and Supplemental Specifications for Public Works Projects" means the adopted engineering standards which modify the American Public Works Association (APWA) Standard Specifications, also as adopted, to assist in engineering practices. This could also be referenced in this Ordinance as "Standards Book," "Willard City's Standards Book," "Willard City Public Works Book," "Willard City Public Works Standards Book," "Public Works Standards Book," "Public Works Book," or "Willard City's Public Works Standards Book."

"Zoning Administrator or City Planner" means the person so appointed by the City, or designee.

"Zoning Map" means a map, adopted as part of a land use ordinance that depicts land use zones, overlays, or districts of Willard City.

HISTORY
Amended by Ord. 2021-7 Amend SLUA Definition on 7/8/2021

ITEM 5E



LEGEND

- BOUNDARY LINE
- LOT LINE
- CL
- EASEMENT–PUBLIC UTILITY EASEMENT UNLESS NOTED OTHERWISE
- P — P — POWER LINE
- CL MONUMENT

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C600	58.54	270.00	11°09'51"	S35°02'41"E	58.43
C601	204.20	467.00	25°03'12"	S81°37'23"E	202.56
C602	148.10	287.00	31°46'52"	N68°37'34"E	146.21
C603	218.63	300.00	25°03'12"	S81°37'23"E	216.89
C604	156.41	300.00	31°46'52"	N68°37'34"E	154.28
C605	161.92	300.00	30°55'30"	N70°23'18"E	159.98
C606	4.48	300.00	0°51'22"	N54°29'49"E	4.48
C607	25.72	250.00	5°53'44"	S87°36'31"E	25.71
C608	15.07	250.00	3°39'34"	N88°49'26"W	15.06
C609	38.35	300.00	7°19'30"	S46°37'19"E	38.33
C610	278.46	200.00	79°11'56"	N10°41'06"W	256.97
C611	256.88	475.00	30°59'09"	N24°13'21"E	253.76
C612	89.92	200.00	25°01'31"	N07°41'51"E	89.57
C613	12.30	12.50	56°23'13"	S25°52'32"W	11.81
C614	47.83	230.00	11°54'53"	N03°36'22"E	47.74
C615	49.32	58.50	48°18'13"	N41°51'53"E	47.87
C616	75.54	58.50	73°58'36"	S78°59'31"E	70.40
C617	48.04	170.00	15°30'57"	N05°26'24"E	45.90
C618	19.32	12.50	88°34'18"	N46°36'14"W	17.46
C619	55.40	333.00	11°13'06"	N73°00'37"E	55.29
C620	24.06	12.50	110°17'32"	N57°27'51"W	20.52
C621	19.95	12.50	91°25'42"	N43°23'46"E	17.90
C622	41.89	333.00	7°12'29"	N82°14'48"E	41.87
C623	2.22	220.00	0°34'37"	S85°16'58"E	2.22
C624	29.47	533.00	3°10'04"	N87°26'03"E	29.47
C625	17.88	260.00	3°56'34"	N88°49'26"W	17.88
C626	107.80	533.00	11°35'17"	S85°11'17"E	107.61
C627	14.05	220.00	3°39'34"	N88°49'26"W	14.05
C628	0.86	280.00	0°10'30"	S85°04'54"E	0.86
C629	81.12	58.50	79°27'12"	N76°02'39"W	74.78
C630	51.98	58.50	50°53'50"	S33°52'50"W	50.32
C631	37.03	58.50	36°16'17"	S14°36'16"E	36.42
C632	16.87	20.00	48°19'40"	N08°34'36"W	16.37
C633	87.51	445.00	8°41'31"	N19°35'59"E	87.44
C634	108.21	445.00	13°40'31"	N31°07'00"E	107.96
C635	58.54	270.00	11°39'31"	S35°02'41"E	58.43
C636	21.43	12.50	98°14'28"	N88°50'10"E	18.90
C637	13.68	445.00	1°45'39"	N38°50'08"E	13.68
C638	37.86	330.00	6°34'31"	S46°39'46"E	37.86
C639	42.39	170.00	14°17'18"	N43°08'26"W	42.28
C640	141.78	170.00	47°47'03"	N12°08'15"W	137.70
C641	50.82	170.00	17°07'36"	N20°21'04"E	50.63
C642	54.89	230.00	13°40'24"	N22°04'40"E	54.76
C643	90.75	230.00	22°36'54"	N03°56'01"E	90.19
C644	91.53	230.00	22°48'02"	N16°48'27"W	90.92
C645	40.81	230.00	10°09'57"	N45°12'08"W	40.75
C646	19.63	12.50	90°00'00"	S05°17'05"E	17.68
C647	48.32	505.00	5°28'55"	N36°58'28"E	48.30
C648	160.85	505.00	18°14'59"	N25°08'31"E	160.17
C649	18.19	20.00	52°05'41"	S42°01'56"W	17.57
C650	37.16	58.50	36°23'39"	N49°52'49"E	36.54
C651	20.42	220.00	5°19'07"	S88°13'50"E	20.41
C652	39.92	230.00	9°56'40"	N35°08'48"W	39.87
C653	27.96	260.00	5°43'14"	S88°01'46"E	27.94
C654	13.40	170.00	4°30'53"	N13°27'20"E	13.39
C655	36.21	30.00	69°08'56"	N52°17'15"E	34.05
C656	129.53	58.50	126°51'48"	S23°23'51"W	104.64
C657	32.56	230.00	8°06'57"	N13°39'18"E	32.53

GENERAL NOTES

1. 45 RESIDENTIAL LOTS
2. TYPICAL EASEMENTS AS FOLLOWS UNLESS OTHERWISE NOTED:
   FRONT: 10' REAR: 10' SIDE: 5'
3. 5/8" REBAR TO BE SET AT ALL REAR PROPERTY CORNERS. CURB PINS TO BE SET AT LOT LINE PROJECTIONS.
4. POWER/PHONE LINE. PRESUMED TO BE ENTRY NO. 231987 (BOOK P/PAGE 582) NO DESCRIPTION GIVEN.
5. OPERATION OF HEAVY EQUIPMENT, DRILLING AND BLASTING OF ROCK, CRUSHING, PROCESSING, AND STOCKPILING OF MATERIAL AS WELL AS TRANSPORT/HAULING OF MATERIAL WILL BE TAKING PLACE ON THE PROPERTY IMMEDIATELY ADJACENT TO THE SUBDIVISION PROPERTY.
6. ROCKY MOUNTAIN POWER TO REVIEW HOUSE PLANS FOR LOTS 129,134,135,144,145,146,148 TO ENSURE CLEARANCES PER NATIONAL ELECTRICAL SAFETY CODE.
8. LOTS 132, 133, 134, 135, 136, 145, 147, 148 AND 149 ARE ASSOCIATED WITH A FOUNDATION LAND DRAIN SYSTEM. SEE GRANITE RIDGE PHASE 6 CONSTRUCTIONS DRAWINGS AVAILABLE FOR REVIEW AT THE WILLARD CITY OFFICES.
7. TEMPORARY TURNAROUND EASEMENT. EASEMENT WILL AUTOMATICALLY VACATE AT THE EXTENSION OF SADDLEBACK ROAD.
8. LOT 143–8 IS A RESTRICTION LOT. THIS LOT CANNOT BE SOLD OR BUILDING PERMIT ISSUED UNTIL THE ROAD IS EXTENDED BEYOND THE SUBDIVISION BOUNDARY, COMPLETE WITH CURB, GUTTER AND SIDEWALK.
9. THE LEGAL DESCRIPTION IN CORRECTIVE WARRANTY DEED ENTRY 93155 DOES NOT MATCH THE EXISTING ROADWAY FOR JACK B. PARSONS ACCESS ROAD. THIS PLAT USES THE CENTERLINE OF THE ACTUAL ROAD AS BEING THE CENTERLINE OF THE PARSONS INGRESS/EGRESS EASEMENT.
10. LOTS 103, 127, 128, 129, 130, 131 SHALL NOT HAVE ACCESS FROM THE JACK B. PARSONS EGRESS ROAD ON THE NORTH OF THE LOTS.

CITY COUNCIL APPROVAL AND ACCEPTANCE

Presented to the Willard City Mayor this _____ day of _____ A.D., 20____, at which time this subdivision was approved and accepted.

Mayor _____ Date _____

APPROVAL AS TO FORM

Approved as to form this _____ day of _____ A.D., 20____

City Attorney

UTILITY COMPANY APPROVALS

The utility easements shown on this plat are approved

Dominion Energy _____ Rocky Mtn Power _____

CenturyLink Communications _____ Comcast Cable _____

PLANNING COMMISSION CHAIRMAN APPROVAL AND ACCEPTANCE

Presented to the Willard City Planning Commission chairman this _____ day of _____ A.D., 20____, at which time this subdivision was recommended to the City Council for approval.

Planning Commission Chairman _____ Date _____

LEGAL DESCRIPTON

Part of the Southeast Quarter of Section 26, Township 8 North, Range 2 West, Salt Lake Baseline and Meridian described as follows:

Commencing at the Southeast Corner of Section 26, Township 8 North, Range 2 West, Salt Lake Baseline and Meridian monumented with a brass cap thence S 89°57'45" W 27.42 feet along the south line of the Southeast Quarter of said Section 26 to the POINT OF BEGINNING and running
thence S 89°57'45" W 983.00 feet continuing along the south line of the Southeast Quarter of said Section 26;
thence N 34°16'19" W 231.28 feet;
thence along the boundary of Granite Ridge Subdivision Phase 3 recorded in the Box Elder County Recorder's Office under Entry No. 414029 on July 2, 2020 the next fourteen courses:
1) thence N 49°10'53" E 280.68 feet;
2) thence N 38°51'39" E 60.62 feet;
3) thence Northwesterly, a distance of 58.54 feet along a non tangent curve to the right of which the radius point lies N 47°57'24" E, with a radius of 270.00 feet, having a central angle of 11°39'51" and a chord that bears N 36°02'41" W 58.43 feet;
4) thence N 30°02'45" W 15.89 feet;
5) thence N 41°08'32" E 134.18 feet;
6) thence N 48°51'09" W 77.13 feet;
7) thence N 52°02'07" E 28.75 feet;
8) thence N 22°29'28" E 102.91 feet;
9) thence N 02°53'52" E 157.95 feet;
10) thence N 01°20'48" E 145.00 feet;
11) thence N 42°11'59" W 82.78 feet;
12) thence N 04°53'29" W 103.47 feet;
13) thence N 75°40'28" W 71.29 feet;
thence N 89°05'47" W 206.88 feet;
thence N 06°27'56" E 21.00 feet along the boundary of Willard Peak Ranches No. 1, Appaloosa Ranch recorded in the Box Elder County Recorder's Office under Entry No. 197400 on March 2, 2004;
thence N 09°33'03" E 46.57 feet;
thence S 89°05'47" E 198.82 feet;
thence Easterly, 204.20 feet along a curve to the left having a radius of 467.00 feet, a central angle of 25°03'12" and a chord that bears S 81°37'23" E 202.58 feet;
thence N 85°51'01" E 365.09 feet;
thence Easterly, 148.10 feet along a curve to the left having a radius of 287.00 feet, a central angle of 31°46'52" and a chord that bears N 69°57'34" E 146.21 feet;
thence N 54°04'08" E 171.85 feet;
thence N 48°48'35" E 75.56 feet;
thence S 41°01'05" E 68.00 feet to the east line of the Southeast Quarter of said Section 26;
thence S 00°45'40" E 1,342.98 feet along said east line
thence N 13°55'44" W 108.11 feet to the point of beginning, containing, 28.16 acres, more or less.

