



Notice is hereby given that the
WILLARD CITY PLANNING COMMISSION
Will meet in a regular session on
Thursday, February 17, 2022 – 6:30 p.m.
Willard City Hall, 80 West 50 South
Willard, Utah, 84340

AGENDA

The meeting will be hold in accordance with current COVID-19 guidelines.

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

1. Prayer
2. Pledge of Allegiance
3. Roll Call
4. General Public Comment (Input for items not on the agenda. Individuals have three minutes for open comments)
5. Discussion/Action Items
 - a. Public hearing to receive public comment regarding a proposal to adopt Chapter 12-106 of the Willard City Zoning Ordinance establishing a Master Planned Community Zone
 - b. Consideration of a recommendation to the City Council regarding the adoption of Chapter 12-106 of the Willard City Zoning Ordinance establishing a Master Planned Community Zone
 - c. Discussion and review of possible amendments to the Subdivision Ordinance – Chapter 12-400 of the Willard City Zoning Ordinance
6. Consideration and approval of the February 3, 2022, regular Planning Commission minutes
7. Commissioner/Staff Comments
8. Adjourn

I, the undersigned duly appointed and acting Deputy City Recorder for Willard City Corporation, hereby certify that a copy of the foregoing notice and agenda was posted at the Willard City Hall, on the State of Utah Public Meeting Notice website <https://www.utah.gov/pmn/index.html>, on the Willard City website www.willardcity.com, and sent to the Box Elder News Journal this 4th day of February, 2022.

/s/ Michelle Drago

Deputy City Recorder

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

Willard City Corporation

80 West 50 South
Box 593



Willard, Utah 84340
(435) 734-9881

NOTICE OF PUBLIC HEARING

WILLARD CITY PLANNING COMMISSION

Notice is hereby given that the Willard City Planning Commission will hold a public hearing to receive public comment regarding a proposal to adopt Chapter 12-106 of the Willard City Zoning Ordinance establishing a Master Planned Community Zone.

The public hearing will be held on **Thursday, February 17, 2022, at 6:30 p.m.** in the Willard City Council Chambers, 80 West 50 South, Willard, Utah, during a regular meeting.

Information regarding this matter is available during business hours by contacting the Willard City Planner at 435-734-9881. Business hours are 8:00 a.m. to 5:00 p.m. Monday through Thursday, and 8:00 a.m. to 12:00 p.m. on Friday.

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, the undersigned duly appointed and acting Deputy City Recorder for Willard City Corporation, hereby certify that a copy of the foregoing notice and agenda was posted at the Willard City Hall, and two other places in the community, on the State of Utah Public Meeting Notice website <https://www.utah.gov/pmn/index.html>, on the Willard City website www.willardcity.com, and sent to the Box Elder News Journal this 4th day of February, 2022.

/s/ Michelle Drago
Deputy City Recorder

DRAFT ORDINANCE 2021-2

AN ORDINANCE OF THE WILLARD CITY COUNCIL ADOPTING CHAPTER 12-106 OF THE WILLARD CITY ZONING ORDINANCES ESTABLISHING A MASTER PLANNED COMMUNITY ZONE

CHAPTER 12-106. MASTER PLANNED COMMUNITY ZONE

12-106-1. **Purpose.** Each Master Planned Community Zone (“MPC Zone”) is intended to allow a master planned, architecturally designed development where customized zoning requirements apply in order to permit flexibility and initiative in a large-scale site development. Each MPC Zone will be developed in accordance with an approved plan and compliance with the Willard City Zoning and Land Use Ordinances and with the general requirements outlined herein. Further, this ordinance is intended to provide a benefit to Willard City and is not intended to solely benefit an applicant of an MPC Zone.

12-106-2. **Minimum Size:** Each MPC Zone shall be at least ten (10) acres. Parcels must form one (1) contiguous area and cannot be bisected except by a public right-of-way, easement, or natural barrier.

12-106-3. **Open Space Required:** A minimum of twenty percent (20%) open space shall be provided in each MPC Zone to include natural maintained choice open space, improved parks as approved by the City Council. Open space that is unbuildable because of slope, wetlands, flood drainage, or contamination, shall not be considered as open space.

