



Notice is hereby given that the
WILLARD CITY PLANNING COMMISSION
Will meet in a regular session on
Thursday, June 3, 2021– 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. Roll Call
4. General Public Comment (Input for items not on the agenda)
5. Discussion/Action Items
 - a. 6:30 p.m. Public hearing to receive public comments regarding preliminary approval of the Hurst Subdivision located at approximately 100 South 200 West (02-051-0007)
 - b. 6:30 p.m. Public hearing to receive public comments regarding a request to rezone 34.57 acres located at approximately 3630 South 1200 West (200 West) from A-5 to R-1/2 (02-035-0060, 02-035-0061, 02-035-0063, and 02-035-0079)
 - c. Public hearing to receive public comments regarding a proposal to repeal Willard City Zoning Ordinance Chapter 12-101 Board of Adjustment and adopt Chapter 12-101 Appeal Authority as Hearing Officer
 - d. Public hearing to receive public comments regarding a proposal to amend Willard City Zoning Ordinance Chapter 12-400-14 Definition for Subdivision Land Use Authority (SLUA)
 - e. Public hearing to receive public comments regarding a proposal to amend Willard City Zoning Ordinance Chapter 12-116-5(2) Dedication of Streets, Rights-of-Way, or Easements – Residential, Commercial or Industrial Subdivision, or Planned Unit Development
6. Consideration and approval of the May 20, 2021, 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 City Hall and on the State of Utah Public Meeting Notice Website this 28th day of May, 2021.

/s/ Michelle Drago

Deputy City Recorder

Individuals with questions, comments, or needing special accommodations pursuant to the Americans with Disabilities Act regarding this meeting may contact Michelle Snarr at (435) 734-9881. I, the undersigned duly appointed and acting Recorder for Willard City Corporation, hereby certify that a copy of the foregoing notice and agenda was posted at the City Hall and on the State of Utah Public Meeting Notice Website this 28th day of May, 2021

/s/ Michelle Drago
Deputy City Recorder

May 14, 2021

WILLARD CITY STAFF REPORT

SUBJECT: Hurst Subdivision

INTRODUCTION: Willard City Ordinance 12-102-18

SUMMARY: Mr. Hurst owns the property at 60 South 200 West and would like to subdivide the property into three lots. Lots 1 and 2 are fronted on 200 West and are located Within the Old town Willard Zone and are not required to have curb gutter and sidewalk. Lot 3 is fronted on 250 West and is outside the Old Town Willard Zone and as such is Required to have curb gutter and sidewalk. As per the Engineers attached memo, to install the curb gutter and sidewalk would not be In the best interest of the city. The proposed Subdivision meets all other requirements of The subdivision ordinance 12-400

RECOMMENDATION: Staff recommends that the Planning Commission waive the curb gutter and Sidewalk requirement as outlined in ordinance 12-102-18 and set this subdivision For a public hearing for June 17th 2021.



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Travis Mote, 455 South 200 West, asked long Covid would affect transportation. Due to Covid, many people were still working from home. He was concerned about traffic counts being taken now when traffic was lower due to Covid or when school was out. How would the traffic study reflect those issues? Dr. Perrin said they had an adjustment factor for Covid. There were permanent counting stations throughout the State. They knew how much lower traffic counts were due to Covid. They had methods for adjusting traffic data collected during the summer. They had historic data for Highway 89 and any of the federal aid routes. They would also pull data from the local Automatic Traffic Recorders to make seasonal adjustments. Automatic Traffic Recorders counted traffic for every hour of every day throughout the year.

Commissioner Bingham asked what could be done to preserve farms. He saw big farms disappearing. How could Willard protect even the small farms? Dr. Parker said there were some options and some ideas that could be explored. However, the options were few and far between. How did Willard maintain its agricultural integrity? It was clear the community valued openness. That was why it was important for residents to be able to stay in the community as they aged.

Travis Mote felt the problem was the sale of land after farmers passed on. He didn't feel the City owed anything to their descendants. The citizens of Willard should plan the community how they wanted it. If the citizens wanted one, two, three, or five acre lots, the City should be planned that way. Then when land developed, it would have to fit within the mold the City had determined.

Dr. Parker asked the Planning Commissioners to email their questions to Bryce Wheelwright. Bryce would then send them to him.

5B. SET A PUBLIC HEARING FOR JUNE 3, 2021 TO RECEIVE PUBLIC COMMENTS REGARDING PRELIMINARY APPROVAL OF THE HURST SUBDIVISION LOCATED AT APPROXIMATELY 100 SOUTH 200 WEST (02-051-0007)

Bryce Wheelwright stated that the City had received an application from Derrick and Monica Hurst to subdivide property at approximately 100 South 200 West from one lot into three. The existing home on the property was formerly owned by Pearl. Nay. The two lots proposed on 200 West were in the Old Town Willard Zone. Both lots complied with the minimum frontage requirement of 85 feet and minimum lot size of 15,500 square feet. The lot proposed on 250 West was zoned R-1/2. Because Lot No. 3 wasn't part of the Old Town Willard Zone, curb, gutter, and sidewalk became an issue. The City Engineer did not feel installation of curb, gutter, and sidewalk on 250 West would be conducive at this time. The curb, gutter, and sidewalk requirement could be waived per 12-102-18. The Subdivision Ordinance required that the Planning Commission hold a public hearing to receive public comments before approving a preliminary subdivision plan. The staff recommended that the Planning Commission schedule a public hearing for June 3, 2021.

Chairman Bodily asked about the lot sizes. Monica Hurst said Lot Nos. 1 and 2 were each about one-third of an acre (15,000 square feet). Lot 3 was two-thirds of an acre (29,000 square feet).

Commissioner Bingham asked if 12-102-18 was superseded by the Subdivision Ordinance. Colt Mund felt a variance request could be made to the City Council outlining facts and the staff and City Engineer's recommendations. Then the Planning Commission wouldn't be picking and choosing which ordinance to follow.

Chris Davis said another potential was a deferral agreement which said that if or when the City improved 250 West, the owner would put in curb, gutter, and sidewalk in front of his property at his own expense. A



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third option was a fee in lieu of, which could become an accounting nightmare if escrow funds showed up on the City's accounts for 30 years.

Colt Mund stated that the City Engineer had recommended a deferral agreement.

Commissioner Bingham felt there should be some type of requirement to handle storm drainage, even in the Old Town Willard Zone. There needed to be some type of control, but it didn't have to be curb and gutter.

Commissioner Harrop asked if there could be a fee in lieu of with a time clause that would expire in five to 10 years. Mr. Mund felt that a time clause could be addressed by a deferral agreement. When the City decided it was in the best interest of the City to have curb, gutter, and sidewalk, it could have available funds because of deferral agreements. Commissioner Harrop didn't want to hold property owners hostage for 20 to 30 years. Right now curb and gutter in front of Lot No. 3 wouldn't tie into anything on the north or the south and would just be an eyesore. He felt the City should accept a fee in lieu of with a time clause. If the improvements weren't installed in a certain period of time, the money could be released back to the property owners.

Commissioner Dubovik pointed out that decisions regarding curb, gutter, and sidewalk would be made after the public hearing.

Commissioner Bingham moved to set a public hearing for June 3, 2021, at 6:30 p.m. to receive public comments regarding preliminary approval of the Hurst Subdivision. Commissioner Harrop seconded the motion. All voted unanimously. The motion carried.

Monica Hurst stated that they would not be in town on June 3rd. Commissioner Dubovik said the June 3rd meeting would be to allow for public comments. The Planning Commission would discuss the public comments during its June 17th meeting.

5C. SET A PUBLIC HEARING FOR JUNE 3, 2021, TO RECEIVE PUBLIC COMMENTS REGARDING A PROPOSED AMENDMENT TO WILLARD CITY ZONING ORDINANCE CHAPTER 12-400-14 DEFINITION FOR SUBDIVISION LANDUSE AUTHORITY (SLUA)

Chris Davis asked that the Planning Commission schedule a public hearing to receive public comments regarding the proposed amendment to the SLUA definition.

Commissioner Bingham moved to set a public hearing for June 3, 2021, at 6:30 p.m. to receive public comments regarding a proposal to amend the definition of the Subdivision Land Use Authority (SLUA) found in the Willard City Zoning Ordinance Chapter 12-400-14. Commissioner Dubovik seconded the motion. All voted unanimously. The motion carried.

5D. SET A PUBLIC HEARING FOR JUNE 3, 2021, TO RECEIVE PUBLIC COMMENTS REGARDING A REQUEST TO REZONE 34.57 ACRES LOCATED AT APPROXIMATELY 3630 SOUTH 1200 WEST (200 WEST IN WILLARD) FROM A-5 TO R-1/2 (02-035-0060, 0061, AND 0079)

Bryce Wheelwright stated that the City had received an application to rezone 34.57 acres located at approximately 3630 South 1200 West (200 West in Willard) from A-5 to R-1/2. The property was currently owned by Chet Fitzgerald.



CONSULTING ENGINEERS

To: Willard City Planning Commission
From: Chris Breinholt, City Engineer
Date: April 30, 2021
Subject: **Hurst Subdivision**
Preliminary Plat Review

Our office has completed a review of the **Preliminary Plat** for the above mentioned subdivision. Prior to granting approval to this project, an issue needs to be addressed by the Planning Commission.

Preliminary Plat

1. 250 West Street is not in the "Old Town Willard" zone. Therefore, by ordinance, curb and gutter and sidewalk are required to be installed by the developer along the frontage on 250 West. This location is not suitable for either due to the location of the existing street as it runs just a few feet from the property line.

I recommend waiving the requirement for the improvements and entering into a Deferral Agreement with the developer for the cost of the improvements.

cc: Chris Davis, City Manager
Bryce Wheelright, Building Official

*A part of the Northwest 1/4 of Section 26, T8N, R2W, SLBAM, U.S. Survey
 Wizard City, Box Elder County, Utah
 January 2021*

[illegible]

This subscription plot was requested by Derrick Hunt for the purpose of dividing the parcel shown hereon into lots.

See record of survey referenced by Coast Range Engineering on file with the San Juan Superior office. File Number 440022

All of Lake Erie, a 64 Mile 1/2 x 19 Mile City Survey
More Particulars Available on Request
A Part of the Northwest 1/4 of Section 26, Township 4 North, Range 1 West,
23rd Lake Erie and Erie County, Ohio, U.S. Survey, without City, Lake Erie County, Ohio:

[illegible]

State of Utah
County of Box Elder



Waste disposal system & Culinary systems Approved this _____ day
of _____, A.D. 2021 by the Inland City Planning Commission.

Robert Sammons

I certify that I have had this plot examined and find that it is correct and in accordance with the information on file in this Office. This in no way releases the subdivision surveyor of liability.

I certify that I have had this plot examined and find that it is correct and in accordance with the information on file in the Willard City Office.

Presented to the _____ this _____ day
of _____ A.D. 2021 of which three m/s subdivision
was approved and accepted

Approved as to form this ____ day of ____
A.D. 2021.

Approved this _____ day of _____, A.D. 2021
by the Inland City Planning Commission.



**GREAT BASIN
ENGINEERING**

Date _____

Date _____

RECEIVED THE NEW YORK PUBLIC LIBRARY

Willard City Attorney

[illegible]

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

Application Date:

May 12 2021

Assessor's Parcel Number

Applicant:

Derrick & Monica Hurst

Mailing Address

PO Box 23

Willard UT 84340

02-051-0007

Parcel Legal Description

LTS 03 & 04 BLK 12

PLT A WCS. CONT 1.39 AC M/L

Project Address

WCS. 200W. Willard, UT

Phone Number

Cell Phone 801.710.2347

801.510.3397

☐ Conditional Use Permit \$25 Fee

☐ Lot Line Adjustment \$25 Fee

☐ Other Fee variable, \$25 Min.

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

Project description: (Attach additional sheets, as required.)

Complete Applicant Affidavit on back of this page.