SURVEYOR'S NOTES/NARRATIVE

1. THE PURPOSE OF THIS SURVEY WAS TO DEVELOP A RESIDENTIAL SUBDIVISION ON THE SUBJECT PROPERTY. THE SURVEY WAS REQUESTED BY ERIC HOUSEHOLDER.
2. THE BASIS OF BEARING IS N 00°45'40" W BETWEEN THE SOUTHEAST CORNER OF SECTION 26 MONUMENTED BRASS CAP AND THE EAST QUARTER CORNER OF SECTION 26 MONUMENTED WITH A GREAT BASIN REBAR. THE CENTERLINE MONUMENTS AND BASIS OF SAID WILLARD PEAK RANCHES NO. 1 APPALOOSA RANCH WAS ALSO USED AS BASIS OF BEARING.

SURVEYOR'S CERTIFICATE

I, Brian G. Lyon, a Registered Land Surveyor, hold Certificate No. 275617, as prescribed by the laws of the State of Utah, and do hereby certify that by authority of the owners, I have made a survey of the tract of land shown on this plat, which is accurately described therewith, and have subdivided said tract of land into lots to be hereafter known as GRANITE RIDGE SUBDIVISION, PHASE 6, and that the same has been surveyed and staked on the ground as shown on this plat.

Signed on this _____ day of _____, 20____.

PROFESSIONAL LAND SURVEYOR
275617
BRIAN G. LYON
7/17/21
STATE OF UTAH

ENGINEER'S CERTIFICATE

I certify that I have examined this plat and find it to be correct and in accordance with information on file in this office and the city ordinance.

Date _____ City Engineer

OWNERS DEDICATION

Know all by these presents that we the undersigned owners of the above–described tract of land, having caused the same to be subdivided into lots and streets to hereafter be known as GRANITE RIDGE SUBDIVISION PHASE 6, do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for public use, and do warrant, defend and save the municipality harmless against any easements or other encumbrances on the dedicated streets which will interfere with the municipality's use, operation and maintenance of the streets and do further dedicate the easements as shown, with the same warranty as given for other dedicated property.

In witness whereof, we have hereunto set our hands this _____ day of _____, 2024.

LIMITED LIABILITY ACKNOWLEDGEMENT

STATE OF UTAH)
:
COUNTY OF BOX ELDER)

On the _____ day of _____ A.D., 20____personally appeared before me, _____ who being by me duly sworn did say, for him/herself, that he/she is the Manager/Member of Granite Ridge Development Company, a Utah Limited Liability Company and that the within and foregoing instrument was signed on behalf of said Corporation by authority of its Articles of Organization and each duly acknowledged to me that said Limited Liability Company executed the same.

My commission expires:_____

Notary Public _____

Residing at:

COUNTY RECORDER'S NO.

State of Utah, County of Box Elder, recorded and filed at the request of

Date _____ Time _____ Fee _____
Entry _____

Index _____
Filed in: File of plats _____ County Recorder

OWNER: Granite Ridge Development, Inc.
Contact: Eric Householder
Eden, Utah 84310

ALLIANCE CONSULTING ENGINEERS
150 EAST 2200 NORTH SUITE P
LOGAN, UT 84321
(435)755-5121

No.	REVISION/ SUBMISSION	DATE

DRAWN BY:
PROJECT NO.:
REVIEWED:
DATE:

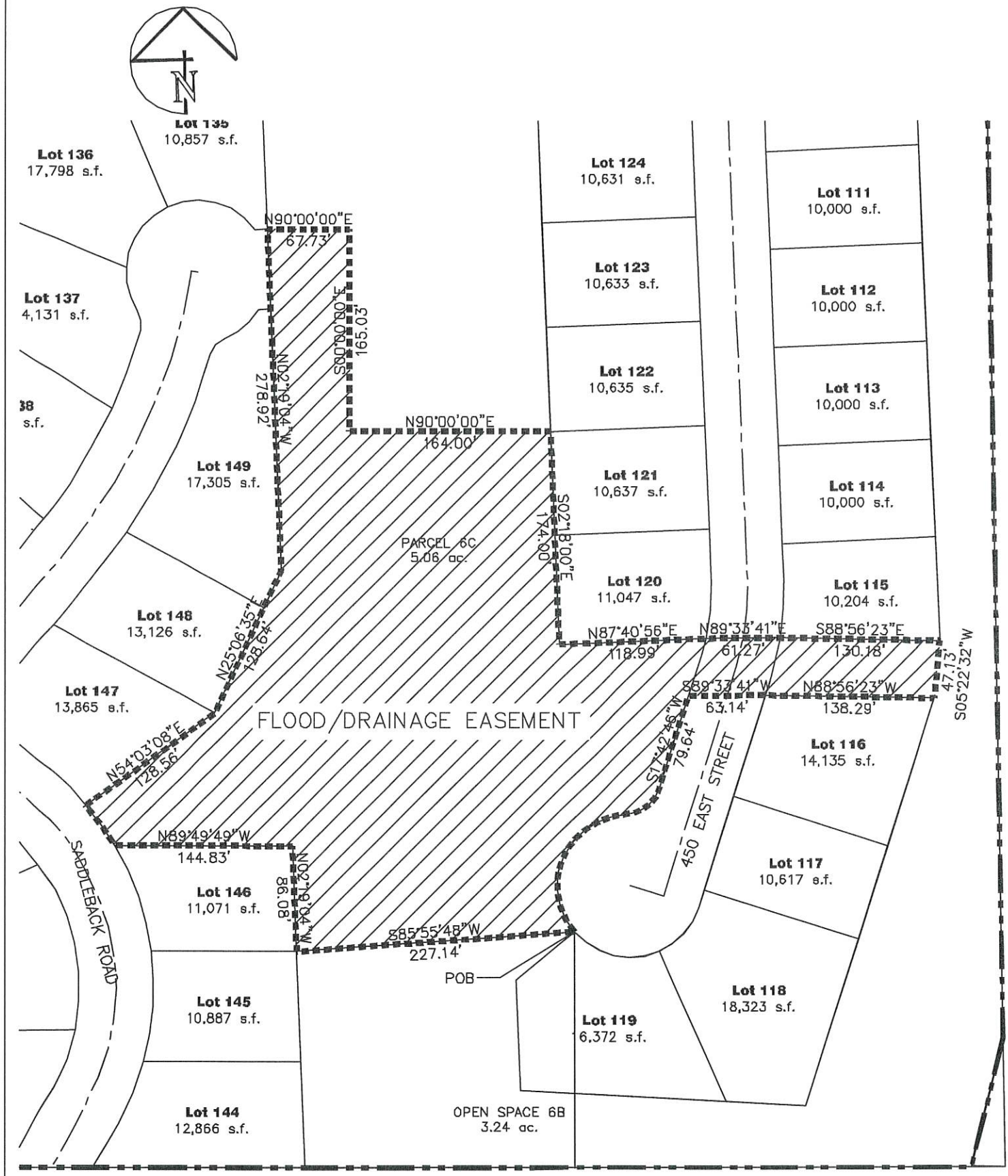
GRANITE RIDGE SUBDIVISION PHASE 6

PART OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 8 NORTH, RANGE 2 WEST, SALT LAKE BASELINE AND MERIDIAN WILLARD, UTAH

FINAL PLAT

JUNE, 2021

1 OF 1


Lot 135
10,857 s.f.
Lot 136
17,798 s.f.
Lot 137
4,131 s.f.
38
s.f.
Lot 149
17,305 s.f.
Lot 148
13,126 s.f.
Lot 147
13,865 s.f.
Lot 146
11,071 s.f.
Lot 145
10,887 s.f.
Lot 144
12,866 s.f.
Lot 124
10,631 s.f.
Lot 123
10,633 s.f.
Lot 122
10,635 s.f.
Lot 121
10,637 s.f.
Lot 120
11,047 s.f.
Lot 119
6,372 s.f.
Lot 111
10,000 s.f.
Lot 112
10,000 s.f.
Lot 113
10,000 s.f.
Lot 114
10,000 s.f.
Lot 115
10,204 s.f.
Lot 116
14,135 s.f.
Lot 117
10,617 s.f.
Lot 118
18,323 s.f.
PARCEL 6C
5.06 ac.
FLOOD/DRAINAGE EASEMENT
OPEN SPACE 6B
3.24 ac.
450 EAST STREET
SADDLEBACK ROAD
POB
N90°00'00"E
67.73'
S00°00'00"E
165.03'
N02°19'04"W
278.92'
N90°00'00"E
164.00'
S02°18'00"E
174.00'
N87°40'56"E
118.99'
N89°33'41"E
61.27'
S88°56'23"E
130.18'
S05°22'32"W
47.13'
N88°56'23"W
138.29'
S89°33'41"W
63.14'
S17°42'46"W
79.64'
N25°06'35"E
128.64'
N54°03'08"E
128.56'
N89°49'49"W
144.83'
N02°19'04"W
86.08'
S85°55'48"W
227.14'

A Flood/Drainage easement located in part of the Southeast Quarter of Section 26, Township 8 North, Range 2 West, Salt Lake Baseline and Meridian described as follows:

Commencing at the Southeast Corner of Section 26, Township 8 North, Range 2 West, Salt Lake Baseline and Meridian monumented with a brass cap thence S 89°57'45" W 350.52 feet along the south line of the Southeast Quarter of said Section 26; thence North 192.29 feet to the POINT OF BEGINNING and running

thence S 85°55'48" W 227.14 feet to the Southeast Corner of Lot 146, Granite Ridge Subdivision, Phase 6;
thence N 02°19'04" W 86.08 feet to the Northeast Corner of Lot 146, Granite Ridge Subdivision, Phase 6;
thence N 89°49'49" W 144.83 feet to the Northwest Corner of Lot 146, Granite Ridge Subdivision, Phase 6;
thence Northwesterly along the right of way line of Saddleback Road, a distance of 39.92 feet along a non tangent curve to the left of which the radius point lies S 59°49'32" W, with a radius of 230.00 feet, having a central angle of 09°56'40" and a chord that bears N 35°08'48" W 39.87 feet to the Southeast Corner of Lot 147, Granite Ridge Subdivision, Phase 6;
thence N 54°03'08" E 128.56 feet to the Northeast Corner of Lot 147, Granite Ridge Subdivision, Phase 6;
thence N 25°06'35" E 128.64 feet ;
thence N 02°19'04" W 278.92 feet to the Southeast Corner of Lot 135, Granite Ridge Subdivision, Phase 6;
thence East 67.73 feet;
thence South 165.03 feet;
thence East 164.00 feet to the Southwest Corner of Lot 122, Granite Ridge Subdivision, Phase 6;
thence S 02°18'00" E 174.00 feet to the Southwest Corner of Lot 120, Granite Ridge Subdivision, Phase 6;
thence N 87°40'56" E 118.99 feet to the Southeast Corner of Lot 120, Granite Ridge Subdivision, Phase 6;
thence N 89°33'41" E 61.27 feet to the Southwest Corner of Lot 115, Granite Ridge Subdivision, Phase 6;
thence S 88°56'23" E 130.18 feet to the Southeast Corner of Lot 115, Granite Ridge Subdivision, Phase 6;
thence S 05°22'32" W 47.13 feet to the Northeast Corner of Lot 116, Granite Ridge Subdivision, Phase 6;
thence N 88°56'23" W 138.29 feet to the Northwest Corner of Lot 116, Granite Ridge Subdivision, Phase 6;
thence S 89°33'41" W 63.14 feet to the west right of way line of 450 East Street;
thence along said west right of way line the next three courses:
1) thence S 17°42'46" W 79.64 feet;
2) thence Southwesterly, 36.21 feet along a curve to the right having a radius of 30.00 feet, a central angle of 69°08'58" and a chord that bears S 52°17'15" W 34.05 feet;
3) thence Southwesterly, a distance of 129.53 feet along a reverse curve to the left having a radius of 58.50 feet and a central angle of 126°51'46" and a chord that bears S 23°25'51" W104.64 feet to the point of beginning.



