



Notice is hereby given that the
WILLARD CITY PLANNING COMMISSION
Will meet in a regular session on
Thursday, April 7, 2022 – 6:30 p.m.
Willard City Hall, 80 West 50 South
Willard, Utah, 84340

AGENDA

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

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

1. Prayer
2. Pledge of Allegiance
3. Roll Call
4. General Public Comment (Input for items not on the agenda. Individuals have three minutes for open comments)
5. Discussion/Action Items
 - a. Public hearing to receive public comments regarding a proposal to amend the Subdivision Ordinance – Chapter 12-400 – of the Willard City Zoning Ordinance
 - b. Consideration and recommendation to City Council regarding a proposal to amend the Subdivision Ordinance – Chapter 12-400 of the Willard City Zoning Ordinance
 - c. Consideration of conception approval for Willard Commercial Subdivision located at approximately 500 West 750 North (Parcel Nos. 02-043-0023 and 02-043-0025)
 - d. Discussion regarding adopting standards for Accessory Dwelling Units
 - e. Training Video – Open and Public Meetings Act
6. Consideration and approval of the March 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 4th day of April, 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.

**NOTICE OF PUBLIC HEARING
WILLARD CITY PLANNING COMMISSION**

Notice is hereby given that the Willard City Planning Commission will hold a public hearing to receive public comment regarding a proposal to amend the Subdivision Ordinance - Chapter 12-400 - of the Willard City Zoning Ordinance.

The public hearing will be held on Thursday, April 7, 2022, at 6:30 p.m. in the Willard City Council Chambers, 80 West 50 South, Willard, Utah, during a regular Planning Commission meeting.

Information regarding this matter is available during business hours by contacting the Willard City Planner at 435-723-9881. Business hours are 8:00a.m. to 5:00 p.m. Monday through Thursday and 8:00 a.m. to 12:00 p.m. on Friday.

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

I, the undersigned duly appointed 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; two other places in the community; on the State of Utah Public Meeting Notice website <http://www.utah.gov/pmn/index.html>; on the Willard City website www.willardcity.com; and sent to the Box Elder News Journal this 21st day of March, 2022.

/s/Michelle Drago

Deputy City Recorder

{DRAFT}

12-400-11-01. Design and Construction Standards Applicable to all Subdivision Applications:

(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 Standard ~~Book~~.

(4) The Developer shall be responsible for the installation of gas mains, power mains, water mains, storm water mains, communication mains, and the installation of infrastructure for fiber optic lines and a secondary water transmission and delivery system prior to street paving.

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

The installation of curb, gutter, and sidewalks may be required by the Planning Commissions and/or City Council with any proposed subdivision or development. The intent is to provide adequate storm drainage, reduced flood hazard and to protect the health, safety, improvements, property, and the general welfare of the persons residing in the area to be subdivided or developed. Prior to considering the waiver of the curb, gutter, and sidewalk requirement to any subdivision or development, the applicant shall provide the following to the Planning Commission and SLUA: (1) A proposed storm water retention and drainage plan for the proposed subdivision or development that alleviates the need for curb and gutter; and (2) a proposed plan to address traffic circulation and pedestrian travel within the subdivision or development that preserves the safety and general welfare of pedestrians without a sidewalk. The City Engineer shall then review the proposed plans and submit a written recommendation to the Planning Commission for consideration.

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

(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 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 ~~Willard City Attorney~~.

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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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95 5C. DISCUSSION AND REVIEW OF POSSIBLE AMENDMENTS TO THE SUBDIVISION
96 ORDINANCE – CHAPTER 12-400 OF THE WILLARD CITY ZONING ORDINANCE
97

98 Bryce Wheelwright, City Planner, stated a member of the Planning Commission had suggested that the
99 Planning Commission review the curb, gutter, and sidewalk requirements; secondary water requirements;
100 and requirements for fiber optics in the Subdivision Ordinance. The Subdivision Ordinance currently
101 required curb, gutter, and sidewalk on all streets in new subdivisions. The current ordinance also required
102 that a developer bring water for every new development in the amount of 1 acre foot of water per residential
103 unit for inside and outside use. There was a provision in the Zoning Ordinance that allowed the water
104 requirement to be waived if the City Council felt it wasn't necessary.
105

106 Chairman Bodily asked if 12-400-11-01(3) covered installation of fiber optics and dry lines for secondary
107 water. Colt Mund, City Attorney, felt the code should clearly state that subdivision improvements included
108 fiber optics and dry lines for secondary water.
109