1. Detention basins may count as open space only if they provide recreational amenities, including but not limited to: Playgrounds, gazebos, exercise stations, or sports fields with parking lots.
2. Park strips, curb, gutter, sidewalks, common yards, and publicly dedicated streets shall not count as open space.
3. A method approved by the City Council to maintain open space shall be established prior to the sale of any lots in an MPC Zone. Preservation, maintenance, and ownership of required open spaces within the MPC Zone may be accomplished by any of the following:
 - a. Dedication of the land as a public park or trails system.
 - b. Granting to the City a permanent open space easement on or over any privately owned open space to guarantee that the open space remains perpetually in recreational use, with ownership and maintenance being the responsibility of the owner of a Home Owner’s Association (“HOA”) established by bylaws which are satisfactory to and approved by the City.
 - c. The City may provide temporary approval for a HOA for an initial one (1) year probationary period, during which time the City Council may monitor the effectiveness of the HOA. If at the end of the one (1) year probationary period it is determined by the City Council that the HOA is unable or unwilling to meet the requirements established by the City in maintaining the open space or within the bylaws established for the HOA, the City may terminate its

approval of the HOA and create a special assessment area for the purposes of financing the costs of improvements, operations, and maintenance of the open space areas.

- d. The City may at their discretion, create a special assessment area to provide for the benefit, improvement, and maintenance of the open space areas.
- e. An agricultural conservation easement in a manner approved by the City Council.

12-106-4. Fee in Lieu of Open Space: As an alternative, the City Council may at its discretion charge a fee in lieu of open space to allow for more centralized parks of other municipal off-site improvements as the City Council determines.

- 1. A fee in lieu of open space may be provided if the following requirements are met:
 - a. The amount of acreage that is required as open space shall be reviewed and recommended by the Planning Commission as part of the MPC Zone application process.
 - b. The fee in lieu of open space shall be determined by an appraised price per acre and the amount shall be approved by the City Council.

12-106-5. Density: The density of the MPC Zone shall be consistent with the policies of the General Plan.

12-106-6. Preliminary Site Plan: A preliminary site plan shall be submitted and considered concurrently with an application for approval of a MPC Zone. The preliminary site plan shall show at least the following:

- 1. The proposed zone name and location.
- 2. A proposed development agreement.
- 3. Permitted, conditional, accessory uses proposed for and in the MPC Zone.
- 4. Proposed residential use density.
- 5. Minimum lot sizes.
- 6. The range of average lot sizes.
- 7. Building locations.
- 8. Building elevations.
- 9. Open space in the MPC Zone.
- 10. Parking.
- 11. Landscaping.
- 12. Pedestrian and traffic circulation.
- 13. Drainage and stormwater retention plan.
- 14. Utility Layout including a plan for the installation of fiber optic lines and a secondary water system.
- 15. Plans for grading.
- 16. Proposed development standards providing:
 - a. Lot standards establishing requirements for lot area and dimensions;
 - b. Building, setback standards for front, side and rear yards; and

- c. Building regulations addressing building height, building orientation, and architectural design guidelines.
- 17. A conceptual master plan showing:
 - a. The location of any proposed and/or existing easements, and rights-of-way.
 - b. The location, arrangement and configuration of Open Space, including the location, arrangement, and configuration of any parks and/or trails.
 - c. The location and design of street infrastructure and that the proposed street infrastructure is in harmony with the City's Road Master Plan.
- 18. Impact statement, showing the effect the proposed MPC Zone will have on the environment, city utilities, traffic, and schools. The City Engineer may on their own or at the request of the Planning Commission or City Council conduct a traffic and/or environmental studies to determine the impact the proposed MPC Zone may impose on existing infrastructure and future development. The application shall solely bear the costs of any impact study, either done at the applicant's direction or at the direction of the City Engineer, City Council, or Planning Commission.

12-106-7. Subdivision Requirements: Compliance with the requirements of this ordinance does not exempt any applicant from meeting any other applicable requirements of this Chapter and the Willard City Zoning and Land Use Ordinances.

12-106-8. Phase Development: If the MPC Zone is proposed to be developed in phases, the preliminary site plan shall also show phase boundaries. Each phase shall be of such size, composition, and arrangement so that construction and operation of each phase is feasible as a unit, independent of any subsequent phase.

12-106-9. Planning Commission Recommendation: After consideration of the site plan, application, and proposed development agreement, the Planning Commission shall make a recommendation to the City Council regarding the MPC Zone. At the same time, the Planning Commission shall approve, approve with conditions or recommend the disapproval of the preliminary site plan for the proposed MPC Zone. Planning Commission approval of a preliminary site plan, application, and/or development agreement shall not be effective unless and until a corresponding MPC Zone is approved by the City Council.

12-106-10. Development Standards: The development standards may include development regulations regarding processing of applications, common and private open space guidelines, natural resource protections, grading, drainage and street standards.

12-106-11. Modification By City Council: In considering an application for an MPC Zone, the proposed site plan, application, and development agreement may be modified by the City Council to meet the intent and requirements of this Chapter and may include regulations and standards other than those proposed by this Chapter.

12-106-12. Development Agreement: An MPC zone shall only be established with the concurrent approval of a development agreement.