WILLARD CITY CORPORATION
80 W 50 S
PO Box 593
Willard UT 84340
Receipt No: 3.000809
HURST, DERRICK
Charges for Services
Charges - PC & B of Adj
Total: 25.00
MISC
ENGINEERING FEES
Total: 205.25
Cash
Total Applied: 230.25
Change Tendered: 00.00
05/12/2021 3:11 PM

APPLICANT'S AFFIDAVIT

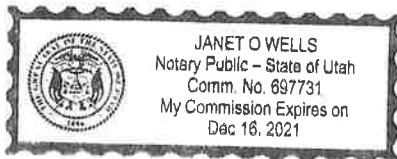
STATE OF UTAH)
) SS
COUNTY OF BOX ELDER)

I, (we) Derrick & Monica Hurst, being duly sworn, depose and say that I, (we) am (are) the owner(s)*, or authorized agent(s) of the owner, of property located at 60 S. 200 W. in Willard City, which property is involved in the attached application and that the statements and answers therein contained and the information provided in the attached plans and other exhibits present thoroughly, to the best of my (our) ability, the argument in behalf of the application herewith requested and that the statements and information above referred to are in all respects true and correct to the best of my (our) knowledge and belief.

SIGNED Derrick Hurst Monica Hurst
Property Owner(s)

AGENT _____

Subscribed and sworn before me this 12th day of May 2021



Janet O. Wells
Notary Public

Residing in Willard, Ut.
My commission expires: 12-16-21

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

AGENT AUTHORIZATION

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

SIGNED _____
Property Owner(s)

Subscribed and sworn before me this _____ day of _____ 20 ____

Notary Public

Residing in _____
My commission expires: _____

WILLARD CITY PLANNING COMMISSION SUBDIVISION APPLICATION

Application Date _____

Proposed Subdivision Data

Subdivision Name

Applicant

Hurst Subdivision

Derrick Hurst

Application Level (Check One)

Mailing Address

☐ Sketch Plan

PO Box 23 Willard

Date

Approval

UT. 84340

☐ Preliminary Plat*

*(Not required for In-fill Subdivisions)

Project Address

60 South 200 West

Date

Approval

Willard UT. 84340

☒ Final Plat

Email Address dlhurst666@gmail.com

Date

Approval

Phone Number _____

Cell Phone 801-710-2347

Assessor Parcel Number 02-051-0007

Fax Number _____

Number of lots 3

FEES MUST ACCOMPANY APPLICATION SUBMISSION AT EACH LEVEL.

FEE COMPUTATION

	Administrative	Engineering	Attorney	TOTAL
Sketch Plan	\$50 + \$2/Acre	Billed to the Developer		
Preliminary Plat	\$50 + \$15/Lot	Billed to the Developer	\$100 + \$10/Lot	
Final Plat	\$50 + \$5/Lot	Billed to the Developer	\$50 + \$5/Lot	

CAUTION: No part of the proposed subdivision may be sold or offered for sale until the Final Plat is approved by the Willard City Council.

ORIGINAL

APPLICANT'S AFFIDAVIT

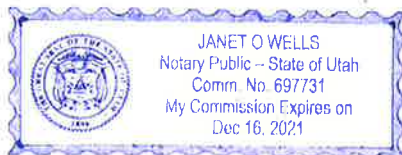
STATE OF UTAH)
) SS
COUNTY OF BOX ELDER)

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SIGNED Derrick Hurst Monica Hurst
Property Owner(s)

AGENT _____

Subscribed and sworn before me this 1st day of February 20 21



Janet O. Wells
Notary Public

Residing in Utah
My commission expires: 12-16-21

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

AGENT AUTHORIZATION

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

SIGNED _____
Property Owner(s)

Subscribed and sworn before me this _____ day of _____ 20 ____

Notary Public

Residing in _____
My commission expires: _____

May 17, 2021

WILLARD CITY STAFF REPORT

SUBJECT: Colliers request for rezone of Fitzgerald property

INTRODUCTION: Willard City Ordinance 12-110-4

SUMMARY: Mr. Brown from the Collier Co. has submitted a rezone application for the property at the far North end of Willard City known as the Fitzgerald property. It is located at approximately 1800 North and 200 West. The property is currently zoned A-5.

They wanted to rezone the property as a Planed Development, but that ordinance has been repealed so they are wanting to zone it to R-1/2

On the Future Land Use Map the property is shown to be in the A-3 and A-5 zone.

Rezoning the property to R-1/2 would not put the city in a negative financial situation so the question is, does it meet the General Plan goals for the City.

RECOMMENDATION: Staff recommends that the Planning Commission consider the rezone request and set it for a Public Hearing on June 3rd



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Willard, Utah 84340

third option was a fee in lieu of, which could become an accounting nightmare if escrow funds showed up on the City's accounts for 30 years.

Colt Mund stated that the City Engineer had recommended a deferral agreement.

Commissioner Bingham felt there should be some type of requirement to handle storm drainage, even in the Old Town Willard Zone. There needed to be some type of control, but it didn't have to be curb and gutter.

Commissioner Harrop asked if there could be a fee in lieu of with a time clause that would expire in five to 10 years. Mr. Mund felt that a time clause could be addressed by a deferral agreement. When the City decided it was in the best interest of the City to have curb, gutter, and sidewalk, it could have available funds because of deferral agreements. Commissioner Harrop didn't want to hold property owners hostage for 20 to 30 years. Right now curb and gutter in front of Lot No. 3 wouldn't tie into anything on the north or the south and would just be an eyesore. He felt the City should accept a fee in lieu of with a time clause. If the improvements weren't installed in a certain period of time, the money could be released back to the property owners.

Commissioner Dubovik pointed out that decisions regarding curb, gutter, and sidewalk would be made after the public hearing.

Commissioner Bingham moved to set a public hearing for June 3, 2021, at 6:30 p.m. to receive public comments regarding preliminary approval of the Hurst Subdivision. Commissioner Harrop seconded the motion. All voted unanimously. The motion carried.

Monica Hurst stated that they would not be in town on June 3rd. Commissioner Dubovik said the June 3rd meeting would be to allow for public comments. The Planning Commission would discuss the public comments during its June 17th meeting.

5C. SET A PUBLIC HEARING FOR JUNE 3, 2021, TO RECEIVE PUBLIC COMMENTS REGARDING A PROPOSED AMENDMENT TO WILLARD CITY ZONING ORDINANCE CHAPTER 12-400-14 DEFINITION FOR SUBDIVISION LANDUSE AUTHORITY (SLUA)

Chris Davis asked that the Planning Commission schedule a public hearing to receive public comments regarding the proposed amendment to the SLUA definition.

Commissioner Bingham moved to set a public hearing for June 3, 2021, at 6:30 p.m. to receive public comments regarding a proposal to amend the definition of the Subdivision Land Use Authority (SLUA) found in the Willard City Zoning Ordinance Chapter 12-400-14. Commissioner Dubovik seconded the motion. All voted unanimously. The motion carried.

★ 5D. SET A PUBLIC HEARING FOR JUNE 3, 2021, TO RECEIVE PUBLIC COMMENTS REGARDING A REQUEST TO REZONE 34.57 ACRES LOCATED AT APPROXIMATELY 3630 SOUTH 1200 WEST (200 WEST IN WILLARD) FROM A-5 TO R-1/2 (02-035-0060, 0061, AND 0079)

Bryce Wheelwright stated that the City had received an application to rezone 34.57 acres located at approximately 3630 South 1200 West (200 West in Willard) from A-5 to R-1/2. The property was currently owned by Chet Fitzgerald.



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Chairman Bodily asked where the property was located. Mr. Wheelwright said the property was located along the north perimeter of the City. The Fitzgerald home was located at the bottom of the KOA road. It was on the west side of 1200 West in Perry. Chris Davis said the property was just north of Chad Braegger's home.

Commissioner Harrop asked about the current zoning. Mr. Wheelwright said the property was currently zoned A-5, which was a minimum lot size of five acres. The Future Land Use Map showed this area with A-3 or A-5 Zones. The requested zoning was R-1/2.

Commissioner Dubovik stated that the Planning Commission would have discuss the pros and cons of changing the Future Land Use Map.

Commissioner Hulsey moved to set a public hearing for June 3, 2021, at 6:30 p.m. to receive public comments regarding a request to rezone 34.57 acres located at approximately 3630 South 1200 West (200 West in Willard) from A-5 to R-1/2. Commissioner Baker seconded the motion. All voted unanimously. The motion carried.

5E. CONSIDERATION OF RECOMMENDATION TO THE CITY COUNCIL REGARDING REVISIONS TO WILLARD CITY ZONING ORDINANCE CHAPTER 12-500 MOBILE HOMES, MOBILE HOME PARKS, AND MOBILE HOME SUBDIVISIONS AND ADOPTION OF CHAPTER 12-700 RECREATIONAL VEHICLES AND RECREATIONAL VEHICLE PARKS

Colt Mund stated that he had not made the revisions discussed by the Planning Commission at its last meeting. He asked that this item be tabled until those revisions could be made.

Commissioner Dubovik moved to table consideration of revisions to Willard City Zoning Ordinance Chapter 12-500 Mobile Homes, Mobile Home Parks, and Mobile Home Subdivisions and adoption of Chapter 12-700 Recreational Vehicles and Recreational Vehicle Parks until the latest revisions were made and could be discussed. Commissioner Hulsey seconded the motion. All voted unanimously. The motion carried.

5F. CONSIDERATION OF PROPOSAL TO REPEAL WILLARD CITY ZONING ORDINANCE CHAPTER 12-101 BOARD OF ADJUSTMENT AND ADOPTION OF CHAPTER 12-101 APPEAL AUTHORITY AS HEARING OFFICER

Colt Mund stated that this amendment was desperately needed. The City had not had a Board of Adjustment for quite some time. Each city was required to designate a body or appeal authority for land use decisions. Willard previously had a Board of Adjustment, but it had not been active for as many as eight years. Right now the City Council was acting as the City's appeal authority. Last week the staff and City Council discussed designating a hearing officer rather than a Board of Adjustment. The hearing officer would be an individual the City would hire for the purpose of hearing variance requests, appeals from land use decisions, or even fees imposed by the City. The City would look for someone with experience in making land use decisions. An amendment to the Willard City Zoning Ordinance had been prepared that would repeal the current Chapter 12-101, which contained regulations for a Board of Adjustment, and adopt a new Chapter 12-101 containing regulations for an appeal authority as a hearing officer. Mr. Mund asked that the Planning Commission review and comment on the proposed amendment. Approval of the proposed amendment would bring Willard City into compliance with the State Code. A recommendation to the City Council was needed.