110 Commissioner Bingham felt that curb, gutter, and sidewalk requirements needed to be modified in addition
111 to fiber optics and secondary water dry lines. Trying to integrate the old and new parts of the community
112 had caused problems in the past. He felt there needed to be wording in the Subdivision Ordinance that to
113 make curb, gutter, and sidewalk comply with an overall drainage and accessibility plan approved by the
114 City Engineer. Everyone wanted to keep Willard rural. He didn't feel curb, gutter, and sidewalk was rural.
115 He had never been in a rural area that had sidewalk.
116

117 Commissioner Hulseley had similar thoughts. He suggested wording to allow curb, gutter, and sidewalk to
118 be consistent with Willard City's drainage plan and approved by the City Engineer.
119

120 Commissioner Bingham felt changing the curb, gutter, and sidewalk requirements would help the City
121 comply with new mandates from the State of Utah. The State was moving to a '*perc where it sits*' drainage
122 plan rather than having settling ponds all over the place. There were places in Willard that had to have curb
123 and gutter, such as the east side of the City.
124

125 Chairman Bodily stated that the problem with curb and gutter was a storm drain to handle the water that
126 was collected. If the City put in curb and gutter, where would it send the storm water? The City didn't have
127 a storm drain.
128

129 Commission Bingham felt that was why curb, gutter, and sidewalk had to adhere to the City's Capital
130 Facilities Storm Drain Plan. Generally requiring curb, gutter, and sidewalk was not a solution. It was just a
131 bunch of cement that sometimes caused more problems than it fixed. Curb, gutter, and sidewalk should be
132 required in newer areas of the community but not in the older areas. He understood people complained that
133 rolled curb, or berms, filled up. He felt maintaining rolled berms would be easier than maintaining curb and
134 gutter. Curb and gutter was like pipelines that broke and washed out. There were problems with berms
135 being filled, but he felt the City's maintenance personnel could easily check them when reading water
136 meters. In trying to match newer parts of the City with older areas, regulations were needed that didn't tie
137 the hands of the Planning Commission and City staff so much.
138

139 Chairman Bodily felt that at some point in the future, the City would put in a storm drain.
140

141 Chairman Bingham didn't feel a storm drain would ever happen in areas that did not have a drainage plan.
142 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.



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. Commissioner 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

Planning Commission Meeting – Regular Meeting

Thursday, March 17, 2022 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

Commissioner Baker asked if the Miller's intended to build a home. Burt Miller said they did. Commissioner Baker asked about future intentions for the remainder of the property. Kari Miller said the remainder of the property was owned by her parents, Sam and Joann Kunzler. It was part of the Kunzler family trust.

Commissioner Hulsey did not have a problem with the lot line adjustment. It was already zoned R ½. The adjustment complied with the zoning.

Commissioner Baker didn't have any concerns either.

Dan Warr, 1710 North Hargis Hill Road, asked the purpose for the remainder of the land. Commissioner Dubovik said the remainder of the property was zoned A-5 and had an agricultural use. Bryce Wheelwright said there was a potential planned development on the remaining property.

Commissioner Bingham moved to approve a lot line adjustment for Burt John Miller located at approximately 1469 North Hargis Hill Road (Parcel Nos. 02-040-0011, 02-040-0039, and 02-40-0040). Commissioner Dubovik seconded the motion. All voted "aye." The motion passed unanimously.

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

Time Stamp: 3/17/22 6:48

Bryce Wheelwright stated that Colt Mund, the City Attorney, had researched the amendments proposed by the Planning Commission and prepared draft language.

Commissioner Dubovik thought the Planning Commission might want to discuss curb and gutter requirements that could be waived versus curb and gutter that might be required. The draft prepared by Colt Mund read, "*The installation of curb, gutter, and sidewalk **may be required** by the Planning Commission and/or City Council with any proposed subdivision or development*" He suggested the following, "*Installation of curb, gutter, and sidewalk **are required** with any proposed sub division or development. These requirement may be waived by the City Engineering, with concurrence from the Planning Commission and City Council, if the following conditions are met...*"

Chairman Bodily felt that might a good idea.

Colt Mund stated that curb, gutter, and sidewalk were required in the Subdivision Ordinance. Section 12-102-18 of the Supplemental Standards said curb, gutter, and sidewalk may be waived if surrounding areas did not have them. The City Code had two ordinances that were arguably in competition; although the supplementary standards seemed to apply more to planned developments and commercial properties. Mr. Mund suggested that the curb, gutter, and sidewalk requirement in the Subdivision Ordinance be repealed, and that the City only use the requirements in the Supplemental Standards. It had more permissive language. If the curb, gutter, and sidewalk requirements were changed, the City's Public Works Standards would also have to be changed.

