



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

AGENDA

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

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

1. Prayer
2. Pledge of Allegiance
3. Roll Call
4. General Public Comment (Input for items not on the agenda. Individuals have three minutes for open comments)
5. Discussion/Action Items
 - a. Consideration of a Lot Line Adjustment for Burt John Miller located at approximately 1469 Hargis Hill Road (Parcel Nos. 02-040-0011, 02-040-0039, and 02-043-0040)
 - b. Discussion and review of possible amendments to the Subdivision Ordinance – Chapter 12-400 of the Willard City Zoning Ordinance
 - c. Training Video
6. Consideration and approval of the March 3, 2022, regular Planning Commission minutes
7. Commissioner/Staff Comments
8. Adjourn

I, the undersigned duly appointed and acting Deputy City Recorder for Willard City Corporation, hereby certify that a copy of the foregoing notice and agenda was posted at the Willard City Hall, on the State of Utah Public Meeting Notice website <https://www.utah.gov/pmnl/index.html>, on the Willard City website www.willardcity.com, and sent to the Box Elder News Journal this 11th day of March, 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 SUBDIVISION APPLICATION

RECEIVED APR 26 2021

Application Date 4-30-21

Proposed Subdivision Data

Subdivision Name _____

RECEIVED APR 26 2021

Applicant _____

Burt John Miller

Application Level (Check One)

Mailing Address _____

☒ Sketch Plan

24 Beecher

Date _____

Approval _____

Brigham UT 84202

☐ Preliminary Plat*

*(Not required for In-fill Subdivisions)

Project Address _____

14109 Hargis Hill Road

Date _____

Approval _____

Email Address burtandkari69@gmail.com

☐ Final Plat

Phone Number 435-730-0967

Date _____

Approval _____

Cell Phone Same

Assessor Parcel Number _____

02-040-0039
02-040-0002
02-040-0011

Fax Number _____

Number of lots 1

FEES MUST ACCOMPANY APPLICATION SUBMISSION AT EACH LEVEL.

FEE COMPUTATION

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

CAUTION: No part of the proposed subdivision may be sold if Final Plat is approved by the Willard City Council.

E:\APPS\WP-DOC\SUBDIVISION\SUBDIVISION PACKET\SUBDIVISION APPLICATION

WILLARD CITY CORPORATION
80 W 50 S
PO Box 593
Willard UT 84340

435-734-9881

Receipt No: 1.013127

Mar 10, 2022

MILLER, BURT JOHN LOT LINE ADJUSTMENT

Charges for Services
Charges - PC & B of Adj 25.00

Total: 25.00

Cash 25.00

Total Applied: 25.00

Change Tendered: .00

Duplicate Copy
03/10/2022 2:22 PM

APPLICANT'S AFFIDAVIT

STATE OF UTAH)
) SS
COUNTY OF BOX ELDER))

I, (we) Burt John Miller, 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 Burt John Miller
Property Owner(s)

AGENT _____

Subscribed and sworn before me this 30 day of April 20 21



Michelle Drago
Notary Public

Residing in Perry, UT
My commission expires: 2/2/25

* 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) Samuel W Kunzler, the owner(s) of real property described above, hereby appoint Burt Miller, 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 Samuel W Kunzler
Property Owner(s)

Subscribed and sworn before me this 22 day of April 20 21



Michelle Drago
Notary Public

Residing in Perry, Utah
My commission expires: 2/2/25



Box Elder County Web Map

boxeldercounty.

Address, Street, Place



CAMBELL SHARON JUNE K TTEE ETAL
02-040-0001

CAMBELL SHARON JUNE K TTEE ETAL
02-040-0002

ORMOND CONSTRUCTION INC
02-043-0031

STOKES MARION G TTEE
02-040-0004

STOKES MARION G TTEE
02-043-0004

WELLS WILLIAM MARNELL TTEE ETAL
02-043-0016

WELLS WILLIAM MARNELL TTEE ETAL
02-040-0032

1550 N

200 W

ORMOND CONSTRUCTION INC
02-040-0038

STOKES MARION G TTEE
02-040-0004

ROCHE MAURICE
02-040-0005

WELLS WILLIAM MARNELL TTEE ETAL
02-040-0032

NEBEKER BYRON KENT JT
02-040-0008

NEBEKER BYRON KENT JT
02-041-0001

WHITE ROCK RANCH LLC
02-041-0059

WINN JOHN KENT TTEE ETAL DILG CARL WIEBUX
02-041-0028

ISAKSON GUY R ETAL TTEE
02-041-0036

HARGIS HILL RD

1650 N

OYLER DEAN Q ETUX
02-036-0031

NEWMAN JEREMIAH J
02-039-0052

KOSTOFF JAMES Q
02-039-0016

STOKES MARION G TTEE
02-039-0003

GALL DAVID Q
02-039-0004

GALL DAVID Q
02-039-0035

MAIN ST

NEBEKER BYRON JT
02-042-0002

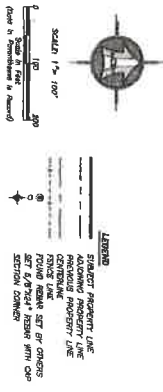
1050 N

STOCK TRAIL

200m

600ft

41.43401 -112.04225 Degrees



PROPERTY TAX ID NO. 02-040-0002

[illegible]

