



Notice is hereby given that the
WILLARD CITY PLANNING COMMISSION
Will meet in a regular session on
Thursday, July 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. Discussion, review of annexation application, and recommendation regarding MPC Zoning for Old Farm Subdivision located at approximate 7140 South Highway 89 consisting of approximately 142.86 acres (Parcel Nos. 02-055-0024, 02-055-0082, 02-055-0031, 02-055-0124, 02-055-0112, 02-055-0051, 02-055-0067, 02-055-0042, 02-055-0043, and 01-040-0227)
 - b. Review and recommendation regarding Future Land Use Map and portions of the General Plan
 - c. Discussion regarding adopting standards for Accessory Dwelling Units
6. Consideration and approval of the June 16, 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 1st day of July, 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.

Assessor parcel numbers for Willard Land LLC MPC Rezone

02-055-0024

02-055-0082

02-055-0031

02-055-0051

02-055-0043

02-055-0067

02-055-0042

01-040-0227

See the attached Annexation Plat

OLD FARM SUBDIVISION

Master Planned Community

Introduction

The proposed Old Farm Subdivision is located on 142.86 acres in Box Elder County in the South Willard area. The rezone application is being submitted in anticipation of the property being annexed into Willard City. The proposed subdivision consists of 264 lots ranging in size from 15,000 SF to 20,000+ SF. The Property owners are seeking a Master Planned Community (MPC) zoning designation for the property. The information supplied herein is per The Willard City Zoning Ordinance Chapter 12-106 Master Planned Community Zone.

Preliminary Site Plan

- (1) Project Name; The proposed name is Old Farm Subdivision Master Planned Community and is located at approximately at 7140 South Highway 89. The attached boundary survey presents the entire area to be included in the MPC Zone application.
- (2) Development Agreement; The Proposed Development Agreement that will govern the improvements to be made within the subdivisions attached hereto.
- (3) Project Uses; All uses within the project area will be Single Family Residential.
- (4) Uses and Density; Residential buildings will have a 35' front, and a total side yard setback of 24 feet with a minimum for one side being 10 feet for each lot. The density of the plan 142 acres with 264 lots is .54 acres per lot based upon gross acreage.
- (5) Lot Sizes; Old Farm offers a variety of 15,000 SF to 20,000+ SF lots. Single Family Homes will be located within the lots shown on the conceptual site plan which is attached.
- (6) Residential Building Elevations; Building designs and elevations will be determined by the owners of each residential lot. Height, Square footage, exterior building materials, roof pitch, etc. will be governed by the Covenants, Conditions and Restrictions which will be recorded against each residential lot. The proposed CC&Rs are attached hereto.
- (7) Open Space; The Open Space associated with the Old Farm Subdivision will consist of a 66 foot wide strip running along the West boundary line of the project containing 4.10 acres, 6.32 acres in the North West corner of the project that will be used for both storm drainage and an extension of a bark surfaced walking and exercise trail system serving the community, and 3.84 acres of land in the center of the project that at the request of the city will improved as a city park. Total Open Space as defined is 14.26 acres. See the Open Space designated on the conceptual site plan.
The balance of the required Open Space will be covered under a fee in lieu payment to the city of Willard.
- (8) Parking; As per the proposed CC&Rs parking for the single family residences will be off road in driveways and in the private garages of each home. In the event the city elects to use the

fee in lieu payment for the development of a park on the 3.84 acre Open Space, approximately 90 parking spaces will be included for park patron

(9) Landscaping; There will be no common landscaping provided as part of the project improvements. All landscaping will be installed by the individual homeowners. Project monument signs may be placed at both points of entrance to the Old Farm Subdivision from Highway 89.

(10) Pedestrian and Traffic Circulation; Pedestrian and traffic circulation will be in accordance with the project layout found on the conceptual site plan

(11) Storm Water and drainage Plan; All streets within the project area will be tied into a storm water drainage system that will flow to the North West Corner of the project. Excess water will then flow through an existing drainage facility under I-15 in a Westerly direction. Detailed engineering plans for the storm drainage system will be submitted as part of the final civil package.

(12) Utility Layout; Dry utility distribution plans will be established by contractual agreements with Rocky Mountain Power, Dominion Energy, and communication company such as Xfinity. Pineview Water Company has agreed to provide secondary Water, upon the approval of the project by Willard City. Sanitary sewer will be extended from each lot through the subdivision and to a new 18" main running along the West Boundary of the subdivision and extending north to the existing Willard City Pump station. This 18" main will be constructed under the terms of the Sewer Line Development and Reimbursement Agreement previously approved by the Willard City Council. A looped culinary water system will connect to an existing 12" line at the South boundary of the Deer Run Subdivision extend in a Southerly direction within the 200 West right of way to the Old Farm Subdivision. The main will extend in an Easterly direction to the City Main running parallel to Highway 89. In addition to the main line extension as herein described parties have agreed through a separate Water Development Agreement to drill a new culinary water well and build a 500,000 gallon storage tank East of Highway 89. This enhanced water infrastructure will provide culinary water capacity far in excess of that needed by the Old Farm Subdivision.

(13) Grading Plans; Final grading plans will be submitted as part of the Civil Engineering package. The site naturally drains to the North West Corner of the Old Farm Subdivision property.

(14) Proposed Development Standards; Please see the proposed CC&Rs attached.

(13) Conceptual Master Plan; Please see the Conceptual master plan which is attached

(16) Community Impacts; The Owners of the proposed Old Farm Subdivision contributed towards the "Financial Impact and Feasibility Analysis Related to the Proposed Annexation into Willard City". This report was compiled by Lewis Young Robertson and Burningham Inc. Dated October 15, 2020. This Feasibility Analysis showed that the Old Farm Subdivision had a positive financial impact on the city of Willard. Please see a copy of the impact analysis attached.

Traffic impacts on the community have been evaluated by Atrans Transportation Engineering as set forth in that certain traffic report dated October 24th 2018.

Discussions relating to the impact of the Old Farm Subdivision on the existing Willard City utility infrastructure have been held with representatives of Jones and associates and the city.

The upgrades that are proposed to both the sewer and water systems of Willard City provide capacity far in excess of the demand that will be placed upon the system by the subdivision.

Box Elder County School District has been informed about the proposed subdivision. They are pleased that the project will be phased over a number of years so they can include plan for future school census needs.

(17) Phasing; Nine phases proposed (approximately 30 lots per phase). The phasing plan is noted on the Conceptual master plan.

(18) Title Report; A current title report is being submitted herewith to aid the cities legal counsel to evaluate ownership and conditions of title.

AFTER RECORDING, PLEASE RETURN To
H Lewis Swain
1688 N. Canyon Circle
Farmington Utah 84025

Space above for Recorder's use

**DECLARATION OF PROTECTIVE COVENANTS,
CONDITIONS AND RESTRICTIONS
Of
The Old Farm Subdivision**

THIS DECLARATION (the "Declaration") is made this _____ day of _____, 2021,
by Willard Land LLC ,a Utah Limited Liability Co. ("Declarant").

WITNESSETH:

WHEREAS, Declarant is the owner of certain real property located in Box Elder County, State of Utah, more particularly described on Exhibit "A" attached hereto, _____ lot subdivision (hereinafter the "Subdivision"):

WHEREAS, Declarant intends that the lots within the Subdivision (hereinafter "Lot") shall hereafter be subject to the covenants, conditions, restrictions, reservations, assessments, charges, and liens herein set forth.

NOW, THEREFORE, in consideration of the premises and as part of the general plan for improvement of the Subdivision, Declarant does hereby establish the nature of the use, maintenance and enjoyment of the Subdivision, and does declare that all conveyances of any Lot shall be made subject to the following conditions, restrictions, reservations, assessments, covenants, liens, and stipulations herein set forth that shall be binding upon all parties having any right, title or interest in or to a Lot or any of them, or any part of the Lots, and upon their heirs, successors, and assigns, and shall inure to the benefit of each owner (an "Owner") thereof.

1. LAND USE AND BUILDING TYPE. No Lot within the Subdivision shall be used except for residential purposes. No buildings shall be erected, altered, placed, or permitted to remain on any Lot other than one detached single-family dwelling not to exceed two stories excluding the basement. The height of the single-family dwellings on each lot shall not exceed 35 feet.

All height limitations shall be as measured from the finished floor plane of the primary entry level floor to the highest point of the roof structure, (with any other structures incident to such dwelling to be subject to approval as hereinafter provided, including in Paragraphs 2, 3, and 4 below). No building shall be located on any Lot nearer to the front lot line or the rear Lot line than the minimum building set-back lines required by Willard City. All homes shall be constructed so that what would typically and reasonably appear to be the front of a house faces the street; no house shall be constructed so that what typically and reasonably appears to be the back of the house faces the street.

2. POOLS, FOUNTAINS AND SPORT COURTS. Any desired pool, spa, fountain, game court, or tennis court on a Lot must be expressly approved by the Committee (as that term is hereinafter defined) and shall be located to avoid impacting an adjacent Lot or other property with light or sound and shall not be located in front yards. Pool heaters and pumps on a Lot must be screened from view and sound insulated from neighboring houses. Skateboard ramps are prohibited.

3. ARCHITECTURAL CONTROL. No building shall be erected, placed, or altered on any Lot until the construction plans and specifications, including a site plan showing the location of the structure and a grading plan have been approved in writing by the Architectural Control Committee, Inc., an existing or to-be-organized non-profit corporation (the "Committee") as to the quality of workmanship and materials, harmony of external design with existing structures, and location with respect to topography and finish grade elevation. Drawings submitted to the Committee shall include:

- A. Plot plans to scale showing the entire site, building, garages, walks, drives, fences, lights, and retaining walls, with elevations of the existing and finished grades and contours, including those at the outside corners of the buildings and at adjacent property lines and street fronts, and elevations of floors from a designated point on the street.
- B. Detailed floor plans showing dimensions and measurements.
- C. Detailed elevations, indicating all materials, including the percentage of masonry on each elevation and showing existing and finished grades.
- D. Detailed sections, cross and longitudinal.
- E. Details of cornices, porches, windows, doors, garages, garden walls, steps, patios, fences, carriage lights, etc.
- F. Specifications giving descriptions and color samples of materials to be used on the exterior of the residence.

Once approved by the Committee, no changes or deviations in or from the plans and specifications shall be made without the prior written approval of the Committee. Subsequent to receiving approval of the Committee and prior to the commencement of construction, each Owner shall be responsible for obtaining a building permit from Willard City. No fence or wall shall be erected, placed, on any Lot unless approved by the Committee. Chain link fences are not allowed on Lots except for use as a reasonably-sized dog run located in the back yard within the boundaries of a Lot. Fencing shall be white or tan vinyl as approved by the committee and pool fencing will comply with Paragraph 13 below.

4. DWELLING QUALITY AND SIZE. It is the intention and purpose of this Declaration to assure that all dwellings shall be of quality workmanship and materials. Each dwelling on a Lot shall be constructed of wood or steel frame with brick, rock, cultured stone, long-term cement type clapboard, and/or stucco, or combinations thereof, with glass windows. All homes shall be constructed with at least Thirty Five percent (35%) masonry on the street facing side, and at least twenty percent (20%) on the right and left sides, unless otherwise approved in writing by the Committee. Aluminum, steel, and vinyl siding may only be used on a Lot for soffit and fascia. The ground floor area of the main structure, exclusive of one-story open porches and enclosed garages, shall not be less than 1,800 square feet for a one-story dwelling, nor less than 1,500 square feet on the main level and 1,000 square feet for the second level of a dwelling of more than one story. Full basements are required in all homes unless ground water levels prevent the construction of basements on certain lots. Any exceptions shall require the approval of the Committee. No dwelling, garage, on a Lot shall be constructed or reconstructed with a flat or substantially flat roof. All roofs on a Lot shall have a minimum 6 in 12 pitch, or if shed roofs are proposed the minimum slope will be 4/12, unless otherwise approved by the Committee. All roofs on a Lot shall be of 25-year architectural grade asphalt shingles, slate shingles, standing seam metal or of architectural tile in natural colors. Any addition to a dwelling, garage, on a Lot must be approved in writing in advance by the Committee. All construction is to be of new materials, except that used brick may be used if prior written approval is given by the Committee. At least a private two-car garage is mandatory but shall not exceed a four-car garage (including any garage intended for the storage of a boat or other recreational vehicle). No carports are or will be allowed on a Lot. Detached garages, guest quarters, barns and pool houses on Lots must be approved in writing by the Committee. Storage buildings, on Lots must also be approved in writing by the Committee. Storage sheds on Lots shall not to exceed 150 square feet and must be constructed on a concrete slab and be constructed of the same building quality materials as used for the home. No used sheds will be allowed on a Lot. Exceptions may be considered by, and must be approved in writing by, the Committee. No structure of any kind shall be permitted to remain incomplete (complete is defined as receipt of a Certificate of Occupancy from Willard City for a period in excess of one year from the date the building was started as evidenced by the date upon which the excavation of a basement commenced, unless approved in writing by the Committee). No prefabricated or modular single-family homes shall be allowed. Outbuildings and all other storage buildings must conform to the main structure in style and material choice. The color of all exterior materials used for all improvements shall be disclosed to the Committee in the original submission and shall be subject to written approval by the Committee.

5. LOT AREA. No Lot shall be reduced in size from the size as shown on the recorded plat, or final plat to be recorded as (the "Plat").

LANDSCAPING. Landscaping plans to include but not limited to lawns, irrigation, patio, and garden areas on the Lots must be approved by the Committee. Owners are encouraged to incorporate "water wise" plants when designing their landscape plans. Lot Owners are encouraged to plant trees and shrubs to enhance the natural beauty of their property. Lot Owners are required to plant at least 3, 2" caliper deciduous trees on their lot that can be seen from the street. The planting of trees on Lots that have a high profile and may obstruct the view from

neighboring Lots must be approved in writing by the Committee. Owners of Lots shall be responsible for planting all trees required by Box Elder County, including, without limitation, any street tree planting ordinances.

