



Notice is hereby given that the
WILLARD CITY PLANNING COMMISSION
Will meet in a regular session on
Thursday, March 3, 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. Consideration of a Lot Line Adjustment for Terry Deru located at approximately 500 West 750 North (Parcel Nos. 02-043-0023 and 02-043-0025)
 - b. Consideration of a Lot Line Adjustment for Corey Barton, John Gilmore, and Willard City Corporation located at 300 East and Haul Road (Parcel Nos. 02-050-0077, 02-050-0078, and 02-050-0060)
 - c. Consideration of a Conditional Use Permit for Bryce and Karen Woodard for a retail store and replacement of existing mobile homes for use as short-term rentals located at 39 South Main (Parcel No. 02-051-0183)
 - d. 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
 - e. 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 17, 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 25th 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 PLANNING COMMISSION
APPLICATION FOR PLANNING COMMISSION HEARING

Application Date:

JANUARY 27, 2022

Assessor's Parcel Number

Applicant:

TERRY DERU

02-043-0023

Mailing Address

9 COVE LAKE

BOUNTIFUL, UT

Parcel Legal Description

See Attached Deed Record Map.

Project Address

100 W 750 N

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

Phone Number:

AGENT: LANCE ANDERSON

435.760.1622

Cell Phone:

435.713.0099

☐

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: 1.012392 Jan 4, 2022 435-734-9881

Willard TOD Sketch plan Application

Charges for Services
Charges - PC & B of Adj

88.00

Total:

88.00

Check

Check No: 11637

Total Applied:

88.00

88.00

Change Tendered:

.00

Duplicate Copy

01/04/2022 12:00 PM

APPLICANT'S AFFIDAVIT

STATE OF UTAH)

) SS

COUNTY OF DAVIS)
~~BOX ELDER~~

I, (we) Terry Deru, 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 100W 750N 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

[Signature]
Property Owner(s)

AGENT

Lance Anderson

Subscribed and sworn before me this 16 day of February 2022



[Signature]
Notary Public

Residing in Layton, Utah

My commission expires: 12-12-2025

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

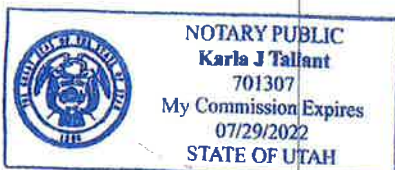
AGENT AUTHORIZATION

I, (we) TERRY DERU, the owner(s) of real property described above, hereby appoint LANCE ANDERSON 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

[Signature]
Property Owner(s)