Commissioner Hulsey stated that there were other ways to manage storm water besides curb and gutter. Curb, gutter, and sidewalk seemed to take away from the rural feel the City wanted to keep. Was the City going to require curb and gutter, or was it going to require storm water management?

Bryce Wheelwright said the City already required storm water management.



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, March 17, 2022 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

Commissioner Hulsey suggested language that required storm water to be managed on site rather than just stating that curb and gutter would be required.

Chairman Bodily said that storm water management would have to be approved by the City Engineer. Commissioner Hulsey agreed. The ordinance could require an approved storm water management plan. He felt keeping it that simple would be okay.

Bryce Wheelwright reminded the Commission about the curb and gutter problems the City encountered with an infill subdivision a few years ago. The City Attorney at that time said the requirements of the Subdivision Ordinance took precedence over the Supplemental Standards because it was newer.

Chairman Bingham said that was also how the City Council had interpreted the ordinance.

Colt Mund stated that 12-102-18 had more permissive language. He agreed that if someone was subdividing land, the Subdivision Ordinance would be the governing ordinance. The only legal concern he had about adopting waiver language was that it had to be applied even handedly. There could be problems when there was latitude. He had prepared a draft ordinance based on the direction from the Planning Commission.

Commissioner Dubovik felt the default position for anyone developing land should be installation of curb and gutter or a viable storm water plan. He didn't feel gravel was a viable plan.

Chairman Bodily felt it was important to have the storm water plan approved by the City Engineer.

Commissioner Dubovik stated that he liked the draft prepared by Colt Mund. He just wanted to have a discussion about a different approach.

Chairman Bodily felt it was a good idea to have the requirement in place. Then the City wouldn't be in the position of trying to come up with a way to require it. The requirement could then be waived if needed.

Commissioner Hulsey asked if the Commission wanted the default position to be curb and gutter. He agreed there needed to be a default. Curb and gutter was simple that way. The Commission could include language about accommodating a 100 year storm, or it could include language requiring a plan approved by the City Engineer. Then the City Engineer would determine what kind of storm the plan would have to accommodate.

Commissioner Bingham stated that he had spoken with Dr. Joe Perrin about curb, gutter, and sidewalk requirements after the City Council General Plan work session. Dr. Perrin said a lot of cities used curb and gutter because it was easy. It did mean more maintenance. There wasn't a lot of precedence for other options. Curb and gutter might not make sense for Willard financially because Willard did not have a city-wide storm drain system. The Planning Commission was trying to come up with a long term plan for the entire community that didn't break the City. Dr. Perrin said the City had to think about maintenance and pedestrians.

Commissioner Dubovik felt the sidewalk subject was important when the Planning Commission started talking about a growing population and traffic. He wasn't sure how those could be mitigated without sidewalk.



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, March 17, 2022 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

Commissioner Bingham said Dr. Perrin said there were options for pedestrians, such as trails or a berm and a sidewalk.

Commissioner Hulsey said there were a lot of options, such as wider shoulders, trails, and bike lanes. The City wasn't limited. Sidewalks did not have to be with curb and gutter.

Commissioner Bingham stated that amending the Subdivision Ordinance was the way to go if the Planning Commission wanted to continue in the direction most residents wanted.

Bryce Wheelwright stated that there was a lot of drainage and erosion problems on the east side of the community. He didn't think the Planning Commission should eliminate curb and gutter all together.

Commissioner Hulsey agreed that curb and gutter made perfect sense in some places. In other places it didn't. That was why there should be a requirement for an approved storm water plan rather than a blanket statement that everything had to have curb and gutter. There were places on the west side of the community where curb and gutter would do more harm than good.

Commissioner Bingham felt the proposed amendment would allow the City Engineer to get more involved.

Commissioner Dubovik stated that after listening to the Commission's discussion, he liked Colt Mund's language more and more.

Chad Braegger, 725 North Main, stated that if the City was going to consider swales, it was very crucial that everyone used the same size drainage pipe in their driveways. If cheaper pipe was used, it would collapse. Smaller pipe sizes would not be able to handle 100-year storms. He recommended reinforced concrete pipe in driveways. If a swale was on the City right-of-way, the City would be responsible if there was a backup. Curb and gutter all looked the same, but swales did not. He felt swales should all be the same, size and color so there was a uniform look.

Commissioner Baker liked the California curbing on 200 South. If there was two to three feet of pavement next to the curbing there would be a type of sidewalk. She liked the proposed language.