12-106-13. No Guarantee of Approval: Submittal of an application for an MPC Zone does not guarantee the application will be approved. An MPC Zone may be approved only if the City Council, after receiving a recommendation from the Planning Commission, finds the MPC Zone and the associated preliminary plan, application, and development agreement meet the findings required for approval.

12-106-14. Findings Required for Approval: The proposed MPC Zone shall be approved only if the City Council makes all of the following findings:

1. The proposed MPC Zone conforms to the guidelines and policies of the General Plan.
2. The MPC Zone is necessary to provide land use or design standards tailored to a specific geographic area and development program that cannot otherwise be provided through conventional zoning.
3. The MPC Zone provides equal or greater compatibility with surrounding land uses than would occur with conventional zoning.
4. The MPC Zone provides equal or greater protection to sensitive lands than would occur with conventional zoning.
5. The MPC Zone avoids incompatible development on lands subject to natural hazards.
6. The MPC Zone promotes efficient land use by allowing housing and/or commercial development at densities that are appropriate for the area.
7. The MPC Zone provides equal or greater opportunities for alternative modes of transportation such as walking, bicycling, or transit, than would occur with conventional zoning by:
 - a. Encouraging or requiring significant mixed use developed where appropriate; and
 - b. Providing a master plan with direct and convenient pedestrian or bicycle connections between all land uses.

12-106-15. Designation: Upon approval, each MPC Zone shall be given a unique name following the designation "MPC—" and shall be independent of any other MPC Zones.

12-106-16. Permit Approval: Within an MPC Zone, applications for subdivision approval, site plan, conditional use permits and any other needed permits shall be submitted and approved as required to implement the conceptual master plan. The conceptual master plan shall meet the conceptual subdivision review requirements of the Willard City Ordinances.

12-106-17. Amendments to Plan: Amendments to an approved preliminary plan and application shall be obtained by following the procedures required for first approval as set forth in this section.

12-106-18. Commencement of Work: Any Developer of an MPC Zone created under this ordinance shall begin and show diligent and consistent work towards the construction of an MPC Zone commenced within one (1) year of the date from which the City Council grants

approval of the Zone and the accompanying development agreement; or the MPC Zone application shall be denied and the zone shall revert to the previous zone.

12-106-19. Performance Bonds: Prior to the commencement of "Development Activities" as defined in Utah Code Ann. §10-0A-101 *et seq.*, or the recording of any subdivision plat, a developer must file a cash bond, or an escrow bank account bond, or an irrevocable letter of credit as an improvement assurance in a form approved by the Willard City attorney.

Section 2. Effective Date. This ordinance shall take effect immediately upon posting and publication in the manner so required by law.

PASSED by the City Council on this _____ day of _____, 2022, by a vote of _____ For and _____ against.

Travis Mote
Mayor

Susan O Bray
City Recorder

12-400-10-12. Site Preparation Work Prohibited:

No excavation, and no grading or re-grading, shall take place on any Subject Property except as required by the City or other governmental entities to perform percolation, geological, or other testing. No building permits shall be issued by the City, until a Final Subdivision Application has been approved and the Final Subdivision Plat has been recorded in the Office of the Box Elder County Recorder.

12-400-10-13. Appeal of Special Exception**Application Decisions:**

Any person aggrieved by a decision of the Council related to a Special Exception Application may appeal the decision to District Court, the Court acting as the Appeal Authority for Special Exception Application decisions by the Council.

SECTION ELEVEN**12-400-11. DESIGN AND CONSTRUCTION STANDARDS****12-400-11-01. Design and Construction Standards****Applicable to all Subdivision****Applications:**

1. The design and construction of all subdivisions shall be found by the SLUA acting as the Land Use Authority, to preserve and protect the existing natural terrain, drainage, topsoil and trees of the Subject Property, as practicable.

2. The design and construction of all subdivisions located within the City shall recognize any hazardous or potentially hazardous conditions, including, but not limited to, landslides, mud and debris flows, rock falls, avalanches, areas of existing and potential ground subsidence, areas of high ground water, flood plains, drainage ways, and areas subject to fire dangers existing on the Subject Property. No Preliminary or Final Subdivision Application shall be approved by the SLUA, with responsibility for the Subdivision Application, until such hazard(s) have been removed, or the design and layout of the proposed subdivision eliminates, or minimizes, any hazardous or potentially hazardous conditions to the extent determined necessary by the SLUA.

3. The installation and construction of all required subdivision improvements, facilities, services, and amenities shall comply with all standards and requirements, as applicable, and as provided and

required by the Willard City Public Works Standards Book.

12-400-11-02. Design and Configuration of Lots and Parcels:

1. No subdivision lot or parcel shall be divided by any municipal or county boundary line, or by any road, street, alley, or other lot.

2. No wedge-shaped or pie-shaped lot or parcel shall be less than thirty (30) feet in width measured at the front property line.