No Lot Owner shall alter the slope and/or contour of their Lot from that shown on the final grading plan approved by the City, in a manner that will increase the discharge of water onto the surface of any sidewalk, street, or adjoining Lot or adjoining property. All materials used to retain and contour the slope of any Lot must conform to the natural beauty and color of the Lot, and must be approved in writing by the Committee. Each dwelling on a Lot shall have installed surrounding it an outdoor landscape sprinkler system for fire protection and irrigation.

Landscaping on Lots may include a combination of lawn, flowers, shrubs, and or ground cover. Ground cover may include vegetative vines, low-spreading shrubs, or annual or perennial flowering or foliate plants. Ground cover on Lots may also include mineral or non-living organic permeable material in not more than twenty percent (20%) of the net landscaped area, unless otherwise approved in writing by the Committee. Mineral ground cover on Lots may include such materials as rocks, boulders, or brick over sand. Species, size, and placement of landscape elements on Lots shall be determined by the Owner subject to written approval by the Committee prior to commencement of landscaping.

Installed landscaping on Lots shall at all times be reasonably nurtured and maintained including, without limitation, the regular cutting, trimming, and watering of lawns, bushes, trees, and other vegetation in season, and the control and elimination of weeds.

6. EASEMENTS, SLOPE AND DRAINAGE CONTROL. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded Plat. No structure, planting or other material shall be placed on a Lot or permitted to remain, or other activities undertaken, which in any way creates erosion or sliding problems. The easement areas set forth on the Plat, and all improvements in them, shall be maintained continuously by the Owner of the Lot, except for any improvements for which a public authority or utility company is responsible.

7. NUISANCES. No rubbish or debris of any kind shall be placed or permitted to accumulate upon a Lot. Except as permitted under Paragraph Sixteen (16), no odors shall be permitted to arise from a Lot so as to render any such Lot or any portion thereof unsanitary, unsightly, offensive or detrimental to any other property in the vicinity thereof or to its occupants. No noise, offensive activity, or other nuisance shall be permitted to exist or operate on the Lots. Without limiting the foregoing provisions, no exterior speakers, horns, whistles, bells, or other sound devices (other than security devices used exclusively for security purposes) shall be located, used, or placed on any Lot without the prior written approval of the Committee, and if approved, shall not be permitted to cause a nuisance for any adjacent Lot or other property as determined in the sole judgment of the Committee. No automobiles, trailers, boats, or other vehicles are to be stored on streets or front yards of the Lots. Storage on side yards of Lots is permitted only if such vehicles are in running condition, properly licensed, and are being regularly used. The use of motorcycles, ATVs, and other motorized recreational vehicles which may produce audible annoyance to the Owners shall be limited to ingress and egress of the Lots.

The burning of rubbish, leaves, or trash on the Lots is prohibited. No Owner shall permit any condition to exist upon any Lot which shall induce, breed, or harbor infectious plant diseases or noxious insects (the planting and maintenance of gardens shall not constitute a violation of this provision). No tank for the storage of fuel may be allowed or used without the prior written consent of the Committee.

8. WATER DISCHARGE. It shall be unlawful for any person owning, occupying, or having control of any Lot to suffer or permit irrigation or storm water to be discharged and spread upon the surface of any sidewalk, street, or adjoining Lot or adjoining property. This is intended to require that the Lot Owner maintain such water on their own Lot.

9. PARKING AND STORAGE. No major mechanical work or repairs are to be conducted in streets or front yards of houses on the Lots. No commercial-type vehicles and no trucks over one-ton capacity unless approved by the Committee, shall be parked or stored on the front yard setback of any Lot, or on the residential street except while engaged in transportation. Trailers, mobile homes, trucks over one-ton capacity, boats, campers not on a truck bed, motor homes, buses, tractors, and maintenance and commercial equipment of any kind on a Lot shall be parked or stored in an enclosed garage or behind the front yard setback in an enclosed area screened from street view as approved by the Committee. Sufficient side yard access should be planned and provided for in the design of the home to permit ingress, egress, and storage of trailers and recreational-type vehicles on the side and rear yards.

10. TEMPORARY AND OTHER STRUCTURES. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any Lot at any time as a residence, either temporarily or permanently. No old or second-hand structures shall be moved onto any Lot. All dwellings and other buildings on Lots shall be constructed of new materials and good quality workmanship.

11. ACCESSORY STRUCTURES. Patio structures, trellises, sunshades, gazebos, and any other appurtenant buildings on Lots shall be constructed of materials consistent with the colors, textures, and materials approved for the dwelling and shall be integral to the architecture of the house and subject to the prior written approval of the Committee. It is understood that outbuildings such as swimming pool and tennis court dressing facilities may be constructed on any Lot as long as they are in conformity with the requirements of this Declaration and approved in writing by the Committee. All pools must be fenced in strict compliance with local ordinances and with the prior written approval of the Committee as to fence design and material.

12. SIGNS. Except for personal-not commercial-events not lasting longer than 3 days, and election signs which may be placed on a Lot for up to three weeks, no signs of any kind shall be displayed to the public view on any Lot, except one sign of not more than five square feet advertising the Lot for sale or rent, or signs used by an owner or builder to advertise only during the construction and sales period. Signs for the initial marketing of the Lots shall not be limited by this provision.

13. LEASES. Any lease agreement or other agreement permitting occupancy between an Owner of a Lot and a lessee or occupant thereof shall require that such lessee and/or occupant comply with all of the terms, covenants, conditions and restrictions of this Declaration. All such leases and/or agreements shall be required to be in writing and shall be for a term in excess of (6) months.

14. GARBAGE AND REFUSE DISPOSAL. No Lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage, or other waste shall not be kept on any Lot except in enclosed sanitary containers that shall not be left at the front of any Lot except on the day of collection and the night before. No incinerators or burning are allowed on Lots. Equipment for the storage of disposable material on Lots shall be kept in a clean and sanitary condition. Each Lot and its abutting portion of the street are to be kept free of trash, weeds, and other refuse by the Lot Owner. No unsightly materials or other objects are to be stored on any Lot in view of the general public.

15. ANIMALS. Dogs, cats and other household pets may be kept on Lots provided that they are not kept, bred, or maintained for any commercial purposes and are restricted to the Owner's premises or on a leash under handler's control, except as provided by law and only to the extent not prohibited or restricted by applicable Willard City ordinances. No horses, Cows, pigs, goats, or other farm animals shall be permitted. This notwithstanding lot owners may keep up to 8 chickens and small animals such as rabbits for non commercial purposes.

16. NO HAZARDOUS ACTIVITIES. No activities shall be conducted on any Lot, and no improvements shall be constructed on any Lot, which are or might be unsafe or hazardous to any person, Lot or other property. Without limiting the generality of the foregoing, neither open fires nor incinerators shall be lighted or permitted on any Lot except in a contained barbecue unit while attended and in use for cooking purposes, or within a safe and well designed fireplace or fire pit.

17. REPAIR OF BUILDINGS. No improvement upon any Lot shall be permitted to fall into disrepair, and each such improvement shall at all times be kept in good condition and repair and regularly painted or otherwise finished by the Owner thereof. Damage to a structure shall be immediately repaired or the structure shall be razed by and at the cost of the Owner.

18. IMPROVEMENTS AND ALTERATIONS. There shall be no excavation, construction, or alteration which in any way alters the exterior appearance of any improvement within any of the Lots, nor removal of any improvements on the Lots (other than repairs or rebuilding) without the prior written approval of the Committee.

19. ROOFTOP ANTENNAS AND OTHER DEVICES. Television antennas on Lots are to be placed in the attic out of view. Satellite dishes on Lots shall be the small 18-inch or smaller diameter dishes only and are to be hidden from view of the street. No ham radio, citizens band, or radio antenna or other similar electronic receiving or sending device shall be permitted upon the rooftop or side of any home or elsewhere if exposed to view from any other Lot. In no case will any such receiving or sending antenna or other device be allowed to interfere with the peace and quiet enjoyment of any neighbor's home or home entertainment facilities or equipment. All air conditioning and heating equipment must be screened from view and reasonably insulated for

sound attenuation. Rooftop evaporative coolers are prohibited. Solar panels will be permitted only with the express written consent of the Committee. Meter locations are to be designed into the architecture of the dwelling and screened from view. This provision does not apply to digital readout units. Exterior lights detached from dwellings must be approved by the Committee. Except for satellite dishes or roof top solar panels all rooftop equipment must be coated or painted in colors compatible with the dwelling.

20. CONSTRUCTION AND LANDSCAPING SCHEDULE. All homes being constructed on any Lots shall be completed, and certificates of occupancy for the same obtained, within twelve (12) months of the start of construction, or obtaining a building Permit, whichever is sooner. Landscaping and irrigation of Lots shall be completed in accordance with the Plan previously approved by the Committee within nine (9) months of receipt of a certificate of occupancy. Gravel areas on Lots are not permitted, unless for a parking pad in the fenced area of a rear yard.

21 COMMITTEE MEMBERSHIP. The initial members of the Committee shall be H. Lewis Swain, and Brent Bailey (hereinafter sometimes referred to as the Committee). In the event of the death or resignation of the member of the Committee, The surviving member will appoint a successor of the deceased member and the two shall continue to serve as the sole members of the Committee. Members of the Committee, shall not be entitled to any compensation for services performed pursuant to this Declaration. This Declaration shall not be amended or changed unless such amendment or change is approved by the Committee as then constituted.

Following the sale of the last lot in the subdivision an election will take place to choose three lot owners to serve as members of the architectural Review Committee for an initial term of three years. Each lot owner will cast one vote for each lot owned by them. The three lot owners with the highest number of votes will be the Committee for the next three years. A similar election will take place on or about the three year anniversary of the first Committee election.

22 PROCEDURE. The Committee's approval or disapproval as required in this Declaration shall be in writing. The Committee, or its designated spokesperson, shall approve or disapprove plans and specifications which have been properly submitted to it, in a timely manner, providing their review comments to the lot owner within a period not to exceed 30 days. The Committee shall have no responsibility to enforce building codes, zoning ordinances, or other statutes, laws, or ordinances affecting the development or improvement of real property, and shall have no liability to any Owner for any plans approved in a manner that included any such violation. The Committee and its members further shall have no liability to any Owner for the enforcement or lack thereof of this Declaration or the provisions herein. Corrections or changes in plans to bring them into conformity with applicable codes must be approved, in writing, by the Committee prior to construction.

Any lots whose ownership is retained by the Declarant shall not be subject to the terms and conditions of this Declaration until Declarant 1, Sells the lot to a third party or 2, initiates construction of a dwelling unit on the lot.

23 TERM. The covenants, conditions, restrictions, reservations, assessments, charges, and liens set forth in this Declaration are to run with the land and shall be binding, as they may be

amended from time to time, as provided herein, on all parties and on all persons claiming an interest in a Lot, for a period of thirty years from the date this Declaration is recorded, after which time said covenants, conditions, restrictions, reservations, assessments, charges, and liens shall be automatically extended for successive periods of ten years each.

24 ENFORCEMENT. The Committee and any Lot Owner shall have the right, but not the obligation, to enforce, through any permitted proceeding at law or in equity, the terms, provisions, restrictions and requirements of this Declaration. Any failure to insist upon the strict performance of or compliance with any of the terms, provisions, covenants and requirements of this Declaration shall not result in or be construed to be an abandonment or termination of this Declaration or any waiver of the right to insist upon such performance or compliance with the terms of this Declaration in the future. If any action or proceeding is brought because of a default under, or to enforce or interpret any of the covenants, provisions, or requirements of, this Declaration the party prevailing in such action or arbitration shall be entitled to recover from the unsuccessful party reasonable attorneys' fees (including those incurred in connection with any appeal), the amount of which shall be fixed by the court or the arbitrator and made a part of any judgment rendered.

25 AMENDMENT. This Declaration or any provision therein may be amended by the vote of the declarants until such time as 60% of the lots have been sold. Thereafter an amendment shall require the approval of two thirds of the lot owners .

26 SEVERABILITY. Invalidation of any provision set forth in this Declaration by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.

IN WITNESS WHEREOF, the Declarant has executed this Declaration to be effective as of the date first written above.

DECLARANT

Willard Land LLC

By

It's

STATE OF UTAH)

) ss:

COUNTY OF)

The foregoing instrument was acknowledged before me this _____ day of , 2018, by
in his representative capacity as manager for .