PROPERTY TAX ID NO. 02-040-0039

[illegible]

PROPERTY TAX ID NO. 02-040-0039

[illegible]

1. ROGER C. BURNETT TO ACQUIRE CERTAIN INTEL AND A RESTRICTED PORTFOLIO OF STOCK IN ACCORDANCE WITH TITLE 35, CHAPTER 37, SECTION 101 OF THE PATENT AND TRADEOFF OFFICE.

ROGER C. SLADE, JR.
U/AM JAMES BROWNING LINDSEY, NO. 1188883

NARRATIVE

THE ALMOST OF THE SURVEY WAS IN LANDS ACQUIRED BY THE U. S. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837,

1459 NORTH HARBOR HILL ROAD
P/ARK, BOX ELDER COUNTY, UTAH

A PART OF THE NORTHWEST QUARTER OF SECTION 14
TOWNSHIP 8 NORTH, RANGE 2 WEST, S.L.B.&M.

Drawn By: RS Date: 04/28/2006
Designed By: _____
Checked By: hph
Approved By: _____
Scale: 1" = 100'
Drawing File: 20-S-200-1B.dwg
JOB NUMBER: 20-S-206

HAI

HANSEN & ASSOCIATES, INC.
Consulting Engineers and Land Surveyors
535 North Main Street, Brigham, Utah 84302
Visit us at www.hailes.net
Brigham City Ogden Logan
(435) 723-3441 (435) 399-0900 (435) 722-6272
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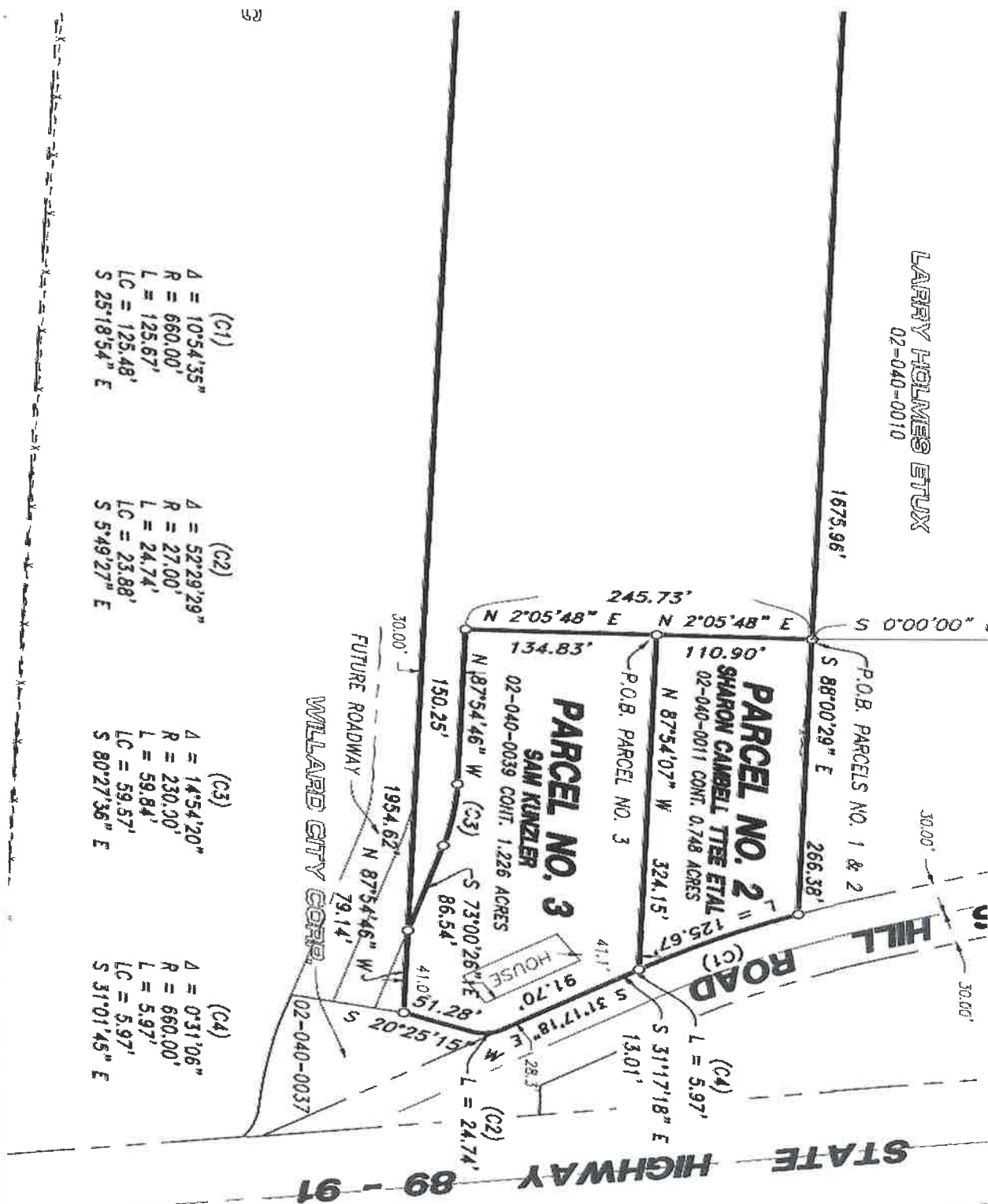
LARRY HOLMES ETUX
02-040-0010