WILLARD CITY PLANNING COMMISSION

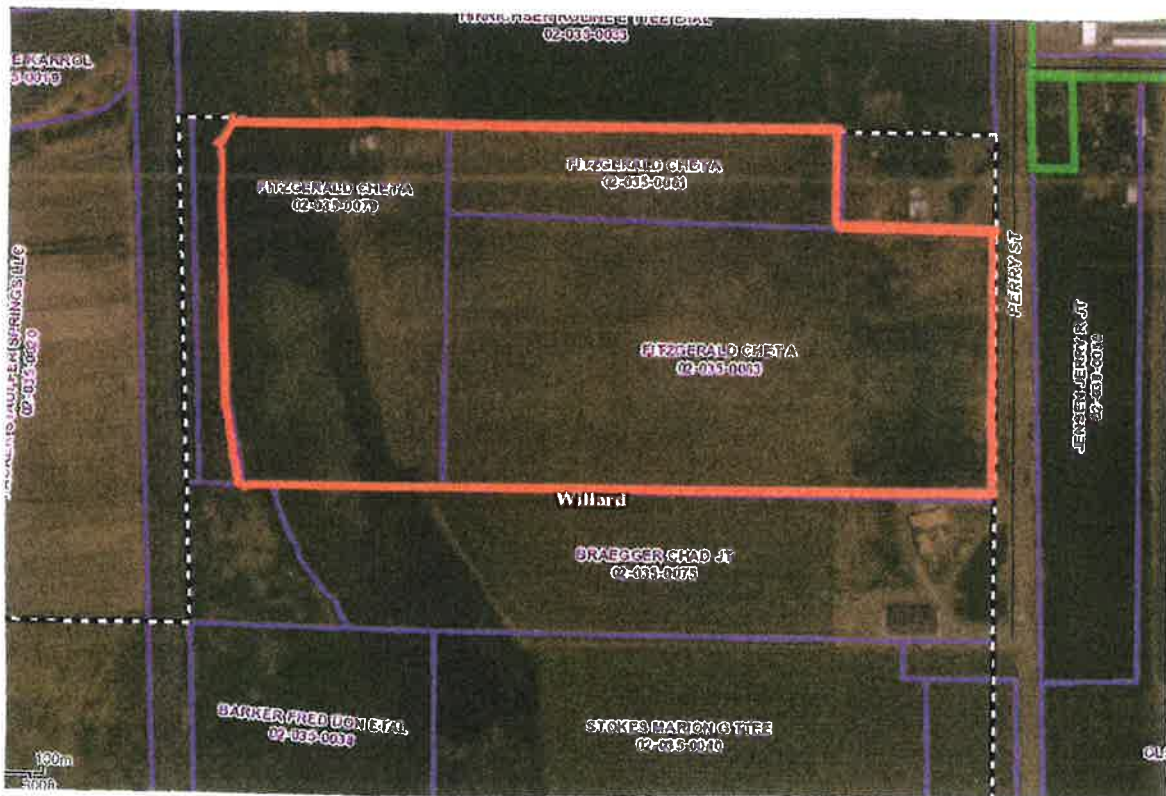
PUBLIC HEARING NOTICE

The Planning Commission of Willard City Corporation will hold a public hearing at 6:30 p.m. on Thursday, June 3, 2021. The public hearing will be held during a regular meeting at the Willard City Hall located at 80 West 50 South, Willard, Utah 84340. The Public Hearing will be held to take public comment regarding a request from Brad Brown, acting agent for Chet and Leslie Fitzgerald, to rezone property located at approximately 3630 South 200 West, Willard, Utah (Parcel No. 02-035-0060, 02-035-0061, 02-035-0063, and 02-035-0079) from A-5 to R-½.

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

I, designated deputy city recorder for Willard City, hereby certify that the foregoing notice was posted at the Willard City Hall and on the State of Utah Pubic Meeting Notice Website, <http://utah.gov/pmn>, May 24, 2021.

/s/ Michelle Drago
Deputy City Recorder



Received 5/14/21
Receipt # 1.010667 \$125⁰⁰

WILLARD CITY PLANNING COMMISSION RE-ZONE APPLICATION

Application Date

5/14/21

Applicant

Brad Brown

Mailing Address

1708 E. 5550 S. Ste 18

Ogden, UT 84403

Assessor Parcel Number *

02-035-0060, 02-035-0061,
02-035-0063, and 02-035-0079
Parcel Legal Description

Attached, see Exhibit 7

Present Zone

A-5

Proposed Zone

R-1/2

Phone Number

Cell Phone

(801) 309-0399

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

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

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

APPLICANT'S AFFIDAVIT

STATE OF UTAH)
) SS
COUNTY OF BOX ELDER)

I, (we) Chet Fitzgerald and Leslie Fitzgerald, being duly sworn, depose and say that I, (we) am (are) the owner(s)*, or authorized agent(s) of the owner, of property located at 3630 S 1200 W, Perry, UT 84302 in Willard City, which property is involved in the attached application and that the statements and answers therein contained and the information provided in the attached plans and other exhibits present thoroughly, to the best of my (our) ability, the argument in behalf of the application herewith requested and that the statements and information above referred to are in all respects true and correct to the best of my (our) knowledge and belief.

SIGNED

Property Owner(s)

AGENT _____

Subscribed and sworn before me this 14 day of May 2002 2021



Alice McKay
Notary Public

Residing in Brigham City, Utah

My commission expires: 3 October 2021

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

AGENT AUTHORIZATION

I, (we) Chet Fitzgerald and Leslie Fitzgerald, the owner(s) of real property described above, hereby appoint Brad Brown and Sky Hazlehurst as my (our) agent(s) to represent me (us) with regard to this application affecting the above described real property, and do authorize them to appear on my (our) behalf before any Willard City Boards considering this application.

SIGNED

Property Owner(s)



Subscribed and sworn before me this 14 day of May 2002 2021

Alice McKay
Notary Public

Residing in Brigham City, Utah

My commission expires: 3 October 2021

Required Answers and Exhibits for Application for Rezone for Parcels 02-035-0060, 02-035-0061, 02-035-0063, 02-035-0079, for Brad Brown.

Item 1. Proof of Ownership – Attached are the following Warranty Deeds

- Parcel 02-035-0060: Exhibit 1A shows the Warranty Deed for this parcel.
- Parcel 02-035-0061: Exhibit 1B shows the Warranty Deed for this parcel.
- Parcel 02-035-0063: Exhibit 1C shows the Warranty Deed for this parcel.
- Parcel 02-035-0079: Exhibit 1B shows the Warranty Deed for parcel 02-035-0062. Parcel 02-035-0062 was divided into three parcels (02-035-0076, 02-035-0078, and 02-035-0079), and a portion was sold to UDOT(02-035-0076 and 02-035-0078) and the remaining parcel (02-035-0079), remained with the owner: Chet A Fitzgerald. This subdivision was shown in the Warranty Deeds in Exhibit 1D and Exhibit 1E.

Item 2. Application Fee: will be paid upon submittal.

Item 3. Exhibit 2. Written Petition: See Attached.

Item 4. Exhibit 3. List of All Property Owners within ¼ Mile

Item 5. Maps

- County Plat Map: Exhibit 4A
- County Plat Map with Subject Property highlighted: Exhibit 4B

Item 6. Exhibit 5. Sketch of possible Subdivision. This is a preliminary sketch that currently has too small of lots. Please note that we will have an updated version with lots no bigger than ½ Acre.

From Project Summary:

Item 1. Exhibit: 6 Location Map: See Attached

Item 2. Site Address/ Description: 4 Parcels, Including the one with a home at the address of 3630 S 1200 W, Perry, UT 84302. Legal Descriptions included in Exhibit 7

Item 3. Parcel Numbers: 02-035-0060, 02-035-0061, 02-035-0063, 02-035-0079.

Item 4. Current Zoning: A-5; Proposed Zoning: R-1/2; that includes all parcels and a total of 34.57 AC.

Item 5. Road Access Provided: Road Access will be at 2 access points on 1200 W (Perry St)/200 W.

Item 6. Utility Plan: Utilities will have to be addressed and worked through with the city. The Plan is to take the sewer south from the South West corner of our property across the adjacent property owners' properties, adjacent to the railroad to connect to a Willard mainline, Water will need to be discussed, power, gas, data are all either available or will need minor upgrades from 3600 s in Perry.

Item 7. Reason for Requested Change: We are requesting a change of zoning so that we are able to develop a subdivision of single-family lots.

Item 8. Impacts (financial and other) of the change to surrounding properties and the city as a whole: This project will bring residences, and subsequently tax dollars and impact fees to the city. It will add to the city, but being on the periphery, and having majority access through Perry City, will have minimum impact on the resources and infrastructure. Also, we will be adding some infrastructure that will benefit the city and the adjacent property owners.

EXHIBIT 6

Location Map



EXHIBIT 4B



PART OF _____ OF SECTION 10 TOWNSHIP 8N RANGE 2W

S.L.B.&M.

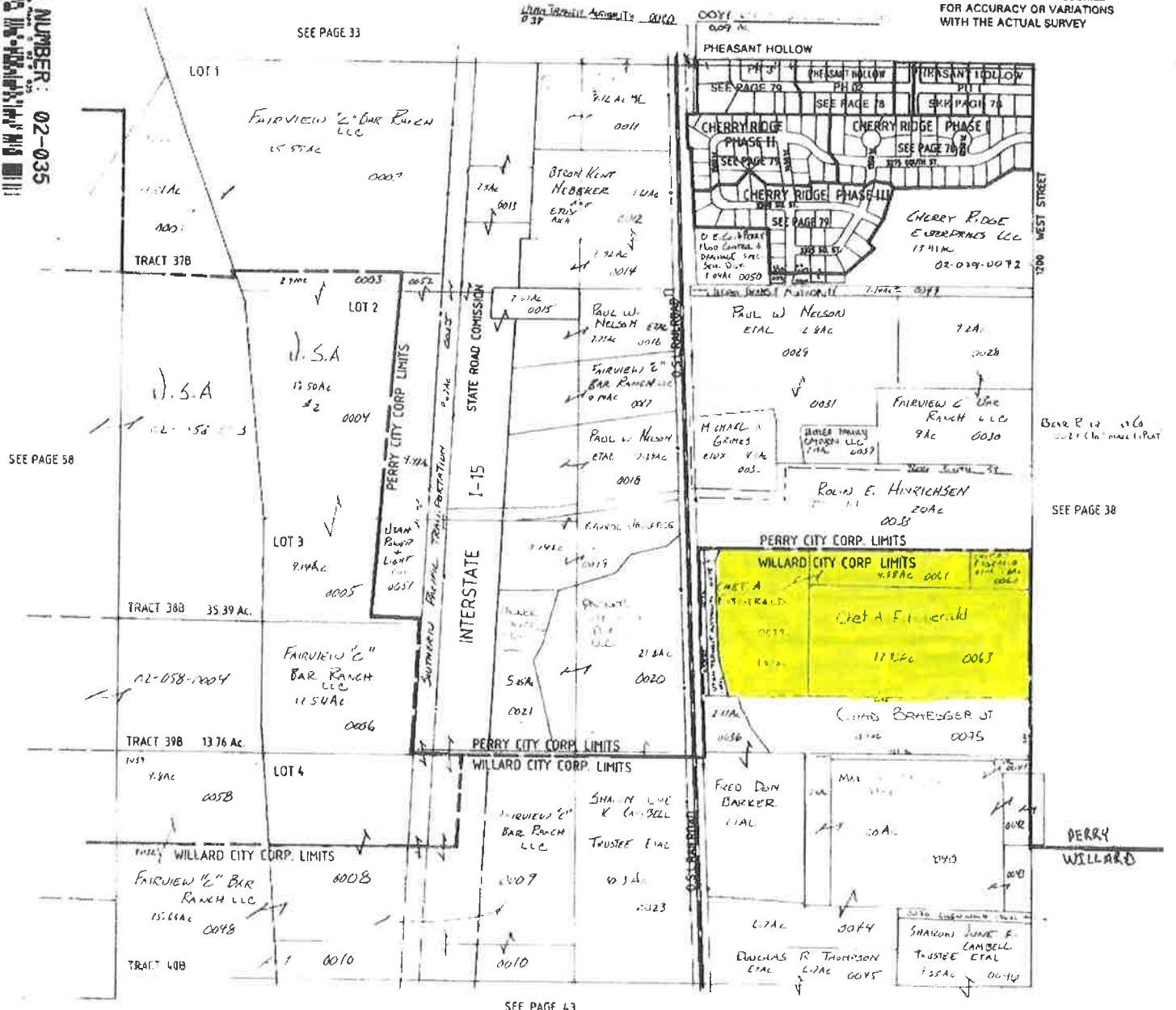
SCALE 1" = 400'