Notary Public

Residing at:

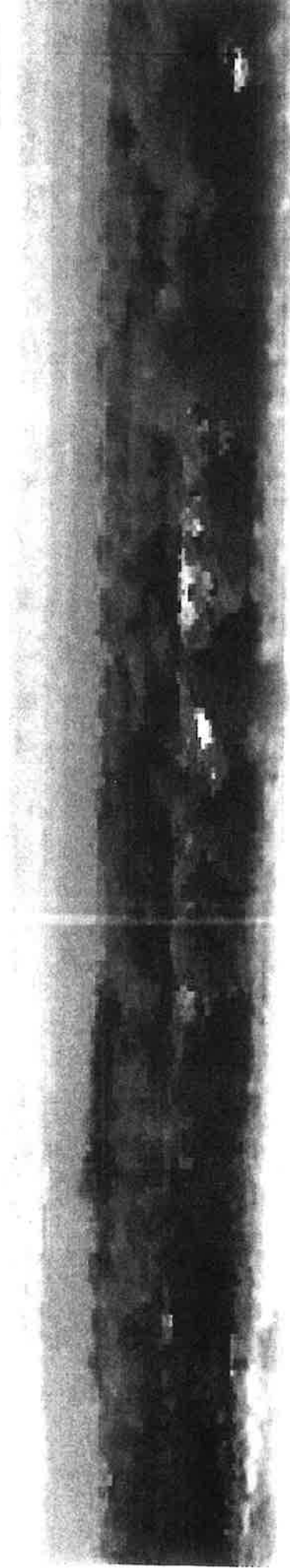
My Commission Expires:

FINANCIAL IMPACT AND FEASIBILITY ANALYSES RELATED TO THE PROPOSED ANNEXATION INTO WILLARD CITY

PRESENTATION TO THE WILLARD CITY COUNCIL RELATED PROPOSED DEVELOPMENTS:

BLUE OX DEVELOPMENT
WILLARD LAND LLC
VALLEY ESTATES INVESTMENTS LLC

WILLARD CITY, UTAH
OCTOBER 15, 2020



 **LEWIS YOUNG**
ROBERTSON & BURNINGHAM, INC.

OVERVIEW OF DISCUSSION



FINANCIAL IMPACT AND FEASIBILITY ANALYSES RELATED TO THE PROPOSED ANNEXATION INTO WILLARD CITY

- Blue Ox Development
- Willard Land LLC Development
- Valley Estates Investments LLC

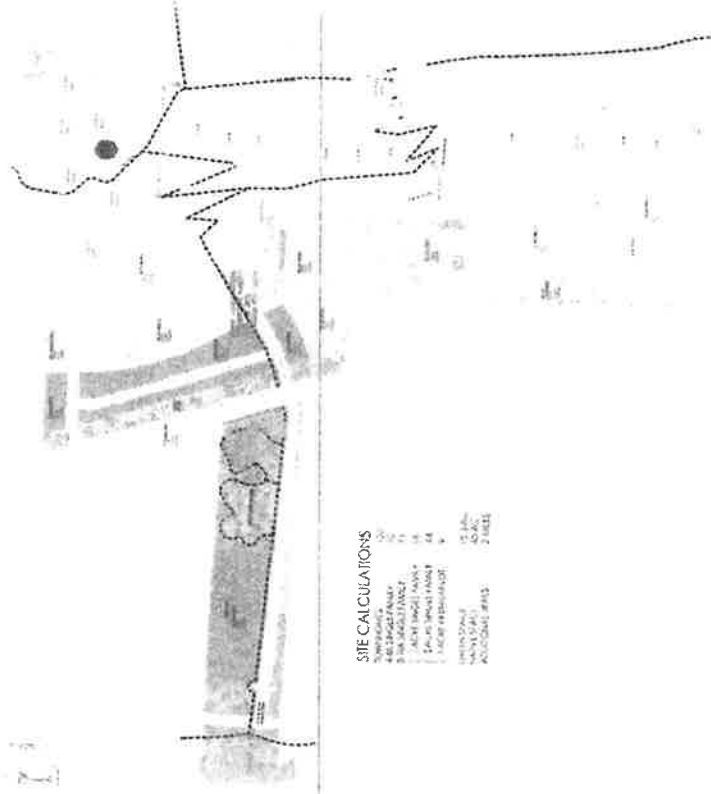


BLUE OX SUMMARY



DEVELOPMENT OVERVIEW

- 144 acres
- Residential Development (Townhome/Single Family)
- 294 Units
- Absorption: 15-17 years
- Assessed Value: \$51.8M



Product	Lot Size	Assessed Value	# of Units
Townhome	0.1 Acre	\$21,879,000	153
Single Family Home	0.09 to 0.14 Acres	1,980,000	10
Single Family Home	0.18 to 0.23 Acres	14,058,000	71
Single Family Home	0.33 to 0.5 Acre	3,696,000	16
Single Family Home	0.5 to 0.75 Acres	10,164,000	44
Total		\$51,777,000	294

PUBLIC INFRASTRUCTURE (100% FUNDED BY DEVELOPER)

Trail Construction and Open Space Improvements	\$316,211
Offsite Sewer Improvements	300,000
Water Tank	450,000
West Side Open Space - Land	1,350,000
East Side Open Space - Land	1,633,500
Total Capital Improvement Costs	\$4,555,961

PUBLIC INFRASTRUCTURE (ESTIMATES PENDING)

East Side Access Road	TBD
Tank Design and Engineering	TBD
Tank Connection/Upsizing	TBD
Total Capital Improvement Costs	TBD

LYRB



WE PROVIDE SOLUTIONS

BLUE OX SUMMARY



COST-BENEFIT SUMMARY

- \$1.27M Cumulative Net Benefit Over 20 Years
- \$4.55M Public Infrastructure provided by property owner/developer

General Fund Revenue	2025	2030	2035	2040	Totals
Property Tax	\$12,944	\$29,115	\$61,899	\$61,899	\$806,610
Sales & Use	33,921	64,677	154,073	170,215	1,981,329
Electric (Franchise)	5,029	9,662	23,098	25,502	296,352
Natural Gas (Franchise)	1,987	3,818	9,128	10,078	117,112
Class C Road Revenues	10,255	21,468	54,254	63,363	683,938
Total Revenue	64,135	128,741	302,451	331,057	3,885,341
General Fund Expense					
Streets	3,993	9,290	22,585	24,935	284,846
Class C Road Expenditures	5,150	9,896	23,655	26,117	303,457
General Government	8,123	18,900	45,946	50,729	579,489
Parks	1,646	3,830	9,312	10,281	118,552
Fire Protection	-	12,535	13,840	15,280	191,527
Law Enforcement	-	112,796	124,535	137,497	1,723,396
Total Expense	18,912	167,247	239,874	264,840	3,201,266
Net Benefit	45,223	(38,506)	62,577	66,217	684,075
Other Revenue					
Gravel Pit (Extraction Royalty)	36,532	40,334	44,532	-	583,653
Net Benefit (Including Other Revenues)	\$81,755	\$1,828	\$107,110	\$66,217	\$1,267,728

*2-20-25
2-20-25*

LYRB



WE PROVIDE SOLUTIONS

WILLARD LAND LLC SUMMARY



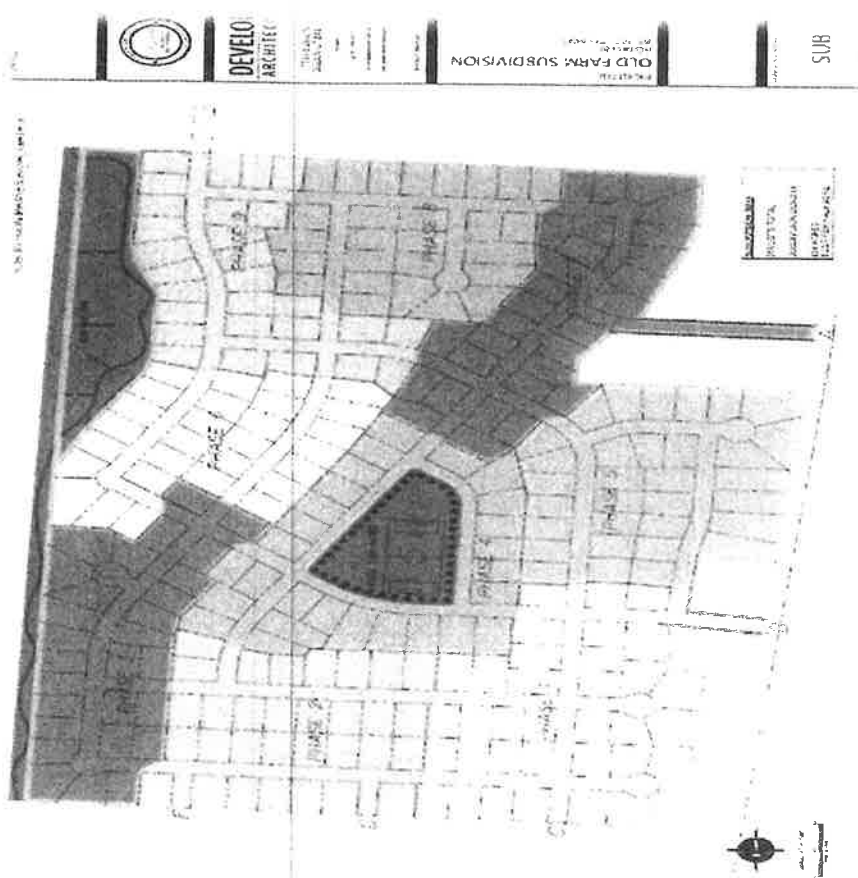
DEVELOPMENT OVERVIEW

- 134 acres
- Residential Development (Single Family)
- 264 Units
- Absorption: 7-10 years
- Assessed Value: \$62.0M

Product	Lot Size	Assessed Value	# of Units
Single Family Home	18,000 SF	\$48,236,716	214
Single Family Home	18,000 SF - 20,000 SF	6,845,419	27
Single Family Home	20,000+ SF	6,899,234	23
Total		\$61,981,370	264

PUBLIC INFRASTRUCTURE (100% FUNDED BY DEVELOPER)

Off-site sewer improvements	\$300,000
Culinary water improvements	210,000
Park	800,000
Total Capital Improvement Costs	\$1,310,000



WILLARD LAND LLC SUMMARY



COST-BENEFIT SUMMARY

- \$665K Cumulative Net Benefit Over 20 Years
- \$1.3M Public Infrastructure provided by property owner/developer

General Fund Revenue	2025	2030	2035	2040	Totals
Property Tax	\$30,495	\$71,898	\$71,898	\$71,898	\$1,073,923
Sales & Use	52,680	119,607	131,952	146,148	1,948,497
Electric (Franchise)	7,517	18,786	20,741	22,899	354,167
Natural Gas (Franchise)	2,970	7,424	8,196	9,049	118,191
Class C Road Revenues	7,569	36,967	42,915	49,838	579,656
Total Revenue	101,231	254,681	275,702	299,833	4,074,434
General Fund Expense					
Streets	9,407	24,487	27,036	29,850	388,436
Class C Road Expenditures	4,044	10,106	11,158	12,319	160,900
General Government	19,138	49,817	55,002	60,726	790,232
Parks	3,803	9,899	10,929	12,066	158,182
Fire Protection	-	12,535	13,840	15,280	191,527
Law Enforcement	-	112,796	124,535	137,497	1,723,396
Total Expense	36,391	219,640	242,500	267,739	3,412,672
Net Benefit	\$64,840	\$35,042	\$33,202	\$32,094	\$661,762



VALLEY ESTATE INVESTMENTS LLC SUMMARY



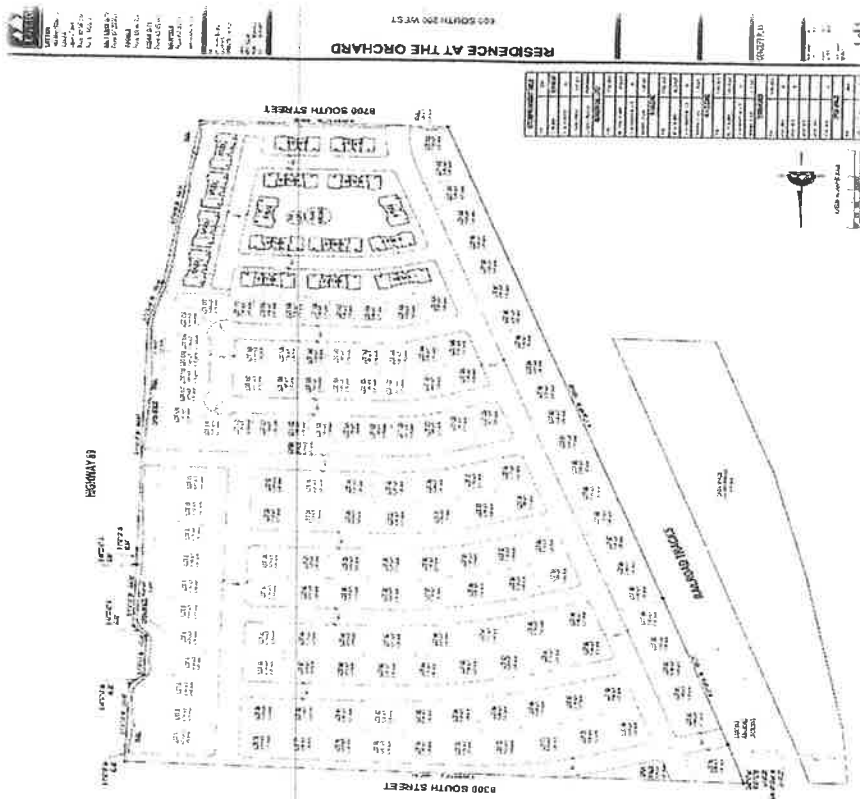
DEVELOPMENT OVERVIEW

- 74 acres
- Residential Development (Single Family/Townhome)
- 224 Units
- Absorption: 3-6 years
- Assessed Value: \$43.3M

Product	Assessed Value	# of Units
R-1-6 Zone SFH	\$6,930,000	42
R-1-12 Zone SFH	21,243,750	103
4-Plex Townhomes	5,794,250	43
3-Plex Townhomes	9,360,000	36
Total	\$43,328,000	224

PUBLIC INFRASTRUCTURE (100% FUNDED BY DEVELOPER)

Off-site sewer improvements	\$1,200,000
Total Capital Improvement Costs	\$1,200,000



VALLEY ESTATE INVESTMENTS LLC SUMMARY



COST-BENEFIT SUMMARY

- \$1.079M Cumulative Net Benefit Over 20 Years
- \$1.2M Public Infrastructure provided by property owner/developer

General Fund Revenue	2025	2030	2035	2040	Totals
Property Tax	\$81,449	\$84,697	\$84,697	\$84,697	\$1,483,874
Sales & Use	84,173	101,485	111,959	124,005	1,803,172
Electric (Franchise)	11,923	14,445	15,948	17,608	256,386
Natural Gas (Franchise)	4,712	5,708	6,302	6,958	101,318
Class C Road Revenues	22,582	32,166	37,385	43,470	572,300
Total Revenue	204,838	238,500	256,292	276,739	4,217,051
General Fund Expense					
Streets	13,829	17,118	18,899	20,866	305,416
Class C Road Expenditures	8,342	10,106	11,158	12,319	179,378
General Government	28,135	34,824	38,449	42,451	621,336
Parks	5,590	6,920	7,640	8,435	123,459
Fire Protection	-	12,290	13,569	14,981	187,771
Law Enforcement	-	112,796	124,535	137,497	1,723,396
Total Expense	55,896	194,053	214,250	236,549	3,140,756
Net Benefit	\$148,942	\$44,448	\$42,042	\$40,189	\$1,076,295



NET BENEFIT OVERVIEW



- The table below shows the net benefit of the proposed annexation for Willard City related to the General Fund and;
- The table below shows the public infrastructure that will be financed and paid for by the developer that also add benefit to Willard City

Development	General Fund	Infrastructure
Blue Ox Development	\$1,267,728	\$4,555,961
Willard Land LLC Development	661,762	1,310,000
Valley Estates LLC Development	1,076,295	1,200,000
Total	\$3,005,785	\$7,065,961



Old Farm Subdivision
7140 South US 89
Traffic Impact Study

Willard, UT

November 2018



A-Trans Engineering
P.O. Box 521651
Salt Lake City, Utah 84152
(801) 949-0348 telephone
(801) 582-6252 fax

TRAFFIC STUDY

Old Farm Subdivision 7140 South US 89 Traffic Impact Analysis

Willard, Utah

Category II

November 2018

Prepared by:

A-Trans Engineering
Joseph Perrin, PhD, PE, PTOE
P.O. Box City, 521651
Salt Lake City, Utah 84152
(801) 949-0348
atrans@comcast.net

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I. Introduction and Summary

The proposed site is located on the west side of US 89 at 7140 South in Willard, Utah. The site is planning to develop into 268 single family homes and is projected to generate 198 AM and 265 PM peak hour trips with 2,530 daily trips. The site is planning to two direct accesses to US 89, one at 6940 South and another at 7140 South. The site will also have cross access to adjacent neighborhoods to the north and a future connection to the north once the property develops.