(C1)
Δ = 10°54'35"
R = 660.00'
L = 125.67'
LC = 125.48'
S 25°18'54" E

(C2)
Δ = 52°29'29"
R = 27.00'
L = 24.74'
LC = 23.88'
S 5°49'27" E

(C3)
Δ = 14°54'20"
R = 230.00'
L = 59.84'
LC = 59.57'
S 80°27'36" E

(C4)
Δ = 0°31'06"
R = 660.00'
L = 5.97'
LC = 5.97'
S 31°01'45" E



HAI

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No.

PARCEL NO. 1 BOUNDARY DESCRIPTION

PROPERTY TAX ID NO. 02-040-0002

A PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN.

BEGINNING AT A POINT ON THE SOUTH LINE OF LARRY HOLMES ETUX PROPERTY, TAX ID NO. 02-040-0010 LOCATED 843.24 FEET NORTH 89°45'49" WEST ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER AND 472.08 FEET SOUTH 00°00'00" EAST FROM THE NORTH QUARTER CORNER OF SAID SECTION 14;

RUNNING THENCE SOUTH 02°05'48" WEST 245.73 FEET; THENCE SOUTH 87°54'46" EAST 150.25 FEET; THENCE EASTERLY TO THE RIGHT ALONG THE ARC OF A 230.00 FOOT RADIUS CURVE, A DISTANCE OF 59.84 FEET, CHORD BEARS SOUTH 80°27'36" EAST 59.67 FEET, HAVING A CENTRAL ANGLE OF 14°54'20"; THENCE SOUTH 73°00'26" EAST 86.54 FEET TO THE NORTH LINE OF ORMOND CONSTRUCTION INC. PROPERTY, TAX ID NO. 02-040-0038; THENCE NORTH 87°54'46" WEST 1954.62 FEET TO THE NORTHWEST CORNER OF SAID ORMOND CONSTRUCTION INC. PROPERTY BEING A POINT ON THE EAST RIGHT-OF-WAY LINE OF 200 WEST STREET; THENCE NORTH 87°54'34" WEST 66.09 FEET TO THE NORTHEAST CORNER OF ORMOND CONSTRUCTION INC. PROPERTY, TAX ID NO. 02-040-0031 BEING A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID 200 WEST STREET; THENCE NORTH 87°54'45" WEST 1409.96 FEET ALONG THE NORTH LINE OF SAID ORMOND CONSTRUCTION INC. PROPERTY TO THE SOUTHEAST CORNER OF SHARON CAMBELL TTEE ETAL PROPERTY, TAX ID NO. 02-043-0013; THENCE NORTH 00°25'16" EAST 270.60 FEET TO THE NORTHEAST CORNER OF SAID SHARON CAMBELL PROPERTY BEING A POINT ON THE SOUTH LINE OF SHARON CAMBELL PROPERTY, TAX ID NO. 02-040-0001; THENCE SOUTH 88°00'29" EAST 1403.49 FEET ALONG SAID SOUTH LINE TO THE WEST RIGHT-OF-WAY LINE OF SAID 200 WEST STREET; THENCE SOUTH 00°55'15" EAST 273.20 FEET ALONG SAID WEST RIGHT-OF-WAY LINE; THENCE SOUTH 87°54'34" EAST 66.09 FEET TO SAID EAST RIGHT-OF-WAY LINE; THENCE NORTH 00°55'15" WEST 273.32 FEET ALONG SAID EAST RIGHT-OF-WAY LINE TO THE SOUTH LINE OF SAID SHARON CAMBELL PROPERTY, TAX ID NO. 02-040-0001; THENCE SOUTH 88°00'29" EAST 1675.96 FEET ALONG SAID SOUTH LINE AND THEN ALONG THE SOUTH LINE OF SAID LARRY HOLMES ETUX PROPERTY TO THE POINT OF BEGINNING. CONTAINING 19.445 ACRES.