Commissioner Hulsey moved to hold a public hearing on April 7, 2022, at 6:30 p.m. to receive public comments on the proposed amendments to the Subdivision Ordinance. Commissioner Baker seconded the motion. All voted "aye." The motion passed unanimously.

5C. TRAINING VIDEO - TABLED

Time Stamp: 3/17/22 22:25

Chairman Bodily tabled the training video in order to allow Commission members to attend a CERT training meeting.

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

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

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

435-734-9881

Receipt No: 1.012392

Jan 4, 2022

Willard TOD Sketch plan Application

Charges for Services

Charges - PC & B of Adj

Total:

88.00

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)

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

Property Owner(s)

AGENT

Lance Anderson

Subscribed and sworn before me this 16 day of February 2022



Susan Hall

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

Property Owner(s)

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



Karla J Tallant

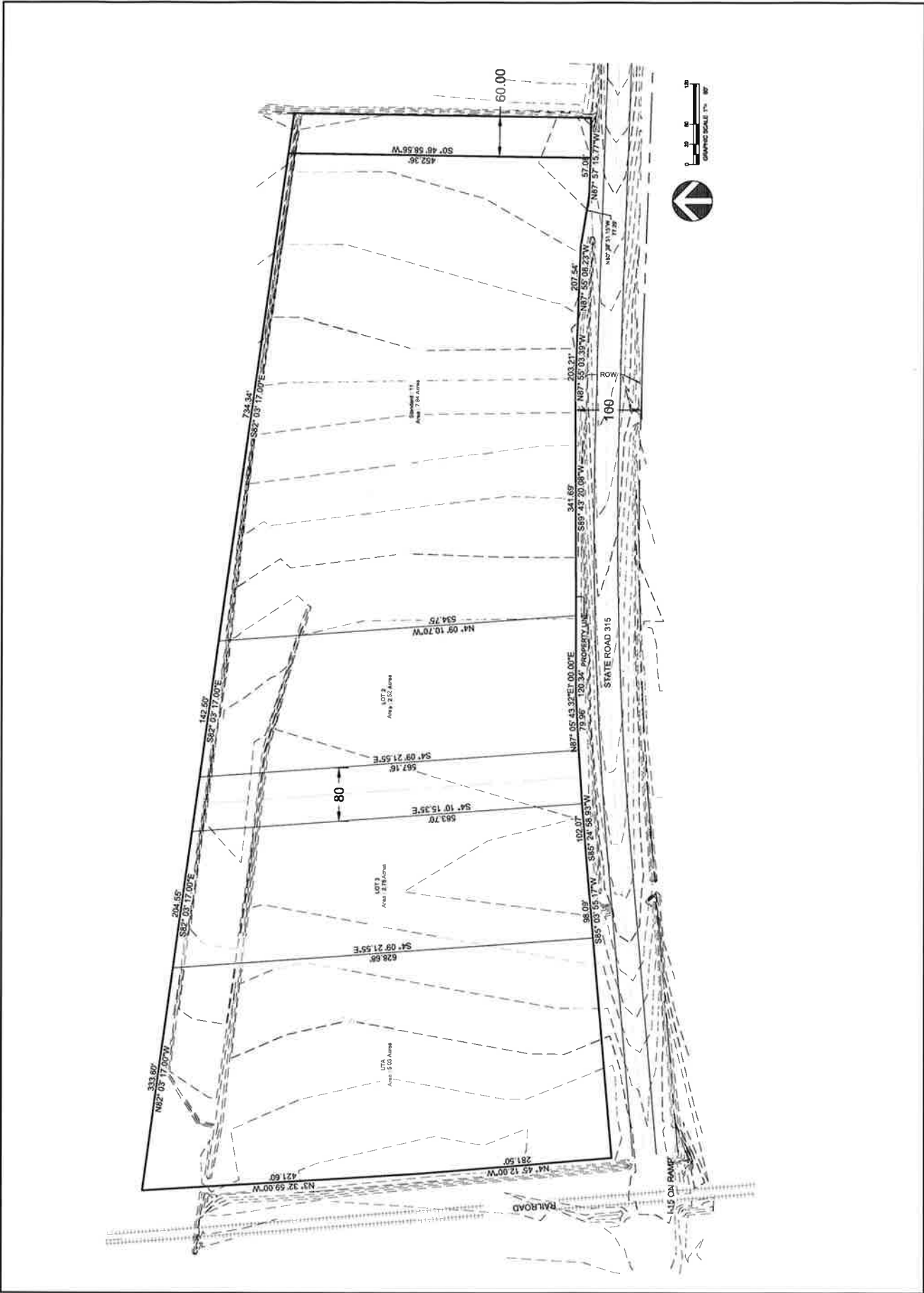
Notary Public

Residing in

150 S Fort Lane
Layton UT 84041

My commission expires:

7/29/2022





Box Elder County Web Map

boxeldercounty

750 n 200 w, willard



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



<< Previous Section (10-9a-529)

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Next Section (10-9a-531) >>

Index Utah Code**Title 10 Utah Municipal Code****Chapter 9a Municipal Land Use, Development, and Management Act****Part 5 Land Use Regulations****Section 530 Internal accessory dwelling units. (Effective 10/1/2021)****Effective 10/1/2021****10-9a-530. Internal accessory dwelling units.**

(1) As used in this section:

- (a) "Internal accessory dwelling unit" means an accessory dwelling unit created:
 - (i) within a primary dwelling;
 - (ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the time the internal accessory dwelling unit is created; and
 - (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.
- (b) "Primary dwelling" means a single-family dwelling that:
 - (i) is detached; and
 - (ii) is occupied as the primary residence of the owner of record.

(2) In any area zoned primarily for residential use:

- (a) the use of an internal accessory dwelling unit is a permitted use; and
- (b) except as provided in Subsections (3) and (4), a municipality may not establish any restrictions or requirements for the

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construction or use of one internal accessory dwelling unit within a primary dwelling, including a restriction or requirement governing:

- (i) the size of the internal accessory dwelling unit in relation to the primary dwelling;
- (ii) total lot size; or
- (iii) street frontage.

(3) An internal accessory dwelling unit shall comply with all applicable building, health, and fire codes.

(4) A municipality may:

- (a) prohibit the installation of a separate utility meter for an internal accessory dwelling unit;
- (b) require that an internal accessory dwelling unit be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling;
- (c) require a primary dwelling:
 - (i) to include one additional on-site parking space for an internal accessory dwelling unit, regardless of whether the primary dwelling is existing or new construction; and
 - (ii) to replace any parking spaces contained within a garage or carport if an internal accessory dwelling unit is created within the garage or carport;
- (d) prohibit the creation of an internal accessory dwelling unit within a mobile home as defined in Section 57-16-3;
- (e) require the owner of a primary dwelling to obtain a permit or license for renting an internal accessory dwelling unit;
- (f) prohibit the creation of an internal accessory dwelling unit within a zoning district covering an area that is equivalent to:
 - (i) 25% or less of the total area in the municipality that is zoned primarily for residential use; or
 - (ii) 67% or less of the total area in the municipality that is zoned primarily for residential use, if the main campus of a state or private university with a student population of 10,000 or more is located within the municipality;
- (g) prohibit the creation of an internal accessory dwelling unit if the primary dwelling is served by a failing septic tank;
- (h) prohibit the creation of an internal accessory dwelling unit if the lot containing the primary dwelling is 6,000 square feet or less in size;
- (i) prohibit the rental or offering the rental of an internal accessory dwelling unit for a period of less than 30 consecutive days;
- (j) prohibit the rental of an internal accessory dwelling unit if the internal accessory dwelling unit is located in a dwelling that is not occupied as the owner's primary residence;
- (k) hold a lien against a property that contains an internal accessory dwelling unit in accordance with Subsection (5); and
- (l) record a notice for an internal accessory dwelling unit in accordance with Subsection (6).

- (5) (a) In addition to any other legal or equitable remedies available to a municipality, a municipality may hold a lien against a property that contains an internal accessory dwelling unit if:
- (i) the owner of the property violates any of the provisions of this section or any ordinance adopted under Subsection (4);
 - (ii) the municipality provides a written notice of violation in accordance with Subsection (5)(b);
 - (iii) the municipality holds a hearing and determines that the violation has occurred in accordance with Subsection (5)(d), if the owner files a written objection in accordance with Subsection (5)(b)(iv);
 - (iv) the owner fails to cure the violation within the time period prescribed in the written notice of violation under Subsection (5)(b);
 - (v) the municipality provides a written notice of lien in accordance with Subsection (5)(c); and
 - (vi) the municipality records a copy of the written notice of lien described in Subsection (5)(a)(iv) with the county recorder of the county in which the property is located.
- (b) The written notice of violation shall:
- (i) describe the specific violation;
 - (ii) provide the owner of the internal accessory dwelling unit a reasonable opportunity to cure the violation that is:
 - (A) no less than 14 days after the day on which the municipality sends the written notice of violation, if the violation results from the owner renting or offering to rent the internal accessory dwelling unit for a period of less than 30 consecutive days; or
 - (B) no less than 30 days after the day on which the municipality sends the written notice of violation, for any other violation;
 - (iii) state that if the owner of the property fails to cure the violation within the time period described in Subsection (5)(b)(ii), the municipality may hold a lien against the property in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires;
 - (iv) notify the owner of the property:
 - (A) that the owner may file a written objection to the violation within 14 days after the day on which the written notice of violation is post-marked or posted on the property; and
 - (B) of the name and address of the municipal office where the owner may file the written objection;
 - (v) be mailed to:
 - (A) the property's owner of record; and
 - (B) any other individual designated to receive notice in the owner's license or permit records; and