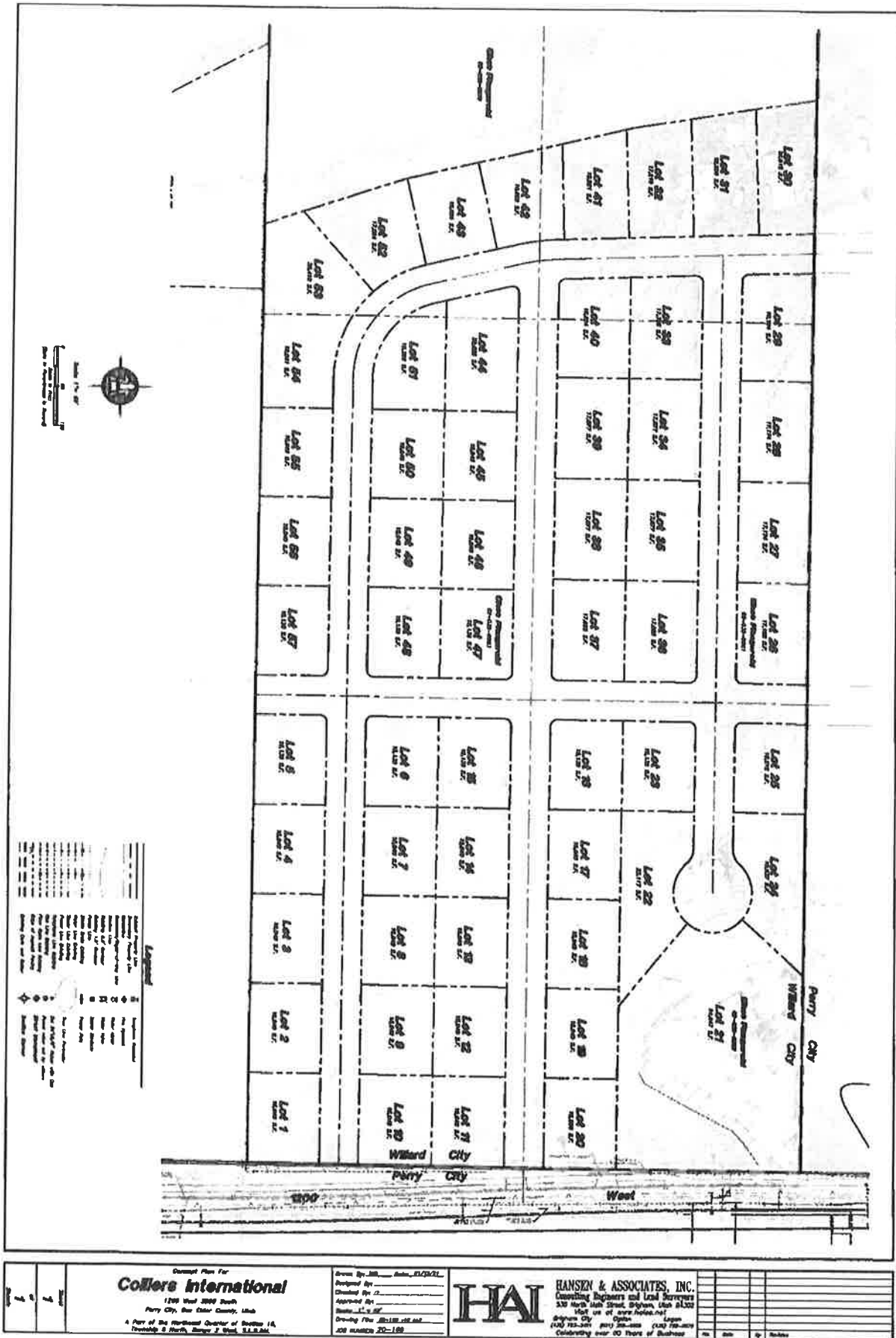
Book 2 Page 35

MAP NUMBER: 02-035

SEE PAGE 35

PREFIX 02 035 TAX UNIT 32 33 59, 62
THIS PLAT IS A REFERENCE ONLY
AND NO LIABILITY IS ASSUMED
FOR ACCURACY OR VARIATIONS
WITH THE ACTUAL SURVEY





Colliers International

1200 West 2000 South
Perry City, New Mexico 87101
A Part of the International Center of Business 1A,
Township 8 North, Range 2 West, S.1 & 2E

Drawn By: JH, Date: 01/01/01
Designed By: JH
Checked By: JH
Approved By: JH
Scale: 1" = 100'
Drawing File: 01/01/01-01.dwg
JOB NUMBER: 20-100

HAI

HANSEN & ASSOCIATES, INC.
Consulting Engineers and Land Surveyors
330 North 10th Street, Suite 200
Perry City, MO 64570
Phone: (781) 783-3451 Fax: (781) 783-3452
E-mail: info@hansen-inc.com
Celebrating over 50 Years of Business

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WILLARD CITY

Planning Commission Meeting – Regular Meeting

May 20, 2021 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

Chairman Bodily asked where the property was located. Mr. Wheelwright said the property was located along the north perimeter of the City. The Fitzgerald home was located at the bottom of the KOA road. It was on the west side of 1200 West in Perry. Chris Davis said the property was just north of Chad Braegger's home.

Commissioner Harrop asked about the current zoning. Mr. Wheelwright said the property was currently zoned A-5, which was a minimum lot size of five acres. The Future Land Use Map showed this area with A-3 or A-5 Zones. The requested zoning was R-1/2.

Commissioner Dubovik stated that the Planning Commission would have discuss the pros and cons of changing the Future Land Use Map.

Commissioner Hulsey moved to set a public hearing for June 3, 2021, at 6:30 p.m. to receive public comments regarding a request to rezone 34.57 acres located at approximately 3630 South 1200 West (200 West in Willard) from A-5 to R-1/2. Commissioner Baker seconded the motion. All voted unanimously. The motion carried.

5E. CONSIDERATION OF RECOMMENDATION TO THE CITY COUNCIL REGARDING REVISIONS TO WILLARD CITY ZONING ORDINANCE CHAPTER 12-500 MOBILE HOMES, MOBILE HOME PARKS, AND MOBILE HOME SUBDIVISIONS AND ADOPTION OF CHAPTER 12-700 RECREATIONAL VEHICLES AND RECREATIONAL VEHICLE PARKS

Colt Mund stated that he had not made the revisions discussed by the Planning Commission at its last meeting. He asked that this item be tabled until those revisions could be made.

Commissioner Dubovik moved to table consideration of revisions to Willard City Zoning Ordinance Chapter 12-500 Mobile Homes, Mobile Home Parks, and Mobile Home Subdivisions and adoption of Chapter 12-700 Recreational Vehicles and Recreational Vehicle Parks until the latest revisions were made and could be discussed. Commissioner Hulsey seconded the motion. All voted unanimously. The motion carried.

5F. CONSIDERATION OF PROPOSAL TO REPEAL WILLARD CITY ZONING ORDINANCE CHAPTER 12-101 BOARD OF ADJUSTMENT AND ADOPTION OF CHAPTER 12-101 APPEAL AUTHORITY AS HEARING OFFICER

Colt Mund stated that this amendment was desperately needed. The City had not had a Board of Adjustment for quite some time. Each city was required to designate a body or appeal authority for land use decisions. Willard previously had a Board of Adjustment, but it had not been active for as many as eight years. Right now the City Council was acting as the City's appeal authority. Last week the staff and City Council discussed designating a hearing officer rather than a Board of Adjustment. The hearing officer would be an individual the City would hire for the purpose of hearing variance requests, appeals from land use decisions, or even fees imposed by the City. The City would look for someone with experience in making land use decisions. An amendment to the Willard City Zoning Ordinance had been prepared that would repeal the current Chapter 12-101, which contained regulations for a Board of Adjustment, and adopt a new Chapter 12-101 containing regulations for an appeal authority as a hearing officer. Mr. Mund asked that the Planning Commission review and comment on the proposed amendment. Approval of the proposed amendment would bring Willard City into compliance with the State Code. A recommendation to the City Council was needed.



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Commissioner Dubovik asked if the hearing officer would have power to reverse decisions. Mr. Mund said the hearing officer would have authority to reverse decisions. If an applicant didn't like a decision made by the staff, he could appeal it to the hearing officer. If the applicant didn't like the decision made by the hearing officer, he could file an appeal with district court.

Commissioner Hulsey asked if this would be a fulltime staff position. Colt Mund said it would not. He felt the City would use a hearing officer very sparingly; maybe once or twice a year.

Chairman Bodily asked if the hearing officer would be a current staff member. Bryce Wheelwright said a hearing officer was usually a land use attorney that the City contracted with.

Colt Mund stated that a lot of cities were switching from a Board of Adjustment to a single hearing officer. It was easier than trying to get an entire body of people together. When he started, he observed that a glaring issue was the lack of an active appeal authority.

Commissioner Baker asked if the City's budget allowed for the expense of a hearing officer. Chris Davis felt the expense would be pretty nominal. It would probably be only a couple of thousand dollars a year.

Commissioner Hulsey asked if the applicant was responsible for the cost of the appeal, or was it a City expense. Colt Mund said there was an application fee for the appeal, but the City paid for the appeal authority.

Commissioner Dubovik asked what would happen if the hearing officer made a decision that was contrary to what the Planning Commission or City Council wanted. Colt Mund said the hearing officer's decision would stand. The hearing officer would have to make independent findings of fact and conclusions to support his decision.

Commissioner Harrop moved to set a public hearing for June 3, 2021, at 6:30 p.m. to receive public comments regarding a proposal to repeal Chapter 12-101 Board of Adjustment and adoption of Chapter 12-101 Appeal Authority as a hearing officer. Commissioner Bingham seconded the motion. All voted unanimously. The motion carried.

5G. CONSIDERATION OF PROPOSAL TO AMEND WILLARD CITY ZONING ORDINANCE
CHAPTER 12-116-5 DEDICATION OF STREETS, RIGHTS-OF-WAY, AND EASEMENTS

Colt Mund stated that the current Street Ordinance did not allow more than thirty homes in a subdivision without two access points. Mayor Braegger stated that when the Street Ordinance was implemented, it was supposed to have mirrored the International Fire Code. The International Fire Code included exceptions to the thirty home limit if an individual installed their own sprinkling system or if the City had an eminent plan for roads and development. The lack of an exception to the thirty home limit had impacted decisions on land use requests. The Mayor asked that the ordinance be amended to comply with the International Fire Code. An amendment to Chapter 12-116-5 of the Willard City Zoning Ordinance had been prepared.

Commissioner Bingham moved to set a public hearing for June 3, 2021, at 6:30 p.m. to receive public comments regarding a proposal to amend Willard City Zoning Ordinance 12-11-6 – Dedication of Streets, Rights-of-Way, and Easements. Commissioner Dubovik seconded the motion. All voted unanimously. The motion carried.

{DRAFT}

APPEAL AUTHORITY AS HEARING OFFICER

12-101-2. HEARING OFFICER

A. Established

In accordance with the Utah Code Annotated §10-9a-701 *et seq.*, and to carry out the provisions of Utah law relating to planning and zoning, Willard City hereby establishes an appeal authority to hear and decide requests for variances from the terms of land use ordinances; appeals from land use decisions applying land use ordinances; and appeals from a fee charged by Willard City under Utah Code Annotated §10-9a-510. The appeal authority shall be in the form of an appointed Appeals Hearing Officer (hereinafter "Hearing Officer"). The Hearing Officer shall be appointed by the Mayor with the approval of the City Council. Any previously ordained or appointed Board of Adjustments is dissolved effective upon passage of this ordinance.

B. Term

The Hearing Officer shall be appointed for a period of three (3) years, may be removed by a majority vote of the city council at any time, and may serve until a replacement is appointed. A vacancy shall be filled in the same manner as the original appointment for the unexpired term.

C. Organization

The Hearing Officer may adopt such rules for its own proceedings as are deemed necessary. The Hearing Officer shall keep minutes of all proceedings, showing the decision of the Hearing Officer upon each question, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the City Recorder, and shall be a public record. Decisions of the Hearing Officer become effective at the meeting in which the decision is made, unless a different time is designated at the time the decision is made.

D. Powers and Duties

The Hearing Officer shall have such powers and duties as provided by Utah Code Annotated §10-9a-702 *et seq.*

E. Appealing Land Use Authority's Decision

An applicant, a board or officer of the City, or any person adversely affected by the land use authority's decision applying a land use ordinance may, within the time period provided for in this section, appeal that decision to the Hearing Officer by alleging there is an error in any order, requirement, decision, or determination made by the land use authority in the decision applying the land use ordinance. When an appeal is taken from a decision of the land use authority, the City Recorder shall immediately transmit to the Hearing Officer all papers, if any, constituting the record upon which the action appealed from was taken.