The intersection of Tams Road / US 89 operates with side street delay at LOS A in both the AM and PM peak periods. With and without the site throughout 2024 the intersection operates with side street delay of LOS B or better. The intersection of 7325 South / US 89 operates with side street delay at LOS B in both the AM and PM peak periods. With and without the site throughout 2024 the intersection operates with side street delay of LOS B or better. The intersection of 7425 South / US 89 operates with side street delay at LOS B in the AM peak period and LOS D in the PM peak periods. This LOS is maintained throughout 2024 without the site and declines to LOS E in the PM peak period. No site traffic is projected to utilize this roadway.

The new intersection of 6940 South / US 89 operates with side street delay at LOS B in both the AM and PM peak periods in 2019 and 2024. The new intersection of 7140 South / US 89 operates with side street delay at LOS B in both the AM and PM peak periods in 2019 and 2024.

Recommendations:

The intersections of 6940 South / US 89 and 7140 South / US 89 meets the thresholds for a left turn deceleration lanes which is provided with the existing center turn lane. Southbound right turn lanes are prudent on high speed facilities but the projected volumes do not meet the UDOT thresholds for being required.

II. Proposed Project

The proposed single family homes Old Farm Subdivision is located on the west side of US 89 at 7140 South in Willard, Utah. The site is planning to develop into 268 single family homes and is projected to generate 198 AM and 265 PM peak hour trips with 2,530 daily trips. The site is planning to two direct accesses to US 89, one at 6940 South and another at 7140 South. The site will have cross access to the residential neighborhood to the south.

The site has approximately 3,000 feet of frontage and proposing accesses located 1,300 feet apart. 6940 South is located approximately 1,270 feet north of 7140 South which is located approximately 1,350 feet north of 7325 South. There are several residential driveways located along US 89 within the area. Figure 1 shows the conceptual site plan and access locations.

III. Study Area Conditions

The study area includes the following intersection.

- Tams Road / US 89
- 6940 South / US 89 (New Site Access)
- 7140 South / US 89 (New Site Access)
- 7325 South / US 89 (Existing Cross Access)
- 7425 South / US 89

Figure 2 shows the location of the site and access spacing. Figure 3 shows existing intersection geometry.

US 89

Main Street or US 89 is a five lane facility with two lanes in each direction and a center turn lane. The 2016 AADT is 11,000 vehicles per day and the posted speed limit is 55 MPH. It is classified by UDOT as a Category 4 roadway.



Conceptual Site Plan

Figure 1

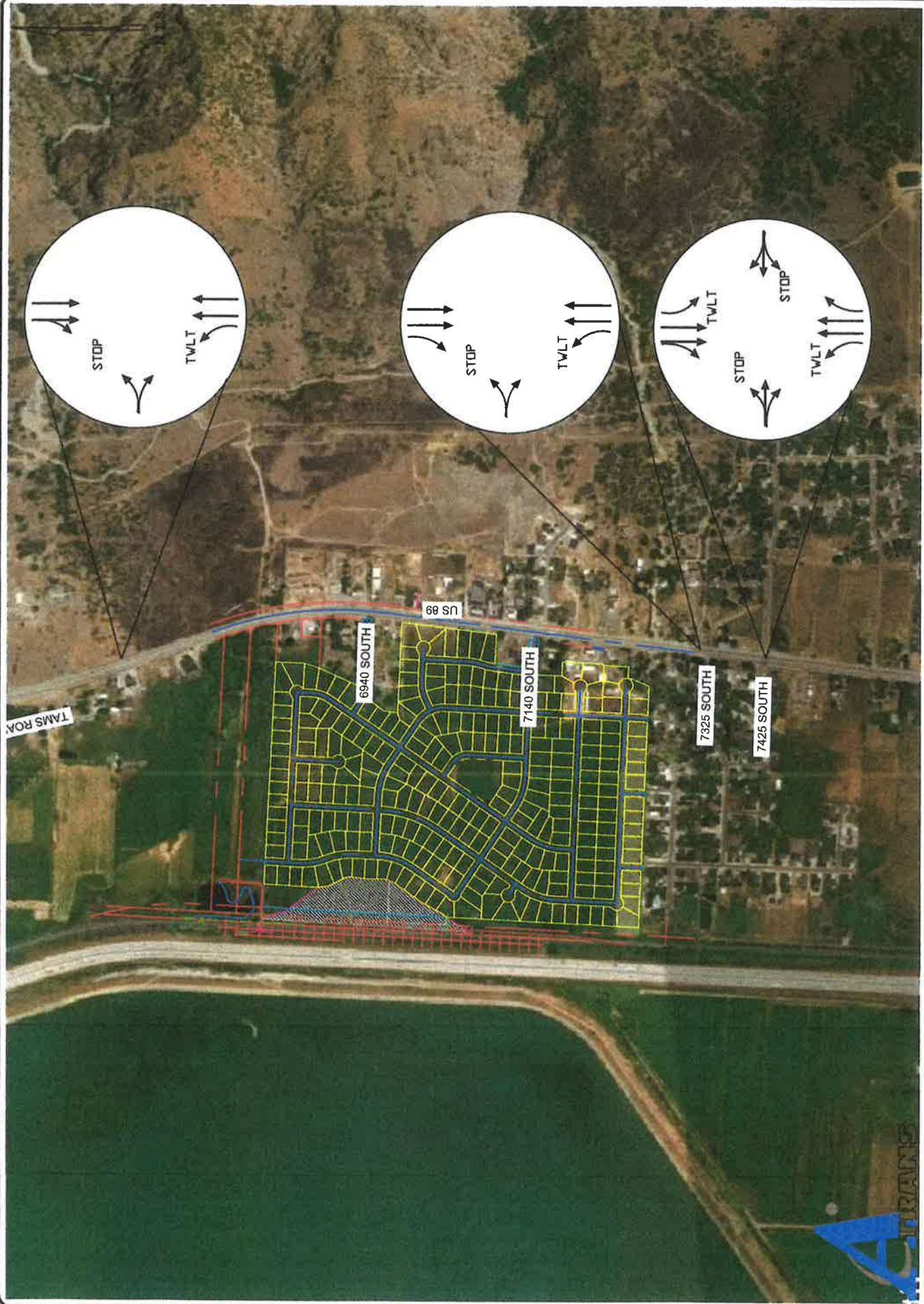
A-TRANS TRANSPORTATION ENGINEERING
P.O. BOX 621661, SLC, UT 84152
Phone: 801-949-0948 Fax 801-562-6262



SR 89
55 MPH
11,000 veh/day

Site Location

Figure 2



Existing Geometry

Figure 3

IV. Analysis of Existing Condition

The existing traffic counts were performed on October 30th – 31st, 2018 during the AM and PM peak periods. Figure 4 shows existing traffic counts utilized in the study.

The 2010 Highway Capacity Manual defines the Level of Service (LOS) for both signalized and unsignalized intersections as a range of average experienced delay. LOS is a qualitative rating of traveler satisfaction from A to F whereby LOS A is good and LOS F poor. Table 1 shows the LOS range by delay for unsignalized and signalized intersections and accesses.

Table 1: Intersection LOS-Delay Relationship

	Unsignalized	Signalized
Level of Service	Total Delay per Vehicle (sec)	Total Delay per Vehicle (sec)
A	≤ 10.0	≤ 10.0
B	> 10.0 and ≤ 15.0	> 10.0 and ≤ 20.0
C	> 15.0 and ≤ 25.0	> 20.0 and ≤ 35.0
D	> 25.0 and ≤ 35.0	> 35.0 and ≤ 55.0
E	> 35.0 and ≤ 50.0	> 55.0 and ≤ 80.0
F	> 50.0	> 80.0

The intersection of Tams Road / US 89 operates with side street delay at LOS A in both the AM and PM peak periods. The intersection of 7325 South / US 89 operates with side street delay at LOS B in both the AM and PM peak periods. The intersection of 7425 South / US 89 operates with side street delay at LOS B in the AM peak period and LOS D in the PM peak periods. Table 2 shows the Existing LOS.

Table 2: Existing Level of Service

	Tams Road / US 89 (EBL)		7325 South / US 89 (EBL)		7425 South / US 89 (WBL)	
AM	9.6	A	10.7	B	11.5	B
PM	9.8	A	11.0	B	25.8	D

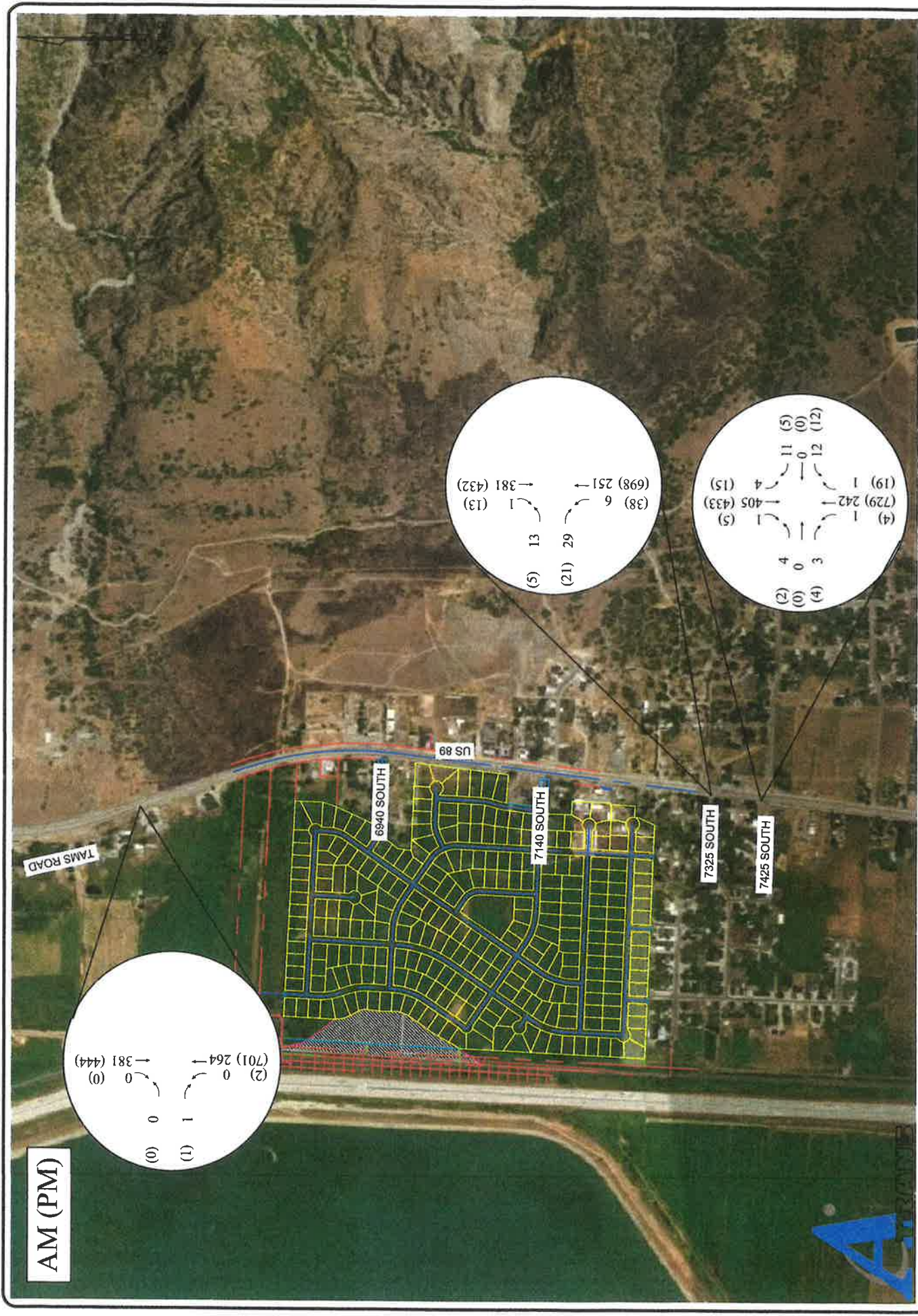


Figure 4

Existing Traffic

V. Projected Traffic

A. Trip Generation

Trip generation for the site was done using The Institute of Transportation Engineers (ITE) *Trip Generation* (10th Edition) handbook. The site is planning to include 268 single family homes and is projected to generate 198 AM and 265 PM peak hour trips with 2,530 daily trips. The trip generation for the site is shown in Table 2.

Table 3: Trip Generation for Site

Size	Trip Rate	Trips	% IN	% Out	Trips In	Trips Out
AM						
268	0.74	198	25%	75%	50	148
PM						
268	0.99	265	63%	37%	167	98

B. Trip Distribution

Project site traffic was applied to the origin-destination (O-D) for the site. Origin-destination was determined from evaluating the existing traffic patterns and hourly traffic volumes on each leg of the included intersections as well as the location of retail centers and freeways relative to this site. This was used as a baseline for origin destination and engineering judgment was applied to this to determine the following OD for the site.