3. All side lot lines shall be located to be generally at right angles or radial to road and street rights-of-way lines.

4. All subdivision lots and parcels shall front on a public road or street.

12-400-11-03. Street Design Requirements:

1. Streets to Conform to Official Maps. The proposed subdivision road and street layout shall conform to all Willard City Official Plans and Maps.

2. Through Traffic. All Minor Streets located within a subdivision shall be located and designed to discourage through traffic.

3. Stub Streets. Necessary stub streets shall be provided where required by the Land Use Authority to connect to adjacent undeveloped land and new streets shall connect to existing stub streets located in adjacent subdivision areas.

4. Road and Street Right-of-Way Widths. All roads and streets shall comply and provide the minimum road and street right-of-way widths as required by the Willard City Public Works Standards.

5. Road and Street Pavement Widths. All roads and streets shall comply and provide the minimum road and street pavement widths as required by the Willard City Public Works Standards.

6. Road and Street Shoulders. Road and street shoulders, a minimum width of ten (6) feet, shall be provided on each side of all roads and streets when no curbs are provided.

7. Half-Streets. Half-streets shall not be permitted within any subdivision, unless approved as a Special Exception, as provided herein.

8. Dead-End Streets and Stub Streets. Dead-end streets and stub streets shall be approved, or required, to the extent necessary to provide future access to adjoining property.

9. Cul-de-sac Streets. Cul-de-sac Streets shall comply with the Willard City public works standards and shall provide for a maximum of ten lots per cul-de-sac.

10. Maximum Number of Roads and Streets at an Intersection. No more than four (4) roads and streets shall enter an intersection.

11. Angle of Road and Street Intersections. Roads and streets shall comply with and provide at a minimum the specifications as required by the Willard City Public Works Standards and the Utah Department of Transportation, as applicable.

12. Centerlines of Intersecting Roads and Streets. Centerlines of Intersecting Roads and Streets shall comply with and provide at a minimum the specifications as required by the Willard City Public Works Standards and the Utah Department of Transportation, as applicable.

13. A traffic impact study may be required on developments that generate 100 or more new peak hour trips or as determined by the City Engineer. The guidelines for all traffic impact studies conducted within Willard City shall comply and provide the minimum specifications as required by the Willard City Public Works Standards and the Utah Department of Transportation, as applicable.

12-400-11-04. Street Naming:

All proposed subdivision roads and streets shall have the same road and street coordinate reference and name as existing roads and streets that are in alignment that are within the City. There shall be no duplication of any road or street coordinate reference or names. All road and street names shall be approved by the SLUA.

12-400-11-05. Road and Street Curvature and Alignment Requirements:

Horizontal and Vertical Curves. Horizontal and Vertical Curves shall comply with and provide at a

minimum the specifications as required by the Willard City Public Works Standards.

12-400-11-06. Frontage on Freeways or Major Highways:

Where a subdivision abuts a Freeway or Highway, a frontage road may be required by the SLUA.

12-400-11-07. Minimum Roadbed and Paving:

The minimum roadbed grading and paving for Minor, Collector and Major Streets, Local Access Roads, Collectors and Arterials shall be provided as required by the Willard City Public Works Standards.

12-400-11-08. Maximum Cul-De-Sac Length:

All cul-de-sacs shall be limited to a maximum length of six-hundred (600) feet, measured from the radius point of the cul-de-sac to the centerline of the connecting road or street, and shall provide adequate easements for drainage, as required by the City Engineer.

12-400-11-09. Maximum Road and Street Grade:

All subdivision roads and streets shall comply with and provide at a minimum the specifications as required by the Willard City Public Works Standards.

12-400-11-10. Sidewalks, Curbs, and Gutters Required:

All subdivisions shall include sidewalks, curbs, and gutters, meeting the requirements of the Willard City Public Works Standards, on both sides of all public streets.

12-400-11-11. Traffic Control Devices:

All proposed traffic control devices shall conform to the standards of the Manual of Uniform Traffic Control Devices (MUTCD).

12-400-11-12. Pedestrian Cross-Walks:

Where blocks exceed one thousand (1,000) feet in length, pedestrian rights-of-way not less than ten (10) feet wide may be required when determined necessary by the SLUA for adequate pedestrian circulation. Cross-walk improvements (paving) not less than five (5) feet wide shall be placed within the rights-of-way, as required by the SLUA.

12-400-11-13. Lot Size Standards:

All lots and parcels shall meet the minimum area requirements, or maximum density requirements of the

Zoning District in which the Subject Property is located.

12-400-11-14. Easement Standards:

1. All required subdivision utility easements shall follow the rear and side lot lines, where practical, and shall be a minimum total width of ten (10) feet, apportioned equally between the adjoining lots, parcels, or property.

