



Notice is hereby given that the  
**WILLARD CITY PLANNING COMMISSION**  
Will meet in a regular session on  
Thursday, February 1, 2024 – 6:30 p.m.  
Willard City Hall, 80 West 50 South  
Willard, Utah, 84340

### AGENDA

*The meeting will be held 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. General Public Comments (Input for items not on the agenda. Individuals have three minutes for open comments)
4. Report from City Council
5. Discussion/Action Items
  - a. Public hearing to receive public input regarding a petition from Heritage Land Development to rezone approximately 48.19 acres located at approximately 300 South 300 West from R1/2 to MPC (Master Planned Community) (Parcel Nos. 02-051-0004, 02-051-0062, 02-051-0085, 02-051-0264, 02-054-0005, 02-054-0007, 02-054-0009, 02-054-0011, 02-054-0012, and 02-054-0013)
  - b. Recommendation to the City Council regarding a petition from Heritage Land Development to rezone approximately 48.19 acres located at approximately 300 South 300 West from R1/2 to MPC (Master Planned Community) (Parcel Nos. 02-051-0004, 02-051-0062, 02-051-0085, 02-051-0264, 02-054-0005, 02-054-0007, 02-054-0009, 02-054-0011, 02-054-0012, and 02-054-0013)
  - c. Public hearing to receive public input regarding a petition from Lync Construction, LLC to amend the 2017 Future Land Use Map of the Willard City General Plan (Chapter 12-000) by changing the future land use designation for approximately 32.77 acres located at approximately 3700 South 1200 West from A-3 and A-5 to R1/2 (Parcel Nos. 02-035-0061, 02-035-0063, and 02-035-0079)
  - d. Recommendation to the City Council regarding a petition from Lync Construction, LLC to amend the 2017 Future Land Use Map of the Willard City General Plan (Chapter 12-000) by changing the future land use designation for approximately 32.77 acres located at approximately 3700 South 1200 West from A-3 and A-5 to R1/2 (Parcel Nos. 02-035-0061, 02-035-0063, and 02-035-0079)
  - e. Recommendation to the City Council regarding zoning for an annexation petition from Bob Davis for approximately 45 acres located at approximately 7700 South 100 West (Parcel Nos. 01-041-0043 and 01-041-0044)
  - f. Consideration of a lot line adjustment for Marc Anderson for property located at approximately 1094 South Main Street (Parcel Nos 02-05-0010 and 02-05-0011)
  - g. Consideration of a preliminary plan for the Marion Stokes Subdivision located at approximately 1395 North Main (Parcel No. 02-040-0004)
6. Consideration and approval of the December 7, 2023, 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/pmnn/index.html>, on the Willard City website [www.willardcity.com](http://www.willardcity.com), and sent to the Box Elder News Journal this 26th day of January, 2024.

*/s/ Michelle Drago*

Deputy City Recorder

NOTICE OF SPECIAL ACCOMMODATION DURING PUBLIC MEETINGS - In compliance with the American with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City Office at 80 West 50 South, Willard, Utah 84340, phone number (435) 734-9881, at least three working days prior to the meeting.



# Willard City Corporation

80 West 50 South  
Box 593



Willard, Utah 84340  
(435)734-9881

## NOTICE OF PUBLIC HEARING WILLARD CITY PLANNING COMMISSION

Notice is hereby given that the Willard City Planning Commission will hold a public hearing to receive public comment regarding a petition from Heritage Land Development to rezone approximately 48.19 acres located at approximately 300 South 300 West from R-1/2 to Master Planned Community (MPC).

The public hearing will be held on Thursday, February 1, 2024, at 6:30 p.m. in the Willard City Council Chambers, 80 West 50 South, Willard, Utah, during a regular Planning Commission meeting.

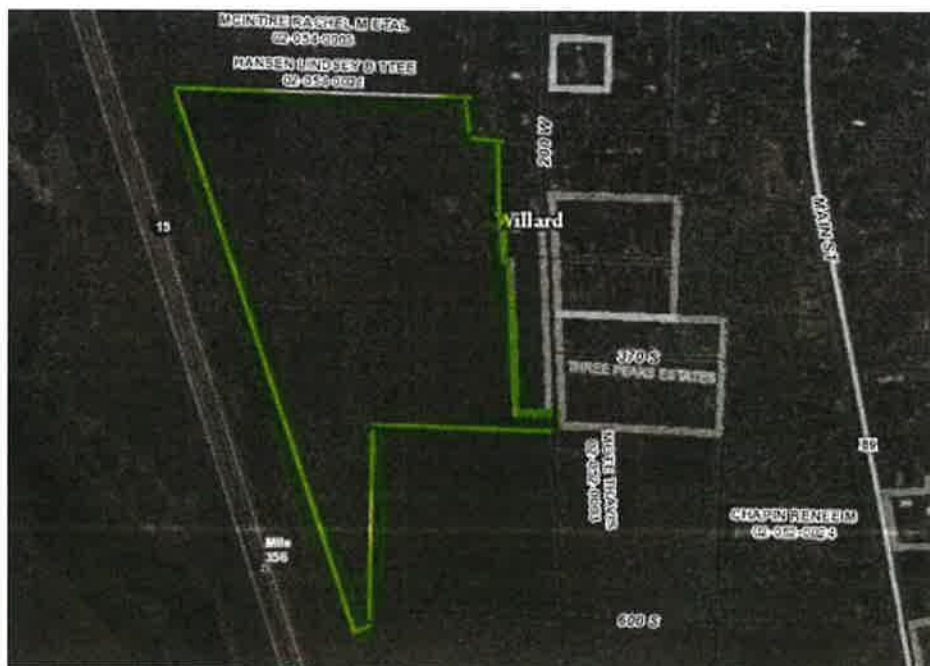
Information regarding this matter is available during business hours by contacting the Willard City Planner at 435-723-9881. Business hours are 8:00 a.m. to 5:00 p.m. Monday through Thursday and 8:00 a.m. to 12:00 p.m. on Friday.

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

I, the undersigned duly appointed Deputy City Recorder for Willard City Corporation hereby certify that a copy of the foregoing notice and agenda was posted at the Willard City Hall; two other places in the community; on the State of Utah Public Meeting Notice website <http://www.utah.gov/pmn/index.html>; on the Willard City website [www.willardcity.com](http://www.willardcity.com); and sent to the Box Elder News Journal this 28th day of August, 2023.

/s/Michelle Drago  
Deputy City Recorder

NORTH ↑



# WILLARD CITY PLANNING COMMISSION RE-ZONE APPLICATION

Application Date

01/04/2024

Assessor Parcel Number \*

02-051-0062

02-051-0004

054-0005

0085

Parcel Legal Description \*

0204

0007  
0009  
0011  
0012  
0013

Applicant

HERITAGE LAND DEV.

Mailing Address

9 W. FOREST ST

BRIGHAM CITY UT.

Present Zone

R-1/2

Proposed Zone

MPC

Phone Number

Cell Phone

435 730 8208

This completed application, must be submitted at least 15 days prior to the April or October Planning Commission meeting and be accompanied by:

- 1) Proof of ownership.\*
- 2) Non-refundable application fee of \$125.00.
- 3) Written petition designating the change desired and the reason for such change, bearing the signature(s) of the fee title owner(s) of the parcel or designated agent. (See reverse of this form for required Applicant's Affidavit.)
- 4) List of all property owners within 1/4 mile of the parcel.\*
- 5) Map (Assessor's Plat\* or suitable drawing) of the proposed re-zone area, annotated to show the location and boundaries of the parcel to be re-zoned.
- 6) If a subdivision is planned, supply sketch of possible subdivision, to show compatibility with existing and planned infrastructure, with emphasis on roads, water supply and other utilities.

\* Available at the office of the Box Elder County Registrar, 01 South Main Street, Brigham, Utah, 84302

## Project Summary

(Please use additional pages as necessary to adequately address the answers.)

1. Location Map (showing nearest cross streets):

SEE ATTACHED

2. Site Address/Description:

S.A.

3. Parcel Number(s):

4. Current and Proposed Zoning by parcel number and area in acres:

R-1/2 - MPC

5. Road Access Provided:

SEE ATTACHED

6. Utility Plan:

7. Reason for the requested change:

DEV.

8. Impacts (financial and other) of the change to surrounding properties and the city as a whole:

# APPLICANT'S AFFIDAVIT

STATE OF UTAH )  
 ) SS  
COUNTY OF BOX ELDER )

I, (we) Garth Day, being duly sworn, depose and say that I, (we) am (are) the owner(s)\*, or authorized agent(s) of the owner, of property located at 200w 400s. Willard in Willard City, which property is involved in the attached application and that the statements and answers therein contained and the information provided in the attached plans and other exhibits present thoroughly, to the best of my (our) ability, the argument in behalf of the application herewith requested and that the statements and information above referred to are in all respects true and correct to the best of my (our) knowledge and belief.

SIGNED \_\_\_\_\_

AGENT Garth Day Property Owner(s) U.P. Dev. Heritage Dev.  
Subscribed and sworn before me this 4th day of January 2004



Michelle Drago  
Notary Public

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

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

## AGENT AUTHORIZATION

I, (we) \_\_\_\_\_, the owner(s) of real property described above, hereby appoint \_\_\_\_\_, as my (our) agent(s) to represent me (us) with regard to this application affecting the above described real property, and do authorize them to appear on my (our) behalf before any Willard City Boards considering this application.

SIGNED \_\_\_\_\_

Property Owner(s)

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_

\_\_\_\_\_  
Notary Public

Residing in \_\_\_\_\_  
My commission expires: \_\_\_\_\_



**Willard City**  
80 W 50 S | PO Box 593  
Willard, UT 84340  
(435) 734-9881  
willardcity@comcast.net

XBP Confirmation Number: 162328792

▶ Transaction detail for payment to Willard City. Date: 01/04/2024 - 9:59:17 AM MT  
**Transaction Number: 210752413**  
**Visa — XXXX-XXXX-XXXX-7859**  
**Status: Successful**

Account #	Item	Quantity	Item Amount
	Charges PC	1	\$125.00

Notes: HERITAGE LAND REZONE APPLICATION

**TOTAL: \$125.00**

▶ Transaction detail for payment to Willard City. Date: 01/04/2024 - 9:59:18 AM MT  
**Transaction Number: 210752414**  
**Visa — XXXX-XXXX-XXXX-7859**  
**Status: Successful**

Account #	Item	Quantity	Item Amount
	Service Fee	1	\$4.25

Notes: HERITAGE LAND REZONE APPLICATION

**TOTAL: \$4.25**

**Billing Information**  
GARTH DAY  
, 84340

Transaction taken by: Admin mdragoCaselle MD

## ORDINANCE 2021-2

### AN ORDINANCE OF THE WILLARD CITY COUNCIL ADOPTING CHAPTER 12-106 OF THE WILLARD CITY ZONING ORDINANCES ESTABLISHING A MASTER PLANNED COMMUNITY ZONE

#### **CHAPTER 12-106. MASTER PLANNED COMMUNITY ZONE**

12-106-1. **Purpose.** Each Master Planned Community Zone (“MPC Zone”) is intended to allow a master planned, architecturally designed development where customized zoning requirements apply in order to permit flexibility and initiative in a large-scale site development while maintaining the rural nature of Willard City. Each MPC Zone will be developed in accordance with an approved development agreement and compliance with the Willard City Zoning and Land Use Ordinances and with the general requirements outlined herein. Further, this ordinance is intended to provide a benefit to Willard City and is not intended to solely benefit an applicant of an MPC Zone.

12-106-2. **Minimum Size:** Each MPC Zone shall be at least ten (20) acres. Parcels must form one (1) contiguous area and cannot be bisected except by a public right-of-way, easement, or natural barrier.

12-106-3. **Open Space Required:** A minimum of twenty percent (20%) Open Space shall be provided in each MPC Zone to include natural maintained choice Open Space, improved parks as approved by the City Council. Open Space that is unbuildable because of slope, wetlands, flood drainage, or contamination, shall not be considered as Open Space.