- 25% to/from north on US 89
- 75% to/from south on US 89

Origin Destination is shown in Figure 5. Site trip distribution is shown in Figure 6.



Origin Destination

Figure 5

A-TRANS TRANSPORTATION ENGINEERING
P.O. BOX 521651, SLC, UT 84152
Phone: 801-849-0348 Fax 801-562-0252

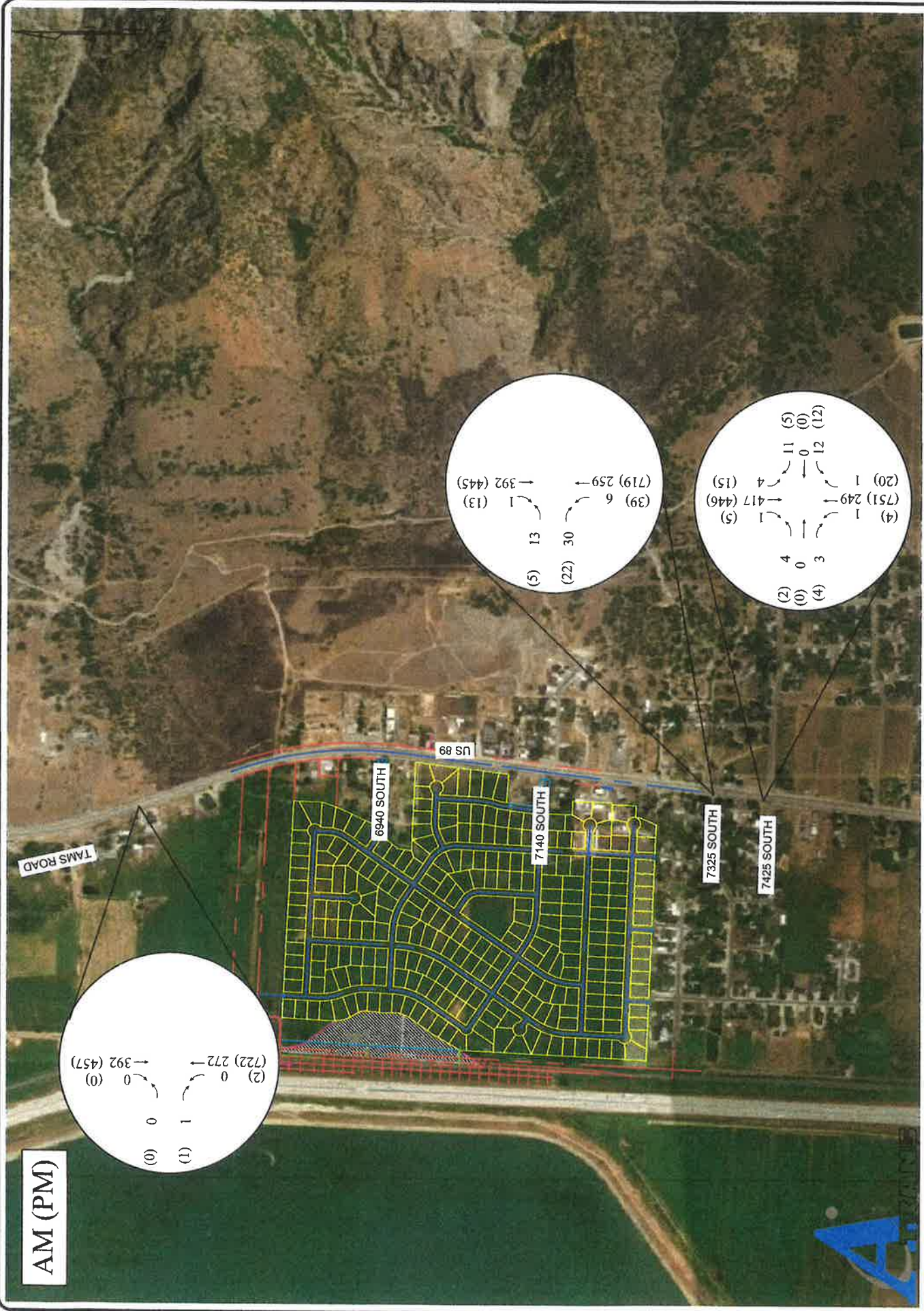
VI. Growth

Growth in the area was determined from UDOT's Traffic on Utah Highways (2004 – 2016). The volumes and projections utilized to determine growth in the area is shown in Table 4. The average growth rate from 2004 to 2016 excluding the 35% decrease is 2.6%, the average growth rate from 2011 to 2016 was also found at 2.6%. Based on this similarity the growth rate of 2.6% was applied and the growth factor for 2019 is 1.03 and for 2024 is 1.17.

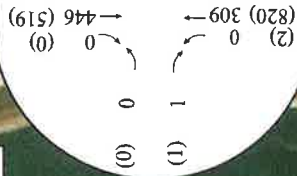
Table 4: Growth Projections

Year	AADT	Growth
2004	13,000	
2005	13,000	0%
2006	14,000	8%
2007	15,000	7%
2008	14,000	-7%
2009	14,000	0%
2010	15,000	7%
2011	9,700	-35%
2012	9,500	-2%
2013	9,800	3%
2014	10,000	2%
2015	11,000	10%
2016	11,000	0%
	Average	2.6%

Background traffic is determined by multiplying the existing traffic by the growth factor for each future analysis period. 2019 Background Traffic is shown in Figure 7. 2024 Background Traffic is shown in Figure 8. Total traffic in the area for the future projection years is derived by adding the non-site volume forecasts to the site trip distribution. 2019 Day Total Traffic is shown in Figure 9 and 2024 Total Traffic is shown in Figure 10.



AM (PM)



TAMS ROAD

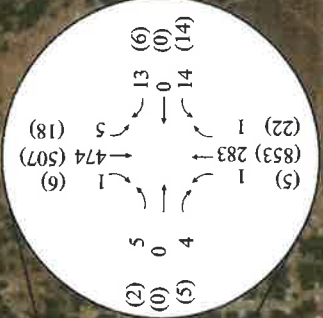
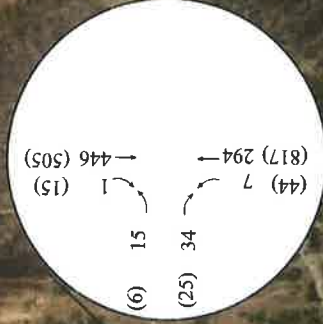
6940 SOUTH

7140 SOUTH

US 89

7325 SOUTH

7425 SOUTH



AM (PM)

TAMS ROAD

US 89

6940 SOUTH

7140 SOUTH

7325 SOUTH

7425 SOUTH

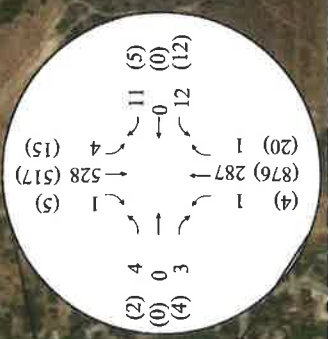
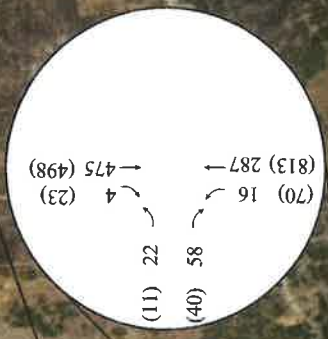
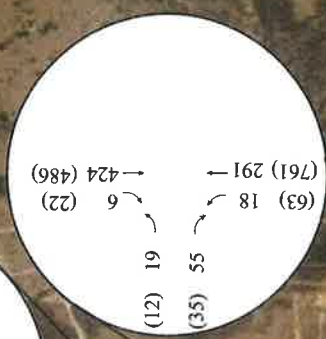
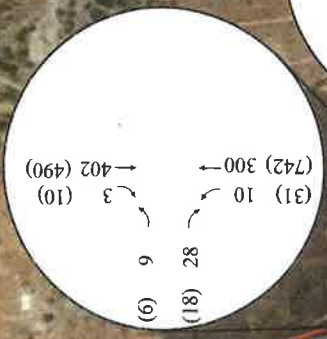


Figure 9

2019 Total Traffic

AM (PM)

TAMS ROAD

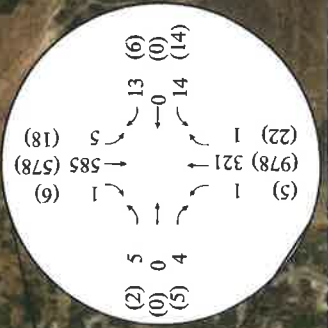
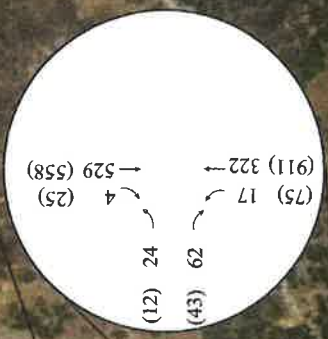
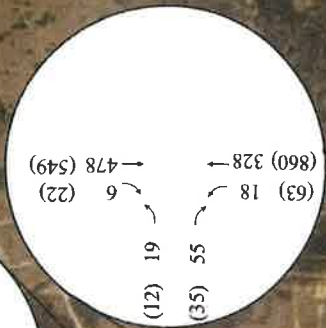
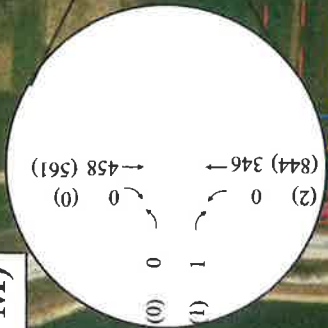
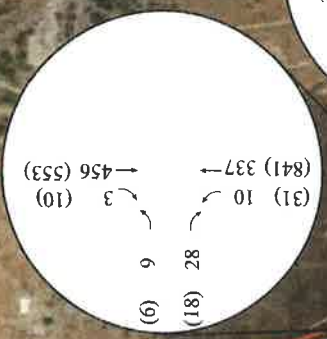
US 89

6940 SOUTH

7140 SOUTH

7325 SOUTH

7425 SOUTH



VII. Traffic Analysis

A. Level of Service Analysis

The intersection and access analysis evaluates the performance of each intersection and access using the measure of performance of delay and level of service (LOS). Tables 5-9 show the intersection and access analysis.

Analysis Results

- The intersection of Tams Road / US 89 operates with side street delay at LOS A in both the AM and PM peak periods. With and without the site throughout 2024 the intersection operates with side street delay of LOS B or better.
- The intersection of 7325 South / US 89 operates with side street delay at LOS B in both the AM and PM peak periods. With and without the site throughout 2024 the intersection operates with side street delay of LOS B or better.
- The intersection of 7425 South / US 89 operates with side street delay at LOS B in the AM peak period and LOS D in the PM peak periods. This LOS is maintained throughout 2024 without the site and declines to LOS E in the PM peak period. No site traffic is projected to utilize this roadway.
- The new intersection of 6940 South / US 89 operates with side street delay at LOS B in both the AM and PM peak periods in 2019 and 2024.
- The new intersection of 7140 South / US 89 operates with side street delay at LOS B in both the AM and PM peak periods in 2019 and 2024.

Table 5: Tams Road / US 89 Intersection Analysis

		NBL		EBL	
2018 Existing	AM	0.0	A	9.6	A
	PM	8.4	A	9.8	A
2019 Background	AM	0.0	A	9.6	A
	PM	8.5	A	9.9	A
2019 Total	AM	0.0	A	9.7	A
	PM	8.6	A	10.1	B
2024 Background	AM	0.0	A	9.8	A
	PM	8.7	A	10.1	B
2024 Total	AM	0.0	A	9.9	A
	PM	8.8	A	10.3	B

Table 6: 7325 South / US 89 Intersection Analysis

		NBL		EBL	
2018 Existing	AM	8.2	A	10.7	B
	PM	8.5	A	11.0	B
2019 Background	AM	8.2	A	10.8	B
	PM	9.6	A	11.4	B
2019 Total	AM	8.6	A	11.8	B
	PM	8.9	A	12.3	B
2024 Background	AM	8.4	A	11.3	B
	PM	8.8	A	11.7	B
2024 Total	AM	8.8	A	12.4	B
	PM	9.2	A	13.1	B

Table 7: 7425 South / US 89 Intersection Analysis

		NBL		EBL		WBL		SBL	
2018 Existing	AM	8.3	A	12.7	B	11.5	B	7.8	A
	PM	8.4	A	14.1	B	25.8	D	9.6	A
2019 Background	AM	8.3	A	12.9	B	11.7	B	7.8	A
	PM	8.4	A	14.5	B	26.0	D	9.7	A
2019 Total	AM	8.7	A	14.7	B	12.6	B	7.9	A
	PM	8.7	A	16.5	C	34.3	D	10.3	B
2024 Background	AM	8.5	A	13.9	B	12.4	B	7.9	A
	PM	8.7	A	16.3	C	33.9	D	10.2	B
2024 Total	AM	8.9	A	16.0	C	13.6	B	8.0	A
	PM	8.9	A	17.8	C	46.5	E	11.0	B

Table 8: 6940 South / US 89 Intersection Analysis

		NBL		EBL	
2019 Total	AM	8.3	A	10.7	B
	PM	8.7	A	13.3	B
2024 Total	AM	8.5	A	11.0	B
	PM	9.0	A	13.3	B

Table 9: 7140 South / US 89 Intersection Analysis

		NBL		EBL	
2019 Total	AM	8.4	A	11.3	B
	PM	8.9	A	12.5	B
2024 Total	AM	8.6	A	12.1	B
	PM	9.2	A	13.1	B

B. Queue Analysis

Based on the projected traffic, queue storage length requirements can be determined. To determine if sufficient storage space exists to accommodate the projected demand, the intersection and accesses included in this traffic study are analyzed for queue storage capacity. The queue lengths are provided by the HCM analysis and are done through Synchro. Once the storage length is determined, this can typically be compared to the available storage length within the provided turn pockets or between intersections. Table 10 shows the minimum recommended queue storage length that should be provided based on the critical unsignalized and signalized calculation and projected traffic demand.