Subscribed and sworn before me this 15th day of February 2022



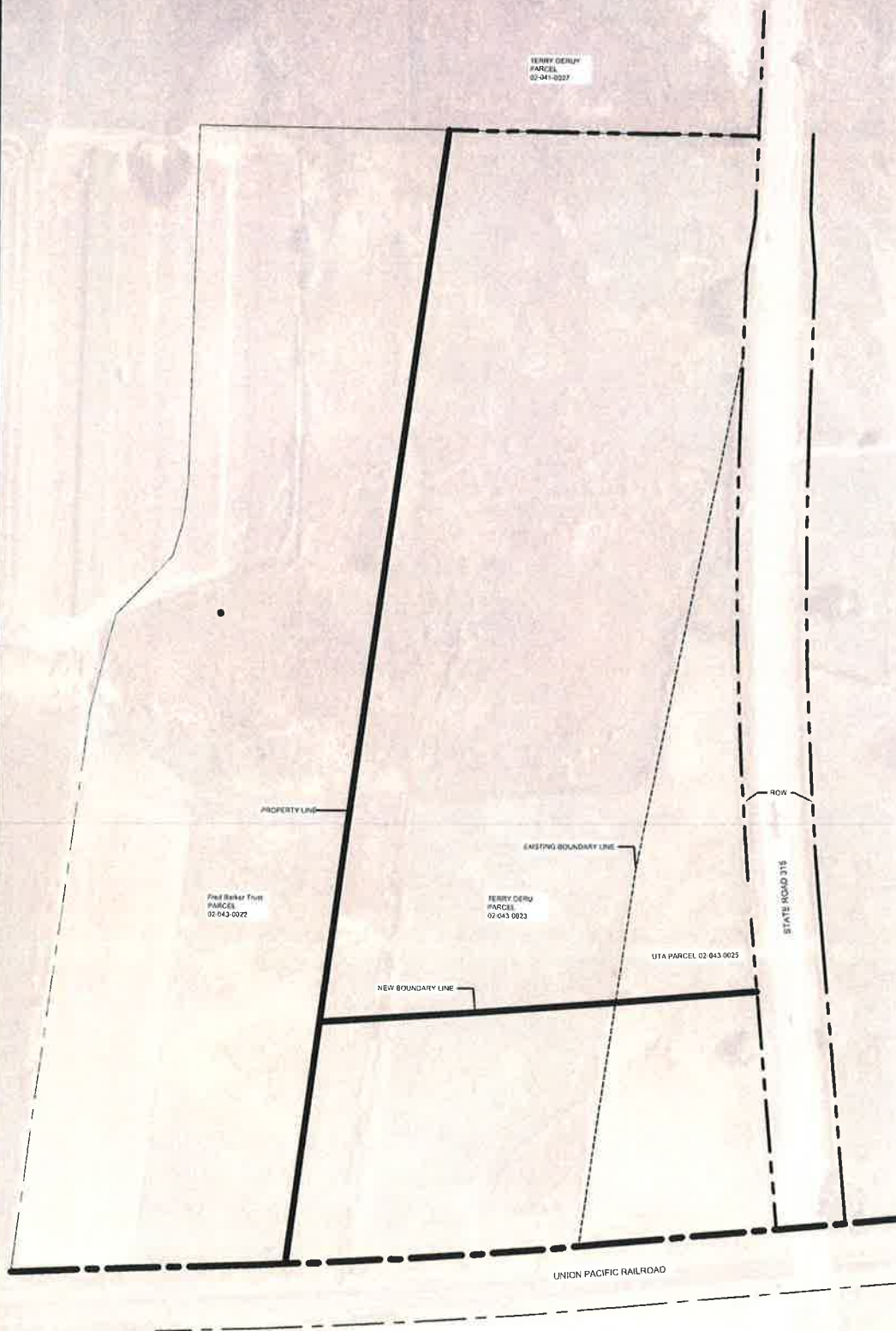
[Signature]
Notary Public

Residing in 150 S Fort Lane Layton UT 84041

My commission expires: 7/29/2022



GRAPHIC SCALE 1"= 180'



PROJECT

WILLARD COMMERCIAL
WILLARD, UTAH

SHEET DESCRIPTION

BLA EXHIBIT

APPROVED

Lance Anderson
PROFESSIONAL ENGINEER

1/27/22

DATE



Cache • Landmark

95 Golf Course Rd.
Suite 101
Logan, UT 84321
435.713.0099



DATE: 20 OCTOBER 2021

DRAFTING BY: J. MAUGHAN

CHECKED BY: L. ANDERSON

APPROVED BY: L. ANDERSON

PROJECT NUMBER: 08022CAL

SHEET NO.: 1 OF 1



750 n 200 w, willard

Show search results for 750 n 200 w, ...