1. Detention basins may count as Open Space only if they provide recreational amenities, including but not limited to: Playgrounds, gazebos, exercise stations, or sports fields with parking lots.
2. Park strips, curb, gutter, sidewalks, common yards, private yards and publicly dedicated streets shall not count as Open Space.
3. A method approved by the City Council to maintain Open Space shall be established prior to the sale of any lots in an MPC Zone. Preservation, maintenance, and ownership of required Open Spaces within the MPC Zone may be accomplished by any of the following:
  - a. Dedication of the land as a public park or trails system.
  - b. Granting to the City a permanent Open Space easement on or over any privately owned Open Space to guarantee that the Open Space remains perpetually in public recreational use, with ownership and maintenance being the responsibility of the owner of a Home Owner’s Association (“HOA”) established by bylaws which are satisfactory to and approved by the City.
    - bi. If an applicant desires to transfer ownership of the Open Space to an HOA, (1) year period, beginning at the time the HOA is controlled by the property the City may provide temporary approval of an HOA for a probationary one



owners within the MPC Zone. During this probationary period, the City Council may monitor the effectiveness of the HOA in preserving and maintaining the Open Space. If at the end of the one (1) year probationary period it is determined by the City Council that the HOA is unable or unwilling to maintain the Open Space within the bylaws established for the HOA and the approved Development Agreement the City may terminate the probationary approval of the HOA and create a special assessment area for the purposes of maintaining the Open Space.. An HOA may have the right to appeal a City Council decision to terminate the approval of the HOA by filing a written notice of the appeal with the City Recorder within 15 days of the City Council's decision. Any such appeal shall be heard the Hearing Officer.

bii. The City may at their discretion, create a special assessment area to provide for the benefit, improvement, and maintenance of the Open Space areas.

c. An agricultural conservation easement in a manner approved by the City Council.

12-106-4. Fee in Lieu of Open Space: As an alternative, the City Council may at its discretion charge a fee in lieu of open space to allow for more centralized parks of other municipal off-site improvements as the City Council determines.

1. A fee in lieu of Open Space may be provided if the following requirements are met:
  - a. The amount of acreage that is required as Open Space shall be reviewed and recommended by the Planning Commission as part of the MPC Zone application process.
  - b. The fee in lieu of Open Space shall be determined by an appraised price per acre and the amount shall be approved by the City Council.

12-106-5. Density: The density of the MPC Zone shall be consistent with the policies of the General Plan.

12-106-6. Preliminary Site Plan: A preliminary site plan shall be submitted and considered concurrently with an application for approval of a MPC Zone. The preliminary site plan shall show at least the following:

1. The proposed zone name and location.
2. A proposed development agreement.
3. Permitted, conditional, accessory uses proposed for and in the MPC Zone.
4. Proposed residential use density.
5. Minimum lot sizes.
6. The range of average lot sizes.
7. Building locations.
8. Building elevations.
9. Open Space in the MPC Zone.
10. Parking.

11. Landscaping.
12. Pedestrian and traffic circulation.
13. Drainage and stormwater retention plan.
14. Utility Layout including a plan for the installation of fiber optic lines and a secondary water system.
15. Plans for grading.
16. Proposed development standards providing:
  - a. Lot standards establishing requirements for lot area and dimensions;
  - b. Building, setback standards for front, side and rear yards; and
  - c. Building regulations addressing building height, building orientation, and architectural design guidelines.
17. A conceptual master plan showing:
  - a. The location of any proposed and/or existing easements, and rights-of-way.
  - b. The location, arrangement and configuration of Open Space, including the location, arrangement, and configuration of any parks and/or trails.
  - c. The location and design of street infrastructure and that the proposed street infrastructure is in harmony with the City's Road Master Plan.
18. Impact statement, showing the effect the proposed MPC Zone will have on the environment, city utilities, traffic, and schools. The City Engineer may on their own or at the request of the Planning Commission or City Council conduct a traffic and/or environmental studies to determine the impact the proposed MPC Zone may impose on existing infrastructure and future development. The application shall solely bear the costs of any impact study, either done at the applicant's direction or at the direction of the City Engineer, City Council, or Planning Commission.

12-106-7. **Subdivision Requirements:** Compliance with the requirements of this ordinance does not exempt any applicant from meeting any other applicable requirements of this Chapter and the Willard City Zoning and Land Use Ordinances.

12-106-8. **Phase Development:** If the MPC Zone is proposed to be developed in phases, the preliminary site plan shall also show phase boundaries. Each phase shall be of such size, composition, and arrangement so that construction and operation of each phase is feasible as a unit, independent of any subsequent phase.

12-106-9. **Planning Commission Recommendation:** After consideration of the site plan, application, and proposed development agreement, the Planning Commission shall make a recommendation to the City Council regarding the MPC Zone. At the same time, the Planning Commission shall approve, approve with conditions or recommend the disapproval of the preliminary site plan for the proposed MPC Zone. Planning Commission approval of a preliminary site plan, application, and/or development agreement shall not be effective unless and until a corresponding MPC Zone is approved by the City Council.

12-106-10. **Development Standards:** The development standards may include development regulations regarding processing of applications, common and private Open Space guidelines, natural resource protections, grading, drainage and street standards.

12-106-11. Modification By City Council: In considering an application for an MPC Zone, the proposed site plan, application, and development agreement may be modified by the City Council to meet the intent and requirements of this Chapter and may include regulations and standards other than those proposed by this Chapter.

12-106-12. Development Agreement: An MPC zone shall only be established with the concurrent approval of a development agreement that is mutually agreeable between the applicant of an MPC Zone and the City.

12-106-13. No Guarantee of Approval: Submittal of an application for an MPC Zone does not guarantee the application will be approved. An MPC Zone may be approved only if the City Council, after receiving a recommendation from the Planning Commission, finds the MPC Zone and the associated preliminary plan, application, and development agreement meet the findings required for approval.

12-106-14. Findings Required for Approval: The proposed MPC Zone may be approved only if the City Council makes all of the following findings:

1. The proposed MPC Zone conforms to the guidelines and policies of the General Plan.
2. The MPC Zone provides equal or greater compatibility with surrounding land uses.

12-106-15. Additional Factors Considered but not Required:

1. The MPC Zone is necessary to provide land use or design standards tailored to a specific geographic area and development program that cannot otherwise be provided through conventional zoning.
2. The MPC Zone provides equal or greater protection to sensitive lands than would occur with conventional zoning.
3. The MPC Zone avoids incompatible development on lands subject to natural hazards.
4. The MPC Zone promotes efficient land use by allowing housing and/or commercial develop at densities that are appropriate for the area.
5. The MPC provides equal or greater opportunities for alternative modes of transportation such as walking, bicycling, or transit, than would occur with conventional zoning by:
  - a. Encouraging or requiring significant mixed-use development where appropriate; and

Providing a master plan with direct and convenient pedestrian or bicycle connections between all land uses.

12-106-15. Designation: Upon approval, each MPC Zone shall be given a unique name following the designation "MPC—" and shall be independent of any other MPC Zones.

12-106-16. Permit Approval: Within an MPC Zone, applications for subdivision approval, site plan, conditional use permits and any other needed permits shall be submitted and approved as required to implement the conceptual master plan. The conceptual master plan shall meet the conceptual subdivision review requirements of the Willard City Ordinances.

12-106-17. Amendments to Plan: Amendments to an approved preliminary plan and application shall be obtained by following the procedures required for first approval as set forth in this section.

12-106-18. Commencement of Work: Any Developer of an MPC Zone created under this ordinance shall begin and show diligent and consistent work towards the construction of an MPC Zone commenced within one (1) year of the date from which the City Council grants approval of the Zone and the accompanying development agreement; or the MPC Zone application shall be denied and the zone shall revert to the previous zone.

12-106-19. Performance Bonds: Prior to the commencement of "Development Activities" as defined in Utah Code Ann. §10-9A-101 *et seq.*, or the recording of any subdivision plat, a developer must file a cash bond, or an escrow bank account bond, or an irrevocable letter of credit as an improvement assurance in a form approved by the Willard City Attorney.

Section 2. Effective Date. This ordinance shall take effect immediately upon posting and publication in the manner so required by law.

PASSED by the City Council on this 10 day of March, 2022, by a vote of  
4 For and 1 against.



Travis Mote  
Mayor



Susan Obrey  
City Recorder

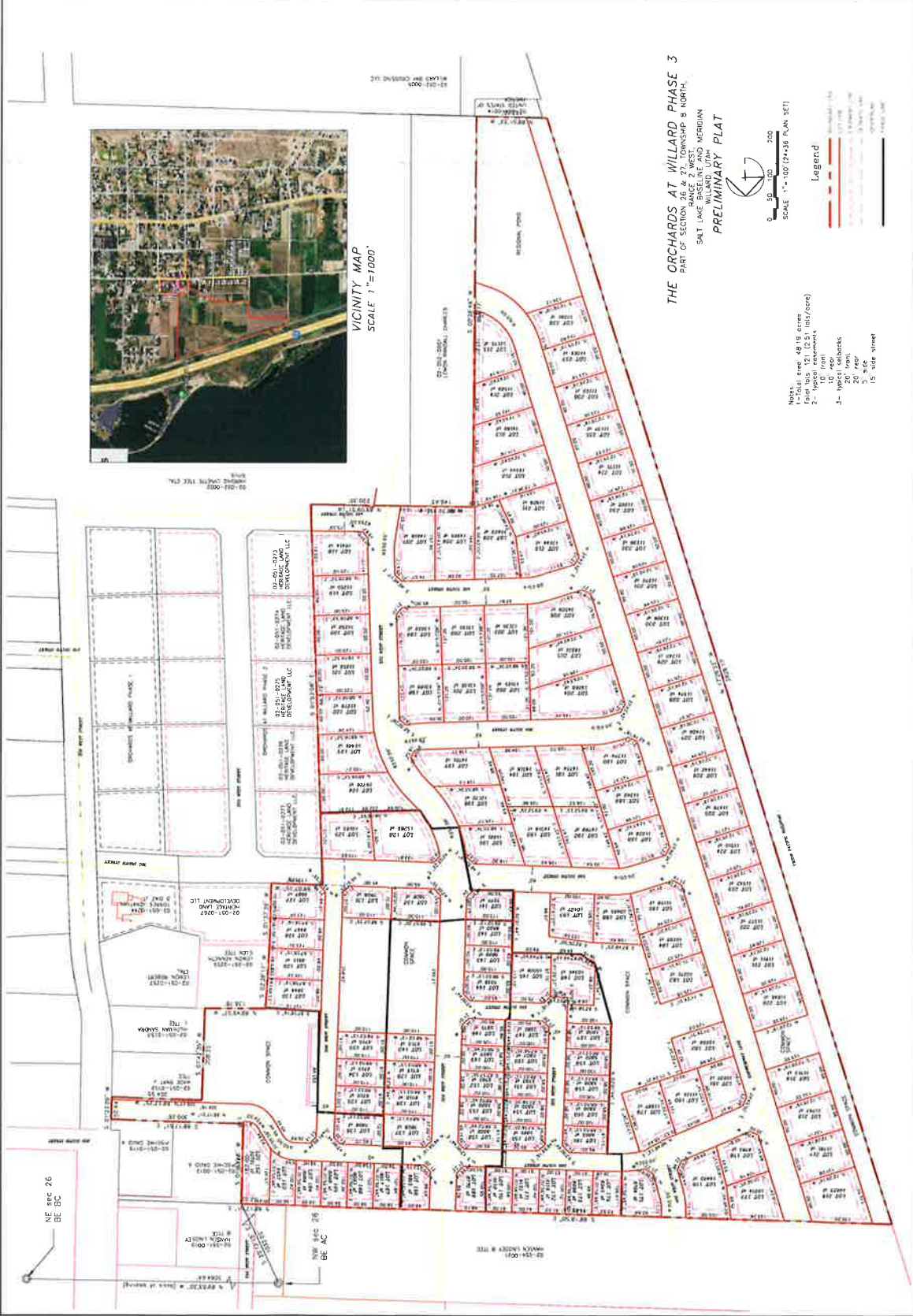




OWNER/DEVELOPER  
 ATIN CARRIN DAY  
 HIRING LAND DEVELOPMENT, LLC  
 435-730-8208  
 430 N. 2500 W.  
 TRENONTON, UTAH 84337