Total Project Area - 84.61 Acres
Total Open Space - 28.23 Acres (33.3%)

I1 - Open Space, Parks & Trails Plan


2.33 ac
1.25 ac
11.14 ac
0.12 ac
1.18 ac
0.55 ac
0.55 ac
8.35 ac
1.03 ac
1.07 ac
0.76 ac

Granite Ridge Open Space

ph1	1.18 ac
ph2	0.55 ac
ph3	1.03 ac
	0.75 ac
ph4	0.12
	2.33
ph5	11.14
ph5	1.25
PH6	1.07
ph6	8.35
ph6	0.55

Total Open	28.32
Total area	84.65
	33.46%

Mr. Dearden asked how the fee-in-lieu-of would be calculated. Chris Breinholt said the fee would be based on the current cost to construct the improvements.

Joe Adair, Dearden's real estate agent, asked if there was an option to escrow the funds for ten years in case the city didn't put the improvements in. Chris Breinholt said an escrow was similar to a fee-in-lieu of. Escrows had installation time limits. If improvements weren't installed during the allotted time, the city could take the funds and put in the improvements. Mr. Adair explained that in Hooper City, the city took money, based on the engineer's estimate, with the agreement that it would return the money in ten years if it didn't build the improvements. Mr. Breinholt felt that option would have to be approved by the administration because Willard didn't have anything in place to govern that option.

Zac Burk felt such a scenario would mean the Dearden's would be getting something for nothing. They would be circumventing the requirement to install improvements. Mr. Breinholt felt the Dearden's could argue they shouldn't have to pay for improvements the city never put in

Jeremy Kimpton didn't feel there was a mechanism in the Zoning Ordinance to provide that option. It was essentially a development agreement. The SLUA was a recommending body. It could present that option to the City Council. These types of improvements were hard for the city to track; to make sure those improvements were built.

Chris Breinholt stated that SLUA's job was to require the improvements. It did not' have the right to defer the improvements.

Jeremy Kimpton agreed. The SLUA would forward a recommendation of approval subject to the engineering requirements along with the developer's request to have the improvements deferred with an agreement or an escrow option.

Joe Adair stated that he would provide a copy of the agreement used by Hooper City.

All voted "aye." The motion passed unanimously.

2B. CONSIDERATION OF A PRELIMINARY PLAN FOR GRANITE RIDGE SUBDIVISION PHASE 6 LOCATED AT APPROXIMATELY 675 SOUTH 450 EAST (PARCEL NOS. 02-053-0014 AND 02-053-0069)

Time Stamp -23:04 - 05/30/2024

Madison Brown stated that the city had received a preliminary subdivision plan for Granite Ridge Phase 6 from Granite Ridge Willard LLC, who was being represented by John Newhall.

Zac Burk stated that he had reviewed the plat. He asked if Mr. Newhall had made the requested changes to the storm drain easement. Mr. Newhall said he had.

Zac Burk stated that they still needed to figure out if the storm drain needed an easement or a dedication. John Newhall said he was waiting for input from the city engineer. They had adjusted the lot lines for the channel coming down for the debris basin. They needed to know if it would be an easement or a dedication to Willard Flood Control or Willard City as open space. How did the city want to handle it?

Zac Burk asked how the berms and open space were handled in Phase 5. Were they owned by Willard Flood Control? Chris Breinholt said the berms were part of the open space, which was owned by the homeowners' association.

Zac Burk was concerned about Phase 6. He didn't want the HOA to build anything in the flood channel. Was an easement needed for a culvert? Mr. Breinholt felt there needed to be an easement for the culvert.

Zac Burk felt Willard Flood Control needed to be able to get in and clean out the basins. Chris Breinholt felt the basins should be owned by the flood control district.

Zac Burk said there were storm drain detention basins throughout Granite Ridge which were separate from the basins owned by Willard Flood Control. In Phase 1, they were dedicated to the city. Mr. Breinholt said at that time, Willard City was taking all the storm water. Now the basins were being given to Willard Flood Control to manage. Mr. Burk said there was talk about making HOA's deal with the storm drain runoff from their own basins and open space. Flood control channels were different than subdivision runoff.

Zac Burk felt an easement should be added to the plat for the culvert. John Newhall said he would get a legal description for the culvert and draft an easement for the flood control district.

Chris Breinholt asked about the main flood control basin. Zac Burk said dedicating the basins to flood control would reduce the amount of open space in Granite Ridge. He leaned more toward an easement with access. Mr. Breinholt felt that decision should be made by Willard Flood Control. Mr. Burk asked John Newhall to contact Willard Flood Control's engineer to verify that they wanted an easement rather than a dedication.

John Newhall said they would get an easement in place. With that last pending issue resolved, they were looking for a recommendation to the Planning Commission.

Zac Burk asked if the SLUA could make a recommendation to the Planning Commission now that the lot size and layout had been determined and the easement question answered. Jeremy Kimpton felt SLUA could make a recommendation subject to the easement being done before it was sent to the Planning Commission.

John Newhall asked if the easement had to be recorded and in place. Christ Breinholt felt the easement could be recorded simultaneously with the subdivision plat. It just needed to be prepared and reviewed.

Michelle Drago asked about Lots 105, 127, 128, 129, 130, and 131. They all had frontage on the Parsons ingress/egress easement. Was the ingress/egress easement a public right-of-way? If it wasn't a public right-of-way, could those lots have access to the easement? There were addresses shown along the easement.

Chris Breinholt stated that the easement was not a public right-of-way. The addresses shown on the north side of those lots should be removed. Michelle Drago felt a comment should be added to the plat restricting access to the easement from those lots. Chris Breinholt agreed. There needed to be a verbal restriction that people could not access their lots from the ingress/egress because it was not a public right-of-way.

Michelle Drago stated that General Note 6 required some of the lots to be reviewed by Rocky Mountain Power before building permits could be issued. Willard would have to receive written clearances for those lots before building permits could be issued.

John Newhall said the easement would be recorded concurrently with the subdivision plat. He would have his engineer remove the addresses on the north side of Lots 105, 127, 128, 129, 130, and 131, and add a comment restricting those lots from having access onto the Staker Parson ingress/egress easement.

Chris Breinholt stated that there was an easement required for Phase 5 which was a separate document from the plat. The easement addressed storm water leaving Phase 5 and entering Phase 6. John Newhall said they had already recorded that easement.

Chris Breinholt felt the city administration needed to check to see if the original PUD required fencing along the ingress/egress. John Newhall asked if required fencing would be applicable in Phase 4. Mr. Breinholt said it wouldn't because the ingress/egress was next to open space. Madison Brown stated that she would read the PUD Ordinance and original development agreement to determine if there were fencing requirements.

Payden Vine asked if it was okay for the city to tie into the ingress/egress easement. Mr. Breinholt said that had already been agreed to.

Madison Brown listed the SLUA findings – an easement to be recorded with the plat for the channel and the basin, removal of address for the six lots fronting the Parson ingress/egress, and addition of a note for those lots restricting access onto the private ingress/egress.

Chris Breinholt asked Zac Burk to determine if the water line needed to be connected with a PRV. Zac Burk said there was a PRV at the bottom of Saddleback Road.

Madison Brown said the west side of Lot 105 did not comply with the minimum 70-foot frontage requirement. She would check frontages and let John Newhall know if there were any that needed to be corrected.

Jeremy Kimpton suggested that this subdivision be tabled so these questions could be answered.

Payden Vine moved to table consideration of the preliminary plan for Granite Ridge Phase 6 until the plat was updated. Michelle Drago seconded the motion. All voted "aye." The motion passed unanimously.

2C. CONSIDERATION OF A CONCEPT PLAN AND REZONE REQUEST FROM R1/2 TO MPC FROM HERITAGE LAND DEVELOPMENT FOR APPROXIMATELY 48.19 ACRES LOCATED AT APPROXIMATELY 300 SOUTH 300 WEST (PARCEL NOS. 02-051-0062, 02-051-0085, 02-051-0264, 02-051-0004, 02-054-0005, 02-054-0007, 02-054-0009, 02-054-0011, 02-054-0012, 02-054-0013) (CONTINUED FROM APRIL 25, 2024)

Time Stamp: 0:49:05 - 05/30/2024

Jeremy Kimpton was excused at 3:57 p.m.

Madison Brown stated that Garth Day had made changes to the concept plan for Orchards Subdivision based on his discussion with the SLUA on April 25th.

Garth Day, Heritage Land, stated that the concept plan was associated with their request to rezone the balance of the subdivision from R-1/2 to MPC (Master Planned Community). When he met with SLUA on

have to determine if there was a legal way to work around the improvement requirements. If there was a way to do it, it would have to be approved by the City Council.

Rod Braegger felt their only option was to pull their application.

Madison Brown said she would ask for the city attorney's opinion.

The SLUA did not take any action because the Braegger's pulled their application.

Madison Brown said the emergency access easement still had to be corrected before Braegger's could build.

2B. CONSIDERATION OF A PRELIMINARY PLAN FOR GRANITE RIDGE SUBDIVISION PHASE 6 LOCATED AT APPROXIMATELY 675 SOUTH 450 EAST (PARCEL NOS. 02-053-0014 AND 02-053-0069) (CONTINUED FROM MAY 30, 2024)

Time Stamp – 17:24 – 08/01/2024

Madison Brown stated that the SLUA's findings during its May 30th meeting had been addressed. The easement for the flood channel and basin had been prepared, the addresses for the six lots fronting the Parson ingress/egress road had been removed, and a note had been added to the plat restricting those six lots from accessing the private ingress/egress. Did SLUA have any other comments or concerns?

John Newhall asked how the city wanted to record the easement for the flood channel and basin. Madison Brown said the city attorney would prepared the easement, which would be recorded with the plat

Chris Breinholt stated that open space for the entire development was supposed to be 33.3%. He asked what the percentage was. Some lots had been reconfigured into an area that used to be open space. He asked for documentation of the overall open space. The overall plan also included 6-foot soft trails in Phase 6. The trails needed to be shown in the construction drawings.

Zac Burk said a soft trail was a defined trial that could be mulch, wood, gravel, or grass. John Newhall asked if the soft trail could cross Parsons' Haul Road. John Newhall said Parsons required the installation of a sign restricting access to emergency vehicles only. They did not allow pedestrians or motorized vehicles. Chris Breinholt said the trails on either side would have to be independent of one another and have access to the bench/Canal Road.

Madison Brown asked if the trails needed to be added to the plat. Zac Burk felt the best way to handle them was through the construction drawings. John Newhall did not feel it would be an issue to add the trails to the construction drawings, especially when they were being dedicated with the easement and open space. He would show a trail going from the cul-de-sac on the east side through the open space and connecting on the south up to the canal. He would also provide the open space calculations requested by Chris Breinholt.

Zac Burk asked if Willard Flood Control had any outstanding items. John Newhall said they did not.

Chad Braegger asked about water conveyance. Jeremy Kimpton said they had reviewed the water and felt Granite Ridge had conveyed all the required water. Zac Burk said they did an extensive search of the parcel numbers and could not find any existing privately owned water rights that should have been conveyed to

the city.

Chad Braegger asked who John Newhall represented. John Newhall said he was with Granite Ridge, LLC/Scott Priest.

Chris Breinholt stated that building permits in Phase 6 could not be issued until the waterline in Phase 5 was completed.

Chris Breinholt moved to forward Phase 6 to the Planning Commission with a recommendation of approval subject to overall documentation that there was 33.3% of open space; and that the soft trails shown on the Granite Ridge master plan for his phase be included in the construction drawings, except for pedestrian access onto the Haul Road. Zac Burk seconded the motion.

Chris Breinholt felt the preliminary presentation to the Planning Commission should include the open space documentation. He felt Zac Burk could handle the soft trails in the construction drawings.

All voted "aye." The motion passed unanimously.

