

~~Run~~ For Planning Commission:

Maybe to help with lot sizes -

Review Youtube videos Related to
PRAIRIE CROSSING
(Liberty Prairie Foundation)

- Early days of PRAIRIE CROSSING
- Springtime in PRAIRIE CROSSING
- PRAIRIE CROSSING at Twenty from
Pioneering Design to Vibrant

This is a farm in Illinois (Chicago
Suburbs) converted to housing &
how they did it. This housing project
has won many awards. Maybe some
ideas can be used here. The open area
~~is still a farm~~ is multiple farms that
gives food to the area. Homeowners
Foundation pays.

We live in a great community, which has been a great place to live and raise a family. As a life long resident of our Town, I and others have enjoyed the rural small town friendly feel! While I know that we need to grow, (which is called progress) as a town, the direction, decisions and recommendations you make as a planning commission will have a long lasting impact.

While I may be a little biased I have always favored larger lots to smaller ones. Bigger lots make better neighbors. I feel the stack em deep and sell them cheap favors the developers and not the community, if keeping a rural town atmosphere is the end game.

I feel duplexes, fourplexes and townhouses create a more transient occupancy- meaning not really staying or committed to contribute to our community as a whole, but it helps pay the bills for a time. The little rural atmosphere we have left can not be saved by cluster housing and PUD's up and down each fence line. They should not be the new norm in Willard!

For a landowner to sell his property is his right, and it is usually sold for the market value. Then the developer tries to expedite his investment into making more and smaller building lots. This is not a good fit for Willard. The City is not responsible to make it more profitable for the developer.

I appreciate your willingness to give of your time to make hard decisions and I hope attempting to keep Willard's own identity and not just another burb between Brigham and Ogden.

Fred Barker

Clyde Westley

Willard City's Master Planned Community Zone (ordinance).

There has been some discussion and mixed feelings about required open space for developments. Willard's last Ordinance required 30%, which seems like a lot when there isn't a plan for it. Considering 20% is quite a reduction, and a bonus to the developers. Considering 10% is more or less getting out of the developer's way, avoiding a responsibility for land we don't have a plan for. I don't see this as a governmental land grab, it is protecting the future of being a city, and the developers investing in the city they are invested in by cushioning their impact on that city.

If the city could establish a vision for the use of 30% of every development, it could possibly help other visions become reality. More people mean more Schools, City facilities will need to grow in support, and eventually spread out for better service to a larger community. Community gardens or orchards, which could become a real need in the not-too-distant future. Walking and biking paths to local business centers. Yes, it will take some vision establishment, but there are some outlines (specifically for Box Elder County) in the: **2019-2051 Regional Transportation Plan**.

Personally, I would like to see the city hold to the 30% required open space, with an option for the developer to buy-back up to 20% of that. This could allow the city to set aside some money dedicated for purchasing open space, specifically property owned by gravel companies bordering our city. It could be a reality, where developers may supply enough money to entice a group dedicated to perpetually preserving habitat, such as the Nature Conservancy to fund the larger part of a purchase. Box Elder County should be a partner in this vision, if they would come out strong against their historical issuing of conditional use permits everywhere in the county. Some requirement of need would have to be a condition, money held in escrow for reclamation, more stringent enforcement of conditions already given, I am sure something could be done better.

It could be considered a win for the developer, in making his properties more desirable to the buyers, knowing the city is working to reduce impact of future/existing gravel pits. Partnering with the county and state to keep this **narrow corridor beautiful should be** easy. Willard has always been the South Gate into Box Elder County and Brigham City, (with Front Runner expanding) it is a good time to remind them (and the state) of that. They should have a different view in granting new, or extending existing gravel pits along their mountains between Weber County and Brigham City. I am not saying we don't need gravel, just saying the removal of gravel needs to be much better managed. I believe Willard is/has giving their share of rock resources to the needs of the county and state. Now the county and state need to do more in managing, monitoring, and reclaiming these pits, and allowing this area to heal.

Just a couple un-related thoughts: The state took some interest in the Front Runner Station in Roy last year, UTA (Utah Transit Authority) was reported in seeking a little higher-density around Front Runner Stations. Geneva Rock purchased 50 acres of Orchard Land in Perry in December of 2015, they are protecting their future, we need to protect ours.

In para 12-106-2 Minimum Size 40 acres.

In para 12-106-3 I would recommend no percentage of open space. This would allow the property to be used with less density, which would fall in line with the community survey.

In para 12-106-3 #3 HOA is a turn off. There always seems to be problems with those organizations, and the city should never put them selves in a situation to resolve problems that will come up.

Another reasons I don't like HOAs is in today's environment the home owners not only would have a high mortgage but monthly maintenance fee.

In para 12-106-4 Delete. no need for open space.

In para 106-6 #5 minimum lot size shall not be less than 14,000 ~~sq~~ square feet. With an overall lot size of 19,000 square feet.
#6 Over all average range to equal 19,000 square feet, or the Master plan in that are which ever is greater.