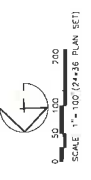
DATE	DESCRIPTION

THE ORCHARDS AT WILLARD PHASE 3  
 PART OF SECTION 36 & 27, TOWNSHIP 8 NORTH,  
 SALT LAKE BASIN AND MERIDIAN  
 RANGE 2 WEST  
 WILLARD, UTAH  
 PRELIMINARY PLAT



VICINITY MAP  
 SCALE 1" = 1000'

THE ORCHARDS AT WILLARD PHASE 3  
 PART OF SECTION 36 & 27, TOWNSHIP 8 NORTH,  
 SALT LAKE BASIN AND MERIDIAN  
 RANGE 2 WEST  
 WILLARD, UTAH  
 PRELIMINARY PLAT



- Legend
- 1" - Typical easements
  - 2" - Typical easements
  - 3" - Typical easements
  - 4" - Typical easements
  - 5' - Setback
  - 15' - Side street

Notes:  
 1- Typical easements are 10' wide  
 2- Typical easements are 12' (25' in some areas)  
 3- Typical easements are 10' wide  
 4- Typical easements are 20' wide  
 5' - Setback  
 15' - Side street







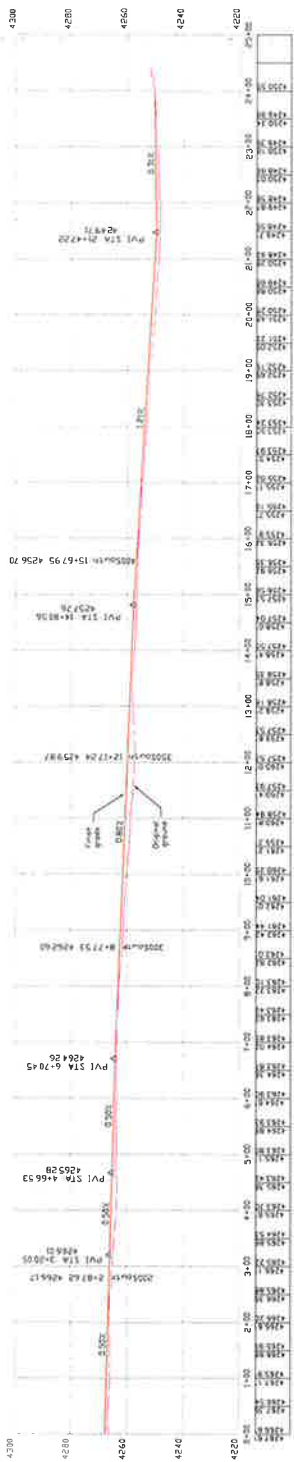
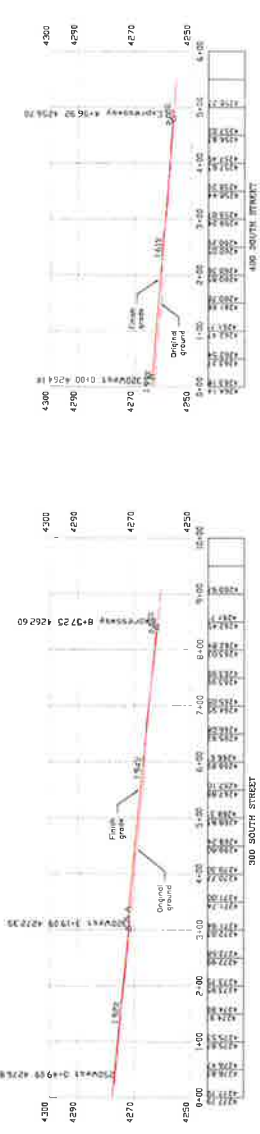
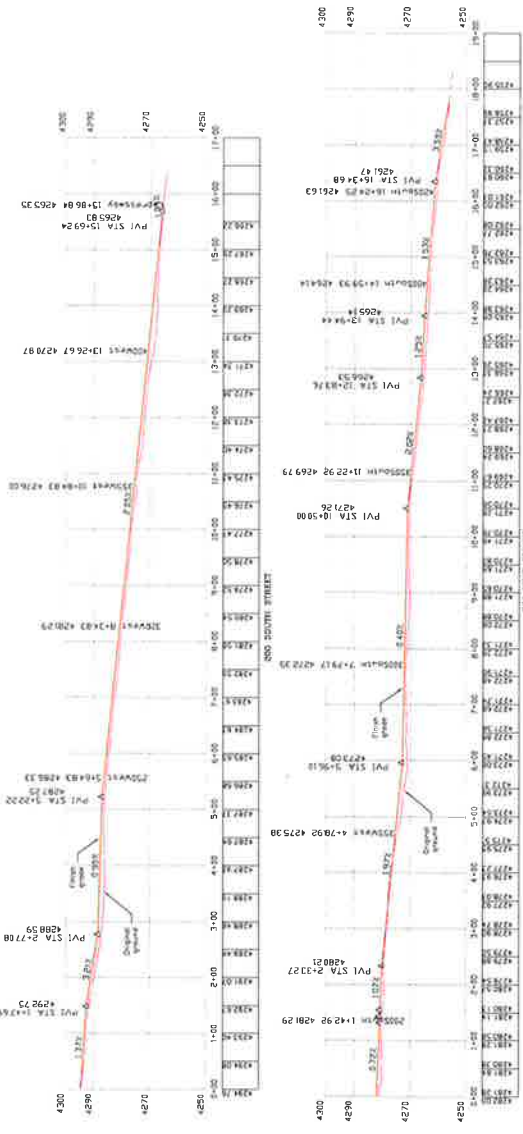
OWNER/DEVELOPER  
HERITAGE LAND DEVELOPMENT LLC  
410 N 2500 W  
ATM CANNING DAY  
FREMONT, UTAH 84317  
435-730-8208

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	08/15/2022
2	REVISED	08/15/2022
3	REVISED	08/15/2022
4	REVISED	08/15/2022
5	REVISED	08/15/2022
6	REVISED	08/15/2022
7	REVISED	08/15/2022
8	REVISED	08/15/2022
9	REVISED	08/15/2022
10	REVISED	08/15/2022

PROJECT NO. 22-0001  
SALT LAKE BASLINE AND MERIDIAN  
MILLAND, UTAH  
RANGE 2 WEST  
PART OF SECTION 36 & 37, TOWNSHIP 8 NORTH,  
RANGE 2 WEST

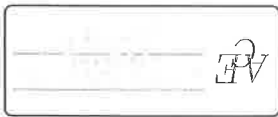
THE ORCHARDS AT WILLARD PHASE 3  
PRELIMINARY PROFILES

SCALE: H"=100' (PLAN SET)



380 SOUTH STREET





OWNER/DEVELOPER  
MERRILL LYNCH, PIERCE, FENNER & SMITH  
470 N 2500 W  
SALT LAKE CITY, UT 84119  
435-730-8208

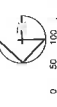
DATE	DESCRIPTION

PROJECT TITLE: THE ORCHARDS AT WILLARD PHASE 3  
PART OF SECTION 26 & 27, TOWNSHIP 8 NORTH,  
RANGE 2 WEST, MERIDIAN  
SALT LAKE BASIN AND MERIDIAN  
WILLARD, UTAH  
PRELIMINARY PLAT



VICINITY MAP  
SCALE 1"=1000'

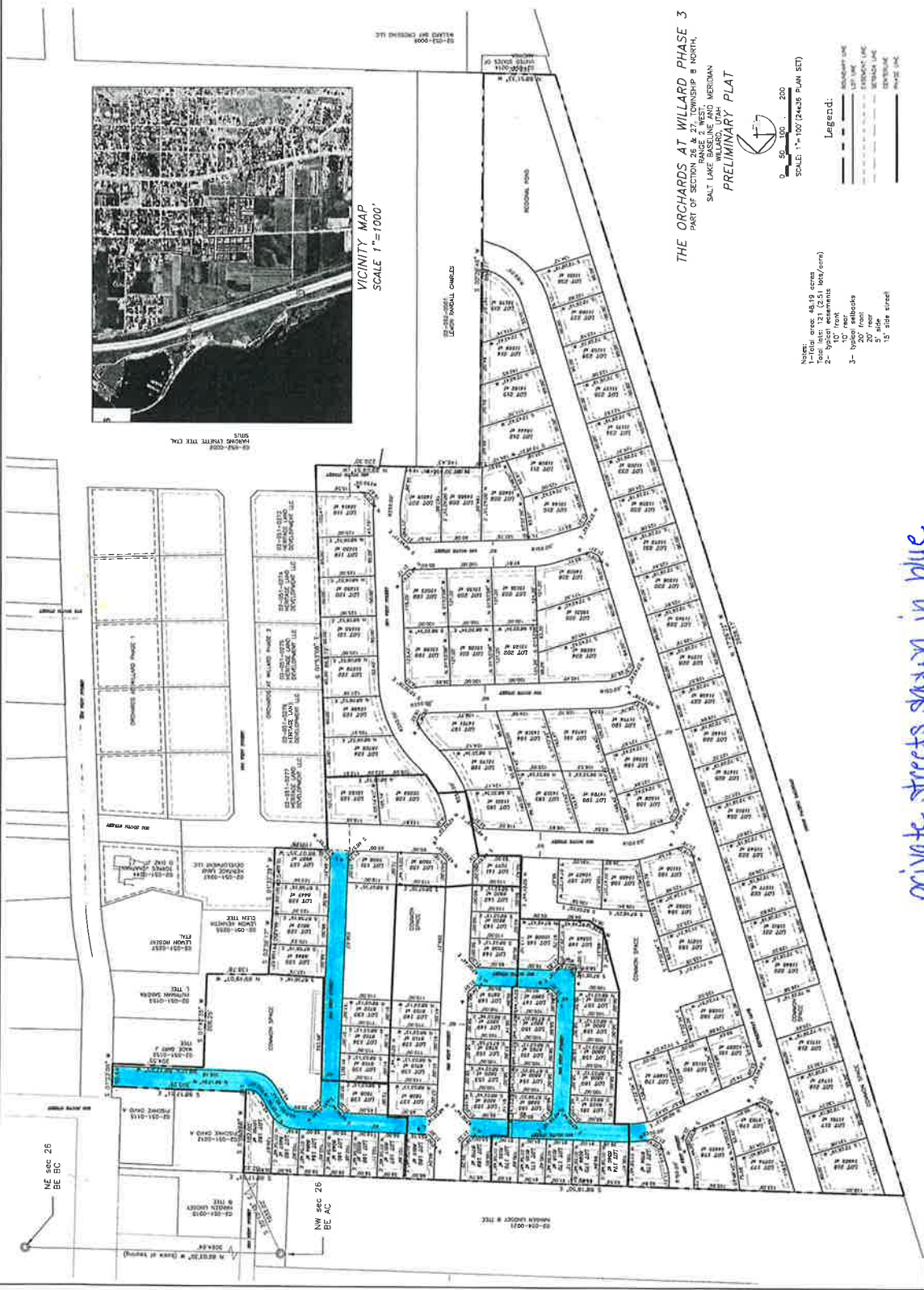
THE ORCHARDS AT WILLARD PHASE 3  
PART OF SECTION 26 & 27, TOWNSHIP 8 NORTH,  
RANGE 2 WEST, MERIDIAN  
SALT LAKE BASIN AND MERIDIAN  
WILLARD, UTAH  
PRELIMINARY PLAT



SCALE: 1"=100' (MATCH PLAN SET)

- Legend:
- BOUNDARY LINE
  - EASEMENT LINE
  - EGRESS LINE
  - EGRESS LINE
  - EGRESS LINE

Notes:  
1- Total area: 46.19 acres  
2- Total lots: 121 (2.51 lots/acre)  
3- 10' front setbacks  
4- 20' rear setbacks  
5- 20' side setbacks  
6- 15' side street



private streets shown in blue

NE SEC 26  
BE BC

NW SEC 26  
BE AC

SECTION UNDER 8 FEET



NORTH ↑






CONSULTING ENGINEERS

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**MEMORANDUM**

**TO:** Bryce Wheelwright – Willard City Planner

**FROM:** Zac Burk, P.E.  
Municipal Engineer 

**CC:** Jeremy Kimpton – Willard City Manager  
Payden Vine – Willard City Public Works Director  
Chris Breinholt – City Engineer

**RE:** **Orchards Subdivision – Required Water Rights**

**Date:** January 29, 2024

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Bryce,

This memo is to highlight the required water rights that the Orchards Subdivision would need to supply to Willard City, based on city code 12-400-12 (1 Acre-ft/ERC). The Orchards Subdivision has already constructed Phases 1 & 2, with a combined total lot count of 17. This requires 17 acre-ft.