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- (vi) be posted on the property.
- (c) The written notice of lien shall:
- (i) comply with the requirements of Section 38-12-102;
 - (ii) state that the property is subject to a lien;
 - (iii) specify the lien amount, in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires;
 - (iv) be mailed to:
 - (A) the property's owner of record; and
 - (B) any other individual designated to receive notice in the owner's license or permit records; and
 - (v) be posted on the property.
- (d) (i) If an owner of property files a written objection in accordance with Subsection (5)(b)(iv), the municipality shall:
- (A) hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings Act, to conduct a review and determine whether the specific violation described in the written notice of violation under Subsection (5)(b) has occurred; and
 - (B) notify the owner in writing of the date, time, and location of the hearing described in Subsection (5)(d)(i)(A) no less than 14 days before the day on which the hearing is held.
- (ii) If an owner of property files a written objection under Subsection (5)(b)(iv), a municipality may not record a lien under this Subsection (5) until the municipality holds a hearing and determines that the specific violation has occurred.
- (iii) If the municipality determines at the hearing that the specific violation has occurred, the municipality may impose a lien in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires, regardless of whether the hearing is held after the day on which the opportunity to cure the violation has expired.
- (e) If an owner cures a violation within the time period prescribed in the written notice of violation under Subsection (5)(b), the municipality may not hold a lien against the property, or impose any penalty or fee on the owner, in relation to the specific violation described in the written notice of violation under Subsection (5)(b).
- (6) (a) A municipality that issues, on or after October 1, 2021, a permit or license to an owner of a primary dwelling to rent an internal accessory dwelling unit, or a building permit to an owner of a primary dwelling to create an internal accessory dwelling unit, may record a notice in the office of the recorder of the county in which the primary dwelling is located.
- (b) The notice described in Subsection (6)(a) shall include:

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- (i) a description of the primary dwelling;
 - (ii) a statement that the primary dwelling contains an internal accessory dwelling unit; and
 - (iii) a statement that the internal accessory dwelling unit may only be used in accordance with the municipality's land use regulations.
- (c) The municipality shall, upon recording the notice described in Subsection (6)(a), deliver a copy of the notice to the owner of the internal accessory dwelling unit.

Enacted by Chapter 102, 2021 General Session

[<< Previous Section \(10-9a-529\)](#)

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[Next Section \(10-9a-531\) >>](#)

Proposed 2022 General Session legislation affecting section 10-9a-530: [H.B. 462, 1st Sub. H.B. 462](#)

Disclaimer: Printing should be done from the PDF version of this document and not straight from the browser as such may not display correctly.

State Senate

350 North State, Suite 350
PO Box 145115
Salt Lake City, Utah 84114
Telephone: (801) 538-1408
<https://senate.utah.gov>

[Contact a Senator](#)

<https://le.utah.gov/xcode/Title10/Chapter9a/10-9a-S530.html>

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House of Representatives

350 North State, Suite 350
PO Box 145030
Salt Lake City, Utah 84114
Telephone: (801) 538-1408
<https://house.utah.gov>

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WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, March 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	Alex Dubovik	Michelle Drago, Deputy City Recorder
11	Zack Hulsey	

12
13 Excused: Blake Harrop

14
15 Others in attendance: Councilman John Seamons; Chad Braegger; Burt John Miller; Kari Miller; Dan Warr;
16 Francis Wilson; and Brandi Wilson.

17
18 The meeting was called to order at 6:43 p.m.

19
20 1. PRAYER: Alex Dubovik

21
22 2. PLEDGE OF ALLEGIANCE: Diane Baker

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

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

27
28 There weren't any public comments.