CHRISTENSEN WARREN TTEE ETAL
02-043-0041

REICHMAN DAWNDID TTEE
02-043-0026

PILOT TRAVEL CENTERS LLC
02-043-0039

BARKER FRED D ETAL JT
02-043-0022

DERU TERRY M
02-043-0023

ISAKSON GUY RETAL TTEE
02-041-0036

BEEBE ROBERT S
02-041-0012

BARKER FRED D ETAL JT
02-041-0015

BARKER FRED DON
02-041-0016

BAILEY V PROPERTIES S L P
02-041-0017

Willard

BARTLOMESHA NE
02-046-0101

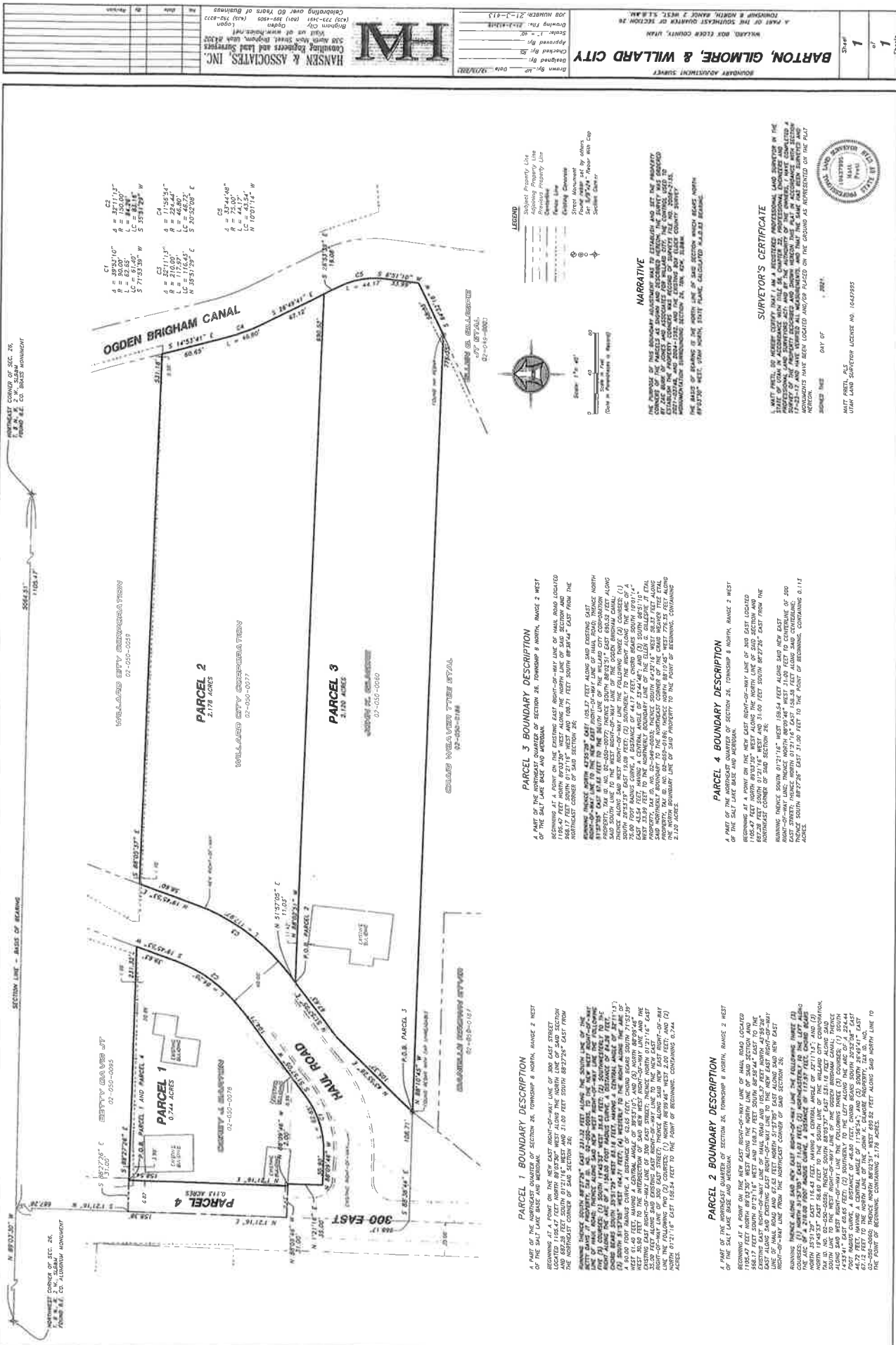
HARROP BLAKE JT
02-046-0039

BEARD LYNN Q ETUX
02-046-0004

WILLARD 2000 Y RESERVOIR
02-006-0049

UTAH TRANSIT AUTHORITY
02-044-0001

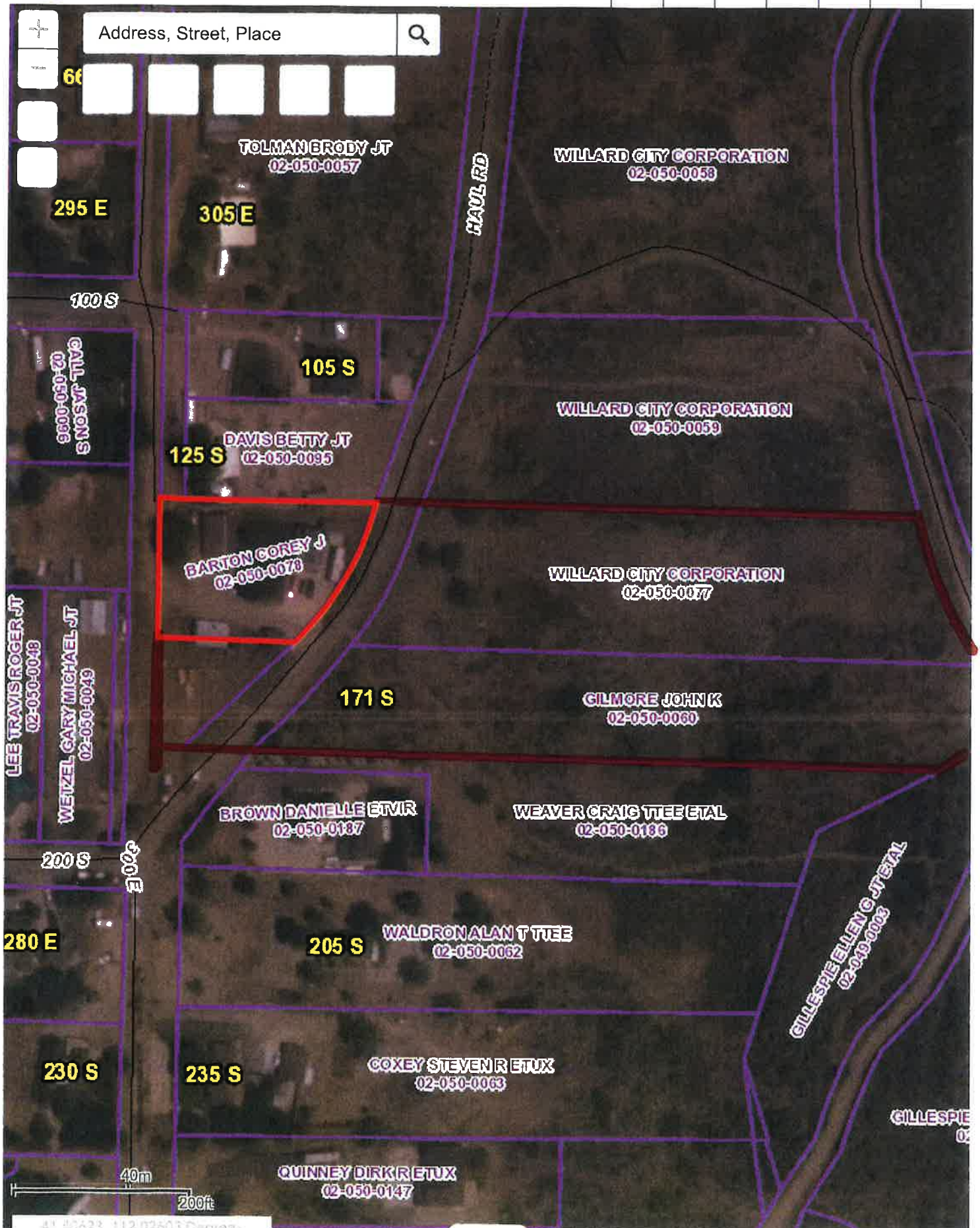
41 42258 112 03628 Degrees





Box Elder County Web Map

Recorded: 2/24/22 1:17



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

Application Date:

2-15-22

Assessor's Parcel Number

02-051-0183

Applicant:

BRYCE & KAREN WOODARD

Mailing Address

438 1/2 N MAIN

LOGAN UT 84321

Parcel Legal Description

Project Address

39 S. MAIN ST

WILLARD UT 84340

Phone Number

435 752 1315

Cell Phone

435 229-0078

INFORMATION IS ON NEXT PAGE

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



Conditional Use Permit \$25 Fee



Lot Line Adjustment \$25 Fee



Other Fee variable, \$25 Min.