They have also proposed the remaining layout for this subdivision. None of the proposed lots appear to be larger than 1/3 acre. Most are closer to 1/4 acre. This would add an additional 121 lots, and thus another 121 acre-ft of water rights needed to be turned over to the city.

The total water needed for all of the existing *and* proposed Orchards subdivision is 138 acre-ft. Keep in mind that the final water requirement will be based on the final plat and not the concept plan.



ALWAYS CONSULT THE  
 RECORD DRAWING FOR  
 THE LATEST REVISIONS  
**AEI**  
 ARCHITECTURAL ENGINEERING INC.

PROJECT NO.	10000
DATE	08/15/2011
OWNER	OWENS/DELLINGER FERTILIZER LAND DEVELOPMENT LLC 4120 N. GARDEN BLVD TEMPHON, UT 84404 435-730-8708
PROJECT NAME	THE ORCHARDS AT WILLARD PHASE 3
DATE	08/15/2011

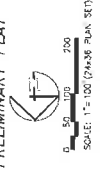
**PRELIMINARY PLAT**  
 SALT LAKE COUNTY, UTAH  
 PART OF SECTION 26, T4N, R22E, W8N, MERIDIAN  
 THE ORCHARDS AT WILLARD PHASE 3  
 PRELIMINARY PLAT



VICINITY MAP  
 SCALE 1" = 1000'



- Notes:
- 1- Total area: 48.19 acres
  - 2- Total area: 10.11 acres
  - 3- Total area: 10.11 acres
  - 4- Total area: 10.11 acres
  - 5- Total area: 10.11 acres
  - 6- Total area: 10.11 acres
  - 7- Total area: 10.11 acres
  - 8- Total area: 10.11 acres
  - 9- Total area: 10.11 acres
  - 10- Total area: 10.11 acres
  - 11- Total area: 10.11 acres
  - 12- Total area: 10.11 acres
  - 13- Total area: 10.11 acres
  - 14- Total area: 10.11 acres
  - 15- Total area: 10.11 acres



Legend:

(Red dashed line)	Proposed Street
(Red solid line)	Proposed Lot
(Black solid line)	Proposed Easement
(Black dashed line)	Proposed Right-of-Way
(Black solid line)	Proposed Utility
(Black solid line)	Proposed Fencing
(Black solid line)	Proposed Survey
(Black solid line)	Proposed Boundary
(Black solid line)	Proposed Corner
(Black solid line)	Proposed Monument
(Black solid line)	Proposed Marker
(Black solid line)	Proposed Stake
(Black solid line)	Proposed Nail
(Black solid line)	Proposed Pipe
(Black solid line)	Proposed Flag
(Black solid line)	Proposed Stake
(Black solid line)	Proposed Nail
(Black solid line)	Proposed Pipe
(Black solid line)	Proposed Flag





WILLARD CITY  
**Subdivision Land Use Authority (SLUA) – Special Meeting**  
January 18, 2024 – 2:00 p.m.  
Willard City Hall – 80 West 50 South  
Willard, Utah 84340

192 Chris Breinholt moved to recommend that the Planning Commission consider the annexation  
193 petition from Bob Davis. Payden Vine seconded the motion. All voted “aye.” The motion passed  
194 unanimously.  
195

196 2C. CONSIDERATION OF A CONCEPT PLAN AND REZONE REQUEST FROM R1/2 TO MPC FROM  
197 HERITAGE LAND DEVELOPMENT FOR APPROXIMATELY 48.19 ACRES LOCATED AT  
198 APPROXIMATELY 300 SOUTH 300 WEST (PARCEL NOS. 02-051-0062, 02-051-0085, 02-051-  
199 0264, 02-051-0004, 02-054-0005, 02-054-0007, 02-054-0009, 02-054-0011, 02-054-0012, 02-054-  
200 0013)  
201

202 Time Stamp – 38:45 01/18/2024  
203

204 Bryce Wheelwright stated that Heritage Land Development had submitted a concept plan and rezone  
205 request for 48.19 acres located at approximately 300 South 300 West. They were asking that the property  
206 be rezoned from R-1/2 to Master Planned Community (MPC). Heritage Land had completed Phases 1 and  
207 2 of The Orchards Subdivision. Those phases were zoned R-1/2. Heritage Land wanted the balance of the  
208 development to have a higher density.  
209

210 Marshae Stokes, Heritage Land Development, stated that they would like the majority of the remaining  
211 property to be single family lots ranging in size from 10,000 to 14,000 square feet. There would be a few  
212 lots that were bigger than that. There would be a patio home section on the northeast corner where the lots  
213 would be around 8,000 square feet. There would be some common areas for detention. In the patio home  
214 area on 200 South there would be a common space for a park. A preliminary civil plan had been completed  
215 to make sure the sewer and water worked. She felt the proposed design worked well. The slightly smaller  
216 lots would provide a price range that would allow people to remain in the community. Heritage Land had  
217 been working with UTA to secure the right-of-way UTA wanted. The proposed drawing did take UTA's right-  
218 of-way into consideration.  
219

220 Bryce Wheelwright asked about lining up with 400 West coming from the Rod Braegger Subdivision to the  
221 north. Ms. Stokes said it would tie into 200 South. Garth Day had told her they would line up the roads when  
222 the elevations were shot.  
223

224 Marshae Stokes stated that they had plenty of water.  
225

226 Fire Chief Van Mund did not see any issues.  
227

228 Payden Vine, Public Works, asked if 200 South would be a private road. Chris Breinholt said it would be  
229 private until about 400 West. Bryce Wheelwright said the private roads would be part of the HOA's  
230 responsibility. The remaining streets would be public.  
231

232 Zac Burk stated there was a 24-inch flood control line. Chris Breinholt stated that the City had not received  
233 detailed utility drawings. Mr. Burk felt the flood control line might run through Lot 220 or 221. Mr. Breinholt  
234 said he had spoken with Heritage Land about the flood control line. Mr. Burk asked if the street plan had  
235 been laid out with the City's sewer line. Mr. Breinholt said it had.  
236

237 Chris Breinholt suggested that the concept plan delineate which roads would be public and which would be  
238 private before the plan was forwarded to the Planning Commission. Mr. Wheelwright felt that would be  
239 advantageous to the Planning Commission.



WILLARD CITY  
**Subdivision Land Use Authority (SLUA) – Special Meeting**  
January 18, 2024 – 2:00 p.m.  
Willard City Hall – 80 West 50 South  
Willard, Utah 84340

240 Chris Breinholt said he had seen this concept plan many times. His previous concerns had been addressed,  
241 although he reserved the right to tweak the road design at the south end of 500 West.  
242

243 Zac Burk asked if the wells had been capped. Marshae Stokes said they had been capping the wells as  
244 development progressed. Until development occurred, Randy Lemon was still farming the land and using  
245 the wells. Bryce Wheelwright said there had been discussion about using the wells for a private irrigation  
246 system. Ms. Stokes was aware that had been discussed. A final decision had not been made.  
247

248 Michelle Drago asked when Heritage Land and Willard City would enter into a development agreement.  
249 Bryce Wheelwright said approval of the MPC Zone would start the development agreement process. Ms.  
250 Stokes said they had a draft development agreement. Mr. Wheelwright thought the City Attorney had  
251 reviewed the draft agreement.  
252

253 Bryce Wheelwright felt the proposed concept plan and rezone were ready to be forwarded to the Planning  
254 Commission. He asked if the SLUA felt the plan and rezone complied with City ordinances.  
255

256 **Chris Breinholt moved to forward the concept plan and rezone request from Heritage Land**  
257 **Development to the Planning Commission with a recommendation of approval. Zac Burk seconded**  
258 **the motion. All voted “aye.” The motion passed unanimously.**  
259

260 2D. CONSIDERATION OF A CONCEPT PLAN FOR THE MARION STOKES SUBDIVISION  
261 LOCATED AT APPROXIMATELY 1395 NORTH MAIN (PARCEL NO. 02-040-0004)  
262

263 Time Stamp 51:38 01/18/2024  
264

265 Bryce Wheelwright stated that Marion Stokes had lived in the home at 1395 North Main. She passed away  
266 almost a year ago, and her family needed to divide the land so the home could be sold.  
267

268 Larry Holmes, 1561 Hargis Hill, stated that they were originally going to sell the home with one acre of  
269 ground. However, they discovered there was more acreage between the highway and 200 West than they  
270 thought. The family that submitted the offer for the home had agreed to purchase additional land. The house  
271 would now sell with 3.49 acres. Another buyer was going to purchase the remaining nine acres.  
272

273 Michelle Drago stated that the preliminary plan would have to be revised to reflect the change in lot size.  
274 Mr. Wheelwright agreed. The plan which had been submitted was no longer correct. It would have to be  
275 updated.  
276

277 Larry Holmes did not feel this was a subdivision. Bryce Wheelwright said if a parcel was divided into two  
278 parcels, it was a subdivision by definition. Mr. Holmes felt the City had already divided the property by  
279 building 200 West.  
280

281 Michelle Drago stated that the front portion of the property was zoned R-1/2. The proposed lot met the  
282 requirements of the R-1/2 Zone. If they were just making the lot bigger, she felt the SLUA could forward a  
283 recommendation to the Planning Commission subject to submission of a revised preliminary plan.  
284

285 Zac Burk asked if the remainder parcel was subject to zoning regulations. Michelle Drago said the  
286 remainder parcel was zoned A-5 and had more than five acres. It had frontage on 200 West.



# Willard City Corporation

80 West 50 South  
Box 593



Willard, Utah 84340  
(435)734-9881

## NOTICE OF PUBLIC HEARING WILLARD CITY PLANNING COMMISSION

Notice is hereby given that the Willard City Planning Commission will hold a public hearing to receive public comment regarding a proposal from Lync Construction, LLC to amend the 2017 Future Land Use Map of the Willard City General Plan (Chapter 12-000) by changing the future land designation for approximately 32.77 acres at approximately 3700 South 1200 West from A-3 and A-5 to R ½.

The public hearing will be held on Thursday, February 1, 2024, at 6:30 p.m. in the Willard City Council Chambers, 80 West 50 South, Willard, Utah, during a regular Planning Commission meeting.

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

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

I, the undersigned duly appointed Deputy City Recorder for Willard City Corporation hereby certify that a copy of the foregoing notice and agenda was posted at the Willard City Hall; two other places in the community; on the State of Utah Public Meeting Notice website <http://www.utah.gov/pmn/index.html>; on the Willard City website [www.willardcity.com](http://www.willardcity.com); and sent to the Box Elder News Journal this 28th day of August, 2023.