29
30 5A. CONSIDERATION OF A LOT LINE ADJUSTMENT FOR BURT JOHN MILLER LOCATED AT
31 APPROXIMATELY 1469 HARGIS HILL ROAD (PARCEL NOS. 02-040-0011, 02-040-0039, AND
32 02-040-0040)

33
34 Time Stamp: 3/17/22 1:47

35
36 Bryce Wheelwright, City Planner, stated that the City had received an application for a lot line adjustment
37 from Burt John and Kari Miller. The property in question was located at approximately 1469 North Hargis
38 Hill Road. The lot line adjustment involved Parcel Nos. 02-040-0011 and 02-040-0002. The Miller's wanted
39 to move the west property line of Parcel No. 02-040-0011 to the east until it matched the property line of
40 Parcel No. 02-040-0039, which was owned by Sam Kunzler. Parcel No. 02-040-0002 would become bigger
41 while Parcel No. 02-040-0011 became smaller. Parcel No. 02-040-0002 would end up being 0.748 acres
42 in size. The Miller's would end up with a nice building lot in the R ½ Zone. Mr. Wheelwright didn't see a
43 reason to deny the application.

44
45 Commissioner Hulsey asked if the property in question was zoned R ½. Mr. Wheelwright said it was. The
46 R ½ Zone extended 220 feet west of Hargis Hill Road. Everything west of that line was zoned A-5.

47
48 Chairman Bodily asked the applicants if they had any comments. Mr. Miller said they did not.
49



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, March 17, 2022 – 6:30 p.m.
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Willard, Utah 84340

Commissioner Baker asked if the Miller's intended to build a home. Burt Miller said they did. Commissioner Baker asked about future intentions for the remainder of the property. Kari Miller said the remainder of the property was owned by her parents, Sam and Joann Kunzler. It was part of the Kunzler family trust.

Commissioner Hulsey did not have a problem with the lot line adjustment. It was already zoned R ½. The adjustment complied with the zoning.

Commissioner Baker didn't have any concerns either.

Dan Warr, 1710 North Hargis Hill Road, asked the purpose for the remainder of the land. Commissioner Dubovik said the remainder of the property was zoned A-5 and had an agricultural use. Bryce Wheelwright said there was a potential planned development on the remaining property.

Commissioner Bingham moved to approve a lot line adjustment for Burt John Miller located at approximately 1469 North Hargis Hill Road (Parcel Nos. 02-040-0011, 02-040-0039, and 02-40-0040). Commissioner Dubovik seconded the motion. All voted "aye." The motion passed unanimously.

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

Time Stamp: 3/17/22 6:48

Bryce Wheelwright stated that Colt Mund, the City Attorney, had researched the amendments proposed by the Planning Commission and prepared draft language.

Commissioner Dubovik thought the Planning Commission might want to discuss curb and gutter requirements that could be waived versus curb and gutter that might be required. The draft prepared by Colt Mund read, "*The installation of curb, gutter, and sidewalk **may be required** by the Planning Commission and/or City Council with any proposed subdivision or development*" He suggested the following, "*Installation of curb, gutter, and sidewalk **are required** with any proposed sub division or development. These requirement may be waived by the City Engineering, with concurrence from the Planning Commission and City Council, if the following conditions are met...*"

Chairman Bodily felt that might a good idea.

Colt Mund stated that curb, gutter, and sidewalk were required in the Subdivision Ordinance. Section 12-102-18 of the Supplemental Standards said curb, gutter, and sidewalk may be waived if surrounding areas did not have them. The City Code had two ordinances that were arguably in competition; although the supplementary standards seemed to apply more to planned developments and commercial properties. Mr. Mund suggested that the curb, gutter, and sidewalk requirement in the Subdivision Ordinance be repealed, and that the City only use the requirements in the Supplemental Standards. It had more permissive language. If the curb, gutter, and sidewalk requirements were changed, the City's Public Works Standards would also have to be changed.

Commissioner Hulsey stated that there were other ways to manage storm water besides curb and gutter. Curb, gutter, and sidewalk seemed to take away from the rural feel the City wanted to keep. Was the City going to require curb and gutter, or was it going to require storm water management?

Bryce Wheelwright said the City already required storm water management.



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99 Commissioner Hulsey suggested language that required storm water to be managed on site rather than
100 just stating that curb and gutter would be required.

101
102 Chairman Bodily said that storm water management would have to be approved by the City Engineer.
103 Commissioner Hulsey agreed. The ordinance could require an approved storm water management plan.
104 He felt keeping it that simple would be okay.

105
106 Bryce Wheelwright reminded the Commission about the curb and gutter problems the City encountered
107 with an infill subdivision a few years ago. The City Attorney at that time said the requirements of the
108 Subdivision Ordinance took precedence over the Supplemental Standards because it was newer.