2B. CONSIDERATION AND APPROVAL OF JUNE 27, 2024, MINUTES

Madison Brown moved to approve the June 27, 2024, minutes as written. Zac Burk seconded the motion. All voted "aye." The motion passed unanimously.

3. ADJOURN

Jeremy Kimpton moved to adjourn at 3:44 p.m. Michelle Drago seconded the motion. All voted "aye." The motion passed unanimously.

Minutes were read individually and approved on: _____

_____ _____

Madison Brown, City Planner Michelle Drago, Deputy City Recorder

dc: SLUA 08-01-2024

ITEM 5F

Willard City Corporation

80 West 50 South
Box 593

Willard, Utah 84340
(435)734-9881

STAFF REPORT

September 3, 2024

Lynn Beard Conditional Use Permit

In 2015, Lynn Beard applied for a CUP to use the home located at 481 N 200 W as a duplex. During the February 5, 2015, Planning Commission meeting, this conditional use permit was discussed in detail. The City Planner, Bryce Wheelwright, suggested the conditions that needed to be imposed were as follows:

1. 2 water meters
2. 2 sewer hookups
3. 2 garbage cans
4. No on-street parking

During this meeting, Commissioner Bingham said he would like to see the permit be removed when/if the property was sold. Commissioner Bodily said the permit should stay with the property. No further discussion was had on that specific condition.

When the final motion was made, it was made as follows, "A motion was made by Commissioner Bodily to approve the Conditional Use Permit for Lynn Beard with the conditions he install additional water meters, sewer lines, second garbage can, and no on-street parking and treat as separate units..." The condition to remove the CUP when the property is sold was not included in the final motion.

To this day, all of these conditions have been met and are still being followed.

Lynn Beard was also responsible for paying the additional connection and impact fees for this property. A letter was sent to Lynn Beard on December 16, 2015, requesting the fees be paid and a signed copy of the CUP be returned to the city. There was a Settlement Agreement signed on December 19, 2019 by Lynn Beard stating he would pay the $11,757.35 in fees. The fees were paid on the same day (see attached). The City has never received a signed copy of the CUP, so Mr. Beard has been asked to sign the CUP for the city's records.

My recommendation is that the CUP for Lynn Beard's duplex located at 481 N 200 W should continue with the land as all the conditions are being met and followed.

-Madison Brown, City Planner

Kevin McGaha, Attorney at Law
42 South First West
P.O. Box 46
Brigham City, Utah 84302

(435) 723-6038
fax (435) 723-6282
kevinmcgaha@msn.com

December 16, 2015

Lynn Beard
PO Box 658
295 West 750 North
Willard, Utah 84340

Re: Conditional Use Permit

Dear Dr. Beard,

As you may know, municipalities within the State of Utah are authorized to impose fees for the access and use of services within their respective jurisdictions. Water and sewer connections to residences are made upon application and approval by the city. Such application and approval are required in order effectively to manage the costs charged to the citizens of the city and to see that the burden associated with providing the access to services is equitably borne by those who use them.

With that in mind it has become necessary to address the addition to your property and the extra connections which necessitate the application of due process as it is intended by law to apply to each new connection as equally as possible. As you are aware, each new connection is essentially subsidized by the system's existing payors. Thus, new connection fees are a reimbursement to the existing users whom have paid to create the system to which the new users connect. The fees also delray the increase in burden owing to new connections to the system.

For your convenience, I've attached a copy of the conditional use permit approved by the city as it pertains to the addition to your property. These conditions are self-explanatory. A signed copy is required to be maintained on file at the city. Therefore, it is requested that you remit the necessary fees along with a signed copy of the conditional use permit at your earliest convenience. Should you have any questions or concerns, please feel free to contact me.

Very truly yours,

Kevin McGaha
Willard City Attorney
KWM/ym

cc: Teri Fellenz, Willard City Recorder

Report Criteria:
Including transaction count
[Report].Reference number = 1006122

Date	Reference Number	Payee or Description	Account Number	Account Title	Debit Amount	Credit Amount
CASH RECEIPTS (CR)						
12/19/2019	1006122	SETTLEMENT AGREEMENT - LYNN BEA	51-37-200	CONNECTION FEES	.00	439.35-
		SETTLEMENT AGREEMENT - LYNN BEA	51-37-210	IMPACT FEES	.00	3,618.00-
		SETTLEMENT AGREEMENT - LYNN BEA	52-37-200	CONNECTION FEES	.00	500.00-
		SETTLEMENT AGREEMENT - LYNN BEA	52-37-210	SEWER IMPACT FEES	.00	7,200.00-
Total CASH RECEIPTS (CR):					.00	11,757.35-
References: 1 Transactions: 4						
Total 01/02/2019:					.00	11,757.35-
*** Journal is out of balance: $11,757.35- ***						
Grand Totals:					.00	11,757.35-

MASTER CONDITIONAL USE PERMIT SPREADSHEET								
No.	Address	Applicant	Application Date	Fee	Approval Date	Type	Status and Review Date	Parcel No.
	51 North Main	Moyes, Jeff & Brenda	7/26/2022	$25.00 PD	9/1/2022	Automobile Repair Shop	Active	02-047-0177
	53 North 100 West	Braegger, Josh	5/28/2020	$25.00 PD	Approved 6/19/20	Multi-Family (Basement Apartment)	Active Reviewed 9-12-23	02-047-0074
	55 South 100 East	Braegger, Kenneth			Approved 2/5/16	Contractor - Home Business	Active Reviewed 10-5-23	02-050-0074
	105 South 100 East	Loveland, Judy	9/16/1996		Approved 9/20/96	Auto Repair - Home Business	Active Reviewed 10-19-23	02-050-0008
	110 South 200 West	Gilbert, Brian	4/20/2023	$25.00	Approved 5/18/23	Detached Accessory Dwelling Units	Active	02-051-0008 and 02-051-0242
	110 South 250 West	Heath, Trisha	5/18/2018		1/9/2019	Multi-Family Dwelling	Active Reviewed 11-2-23	02-053-0003
	155 South Spring Street (135 S 100 E)	Dean, Blair & Kathy Davis	6/21/1999		9/23/2005	Single Family Home On Senstive Land	Active Reviewed 12-7-23	02-050-0077
	300 East 750 North	Granite Construction Company			11/3/2015	Concrete Batch Plant	Active	02-045-0005
	344 East 300 North	Merritts, Bill & Shelley	4/8/1993		5/10/1993	Single Family Dwelling on Sensitive Land	Active Reviewed 4-18-24	02-048-0005
	432 North Main	Francom, Matthew	10/20/2020	$25.00	Approved 3/7/24	Welding Shop	Active	02-046-0086
	450 North 200 West	Radtke, Robert and Suzie	9/25/2014	$25.00 PD	10/2/2014	Additional dogs	Active Reviewed 6/20/24	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

Willard City Corporation

80 West 50 South
Box 593

Willard, Utah 84340
(435)734-9881

February 13, 2015

Conditional Use Permit

Date Issued:	February 5, 2015
Applicants Name:	Lynn Beard PO Box 658 295 West 750 North Willard, UT 84340
Parcel:	#02-046-0075
Conditional Use Permit Address:	481 North 200 West

A Conditional Use Permit will be issued to Lynn Beard for a Duplex attached to an existing house located at 481 North 200 West. This parcel is located in an A-5 Zone which requires a Conditional Use Permit to allow a Duplex.

The Conditional Use Permit Requirements are:
*Owner will install and pay impact fees and connection fees for a second water meter at a cost of $4057.35.
*Owner will install and pay impact fees and connections fees for a second sewer connection at a cost of $7700.00
*Owner will purchase an additional garbage can at a cost of $75.00
*There will be no on street parking by the residents.

Failure to comply with these conditions will result in revocation of the Conditional Use Permit.

_____ _____
Applicant's Signature Date

_____ _____
City Representative – City Planner Date

to have commercial along the highway this area will need to be flattened out. Eric stated whether you call it a gravel pit or grade it for commercial it is still looks the same in the process. Because of the steepness of the mountain they are trying to come up with a plan on what they can do. City Council member Mund asked about water to keep the dust down. It was stated they would be hooking into Willard City water. There was discussion held on creating a berm out front so no one could see what is happening. Commissioner Bodily stated everyone will know what is going on behind the berm. Commissioner Hart stated something eventually needs to be done to flatten out the area for commercial along the highway so whether they use it for a staging area for a while or grade it out flat for commercial the same thing is going to happen so why not make it advantageous to everyone by allowing the money to come into Willard. Joel said the State does not like turnoffs in residential areas so they wanted them to create the turn off for their development or future development. City Planner Wheelwright asked how the trucks would turn around. It was stated there would be enough room to turn a truck around. Joel Murray asked about the gravel pit that the city was looking at doing. City Council member Mund stated there was some city owned property but they had to get approval from the county. She said in talking to the citizens they tried to tell them it is already a gravel pit and they will not see that much change to the mountain. Chairperson Ross stated you are going to have to sell the council on the proposal. City Planner Wheelwright stated at this time the only thing they would be able to do would be to put an area in for staging there would be no crushing or sorting. He would be able to sell in the Planning Commission approved the request. Aaron asked if they would be able to go to the county for de-annexation. Chairperson Ross stated we could not stop them from going to the county but Willard would be out of any income they would generate. He also stated it would be in the best interest of the city to work with them to come up with a plan. Aaron stated he is willing to proceed with the request for a Conditional Use Permit for a staging are but the city needs to tell them which way to proceed. If they do not want to go down that road they will look at a zoning change. Commissioner Bingham stated he would be ok with a staging area but no crushing or sorting would be allowed. He again asked what direction the Planning Commission would like to see them go. It was suggested they proceed with a zone change to Commercial General. Jason Murray asked if the issue with the rock crusher was the noise at any given time. He stated with a Conditional Use Permit there would be conditions put in place that would regulate when they would be allowed to use them. City Planner Wheelwright stated the crusher would be considered a gravel pit operation. The survey that was sent out had about 100 turned back in and the majority of the citizens were not in favor of gravel pits. The Murray's will decide what they want to do and come back with a plan.

4. **Discussion Item**

a. Lynn Beard – Conditional Use Permit for a Duplex attached to an existing house 481 North 200 West Parcel #02-046-0075. The parcel is located in an A-5 zone which requires a Conditional Use Permit for Multi Family Dwellings

City Planner Wheelwright presented information on a request for Lynn Beard for a Conditional Use Permit for a duplex attached to an existing house on 200 West. Chairperson Ross asked how he was allowed to put the apartment in. City Planner Wheelwright stated he obtained a building permit for a remodel but when he went to the house to check it out he noticed there were two meters and talked to Lynn and told him he would be required to apply for a Conditional Use Permit to have a duplex. If he meets the conditions we would put on we cannot deny him the Conditional Use Permit. Some of the conditions he feels needs to be added would be 2 water

meters, 2 sewer hookups, 2 garbage cans and no on street parking. He stated it looks better than what was previously there. He has a couple of special needs children and he is looking for a place them to reside in the future. A question was asked if the Conditional Use Permit would stay with the property if it is sold. Commissioner Bingham asked that if he sells the property the CUP would be taken off to keep it from being always being an apartment. Chairperson Ross asked for additional information.

Commissioner Bodily – stated he was ok with the Conditional Use Permit and the suggested requirements of additional water, sewer, and garbage and suggested the Conditional Use stay with the property.

Commissioner Bingham – ok with the requirements. He had possible issues with property management and the property not being up kept.

Commissioner Meyer – stated she did not like the way he went about it and felt the Planning Commissions hands were tied. Put the conditions on and leave them.

Chairperson Ross – also felt he went about it the wrong way.

City Planner Wheelwright stated Mr. Beard did come in and tell him what he wanted to do and was told he would need to get a Conditional Use Permit. He asked if he could get the building permit and was told he would be gambling with the Conditional Use Permit.