2. When front property line easements are required, a minimum of ten (10) feet shall be provided. If required, easements for the perimeter of the Subject Property shall not be less than ten (10) feet in width.

3. All required subdivision easements shall be located and designed to provide efficient installation and maintenance of all utilities and subdivision features. Special guying easements at corners may be required. Public utility installations shall be so located to permit multiple installations within all easements. The subdivision's final grades shall be established prior to any public utility installations.

12-400-11-15. All Utilities to Be Underground:

All power lines, telephone lines and other utility lines shall be provided underground, unless otherwise approved by the Land Use Authority, supported by the recommendation of the City Staff and Engineer.

12-400-11-16. Alleys:

The Land Use Authority may approve service accesses to the interior of blocks. The location and dimensions of such service accesses (alleys) shall be identified on the Final Subdivision Plat. Alleys shall conform to the Willard City Public Development Standards and shall have a minimum width of twenty (20) feet.

12-400-11-17. Required Infrastructure and Services:

1. Culinary Water Systems and Facilities. All Preliminary Subdivision Application approvals, and all Final Subdivision Application approvals, shall require that the subdivision, as approved, provide all culinary water system and all culinary water facilities necessary to provide culinary water services to all lots and parcels, as required by the Public Works Director, acting as the City's Culinary Water Authority, and the SLUA, responsible for Subdivision Application approval. Culinary Water Systems and Facilities shall comply with and provide at a minimum the specifications as required by the Willard City Public Works Standards.

2. Sanitary Sewer System and Facilities. All Preliminary Subdivision Application approvals, and all Final Subdivision Application approvals, shall require that the subdivision, as approved, provide all sanitary sewer system and all sanitary sewer facilities necessary to provide sanitary sewer services to all lots and parcels, as required by the Public Works Director, acting as the City's Sanitary Sewer Authority, and the Land Use Authority, responsible for Subdivision Application approval. Sanitary Sewer System and Facilities shall comply with and provide at a minimum the specifications as required by the Willard City Public Works Standards.

3. Subdivision Roads and Streets. All Preliminary Subdivision Application approvals, and all Final Subdivision Application approvals, shall require that the subdivision, as approved, provide all roads and streets, and all transportation system facilities necessary to provide transportation and circulation facilities to all lots and parcels, as required by the City Engineer and Zoning Administrator or City Planner, and the Land Use Authority, responsible for Subdivision Application approval. Subdivision Roads and Streets shall comply with and provide at a minimum the specifications as required by the Willard City Public Works Standards and the Utah Department of Transportation, as applicable.

4. Storm Drainage and Flood Control Facilities. All Preliminary Subdivision Application approvals, and all Final Subdivision Application approvals, shall require that the subdivision, as approved, provide all storm drainage and flood control facilities necessary to provide storm drainage and flood control facilities to all lots and parcels, as required by the City Engineer, the Willard City Flood Control District, and the Land Use Authority, responsible for Subdivision Application approval. Storm Drainage and Flood Control Facilities shall comply with and provide at a minimum the specifications as required by the Willard City Public Works Standards.

5. Fire Protection, Suppression, and Access Facilities. All Preliminary Subdivision Application approvals, and all Final Subdivision Application approvals, shall require that the subdivision, as approved, provide all fire protection, fire suppression, and access facilities necessary to provide fire protection, fire suppression, and access facilities to all lots and parcels, as required

by the City Fire Chief, and the Land Use Authority, responsible for Subdivision Application approval. Fire Protection, Suppression, and Access Facilities shall comply with and provide at a minimum the specifications as required by the Willard City Public Works Standards.

SECTION TWELVE

12-400-12. WATER RIGHTS

12-400-12-01. Water Rights Acquisition Policy and Conveyance Requirements.

It is intended that all applicants requesting annexation of land into Willard City for residential development, all applicants requesting that property already within the boundaries of the City rezone the property to a higher density or more intensive use which increases the need for water service from the City, and all applicants requesting development approval shall provide water rights in an amount sufficient to satisfy the anticipated future water needs of the respective proposed development to be served and supplied by the City water system as provided in this Section. Satisfaction of this water rights acquisition policy and the accompanying conveyance requirements shall be considered as a condition to and requirement of approval for all such applications.

12-400-12-02. Water Rights Required—Determination of Amount.

(1) Residential Uses. The amount of water rights to be conveyed in order to satisfy this policy and provide an adequate supply of water for future residents of the City based on the needs created by anticipated future development shall be defined for residential development as one (1.0) acre-foot per equivalent residential dwelling unit.

(Footnote 1).

(2) Non-Residential Uses. An amount sufficient to satisfy the projected needs of the proposed development shall be determined by the Willard City Council after receiving the recommendations of the City Engineer and Public Works Director.