Table 10: Queue Analysis

		NBL	EBL	WBL	SBL
Tams Road / US 89	Available	TWLT			
	Recommended	25	25		
7325 South / US 89	Available	TWLT			
	Recommended	25	25		
7425 South / US 89	Available	TWLT			TWLT
	Recommended	25	25	25	25
6940 South / US 89	Recommended	25	25		
7140 South / US 89	Recommended	25	25		

C. Access and Roadway Category

According to the UDOT, US 89 is categorized as a Category 4 roadway. As per UDOT Administrative Rule R930-6, signal spacing is required at 2,640 feet, street spacing is required at 660 feet and access spacing is required at 500 feet or by variance. The distance between access points/intersections is measured from end of radius to end of adjacent radius. The site is planning to two direct accesses to US 89, one at 6940 South and another at 7140 South. The site will have cross access to the residential development to the south.

6940 South is located approximately 1,270 feet north of 7140 South which is located approximately 1,350 feet north of 7325 South. There are several residential driveways located along US 89 within the area. Due to these residential driveways and 7150 South, the streets do not meet the required spacing and must be approved through the variance process.

According to UDOT Administrative Rule R930-6 a Category 4 roadway requires:

- A left turn deceleration lane with taper and storage length is required for any access with a projected peak hour left ingress turning volume greater than 10 vehicles per hour. The taper length must be included in the required deceleration length.
- A right turn deceleration lane and taper length is required for any access with a projected peak hour right ingress turning volume greater than 25 vehicles per hour. The taper length must be included in the required deceleration length.
- A right turn acceleration lane and taper length is required for any access with a projected peak hour right turning volume greater than 50 vehicles per hour when the posted speed on the highway is greater than 40 mph. The taper length must be included in the required acceleration length. A right turn acceleration lane may also be required at a signalized intersection if a free-right turn is needed to maintain an appropriate level of service for the intersection.
- Right turn deceleration and acceleration lanes are generally not required on roadways with three or more travel lanes in the direction of the right turn.
- A left turn acceleration lane may be required if it will be a benefit to the safety and operation of the roadway.
- A left turn acceleration lane is generally not required where the posted speed is less than 45 mph, the intersection is signalized, or the acceleration lane would interfere with the left turn ingress movements to any other access.

6940 South

A left turn deceleration lane is required based on the projected volumes, this requirement is met by utilizing the existing two way left turn lane.

7140 South

A left turn deceleration lane is required based on the projected volumes, this requirement is met by utilizing the existing two way left turn lane.

7325 South (existing)

A left turn deceleration lane is required based on the projected volumes, this requirement is currently being met by utilizing the existing two way left turn lane.

A right turn deceleration lane is built with 175 feet of storage, the estimated right turns in the 2024 PM scenario is estimated at 25 vehicles per hour.

D. Safety Information

UDOT provides a Safety Index or safety ratings in a statewide safety comparison of major roadways. This takes into account the different traffic patterns and volumes experienced in urban and rural areas. The Safety Index is a combination of four equally weighted safety analysis sub-scores: Crash Rate Score, Severe Crash Rate Score, Crashes per Mile Score and Severe Crashes per Mile Score. The Safety Index is reported on a 0 to 10 scale with 10 representing the worst condition.

This segment of US 89 has a Safety Index of 6 out of 10 with a crash rate at 50% of the average rate and a severe crash rate at 190% of average.

VIII. Conclusions

The proposed townhome development is located on the south side of 2550 South at 2300 West in West Haven, Utah. The site is planning to develop as 135 townhomes and is projected to generate 62 AM and 76 PM peak hour trips with 988 daily trips. The site is planning to access 2550 South as the forth approach to the existing intersection of 2300 West. A secondary access is planned approximately 215 feet east of 2300 West along 2550 South.

The following comments are made about the site:

- The intersection of Tams Road / US 89 operates with side street delay at LOS A in both the AM and PM peak periods. With and without the site throughout 2024 the intersection operates with side street delay of LOS B or better.
- The intersection of 7325 South / US 89 operates with side street delay at LOS B in both the AM and PM peak periods. With and without the site throughout 2024 the intersection operates with side street delay of LOS B or better.
- The intersection of 7425 South / US 89 operates with side street delay at LOS B in the AM peak period and LOS D in the PM peak periods. This LOS is maintained throughout 2024 without the site and declines to LOS E in the PM peak period. No significant site traffic is projected to utilize this roadway.
- The new intersection of 6940 South / US 89 operates with side street delay at LOS B in both the AM and PM peak periods in 2019 and 2024.
- The new intersection of 7140 South / US 89 operates with side street delay at LOS B in both the AM and PM peak periods in 2019 and 2024.
- At the newly proposed 6940 South and 7140 South, a left turn deceleration lane is required based on the projected volumes, this requirement can be met by utilizing the existing two way left turn lane.
- At 7325 South (existing), a left turn deceleration lane is required based on the projected volumes, this requirement is currently being met by utilizing the existing two way left turn lane. A right turn deceleration lane is built with 175 feet of storage, the estimated right turns in the 2024 PM scenario is estimated at 25 vehicles per hour.
- This segment of US 89 has a Safety Index of 6 out of 10 with a crash rate at 50% of the average rate and a severe crash rate at 190% of average.

IX. Recommendations

The intersections of 6940 South / US 89 and 7140 South / US 89 meets the thresholds for a left turn deceleration lanes which is provided with the existing center turn lane. Southbound right turn lanes are prudent on high speed facilities but the projected volumes do not meet the UDOT thresholds for being required.



FUTURE LAND USE



1/2 MI

1 MI

N

UTAH-89

750 N

I-15

200 W

FUTURE LAND USE DISTRICTS

- RESIDENTIAL (5 ACRE LOT)
- RESIDENTIAL (1-3 ACRE LOT)
- RESIDENTIAL (1/2 ACRE LOT)
- AGRICULTURE (3-5 ACRE LOT)
- COMMERCIAL
- TRANSIT ORIENTED DEVELOPMENT
- PLANNED UNIT DEVELOPMENT
- ENVIRONMENTALLY SENSITIVE AREA
- INDUSTRIAL

**Willard City General Plan
Future Land Use Map
Area Descriptions and accompanying Use & Density Policies**

Environmentally Sensitive Area:

Lands designated as Environmentally Sensitive Area are so designated because of a naturally occurring landscape feature. These include the waters of Willard Bay, areas of steep slopes, and areas of high ground water, lands identified as jurisdictional wetlands, and stream corridors, and lands subject to seasonal or intermittent flooding. The waters of Willard Bay are managed under the authorities of the State of Utah. Included are the areas managed by Utah State Parks immediately adjacent to Willard Bay and including the Willard Bay State Park and its associated recreational and camping areas. An area of steep slopes exists on the eastern most boundary of the City. If any parcels exist in these steep slope areas, and access is available the allowed residential density is one (1) dwelling unit per 100 acres.

If any area is identified as suitable for any residential use several goals must be achieved, the most important being to protect the personal safety and property of all persons residing in any environmentally sensitive area. As secondary goals, activities occurring on any environmentally sensitive area shall; (a) reduce requirements for public utility and service expenditures, (b) avoid placing residents in harm's way, and (c) minimize damage to natural slopes, watershed areas, groundwater, and associated wildlife habitats, soil erosion, and avoidance of degradation uses and activities.

Recommended Use/Density – Recreation and in areas that are privately owned – Residential (and associated activities) / One Residential Dwelling Unit per 100 acres if access and a safe building location can be determined.

Industrial:

Two "Industrial" areas are provided. One is in the north-western portion of the City. The second is at the south-east corner of the City. The north-western corner is provided to encourage light manufacturing activities and provide associated light industrial, manufacturing, and warehousing service employment opportunities. This area provides immediate access to the interstate freeway system via the 750 North-Interstate-15 (I-15) interchange.

The industrial designation located at the City's south-eastern corner is used as an active gravel pit for extractive industry. With the cessation of the existing extractive industry the appropriate reuse of this area after land reclamation is Industrial uses and associated activities.

Recommended Use/Intensity – Industrial complying with the intensity standards of the City's ordinances, as adopted and as effective at the time of reuse.

Agriculture: Recommended Use/Density – Residential (and associated activities) / One Residential Dwelling Unit

"Willard City has a rich rural, agriculture-based history. The citizens have worked to maintain the rural and small-town qualities of the City" (Annexation Policy Plan). Residents want to continue to recognize the heritage of areas where rural pursuits, agricultural activities, and the grazing of animals are allowed and protected. Maintaining small-town and rural ambiance will not be easy as the City faces constant growth pressures from the north and south. City officials and residents must remain committed to the protection of small-town qualities as well as the City's agricultural heritage. This Plan provides various policy statements to guide future land use and community decisions applicable to the City's Agricultural Heritage Areas.

The Agriculture area of the Future Land Use Map provides areas of the City determined appropriate to provide opportunities for low density residential development patterns (minimum lot size 3 – 5 acres) and the protection of viable agricultural soils. The Agriculture area promotes agriculture uses and as determined by the landowner, based on the area use for viable agriculture, the opportunity to qualify such areas under farmland, or green belt, property taxation assessments. Agriculture provides protections for existing agricultural and rural activities and uses, including alfalfa and other cropping, orchards, and associated fruit and produce stands, vegetable gardens, and the keeping of animals.

Recommended Use/Density – Residential (and associated activities / One Dwelling Unit per 3 to 5 acres, and larger for owners seeking property assessment under the Utah Farmland Assessment Act or Greenbelt Act.

Residential:

The Future Land Use Map provides three (3) "residential" categories. Residential (5-acre lot), Residential (1–3-acre lot) and Residential (0.5-acre lot). For each of these three (3) residential classifications the lots sizes identified are minimum requirements.

The purposes of the three (3) Residential designations provided by the Future Land Use Map are the same, to provide residential settings that are safe, attractive, convenient, and in desired locations for residential uses and associated activities. As these areas continue to develop, they must provide access to required transportation and circulation systems, including active transportation facilities, like trails, and biking routes.

Residential 5-acre lot – Recommended Use/Density – Residential and associated activities) / One Dwelling Unit per 5 acres, and larger for owners seeking property assessment under the Utah Farmland Assessment Act or Greenbelt Act.

Residential 1–3-acre lot – Recommended Use/Density – Residential and associated activities) / One Dwelling Unit per 1-3 acres, and larger for owners seeking property assessment under the Utah Farmland Assessment Act or Greenbelt Act.

Residential 0.5-acre lot – Recommended Use/Density – Residential and associated activities) / One Dwelling Unit per 0.5 acres, and larger for owners seeking property assessment under the Utah Farmland Assessment Act or Greenbelt Act.

Commercial:

The areas provided by the Future Land Use Map and designated as "Commercial" provides opportunities for the establishment of various nonresidential uses. These uses may include retailing, professional and governmental offices, light industrial, and various other nonresidential activities that are determined compatible with the adjacent Agriculture and Residential Use categories. The Commercial areas on Highway 89 and 750 North Street must demonstrate and include necessary vehicular and pedestrian safety strategies in all site development plans.

Recommended Use/Intensity – Commercial uses, complying with the intensity standards of the City's ordinances, as adopted and as effective at the time of reuse.

Transit Oriented Development:

The Utah Transit Authority (UTA) has determined the location at the Interstate 15 (I-15) and 750 North Street as a location for UTA's FrontRunner station. The UTA desires to work with Willard City to promote this area as a desired location for a transit-oriented development neighborhood.

The provision of higher density residential uses associated with various compatible nonresidential activities is reminiscent of the nation's historical development patterns with residential dwellings with convenient access to required supporting services. This pattern encourages efficiencies in providing necessary utilities and services, supporting pedestrian and biking convenience, and avoiding inefficiencies in the use of land, water, and other services. This Plan establishes nodal development for areas appropriate for

higher density residential uses and other activities required by existing and future residents.

The City provides a Transit-Oriented Development Zone (TOD). This zone is intended to provide a variety of uses in proximity to various public transit services, including the UT's Willard City Front Runner Station. A variety of residential uses and dwelling unit types can be offered, including providing moderate-income and affordable housing opportunities. Residential use areas may integrate nonresidential uses, including local and regional shopping and professional offices.

Recommended Use/Intensity – A variety of compatible residential and nonresidential uses. Density and intensity of use is not predetermined but shall be established during the project and site plan approval processes, complying with the intensity standards of the City's ordinances, as adopted.

Planned Unit Development:

The Future Land Use Map provides, in 2022, three (3) areas for Planned Unit Development. With the necessary General Plan amendment other areas of the City may also be appropriate for designation as Planned Unit Development.

For Willard City the Planned Unit Development designation fosters innovative subdivision and development designs by providing opportunities for a variety of residential densities and housing unit types. The Planned Unit Development District allows development flexibility. In exchange, development must provide beneficial amenities for the development itself, the neighborhood, or for the City. Such amenities may include the protection of sensitive areas, parks and open spaces, infrastructure enhancements, and other benefits determined advantageous by City officials.

Recommended Use/Density – A variety of residential use and housing types are allowed. Density shall be determined in conjunction with the project, neighborhood, and City benefits voluntarily provided, complying with the intensity standards of the City's ordinances, as adopted.

[DRAFT]

CHAPTER 12-102-23. Accessory Dwelling Units

12-102-23-1 Purpose.

Accessory Dwelling Units in single-family residential zones are an important tool in the overall housing goals and needs of the city and allow for alternative and flexible housing options in owner-occupied single-family residences. The purposes of this section are to:

(1) Allow new housing units while respecting the appearance, neighborhood character, and reducing the adverse impacts to surrounding areas and property owners.

(2) Provide more housing choice in residential zones.

(3) Provide housing options for family caregivers, adult children, and aging parents.