The Planning Commission felt because he has been on the Planning Commission and City Council he should have known better.

Chairperson Ross stated he was ok with the conditions and that it needed to be treated as 2 separate apartments.

Commissioner Baker – felt he did it to guarantee he was going to get the Conditional Use Permit and as long as we treat it as 2 separate apartments she was ok. She did not feel there should be a limit.

Commissioner Hart – stated he has issues and felt because he has been on the Planning Commission and City Council and knows the proper way to do things and he did not do it. Something needs to be done so individuals abide by the law and felt what he did was wrong.

City Council member Mund – asked how things like this happens when we have a town with council and commission members. She stated in defense of this house it looks so much better than what was previously there and felt if he puts 2 of everything in she was ok with it.

Chairperson Ross asked for a motion.

A motion was made by Commissioner Bodily to approve the Conditional Use Permit for Lynn Beard with the conditions he install additional water meters, sewer lines, second garbage can and no on street parking and treat as separate units. The motion was seconded by Commissioner Meyer. Chairperson Ross asked for a roll call vote.

Commissioner Bodily – yea
Commissioner Bingham – yea
Commissioner Meyer – yea
Commissioner Baker – yea
Commissioner Hart - nay

b. Review of proposed changes to Section 12-000 Willard City General Plan and set for public hearing

Chairperson Ross stated he has cleaned up and condensed the ordinance and suggested he come in and review it with City Planner Wheelwright and send out prior to the next meeting.

Commissioner Baker asked about a work session with the City Council. City Planner Wheelwright said the City Council would not be meeting with the Planning Commission at the next meeting and he would get more information on when they would be able to hold a work session. He stated at the next meeting he will have information from BRAG showing overlay for different zoning scenarios especially zoning everything ½ acres parcels. Discussion was held on open space and ½ acre parcels. If everything is zoned ½ acre all open space would go away. City Council member Mund said at the open house the majority of the 10 citizens that showed up stated they would be happy with zoning less than ½ acre. City Planner Wheelwright stated it was not a fair representation of what was submitted with the questionnaire that went out with the newsletter. Commissioner Meyer asked if water issues came up at the open house. City Planner Wheelwright stated we need to look at storage capacity and in discussions with the city

ITEM 5G

24.44.030 Uses Chapter 12-111-3

No building, structure or land shall be used and no building or structure shall be hereafter erected structurally altered, enlarged or maintained in the multiple use, rural, or residential districts except as provided in this Ordinance. (See Table I)

TABLE I	MU-40	A-3	A-5	R-1/2	R-1
1. Accessary buildings and uses customarily incidental to permitted uses...	P	P	P	P	P
2. Accessory uses and buildings customarily incidental to conditional uses...	C	C	C	C	C
3. Temporary buildings, for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work...	C	C	C	C	C
4. AGRICULTURE AND FORESTRY					
a. Agriculture, except grazing and pasturing of animals	P	P	P	P	P
b. Agriculture, including grazing and pasturing of animals	C	P	P	P	P
c. Agriculture, business or industry	C	C	C	C	C
d. Animals and fowl for recreation or for family food production for the primary use of persons residing on the premises	P	P	P	P	P
e. Nursery or green house, wholesale or retail	C	P	P	P	P
f. The tilling of the soil, the raising of crops, horticulture and gardening	C	P	P	P	P
g. Farms devoted to raising and marketing chickens, turkeys or other fowl or poultry, fish or frogs, including wholesale and retail sales	C	C	P	C	C
h. Forestry, except forest industry	P	P	P	P	P
i. Forest industry, such as a sawmill, wood products plant, or others	C	-	-	-	-
5. APIARY	P	C	P	C	C
6. AVIARY	P	P	P	P	P
7. PLANNED UNIT DEVELOPMENT (PUD) OR CLUSTER SUBDIVISION OF SINGLE FAMILY DWELLINGS:					
a. Provided that the residential unit density of the total parcel is not increased above two units per acre.	C	C	C	C	C
b. Provided that the area, in acres, of the total parcel is not less than thirteen acres.	A	A	A	A	A
8. DUDE RANCH; family vacation ranch	C	-	C	-	-
9. DWELLINGS:					
a. Single-family dwelling	C	C	C	P	P

b. Multi-family dwelling	C	C	C	C	C
c. Seasonal Home or Cabin	C	-	-	-	-
d. Farm or Ranch Housing	C	C	C	-	-
e. Manufactured Housing	C	C	C	P	P
f. Mobile Homes					
1) When located in a mobile home park or subdivision	P	P	P	P	P
2) When not located in a mobile home park or subdivision	-	-	-	-	-
10. Home occupation	C	C	C	C	C
11. Household Pets	P	P	P	P	P
12. Kennel	-	-	C	-	-
13. Power generation	C	P	P	P	P
14. Private park or recreational grounds or private recreational camp or resort, including accessory or supporting dwellings or dwelling complexes and commercial service uses which are owned or managed by the recreational facility to which it is accessory	C	-	C	-	-
15. Public and quasi-public					
a. Churches	-	-	-	C	C
b. Parks, golf courses, swimming pools and other recreation areas	-	-	-	P	P
c. Public buildings	-	-	-	C	C
d. Private schools	-	-	-	C	C
16. Public stable, riding academy or riding ring, horse show barns or facilities	C	-	P	-	-
17. Residential Housing Developments					
a. Mobile home park	C	-	C	C	C
b. Mobile home subdivision	C	-	C	C	C
c. Subdivisions and Planned Unit Developments.	C	C	C	C	C
18. Signs (See Sign Ordinance WZC 24.60)					

HISTORY
Amended by Ord. 2022-9 on 12/8/2022

24.48.030 Uses Not Listed Chapter 12-112-3

The Table in this Section provides a listing of permitted and conditionally permitted uses for Commercial and Manufacturing zones within the city. The Table in this section is not comprehensive. In the event a sought-after use is not listed, the City Planner is empowered to interpret the list and determine if the unlisted use is substantially similar in character, origin, and impact to a listed use. In making this determination, the City Planner may, at their sole discretion, ask the Planning Commission for its review and interpretation.

(See TABLE I)

A. Accessory Buildings/dwellings/manufacturing/storage	**M**	**C-N**	**C-G**
Accessory uses and buildings customarily incidental to the permitted uses.	P	C	P
Single-Family Dwelling Multi-Family Twin Home Multi-Family Attached Multi-Family Stacked Accessory Dwelling Units Manufactured and Modular Homes	C C C C P C	P P P P P C	P P P P P C
Manufacturing/Industrial Heavy	P	-	C
Manufacturing/Light	P	C	C
Refineries	C	-	-
Renewable Energy Systems	C	C	C
Storage Facility/Units	P	-	C
Temporary Buildings	C	C	C
Warehousing/Distribution	P	C	C
Warehousing/Distribution Motor Fuels/Propane/Plant/Storage Facilities	C	-	C
B. Public Facilities/Utilities	**M**	**C-N**	**C-G**
Air BNB or any short-term lodging facility	C	C	C
Communication Towers and Antennas	C	C	C
Churches/Places of Worship	P	P	P
Educational Facilities	p	p	p
Public Utility installations	P	P	P
C. Recreations/Entertainment	**M**	**C-N**	**C-G**
Bowling Alley	C	C	P
Dance Studio	C	C	C
Fitness Center	C	C	P
Golf Course	C	C	P
Recreation Center	P	C	P

Recreational Vehicle Park	-	-	C
Sexually Oriented Businesses: See Willard City General Ordinances Title 9-600	C	-	-
Swimming Pool	C	C	C
Theater/Entertainment	C	C	C
D. Retail	**M**	**C-N**	**C-G**
Alcohol or Tobacco Specialty Store	C	-	C
Art and/or Art Supply	P	C	P
Book Store	P	P	P
Christmas Trees Sales	P	C	P
Clothing/Department Store	C	C	P
Convenience Store	P	C	P
Craft/Hobby Store	P	P	P
Fireworks Stand	C	C	C
Florist Shop/Nursery	C	C	P
Fruit Stand	P	P	P
Grocery Store	P	P	P
Hardware Store/Lawn and Garden	P	C	C
Pet Shop	C	C	P
Retail, Big Box Store	P	P	P
Retail, General	P	C	P
Shoe Store/Repair	P	C	P
Sporting Goods	P	P	P
E. Restaurant/Food Establishments	**M**	**C-N**	**G-G**
Bakery	P	P	P
Candy/Ice Cream Store	C	C	P
Private Club/Bar/Tavern	C	C	P
Restaurant/Fast Food	C	C	P
F. Service	**M**	**C-N**	**C-G**
Agriculture, Existing	P	P	P
Agricultural Industry/Food	P	C	P
Automobile Service and Sales Station (Includes Fuel)	C	C	C
Bank/Credit Union/Financial	P	C	P
Barber/Beauty Salon/Tanning/ Nales	P	P	P
Bed and Breakfast/ Air BNB	-	P	-

Business/ Professional Office	C	C	C
Car Wash	C	C	C
Check Cashing, Payday Lender, Title Loans	C	C	C
Childcare/Preschool: See Willard General Ordinances Title 9-000 for Home Business	C	C	C
Dry Cleaning	P	C	P
Fabrication/Welding	P	C	P
Hospital	P	P	P
Hotel/Motel	C	-	P
Kennel: See Willard City General Ordinances Title 13-00-0-00	C	C	C
Locksmith/Key and Lock	P	C	P
Laundromat	P	P	P
Medical and Dental Clinic	P	C	P
Nursing Home	-	C	C
Pet Grooming	P	P	P
Pharmacy	P	C	P
Residential Facilities for Persons With Disabilities	P	C	P
Slaughterhouse	C	C	C
Tattooing/Body Art	P	C	P
Towing/Impound Yard	P	-	C
Transportation/Trucking	P	C	P

HISTORY
Amended by Ord. 2023-2 on 3/9/2023

24.44.030 Uses (Chapter 12-111-3)

No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged, or maintained in the Multiple Use, Rural, or Residential districts, except as provided in this Ordinance (See Table 1)

TABLE 1	MU-40	A-5	A-3	R-1	R-1/2
1. Accessory buildings and uses customarily incidental to permitted uses...	P	P	P	P	P
2. Accessory uses and buildings customarily incidental to conditional uses...	C	C	C	C	C
3. Temporary buildings, for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed from completion or abandonment of the construction work.	C	C	C	C	C
4. AGRICULTURE AND FORESTRY:					
a. Agriculture, except grazing and pasturing of animals (see definition in 24.01.060)	P	P	P	P	P
b. Agriculture, including grazing and pasturing of animals	C	P	P	P	P
c. Agriculture, business, or industry (does this include meat processing?)	C	C	C	C	C
d. Animals and fowl for recreation or for family food production for the primary use of persons residing on the premises (subject to number limits found in ?? NEED TO SET LIMITS FOR ENFORCEMENT)	P	P	P	P	P
e. Nursery or green house, wholesale or retail (need to define)	C	P	P	P	P
f. The tilling of soil, the raising of crops, horticulture and gardening	C	P	P	P	P
g. Farms devoted to raising and marketing chickens, turkeys or other fowl or poultry, fish or frogs, including wholesale and retail sales	C	P	C	C	C
h. Forestry, except forest industry (NEED TO DEFINE)	P	P	P	P	P
i. Forest industry, such as sawmill, wood products plant, or others (see definition in 24.01.060)	C	-	-	-	-
5. APIARY, Private (subject to requirements of Utah State Code) (NEED TO DEFINE)	P	P	C	C	C
6. APIARY, Commercial (subject to requirements of Utah State Code (NEED TO DEFINE)	C	C	C	-	-
7. AVIARY, Private (NEED TO DEFINE)	P	P	P	P	P
8. AVIARY, Commercial (NEED TO DEFINE)	C	C	C	-	-
~~7. PLANNED UNIT DEVELOPMENT (moved to Item 18)~~					
9. DWELLINGS:					
a. Single-family dwelling	C	C	C	P	P
b. Accessory Dwelling Unit, Detached - Per 24.96	C	C	C	C?	C?