/s/Michelle Drago  
Deputy City Recorder



NORTH ↑

# WILLARD CITY PLANNING COMMISSION RE-ZONE APPLICATION

Application Date <b>01/18/24</b>	<u>Assessor Parcel Number *</u>
<b>Lync Construction</b>	02-035-0061, 02-035-0063, 02-035-0079, 02-035-0075
Applicant	<u>Parcel Legal Description*</u>
<b>.1407 N Mountain Rd</b>	Refer to the title report
Mailing Address	
<b>Qgden, Utah</b>	
<b>84404</b>	<b>A5-A3</b> <span style="float: right;"><b>Amend the general plan to R-1/2</b></span>
<b>801-710-2234</b>	<u>Present Zone</u> <span style="float: right;"><u>Proposed Zone</u></span>
Phone Number	
Cell Phone	

0063 - 17.92 ac  
 01 - 4.98 ac  
 79 - 9.87 ac  


---

 32.77 ac  
 050075 - 12.1 ac

This completed application, must be submitted at least 15 days prior to the October Planning Commission meeting and be accompanied by:

- 1) Proof of ownership.\*
- 2) Non-refundable application fee of \$125.00.
- 3) Written petition designating the change desired and the reason for such change, bearing the signature(s) of the fee title owner(s) of the parcel or designated agent . (See reverse of this form for required Applicant's Affidavit.)
- 4) List of all property owners within 1/4 mile of the parcel.\*
- 5) Map (Assessor's Plat\* or suitable drawing) of the proposed re-zone area, annotated to show the location and boundaries of the parcel to be re-zoned.
- 6) If a subdivision is planned, supply sketch of possible subdivision, to show compatibility with existing and planned infrastructure, with emphasis on roads, water supply and other utilities.

\* Available at the office of the Box Elder County Registrar, 01 South Main Street, Brigham, Utah, 84302



## **Project Summary**

**(Please use additional pages as necessary to adequately address the answers.)**

- 1. Location Map (showing nearest cross streets):**  
  
W - 3550 South  
S - 1200 West
- 2. Site Address/Description:**  
  
3630 S Perry St.
- 3. Parcel Number(s):**  
  
02-035-0061, 02-035-0063, 02-035-0079, 02-035-0075
- 4. Current and Proposed Zoning by parcel number and area in acres:**  
  
All are in current zone A5-A3  
Propose amending the general plan to R-1/2 for all parcels
- 5. Road Access Provided:**  
  
Yes, 1200 W
- 6. Utility Plan:**  
  
Power and water stubbed to property  
Sewer is in discussion
- 7. Reason for the requested change:**  
  
To make it more conforming with the surrounding properties to the North and West
- 8. Impacts (financial and other) of the change to surrounding properties and the city as a whole:**  
  
Increased traffic, amazing new residents, money to the city from permits and taxes, and this will help with the current housing shortage

# APPLICANT'S AFFIDAVIT

STATE OF UTAH )  
 ) SS  
COUNTY OF BOX ELDER )

I, (we) 2020, LLC, being duly sworn, depose and say that I, (we) am (are) the owner(s)\*, or authorized agent(s) of the owner, of property located at 3550 S 1200 W in Willard City, which property is involved in the attached application and that the statements and answers therein contained and the information provided in the attached plans and other exhibits present thoroughly, to the best of my (our) ability, the argument in behalf of the application herewith requested and that the statements and information above referred to are in all respects true and correct to the best of my (our) knowledge and belief.

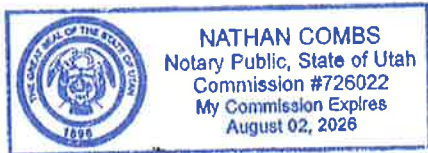
SIGNED [Signature] MANAGER 2020, LLC

Property Owner(s)

AGENT Lync Construction, LLC

Subscribed and sworn before me this 18 day of January 2024

[Signature]  
Notary Public



Residing in Salt Lake County UT  
My commission expires: 8-2-26

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

# AGENT AUTHORIZATION

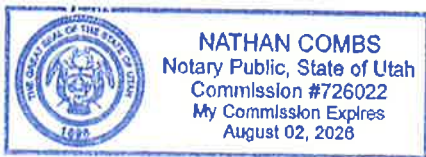
I, (we) Alan Combs of 2020, LLC, the owner(s) of real property described above, hereby appoint Lync Construction, LLC, as my (our) agent(s) to represent me (us) with regard to this application affecting the above described real property, and do authorize them to appear on my (our) behalf before any Willard City Boards considering this application.

SIGNED [Signature] MANAGER 2020, LLC

Property Owner(s)

Subscribed and sworn before me this 18 day of January 2024

[Signature]  
Notary Public



Residing in Salt Lake County  
My commission expires: 8-2-26

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## Account R0072533

<u>Location</u>	<u>Owner</u>	<u>Value</u>	
Acres 4.98	<b>Owner Name</b> 2020 LLC	<b>Actual (2023)</b>	\$124,500
<b>Parcel Number</b> 02-035-0061	<b>Owner Address</b> 6000 S FASHION BLVD SUITE 102	<b>Primary Taxable</b>	\$2,336
<b>Account Number</b> R0072533	MURRAY, UT 84107	<b>Tax Area:</b> 132	<b>Tax Rate:</b>
<b>Tax District</b> 132 - WILLARD			0.008918
<b>HouseNumber</b>		<b>Type Actual</b>	<b>Assessed Acres</b>
<b>StreetName</b>		Land \$124,500	\$2,336 4.980
<b>Parcels</b> 020350034			
<b>OwnerName</b> 2020 LLC			

**Legal** LOT 01 FITZGERALD SUB DESC AS FOLLOWS: PT OF THE SE/4 OF SEC 10 T08N R02W SLM BEG AT A PT ON THE W LINE OF 1200 W ST LOC 135.30 FT S OF THE NE COR OF SD SE/4 OF SD SEC 10, W 1300.2 FT, S 227.04 FT, E 1300.20 FT TO THE W LINE OF 1200 W ST, N ALG THE W LINE OF SD 1200 W ST 227.04 FT TO POB. LESS 02-035-0060 #178813 DESC AS: BEG PT LOC S 135.30 FT FRM THE NE COR OF THE SE/4 OF SEC 10 T08N R02W SLM SD PT BEING ON THE W R/W/L OF 1200 W ST, W 350.00 FT, S 227.04 FT, E 350.00 FT, N 227.04 FT TO POB. CONT 4.98 AC M/L. ACRES IN DISTRICT 1.84 ACRES ALLOTTED 1.84 ACRE FEET WATER 4.59 ASSESSED VALUE 573

### Transfers

- Doc Description**
- [Ownership Maps](#)
  - [AFFIDAVIT/DEATH CERT](#)
  - [WARRANTY DEED](#)
  - [QUIT CLAIM DEED](#)
  - [ANNEXATION PLAT](#)
  - [QUIT CLAIM DEED](#)
  - [QUIT CLAIM DEED](#)
  - [QUIT CLAIM DEED](#)
  - [QUIT CLAIM DEED](#)
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## Account R0073163

<u>Location</u>	<u>Owner</u>	<u>Value</u>			
<b>Acres</b> 17.92	<b>Owner Name</b> 2020 LLC	<b>Actual (2023)</b>	\$457,533		
<b>Parcel Number</b> 02-035-0063	<b>Owner Address</b> 6000 S FASHION BLVD SUITE 102	<b>Primary Taxable</b>	\$17,937		
<b>Account Number</b> R0073163	MURRAY, UT 84107	<b>Tax Area:</b> 132	<b>Tax Rate:</b> 0.008918		
<b>Tax District</b> 132 - WILLARD		<b>Type</b>	<b>Actual</b>	<b>Assessed</b>	<b>Acres</b>
<b>HouseNumber</b>		Improvement	\$9,533	\$9,533	0.000
<b>StreetName</b>		Land	\$448,000	\$8,404	17.920
<b>Parcels</b> 020350034					
<b>OwnerName</b> 2020 LLC					

**Legal** BEG AT PT 2.05 CH S OF NE COR SE/4 SEC 10 T08N R02W SLM, W 29.5 CHS TO R/W OF OSLRR CO, S01\*45'E ALG SD R/W 854.7 FT M/L TO PT WHICH IS 116.5 RDS W & 854.7 FT S OF POB, E 116.5 RDS, N 854.7 FT TO BEG. LESS PAR #02-035-0061 DESC AS: LOT 01 FITZGERALD SUB DESC AS FOLLOWS: PT OF THE SE/4 OF SEC 10 T08N R02W SLM. BEG AT PT ON W/L OF 1200 W ST LOC 135.30 FT S OF NE COR SD SE/4 SD SEC 10, W 1300.2 FT, S 227.04 FT, E 1300.20 FT TO W/L OF 1200 W ST, N ALG THE W/L SD 1200 W ST 227.04 FT TO POB.  
 LESS PAR #02-035-0062 DESC AS: LOT 05 FITZGERALD SUB MORE PARTICULARY DESC AS FOLLOWS: PT SE/4 OF SEC 10 T08N R02W SLM. BEG AT PT LOC 135.3 FT S & 1300.20 FT W OF NE COR SD SE/4 SD SEC 10, W 646.80 FT M/L TO E/L OF OSLRR, S01\*45'00"E 854.70 FT M/L TO S/L OF GRANTORS PROP, E ALG GRANTORS S PROP/L 620.70 FT, N 854.30 FT TO POB.

### Transfers

- Doc Description**
- [Ownership Maps](#)
  - [AFFIDAVIT/DEATH CERT](#)
  - [WARRANTY DEED](#)
  - [QUIT CLAIM DEED](#)
  - [ANNEXATION PLAT](#)
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## Account R0093495

<u>Location</u>	<u>Owner</u>	<u>Value</u>	
Acres 9.87	<b>Owner Name</b> 2020 LLC	<b>Actual (2023)</b>	\$246,750
<b>Parcel Number</b> 02-035-0079	<b>Owner Address</b> 6000 S FASHION BLVD SUITE 102	<b>Primary Taxable</b>	\$3,839
<b>Account Number</b> R0093495	MURRAY, UT 84107	<b>Tax Area:</b> 132	<b>Tax Rate:</b>
<b>Tax District</b> 132 - WILLARD			0.008918
<b>HouseNumber</b>		<b>Type Actual</b>	<b>Assessed Acres</b>
<b>StreetName</b>		Land \$246,750	\$3,839 9.870
<b>Parcels</b> 020350077			
<b>OwnerName</b> 2020 LLC			

**Legal** PART OF THE SE/4 OF SEC 10, T 08N, R 02W, SLM. BEG AT A POINT LOCATED 135.3 FT SOUTH & 1300.20 FT WEST OF THE NE CORNER OF SD SE/4 OF SD SEC 10. THENCE WEST 646.80 FT M/L TO THE EAST LINE OF THE OSLRR R/W; S 01°45'00" E 854.70 FT M/L TO THE SOUTH LINE OF GRANTORS PROPERTY; EAST ALONG GRANTORS SOUTH PROPERTY LINE 620.70 FT; NORTH 854.30 FT TO POB (ALSO KNOWN AS LOT 05, FITZGERALD MINOR SUBDIVISION).  
 LESS: [02-035-0076] TRACT DEEDED TO UTAH TRANSIT AUTHORITY. BEGINNING AT THE NORTHWEST CORNER OF SAID ENTIRE TRACT WHICH COMER IS 109.30 FT (135.30 FT BY RECORD) SOUTH ALONG THE EAST LINE OF SAID SECTION 10 AND 1,922.65 FT (1,947.00 FT BY RECORD) WEST FROM THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 10. THENCE EAST 29.98 FT ALONG THE NORTHERLY BOUNDARY LINE OF SAID ENTIRE TRACT TO A LINE PARALLEL WITH AND 30.00 FT PERPENDICULARLY DISTANT EASTERLY FROM THE FRONTRUNNER NORTH EXTENSION CONTROL LINE; S 01°50'15" E 854.74 FT ALONG SAID PARALLEL LINE TO THE SOUTHERLY BOUNDARY LINE OF SAID ENTIRE TRACT; WEST 29.98 FT ALONG SAID SOUTHERLY BOUNDARY LINE TO THE SOUTHWEST CORNER OF SAID ENTIRE TRACT; N 01°50'15" W 854.74 FT (N 01°45'00" W 854.70 FT BY RECORD) ALONG THE EASTERLY R/W LINE OF THE UNION PACIFIC RAILROAD TO THE POINT OF BEGINNING AS SHOWN ON THE OFFICIAL MAP OF SAID PROJECT ON FILE IN THE OFFICE OF THE UTAH TRANSIT AUTHORITY.