PARCEL NO. 2 BOUNDARY DESCRIPTION

PROPERTY TAX ID NO. 02-040-0039

A PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN.

BEGINNING AT A POINT ON THE SOUTH LINE OF LARRY HOLMES ETUX PROPERTY, TAX ID NO. 02-040-0010 LOCATED 843.24 FEET NORTH 89°45'49" WEST ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER AND 472.08 FEET SOUTH 00°00'00" EAST FROM THE NORTH QUARTER CORNER OF SAID SECTION 14;

RUNNING THENCE SOUTH 88°00'29" EAST 266.38 FEET ALONG SAID SOUTH LINE TO THE WESTERLY RIGHT-OF-WAY LINE OF HARGIS HILL ROAD; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE SOUTHEASTERLY ALONG A NON-TANGENT CURVE TO THE LEFT ON THE ARC OF A 660.00 FOOT RADIUS CURVE, A DISTANCE OF 125.67 FEET, CHORD BEARS SOUTH 25°18'54" EAST 125.48 FEET, HAVING A CENTRAL ANGLE OF 10°54'35"; THENCE NORTH 87°54'07" WEST 324.15 FEET; THENCE NORTH 02°05'48" EAST 110.90 FEET TO THE POINT OF BEGINNING. CONTAINING 0.748 ACRES.

PARCEL NO. 3 BOUNDARY DESCRIPTION

PROPERTY TAX ID NO. 02-040-0039

A PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN.

BEGINNING AT A POINT LOCATED 843.24 FEET NORTH 89°45'49" WEST ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER AND 472.08 FEET SOUTH 00°00'00" EAST AND 110.90 FEET SOUTH 02°05'48" WEST FROM THE NORTH QUARTER CORNER OF SAID SECTION 14;

RUNNING THENCE SOUTH 87°54'07" EAST 324.15 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF HARGIS HILL ROAD; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES: (1) SOUTHEASTERLY ALONG A NON-TANGENT CURVE TO THE LEFT ON THE ARC OF A 660.00 FOOT RADIUS CURVE, A DISTANCE OF 5.97 FEET, CHORD BEARS SOUTH 31°01'45" EAST 5.97 FEET, HAVING A CENTRAL ANGLE OF 00°31'06"; AND (2) SOUTH 31°17'18" EAST 91.70 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE TO THE NORTHWEST CORNER OF WILLARD CITY CORP. PROPERTY, TAX ID NO. 02-040-0037; THENCE ALONG THE BOUNDARY OF SAID WILLARD CITY CORP. PROPERTY THE FOLLOWING TWO (2) COURSES: (1) SOUTHERLY TO THE RIGHT ALONG THE ARC OF A 27.00 FOOT RADIUS CURVE, A DISTANCE OF 24.74 FEET, CHORD BEARS SOUTH 05°49'27" EAST 23.88 FEET, HAVING A CENTRAL ANGLE OF 52°29'29"; AND (2) SOUTH 20°25'15" WEST 51.28 FEET TO THE NORTH LINE OF ORMOND CONSTRUCTION INC. PROPERTY, TAX ID NO. 02-040-0038; THENCE NORTH 87°54'46" WEST 79.14 FEET ALONG SAID NORTH LINE; THENCE NORTH 73°00'26" WEST 86.54 FEET; THENCE WESTERLY TO THE LEFT ALONG THE ARC OF A 230.00 FOOT RADIUS CURVE, A DISTANCE OF 59.84 FEET, CHORD BEARS NORTH 80°27'36" WEST 59.67 FEET, HAVING A CENTRAL ANGLE OF 14°54'20"; THENCE NORTH 87°54'46" WEST 150.25 FEET; THENCE NORTH 02°05'48" EAST 134.83 FEET TO THE POINT OF BEGINNING. CONTAINING 1.226 ACRES.

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:



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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
12 Excused: Alex, Dubovik, Zack Hulse, and Bryce Wheelwright

13
14 Others in attendance: Mayor Travis Mote; Councilman John Seamons, Councilman Kaleb Kunzler, Chad
15 Braegger, Bryce Woodard, John Gilmore, Miriam Alberto, and Lance Anderson.

16
17 The meeting was called to order at 6:30 p.m.

18
19 1. PRAYER: Chandler Bingham

20
21 2. PLEDGE OF ALLEGIANCE: Sid Bodily

22
23 3. ROLL CALL – Attendance was recorded by the secretary.

24
25 4. GENERAL PUBLIC COMMENTS (INPUT FOR ITEMS NOT ON AGENDA)

26
27 There weren't any public comments.

28
29 Chris Davis, City Manager, asked that the first item on agenda be delayed until later in the meeting when
30 the applicant could be in attendance.