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

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

Complete Applicant Affidavit on back of this page.

INFORMATION IS ATTACHED ON 3RD PAGE

WILLARD CITY CORPORATION

80 W 50 S

PO Box 593

Willard UT 84340

435-734-9881

Receipt No: 1.012889

Feb 17, 2022

WOODWARD HOLDINGS CUP APP

Charges for Services
Charges - PC & B of Adj

25.00

Total:

25.00

Check

Check No: 2182

Total Applied:

25.00

25.00

Change Tendered:

.00

Duplicate Copy
02/17/2022 1:53 PM

- [Searching](#)
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- [Return to Box Elder County Website](#)
- [Historical Search Instructions](#)
- [Logout PublicWeb](#)

Account R0074203

Location

Acres 0.28
 Parcel Number 02-051-0183
 Account Number R0074203
 Tax District 132 - WILLARD
 HouseNumber 39
 StreetName S MAIN

Parcels 020510177
 020510178

OwnerName LUGO SILVIA JT
 GUADARRAMA EDGAR

Legal BEG AT A PT LOC 81 FT S OF NW COR
 LT 10 BLK 09 PLT A WCS, S 81 FT TO NW COR
 OF PARCEL 02-051-0135, E 149 FT, N 81 FT, W
 149 FT M/L TO POB.

Owner

Owner Name LUGO SILVIA JT
 Owner Address 306 W 1000 N
 LOGAN, UT 84321

Value

Actual (2021) \$117,753
 Primary Taxable \$113,118
 Tax Area: 132 Tax Rate: 0.010536

Type	Actual	Assessed	Acres
Improvement	\$87,753	\$83,118	0.000
Land	\$30,000	\$30,000	0.280

Transfers

Doc Description

[Ownership Maps](#)

[Ownership Maps](#)

[Ownership Maps](#)

[WARRANTY DEED](#)

[WARRANTY DEED](#)

[QUIT CLAIM DEED](#)

[QUIT CLAIM DEED](#)

[QUIT CLAIM DEED](#)

[QUIT CLAIM DEED](#)

[QUIT CLAIM DEED](#)

[WARRANTY DEED](#)

[WARRANTY DEED](#)

[WARRANTY DEED](#)

[WARRANTY DEED](#)

[WARRANTY DEED](#)

Tax

Images

Tax Year

Taxes

2021	\$1,191.81
2020	\$1,245.09

- [Photo](#)

Dear Willard City

At the location described as 39 S. Main St, Willard Utah 84340 Bryce and Karen Woodard would like to start or move over their existing Health and Nutrition Retail Store, which is currently located at 438 ½ N Main St Logan Utah 84321, to the commercial building listed above.

Bryce and Karen would also like to sell smoothies and keto coffee and healthy yogurt, which we currently don't have the ability to do at our current location in Logan.

Behind the commercial building are two older mobile homes, which pay a monthly lot rent for the land. Bryce and Karen would like to immediately remove the trailer closest to the commercial building and add a New 400 Sq Ft Manufactured House that could be either lived in by the said owners or that could be used as a nightly rental property or AirBNB rental. Pictures of potential small manufactured homes can be provided if required.

Within 6 to 12 months, we would like to remove the other older trailer and add another 400 Sq Ft Manufactured House to do nightly rentals from. We would ask for a 5 year conditional use permit for the nightly rental properties at which time we would either move them out to a new location or seek another 5 year permit.

Ultimately Bryce and Karen would like to build a new commercial/residential property where the two New Manufactured houses are located and move the 2 manufactured houses to a new location or get approval to rearrange them and still build a commercial/residential building.

We are also interested in expanding the current commercial property or building a similar commercial building next to the current building. We would seek approval from Willard City at appropriate times.

Bryce and Karen have been running their current retail vitamin store for over 5 years, and they have a small condo in Bearlake that they have been doing nightly rentals from for over 18 months, so they have experience for what they are asking to do at the commercial property located at 39 S, Main.

Thanks for your consideration

Bryce and Karen Woodard

CALIFORNIA JURAT WITH AFFIANT STATEMENT

GOVERNMENT CODE § 8202

- ☒ See Attached Document (Notary to cross out lines 1-6 below)
☐ See Statement Below (Lines 1-6 to be completed only by document signer[s], not Notary)

1
2
3
4
5
6

Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Kings

Subscribed and sworn to (or affirmed) before me

on this 16th day of February, 20 22
 by Date Month Year

(1) Edgar Guadarrama

(and (2) _____),

Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature Katherin Mireles

Signature of Notary Public



Seal
Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Agent Authorization Document Date: 2/16/22

Number of Pages: 2 Signer(s) Other Than Named Above: _____

APPLICANT'S AFFIDAVIT

STATE OF UTAH)
) SS
COUNTY OF BOX ELDER)