LESS: [02-035-0078] TRACT DEEDED TO UTAH TRANSIT AUTHORITY. BEGINNING AT THE NORTHWEST CORNER OF SAID ENTIRE TRACT WHICH CORNER IS 109.30 FT (2.05 CHAINS OR 135.30 FT BY RECORD) SOUTH ALONG THE EAST LINE OF SAID SECTION 10 AND 1,922.65 FT (1,947.00 FT BY RECORD) WEST AND 29.98 FT EAST FROM THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 10. THENCE EAST 100.05 FT ALONG THE NORTHERLY BOUNDARY LINE OF SAID ENTIRE TRACT; S 24°01'19" W 68.78 FT TO A LINE PARALLEL WITH AND 100.00 FT PERPENDICULARLY DISTANT EASTERLY FROM THE FRONTRUNNER NORTH EXTENSION CONTROL LINE OPPOSITE ENGINEER STATION 780+18.00; S 01°50'15" E 579.00 FT ALONG SAID PARALLEL LINE TO A POINT OPPOSITE ENGINEER STATION 774+39.00; S 11°21'06" E 181.50 FT TO A LINE PARALLEL WITH AND 130.00 FT PERPENDICULARLY DISTANT EASTERLY FROM SAID CONTROL LINE OPPOSITE ENGINEER STATION 772+60.00; S 01°50'15" E 34.85 FT ALONG SAID PARALLEL LINE TO THE SOUTHERLY BOUNDARY LINE OF SAID ENTIRE TRACT; WEST 100.05 FT ALONG SAID SOUTHERLY BOUNDARY LINE TO A LINE PARALLEL WITH AND 30.00 FT PERPENDICULARLY DISTANT EASTERLY FROM SAID CONTROL LINE; N 01°50'15" W 854.74 FT ALONG THE EASTERLY R/W LINE OF THE UNION PACIFIC RAILROAD TO THE POINT OF BEGINNING AS SHOWN ON THE OFFICIAL MAP OF SAID PROJECT ON FILE IN THE OFFICE OF THE UTAH TRANSIT AUTHORITY.

Transfers

- Doc Description**
- Ownership Maps
- AFFIDAVIT/DEATH CERT
- WARRANTY DEED
- QUIT CLAIM DEED
- ANNEXATION PLAT
- QUIT CLAIM DEED
- QUIT CLAIM DEED
- QUIT CLAIM DEED
- QUIT CLAIM DEED
- QUIT CLAIM DEED
- QUIT CLAIM DEED
- WARRANTY DEED
- WARRANTY DEED
- WARRANTY DEED
- WARRANTY DEED
- WARRANTY DEED
- AFFIDAVIT/DEATH CERT

Tax

Images

Tax Year	Taxes
2023	\$97.62
2022	\$95.07



**Willard City**  
80 W 50 S | PO Box 593  
Willard, UT 84340  
(435) 734-9881  
willardcity@comcast.net

**XBP Confirmation Number: 164325361**

▶ Transaction detail for payment to Willard City.		Date: 01/29/2024 - 11:44:03 AM MT	
<b>Transaction Number: 212255679</b> <b>Visa — XXXX-XXXX-XXXX-9377</b> <b>Status: Successful</b>			

Account #	Item	Quantity	Item Amount
	Charges PC	1	\$125.00

Notes: filing fee for FLUM amendment from Lync Const

**TOTAL: \$125.00**

▶ Transaction detail for payment to Willard City.		Date: 01/29/2024 - 11:44:04 AM MT	
<b>Transaction Number: 212255680</b> <b>Visa — XXXX-XXXX-XXXX-9377</b> <b>Status: Successful</b>			

Account #	Item	Quantity	Item Amount
	Service Fee	1	\$4.25

Notes: filing fee for FLUM amendment from Lync Const

**TOTAL: \$4.25**

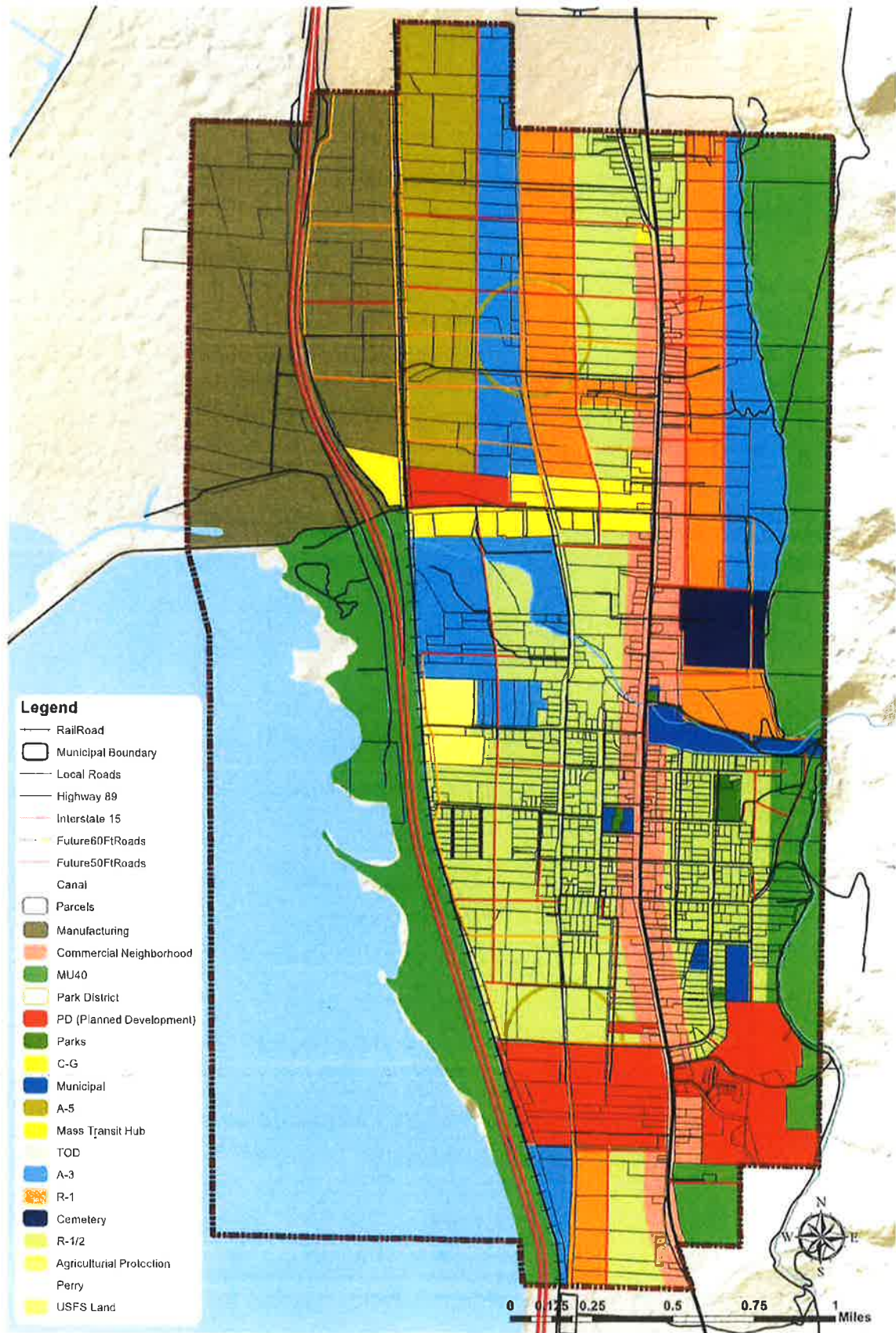
**Billing Information**  
HEATHER OWENS  
, 84404  
invoice@lynconstruction.com

**Transaction taken by:** Admin mdragoCaselle MD



# Willard City

Future Land Use - July 2017







287 Chris Breinholt stated that a new building lot was not being created. The division would create a remainder  
288 parcel. He did not see a problem.

289  
290 There were not any comments from Van Mund, Payden Vine, or Jeremy Kimpton.

291  
292 **Michelle Drago moved to forward the preliminary/concept plan to the Planning Commission with a**  
293 **recommendation of approval subject to a revised plan being submitted prior to the Planning**  
294 **Commission meeting. Payden Vine seconded the motion. All voted “aye.” The motion passed**  
295 **unanimously.**

296  
297 2E. **CONSIDERATION OF A CONCEPT PLAN AND REZONE REQUEST FROM A-3 AND A-5 TO**  
298 **R1/2 FROM LYNC CONSTRUCTION FOR APPROXIMATELY 3700 SOUTH 1200 WEST (AKA**  
299 **200 WEST) (PARCEL NOS. 02-035-0061, 02-035-0063, 02-035-0075, AND 02-035-0079)**

300  
301 Time Stamp: 1:01:12 01/18/2024

302  
303 Bryce Wheelwright stated that Lync Construction had submitted a rezone request for 37.22 acres located  
304 at approximately 3700 South 1200 West from A-3 and A-5 to R-1/2.

305  
306 There was a discussion about the address of the lot and the street name. Van Mund asked if the proposed  
307 development would have Perry addresses. Bryce Wheelwright said the addressing would have to be  
308 changed. Van Mund said Willard Police and Fire would respond, not Perry.

309  
310 Bryce Wheelwright asked how many lots were proposed. Alex Owens, Lync Construction, said their current  
311 concept plan contained 46 lots. Mr. Wheelwright asked if all the lots were half-acre. Mr. Owens said they  
312 were. Mr. Wheelwright liked the proposed concept plan. He felt it was a good fit for Willard.

313  
314 Zac Burk asked about Parcel A and Lot 1. Alex Owens said Lync Construction did not own Lot 1. He wasn't  
315 sure why it had been included in the concept plan. Parcel A had been set aside to do a land swap with  
316 Chad Braegger. The land swap had not been finalized.

317  
318 Bryce Wheelwright asked if Chad Braegger's property was included in the rezone request. Mr. Owens said  
319 it was. Michelle Drago stated that Chad Braegger had not signed the petition. If he wanted to be included  
320 in the rezone, he needed to sign the petition. Mr. Owens said Chad Braegger had been part of the MPC  
321 rezone request. Lync Construction needed to have him sign the latest petition.

322  
323 Fire Chief Mund said his only concern was addressing. The lots needed to have Willard addresses.