31
32 5B. CONSIDERATION OF A LOT LINE ADJUSTMENT FOR COREY BARTON, JOHN GILMORE,
33 AND WILLARD CITY CORPORATION LOCATED AT 300 EAST AND HAUL ROAD (PARCEL
34 NOS. 02-050-0077, 02-050,0078, AND 02-050-0060)

35
36 Time Stamp: 03/03/2022 3:58

37
38 Chris Davis stated that this was a lot line adjustment between properties owned by Corey Barton, John
39 Gilmore, and Willard City Corporation. In this situation, the City was exchanging property with Mr. Barton
40 and Mr. Gilmore to align the Haul Road and 300 East intersection to make it safer. The City was receiving
41 additional property on the east side of 300 East that was owned by Corey Barton. Corey Barton had
42 improved part of Haul Road that was owned by Willard City. The exchange gave him the property he had
43 improved. Mr. Barton gave up property on 300 East to Willard City. When John Gilmore was building his
44 house, Haul Road divided the west part of his property. Mr. Gilmore gave up the remainder parcel to Willard
45 City in consideration of some pavement and improvement issues. The City Attorney had reviewed the lot
46 line adjustments.



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John Gilmore stated that he was happy with the configuration of the new road. The intersection was a lot more ergonomical, and it was safer. The only issue he had was that the manhole cover in front of his house had not been uncovered. Mr. Davis made a note to contact Post Construction.

Chairman Bodily asked if the Planning Commission had any questions. They did not.

Commissioner Bingham moved to approve 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, 02-50-0078, and 02-050-0060). Commissioner Harrop seconded the motion. All voted “aye.” The motion passed unanimously.

5A. CONSIDERATION OF A LOT LINE ADJUSTMENT FOR TERRY DERU LOCATED AT APPROXIMATELY 500 WEST 750 NORTH (PARCEL NOS. 02-43-0023 AND 02-043-0025)

Time Stamp: 03/03/2022 8:53

Chris Davis stated that the City had received an application from Terry Deru for a lot line adjustment on 750 North. The lot line adjustment also involved UTA. Terry Deru's engineer, Lance Anderson, had prepared a preliminary plan showing the proposed property lines and a preliminary development plan. Mr. Davis had spoken with Hal Johnson from UTA who indicated that UTA was comfortable with the property line adjustment. The preliminary development plan showed a potential Front Runner Station, which or may not happen. UTA had also purchased considerable property on the south side of 750 North. Lance Anderson was in attendance representing Terry Deru.

Lance Anderson, Cache Landmark, stated that the UTA property on 750 North was currently shaped like a slice of pie. Terry Deru and UTA proposed to create a new north/south property line. Mr. Deru was seeking approval of the boundary line adjustment in order to proceed with subdividing his property.

Commissioner Harrop asked if the lots would be commercial. Lance Anderson said they would be.

Mr. Anderson said this property had been around for a long time. They had worked on it with Willard City in 2008 and 2009 when a Transit Oriented Development was created based on discussions for a Front Runner Station. The subdivision would include commercial development.

Chairman Bodily asked if Mr. Anderson knew what kind of commercial uses were being proposed. Mr. Anderson said a hotel was interested at one time. The pandemic had changed their plans. Chairman Bodily asked about a credit union. Mr. Anderson the credit union had owned the sliver of property now owned by UTA. There had been plans for a convenience store and some retail and small shop space. There wasn't any particular use right now. Their current plan was to get the lots and roads laid out and install some of the subdivision improvements, such as the 12-inch water line, and other infrastructure within the UDOT right-of-way.

Colt Mund, City Attorney, stated that the City required a survey and property descriptions for the proposed adjustments. He asked if they had been submitted. Lance Anderson stated that the new legal descriptions had been recorded. Michelle Drago, Deputy City Recorder, stated that the City had received new legal descriptions with the application.



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Lance Anderson stated that the new warranty deeds had been submitted with the application. UTA came to Mr. Deru with threat of eminent domain. Mr. Deru had agreed to the boundary line adjustment, and the new deeds, with legal descriptions he provided, had been recorded.

Mr. Mund did not see any zoning violations or any other code restrictions. He recommended that the Planning Commission approve the lot line adjustment contingent upon a legal review of the warranty deeds.

Chairman Bodily asked if the Planning Commission had any concerns. Commissioner Harrop felt the lot line adjustment made sense. It utilized the ground better.

Commissioner Bingham moved to approve a lot line adjustment for Terry Deru and UTA located at approximately 500 West 750 North (Parcel Nos. 02-043-0023 and 02-043-0025) subject to legal review of the property descriptions and warranty deeds. Commissioner Baker seconded the motion. All voted “aye.” The motion passed unanimously.

5C. 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)

Time Stamp: 03/03/22 17:01.

Chris Davis stated that Bryce Woodard, the applicant, had been working with Bryce Wheelwright on a Conditional Use Permit application for a retail store located at 39 South Main and replacement of existing mobile homes for use as short-term rentals. Colt Mund had some concerns about the proposed use. Mr. Woodard wanted to address the Planning Commission and discuss his vision for the property.