I, (we) _____, 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 _____ 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 _____ day of _____ 20__

Notary Public

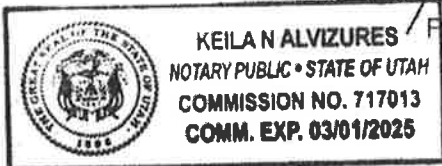
Residing in _____
My commission expires: _____

* 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) Edgar Guadarrama & Silvia Lugo Estrada, the owner(s) of real property described above, hereby appoint Miriam Alberto, 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 [Signature] [Signature]
Property Owner(s)



Subscribed and sworn before me this 16th day of February 2022

Kathern Mueles

Notary Public

Residing in Hanford, CA
My commission expires: 3.11.2023

Form PC-2 Rev, 9/19/02

Subscribed and Sworn before me this
16th of February, 22
Keila N. Alvizures

Residing in Providence, UT
Comm. Expires: 03/01/2025

C:\plancomm\Forms\applicant affidavit.wpd



Box Elder County Web Map

Recorder: 2/24/2022 1:11



39 s main



Show search results for 39 s main

MAIN ST

89

9 S

HDL RENTALS, LLC
02-051-0130

KING

LUGO SILVIA JT
02-051-0183

30 S

45 S

JONES LOGAN LLC
02-051-0035

WILLARD CITY CORPORATION
02-051-0055

10m

40ft

47.40865, -112.03565 Degrees

CHAPTER 12-103. LEGAL NONCONFORMING BUILDINGS AND USES

PART 12-103-1. Maintenance Permitted.

A nonconforming building or structure which is not in violation of any existing ordinances, at the date of passage of this Ordinance, may be maintained, and shall herein be referred to as legal nonconforming buildings and structures.

12-103-2. Repairs and Alterations.

Repairs and structural alterations may be made to a legal nonconforming building or to a building housing a legal nonconforming use.

12-103-3. Additions, Enlargements, and Moving.

(1) A building or structure occupied by a legal nonconforming use and a legal nonconforming building or structure nonconforming as to height, area, or yard requirements shall not be added to or enlarged in any manner or moved to another location on the lot except as provided by Sub-section (2) and (3) hereof:

(2) A building or structure occupied by a legal nonconforming use or a legal nonconforming building or structure nonconforming as to height, area, or yard regulations may be added to or enlarged or moved to a new location on the lot upon a permit authorized by the board of adjustment, which may be issued, provided that said Board, after hearing shall find:

(a) The addition, or enlargement of, or moving of the building will be in harmony with one or more of the purposes of this Ordinance.

(b) That the proposed change does *not impose any unreasonable burden upon the lands located in the vicinity of the legal nonconforming use or structure.*

(3) A legal non-conforming building or structure which has a valid building occupancy permit and which meets all other height, coverage and setback requirements currently in effect may be enlarged. *The enlargement shall not impose any unreasonable burden upon the adjacent properties located in the vicinity.*

12-103-4. Alteration Where Parking is Insufficient.

A legal nonconforming building or structure lacking sufficient automobile parking space in connection therewith as required by this Ordinance may be altered or enlarged provided additional automobile parking space is supplied to meet the requirements of this Ordinance for such alteration or enlargement.

12-103-5. Restoration of Damaged Buildings.

A legal nonconforming building or structure or a building or structure occupied by a legal nonconforming use which is damaged or is destroyed by fire, flood, wind, earthquake or other calamity or Act of God, or the public enemy, may be restored and the occupancy or use of such building, structure, or part thereof, which existed at the time of such damage or destruction may be continued or resumed, provided that such restoration is started within a period of one year and is diligently prosecuted to completion.

12-103-6. One-year Vacancy

A building or structure or portion thereof occupied by a legal nonconforming use, which is, or hereafter becomes, vacant and remains unoccupied by a legal nonconforming use for a continuous period of one year, except for dwellings, shall not thereafter be occupied except by a use which conforms to the use regulations of the District in which it is located.

12-103-7. Continuation of Use.

The occupancy of a building or structure by a legal nonconforming use, existing at the time this Ordinance became effective, may be continued.

12-103-8. Occupation Within One Year.

A vacant building or structure may be occupied by a use for which the building or structure was designed or intended, if so occupied within a period of one year after the use became nonconforming.

12-103-9. Change of Use.

The nonconforming use of a building or structure may not be changed except to a conforming use; but where such change is made, the use shall not thereafter be changed back to a nonconforming use.

12-103-10. Expansion Permitted.

A legal nonconforming use may be extended to include the entire floor area of the existing building in which it is conducted at the time the use became nonconforming.

12-103-11. Nonconforming Use of Land.

The nonconforming use of land, which is not in violation of any existing ordinance, at the date of passage of this Ordinance, may be continued, provided that no such nonconforming use of land shall in any way be expanded or extended either on the same or on adjoining property, and provided that if such nonconforming use of land, or any portion thereof, is abandoned or changed for a period of one year or more, any future use of such land shall be in conformity with the provisions of this Ordinance. That such nonconforming uses shall herein be referred to as legal nonconforming uses.