109
110 Chairman Bingham said that was also how the City Council had interpreted the ordinance.

111
112 Colt Mund stated that 12-102-18 had more permissive language. He agreed that if someone was
113 subdividing land, the Subdivision Ordinance would be the governing ordinance. The only legal concern he
114 had about adopting waiver language was that it had to be applied even handedly. There could be problems
115 when there was latitude. He had prepared a draft ordinance based on the direction from the Planning
116 Commission.

117
118 Commissioner Dubovik felt the default position for anyone developing land should be installation of curb
119 and gutter or a viable storm water plan. He didn't feel gravel was a viable plan.

120
121 Chairman Bodily felt it was important to have the storm water plan approved by the City Engineer.

122
123 Commissioner Dubovik stated that he liked the draft prepared by Colt Mund. He just wanted to have a
124 discussion about a different approach.

125
126 Chairman Bodily felt it was a good idea to have the requirement in place. Then the City wouldn't be in the
127 position of trying to come up with a way to require it. The requirement could then be waived if needed.

128
129 Commissioner Hulsey asked if the Commission wanted the default position to be curb and gutter. He agreed
130 there needed to be a default. Curb and gutter was simple that way. The Commission could include language
131 about accommodating a 100 year storm, or it could include language requiring a plan approved by the City
132 Engineer. Then the City Engineer would determine what kind of storm the plan would have to
133 accommodate.

134
135 Commissioner Bingham stated that he had spoken with Dr. Joe Perrin about curb, gutter, and sidewalk
136 requirements after the City Council General Plan work session. Dr. Perrin said a lot of cities used curb and
137 gutter because it was easy. It did mean more maintenance. There wasn't a lot of precedence for other
138 options. Curb and gutter might not make sense for Willard financially because Willard did not have a city-
139 wide storm drain system. The Planning Commission was trying to come up with a long term plan for the
140 entire community that didn't break the City. Dr. Perrin said the City had to think about maintenance and
141 pedestrians.

142
143 Commissioner Dubovik felt the sidewalk subject was important when the Planning Commission started
144 talking about a growing population and traffic. He wasn't sure how those could be mitigated without
145 sidewalk.



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Commissioner Bingham said Dr. Perrin said there were options for pedestrians, such as trails or a berm and a sidewalk.

Commissioner Hulsey said there were a lot of options, such as wider shoulders, trails, and bike lanes. The City wasn't limited. Sidewalks did not have to be with curb and gutter.

Commissioner Bingham stated that amending the Subdivision Ordinance was the way to go if the Planning Commission wanted to continue in the direction most residents wanted.

Bryce Wheelwright stated that there was a lot of drainage and erosion problems on the east side of the community. He didn't think the Planning Commission should eliminate curb and gutter all together.

Commissioner Hulsey agreed that curb and gutter made perfect sense in some places. In other places it didn't. That was why there should be a requirement for an approved storm water plan rather than a blanket statement that everything had to have curb and gutter. There were places on the west side of the community where curb and gutter would do more harm than good.

Commissioner Bingham felt the proposed amendment would allow the City Engineer to get more involved.

Commissioner Dubovik stated that after listening to the Commission's discussion, he liked Colt Mund's language more and more.

Chad Braegger, 725 North Main, stated that if the City was going to consider swales, it was very crucial that everyone used the same size drainage pipe in their driveways. If cheaper pipe was used, it would collapse. Smaller pipe sizes would not be able to handle 100-year storms. He recommended reinforced concrete pipe in driveways. If a swale was on the City right-of-way, the City would be responsible if there was a backup. Curb and gutter all looked the same, but swales did not. He felt swales should all be the same, size and color so there was a uniform look.

Commissioner Baker liked the California curbing on 200 South. If there was two to three feet of pavement next to the curbing there would be a type of sidewalk. She liked the proposed language.

Commissioner Hulsey moved to hold a public hearing on April 7, 2022, at 6:30 p.m. to receive public comments on the proposed amendments to the Subdivision Ordinance. Commissioner Baker seconded the motion. All voted "aye." The motion passed unanimously.

5C. TRAINING VIDEO - TABLED

Time Stamp: 3/17/22 22:25

Chairman Bodily tabled the training video in order to allow Commission members to attend a CERT training meeting.

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

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



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7. COMMISSIONER/STAFF COMMENTS

Time Stamp: 03/17/22 24:05

Chairman Bodily waived Commissioner/Staff comments to allow Commission members to attend a CERT training meeting.

8. ADJOURN

Commissioner Hulsey moved to adjourn at 7:07 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 03-17-2022