c. Accessory Dwelling Unit, Interior - Per 24.96	C	C	C	P	P
c. Seasonal Home or Cabin	C	-	-	-	-
~~d. Farm or Ranch Housing (addressed by ADU, detached~~					
d. Manufactured Housing	C	C	C	P	P
e. Mobile Home when located in a mobile home park or subdivision	P	P	P	P	P
f. Mobile Home when not located in a mobile home park or subdivision	-	-	-	-	-
10. DUDE RANCH, Family Vacation Ranch	C	C	-	-	-
11. HOME OCCUPATION (need to fix definition)	P	P	P	P	P
12. HOUSEHOLD PETS (Number subject to 16.12.050)	P	P	P	P	P
13. KENNEL (subject to 16.12.060)	-	C	-	-	-
14. POWER GENERATION (SOLAR? NEED TO DEFINE)	C	P	P	P	P
15. PRIVATE PARK OR RECREATIONAL GROUNDS OR PRIVATE RECREATIONAL CAMP OR RESORT, including accessor supporting dwellings or dwelling complexes and commercial service uses which are owned or managed by the recreational facility to which it is accessory	C	C	-	-	-
16. PUBLIC AND QUASI-PUBLIC:					
a. Churches	C	P	P	P	P
b. Parks, golf courses, swimming pools and other recreation areas:	P	P	P	P	P
c. Public buildings	C	P	P	P	P
d. Private schools	C	P	P	P	P
17. PUBLIC STABLE, RIDING ACADEMY OR RIDING RING, HORSE SHOW BARNS OR FACILITIES	C	P	P	-	-
18. RESIDENTIAL HOUSING DEVELOPMENTS:					
a. Master Planned Community	C	C	C	C	C
b. Mobile home park	C	C	C	C	C
c. Mobile home subdivision	C	C	C	C	C
d. Planned Unit Development (PUD) or Cluster Subdivision of Single-family Dwellings	-	-	-	-	-
19. SHORT-TERM RENTALS (subject to Short-Term Rental Ord)	C	C	C	C	C
20. SIGNS (See Sign Ordinance (See Sign Ordinance WZC 24.60)					

24.48.030 Uses Not Listed (Chapter 12-112-3)

The Table in this Section provides a listing of permitted and conditionally permitted uses for Commercial, Manufacturing and Transportation Oriented Development zones within the city. The Table in this SECTION IS NOT COMPREHENSIVE. In the event a sought-after use is not listed, the City Planner is empowered to interpret the list and determine if the unlisted use is substantially similar in character, origin, and impact to a listed use. In making this determination, the City Planner may, at his/her ~~their~~ discretion, ask the Planning Commission for its review and interpretation.

(See TABLE 1)

	M	C-G	C-N	TOD (Per 24.68)	
A. Accessory Buildings/Dwellings/Manufacturing/Storage					
Accessory uses and buildings customarily incidental to the permitted uses	P	P	P	P	
Single-Family Dwelling	C	P	P	-	
Multi-Family, Twin Home (subject to spacing requirements)	C	C	C	P*	
Multi-Family, Attached (subject to spacing requirements)	C	C	C	P*	
Multi-Family, Stacked (subject to spacing requirements)	C	C	C	P*	
Accessory Dwelling Unit, Detached - Per 24.96	C	C	C	-	
Accessory Dwelling Unit, Interior - Per 24.96	P	P	P	-	
Manufactured and Modular Homes	C	C	C	-	
Manufacturing/Industrial Heavy (NEED TO DEFINE)	P	C	-	-	
Manufacturing Light (NEED TO DEFINE)	P	P	C	-	
Refineries (NEED TO DEFINE)	C	-	-	-	
Renewable Energy Systems (NEED TO DEFINE)	C	C	C	-	
Storage Facility/Units (NEED TO DEFINE)	P	P	-	-	
Temporary Buildings (NEED TO DEFINE)	C	C	C	-	
Warehousing Distribution (NEED TO DEFINE)	P	C	-	-	
Warehousing Distribution Motor Fuels/Propane/Plant/Storage Facilities (NEED TO DEFINE)	P	C	-	-	
B. Public Facilities/Utilities					
~~Air BNB or any short-term lodging facility (moved to F. Service)~~					
Commercial Parking Facility (NEED TO DEFINE) (Included in TOD Ord)					
Communication Towers and Antennas (NEED TO DEFINE)	C	C	C	C	
Churches/Places of Worship	P	P	P	C	
Community Garden (NEED TO DEFINE) (Included in TOD Ord)	P	P	C	P	
Educational Facilities, Public or Private ~~(NEED TO DEFINE)~~ secondary schools	P	P	P	C	
Government or Municipal Office	P	P	P	P	
library or Reading Room (NEED TO DEFINE) (Included in TOD Ord)	C	P	P	P	
Parks, Public or Private/Open Space (Included in TOD Ord)	P	P	P	P	
Public Utility Installations (NEED TO DEFINE)	P	P	P	P	

C. Recreations/Entertainment					
Auditorium or Performing Art Center (NEED TO DEFINE) (Included in TOD Ord)	C	C	C	C	
Bowling Alley (NEED TO DEFINE)	P	P	-	C	
Dance Club (NEED TO DEFINE) (Included in TOD Ord)	-	-	-	C	
Dance Studio (NEED TO DEFINE)	P	P	P	C	
Fitness Center (NEED TO DEFINE)	P	P	P	C	
Golf Course (NEED TO DEFINE)	P	P	C	-	
Recreation Center (NEED TO DEFINE)	P	P	-	C	
Recreational Vehicle Park (Per 24.92)	C	C	-	-	
Sexually Oriented Business (See Willard City General Ordinances Title 8.20)	C	-	-	-	
Swimming Pool, Commercial (NEED TO DEFINE)	C	P	C	-	
Theater/Entertainment (NEED TO DEFINE)	C	C	-	P**	
D. Retail					
Alcohol or Tobacco Specialty Shop (NEED TO DEFINE)	P	P	-	-	
Art and/or Art Supply (NEED TO DEFINE A RETAIL BUSINESS)	P	P	P	P	
Book Store	P	P	C	P	
Christmas Tree Sales	P	P	C	-	
Clothing/Department Store	P	P	P	P	
Convenience Store, with drive-through (NEED TO DEFINE)	P	P	P	C	
Convenience Store, without drive-through	P	P	P	C	
Craft/Hobby Store (can this be combined with Art Store?)	P	P	P	P	
Fireworks Stand (NEED TO DEFINE)	C	C	C	-	
Florist Shop/Nursery (NEED TO DEFINE) (Do shop and nursery need to be separate uses?)	C	C	P	P (Florist Only	
Fruit Stand (NEED TO DEFINE)	P	P	P	-	
Grocery Store (NEED TO DEFINE)	P	P	-	P	
Hardware Store/Lawn and Garden (NEED TO DEFINE)	P	P	C	P?	
Pet Shop (NEED TO DEFINE)	P	P	P	P	
Retail, Big Box Store (NEED TO DEFINE)	P	P	P	P	
Retail, General (NEED TO DEFINE)	P	P	P	P	
Shoe Store/Repair (NEED TO DEFINE)	P	P	P	P (No Repair)	
Sporting Goods (NEED TO DEFINE)	P	P	P	P	
E. Restaurant/Food Establishments					
Bakery	P	P	P	P	
Candy/Ice Cream Store	P	P	P	P	
Food Truck, Temporary (NEED TO DEFINE)	P	P	P	P	
Food Truck, Permanent (NEED TO DEFINE)	C	P	C	-	
Private Club/Bar/Tavern (NEED TO DEFINE)	P	P	-	-	
Restaurant/Fast Food with drive through (NEED TO DEFINE)	P	P	P	C	
Restaurant/Fast Food without drive through	P	P	P	P	
F. Service					

Agriculture, Existing	P	P	P	-	
Agricultural Industry/Food (NEED TO DEFINE)	P	P	C	-	
Automobile Sales and Service ~~Station~~ (includes fuel)	P	C	P	-	
Bank/Credit Union/Financial with drive through (NEED TO DEFINE)	P	P	P	C	
Bank/Credit Union/Financial without drive through(NEED TO DEFINE)	P	P	P	P	
Barber/Beauty Salon/Tanning/Nails (NEED TO DEFINE)	P	P	P	P	
~~Bed and Breakfast/ Air BND (Replaced by Short-Term Rentals~~					
Business/Professional Office (NEED TO DEFINE)	P	P	P	P	
Business Services (NEED TO DEFINE) (Included in TOD Ord)	P	P	P	P	
Car Wash (NEED TO DEFINE)	C	C	-	-	
~~Check Cashing/ Payday Lender / Title Loans (See Bank/Credit Union/Financial~~					
Childcare/Daycare/Preschool, Commercial ~~(See Willard General Ordinances Title 8 for Home Occupation)~~ (NEED TO DEFINE)	P	P	P	C	
Cultural Service and activities (NEED TO DEFINE) (Included in TOD Ord)	-	-	-	P	
Dry Cleaning (NEED TO DEFINE)	P	P	P	C	
Fabrication / Welding (NEED TO DEFINE) (isn't this covered in manufacturing above?)	P	P	C	-	
Hospital	P	P	P	-	
Hotel/Motel	P	P	-	P	
Kennel (subject to 16.12.060) ~~(See Willard General Ordinances Title 9-000 for Home Occupation)~~	C	C	C	-	
locksmith/Key and Lock (NEED TO DEFINE)	P	P	P	-	
laundromat (NEED TO DEFINE)	P	P	P	C	
Medical, Dental, and Physical Therapy	P	P	P	C	
Nursing Home	-	C	-	-	
Pet Grooming	P	P	P	P	
Pest Control (NEED TO DEFINE)	C	C	-	-	
Pharmacy (NEED TO DEFINE)	P	P	P	P	
Residential Facilities for Persons with Disabilities (NEED TO DEFINE)	P	P	-	-	
Short Term Rentals (Subject to Short Term Rental Ord)	C	C	C	-	
Slaughterhouse (NEED TO DEFINE does this include meat processing)	C	C	-	-	
Tattooing/Body Art (NEED TO DEFINE) (Could this be included with barber, beauty?)	P	P	P	P	
Towing/Impound Yard (NEED TO DEFINE)	P	C	-	-	
Transit Station (NEED TO DEFINE) (included in TOD Ord)	-	-	-	P	
Transportation/Trucking (NEED TO DEFINE)	P	P	-	-	
Veterinary services (NEED TO DEFINE) (Included in TOD Ord)	P	P	-	C	

*Subject to density limit in 24.58.080					
** TOD requires parking study					

ITEM 6

WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, August 15, 2024 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

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

The following members were in attendance:

Sid Bodily, Chairman	Jeremy Kimpton, City Manager
Ruth Beebe	Colt Mund, City Attorney
Chandler Bingham	Madison Brown, City Planner
Chad Braegger	Michelle Drago, Deputy Recorder
Brian Gilbert	

Excused: Alex Dubovik

Others in attendance: Mayor Travis Mote; Councilmember Jordan Hulsey; Ken Ormond; Ruth Ormond; Rew Wiley; John Piere; Alena Pierce; Steve Spencer; Andraya Spencer; Becky Kruitbosch; William Perry; Bryce Darley; Garth Day, Heritage Homes; Nelson Kapp; Colton Kapp; Kamryn Kapp; Jodi Wade; and Bart Wade.

The meeting was called to order at 6:36 p.m.

1. PRAYER: Sid Bodily

2. PLEDGE OF ALLEGIANCE: Chad Braegger

3. GENERAL PUBLIC COMMENTS

There were no comments.