(1) Time to Appeal and Filing Fee: Any appeal, pursuant to this section, must be in writing, on forms provided by the City, with the City Recorder within ten (10) calendar days of the issuance of the written decision applying the land use ordinance. Upon the filing of any appeal with the City Recorder, the appellant shall pay to the City Recorder, the fee proscribed in the most recently adopted prevailing fee

schedule of the City. The City Recorder shall not transmit papers or records to the Hearing Officer and the Hearing Officer shall not consider any appeal unless and until such fee has been paid.

(2) Time for Hearing Appeal: The Hearing Officer should hear the appeal within fifteen (15) to thirty (30) days of the date the appeal was filed.

(3) Written Statement Setting Forth Theories of Relief Requested: The appellant shall deliver to the Hearing Officer and all other participants, five (5) business days prior to the hearing, a written statement setting forth each and every theory of relief the appellant intends to raise at the hearing, along with a brief statement of facts in support thereof.

(4) Conditions Precedent to Judicial Review: No person, board, or officer of the City may seek judicial review of any decision applying the land use ordinance until after challenging the land use authority's decision in accordance with this part. No theory or relief may be raised in the District Court unless it was timely and specifically presented to the Hearing Officer.

(5) Standard of Review and Burden of Proof on Appeal: The Hearing Officer shall, on appeal, presume that the decision applying the land use ordinance is valid and determine only whether or not the decision is arbitrary, capricious, or illegal. The appellant has the burden of proof on appeal.

(6) Due Process Rights: An appeal filed in accordance with this section stays all proceedings in the appeal activity, unless the Hearing Officer from whom the appeal is taken certifies that by reason of facts stated in the certification that the stay would in their opinion cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by restraining order which may be granted by the Hearing Officer in person or by the City Attorney.

(7) Conditional Use Permit Appeals: The City Council shall continue to hear and decide appeals from the planning commission decisions regarding conditional use permits.

(8) Direct Appeal to the District Court: Notwithstanding the foregoing, decisions of the City Council relative to adopting or amending the general plan or any other land use ordinance may only be appealed directly to the District Court.

(9) Decision of Appeal: In exercising the above-mentioned powers and authority, the Hearing Officer may affirm or reverse, wholly or in part, or may modify the order, requirement, decision or determination of a land use authority.

G. Variances

Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that they own, lease, or in which they hold some other beneficial interest may apply to the Hearing Officer for a variance from the terms of the ordinance.

(1) The Hearing Officer may grant a variance only if:

a. Literal enforcement of the ordinance of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;

b. There are special circumstances attached to the property that do not generally apply to other properties in the same district;

c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;

d. The variance will not substantially affect the general plan and will not be contrary to the public interest; and

e. The spirit of the land use ordinance is observed and substantial justice done.

(2) In determining whether or not enforcement of the land use ordinance would cause an unreasonable hardship, the Hearing Officer may not find an unreasonable hardship unless the alleged hardship:

(i) Is located on or associated with the property for which the variance is sought; and

(ii) Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

(3) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under this section, the Hearing Officer may not find an unreasonable hardship if the hardship is self-imposed or economic.

(4) In determining whether or not there are special circumstances attached to the property under this section, the Hearing Officer may find that special circumstances exist only if the special circumstances:

(i) relate to the hardship complained of; and

(ii) deprives the property of privileges granted to other properties in the same zone.

(5) The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

(6) Variances run with the land.

(7) The Hearings Officer may not grant a use variance.

(8) In granting a variance, the Hearing Officer may impose additional requirements on the applicant that will:

(i) Mitigate any harmful effects of the variance; or

(ii) Serve the purpose of the standard or requirement that is waived or modified.



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Commissioner Dubovik asked if this was the type of dispute the State Ombudsman would get involved. In, Chris Davis said it wasn't. This was a private legal action.

Chairman Bodily said there wasn't much the Planning Commission could do to help the Jenkins.

5E. **DISCUSSION REGARDING PROPOSED AMENDMENT TO CHAPTER 12-400-14 – DEFINITION FOR SUBDIVISION LAND USE AUTHORITY**

Bryce Wheelwright stated that when someone wanted to subdivide property in Willard, their first step was to have their concept plan reviewed by the Subdivision Land Use Authority (SLUA). If a concept plan complied with the Subdivision Ordinance, SLUA recommended that the Planning Commission hold a public hearing and grant preliminary approval. After the Planning Commission approved the preliminary plan, the applicant again met with SLUA to work through all of the engineering issues needed for final approval. At one time, all of the City departments were represented on the SLUA. There had been changes in the City's organization, including a City Manager. Because the SLUA definition did not include current staff members, they weren't able to vote. The staff was asking for the Planning Commission's recommendation to amend WCO 12-400-14 to include the City Manager and Deputy City Recorder.

Chris Davis stated that the proposed amendment also removed the City Police Chief. The Police Chief didn't see the need for him to be involved in land use decisions. Practically, there was a cost to use the City Attorney, and the Fire Chief was a part time volunteer. His schedule rarely allowed him to attend the SLUA meetings. For the over a year there had been three SLUA members – the City Planner, the Public Works Director, and the City Engineer.

Commissioner Hulseley asked what SLUA voted on that the Planning Commission did not. Bryce Wheelwright stated that the SLUA did not vote. It was a recommending body. It was a work horse. It reviewed plans to determine whether they complied with City ordinances. By the time a plan reached the Planning Commission it had been vetted.

Commissioner Hulseley asked what authority a SLUA member would have. Chris Davis said a voting SLUA member would be able to make motions to approve minutes or recommend that plans be forwarded to the Planning Commission.

Commissioner Harrop couldn't see the downside of having additional eyes reviewing projects.

Commissioner Bingham felt those that attended the SLUA meetings should be able to give input. The more people that were on the committee the better.

Commissioner Dubovik asked if the Deputy Recorder should remain on the SLUA if the current Deputy Recorder left the City. Mr. Wheelwright said the Deputy Recorder should remain on the SLUA. The Deputy Recorder took all of the minutes and filed all of the notices. Regardless of who filled the position, the Deputy Recorder would be aware of what was going on and would be familiar with the City ordinances.

Chris Davis asked that the Planning Commission make a recommendation to the City Council.

There wasn't further discussion. Chairman Bodily called for a motion.

Commissioner Bingham moved to recommend that the City Council amend the definition of the Subdivision Land Use Authority (SLUA), found in Chapter 12-400-14 of the Willard City Zoning



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Ordinance, to include the City Manager, Deputy City Recorder, and to remove the Police Chief. Commissioner Harrop seconded the motion. All voted unanimously. The motion carried.

6. CONSIDERATION AND APPROVAL OF APRIL 15, 2021, REGULAR PLANNING COMMISSION MINUTES

Commissioner Harrop moved to approve the April 1, 2021, regular Planning Commission minutes as written. Commissioner Bingham seconded the motion. All voted unanimously. The motion carried.

7. COMMISSIONER/STAFF COMMENTS

Bryce Wheelwright stated that contractors were getting ready to pave 200 West and the 300 East Waterline Project. Haul Road (300 North), on the north side of the dike, had been repaired and paved. A shoulder had been added, and the culvert for the creek had been replaced.

Chris Davis stated that Bruce Parker and Dr. Joe Perrin planned to make a presentation to the Planning Commission regarding the General Plan at the next Planning Commission meeting. They were ready to begin interviewing the Commission members.

Colt Mund did not have any comments.

Commissioner Bingham asked about the status of the Master Plan Community Zone. As he mentioned at the last meeting, he felt water was Willard's limiting factor. The City needed to determine how many houses it could serve. That number would determine the density and help with the General Plan too. If the City knew that number, the Master Plan Community Zone could move forward along with the General Plan. If the City knew what the density was, it would be able to determine how much open space was needed.

Chris Davis stated that water was a major issue. The administration was working on alternatives for secondary water. About 2/3 of the City's scarce culinary water was used to water land rather than for culinary purposes. The administration was working on the acquisition of land for a secondary water reservoir. Councilman Seamons was looking into grants for secondary water. There was a discussion about water. Chairman Bodily felt he could do a much better job of watering with a lot less water if the City had secondary water. Commissioner Harrop asked about using burn off water from the sewer treatment plan for secondary water. Mr. Davis said that was an option. It was an expensive option, but it was an option.

Commissioner Dubovik asked if the canal road was owned by the County. Bryce Wheelwright said it was a private road. It was used as a marker between Willard City and Box Elder County. Councilman Dubovik didn't mind dirt bikes on the canal road, but there was much more foot traffic. He was concerned about the safety of pedestrians and bicyclists.

Commissioner Dubovik wanted to thank the contractor that worked on the 300 East waterline. They had been very accommodating and made the road decent. He asked about the paving schedule. Bryce Wheelwright said a paving preconstruction meeting was scheduled for Tuesday, May 11th. He would know more after Tuesday. The paving would be completed soon.

Commissioner Hulseley asked if it would be possible for the Planning Commission to get more information regarding ordinances and points to consider in future Planning Commission items.



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third option was a fee in lieu of, which could become an accounting nightmare if escrow funds showed up on the City's accounts for 30 years.

Colt Mund stated that the City Engineer had recommended a deferral agreement.

Commissioner Bingham felt there should be some type of requirement to handle storm drainage, even in the Old Town Willard Zone. There needed to be some type of control, but it didn't have to be curb and gutter.

Commissioner Harrop asked if there could be a fee in lieu of with a time clause that would expire in five to 10 years. Mr. Mund felt that a time clause could be addressed by a deferral agreement. When the City decided it was in the best interest of the City to have curb, gutter, and sidewalk, it could have available funds because of deferral agreements. Commissioner Harrop didn't want to hold property owners hostage for 20 to 30 years. Right now curb and gutter in front of Lot No. 3 wouldn't tie into anything on the north or the south and would just be an eyesore. He felt the City should accept a fee in lieu of with a time clause. If the improvements weren't installed in a certain period of time, the money could be released back to the property owners.

Commissioner Dubovik pointed out that decisions regarding curb, gutter, and sidewalk would be made after the public hearing.

Commissioner Bingham moved to set a public hearing for June 3, 2021, at 6:30 p.m. to receive public comments regarding preliminary approval of the Hurst Subdivision. Commissioner Harrop seconded the motion. All voted unanimously. The motion carried.

Monica Hurst stated that they would not be in town on June 3rd. Commissioner Dubovik said the June 3rd meeting would be to allow for public comments. The Planning Commission would discuss the public comments during its June 17th meeting.

5C. SET A PUBLIC HEARING FOR JUNE 3, 2021, TO RECEIVE PUBLIC COMMENTS REGARDING A PROPOSED AMENDMENT TO WILLARD CITY ZONING ORDINANCE CHAPTER 12-400-14 DEFINITION FOR SUBDIVISION LANDUSE AUTHORITY (SLUA)

Chris Davis asked that the Planning Commission schedule a public hearing to receive public comments regarding the proposed amendment to the SLUA definition.

Commissioner Bingham moved to set a public hearing for June 3, 2021, at 6:30 p.m. to receive public comments regarding a proposal to amend the definition of the Subdivision Land Use Authority (SLUA) found in the Willard City Zoning Ordinance Chapter 12-400-14. Commissioner Dubovik seconded the motion. All voted unanimously. The motion carried.

5D. SET A PUBLIC HEARING FOR JUNE 3, 2021, TO RECEIVE PUBLIC COMMENTS REGARDING A REQUEST TO REZONE 34.57 ACRES LOCATED AT APPROXIMATELY 3630 SOUTH 1200 WEST (200 WEST IN WILLARD) FROM A-5 TO R-1/2 (02-035-0060, 0061, AND 0079)

Bryce Wheelwright stated that the City had received an application to rezone 34.57 acres located at approximately 3630 South 1200 West (200 West in Willard) from A-5 to R-1/2. The property was currently owned by Chet Fitzgerald.