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

WHEREAS, the Willard City Council has previous repealed Chapter 12-106 of the Willard City Zoning Ordinances authorizing Planned Unit Developments; and

WHEREAS, the Willard City Council finds that having an ordinance which allows additional development options within Willard City to be beneficial; and

WHEREAS, the Willard City Planning Commission held a public hearing on March 4, 2021 to receive input and has given their input and recommendation regarding the proposed Master Planned Community Zone Ordinance; and

WHEREAS, the Willard City Council also held a public hearing on March 11, 2021 to receive public input regarding the Master Planned Community Zone Ordinance.

NOW THEREFORE BE IT ORDAINED that the Willard City Council approved the attached Chapter 12-106 of the Willard City Zoning Ordinance 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.

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%) to a maximum of fifty percent (50%) 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, and publicly dedicated streets shall not count as open space.

Commented [BP1]: This provision provides 20% to 50% of the subject property to be open space. However, no incentives are provided to provide this open space. Also, only developable land qualifies towards this open space. Unbuildable areas do not qualify. However, these areas have value as a community amenity. Unbuildable areas can included in lots to effectively make these lands nonpublic and not accessible. It is also noted that this draft does nothing to protect agricultural lands, unless included in the 20% to 50% open space standard. Additional comments are offered and related to these points when minimum lot sizes are presented.

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.

Commented [BP2]: One year may not be long enough to demonstrate performance. It is not hard to imagine that once the MPC zone is established it may take longer than one year to secure all other City approvals, install infrastructure, and have a functioning HOA unless of course the HOA is only has developer members. In that case performance is not being established for long term open space maintenance.

Commented [BP3]: A potentially very political and contentious move.

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.

Commented [BP4]: Payments in lieu can be an incentive to go this route. Considering a minimum 20% open space protection only the sale, development, and value of perfected lots could always be better than an open space contribution of open space acreage.

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. **Lot Size:** The minimum lot size shall be no less than 15,000 square feet.

Commented [BP5]: This provision essentially establishes an R-1-15,000 zoning district. As such it does nothing to address housing affordability. Additionally, it does not encourage development within the city. Perhaps a better "deal" can be found in the County especially when a landowner argues that this is the best Willard City can do to address affordability and provide a variety of housing types. This minimum lot size requirement will not accommodate the annexation requests being considered. By way of a separate document offered are additional comments related to min. lot size.

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.

Commented [BP6]: Before an applicant can get before a decision-making body several items must be addressed concurrently. These include a well-developed site plan, & development agreement. These items, and the costs incurred to prepare in the hopes of an MPC designation may work as a disincentive.

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.
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.

Commented [BP7]: Significant cost items even before any indication of acceptability.

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.**

Commented [BP8]: Potentially an impossible standard particularly if public safety items are included such as two access points for fire accesses.

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.**

Commented [BP9]: This is an inconsistency. PC approval but latter it indicates CC approval.

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 the following findings:

1. The proposed MPC Zone conforms to the guidelines and policy 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 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

Commented [BP10]: This Item and 7a below suggest the intent here is a mixed-use option. This ordinance is a long way from a mixed-use provision. For example, it is silent on the commercial uses allowed, intensity of use, and site plan standards, as examples. Additionally, a mixed-use provision will allow the mixing of compatible uses either vertically or horizontally on the same lot. Perhaps, being overly pessimistic but I doubt any developer will suggest a mixed use when the residential density is at 15,000 sq. foot. Minimum lots.

This Ordinance strikes as very similar to an earlier f=draft considered by the city. The ordinance appears to not know what it wants to be; is it a mixed-use ordinance or a cluster subdivision option?

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. Sunset Provision: Any MPC Zone created under this ordinance shall be commenced within one (1) year of the date 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.

Commented [BP11]: This may be very problematic particularly when the timing of all required permit approvals are considered.

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.

Commented [BP12]: State law now allows the installation of required improvements prior to recordation of any plat or site plan, as an improvement option. Warranty provisions are still allowed by at 10% if recollection serves.

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 _____, 2021, by a vote of _____ For and _____ against.

Kenneth Braegger
Mayor

Susan O Bray
City Recorder

DRAFT ORDINANCE 2021-2
POTENTIAL USE & DENSITY ANALYSIS

Development Requirements	Total
Minimum Total Area	10 acres
Minimum Open Space (20%)	2 acres
Maximum Open Space (50%)	5 acres
Total Preserved	2 – 5 acres
Maximum Developable Area	8 – 5 acres
Net Developable Are (20% of necessary Rights-of Way etc.)	6.4 – 4 acres
Minimum Lot Size	15,000 sq. feet.
Maximum Achievable Units	18.5 – 11.6 units
Maximum Achievable Density	1.85 – 1.16 per acre

With a minimum lot size of 15,000 square feet, a maximum density of 1.85 units per acre may position the city to replicate existing densities but will do little to provide additional housing options for residents or protect viable agricultural lands

Coupled with no standards for commercial uses, the Ordinance provides too many uncertainties for the development community with no real incentives to explore options.