(3) The quantity of water credited to a development applicant upon the applicant's dedication of water rights shall be that portion of the water right which the Office of the State Engineer has approved for consumption, and that quantity shall not include any amounts which the Office of the State Engineer requires to be returned to the hydrologic system.

12-400-12-03. Type of Water Rights Acceptable for Conveyance.

(1) Water rights proposed for conveyance to the City shall be municipal or municipal-type water rights. Prior to acceptance of such water rights, the City shall evaluate the rights proposed for conveyance and may refuse to accept any right which it determines to be insufficient in annual quantity or flow rate, unsuitable for municipal use, or not reasonably likely to be approved for change to municipal purposes within the City by the State Engineer. The City's refusal of such rights shall not constitute a waiver of, and shall not relieve an applicant from complying with, the requirements of this Section. In

determining the quantity of water available under the water rights, the City will evaluate the priority of the water rights, the historic average quantities of water associated with the water rights, and other relevant factors. The City may require an approved application for the change of use or change of point of diversion, as applicable, with the State Engineer in order to quantify and verify the water rights.

(2) In the discretion of the City Public Works Director and City Engineer, in lieu of actual conveyance of water rights pursuant to this Section, a single-lot development applicant or final subdivision plat applicant may pay to the City an amount, established by the City Council per acre foot of water rights, intended to be sufficient for the City to purchase the municipal water rights necessary to satisfy the anticipated future water needs of the proposed development to be served and supplied by the City water system.

(3) Supply and Delivery Facilities May be Required. In addition to furnishing water rights, the applicant may be required to pay additional costs required to construct the facilities necessary to supply, store, and distribute the water.

12-400-12-04. Possible Adjustments or Revisions to Water Rights Conveyance Requirements.

(1) Annexation; deferral. Where an annexation contains property which is being annexed without the consent of the owner, or where water service will not immediately be provided by the City as a result of an annexation, the City may, in the exercise of the discretion of the City Council, elect to not require the conveyance of water rights at the time of annexation as long as the annexation specifically identifies such parcels and provides either an alternative means to satisfy these water rights conveyance requirements or provides that any subsequent change in zoning

classification or subsequent development approval which increases the need for water service by the City will require the conveyance of additional water rights to the extent necessary to provide adequate water to serve such future development. Such an election shall not constitute a waiver of, and shall not relieve an applicant from complying with, the requirements of this Section.

(2) Lands Which are Restricted Against Future Development. Where development of the property in question is restricted by unusual circumstances such as topographic features, environmentally sensitive or fragile conditions, or voluntary limitations on landscape and other activities which will reduce the amount of water to be provided by the City, the City Council may reduce the amount of the water right required to be conveyed to an amount commensurate with the nature of the proposed restricted development. Any such restriction must be accompanied by enforceable provisions for securing compliance in a form to be approved by the Tooele City Attorney.

Footnote 1. The above requirement is based on a combination of State of Utah Standard standards and Willard City historical usages of approximately .46 acre-feet of water for indoor use and .54 acre-feet of water for outdoor use assuming a 10,000 square-foot lot. The outdoor use requirement may be prorated according to the size of the lot or other outdoor area. This requirement is a reasonable average and is required despite a showing of variations above or below the average.

12-400-12-05. Time of Conveyance.

The conveyance of title to the water rights, free and clear of all liens, encumbrances, and claims of any nature not expressly approved in writing by Willard City, shall occur prior to, concurrent with, or as a condition to final annexation, rezoning, or development approval. An approved final plat shall not be signed or recorded prior to conveyance of the water rights.

12-400-12-06. Appeals and Requests for Adjustment, Modification, Exemption, or Waiver of Water Rights Conveyance Requirements.

(1) Any applicant, person, or entity which is subject to this water rights acquisition policy and conveyance requirement may file, in writing, either prior to or concurrent with the application that triggers the water rights conveyance requirement, an appeal or a request for adjustment, modification, exemption, or waiver of the requirement with the City Council seeking relief

from all or a portion of the water rights acquisition policy requirements as contained in this Section.

(2) Supporting Information to be Submitted. Any such appeal or request for relief shall be signed by the applicant and contain adequate information and documentation in support of the relief requested. The City Council may request additional information which they deem reasonably necessary in order to make a decision on the application. The burden shall be upon the applicant in any such appeal or request for adjustment, modification, exemption, or waiver of this water rights conveyance requirement to demonstrate that the strict application of the policy under their particular facts and circumstances is inequitable, unreasonable, or unlawful.

(3) Decision by City Council. Within thirty (30) days of the filing of the completed appeal or request, together with all supporting information and documentation required by the City Council, the City Council shall schedule a public hearing with appropriate notice. At the public hearing, the applicant and all interested persons shall be entitled to present information, documentation, and witnesses in support of or in opposition to the application. At the conclusion of the hearing, the City Council shall either issue its decision or vote to study further the appeal or request and issue its decision at the next regular City Council meeting.