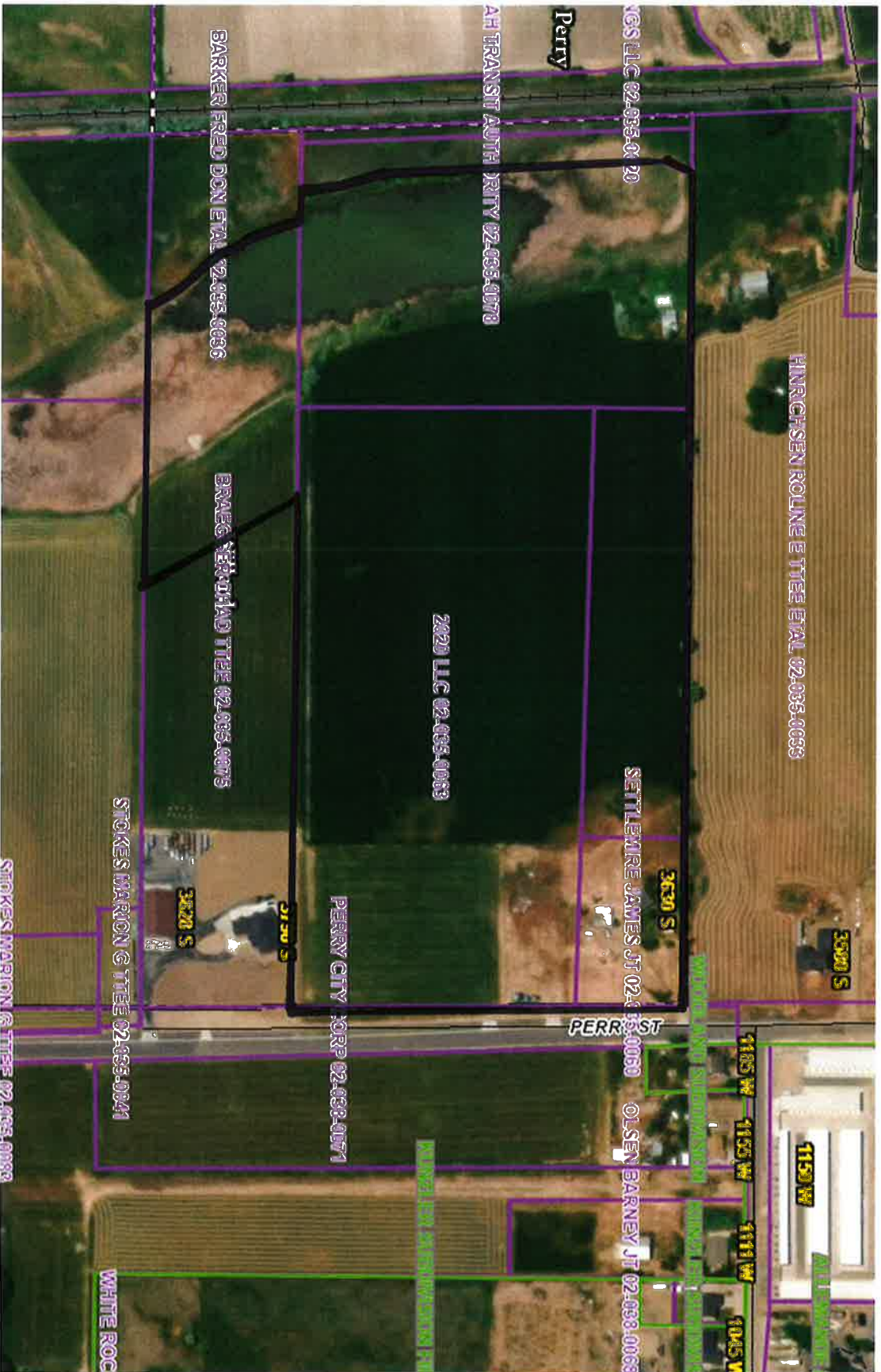
324  
325 Chris Breinholt stated that gravity sewer would not work on this property. The development would need  
326 some type of sewer pumping system. Details regarding the pumping system had not been nailed down,  
327 which wasn't necessary for a rezone. The requested rezone was not consistent with the 2017 Future Land  
328 Use Map nor was it consistent with any surrounding zone.

329  
330 Bryce Wheelwright stated that the property was currently zoned A-5. The Future Land Use Map designated  
331 it as A-3 and A-5.

332







HINCHSEN ROLINE & TTEE ETAL 02-035-0033

NGS LLC 02-035-0020

AH TRANSIT AUTHORITY 02-035-0078

Perry

BARKER FRED DON ETAL 02-035-0036

2020 LLC 02-035-0083

BRAEG VERQUAD TTEE 02-035-0075

SETTLEWIRE JAMES JT 02-035-0060

3630 S

PERRY CITY CORP 02-035-0071

3620 S

STOKES MARION & TTEE 02-035-0041

STOKES MARION & TTEE 02-035-0088

PERRY ST

1105 W

1100 W

1111 W

1045 W

1150 W

WHITE ROCK





WILLARD CITY

**Subdivision Land Use Authority (SLUA) – Special Meeting**

January 18, 2024 – 2:00 p.m.

Willard City Hall – 80 West 50 South  
Willard, Utah 84340

333 Alex Owens stated that they were hoping to amend the 2017 Future Land Use Map. Properties in Willard  
334 might not conform with the requested zone, but properties in Perry did. There was also a higher density  
335 project in Willard southeast of this property.

336  
337 Michelle Drago stated that the amendment to the Future Land Use Map needed would have to be approved  
338 before the Planning Commission could consider the rezone request. Alex Owens was told to fill out a rezone  
339 application. Was there something they needed to do first? Michelle Drago said Lync Construction needed  
340 to submit an application to amend the 2017 Future Land Use Map.

341  
342 Chris Breinholt asked if it made sense to amend the General Plan when the Planning Commission had  
343 forwarded a recommendation for half-acre blanket zoning to the City Council.

344  
345 Alex Owens stated that they wanted to move forward. They needed to get something going. Chris Breinholt  
346 felt it made sense to push ahead with a Future Land Use amendment given the uncertainty about the new  
347 General Plan.

348  
349 Jeremy Kimpton did not feel the SLUA could do anything until the Future Land Use Map was amended.

350  
351 Bryce Wheelwright asked Lync Construction to submit an application to amend the Future Land Use Map.  
352 Alex Owens asked if Chad Braegger needed to sign the application too. Michelle Drago said he did if his  
353 property was going to be included.

354  
355 2F. CONSIDERATION AND APPROVAL OF NOVEMBER 2, NOVEMBER 30, AND DECEMBER 7,  
356 2023, MINUTES

357  
358 **Chris Breinholt moved to approve the minutes of November 2, November 30, and December 7, 2023,**  
359 **as written. Payden Vine seconded the motion. All voted “aye.” The motion passed unanimously.**

360  
361 3. ADJOURN

362  
363 **Payden Vine moved to adjourn at 3:25 p.m. Michelle Drago seconded the motion. All voted “aye.”**  
364 **The motion passed unanimously.**

365  
366  
367 Minutes were read individually and approved on: \_\_\_\_\_

368  
369  
370  
371 \_\_\_\_\_  
372 Bryce Wheelwright, City Planner

370  
371 \_\_\_\_\_  
372 Michelle Drago, Deputy City Recorder

373 dc: SLUA 01-18-2024



**WILLARD CITY ANNEXATION PETITION APPLICATION**

**Annexation Information**

Proposed Name of Annexation: Davis Park  
Application Date: 12/25/2023  
Location of Property: 7700S-1100W1  
Total Acreage of Proposed Annexation: 4.5 acres  
Total Number of Parcels in Proposed Annexation: 6 parcels  
Current Use of Property: agricultural  
Surrounding Land Uses: agricultural  
Requested Zoning: agricultural  
Percentage of the Private Real Property within the Proposed Annexation is Represented by the Signatures of the Owners: one hundred %

Percentage of the Value of Private Real Property within the Annexation Plat is Represented by the Signatures of the Owners: one hundred %

**Sponsor Information**

Sponsor Name / Authorized Agent: Tree Utah  
Phone:                          E-mail:                           
Address, City, State, Zip:                         

**Engineer or Surveyor Information**

Name of Surveyor or Engineer: Landmark Survey  
Phone: 801-731-4075  
Address, City, State, Zip: 4640S. 3800 West West Haven  
E-mail:                         

**\*\*\*NOTE\*\*\***

Per Utah State Code Section 10-2-403(7), it is the responsibility of the **SPONSOR** of a Petition for Annexation to deliver to the County Clerk a complete copy of the same petition to annex property on the same calendar day the petition is file with the City.

## Annexation Petition Requirements

\_\_\_\_\_ Completed Annexation Petition Application

\_\_\_\_\_ File Petition with City Recorder

\_\_\_\_\_ A Statement of Proposed Intent for the properties contained within the area petitioned for annexation.

\_\_\_\_\_ A copy of notices sent to affected entities:

- Box Elder County
- Bear River Health Department
- Bear River Water Conservancy District
- Box Elder County Mosquito Abatement District
- Box Elder School District

\_\_\_\_\_ Plat: One (1) 24 x 36 and one (1) 11 x 17 plat map of the area proposed to be annexed prepared by a licensed surveyor. This map must identify each parcel, labeled with the owners' name, the tax identification number, acreage, and the proposed zoning of the annexation area.

\_\_\_\_\_ A Mylar copy of the plat of the area to be annexed must be submitted prior to the final public hearing before the City Council and shall be prepared in ink by an Engineer or Land Surveyor licensed in the State of Utah. The Mylar plat shall be of such size and material as is acceptable for filing with the Box Elder County Recorder.

a. The title block of the Mylar must contain the following verbiage above the City Council's signature block: This is to certify that we the undersigned of the Willard City Council have adopted a resolution of its intent to Annex the tract of land shown herein and have subsequently adopted an ordinance annexing said tract into Willard City, Utah and that a copy of the ordinance has been prepared for filing herewith all in accordance with Utah Code Section 10-2-418 as revised and that we have examined and do hereby approve and accept the annexation of the tract as shown as part of Willard City and that said tract of land is to be known hereafter as the \_\_\_\_\_ annexation.

\_\_\_\_\_ An accurate Legal Description for the Complete Boundary of the proposed Annexation prepared by a licensed Surveyor.

\_\_\_\_\_ Application and processing fees, as specified in the current Willard City fee schedule.

\_\_\_\_\_ Affidavits of each Property Owner included in the annexation who is requesting that the City annex their property by resolution by a notary public for each.

\_\_\_\_\_ Completed Record of Petitioned Properties. In order to constitute a complete and viable Petition, the Record of Petitioned Properties must contain the signatures of property owners that make up at least:

- 50% of the land area included in the Petition for Annexation
- 33% of the property value, according to the County Assessor's Office valuations, of all properties included in the Petition for Annexation.

\_\_\_\_\_ Stamped and preaddressed envelopes for each owner of record of each parcel located entirely or partly within 300 feet from any boundary of the property in unincorporated Box Elder County or adjacent

municipalities, together with a mailing list for those owners. The names and addresses shall be as shown on the most recently available Box Elder County tax assessment rolls.