Bryce Woodard, 438 ½ North Main, Logan, Utah 84321, stated that he and his wife Karen had submitted an application for a Conditional Use Permit for 39 South Main. They currently owned a retail nutrition store in Logan, Utah where they sold vitamins, supplements, essential oils, etc. New owners had purchased the space they occupied, and they had not been able to work out a new lease arrangement. They were on a month-to-month lease. They either had to shut down the store or find someplace else. Retail space in Logan was out of his price range. He came across this site in Willard. They originally looked at 39 South Main for the retail space. They felt it would give them the ability expand their business by selling smoothies and keto or bullet-proof coffee. They felt the site would work well.

Mr. Woodard said there were a couple of older trailers on the property. According to Bryce Wheelwright the trailers were grand-fathered in. They owned a condo at Bear Lake that they had used for nightly rentals. It did really well. They were interested in doing something similar in Willard. The property was currently being used as an Airbnb. He was concerned about the older trailers. They were paying rent. He proposed to replace them with new, small manufactured/mobile homes that were approximately 400 square feet in size. The current renter of the trailer closest to the building had tentatively agreed to move out. There were several different models to choose from if appearance was a concern. They preferred to Airbnb the space out. They currently lived in an RV and planned to stay at the Willard Peaks Campground. If they needed to, they would put in the manufactured home and live in it.

Mr. Woodward said he was looking for a five-year conditional use permit. His ultimate goal was to build another commercial space behind the existing store with a townhouse above it. There were places like that in Logan. For five years, he would like to be able to do short-term rentals with small, manufactured homes.



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143 If he could get approval of the second Airbnb, he would wait until August, when the current lease would be
144 up.

145
146 Chairman Bodily asked if there was a third trailer. Mr. Woodward said there was only two on this property.

147
148 Mr. Woodward said they would eventually find another lot to move the manufactured homes to. The
149 manufactured homes were built well.

150
151 Colt Mund stated there were regulations in Chapter 12-103 of the Zoning Ordinance for legal non-
152 conforming uses and buildings. Under the ordinance, a property owner was not allowed to remove and
153 replace an existing non-conforming structure. A damaged, non-conforming building could be restored if it
154 was damaged by a fire or natural disaster. A non-conforming use could not be altered or enlarged. He did
155 not feel a restoration included replacing the non-conforming use with a new, manufactured home. Mr. Mund
156 did not feel the Code would allow what Mr. Woodward was contemplating.

157
158 Mr. Mund asked about the difference between the existing mobile home and the proposed manufactured
159 home. Bryce Woodward said the existing trailer was quite a bit bigger than the manufactured home he was
160 proposing. The size of the use would shrink. Mr. Mund did not feel decreasing the size of the non-
161 conforming use would be a problem, but the ordinance did not discuss replacing a non-conforming use.

162
163 Mr. Mund deferred to Bryce Wheelwright and the Planning Commission on conditions for the retail portion
164 of the conditional use permit.

165
166 Chairman Bodily asked what the non-conforming use meant. Chris Davis said it meant the current use pre-
167 dated current zoning regulations. The current zone did not allow a mobile home park. This property was
168 not zoned to have a residential use behind the commercial use.

169
170 Commissioner Harrop stated that if the use was removed the grandfather status would be gone. Chris Davis
171 and Colt Mund both agreed that was the argument.

172
173 Colt Mund stated that adding a third mobile home would not be allowed. If the use was discontinued for a
174 year, then it would no longer be allowed. In this case, the applicant was asking if the existing mobile homes
175 could be replaced. The ordinance did not say anything about replacing a non-conforming building. It only
176 said an existing, non-conforming building could be restored. The Code did not explicitly say a non-
177 conforming use could be replaced, but it didn't say it couldn't either.

178
179 Bryce Woodward stated that his purchase of this property was contingent on approval of a use to bring in
180 more income.

181
182 Commissioner Baker asked about the size of this property and the corner property with the other mobile
183 homes. Mr. Woodward said his property was .28 acres (12,196 square feet). The retail building was only
184 1,050 square feet. The existing trailers were long and single wide. The manufactured homes he was
185 proposing would be considerably smaller. Commissioner Harrop said the lot on the corner was .25 acres.

186
187 Commissioner Baker didn't have a problem with the retail part. She was concerned about the manufactured
188 homes. She didn't want it to end up a mess like the campground.



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Colt Mund stated that there was a difference between a mobile home and a manufactured home. If the existing trailers were mobile homes and the applicant was proposing manufactured homes, the grandfather status would be lost. The mobile homes weren't being replaced with mobile homes.

Commissioner Baker asked if the manufactured homes were like the tiny homes. Mr. Woodard said they were, but they were built better than tiny homes were.