(4) Offer a mean for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship, and services.

The purpose of this section is to permit Internal Accessory Dwelling Units in zones that allow a single-family residence while also reducing adverse impacts to surrounding areas and property owners.

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12-102-23-2 Definitions.

For the purpose of this chapter, whenever any of the following words, terms, or definitions are used herein, they shall have the meaning ascribed to them in this section.

(1) Detached Accessory Dwelling Unit. Means a stand-alone permanent structure, as an entirely separate unit or constructed as part of an existing accessory structure (such as a detached garage or shed), with typical footing and foundation, not attached to the Primary Dwelling which provides fully connected utility services to the unit and is used as a dwelling. A Detached Accessory Dwelling Unit must be located on the same lot of record as the Primary Dwelling.

(2) Internal Accessory Dwelling Unit. Means an accessory dwelling unit created (i) within the footprint of the primary dwelling at the time the Internal Accessory Dwelling unit is created; (ii) for the purposes of offering long-term rental of thirty consecutive (30) days or more; (iii) located on the same lot of record as the primary dwelling; and (iv) includes separate dedicated kitchen and bathroom facilities for the exclusive use of the Internal Accessory Dwelling Unit Occupants.

(3) Primary Dwelling. Means a single-family dwelling that is (i) detached; and (ii) occupied as the primary residence of the owner of record.

12-102-23-3. Location.

A maximum of one (1) Accessory Dwelling Unit shall be allowed per lot of record. Under no circumstance shall a lot be allowed to have both a Detached Accessory Dwelling Unit and an Internal Accessory Dwelling Unit.

12-102-23-4. General Regulations.

The following regulations must be met in order to have an ~~Internal~~-Accessory Dwelling Unit:

- (1) An application shall be filed with the City prior to the creation or establishment of an ~~Internal~~-Accessory Dwelling Unit.
- (2) Upon approval of an ~~Internal~~ Accessory Dwelling Unit application, the owner of the Primary Dwelling shall obtain a rental business license issued by Willard City, before the Accessory Dwelling Unit is rented. Such license shall remain valid and shall be renewed, as required by Willard City.
- (3) Before occupancy, the City Administrator shall confirm the ~~Internal~~-Accessory Dwelling Unit complies with all building, health, and fire codes, as adopted.
- (4) The ~~Internal~~-Accessory Dwelling Unit shall be served by the utility meter serving the ~~P~~primary ~~D~~dwelling. The installation of a separate utility meter for an ~~Internal~~-Accessory Dwelling Units is prohibited.

(5) Accessory Dwelling Units shall be allowed as a Permitted Use in R-1, R-1/2, and C-N Zones.

Commented [CM1]: May want to discuss what zones would allow ADU's.

(6) An Accessory Dwelling Unit shall not be rented or occupied for a period of less than thirty (30) consecutive calendar days. It is prohibited for any Accessory Dwelling Unit to be used as a short-term rental unit

(7) The Accessory Dwelling Unit shall include separate dedicated kitchen and bathroom facilities for the exclusive use of the Internal Accessory Dwelling Unit occupants

(8) One (1) additional on-site-hard-surface (concrete, asphalt, pavers) parking space shall be provided for the exclusive use of the Accessory Dwelling Unit, regardless of whether the Primary Dwelling is existing or a new construction.

(9) The Accessory Dwelling Unit parking space shall not be located within the clear view area on a corner lot.

(10) All Internal Accessory Dwelling Units shall have a separate, accessible entrance or stairway.

(11) Drive approaches and curb cuts shall comply with the Willard City Public Works Standards.

(12) No portion of a mobile home, mobile home park, motor home subdivision as defined within the Willard City Zoning Ordinances, Recreational Vehicle, or Recreational Vehicle Park shall be entitled to any use as an Accessory Dwelling Unit.

(13) No construction to create or establish an Accessory Dwelling Unit shall commence without the issuance of the necessary building permits and zoning approval, as required by Willard City.

(14) The owner of a Primary Dwelling shall reside on the property, either occupying the Primary Dwelling or the Accessory Dwelling Unit.

~~(15) Accessory Dwelling Units are exempt from the residential density standard of the Willard City Zoning Code.~~

12-102-23-5. Standards for Internal Accessory Dwelling Units.

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~~(5) The Internal Accessory Dwelling Unit shall include separate dedicated kitchen and bathroom facilities for the exclusive use of the Internal Accessory Dwelling Unit occupants.~~

~~(16) An Internal Accessory Dwelling Unit shall be designed in a manner that does not change the appearance of the Primary Dwelling as a single-family residence.~~

~~(7) All Internal Accessory Dwelling Units shall have a separate, accessible entrance or stairway.~~

~~(8) One (1) additional on-site hard surface (concrete, asphalt, pavers) parking space shall be provided for the exclusive use of the Internal Accessory Dwelling Unit, regardless of whether the Primary Dwelling is existing or a new construction.~~

~~(29) The Owner of the Primary Dwelling shall replace any parking spaces contained within a garage or carport if an Internal Accessory Dwelling Unit is created within an attached garage or carport.~~

~~(310) The Internal Dwelling Unit parking space shall not be located within the clear view area on a corner lot.~~

~~(41) Drive approaches and curb cuts shall comply with the Willard City Public Works Standards.~~

~~(812) No portion of a mobile home, mobile home park, motor home subdivision as defined within the Willard City Zoning Ordinances, Recreational Vehicle, or Recreational Vehicle Park shall be entitled to any use as an Accessory Dwelling Unit.~~

~~(313) An Internal Accessory Dwelling Unit is prohibited if it will be served by a failing septic tank, as determined by Willard City or the Box Elder County Health Department.~~

~~(1044) No construction to create or establish an Internal Accessory Dwelling Unit shall commence without the issuance of the necessary building permits and zoning approval, as required by Willard City.~~

~~(15) The owner of a Primary Dwelling shall reside on the property, either occupying the Primary Dwelling or the Internal Accessory Dwelling Unit.~~

~~(1216) An Internal Accessory Dwelling Unit shall not be rented or occupied for a period of less than thirty (30) consecutive calendar days. It is prohibited for any Internal Accessory Dwelling Unit to be used as a short-term rental unit.~~

~~(417) The Primary Dwelling and the Internal Dwelling Unit shall have the same address number.~~

~~(18) Internal Accessory Dwelling Units are exempt from the residential density standard of the Willard City Zoning Code.~~

12-102-23-6. Standards for Detached Accessory Dwelling Units.

1. A Detached Accessory Dwelling Unit shall be a permanent structure. Trailers, mobile homes, and other movable structures shall not be permitted as a Detached Accessory Dwelling Unit.
2. Exterior lighting for a Detached Accessory Dwelling Unit shall provide illumination directed downward. Any light source for a Detached Accessory Dwelling Unit shall not be visible from adjacent properties.
3. A Detached Accessory Dwelling Unit shall have the same or similar design as the Primary Dwelling.
4. A Detached Accessory Dwelling Unit shall be complementary to the Primary Dwelling's architectural character by using similar exterior building materials, window types, door and window trims, roofing materials, roof pitch, and permanent foundation.
5. A Detached Accessory Dwelling Unit shall maintain the same or similar color of the Primary Dwelling.
6. Be designed or appear so that, to the degree reasonably feasible, the appearance of the building is compatible with the architectural components of the Primary Dwelling (exterior materials, color, and roof pitch).
7. The height shall not exceed the height of the Primary Dwelling.
8. Exterior stairways and landings shall not encroach into a setback.
9. A Detached Accessory Dwelling Unit shall:
 - a. Not be less than three hundred (300) square feet or more than one thousand (1,000) square feet.
 - b. Not occupy more than twenty five percent (25%) of the rear yard area of the lot.
 - c. Meet all accessory building standards for lot coverage, rear yard coverage, height, and any other standards for the zone in which it is located.

12-102-23-7. Impact Fees

The creation or construction of a Detached Accessory Dwelling Unit shall result in the assessment of the following impact fees:

- a. Water: Twenty-five percent (25%) of the single-family water impact fee.
- b. Sewer: twenty-five percent (25%) of the single-family sewer impact fee.
- c. Internal Accessory Dwelling Units shall not be required to pay impact fees.

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~~(19) — An impact fee shall be assessed on all Internal Accessory Dwelling Units and the impact fee shall be 20% of the adopted fee for a single family home.~~

12-102-23-85. Non-Transferability.

Upon the sale or transfer of the home, a permit allowing an ~~Internal~~ Accessory Dwelling Unit on the lot shall expire. The new record owner of the lot shall be required to submit a new application and obtain a new permit as outlined herein. The Primary Dwelling and ~~Internal~~ Accessory Dwelling Unit must be on the same parcel or lot, shall not be subdivided, and shall not be sold separately.

Commented [CM2]: H.B. 462 Prohibits a municipality from imposing an impact fee on development activity which is the construction of an internal accessory dwelling unit.

Commented [CM3]: Should also consider lot size for detached ADU's.

~~12-102-23-6. Detached Accessory Dwelling Units.~~

~~The creation of a Detached Accessory Dwelling Unit is prohibited.~~

12-102-23-97. Recordation Required.

The City shall record a notice in the Office of the Box Elder County Recorder that provides:

- (1) A description of the Primary Dwelling.
- (2) A statement that the Primary Dwelling or Primary Dwelling lot of record contains an Internal Accessory Dwelling Unit.
- (3) A statement that the Internal Accessory Dwelling Unit may only be used in accordance with Willard City's land use regulations.
- (4) Upon recording the notice described herein, the City shall mail a copy of the notice to the owner of the Internal Accessory Dwelling Unit.
- (5) Meet all standards and requirements of 12-504 of this Ordinance and all other requirements of any applicable ordinances.

12-102-23-108. Enforcement.

(1) Willard City may, in addition to any other legal or equitable remedies available, pursue a lien against the subject property in an amount of \$100.00 for each day of violation (after notice of noncompliance has been provided) for:

- (a) Any violation of Utah Code Section 10-9a-530; or
- (b) Any violation of this Section.

12-102-23-119. Notice and Hearing.

Willard City adopts the lien notice and hearing notice requirements set forth in Utah Code Section 10-9a-530. An owner appealing a violation may appeal that decision to the designated Hearing Officer under the procedure outlined in Willard City Zoning Code Chapter 12-101-2. Any decision of the Hearing Officer may be appealed by the owner or City to the District Court within thirty (30) days from the issuance of the written decision.



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, June 16, 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 City Hall and on the State of Utah Public Meeting Notice
3 Website.

4
5 The following members were in attendance:

6
7 Sid Bodily, Chairman Chris Davis, City Manager
8 Diana Baker Colt Mund, City Attorney
9 Chandler Bingham Bryce Wheelwright, City Planner
10 Zack Hulsey Vanessa Bird, Secretary

11
12 Excused: Alex Dubovik and Blake Harrop

13
14 Others in attendance: Mayor Travis Mote; Nate Swain; Chad Braegger; and Brent Bailey.

15
16 The meeting was called to order at 6:32 p.m.

17
18 1. PRAYER: Zack Hulsey

19
20 2. PLEDGE OF ALLEGIANCE: Chandler Bingham

21
22 3. ROLL CALL – Attendance was recorded by the secretary.

23
24 4. GENERAL PUBLIC COMMENTS (INPUT FOR ITEMS NOT ON AGENDA)

25
26 There weren't any public comments.

27
28 5A. DISCUSSION, REVIEW OF ANNEXATION APPLICATION, AND RECOMMENDATION
29 REGARDING MPC ZONING FOR OLD FARM SUBDIVISION LOCATED AT APPROXIMATE 7140
30 SOUTH HIGHWAY 89 CONSISTING OF APPROXIMATELY 142.86 ACRES (PARCEL NOS.
31 02-055-0024, 02-055-0082, 02-055-0031, 02-055-0124, 02-055-0112, 02-055-0051, 02-055-0067,
32 02-055-0042, 02-055-0043, AND 01-040-0227

33
34 Time Stamp: 1:35 06/16/2022

35
36 Chris Davis, City Manager, stated that the Planning Commission was not reviewing the annexation
37 application. The purpose of the discussion was to review and make a recommendation regarding the MPC
38 Zoning requested by the applicant. The annexation itself would be reviewed at a later date. Right now the
39 annexation petition was in the public notification and public protest period. Colt Mund, the City Attorney had
40 recommended that the Planning Commission begin discussing the requested zoning. The MPC Ordinance
41 required the Planning Commission to determine if an application met the criteria for an MPC Zone.

42
43 Bryce Wheelwright, City Planner, agreed that the purpose of the discussion was to look at the MPC Zone
44 requested by the annexation applicant. The applicant was asking the property be annexed into the City and
45 assigned an MPC Zone. The Planning Commission had received a copy of a proposed development plan.
46 The applicants proposed to supply their own water and to upgrade the sewer lines from the lift station on
47 200 West to their development.
48



WILLARD CITY
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Chris Davis stated that the applicant was proposing to upsize the sewer line and lift station. This would be the first actual subdivision in Willard to have pressurized secondary water from Pineview. The applicant was proposing to build a 500,000 gallon water storage tank, which was more than their development needed.

Commissioner Hulsey asked if the City would be able to access the excess water storage. Mr. Davis said it would. The storage tank would be turned over to the City.

Chris Davis explained that the applicant also proposed to drill a well, which would also be turned over to the City. The well would produce far more water than their subdivision would use. The applicant also planned to donate property to the City for the HOP Trail, which would go toward the City's 20% grant match. UTA wanted to have the water and sewer line done before the trail was put in. The applicant also wanted to get the water and sewer lines in before 2023 when UDOT planned to reconstruct Highway 89, depending on land acquisition and easements.

Commissioner Hulsey understood that the reconstruction would happen in phases. Mayor Mote said City representatives had been attending meetings about the reconstruction. They had been told that the reconstruction in Willard would happen around 2023.

Chris Davis stated that if boring under Highway 89 was necessary to install the water line for the proposed subdivision, this was a good time to do it. The applicant hoped they would be able to do open-trench construction. Mr. Swain and Mr. Bailey had been able to acquire property on the east side of Highway 89 to give them access to their reservoir site.