12-400-14 DEFINITIONS PROPOSED AMENDMENT [DRAFT]

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.

Mayor: Means the duly elected Mayor of Willard City.

Monument: 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 Section 10-9a-603, Section 17-23-17, or Section 57-8-13 of the Utah Code.

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 Title 52, Chapter 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 Section 17-23-17 of the Utah Code.

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 Title 17A, Special Districts, of the Utah Code, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or unit of the state.

Special Exception: 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 Section 54-2-1 of the Utah Code Annotated, 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) Means the Zoning Administrator or City Planner, City Engineer, City Public Works Director, City Recorder, and City Attorney.

Subject Property: Means the land area, identified by the Parcel Identification Number, provided by the Box



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Commissioner Dubovik asked if the hearing officer would have power to reverse decisions. Mr. Mund said the hearing officer would have authority to reverse decisions. If an applicant didn't like a decision made by the staff, he could appeal it to the hearing officer. If the applicant didn't like the decision made by the hearing officer, he could file an appeal with district court.

Commissioner Hulsey asked if this would be a fulltime staff position. Colt Mund said it would not. He felt the City would use a hearing officer very sparingly; maybe once or twice a year.

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Colt Mund stated that a lot of cities were switching from a Board of Adjustment to a single hearing officer. It was easier than trying to get an entire body of people together. When he started, he observed that a glaring issue was the lack of an active appeal authority.

Commissioner Baker asked if the City's budget allowed for the expense of a hearing officer. Chris Davis felt the expense would be pretty nominal. It would probably be only a couple of thousand dollars a year.

Commissioner Hulsey asked if the applicant was responsible for the cost of the appeal, or was it a City expense. Colt Mund said there was an application fee for the appeal, but the City paid for the appeal authority.

Commissioner Dubovik asked what would happen if the hearing officer made a decision that was contrary to what the Planning Commission or City Council wanted. Colt Mund said the hearing officer's decision would stand. The hearing officer would have to make independent findings of fact and conclusions to support his decision.

Commissioner Harrop moved to set a public hearing for June 3, 2021, at 6:30 p.m. to receive public comments regarding a proposal to repeal Chapter 12-101 Board of Adjustment and adoption of Chapter 12-101 Appeal Authority as a hearing officer. Commissioner Bingham seconded the motion. All voted unanimously. The motion carried.

5G. CONSIDERATION OF PROPOSAL TO AMEND WILLARD CITY ZONING ORDINANCE CHAPTER 12-116-5 DEDICATION OF STREETS, RIGHTS-OF-WAY, AND EASEMENTS

Colt Mund stated that the current Street Ordinance did not allow more than thirty homes in a subdivision without two access points. Mayor Braegger stated that when the Street Ordinance was implemented, it was supposed to have mirrored the International Fire Code. The International Fire Code included exceptions to the thirty home limit if an individual installed their own sprinkling system or if the City had an eminent plan for roads and development. The lack of an exception to the thirty home limit had impacted decisions on land use requests. The Mayor asked that the ordinance be amended to comply with the International Fire Code. An amendment to Chapter 12-116-5 of the Willard City Zoning Ordinance had been prepared.

Commissioner Bingham moved to set a public hearing for June 3, 2021, at 6:30 p.m. to receive public comments regarding a proposal to amend Willard City Zoning Ordinance 12-11-6 – Dedication of Streets, Rights-of-Way, and Easements. Commissioner Dubovik seconded the motion. All voted unanimously. The motion carried.

12-116 STREETS PROPOSED AMENDMENT [DRAFT]

12-116-5. Dedication of Streets, Rights-of-Way, or Easements

(2) Residential, Commercial, or Industrial Subdivision or Planned Unit Development:

As a requirement for approval of a Residential, Commercial, or Industrial Subdivision or Planned Unit Development, the applicant must include on the Preliminary Plat and on the Final Plat, the location and dimensions of any roads shown on the master road plan as intersecting with, or serving the Residential, Commercial, or Industrial Subdivision or Planned Unit Development. The dedication of the roads to the City must also appear on the Commercial and Industrial Plats and be completed by the Developer as a part of the Final Plat Approval.

For safety reasons and in accordance with the International Fire Code, where the number of dwelling units in a Residential area, Residential Subdivision, or Planned Unit Development exceeds thirty (30), two (2) separate and distinct points of access to a public street for egress and ingress must be available.

Exceptions: (1) Where there are more than thirty (30) dwelling units on a single public or private access road and all dwelling units are equipped throughout with an automatic sprinkler system approved by the fire code official, access from two (2) directions shall not be required; or (2) The number of dwelling units on a single approved access road shall not be increased beyond thirty (30) homes unless approved access roads will connect with future development, as determined by the fire code official.

Any Commercial or Industrial Subdivision or development where there are estimated to be fifty (50) or more vehicles accessing the facility per business day must provide at least two (2) distinct and separate points of access to a public street for the development's or facility's egress and ingress.

An egress or ingress with a median or island is not considered as two (2) distinct and separate points of access.

Also, for safety reasons and for proper traffic flow, a minimum of one hundred fifty (150) feet is required between an existing and any proposed intersecting street or streets. Federal, State, or County regulations may require greater distances, between a street intersection and another intersection of railroad crossing.

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be greater if the street is affected by State or Federal laws.

(2) Collector.

Dedicated right-of-way of not less than sixty (60) feet, with a paved surface width of thirty-five (35) feet across the width of the lot when curb and gutter are installed. Paving shall be twenty-four (24) feet when curb and gutter are waived.

(3) Local neighborhood.

Dedicated right-of-way of not less than fifty (50) feet, with a paved surface width of thirty-five (35) feet across the width of the lot when curb and gutter are installed. Paving shall be twenty-four (24) feet when curb and gutter are waived.

12-116-5 Dedication of Streets, Rights-of-Way, or Easements

(1) Re-zone:

As a requirement for approval of the residential, commercial, or industrial re-zone action, the applicant must recognize and commit, by written agreement, to meet the requirements for:

a) upgrade of any roads shown on the master road plan as intersecting with

the re-zone parcel, that are defined as Substandard as described above, or

b) construction and dedication of any roads shown on the master road plan as intersecting with the re-zone parcel.

c) recording the said agreement as an attachment to, or a lien against, the deed that includes the title to the re-zone property.

(2) Residential, Commercial, or Industrial Subdivision or Planned Unit Development:

As a requirement for approval of the Residential, Commercial, or Industrial Subdivision or Planned Unit Development, the applicant must include on the Preliminary Plat and on the Final Plat, the location and dimensions of any roads shown on the master road plan as intersecting with, or serving the Residential, Commercial, or Industrial Subdivision or Planned Unit Development. The dedication of the roads to the City must also appear on the Commercial and Industrial Plats and be completed by the Developer as a part of the Final Plat Approval.

For safety reasons and since a residence generates, on average, ten (10) vehicular trips per day, any Residential Subdivision or Planned Unit Development that contains a street which provides access to more than ten (10) parcels, including parcels accessed

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via one or more non-through streets that connect to the street, must provide at least two distinct points of access to a public street for those parcels egress and ingress.

Any Commercial or Industrial Subdivision or development where there are estimated to be fifty (50) or more vehicles accessing the facility per day must provide at least two distinct points of access to a public street for the development's or facility's egress and ingress.

An egress or ingress with a median or island is not considered as two distinct points of access.

Also for safety reasons and for proper traffic flow, a minimum of one hundred fifty (150) feet is required between an existing and any proposed intersecting street or streets. Federal, State, or County regulations may require greater distances, such as six hundred (600) feet, between a street intersection and another intersection or railroad crossing.

(3) Lot-line adjustment:

A parcel, meeting the requirements of Chapter 12-102 of this ordinance, that results from Lot-line adjustment will be treated as an existing legal building lot, with regard to road development requirements. Lot-line adjustments that

would result in new, non-conforming parcels will not be approved.

(4) Existing Building Lots:

Existing legal building lots, in any Zoning District, meeting the requirements of Chapter 12-102 of this ordinance, and the requirements of Part 12-116-2, above, are not affected by this ordinance, unless their qualification status changes, by re-zone or subdivision action, and they no longer meet the requirements of Chapter 12-102. Such parcels will then be treated according to paragraph (1) or (2) of Part 12-116-5, above.

12-116-6 Exceptions and Private Streets:

See Chapter 12-102 for additional requirements and exceptions pertaining to public City streets and proposed City streets.

(1) Substandard Streets:

When an individual residence, Subdivision, Planned Unit Development, or Commercial or Industrial entity is to be created on a parcel or parcels where any existing substandard street borders, crosses, bisects, intersects, or in any other way imposes on a parcel, it shall be the responsibility of the developer or individual to upgrade the portion of the substandard street that borders,



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

4
5 The following members were in attendance:

6	
7	Sid Bodily, Chairman
8	Diane Baker
9	Chandler Bingham
10	Alex Dubovik
11	Blake Harrop
12	Zack Hulse
13	
14	Chris Davis, City Manager
15	Colt Mund, City Attorney
16	Bryce Wheelwright, City Planner
17	Michelle Drago, Planning Secretary

18
19 Others in attendance: Councilman Brad Robb; Dr. Bruce Parker; Dr. Joe Perrin; Luke Dubai; Derrick Hurst;
20 Monica Hurst; and Travis Mote.

21 The meeting was called to order at 6:35 p.m.

22 1. PRAYER: Chandler Bingham

23 2. PLEDGE OF ALLEGIANCE: Diane Baker

24 3. ROLL CALL – Attendance was recorded by the secretary.

25 4. GENERAL PUBLIC COMMENTS (INPUT FOR ITEMS NOT ON AGENDA)

26 There were not public comments.

27
28
29 5A. PRESENTATION BY DR. BRUCE PARKER FROM PLANNING AND DEVELOPMENT SERVICES
30 AND DR. JOE A. PERRIN FROM A-TRANS REGARDING THE WILLARD CITY MASTER PLAN
31 PROCESS

32
33 Chris Davis introduced the City's planning consultants Dr. Bruce Parker from Planning Development
34 Services and Dr. Joe A. Perrin.

35
36 Dr. Bruce Parker stated that they were privileged to work on updating Willard City's General Plan. They
37 were proposing to update seven elements of the General Plan:

- 38 1-Introduction
- 39 2-Process
- 40 3-Land use
- 41 4-Transportation
- 42 5-Housing study
- 43 6-Implementation
- 44 7-Glossary of terms

45
46 He asked the Planning Commission members to consider and identify what they valued the absolute most
47 about Willard. What two or three things made Willard unique and separate and distinct from other
48



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49 communities? Why did they live in Willard rather than somewhere else? Council members and citizens
50 would be asked the questions.
51

52 When updating the General Plan, the Planning Commission needed to discuss what the City's guiding
53 principles were. What should guide zoning questions, land use changes, and budget allocations? The
54 General Plan should address those types of questions. Why did the community want to have a General
55 Plan? Why was it needed? A General Plan was needed was to protect and preserve things that were valued
56 by the residents.
57

58 Dr. Parker explained that for the past month they had been collecting data about Willard. Now they would
59 begin gathering citizen comments. There would be a public outreach to the entire community through an
60 online survey. They wanted to interview as many of the community leaders as possible – those that played
61 a key role. The Planning Commission members were part of those leaders. They wanted to have face-to-
62 face interviews with each Commission member; each City Council member; the City Manager; the City
63 Planner; and others. They wanted to know their thoughts about key issues the City was facing and what
64 the City needed to plan for in the future. As members of the Planning Commission they saw both of those
65 issues on a regular basis.
66

67 Dr. Parker talked about the existing land use pattern of Willard. How much land was vacant? How much
68 land was presently in subdivisions? How much was being used for various utilities and highways? What
69 about unincorporated boundaries? What would the future land use be for lands that were presently vacant?
70 How would they be changed and modified in the future? If the use changed, when should the change occur?
71 The City should be able to time those changes. That was how the City would grow in a responsible manner.
72 The City would want to serve utilities in a logical way.
73