4. CITY COUNCIL REPORT

Time Stamp 01:28: – 08/15/2024

Mayor Mote reported that during the August 8th City Council meeting, the Council passed the Short-Term Rental Ordinance with a few small changes.

5A. CONSIDERATION AND RECOMMENDATION TO THE CITY COUNCIL REGARDING A PETITION FROM HERITAGE LAND DEVELOPMENT TO REZONE APPROXIMATELY 48.19 ACRES LOCATED AT APPROXIMATELY 300 SOUTH 300 WEST FROM R1/2 TO MPC (MASTER PLANNED COMMUNITY) (PARCEL NOS. 02-051-0004, 02-051-0062, 02-051-0085, 02-051-0264, 02-054-0005, 02-054-0007, 02-054-0009, 02-054-0011, 02-054-0012, AND 02-054-0013) (CONTINUED FROM FEBRUARY 1, AND JUNE 20, 2024)

Time Stamp: 02:43 – 08/15/2024

Madison Brown, City Planner, stated that Garth Day sent a revised concept plan for The Orchards development on August 13th. The only change she could see was the addition of a community garden to the open space.

Garth Day, Heritage Homes, showed the Planning Commission a map of the original proposal they submitted in February. It contained 121 lots and exclusive open spaces. After the public hearing, they went back to the drawing board and eliminated a couple of roads, nearly 20 lots, and consolidated the open spaces. The open spaces were now accessible to the public. During the June 20th meeting, the Planning Commission asked that curb and gutter be added throughout the entire development. The road widths had not changed because they were already 60 feet wide, but they had updated the road cross section. They left the option for the rural road design because that was their preference. The roads in the patio home section had been widened from 40 feet to 43 feet. The roads would be widened further to 48 feet, which would give the city five feet of sidewalk on both sides of the road. They had clarified the public parking areas for the open space. One thing they continued to hear from the public was a desire to make the development more rural and more community oriented. The community gardens had been included to show there were options to make the development more community oriented. The CCR's had been changed to allow some medium-sized animals beyond household pets. The fences would be regulated so the lots would not all have white vinyl privacy fencing. The front yards would have split rail, three rail, or something that had a rural design.

Mr. Day reviewed the density with the Planning Commission. The smaller lots ranged from 8,000 square feet to 14,000/16,000 square feet. In the larger lot area, there were about six half-acre lots. The rest of the lots ranged from 16,000 square feet to 18,000 square feet, or about .45 of an acre. The overall density was .44 units per acre. He felt they were pretty close to the half-acre density.

Chairman Bodily asked about the total number of lots. Garth Day said there were 107 lots.

Commissioner Braegger asked about the water rights for this development. Jeremy Kimpton, City Manager, said the city had not received the water rights yet. Garth Day stated that even though the first two phases had been completed, Heritage Homes had not transferred any water rights. Part of the issue was the water shares with the Willard Irrigation Company. They were hard to calculate. Heritage Homes had hired Kirton McConkie to figure out how many shares they actually owned. Heritage Homes felt they had 225-acre feet of water for the entire property. They need to give Willard 107-acre feet, which they were committed to doing.

Chairman Bodily asked if the Planning Commission could move forward without a water commitment.

Mayor Mote said the irrigation shares with Willard Irrigation did not count because they were not culinary water. The city required culinary water rights to be turned over. The only way for Willard Irrigation shares to count was to put them in a pressurized secondary water system.

Commissioner Braegger said the zoning ordinance said water had to be in place as part of the rezone process. Garth Day said he could not give the city water until the rezone happened. Commissioner Braegger said the city needed proof Heritage Homes had the water rights. Mr. Day said they had given the city proof.

Mayor Mote said the city needed the conversion facts from the Water Rights Division so the city could see how many water rights were transferrable to make sure there was enough water to comply with the ordinance. The city code required that water rights be transferred before the final plat was recorded.

Commissioner Braegger stated that water was life. Problems would be created if the city rezoned property without water. Garth Day said that constitutionally if they gave the city water, they could never get it back.

The former city manager was aware of where they were with their water. They had the water, and they were committed to handing it over just as soon as they knew exactly what they had.

Chairman Bodily felt the city need a little more proof.

Jeremy Kimpton asked if Garth Day had given Chris Davis, the former city manager, any paperwork. Mr. Day said he had. He could provide the city with another copy.

Mayor Mote stated that the conversion of 225-acre feet might result in only 100-acre feet.

Commissioner Gilbert asked if the Planning Commission could recommend approval of the rezone without proof of water rights. Garth Day asked if the Planning Commission could forward the rezone to the City Council with a recommendation that they provide proof of water rights.

Colt Mund, City Attorney, said the development agreement did discuss and obligate the developer to transfer water rights. The city code required the city to know what the water rights were and that they were free of encumbrances. The Master Planned Community zone included the site plan and other requirements. The Planning Commission could make a recommendation if it was satisfied with the information provided by the applicant/developer.

Commissioner Braegger said the last rezone forwarded to the City Council was pushed back due to lack of information regarding water rights. He felt the Planning Commission needed to take care of that issue before forwarding items to the City Council. If the City Council turned a planning issue down because of something in the ordinances, he did not feel the Planning Commission was doing its job.

Commissioner Gilbert asked if the staff wanted the Planning Commission's input on the open space design. Jeremy Kimpton felt the open space should be designed by the Planning Commission, City Council, and the developer.

Commissioner Gilbert felt the development agreement should outline what open space improvements would be constructed by Heritage Homes. He asked that Heritage Homes provide a submittal of their open space proposal.

Garth Day was concerned about the city's lack of manpower to maintain the open space. Heritage Homes proposed creating a temporary HOA to manage it. The city did not like that option. Now Heritage Homes was proposing to hand over the open space immediately, and then negotiate what was built based on what the city could maintain. They did not want to build something that would fall into disrepair and waste money for everyone.

Commissioner Gilbert said even if there was a temporary HOA, he wanted to know what product the city was going to end up with. Mr. Day said the city was going to end up with the property.

Commissioner Gilbert said Heritage Homes was proposing pickleball courts, a gazebo, and some horseshoe pits. He liked the concept of the community garden, but who was going to maintain it? It would be a lot more maintenance for the city in the long run. There was not a playground. He felt a playground would be better than community gardens. Mr. Day said playgrounds were a huge liability and insurance problem. People did not use playgrounds like they used to. Heritage Homes was proposing amenities he felt were usable. Pickleball courts were incredibly popular, and they were low maintenance. Horseshoe pits

were easy. Trails did not have a lot of maintenance if they were built properly. That is what they proposed knowing that the city did not have a Parks Department.

Commissioner Braegger did not agree with Mr. Day's comment regarding manpower. When this subdivision was built out, the city would have the tax revenue to support a few employees to take care of the open space. Having a raw chunk of land from the beginning would grow weeds and be a mess. The development agreement should outline the construction of the open space from the beginning. Then the city would figure out how to maintain it.

Chairman Bodily stated that if the city was going to require the open space, it needed to be ready to step up to the plate.

Commissioner Gilbert agreed. He did not' mind the design, he just wanted to know what the end product would be. How would the pickleball court be constructed? What kind of fencing and lighting would it have? All that information should be in the development agreement. When the project was done, the city could determine if it was what everyone had agreed to. Right now, it is open ended.

Garth Day said it was open-ended by design. He had been focused on the overall design and densities because that was what the Planning Commission and public were concerned about. He would be happy to design an open space with the necessary specifications if the Planning Commission was comfortable with the overall subdivision design.

Commissioner Gilbert said he personally liked the proposed subdivision concept.

Commissioner Beebe agreed that the proposed concept was better than a bunch of rectangular lots. It only had eight more homes than an R-1/2 Zone would allow.

Commissioner Braegger said the density was a little high, but it was close. He felt the open space design could make up for that. If the Planning Commission understood exactly what the open space product would be, it might be able to compromise on the density.

Garth Day asked for assurance that he was working toward something. He did not want to spend money on the open space design if the rezone was not going to move forward. He had the same concern about water. If the proposed development were not going to happen, the water dynamics would change. He felt he had the needed direction regarding the water.

Commissioner Braegger did not feel comfortable pushing the rezone forward without information regarding water.

Colt Mund stated the Planning Commission was considering a conceptual Master Planned Community Zone, and it was looking at a preliminary site plan. The preliminary site plan included open space and density. The Planning Commission was making a recommendation based on the information it had. He did feel it was appropriate for the Planning Commission to consider density, open space, management of open space, etc. The Planning Commission had a pretty broad scope. Its recommendation should encompass all the issues the Master Planned Community Zone said should be included in a site plan.

Garth Day understood that he had to come back to the Planning Commission after the zoning was in place. When the rezone was approved, then the plan would be refined.

Mayor Mote felt the proposal included the development agreement. The Planning Commission should be able to review an updated draft of the development agreement.

Commissioner Gilbert said the Planning Commission had a draft copy of the development agreement, but he did not feel it was complete because it did not include information about the open space. He felt that information needed to be integrated because the development agreement would be the signed contract between Heritage Homes and the city. If the Planning Commission recommended that the rezone be approved, would the development agreement be approved later, or did the development agreement need to be included with the Planning Commission's recommendation?

Colt Mund stated that the development agreement should be part of the Planning Commission's zoning recommendation. An MPC rezone request was like other rezones, where the Planning Commission was a recommending body to the City Council. The City Council would then consider everything the Planning Commission had. If there was something the Planning Commission felt should be addressed before going to City Council that was appropriate. The Planning Commission could recommend the rezone subject to issues being clarified, such as water rights or open space.

Commissioner Gilbert did not mind the overall subdivision concept, but he felt Heritage Homes needed to provide a detailed open space plan and answers about the water rights.

Chairman Bodily felt the Planning Commission needed to understand when the open space be constructed, and what would be constructed. If the city approved the open space plan, the city needed to be ready to take care of it.

Garth Day stated that when a development included open space, Heritage Homes normally did not start construction in the first phase because they had to generate people and revenue. The development agreement would outline the phasing plan and a timeline for the open space construction. In other developments, they had started constructing the open space with the second and third phases. The timeline was a negotiated point. The open space would not be the last thing to be constructed.

Commissioner Gilbert asked if the patio homes would be constructed first. Garth Day said they would because those were the lots that had gravity sewer. Heritage Homes could not develop the southwest part of the project until the Young's extended the sewer line to the north as part of the Deer Run development. The open space was integral to the patio homes. He felt it would take 24 to 36 months to complete the patio homes. The open space would probably be constructed 18 to 24 months after the first phase was started.

Commissioner Beebe asked about the storm water detention areas. Garth Day said those areas would be maintained by Willard Flood Control.

Commissioner Bingham asked what Heritage Homes planned to do with excess water rights. Garth Day said water had been an interesting topic lately. The state engineer and the governor's office closed any new water rights in Area 29, which Willard was in. Everyone was scrambling to prove the beneficial use of the water they had. It had created an inflationary issue for excess water rights. He thought water rights were currently worth $14,000 per acre foot. One hundred water rights were a very valuable commodity. Two years ago, they would have handed the excess water rights over to Willard City. Now they needed to use any excess water for other developments in Area 29. Heritage Homes did plan to hand over the irrigation shares because they planned to build a dry secondary water system in The Orchards.

Commissioner Bingham stated that Garth Day had done everything the Planning Commission had asked for regarding the density and the roads. He felt comfortable forwarding the rezone to the City Council. However, after the Planning Commission forwarded a project to the City Council it never really saw it again. He felt the Planning Commission wanted to see a final park plan.

Garth Day said he would be happy to design the open space, but he was concerned the plans would be changed when it reached the City Council. He was in a catch twenty-two. Did he spend the money to design the open space? He felt the project was headed in the right direction. Everyone seemed to be more comfortable with where it was at.