SECTION THIRTEEN

12-400-13. GUARANTEES FOR SUBDIVISION IMPROVEMENTS, FACILITIES, AND AMENITIES

12-400-13-01. Necessary Guarantees:

As part of the Final Subdivision Application approval, and recording of the Final Subdivision Plat in the Office of the Box Elder County Recorder's Office, the Land Use Authority shall require the necessary guarantees and securities sufficient to insure the installation and construction of all required subdivision improvements, facilities, services and amenities, as applicable, and as provided and required by the Willard City Public Works Standards, as adopted. An Applicant(s) for Final Subdivision Approval shall guarantee the installation of all required subdivision improvements, facilities, services, and amenities, as applicable, by one (1) of the following methods:



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, February 3, 2022 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

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

4
5 The following members were in attendance:

6		
7	Sid Bodily, Chairman	Chris Davis, City Manager
8	Diane Baker	Colt Mund, City Attorney
9	Chandler Bingham	Bryce Wheelwright, City Planner
10	Alex Dubovik	Michelle Drago, Deputy City Recorder
11	Blake Harrop	

12
13 Excused: Zack Hulse

14
15 Others in attendance: Mayor Travis Mote; Councilman Jack Seamons; Police Chief Theron Fielding; Chad
16 Braegger; and Doug Younger.

17
18 The meeting was called to order at 6:30 p.m.

19
20 1. PRAYER: Sid Bodily

21
22 2. PLEDGE OF ALLEGIANCE: Diane Baker

23
24 3. ROLL CALL – Attendance was recorded by the secretary.

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

27
28 There weren't any public comments.

29
30 5A. REVIEW CURRENT DRAFT OF CHAPTER 12-106 MASTER PLANNED COMMUNITY ZONE
31 AND MAKE A RECOMMENDATION TO THE CITY COUNCIL

32
33 Chris Davis, City Manager, stated that the Planning Commission had discussed this issue more than a few
34 times. The Planning Commission had received the most current version of the Master Planned Community
35 Zone that had been drafted by the City Attorney. It contained comments made by the Planning Commission
36 and City Council during the January 26th work session. During the work session, the Mayor suggested that
37 the Planning Commission might want to hold another public hearing. Willard City's ordinances required that
38 the Planning Commission make a formal recommendation regarding the proposed zone to the City Council.
39 So far the Planning Commission had not made a formal recommendation. Mr. Davis said the Planning
40 Commission had four options:

- 41
42 1. Hold a discussion, set a public hearing for February 17th, take public comment, and then make
43 a recommendation for or against to the City Council;
44 2. Determine that the public hearing which had been held was sufficient, have a discussion,
45 decide that it didn't like the ordinance, and send that recommendation to the City Council;
46 3. Hold a discussion and make a recommendation to the Council that the ordinance be approved
47 with modifications; and
48 4. Hold a discussion and forward a recommendation to the Council that the ordinance be approved
49 as written.



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, February 3, 2022 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

Chairman Bodily asked if the Planning Commission had had a chance to read the proposed draft. Commission members indicated that they had. Chairman Bodily asked how Commission members felt about the proposed draft.

Commissioner Baker stated that questions were brought up and discussed at the Council/ Commission workshop. She felt the new draft prepared by City Attorney Mund addressed concerns about the Master Plan and open spaces. She was okay with the proposed draft.

Commissioner Dubovik appreciated the work that had gone into the current draft. He didn't feel it was possible to have a perfect ordinance due to the dynamic world we live in. The proposed draft gave the City maximum flexibility to be the master of its own destiny. It gave the City leadership the ability to approve or disapprove a development plan and not be constrained by countless hard requirements. The proposed draft covered past concerns and gave the City the flexibility to be City leaders and make judgment calls.

Commissioner Bingham agreed with Commissioners Baker and Dubovik. The Planning Commission and City Council went through the proposed ordinance. He didn't know that it had everything that everybody wanted, which probably made it a pretty good ordinance.

Commissioner Harrop had read the proposed ordinance, and he liked that it. He felt it gave the City flexibility. He was concerned about open space, and that the City would end up with a little space here and a little space there. He was more in favor of a park fee so the City could maintain and improve existing parks. He didn't want little parks here and there. He felt the proposed ordinance would save an immense amount of ground that would be used up otherwise, which would create open space. He had asked Bryce Wheelwright for information regarding permits pulled in 2019, 2020, and 2021. From 2019 to 2020, there was a 285% increase in building permits in Willard City. In 2021 there was a 200% increase over 2019. If those numbers continued for 10 years, under the proposed MPC Zone versus half-acre lots, 175 acres of land would be saved. That was a lot of open space. It might not be small pockets here and there, but it might be farm ground as Mayor Mote had talked about. The proposed ordinance could create that much open space.