Chris Davis agreed that the manufactured homes would be much nicer than what was there, but he did not feel manufactured homes were mobile homes. They were not categorized the same way. Regardless of how much the Planning Commission might like them, this was a commercial zone.

Commissioner Baker was concerned about what would happen if a parking dispute occurred between this property and the property on the corner. Mr. Woodard felt there was more property and parking for this property than the corner

Commissioner Bingham did not feel that the proposed use fit the zoning. The non-conforming use would be gone as soon as a trailer was removed.

Bryce Woodard said the current trailers could be there for a long time. Mr. Woodard said he could purchase the property and leave the old trailers there forever. Why would the City want that? Commissioner Bingham agreed, but the Planning Commission had to abide by the Zoning Ordinance.

Commissioner Baker asked about Mr. Woodard's future plans. Bryce Woodard said that in about five years, he wanted to build a commercial space behind the retail store with living space above it, or he could just build a two-story commercial space. He liked this site because of its future potential.

Chairman Bodily did not feel the residential part fit the current zoning.

Commissioner Baker agreed with the business part, but not the residential part.

Commissioner Harrop did not feel the application complied with the Zoning Ordinance. He agreed it would be nice to get this property cleaned up, but the Planning Commission had to follow the ordinances and the City standards.

Chairman Bodily said Mr. Woodard could run the retail business, but the Planning Commission couldn't approve the residential part.

Mr. Woodward said he wanted to get the trailers out of there. He wanted to make the property profitable.

Commissioner Baker pointed out that Bryce Woodard planned to live at the RV campground, which was not supposed to happen. According to conditions attached to the campground's conditional use permit, there weren't supposed to be long term tenants. The maximum length of stay was 90 days.

Bryce Woodward stated that if his conditional use permit was approved, he would put in a new manufactured home and live behind the retail store.

Commissioner Harrop stated that the property was zoned commercial. If a non-conforming use was removed, it could no longer be part of the equation. The non-conforming use was gone, and the property



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had to comply with current commercial zoning regulations and standards. The proposed retail was allowed by the zoning, but the proposed residential use was not.

Bryce Woodward said that if the trailers could not be changed that was what he needed to know.

Commissioner Baker moved to decline the Conditional Use Permit requested by 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). Commissioner Bingham seconded the motion. All voted "aye." The motion passed unanimously.

5D. 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

Time Stamp: 03/03/22 34:26

Chairman Bodily asked if the Planning Commission members had read the proposed ordinance.

Commissioner Bingham stated that changes had been made to the proposed ordinance after the joint City Council/Planning Commission work session on Wednesday, February 21st. Michelle Drago stated that Colt Mund had updated the ordinance after the work session. The most current draft had been forwarded to the Planning Commission and was included in their packets.

Commissioner Harrop stated that he had a few questions. The first was about the one-year probationary period for homeowners' associations discussed in 12-106-3-3(a). The one-year time period really could not start the day an MPC Zone was approved. In most cases, the HOA did not kick in until 50% of the homes were occupied. Until that time, the developer was in charge of the association. He suggested that language be added to start the probationary period when the homeowners took over the association.

Councilman John Seamons did not feel the one-year period at the beginning made sense. Attorneys would run the homeowners' association until it qualified to be managed by homeowners. The concept was not to have a probationary period at the beginning. The concept was to allow a homeowners' association one year to fix issues if it got into trouble.

Mayor Travis Mote asked if the ordinance would allow the City to disable, or unapprove, an HOA. Or, did it deal strictly with what the City could or could not do with the open space? The ordinance said the City would temporarily approve an HOA. To him that meant the City could unapprove an HOA.

Councilman John Seamons said the one-year period was not meant to be a probationary period. The City didn't have any say in an HOA. That was between a homeowner and a developer. The proposed ordinance was intended to address problems that might come up years after an HOA went into effect. If a homeowners' association started to let maintenance slip or didn't have money to provide maintenance, the City would give them one year to resolve the problem. If the problem wasn't or couldn't be fixed, the City would have the authority to create a special assessment district.

Mayor Mote felt that was reasonable.

Colt Mund stated that Councilman Ward had raised the question about what the City could and could not regulate regarding HOA's. After an HOA was approved and there a binding agreement between the



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association and the landowners, the City did not have the authority to void or terminate it. The landowners would have to bring a suit against the HOA if it was not performing. Prior to the formation of an HOA, the City did have the right to listen to a proposal, review bylaws and HOA agreement, and try to negotiate language to allow the City to be party to the agreement in some manner. Then the City could impose a penalty provision if an HOA failed to perform. Once an agreement was entered into, he did not feel the City would have authority to nullify it.

Mayor Mote stated that if the open space was a City easement, the easement could have a right of enforcement. There could be language about the easement that gave the City the ability to assess a special tax or fee based on the required maintenance.