Mr. Davis said the applicants had provided information on the 18 items required by the MPC Zone

Colt Mund stated that the MPC Zone required 18 elements on the preliminary site plan. Those items needed to be reviewed by the Planning Commission. The staff wanted to give the Planning Commission an opportunity to review and ask questions in order to start moving through the review and approval process.

Chairman Bodily asked if the applicants, Nate Swain and Brent Bailey, had anything to add. They said they were waiting for the Planning Commission's questions.

Chairman Bodily invited discussion from the Planning Commission.

Commissioner Bingham stated that the proposed development plan only had one road stubbed to the north, labeled F, which he assumed lined up with 200 West. He felt there should be another street stubbed to the north further to the east. He asked if the annexation had been approved by the County. Did this annexation having anything to do with Blue Ox? Mr. Wheelwright said the only thing this annexation had to do with Blue Ox was the location of the reservoir. The reservoir would be on Blue Ox property in order to get the needed elevation to feed all of the different pressure zones.

Commissioner Hulsey thought the Master Plan Community Zone prohibited wetlands and trail areas from counting toward open space. Chris Davis said trails were part of open space. Colt Mund read from the MPC Ordinance, "*Open space that is unbuildable because of slope, wetlands, flood drainage, or contamination, shall not be considered as Open Space.*" According to the MPC Ordinance, wetlands would not be considered open space.



WILLARD CITY
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Commissioner Hulsey asked about the density of the lots. Did the density calculation in the ordinance include areas for roads and open space, or did it take the number of lots and divide by average lot size? Colt Mund said MPC Zone required that the density be consistent with the policies of the General Plan. There had been discussion about putting a cap on lot size, but ultimately the wording in the final ordinance was that density consistent with the General Plan.

Commissioner Hulsey asked if the updated General Plan had been approved. The staff said it had not. Commissioner Hulsey asked about the density requirement in the current General Plan. Mayor Mote pointed out that this area was not in the General Plan because it was not in the City. In his opinion, the Planning Commission needed to review the annexation based on the City's smallest lot size, which was half an acre.

Commissioner Hulsey stated that if the whole area was considered the density was half an acre, but if roads and open space were excluded the density dropped down to one-third of an acre or a little smaller.

Colt Mund stated that the Planning Commission had copies of the goals and policies of the current General Plan. He encouraged the Commissioners to review them.

Commissioner Hulsey had reviewed the plans for the proposed subdivision. The protective covenants limited the use of animals, such as horses, cows, pigs, goats, etc. He wasn't sure that restriction would further the City's goal to have a rural feel. One of Willard's big appeals was animal rights.

Chairman Bodily thought animals would be allowed for private use. Commissioner Hulsey said the only animals Old Farm would allow were chickens. He didn't feel that was consistent with the vision of Willard.

Commissioner Baker stated that the residents she had talked to were concerned about annexing an island south of the City limits. She was concerned about the open space/swamp land area by the railroad tracks being included in the overall density. It was the same wetland problem. It would be given to the City, and then the City would be stuck with it.

Commissioner Chandler questioned whether the open space was technically a wetland. There was a railroad track running through it. He was under the impression that the City adopted the MPC Zone to accommodate subdivisions similar to what was being proposed. It had a combination of lot sizes. It fit very well into what the City had in mind when it designed the MPC Zone. The MPC Zone was meant to be beneficial to both the City and the developer.

Chairman Bodily felt the proposed plan was moving in the right direction. He agreed that it needed to have the right density.

Colt Mund said the developer was proposing a fee in lieu of some open space. They would make a payment to not meet the open space threshold.

Brent Bailey, North Ogden, stated that the big open space/wetland the Planning Commission was concerned about was taken from an old FEMA map. Only 2.8 acres of the 6.32 acres of open space was actually wetland. They planned to have their storm water detention in the wetland area, which was located in the northwest corner.

Commissioner Hulsey asked if the stub street labeled F would line up with Willard City streets. If so, which street would it line up with?



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146 Brent Bailey stated that it was as close to 200 West as they could get it. Because of the pond location, 200
147 West would have to shift about 50 feet to line up with Street F. Street F would have utilities to continue
148 north.

149
150 Commissioner Baker was concerned that there were only two entrances onto Highway 89 for the proposed
151 264 units. Commissioner Hulsey didn't feel UDOT would allow more. Brent Bailey stated that UDOT had
152 spacing requirements for ingresses onto state roads.

153
154 Commissioner Baker asked about schools. Were any schools planned for South Willard? Chris Davis stated
155 that the school district owned property west of the Willard Stake Center at 8230 South Highway 89. Chad
156 Braegger thought the school district also owned property just below the ?? gravel pit. Chairman Bodily said
157 the school district would determine when and where schools were needed.

158
159 Commissioner Bingham liked the broad range of proposed lot sizes. There were 27 half acre lots, 23 that
160 were over half an acre, and 214 that were one-third of an acre. Brent Bailey stated that none of the lots
161 were less than 100 feet wide. Commissioner Bingham felt the proposed subdivision had a lot of the features
162 the City had been looking for when it considered the MPC Zone.

163
164 Chairman Bodily agreed. He felt this subdivision was headed in the right direction. Like Commissioner
165 Baker hated to see an island of unincorporated county between two areas of the city.

166
167 Brent Bailey stated that they wanted to be the City's model MPC subdivision.

168
169 Commissioner Bingham stated that in light of the City's small Public Works staff the impact of infrastructure
170 that wasn't quite contiguous to the City needed to be taken into consideration in the development
171 agreement. Chris Davis stated that Lewis, Young, and Burningham completed a study on this piece of
172 property. The study indicated that this development would pay for itself. It would provide enough income to
173 the City to be able to take care of police, fire, and public works. Copies of the studies were included in the
174 Commissioner's packets.

175
176 Commissioner Hulsey noticed that there wasn't any trail access. Was there a way for trails to connect to
177 the park? Mr. Bailey felt there would be room to put an access in.

178
179 Nate Swain clarified that the open space would not be a wetland of unimproved, boggy cattails. It wouldn't
180 be manicured, but it would be a graded area with trails. It would be usable space.

181
182 Brent Bailey stated that a lot of the wetland on their property was due to the diversion of water from other
183 properties and lack of maintenance on the canal systems. The overflow had created wetlands. He felt that
184 a lot of the wetland would go away once it was cleaned out and maintained. Essentially, these were artificial
185 wetlands.

186
187 Chairman Bodily encouraged Brent Bailey and Nate Swain to follow the rules of the MPC Zone.

188
189 Colt Mund stated that a copy of the development agreement for The Old Farm Subdivision was included in
190 the Planning Commission packet. He invited the Commission members to review the agreement and be
191 prepared to discuss questions and concerns so the development could be moved forward. It would be very
192 helpful for the City Council.



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194 Mayor More felt it would be helpful to have the Planning Commission's questions documented so the City
195 Council didn't have to re-ask the same questions.

196
197 **5B. DISCUSSION REGARDING ACCESSORY DWELLING UNITS**

198
199 Time Stamp: 06/16/2022 27:35

200
201 Colt Mund stated that he had modified the ADU Ordinance to include both interior and detached accessory
202 dwelling units. The State Legislature recently passed an amendment that said cities could not impose
203 impact fees for interior accessory dwelling units. In accordance with that amendment, he had stricken the
204 20% impact fee proposed for interior ADU's. In the regulations for detached ADU's he tried to address
205 lighting and composition. The Planning Commission needed to discuss the size of a detached ADU. Some
206 cities only required that a detached ADU comply with the City's height requirements. Some cities did not
207 allow detached ADU's to be taller than the primary dwelling unit. Some cities limited ADU's to lots of a
208 certain size.

209
210 Chairman Bodily asked if the City limited the amount of backyard space that could be utilized by accessory
211 buildings. Bryce Wheelwright said it did. Only 25% of a backyard could be used for accessory buildings.

212
213 Colt Mund stated that there was not a State law that prevented cities from collecting impact fees for
214 detached ADU's. The draft ordinance he prepared included a 25% impact fee for water and sewer. In Willard
215 that would be \$1,590.25 and \$1,800.00 respectively. The Planning Commission needed to consider impact
216 fees for detached ADU's.

217
218 Commissioner Hulsey asked if the State amendment that just passed made any assumptions or comments
219 regarding a new connection for an interior dwelling unit. He felt that if there was a new connection, the City
220 could charge an impact fee. Colt Mund stated that the State law prohibited separate meters for interior
221 dwelling units. He did not recall reading anything about assumptions regarding utility lines other than
222 prohibiting cities from assessing impact fees for interior ADU's.

223
224 Commissioner Hulsey felt that if there was a new connection there should be an impact fee.

225
226 Colt Mund stated that a lot of cities had impact fees for detached ADU's. The State Legislature had stepped
227 in to prohibit impact fees on interior units. Based on a conference he attended a few weeks ago, he felt the
228 State would adopt legislation for detached ADU's in the next few years.

229
230 Colt Mund felt the Planning Commission needed to discuss whether detached ADU's should be allowed in
231 any zone in the city. Should ADU's be allowed in agricultural or manufacturing zones, or should they be
232 limited to residential zones?

233
234 Chairman Bodily asked if zoning was covered by the State regulations. Mr. Mund said it was not. In Brigham
235 City, ADU's were limited to certain zones. A lot of cities kept ADU's in residential areas. The draft he
236 prepared limited ADU's to residential zones as a discussion starting point.

237
238 Chairman Bodily directed the Planning Commission to review the latest draft of the ADU ordinance and be
239 prepared to discuss it at the next meeting.



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6. CONSIDERATION AND APPROVAL OF MAY 19, 2022, REGULAR PLANNING COMMISSION MINUTES

Commissioner Baker moved to approve the regular Planning Commission minutes of May 19, 2022, as corrected. Commissioner Hulsey seconded the motion. All voted" aye." The motion passed unanimously.

7. COMMISSIONER/STAFF COMMENTS

Time Stamp: 06-16-2022 34:35

Bryce Wheelwright

Bryce Wheelwright updated the Planning Commission on the HOP Trail on 200 West. The HOP Trail had received funding from the State. The City had to come up with the 20% match. He met with the Box Elder's Planning Association earlier in the day during which UTA indicated they were willing and wanted to contribute to the trail. He felt there would be plenty of funds for the trail. UDOT would be responsible for the project design and engineering of the trail and would assign a project engineer. The project funds would be administered by UDOT.

Bryce Wheelwright stated that UDOT planned to widen the shoulder area along Highway 89 through Willard. The shoulder would not include a bike lane, but it would be lined. The shoulders would be about 18 inches wide.

Commissioner Hulsey asked if UDOT had completed a crosswalk study. Mayor Mote said they had asked about a crosswalk. The City was given the number of UDOT's safety guy. Mr. Wheelwright said the City had been talking with UDOT for years about crosswalks, an overpass, an underpass, or a stoplight. UDOT had never been really open. Commissioner Hulsey said a bridge over Highway 89 was on their 50-year plan. Mayor Mote felt Perry had the same concerns.

Chris Davis stated that UTA wanted to help fund the trail. Commissioner Bingham asked if UTA's participation would go toward the City's match. Mr. Davis said they would find out. Bryce Wheelwright felt the City would be okay with the required match if The Old Farm Subdivision was annexed. The value of the property the developers would be giving up for the trail could be used as the City's match. The property value along with funds the City already had should be sufficient.

Colt Mund

Did not have any comments.

Commissioner Bingham

Did not have any comments

Commissioner Hulsey

Did not have any comments



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Commissioner Baker

Commissioner Baker asked if the Alpaca Farm at 450 North 200 West had a conditional use permit or was it a private farm. Bryce Wheelwright said it was a private, agricultural farm.

Commissioner Baker asked about all of the travel trailers that were parked there. Were the owners operating some kind of Airbnb? Chris Davis said the owners were part of an association that raised alpacas. Bryce Wheelwright said they were part of a social media group that met, toured the facilities, and left the next morning. Mayor Mote said there had been complaints, and Bryce had visited with the owners about the City's Nuisance Ordinance. The ordinance allowed them to have visitors that could not stay longer than seven days.

Chairman Bodily

Chairman Bodily stated that the City was looking at raising water rates. He did not have a problem with the proposed increase. The City had always had fairly cheap water. He was concerned that there wasn't an alternative to offer the citizens. The only option for the citizens was to pay the higher price. The City had talked about secondary water, but nothing had happened. He felt the City needed to move forward with secondary water.

Chad Braegger, 3790 South 1200 West, stated that a secondary water system would cost a lot more than increasing water rates. Chairman Bodily agreed that the secondary water would be metered and billed monthly. Chad Braegger wasn't sure Willard could afford to put in a secondary water system.

Mayor Mote stated that the City would have to bond to put in a secondary system just like it did for the sewer system. The proposed Old Farm Subdivision would include a secondary water system from Pineview. There seemed to be secondary water available from Pineview north and south of town. In town the secondary water from Pineview was owned by the irrigation company. He felt the place to start was to require new subdivisions to put in secondary water systems. If the Pineview water rights in Willard were not used, they could be pulled back.

Chris Davis stated that the City was taking steps toward a secondary water system. It had spoken with Granite Construction about an agreement for a potential secondary water reservoir site above the canal. The City had also been working with the NRCS about funding for a reservoir. A secondary water system would be a multi-million dollar project.

Commissioner Bingham stated that the culinary water and secondary water came from the same source. He felt the City was going about funding a secondary system the right way by requiring new subdivisions to provide it. The cost of treating and running water in the old part of town was a lot less than a secondary water system. A secondary system would have to pay for itself.

Commission Hulseley stated that if secondary water was a priority for the City, plans would be considered when the General Plan update got to the Capital Facilities Plan.

8. **ADJOURN**

Commissioner Bingham moved to adjourn at 7:26 p.m. Commissioner Hulseley seconded the motion. All voted in favor. The motion passed unanimously.



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Minutes were read individually and approved on: _____

Planning Commission, Chairman
Sid Bodily

Planning Commission Secretary
Vanessa Bird

dc:PC 06-16-2022