74 Dr. Parker said the City needed to look at how people moved around the community. Not everyone drove
75 a vehicle. A significant part of the population walked. There was a role to be played by 'active' transportation.
76 Active transportation meant someone had to be active to move himself around. He couldn't just sit behind
77 a wheel; he had to pedal or walk. The City needed to decide how much of a role active transportation should
78 play in the community. Dr. Perrin would be asked to speak the language of transportation engineers with
79 UDOT and UTA. The City had to link up with both to find out what their plans were. Willard had a State
80 highway coming right through the community. It was so important to collaborate and communicate with
81 UDOT to make sure their plans coincided with Willard and to make sure Willard's plans coincided with
82 theirs. The same thing needed to happen with UTA.
83

84 Dr. Parker said part of the housing study would inventory the existing housing in the community. The results
85 of the US Census Bureau would be released at the end of the month. Part of that information related to
86 housing. There was a requirement in State law that Willard was not subject to – the issue of moderate
87 income housing. Communities with a population of 10,000 or larger were mandated by the State of Utah to
88 have a Moderate Income Housing Plan. The moderate income was 80% of the area median income – Box
89 Elder County. Low income was 50% of the area median income. The State of Utah was very concerned
90 about the availability of housing in the state. The Governor and State Legislature were saying the cost and
91 availability of housing was a potentially compromising element to the State's continued economic well-
92 being. They didn't want to see the price of housing go so high that it caused a problem securing growth and
93 development for the state. Willard wasn't required to have a low to moderate income housing plan, but he
94 felt it was a valuable tool to have. Willard needed to think about how it would provide all types of housing
95 long term; not just low to moderate.
96



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A person went through various stages of housing throughout his life –a child in a family home (three bedroom home); a student in college housing; apartment dwelling as a young single adult and as a young married couple; family home with family; and a senior adult in a smaller, more manageable home. Could a Willard resident go through the various life stages and still remain in Willard? Did a Willard native have to look elsewhere for a smaller unit? If Willard residents had to look elsewhere, it was a complete disruption of what they had come to know and love. The City had to think about the variety of housing provided in the community to allow people to stay. Those who were aged didn't want to leave the fabric of life they had spent years building. It wasn't just low and moderate housing; it was housing for all ages and stages. As the City's consultants, they felt it was important for the City to address that. They wanted to help Willard become a model of what small communities could do to address the issue of affordability. Although the State didn't require it, they felt Willard should take the proactive step to identify the needs of its residents for various types of housing.

Dr. Parker said there would be discussions about how the various types of goals would be implemented. As a consultant and college professor, he often saw small towns that had a long list of things they wanted to achieve. Such lists became overwhelming. Their task was to help the Planning Commission and City Council identify four or five items that were absolutely, critical to achieve now to maintain Willard's well-being and quality of life. Those items would be on the minds of the Planning Commission and City Council as decisions were made. They would be on the mind of the City Manager, City Planner, and staff as they made recommendations to the Planning Commission and City Council. An important event that occurred every spring was the development of the City's annual budget. Preparing a budget was one way to implement the General Plan. A General Plan and an annual budget with allocation of resources were brought together so progress could be made.

Dr. Parker said the last element of the General Plan would be a glossary of terms and an appendix. The General Plan needed to identify what different terms meant in language everyone could understand. Terms like transit oriented development, cluster subdivisions, or active transportation. Terms needed to be defined so the City didn't need a land use attorney or planning consultant to interpret the General Plan. A glossary would be a wonderful tool for the Planning Commission and the residents of the community.

Chairman Bodily asked how soon they wanted to meet with the Commission members. Dr. Parker hoped to begin scheduling meetings in a few weeks.

Commissioner Dubovik clarified the General Plan process. Dr. Parker planned to speak with the Planning Commission, City Council, staff, and residents. Would they discuss the community feedback with the Planning Commission? Dr. Parker said they would. What they heard they would share. The survey information would impact the Planning Commission's decisions going forward.

Dr. Joe Perrin stated that sometimes transportation could be contentious. To help prevent contention they really wanted to get input from the community. What was the community's vision? How would transportation support that vision? The General Plan would look at road sizes and critical intersections. It would also coordinate with transportation elements. UDOT liked to create corridor agreements so all entities were working toward the same goal. Besides UTA, how did Willard envision transit as part of its transportation solution? Some rural communities had been using micro transit, an Uber-type system ran by UTA. Transportation was meant to support the vision of the community. What would happen to transportation if a land use changed? How did Willard make sure there were opportunities for different types of transportation? How did it make sure that transportation didn't become an impediment? Seeking the vision and input of the community ahead of time meant transportation was supportive, not divisive.



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Chairman Bodily stated that there had been a lot of discussion on Planning Commission about the amount of traffic on Willard's roadways. When the General Plan update was finished, would it tell the City how many cars per hour should be on the City streets? Would it show the capacity of the various City streets? Dr. Perrin said there were planning levels based on the size of the roads and the widths of the lanes. There were reasonable amounts for physical capacity and comfort level. Amounts were based on the classification of the road, such as arterial and collector. Arterial streets were meant to move a lot of cars. Collectors helped neighborhoods move to the arterial streets. The General Plan would list the current traffic numbers at peak morning and evening hours. Transportation also had to consider land use. What would happen when fields turned into houses and then into traffic. Understanding the community's needs might mean collecting data on different days to hit peak usage. They intended to provide current traffic numbers, what the capacities were, and what traffic numbers would be if land was used as envisioned. The General Plan would also look at critical intersections. Roads could handle a lot of traffic. It was slowing the traffic at critical intersections that caused problems. At the critical intersections, they would look at potential needs, such as roundabouts.

Dr. Bruce Parker stated that the transportation discussion would be driven by the City's vision of what it wanted Willard to become. He asked the Planning Commission members to consider what they held near and dear for their families and the community. Possible questions might be: What could the community do to retain its rural ambiance? What about the question of air quality? How would Willard maintain its sustainability long term? What about night noise? What about public safety? How could the night sky be protected?

Commissioner Dubovik pointed out a community dynamic that should be considered. There were some children in Willard who lived a block from the elementary school, but they couldn't walk to school because they lived on the east side of Highway 89. They had to take a bus. Children couldn't walk to a fishing pond because they had to cross Highway 89. How did Willard gain advocacy with the State to either put in infrastructure or lower the speed limit? Dr. Parker felt there needed to be discussions on how to make east/west connections in the community, as well as with UDOT and the school district. Dr. Perrin felt the transportation element should address how to join the two sides of the community and how to not make Highway 89 the impediment it was.

Commissioner Dubovik felt the General Plan needed to address how to preserve the most beautiful mountain range on the I-15 corridor from the gravel pits. Dr. Parker felt the City could have long term discussions with the operators. Commissioner Dubovik wondered if there was a State incentive that would entice them to go somewhere else.

Councilman Brad Robb stated that the Planning Commission and City Council were looking at a Master Plan Community Ordinance. Some had suggested that the City should update its General Plan before it adopted a Master Plan Community Ordinance. He asked Dr. Parker's opinion about a Master Plan Community Ordinance and the timeliness of the General Plan study. Dr. Parker stated that they had ten months to complete the General Plan update. He hoped to have it done sooner. The majority of their work would be finished by mid to late August. He hoped to have a very well developed draft in the hands of the Planning Commission and City Council at the beginning of September. Then the Planning Commission and City Council could begin their deliberations.

Did the City need to have a General Plan in place before it had a Master Plan Community Ordinance? Dr. Parker said many communities had zoning without a master plan. He understood the discussion about the Master Plan Community Zone was a priority. He felt it could be advanced before the end of the planning process.



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Travis Mote, 455 South 200 West, asked long Covid would affect transportation. Due to Covid, many people were still working from home. He was concerned about traffic counts being taken now when traffic was lower due to Covid or when school was out. How would the traffic study reflect those issues? Dr. Perrin said they had an adjustment factor for Covid. There were permanent counting stations throughout the State. They knew how much lower traffic counts were due to Covid. They had methods for adjusting traffic data collected during the summer. They had historic data for Highway 89 and any of the federal aid routes. They would also pull data from the local Automatic Traffic Recorders to make seasonal adjustments. Automatic Traffic Recorders counted traffic for every hour of every day throughout the year.

Commissioner Bingham asked what could be done to preserve farms. He saw big farms disappearing. How could Willard protect even the small farms? Dr. Parker said there were some options and some ideas that could be explored. However, the options were few and far between. How did Willard maintain its agricultural integrity? It was clear the community valued openness. That was why it was important for residents to be able to stay in the community as they aged.

Travis Mote felt the problem was the sale of land after farmers passed on. He didn't feel the City owed anything to their descendants. The citizens of Willard should plan the community how they wanted it. If the citizens wanted one, two, three, or five acre lots, the City should be planned that way. Then when land developed, it would have to fit within the mold the City had determined.

Dr. Parker asked the Planning Commissioners to email their questions to Bryce Wheelwright. Bryce would then send them to him.

5B. SET A PUBLIC HEARING FOR JUNE 3, 2021 TO RECEIVE PUBLIC COMMENTS REGARDING PRELIMINARY APPROVAL OF THE HURST SUBDIVISION LOCATED AT APPROXIMATELY 100 SOUTH 200 WEST (02-051-0007)

Bryce Wheelwright stated that the City had received an application from Derrick and Monica Hurst to subdivide property at approximately 100 South 200 West from one lot into three. The existing home on the property was formerly owned by Pearl. Nay. The two lots proposed on 200 West were in the Old Town Willard Zone. Both lots complied with the minimum frontage requirement of 85 feet and minimum lot size of 15,500 square feet. The lot proposed on 250 West was zoned R-1/2. Because Lot No. 3 wasn't part of the Old Town Willard Zone, curb, gutter, and sidewalk became an issue. The City Engineer did not feel installation of curb, gutter, and sidewalk on 250 West would be conducive at this time. The curb, gutter, and sidewalk requirement could be waived per 12-102-18. The Subdivision Ordinance required that the Planning Commission hold a public hearing to receive public comments before approving a preliminary subdivision plan. The staff recommended that the Planning Commission schedule a public hearing for June 3, 2021.

Chairman Bodily asked about the lot sizes. Monica Hurst said Lot Nos. 1 and 2 were each about one-third of an acre (15,000 square feet). Lot 3 was two-thirds of an acre (29,000 square feet).

Commissioner Bingham asked if 12-102-18 was superseded by the Subdivision Ordinance. Colt Mund felt a variance request could be made to the City Council outlining facts and the staff and City Engineer's recommendations. Then the Planning Commission wouldn't be picking and choosing which ordinance to follow.

Chris Davis said another potential was a deferral agreement which said that if or when the City improved 250 West, the owner would put in curb, gutter, and sidewalk in front of his property at his own expense. A



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third option was a fee in lieu of, which could become an accounting nightmare if escrow funds showed up on the City's accounts for 30 years.

Colt Mund stated that the City Engineer had recommended a deferral agreement.

Commissioner Bingham felt there should be some type of requirement to handle storm drainage, even in the Old Town Willard Zone. There needed to be some type of control, but it didn't have to be curb and gutter.

Commissioner Harrop asked if there could be a fee in lieu of with a time clause that would expire in five to 10 years. Mr. Mund felt that a time clause could be addressed by a deferral agreement. When the City decided it was in the best interest of the City to have curb, gutter, and sidewalk, it could have available funds because of deferral agreements. Commissioner Harrop didn't want to hold property owners hostage for 20 to 30 years. Right now curb and gutter in front of Lot No. 3 wouldn't tie into anything on the north or the south and would just be an eyesore. He felt the City should accept a fee in lieu of with a time clause. If the improvements weren't installed in a certain period of time, the money could be released back to the property owners.

Commissioner Dubovik pointed out that decisions regarding curb, gutter, and sidewalk would be made after the public hearing.

Commissioner Bingham moved to set a public hearing for June 3, 2021, at 6:30 p.m. to receive public comments regarding preliminary approval of the Hurst Subdivision. Commissioner Harrop seconded the motion. All voted unanimously. The motion carried.