DRAFT ORDINANCE 2021-2

AN ORDINANCE OF THE WILLARD CITY COUNCIL ADOPTING CHA THE WILLARD CITY ZONING ORDINANCES ESTABLISHING A MASTER PLANNED COMMUNITY ZONE

Based on 2/23/22
CC & PC work session
this draft will be
updated before
3/3/22 PC meeting

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 or 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 17, 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	Blake Harrop	Michelle Drago, Deputy City Recorder
11	Zack Hulse	

12
13 Excused: Alex Dubovik

14
15 Others in attendance: Mayor Travis Mote; Councilman Jack Seamons; Police Chief Theron Fielding; Chad
16 Braegger; Doug Younger; Larry Holmes; Richard Sawyer; Lindsey Wells; Corinne Hunt; J. Russell Hunt;
17 Peggy Baker; and Marvin Neff.

18
19 The meeting was called to order at 6:31 p.m.

20
21 1. PRAYER: Blake Harrop

22
23 2. PLEDGE OF ALLEGIANCE: Zack Hulse

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

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

28
29 There weren't any public comments.

30
31 5A. PUBLIC HEARING TO RECEIVE PUBLIC COMMENT REGARDING A PROPOSAL TO ADOPT
32 CHAPTER 12-106 OF THE WILLARD CITY ZONING ORDINANCE ESTABLISHING A MASTER
33 PLANNED COMMUNITY ZONE

34
35 **Commissioner Bingham moved to open the public hearing at 6:34 p.m. Commissioner Hulse**
36 **seconded the motion. All voted "aye." The motion passed unanimously.**

37
38 Chairman Bodily read Willard City Planning Commission's rules of order.

39
40 Bryce Wheelwright, City Planner, stated that last year the City rescinded Chapter 12-106 of the Willard City
41 Zoning Ordinance, which contained regulations for Planned Unit Developments, which had allowed for
42 smaller lot sizes and cluster housing. A Master Plan Community Zone had been proposed, which was a
43 different approach to higher density housing. The MPC Ordinance would make each development and
44 development agreement its own zone. MPC Zones would be independent from each other. What worked
45 in one area of the community may not work in another area. The City, at its discretion, had the option to
46 determine what would work for each location.

47
48 Chairman Bodily opened the floor for public comments.



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Mayor Travis Mote, 455 South 200 West, stated that the Planning Commission had received four written comments. One was anonymous. The other three were from Fred Barker, Clyde Westley, and Fred and Linda Ward. The Planning Commission had also received input from Bruce Parker, the City's Master Plan consultant. (All written comments have been attached to the minutes). He did not feel the Planning Commission would have time to review all of the written comments during the meeting. The City Council would not hold a public hearing on this matter until March 10th, which was after the Planning Commission's next meeting. He asked that the Planning Commission take time to review the written comments during the next few weeks. Then it could be prepared to make a recommendation to the City Council regarding Chapter 12-106 on March 3rd.

Mayor Mote stated that several citizens had called him during the week, or communicated with him in various forms. He told them he would relay their feelings to the Planning Commission. He would also relay the same feelings to the City Council. Some of the discussions were very emotional. Small lots were not popular in this town. There was some desire for commercial alternatives on 750 North and along Highway 89. People were concerned the MPC tool could ruin the rural nature of the community; they were concerned about small houses. If the MPC Zone was implemented, it needed to be used in appropriate situations and should not be the expectation of every developer. People loved Willard as it was. They realized it was going to change but wanted the change to be influenced to maintain larger lots. Some discussions mentioned one, two, and three acre lots. That was the desire of people who had spoken to him. He had encouraged them to submit written comments.

There were no other comments.

Commissioner Baker moved to close the public hearing at 6:40 p.m. Commissioner Harrop seconded the motion. All voted "aye." The motion passed unanimously.

5B. 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

Chairman Bodily asked if the Planning Commission wanted time to review the written comments. Commissioner Hulsey said he did. Chairman Bodily suggested that the discussion be tabled to allow time to review the comments and be prepared to make a recommendation at the next meeting.

Mayor Mote invited the Planning Commission members to attend the City Council work session on Wednesday, February 23rd, at 6:00 p.m.

Commissioner Baker stated that notes from the February 10th City Council meeting explained why the MPC Zone had come back to the Planning Commission in its current form.

Commissioner Baker moved to table 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 until the next Planning Commission meeting. Commissioner Harrop seconded the motion. All voted "aye." The motion passed unanimously.



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5C. DISCUSSION AND REVIEW OF POSSIBLE AMENDMENTS TO THE SUBDIVISION
ORDINANCE – CHAPTER 12-400 OF THE WILLARD CITY ZONING ORDINANCE

Bryce Wheelwright, City Planner, stated a member of the Planning Commission had suggested that the Planning Commission review the curb, gutter, and sidewalk requirements; secondary water requirements; and requirements for fiber optics in the Subdivision Ordinance. The Subdivision Ordinance currently required curb, gutter, and sidewalk on all streets in new subdivisions. The current ordinance also required that a developer bring water for every new development in the amount of 1 acre foot of water per residential unit for inside and outside use. There was a provision in the Zoning Ordinance that allowed the water requirement to be waived if the City Council felt it wasn't necessary.

Chairman Bodily asked if 12-400-11-01(3) covered installation of fiber optics and dry lines for secondary water. Colt Mund, City Attorney, felt the code should clearly state that subdivision improvements included fiber optics and dry lines for secondary water.