Commissioner Bingham was concerned about how the traffic would flow before the project was built out. Garth Day felt the best solution was the completion of 200 West to 600 South. Commissioner Braegger felt 600 South was nearing completion.

Commissioner Braegger was concerned about the depths of driveways. He wanted to make sure driveways were deep enough that a full-size pickup would not hang over onto the sidewalk. Garth Day anticipated that the front yard setbacks for the patio homes would be at least twenty-five feet. Commissioner Braegger felt twenty-five feet was doable.

Commissioner Braegger also wanted to make sure that the stub roads to the north lined up with the Road Master Plan. existing roads, and that they were labeled correctly. Garth Day said the location of 300 West could not change because of an existing sewer line. The street name could change, but its location could not.

Commissioner Bingham made a motion to recommend that the City Council approve the petition from Heritage Homes to rezone approximately 48.19 acres located at approximately 300 South 300 West from R-1/2 to subject to verification of the water rights, that the development agreement be amended to include all details about the open space, and that the front yard setbacks in the patio homes be at least 25 feet.

Commissioner Gilbert felt the Planning Commission needed to see and approve the open space design and an amended development agreement that included those details.

Commissioner Bingham withdrew his motion.

Garth Day understood that the Planning Commission was okay with the proposed density and the proposed design. He needed to come back with a more detailed park master plan and construction plan, verification of water rights, and an updated development agreement.

Commissioner Braegger wanted to make sure there was adequate parking for visitors and those using the open space. Garth Day said he would include parking in the open space design.

Commissioner Beebe liked the proposed design. It was only eight more homes than an R-1/2 Zone, and the city was gaining open space. She felt the city needed verification of the water rights.

Commissioner Gilbert asked that Colt Mund review the amended development agreement to make sure all the language was correct before the Planning Commission saw it. Mr. Mund said he would.

Commissioner Gilbert asked that the term *force majeure* in the development agreement be defined better.

Commissioner Bingham moved to table consideration of the rezone petition from Heritage Homes until they could provide verification of water rights, an open space master plan, and an updated development agreement addressing open space and water. Commissioner Braegger seconded the motion. All voted "aye." The motion passed unanimously.

5B. CONSIDERATION OF A PRELIMINARY PLAN FOR GRANITE RIDGE SUBDIVISION PHASE 6 LOCATED AT APPROXIMATELY 675 SOUTH 450 EAST (PARCEL NOS. 02-053-0014 AND 02-053-0069)

Time Stamp: 43:21 – 08/15/2024

Madison Brown stated that SLUA had forwarded the preliminary plan for Grante Ridge Phase 6 to the Planning Commission with two conditions. The first was verification of the open space for the entire development, which John Newhall had provided. The second condition was construction plans for the hiking trail through Phase 6. The city did not receive the construction plans until August 14th. The staff had not had time to review them. She recommended that this item be tabled until the next meeting.

Chairman Bodily asked about a second access. The city was holding back other developments because they did not have a second access. Why was this development being allowed to proceed?

Commissioner Bingham said the overall development was approved years ago without a second access. He did not feel there was anything the city could do until either 300 East was developed or Joel Murray developed his gravel pit.

Colt Mund stated that this issue had come up several times. He felt the Granite Ridge plan was approved with the use of a private access as an emergency access. The private access was the Staker Parson road. He did not know if the private access was still available to Granite Ridge.

Commissioner Braegger felt that situation was okay for Phase 1, but the developer was now on Phase 6.

Chairman Bodily recalled that there was supposed to be a second access. He did not feel a crash gate was a second access. This development needed a second access. The Planning Commission was holding back other developments because they did not have the required second access.

Colt Mund said he would review the Granite Ridge development agreement.

Jeremy Kimpton stated that the lack of a secondary access was brought up a few weeks in a SLUA meeting. According to the city engineer the Granite Ridge development was approved with an agreement between ???? and Granite Ridge for use of the secondary access with restrictions and limitations. He did not know if that agreement was still viable.

Chairman Bodily felt the Planning Commission needed to understand what the current access requirement was.

Commissioner Beebe stated that there were now sixty-two homes with only one access.

Commissioner Braegger didn't feel it would take much to connect the last phase to 300 East. He felt the city needed to be consistent.

Colt Mund said there was a similar situation with the Rod Braegger Subdivision. The city approved the subdivision with a temporary emergency access. The Council may have approved Granite Ridge based on an emergency access.

Commissioner Braegger said that might have been okay for Phases 1 and 2. Now the developer was asking for approval of Phase 6. He felt the city needed to confirm the access requirements.

Mayor Mote stated that before he was elected, a property owner above Granite Ridge wanted access via Parsons Road, and Parsons threatened to lock the gate. If Parsons Road was the second access, he felt the developer needed to provide the city with an agreement that the road would never be locked. If the road was locked, it was no longer a second access.

Madison Brown stated that John Newhall was representing Scott Priest, the new owner of Grantie Ridge. He planned to be at the September 5th Planning Commission meeting. Jeremy Kimpton stated that Madison Brown would reach out to John Newhall and ask for information regarding second access requirements.

Commissioner Braegger asked if Granite Ridge had complied with the water requirements. Madison Brown said the city engineer had confirmed that all the water rights had been conveyed to the city.

Chairman Bodily asked that this item be tabled until the next meeting.

Commissioner Beebe moved to table consideration of Granite Ridge Phase 6 until the next meeting. Commissioner Gilbert seconded the motion. All voted "aye." The motion passed unanimously.

5C. REVEW OF A CONDITIONAL USE PERMIT ISSUED TO LYNN BEARD FOR A DUPLEX LOCATED AT 481 NORTH 200 WEST (PARCEL NO. 02-046-0075) ISSUED FEBRUARY 5, 2015 (CONTINUED FROM AUGUST 1, 2024)

Time Stamp: 53:05 – 08/15/2024

Jeremy Kimpton stated that the staff had not been able to find a copy of a signed conditional use permit for Lynn Beard's duplex. The staff reached out to Mr. Beard. He did not have a signed copy either.

Chairman Bodily asked if that meant Mr. Beard did not have a conditional use permit.

Colt Mund felt the conditional use was still valid, but the staff and Planning Commission would have to rely on the minutes of the February 5, 2015, Planning Commission meeting to determine what the conditions were.

Jeremy Kimpton asked if conditions could be added at this point. Mr. Mund said no conditions could be added. The only conditions were those approved on February 5, 2015.

Commissioner Bingham felt there were conditions discussed in the February 5, 2015, meeting that were not included in the written conditional use permit.

Jeremy Kimpton felt the Planning Commission would have to determine if it was okay with the conditions as written. He felt the conditional use permit needed to be signed by the city and the applicant.

Chairman Bodily stated that there had not been any problems with the conditional use.

Commissioner Bingham wanted to listen to the meeting recording and review the minutes to see if there were other conditions discussed. He remembered that the Planning Commission did not want the conditional use to transfer to a future property owner. It wanted the use to end if the property was sold.

Madison Brown said that discussion was in the minutes, but it was not included in the written conditional use permit. The staff wondered if that condition could be added to the written conditional use permit if the permit had never been signed.

Colt Mund felt there should be written findings from the Planning Commission based on its discussion. The written findings should be approved by the Planning Commission before a conditional use permit is approved. If a finding was missed, the findings could be updated.

Commissioner Braegger asked if the Planning Commission needed to treat this as a new conditional use permit. Colt Mund felt the minutes could be reviewed to determine what the conditions were, and a form could be created listing the findings. Nothing new could be added. He did not feel it was necessary to have Mr. Beard's signature if there were clear findings from the meeting. He did not feel the findings could be disputed.

Madison Brown stated that she would review the minutes of the February 5, 2015, meeting.

Chairman Bodily asked that this item be added to the next agenda.

5D. DISCUSSION REGARDING AMENDING THE TABLE OF USES FOUND IN CHAPTER 12-111-3 AND 12-112-3 OF THE WILLARD CITY ZONING ORDINANCE (CONTINUED FROM JUNE 6, JUNE 20, AND AUGUST 1, 2024)

Time Stamp: 58:20 – 08/15/2024

Madison Brown stated that Michelle Drago had created a Table of Uses spreadsheet for the Planning Commission to review (see attached copy).

After a brief discussion, Chairman Bodily tabled this item to allow the Planning Commission time to review the spreadsheet.

5E. DISCUSSION REGARDING A PROPOSED AMENDMENT TO THE DEFINITION OF THE SUBDIVISION LAND USE AUTHORITY (SLUA) FOUND IN CHAPTER 12-400-41 OF THE WILLARD CITY ZONING ORDINANCE TO INCLUDE A MEMBER OF THE PLANNING COMMISSION

Time Stamp: 1:02:33– 08/15/2024

Jeremy Kimpton stated that the Planning Commission had appointed a liaison to the Subdivision Land Use Authority (SLUA) Committee, but the liaison did not have voting power. Would the Planning Commission like the definition of SLUA to be amended to include a Planning Commission member as a voting member?

The Planning Commission said yes.

Jeremy Kimpton stated that an ordinance would be drawn up for the Planning Commission to consider.

Commissioner Bingham moved to schedule a public hearing for September 5, 2024, to receive public comment regarding a proposed amendment to the definition of the Subdivision Land Use Authority (SLUA). Commissioner Beebe seconded the motion. All voted "aye." The motion passed unanimously.

6. CONSIDERATION AND APPROVAL OF THE AUGUST 1, 2024, REGULAR PLANNING COMMISISON MINUTES

Commissioner Beebe moved to approve the August 1, 2024, minutes as written. Commissioner Gilbert seconded the motion. All voted "aye." The motion passed unanimously.

7. COMMISSIONER/STAFF COMMENTS

Time Stamp: 1:08:48 – 08/15/2024

Madison Brown

Did not have any comments.

Jeremy Kimpton

Did not have any comments.

Colt Mund

Did not have any comments.

Commissioner Braegger

Commissioner Braegger asked if there was a way to review articles published by *The Box Elder Journal* to make sure content was accurate. Mayor Mote said there was not due to freedom of the press. The editor had been pretty responsive to his emails. Commissioner Braegger was concerned about misinformation to the public.

Commissioner Gilbert

Commissioner Gilbert asked about the status of alternate Planning Commission members. Mayor Mote stated that he had asked Rew Wiley to serve as an alternate. Commissioner Braeger also had a recommendation. The alternates would have to be confirmed by the City Council.

Commissioner Beebe

Commissioner Beebe felt Willard needed businesses to generate sales tax revenue to help the city's budget. Jeremy Kimpton said the administration was working on an economic development grant. Citizens were needed to serve on the review committee. Commissioner Beebe said she would be interested. Jeremy Kimpton asked for recommendations for other committee members. The city needed 10 to 15 stakeholders from agricultural, construction, small business owners, etc. He hoped the study would start in the next month and be completed by January. Mayor Mote said Fred Barker was interested.

Chairman Bodily

Chairman Bodily asked about the story behind the new rock at the historic cemetery. Mayor Mote provided a brief history. During construction of Granite Ridge a rock with petroglyphs was uncovered. Lync Construction moved it to the city shop. The State Historic Preservation did not return the city's calls. He mentioned the rock to the Northwestern Shoshone Tribe. The tribe met and felt the rock needed to stay in Willard as close to the original site as possible. The City Council suggested the historic cemetery, which the tribe was happy with. The tribe conducted a ceremony to dedicate the site on Monday, August 12th.

Commissioner Bingham

Did not have any comments.

8. ADJOURN

Commissioner Beebe moved to adjourn at approximately 7:54 p.m. Commissioner Bingham seconded the motion. All voted in favor. The motion passed unanimously.

Minutes were read individually and approved on: _____

_____ _____

Planning Commission, Chairman
Sid Bodily

Planning Commission Secretary
Michelle Drago

dc:PC 08-15-2024