Chairman Bodily was disappointed that the proposed ordinance did not include a minimum lot size. He was concerned that smaller lots would lead to storage of recreational vehicles stored in the City right-of-way, which would require enforcement using the City's Nuisance Ordinance. He felt lots should be large enough to allow property owners to store extra vehicles or trailers. That was the reason he wanted 15,000 square foot lots. He was okay with the rest of the ordinance.

Commissioner Harrop asked about frontage. Commissioner Bingham said that frontage would be addressed in a development agreement. Commissioner Harrop felt that maintaining frontage would provide a more open atmosphere. The ordinance did talk about side yards for trailers.

Commissioner Bingham felt the proposed ordinance made all options available. There would be development that weren't residential housing. The ordinance was designed to address them as well. If lot sizes were limited, the City's ability to address different types of developments would be limited.

Chairman Bodily asked about holding another public hearing.



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, February 3, 2022 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

Chairman Bodily felt it would be best to hold a public hearing so the Planning Commission could not be accused of slamming the ordinance through. The hearing could be held at the next meeting.

Commissioner Bingham asked about notification requirements. Chris Davis said the City was required to provide a 10-day notice of the public hearing, which could be accomplished before the next meeting.

Michelle Drago, Deputy Recorder, felt that a public hearing to receive public input regarding adoption of Chapter 12-106 fell under the State's new public notice requirements. Ten calendar days prior to the hearing, the City was required to post a notice in three locations throughout the municipality, post a notice on the City's website, and post a notice on the Utah Public Notice website. There was time to provide the required notice before a hearing on February 17th. A notice could also be published in the local newspaper, but it wasn't a State requirement.

Commissioner Harrop felt the Planning Commission should hold another public hearing. If the public was okay with the proposed ordinance, the Planning Commission could forward it to the City Council. If the citizens were okay with the proposed ordinance, he didn't see a reason to hold it up.

Commissioner Baker moved to set a public hearing for February 17, 2022, at 6:30 p.m. to receive public input regarding the proposed Chapter 12-106 Master Planning Community Zone. Commissioner Harrop seconded the motion. All voted "aye." The motion passed unanimously.

Chris Davis stated that Chairman Bodily's concern about parking for recreational vehicles could be dealt with in a development agreement. The Planning Commission could ask a developer to show where recreational vehicles would be parked and stored. There were developments that had that type of parking.

6. CONSIDERATION AND APPROVAL OF JANUARY 20, 2022, REGULAR PLANNING COMMISSION MINUTES

Commissioner Dubovik moved to approve the regular Planning Commission minutes of January 20, 2022, as corrected. Commissioner Baker seconded the motion. All voted "aye." The motion passed unanimously.

7. COMMISSIONER/STAFF COMMENTS

Chris Davis

Did not have any comments.

Colt Mund

Did not have any comments.

Bryce Wheelwright

Mr. Wheelwright stated that the City had received inquiries about some possible commercial uses. One was an industrial, distribution-type business that wanted to locate west of the freeway. There had also been inquiries about using The Shack on Main Street as a drive-through soda shop. Both of the uses would need conditional use permits.



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, February 3, 2022 – 6:30 p.m.
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Commissioner Bingham

Commissioner Bingham felt the Planning Commission needed to update the Subdivision Ordinance regarding secondary water, fiber optics, and curb and gutter. Someone also needed to review the Storm Drain Capital Facilities Plan with the Planning Commission.

Chris Davis provided a quick update on a Connex franchise agreement for fiber optics approved by the City Council. Connex was working on a marketing campaign to gauge the citizens' interest.

Mayor Mote said he would love to see the Planning Commission hold a work session and make recommendations to the City Council regarding ordinances.

Commissioner Dubovik

Commissioner Dubovik appreciated the way the Master Planned Community Zone came together.

Commissioner Harrop

Commissioner Harrop felt the proposed MPC Zone provided a way for it to evolve if the Planning Commission realized something had been missed.

Commissioner Baker

Commissioner Baker liked the way the proposed MPC Zone was tied to the Master Plan. Her big concern regarding the Master Plan was the road situation and resolving dead-ends. She hoped everything could be tied together so that City services and emergency responders could find addresses.

Chairman Bodily

Did not have any comments.

8. ADJOURN

Commissioner Baker moved to adjourn at 6:55 p.m. Commissioner Bingham seconded the motion. All voted in favor. The motion passed unanimously.

Minutes were read individually and approved on: _____

Planning Commission, Chairman
Sid Bodily

Planning Commission Secretary
Michelle Drago

dc:PC 02-03-2022