Commissioner Bingham felt that curb, gutter, and sidewalk requirements needed to be modified in addition to fiber optics and secondary water dry lines. Trying to integrate the old and new parts of the community had caused problems in the past. He felt there needed to be wording in the Subdivision Ordinance that to make curb, gutter, and sidewalk comply with an overall drainage and accessibility plan approved by the City Engineer. Everyone wanted to keep Willard rural. He didn't feel curb, gutter, and sidewalk was rural. He had never been in a rural area that had sidewalk.

Commissioner Hulseley had similar thoughts. He suggested wording to allow curb, gutter, and sidewalk to be consistent with Willard City's drainage plan and approved by the City Engineer.

Commissioner Bingham felt changing the curb, gutter, and sidewalk requirements would help the City comply with new mandates from the State of Utah. The State was moving to a '*perc where it sits*' drainage plan rather than having settling ponds all over the place. There were places in Willard that had to have curb and gutter, such as the east side of the City.

Chairman Bodily stated that the problem with curb and gutter was a storm drain to handle the water that was collected. If the City put in curb and gutter, where would it send the storm water? The City didn't have a storm drain.

Commission Bingham felt that was why curb, gutter, and sidewalk had to adhere to the City's Capital Facilities Storm Drain Plan. Generally requiring curb, gutter, and sidewalk was not a solution. It was just a bunch of cement that sometimes caused more problems than it fixed. Curb, gutter, and sidewalk should be required in newer areas of the community but not in the older areas. He understood people complained that rolled curb, or berms, filled up. He felt maintaining rolled berms would be easier than maintaining curb and gutter. Curb and gutter was like pipelines that broke and washed out. There were problems with berms being filled, but he felt the City's maintenance personnel could easily check them when reading water meters. In trying to match newer parts of the City with older areas, regulations were needed that didn't tie the hands of the Planning Commission and City staff so much.

Chairman Bodily felt that at some point in the future, the City would put in a storm drain.

Chairman Bingham didn't feel a storm drain would ever happen in areas that did not have a drainage plan. The State was moving away from curb and gutter. It was trying to get drainage to percolate where it sat



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143 instead of having big retention ponds that filled with debris. If storm water could percolate where it sat, it
144 was better for the aquifers.

145
146 Commissioner Hulsey agreed with Commissioner Bingham. If the City did get a storm drain system, it could
147 look at how to control storm water. At this point, curb gutter, and sidewalk should be considered on a case-
148 by-case basis.

149
150 Commissioner Bingham said the City wasn't eliminating curb and gutter, but the Subdivision Ordinance
151 should allow options. Every development would have to have an approved drainage system. It could be a
152 swale, a rolled berm or sidewalk. It could be any number of things, it just had to be approved by the City
153 Engineer. In the past, curb and gutter had been required in places that had no place to drain. Developers
154 had tried creative ways to get around the curb, gutter, and sidewalk requirement. The City needed
155 regulations that helped the whole City work together. It needed regulations that would provide latitude so
156 that people could determine what was best for an area instead of binding everyone's hands.

157
158 Chairman Bodily agreed that curb and gutter didn't make sense in every area.

159
160 Commissioner Harrop asked where the storm water in the Deer Run Subdivision drained to. Bryce
161 Wheelwright said there was a detention basin in the southwest corner. He felt curb and gutter with a
162 retention area made sense in higher density areas. In areas with half-acre or more lots, he didn't feel curb
163 and gutter was necessary. He felt curb, gutter, and sidewalk would have to be considered case by case.

164
165 Commissioner Bingham felt improvements plans should to be approved by the City Engineer. The City
166 Engineer could then determine if curb, gutter, and sidewalk was needed to handle storm drainage.

167
168 Commissioner Hulsey asked if new developments were required to have 100% retention. Bryce
169 Wheelwright said they were. Commissioner Hulsey felt new developments could be considered case by
170 case.

171
172 Chairman Bodily asked if the City had a storm drainage plan. Mr. Wheelwright said it did. Chairman Bodily
173 felt implementation of a City storm drain was a long way in the future. He felt curb and gutter didn't make
174 sense in a town where one home had it and another didn't. What did the City do with the water that was
175 collected?

176
177 Commissioner Bingham stated that storm drainage would have to comply with the requirements of the
178 Storm Drainage Capital Facilities Plan and the City Engineer. The City Engineer knew what the City's storm
179 drainage plan was, and he would be able to determine what improvements were best for each situation. He
180 didn't think anyone should be let off the hook. The whole point of requiring curb and gutter was to save the
181 City from having to put it in in the future

182
183 Chairman Bodily stated that if the City put in a storm drain, homeowners would be responsible to put in
184 their own curb and gutter. He felt the time would come that curb and gutter would be necessary. He agreed
185 that right now there were areas where curb and gutter didn't make sense.

186
187 Commissioner Hulsey felt everyone was in agreement. He asked if the Subdivision Ordinance could be
188 changed to require curb, gutter, and sidewalk based on a drainage plan approved by the City Engineer in
189 line with the Capital Facilities Plan. Colt Mund said it could.



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Commissioner Bingham said the Planning Commission needed to remember that a subdivision was any time land was divided. A subdivision wasn't always big. Fiber optics and dry secondary water lines might not make sense for a small, two-lot subdivision.

Commissioner Hulsey felt fiber optics and dry secondary water lines should be put in when roads were torn up, even if it was a small subdivision.