Monica Hurst stated that they would not be in town on June 3rd. Commissioner Dubovik said the June 3rd meeting would be to allow for public comments. The Planning Commission would discuss the public comments during its June 17th meeting.

5C. SET A PUBLIC HEARING FOR JUNE 3, 2021, TO RECEIVE PUBLIC COMMENTS REGARDING A PROPOSED AMENDMENT TO WILLARD CITY ZONING ORDINANCE CHAPTER 12-400-14 DEFINITION FOR SUBDIVISION LANDUSE AUTHORITY (SLUA)

Chris Davis asked that the Planning Commission schedule a public hearing to receive public comments regarding the proposed amendment to the SLUA definition.

Commissioner Bingham moved to set a public hearing for June 3, 2021, at 6:30 p.m. to receive public comments regarding a proposal to amend the definition of the Subdivision Land Use Authority (SLUA) found in the Willard City Zoning Ordinance Chapter 12-400-14. Commissioner Dubovik seconded the motion. All voted unanimously. The motion carried.

5D. SET A PUBLIC HEARING FOR JUNE 3, 2021, TO RECEIVE PUBLIC COMMENTS REGARDING A REQUEST TO REZONE 34.57 ACRES LOCATED AT APPROXIMATELY 3630 SOUTH 1200 WEST (200 WEST IN WILLARD) FROM A-5 TO R-1/2 (02-035-0060, 0061, AND 0079)

Bryce Wheelwright stated that the City had received an application to rezone 34.57 acres located at approximately 3630 South 1200 West (200 West in Willard) from A-5 to R-1/2. The property was currently owned by Chet Fitzgerald.



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Chairman Bodily asked where the property was located. Mr. Wheelwright said the property was located along the north perimeter of the City. The Fitzgerald home was located at the bottom of the KOA road. It was on the west side of 1200 West in Perry. Chris Davis said the property was just north of Chad Braegger's home.

Commissioner Harrop asked about the current zoning. Mr. Wheelwright said the property was currently zoned A-5, which was a minimum lot size of five acres. The Future Land Use Map showed this area with A-3 or A-5 Zones. The requested zoning was R-1/2.

Commissioner Dubovik stated that the Planning Commission would have discuss the pros and cons of changing the Future Land Use Map.

Commissioner Hulsey moved to set a public hearing for June 3, 2021, at 6:30 p.m. to receive public comments regarding a request to rezone 34.57 acres located at approximately 3630 South 1200 West (200 West in Willard) from A-5 to R-1/2. Commissioner Baker seconded the motion. All voted unanimously. The motion carried.

5E. CONSIDERATION OF RECOMMENDATION TO THE CITY COUNCIL REGARDING REVISIONS TO WILLARD CITY ZONING ORDINANCE CHAPTER 12-500 MOBILE HOMES, MOBILE HOME PARKS, AND MOBILE HOME SUBDIVISIONS AND ADOPTION OF CHAPTER 12-700 RECREATIONAL VEHICLES AND RECREATIONAL VEHICLE PARKS

Colt Mund stated that he had not made the revisions discussed by the Planning Commission at its last meeting. He asked that this item be tabled until those revisions could be made.

Commissioner Dubovik moved to table consideration of revisions to Willard City Zoning Ordinance Chapter 12-500 Mobile Homes, Mobile Home Parks, and Mobile Home Subdivisions and adoption of Chapter 12-700 Recreational Vehicles and Recreational Vehicle Parks until the latest revisions were made and could be discussed. Commissioner Hulsey seconded the motion. All voted unanimously. The motion carried.

5F. CONSIDERATION OF PROPOSAL TO REPEAL WILLARD CITY ZONING ORDINANCE CHAPTER 12-101 BOARD OF ADJUSTMENT AND ADOPTION OF CHAPTER 12-101 APPEAL AUTHORITY AS HEARING OFFICER

Colt Mund stated that this amendment was desperately needed. The City had not had a Board of Adjustment for quite some time. Each city was required to designate a body or appeal authority for land use decisions. Willard previously had a Board of Adjustment, but it had not been active for as many as eight years. Right now the City Council was acting as the City's appeal authority. Last week the staff and City Council discussed designating a hearing officer rather than a Board of Adjustment. The hearing officer would be an individual the City would hire for the purpose of hearing variance requests, appeals from land use decisions, or even fees imposed by the City. The City would look for someone with experience in making land use decisions. An amendment to the Willard City Zoning Ordinance had been prepared that would repeal the current Chapter 12-101, which contained regulations for a Board of Adjustment, and adopt a new Chapter 12-101 containing regulations for an appeal authority as a hearing officer. Mr. Mund asked that the Planning Commission review and comment on the proposed amendment. Approval of the proposed amendment would bring Willard City into compliance with the State Code. A recommendation to the City Council was needed.



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Commissioner Dubovik asked if the hearing officer would have power to reverse decisions. Mr. Mund said the hearing officer would have authority to reverse decisions. If an applicant didn't like a decision made by the staff, he could appeal it to the hearing officer. If the applicant didn't like the decision made by the hearing officer, he could file an appeal with district court.

Commissioner Hulseley asked if this would be a fulltime staff position. Colt Mund said it would not. He felt the City would use a hearing officer very sparingly; maybe once or twice a year.

Chairman Bodily asked if the hearing officer would be a current staff member. Bryce Wheelwright said a hearing officer was usually a land use attorney that the City contracted with.

Colt Mund stated that a lot of cities were switching from a Board of Adjustment to a single hearing officer. It was easier than trying to get an entire body of people together. When he started, he observed that a glaring issue was the lack of an active appeal authority.

Commissioner Baker asked if the City's budget allowed for the expense of a hearing officer. Chris Davis felt the expense would be pretty nominal. It would probably be only a couple of thousand dollars a year.

Commissioner Hulseley asked if the applicant was responsible for the cost of the appeal, or was it a City expense. Colt Mund said there was an application fee for the appeal, but the City paid for the appeal authority.

Commissioner Dubovik asked what would happen if the hearing officer made a decision that was contrary to what the Planning Commission or City Council wanted. Colt Mund said the hearing officer's decision would stand. The hearing officer would have to make independent findings of fact and conclusions to support his decision.

Commissioner Harrop moved to set a public hearing for June 3, 2021, at 6:30 p.m. to receive public comments regarding a proposal to repeal Chapter 12-101 Board of Adjustment and adoption of Chapter 12-101 Appeal Authority as a hearing officer. Commissioner Bingham seconded the motion. All voted unanimously. The motion carried.

5G. CONSIDERATION OF PROPOSAL TO AMEND WILLARD CITY ZONING ORDINANCE CHAPTER 12-116-5 DEDICATION OF STREETS, RIGHTS-OF-WAY, AND EASEMENTS

Colt Mund stated that the current Street Ordinance did not allow more than thirty homes in a subdivision without two access points. Mayor Braegger stated that when the Street Ordinance was implemented, it was supposed to have mirrored the International Fire Code. The International Fire Code included exceptions to the thirty home limit if an individual installed their own sprinkling system or if the City had an eminent plan for roads and development. The lack of an exception to the thirty home limit had impacted decisions on land use requests. The Mayor asked that the ordinance be amended to comply with the International Fire Code. An amendment to Chapter 12-116-5 of the Willard City Zoning Ordinance had been prepared.

Commissioner Bingham moved to set a public hearing for June 3, 2021, at 6:30 p.m. to receive public comments regarding a proposal to amend Willard City Zoning Ordinance 12-11-6 – Dedication of Streets, Rights-of-Way, and Easements. Commissioner Dubovik seconded the motion. All voted unanimously. The motion carried.



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6. CONSIDERATION AND APPROVAL OF MAY 6, 2021, REGULAR PLANNING COMMISSION MINUTES

Commissioner Dubovik moved to approve the May 5, 2021, regular Planning Commission minutes as corrected. Commissioner Bingham seconded the motion. All voted unanimously. The motion carried.

7. COMMISSIONER/STAFF COMMENTS

Bryce Wheelwright, Chris Davis, and Colt Mund had no comments.

Commissioner Bingham asked about the status of the Master Plan Community Zone. Chris Davis said the staff had sent information about the Master Plan Community Zone to Dr. Bruce Parker. Dr. Parker planned to work on it and send something back to the City before the General Plan was complete. Developers shouldn't have to wait the ten months until Dr. Parker was ready to present the General Plan.

Commissioner Hulsey asked if the staff was aware of any UDOT projects being planned for Willard City. Bryce Wheelwright stated that Highway 89 would be resurfaced in 2025. Commissioner Hulsey asked if the resurfacing would include sidewalk. Mr. Davis doubted sidewalk would be included.

Commissioner Dubovik asked about the possibility of a pedestrian bridge or tunnel. Mr. Wheelwright said the City had been talking about a pedestrian bridge or tunnel for years.

Commissioner Baker had no comments.

Commissioner Harrop asked if the City had talked to UTA about their master plan in relation to their recent land purchase in Willard and if it incorporated the City's roads. Chris Davis stated that Beth Holbrook, from the UTA Board, recently made a presentation to the City Council. UTA wanted to work with the City on transportation. Mr. Davis explained that UTA was purchasing a 66-foot right-of-way from UDOT. If the Planning Commission wanted a further update, it could attend the next Council meeting. The Council would be discussing leasing part of the UTA corridor. One of UTA's Board members would be there. Bryce Wheelwright said there were also community meetings being hold on Zoom to coordinate roads between UDOT and UTA. Chris Davis said 10 feet of the corridor would be reserved for a trail. Mr. Wheelwright said the trail would tap into the Weber County trails at the Rail Trail and come north.

Commissioner Hulsey stated that the City was concerned about whether the amount of water in its aquifer would be enough for the growth it was anticipating. Would the General Plan consultant look at the City's aquifer capacity when considering densities? Chris Davis said the aquifer was regulated by the State Engineer's Office. The State regulated how much water could be taken out. He wasn't sure if Dr. Parker would look at the aquifer. It was something the staff and City Council talked about on a regular basis. The City had an ordinance that talked about one acre foot per ERU (equivalent residential unit). The State was considering if that amount of water was necessary. Councilman Seamons had looked at the City's culinary water usage. His quick, initial analysis showed the City was using 75%, if not more, of the City's culinary water for landscaping. The City typically used 3 million gallons a month. In the summertime, the use was 25 million gallons. Commissioner Dubovik thought the concern in previous water discussions was storage capacity, not the amount of available water. Chris Davis said both were an issue. The staff was exploring secondary water options. If the City could use good water for culinary and secondary for landscaping, Willard was in great shape water wise. Commissioner Dubovik asked, "At what point did the City not have enough culinary water to consider a change to its Master Plan?" Commissioner Hulsey wanted everyone



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to be aware that the aquifer was limited as subdivisions were being approved. Chris Davis stated that the State wasn't allocating anymore water rights for this area. There was sufficient water for the water rights the City had.

Commissioner Harrop asked if the General Plan consultant would have the ability to provide water use information for a one-acre zoning versus half-acre zoning versus one-third acre zoning. Chris Davis felt that information could be provided by the City Engineer. Commissioner Harrop felt that information would be helpful. Bryce Wheelwright said a water study was completed several years ago. It was based off of the current Future Land Use Map. At those densities, Willard had plenty of water. Commissioner Hulsey asked how closely the City was following the Future Land Use Map. Mr. Davis said the other issue was a secondary water source. If the City had a secondary water source, there was plenty of water.

Commissioner Harrop asked if it was feasible to assess a new home a fee for future secondary water. Chris Davis said an impact fee had to be based on what currently existed. Colt Mund said the City could only require a developer to pay for the impact they would have on the City.

Chairman Bodily wanted to make sure UTA knew Willard was interested in a Front Runner Station. Chris Davis said UTA knew Willard was interested. The City staff spoke with UTA at least once a month. UTA was planning on a TOD development in Willard.

8. ADJOURN

Commissioner Hulsey moved to adjourn at 8:08 p.m. Commissioner Dubovik 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 05-20-2021