Colt Mund said the Mayor was correct. If there was an easement agreement beforehand with performance clauses and costs of maintenance, the City could interject. The City could also use the City's Nuisance Ordinance to enforce issues such as weeds and fire hazards.

Commissioner Harrop felt 12-106-3-3(a) should be re-written. Once an HOA was started, the City would not be able to intervene. Colt Mund felt a development agreement with easement and enforcement provisions would allow the City to maintain open space.

Councilman Seamons felt that language should be put in the proposed MPC Ordinance.

Commissioner Harrop said 12-106-5 said the density of the MPC Zone shall be consistent with the policies of the General Plan. What policies was the ordinance talking about? Colt Mund stated that the General Plan would have stated goals and policies.

Commission Baker expressed concern about adopting the MPC Ordinance before the General Plan with its goals and policies was adopted. Commissioner Bingham said the City already had a General Plan with stated goals and policies.

Commissioner Bingham said the Council discussed ten-acre minimum size. Some wanted a bigger minimum and some wanted a smaller one. He felt the City should keep the ten-acre size for right now. It would provide the City with an opportunity to learn on a smaller scale. Then the City would only have a ten-acre problem rather than a fifty-acre one.

Chairman Bodily said the minimum lot size had been removed. Chris Davis said that 12-106-5 referred to the General Plan rather than to lot sizes.

Commissioner Bingham said the City Council and Planning Commission spent over an hour discussing lot sizes. He felt the ordinance would work best if it was kept as open as possible to allow different ideas. If the City was bombarded with MPC applications, it could increase the minimum size. He didn't feel an MPC development would work unless it benefitted both the developer and the City. A lot of people felt the old ordinance benefitted the developer more than the City.

Chairman Bodily stated that each of the written comments received at the last meeting had a different perspective. The City could not satisfy everyone. He felt the ordinance was ready to forward to the City Council.



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

Commissioner Bingham would have preferred the open space to have remained at 30% like the old PUD Ordinance. There had been arguments for 10% open space and arguments for 40%. For the most part, everyone agreed with 20%. He felt the ordinance was pretty good.

Colt Mund said he could make the Planning Commission's corrections to the MPC Ordinance prior to the City Council meeting on March 10th.

Commissioner Bingham moved to forward Ordinance No 2021-2 to the City Council with a recommendation of approval, subject to the correction recommended by Commissioner Harrop. Commissioner Harrop seconded the motion. All voted "aye." The motion passed unanimously.

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

Time Stamp: 03/03/2022 49:55

Chairman Bodily stated that the proposed amendments discussed at the last meeting were dry secondary water lines; fiber optics; and curb, gutter, and sidewalk at the discretion of the City Engineer.

Chairman Bodily said he had read through the rest of the Subdivision Ordinance and did not see anything else that needed to be updated. Commissioner Bingham felt those were the only three issues.

Colt Mund asked if the Commission would like him to prepare a redlined draft for the next meeting. The Commission said it would.

Commissioner Baker moved to table discussion regarding amendments to the Subdivision Ordinance until the next meeting when a draft ordinance could be reviewed. Commission Bingham seconded the motion. All voted "aye." The motion passed unanimously.

6. CONSIDERATION AND APPROVAL OF FEBRUARY 17, 2022, REGULAR PLANNING COMMISSION MINUTES

Commissioner Harrop moved to approve the regular Planning Commission minutes of February 17, 2022, as corrected. Commissioner Baker seconded the motion. All voted "aye." The motion passed unanimously.

7. COMMISSIONER/STAFF COMMENTS

Time Stamp: 03/03/2022 53:28

Colt Mund

Did not have any comments.

Chris Davis

Did not have any comments.

Commissioner Bingham



WILLARD CITY
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Did not have any comments.

Commissioner Baker

Commissioner Baker said a recent edition of *The Box Elder Journal* mentioned the rezone of property owned by Castle Creek in South Willard. The zone had been changed from 100 acres to 50 acres. According to the article, Commissioner Jeff Scott said it was highly likely the property would be annexed into Willard. She asked if this a new development that wanted to annex? Chris Davis said was not. This property had been trying to develop for 20 years. The County changed the minimum size for a Master Planned Community from 100 acres to 50 acres. That change would allow this property to do a master planned community. There was an agreement that would allow this property and two others to have sewer through Willard. That agreement had not been finalized because of information needed from UTA regarding the line alignment. Commissioner Baker asked if the General Plan update included these annexations. Chris Davis stated that all of the Planning Commission members had received a draft copy of the General Plan update. Chairman Bodily said there had been talk, but the City had never received an application. Chris Davis said the property owners wouldn't want to annex if they couldn't develop their property.

Commissioner Harrop

Did not have any comments.

Chairman Bodily

Did not have any comments.

8. ADJOURN

Commissioner Harrop moved to adjourn at 7:27 p.m. Commissioner Baker 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 03-03-2022