Commissioner Bingham said there had to be a plan that homeowners and developers could follow. He didn't want homeowners and developers to get around or get away with anything. He wanted to do what made sense for an area. The City Engineer should have a really good idea what improvements were needed.

Commissioner Hulsey felt the Subdivision Ordinance should require whatever improvements were needed to make the City Engineer feel comfortable.

Bryce Wheelwright suggested that curb and gutter requirement be tied to a lot size. Commissioner Bingham felt the curb and gutter requirement should be based on the City Engineer's recommendation after evaluating exiting improvements.

Bryce Wheelwright suggested that the Planning Commission review the entire Subdivision Ordinance to determine if there were other areas that needed to be amended.

Chairman Bodily asked the Planning Commission to study the proposed changes to the Subdivision Ordinance and be prepared to discuss it at the next meeting.

6. CONSIDERATION AND APPROVAL OF FEBRUARY 3, 2022, REGULAR PLANNING COMMISSION MINUTES

Commissioner Bingham moved to approve the regular Planning Commission minutes of February 3, 2022, as corrected. Commissioner Baker seconded the motion. All voted" aye." The motion passed unanimously.

7. COMMISSIONER/STAFF COMMENTS

Bryce Wheelwright

Mr. Wheelwright stated that the City had received an application for a conditional use permit, and the Transit Oriented District, by Flying J, had submitted a request for a lot line adjustment. Both applications would be on the next Planning Commission agenda. The City had received inquiries about a few other commercial activities. One was a sports complex in the commercial on 750 North.

Commissioner Harrop asked if the area around Flying J was commercial. Mr. Wheelwright said that was where the commercial was supposed to go, but it was not all zoned commercial.

Mr. Wheelwright stated that most of the repairs had been completed for Granite Ridge Phase 4.

Chairman Bodily asked about the status of Matt Francom's welding shop. Mr. Wheelwright said Mr. Francom was still waiting for UDOT to approve his access, as well as equipment for hazardous waste. Mr. Francom knew he still had to receive approval of his conditional use permit.



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Commissioner Baker asked if conditional use permits were reviewed on a yearly basis. Mr. Wheelwright said it depended on the use. The Planning Commission could make a yearly review part of the conditional use requirements.

Chris Davis

Mr. Davis hoped to have a lot line adjustment for Corey Barton, John Gilmore, and Willard City on the next Planning Commission agenda. The lot line adjustment would resolve issues on 300 East.

Mr. Davis said that Utah League of Cities and Towns and Utah Local Governments Trust had a number of training videos for Planning Commissions. When the Planning Commission had a shorter agenda, additional training could be added.

Bryce Wheelwright stated that the State now required Planning Commission members to have four hours of training per year.

Colt Mund

Did not have any comments.

Commissioner Bingham

Commissioner Bingham said the Planning Commission and City Council kept the minimum lot size in the MPC Zone vague for a reason. The proposed ordinance was written to let the area decide what was best for the area. Sometimes the Planning Commission got caught up on lot size. As soon as one thing was restricted so was another. As the MPC Ordinance was considered, future Planning Commissions and City Councils needed to be taken into account. Lot sizes would be determined by those that considered the development agreements and zones. The MPC Ordinance was meant to be broad and able to take into consideration things that could not be foreseen. The MPC Ordinance was meant to keep the rural areas rural and allow development in other areas. It was a way to fit the City's Master Plan and not cram in multiplexes in the middle of farm land.

Commissioner Hulsey

Did not have any comments.

Commissioner Baker

Did not have any comments.

Commissioner Harrop

Commissioner Harrop realized there were pro's and con's for the MPC Ordinance. He invited citizens to make comments. He knew that if the City opened up third-acre lots, developers would come, and land would move quickly. That wasn't what the City wanted. On the other aspect, if the City kept a minimum half-acre size, a lot of ground would be burned up really, really fast. He had run water calculations. If the City kept half-acre lots, in a summer's time the City could use almost half a million gallons of water. The City was in a hard position.



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He grew up in Hooper and watched all of this take place in Hooper 15 to 20 years ago. Hooper held off and held off and held off. They wanted only one-acre lots, but they realized they were burning up a lot of land and water. They opened up third-acre lots and people crowded in. Hooper had to slow it down again. He felt case by case would be good. He also understood that developers put out a lot of money. In order to make money they needed smaller lots. It was a sword with ten edges.

Chairman Bodily

Chairman Bodily said there was a mindset about half-acre lots, even though most lots in Willard were not a half-acre in size. Half acre lots were difficult to take care of. Everyone wanted Willard to stay rural, but he felt the big farms were going to go away.

Commissioner Bingham felt the MPC Ordinance worked with those scenarios and provided control. The ordinance would have some growing pains.

Commissioner Harrop stated that if City wanted to maintain more open space, the City needed to allow smaller lots. Would the City burn up 200 to 300 building permits in half acre lots or save open space with third-acre lots? It was an ugly truth. The demand for lots was high. Utah was a wonderful place.

Commissioner Bingham said sometimes the smaller lot allowed more open space. He felt the MPC Ordinance would provide for more open space. If you wanted open space, you had to buy it. It was the only way to ensure anything. You couldn't legislate what someone else did with their property.

8. ADJOURN

Commissioner Bingham moved to adjourn at 7:23 p.m. Commissioner Hulse 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 02-17-2022