\_\_\_\_\_ Supporting materials, as applicable and requested

*I certify that this application and all information submitted as part of this application is true, complete, and accurate to the best of my knowledge. Should any of the information or representations submitted in connection with this application be inaccurate, I understand that Willard City may deny or rescind any approval, or take any other legal action at equity or law. I also acknowledge that I have reviewed the application sections of the Utah State Code and the items contained in this application are the basic and minimum requirements only and that other requirements may be imposed.*

  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Date







PART OF THE SE 1/4 OF SECTION 3, TOWNSHIP 7 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN  
 BOX ELDER COUNTY, UTAH - EXHIBIT DRAWING/CONCEPT PLAN

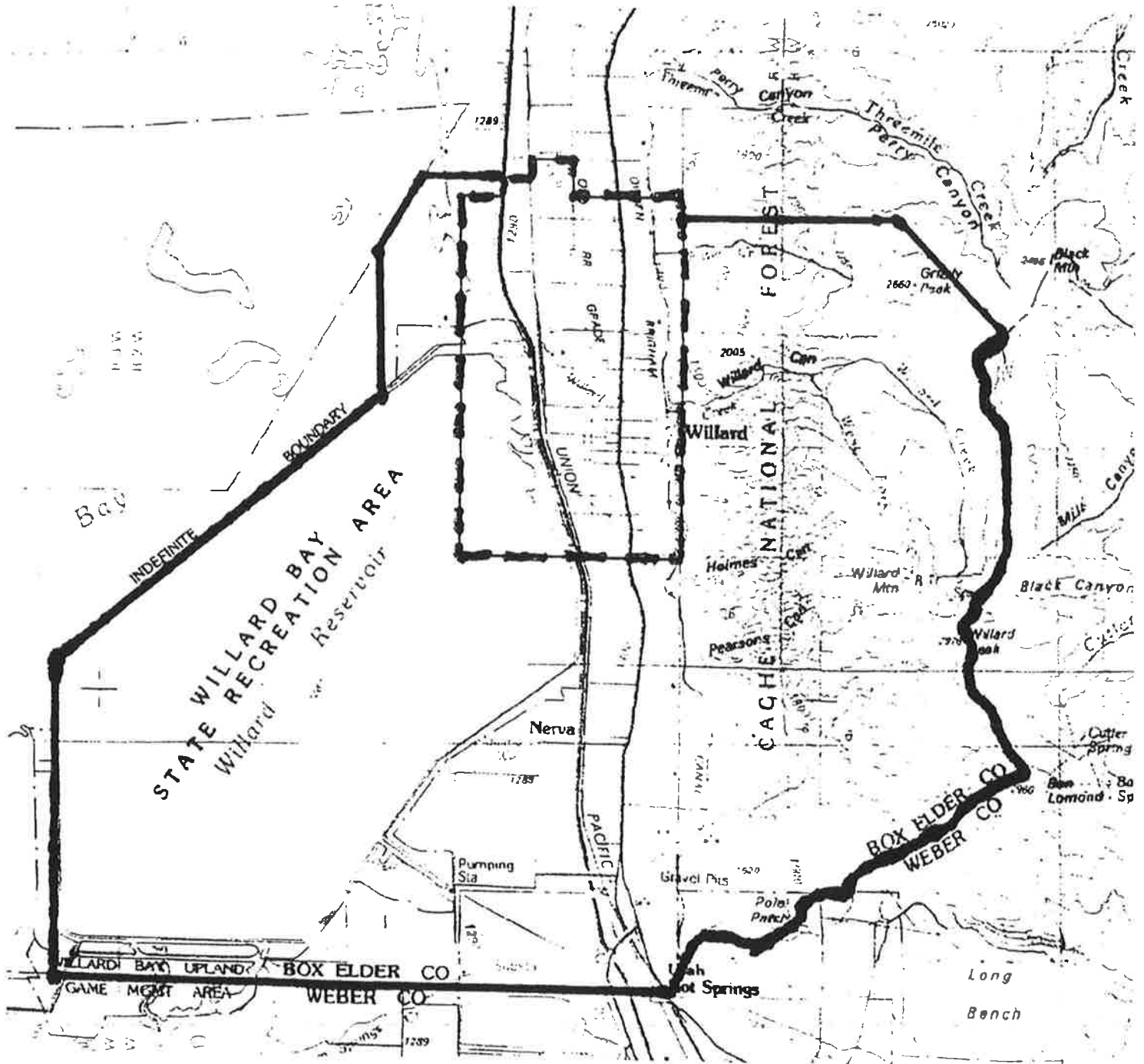


<b>CLIENT: Bob Davis</b>	
Part of SE 1/4 of Section 3, Township 7 North, Range 2 West, Salt Lake Base and Meridian	Concept Plan - Exhibit Drawing
DRAWN BY: [Name] CHECKED BY: [Name] DATE: [Date] PLOT: [Number]	[Blank space for notes or additional information]

NORTH ↑



# WILLARD CITY ANNEXATION POLICY PLAN EXPANSION AREA MAP



PRESENT CITY BOUNDARY = DASHED LINE  
EXPANSION AREA BOUNDARY = SOLID LINE

NOVEMBER 1, 2002





WILLARD CITY

**Subdivision Land Use Authority (SLUA) – Special Meeting**

January 18, 2024 – 2:00 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

49 to increase the size of Parcel 2 to five acres or rezone it R-1/2. The issue with Parcel 2 would have to be  
50 resolved before a building permit could be issued.

51  
52 There were not any comments from Payden Vine, Public Works; Chris Breinholt, City Engineer; Michelle  
53 Drago, Deputy Recorder; and Jeremy Kimpton, City Manager.

54  
55 Brett Hubbard asked if they could apply for an A-3 Zone. Bryce Wheelwright said they could request an A-3  
56 Zone, but the property was not contiguous to an A-3 Zone. It was contiguous to the R-1/2 Zone. The City's  
57 General Plan called for zoning to be contiguous to prevent spot zones.

58  
59 Brett Hubbard asked if Marc Anderson could build on the portion of Parcel 2 that was zone R-1/2 and leave  
60 the remainder zoned A-5. Bryce Wheelwright said they could, or they could rezone the entire parcel R-1/2.  
61 There was also the possibility that the new General Plan would blanket zone the entire city R-1/2.

62  
63 There was a discussion about zoning.

64  
65 Chris Breinholt explained that approval of the lot line adjustment did not mean approval for a building permit.  
66 Brett Hubbard understood Marc Anderson would have to resolve the zoning issue before a building permit  
67 could be issued.

68  
69 Van Mund stated that Marc Anderson might also have to run a water line or provide a fire hydrant depending  
70 on how far the home would be set back from the road.

71  
72 **Van Mund moved to recommend that the Planning Commission approve a lot line adjustment for**  
73 **Marc Anderson for property located at approximately 1094 South Main (Parcel Nos. 02-055-0010 and**  
74 **02-055-0011). Payden Vine seconded the motion. All voted "aye." The motion passed unanimously.**

75  
76 2B. **CONSIDERATION OF AN ANNEXATION AND A CONCEPT PLAN FOR DAVIS PARK**  
77 **SUBDIVISION LOCATED AT APPROXIMATELY 7700 SOUTH 1100 WEST (PARCEL NOS.**  
78 **01-041-0043 AND 01-041-0044)**

79  
80 Time Stamp – 10:48 01/18/2024

81  
82 Bryce Wheelwright stated that the City had received an annexation petition from Bob Davis for 45 acres  
83 located at approximately 7700 South 1100 West. Mr. Davis was proposing to divide his property into six  
84 agricultural parcels. One of the parcels would be an 11-acre park.

85  
86 Bob Davis stated that he had met with Willard Flood Control. Willard Flood Control was interested in helping  
87 to build the park. Mr. Davis felt the only impact his development would have on Willard City was emergency  
88 services, which it was already providing. The property would remain agricultural. There would be three lots  
89 for his children. The park would be a memorial park for the Davis name. He wanted to build a bowery in  
90 memory of his wife Ronda. He did not feel the property would be a burden to the City. The property had  
91 adequate water rights. The development would be on a private road, so road maintenance would not be  
92 required.

93  
94 Bryce Wheelwright asked who would maintain the road. Mr. Davis said they would maintain it. Only the  
95 park would need City maintenance. He felt there was plenty of water for a soccer field. Eleven acres would  
96 provide room for a dog park, a nature park, or a compost area until the park evolved.



WILLARD CITY  
**Subdivision Land Use Authority (SLUA) – Special Meeting**  
January 18, 2024 – 2:00 p.m.  
Willard City Hall – 80 West 50 South  
Willard, Utah 84340

97 Bob Davis stated that Box Elder County did not accept parks. His objective was a park in honor of his family  
98 name.  
99

100 Bryce Wheelwright asked about the total acreage. Bob Davis said there was about 45 acres. Eleven of  
101 those acres would be a park that would extend from 1100 West to 1500 West. There would be access from  
102 the east and west ends. He understood that Willard Flood Control had money to put toward the park.  
103

104 Bryce Wheelwright stated that he had spoken with Josh Braegger, chair of Willard Flood Control. According  
105 to Mr. Braegger, Willard Flood Control was interested in property west of the interstate in this area.  
106 However, they had not shot grades on the property to see if it would work.  
107

108 Bob Davis stated that Willard Flood Control already had a three-foot pipe running to his property. Everything  
109 flowed to the north and west from the corner of 7800 South where the pipe was located. From his  
110 perspective everything worked. Zac Burk, Jones & Associates, said Willard Flood Control had a 36-inch  
111 line in 7800 South.  
112

113 Bryce Wheelwright understood there was plenty of water for irrigation. What about culinary water? Bob  
114 Davis said he had water rights for about 200-acre feet of water. He also had about six artesian wells. He  
115 felt the wells could be a real draw for the park. When his water was tested, it was under 100 parts per  
116 million.  
117

118 Bryce Wheelwright said it sounded like Mr. Davis would have water rights he could turn over to the City.  
119 Mr. Davis said there would be water for the park. The lots would have to acquire domestic use permits for  
120 their own wells. Mr. Wheelwright said the City's ordinance required one-acre foot of water per lot. Mr. Davis  
121 was fine with that. He just did not feel it made sense to run a water line at this time.  
122

123 Zac Burk asked what benefit this property would be to Willard. Mr. Davis did propose to turn over some  
124 water rights to Willard, but each of the three lots would have their own well and septic systems. The road  
125 would be private. Box Elder County maintained 7800 South. Mr. Davis wanted to annex into Willard to  
126 create a park because Box Elder County would not accept it.  
127

128 Van Mund stated that right now Box Elder County required property owners to apply to the nearest  
129 municipality if they wanted to subdivide their property.  
130

131 Bryce Wheelwright asked about the size of the proposed lots. Mr. Davis said each parcel would have three  
132 acres so they could remain agricultural.  
133

134 Bob Davis said it boiled down to whether the park would be beneficial to Willard. Zac Burke asked if the  
135 City would maintain the park. Mr. Davis said it would. He did not want to maintain a soccer field.  
136

137 Chris Breinholt was concerned about access to the park. If this was going to be a public park, access should  
138 be from a public road, not a private one. Bob Davis said the park access would be from public roads on the  
139 east and west sides. He planned to shorten the private road shown on the concept plan. It would end at Lot  
140 3 rather than extending north into the park. Mr. Breinholt said the public roads – 1100 West and 1500 West  
141 – were both dirt roads. They would have to be improved before a park could be built. The City did not have  
142 culinary water or sewer services in the area.  
143



WILLARD CITY

**Subdivision Land Use Authority (SLUA) – Special Meeting**

January 18, 2024 – 2:00 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

144 Zac Burk stated that an 11-acre park maintained by Willard would need a restroom if there were plans for  
145 a soccer field. A bathroom on a septic tank would be a cost for the City.  
146

147 Mr. Davis felt Chris Breinholt and Zak Burk were making it sound like his proposal would not be good for  
148 Willard. Chris and Zac said they were just trying to point out the current conditions. Zac Burk said the  
149 proposed annexation and park had possibilities. Chris Breinholt said Mr. Davis's proposal was something  
150 that would be long term.  
151

152 Fire Chief Van Mund did not have any comments.  
153

154 Payden Vine, Public Works Director, felt that 11 acres would be a lot to maintain, especially a septic tank.  
155

156 Chris Breinholt felt Willard had to consider what was going to happen in the whole area if this was going to  
157 be a usable park.  
158

159 Jeremy Kimpton agreed with comments about access to the park. It was a little premature to make decisions  
160 about what the park would look like.  
161

162 Zac Burk said the park could start on one end and grow as the city grew and equipment became available.  
163

164 Bob Davis felt this area would end up in Willard if Willard annexed property to the east of him. If Willard did  
165 not annex that area, it did not make sense to annex his property. It would not benefit the City.  
166

167 Chris Breinholt asked if Mr. Davis had an expected completion date for the park. Mr. Davis said he did not.  
168 All he wanted was the name. Willard Flood Control had money to throw at it. He thought the park could be  
169 like Willard's Nature Park. Tree Utah could plant trees. Mr. Breinholt asked what was on the property right  
170 now. Mr. Davis said it was vacant. It was not being farmed.  
171

172 Michelle Drago asked what zone would be assigned to the annexation. Bob Davis requested that his  
173 property be zoned A-3.  
174

175 Bryce Wheelwright stated that if the Davis property was annexed into Willard, it could sit fallow for 10 to 20  
176 years.  
177

178 Chris Breinholt asked if the land would be donated to Willard City or Willard Flood Control. Mr. Davis said  
179 he would have to check with his tax consultant. He felt he would donate the land at the time of development.  
180 He felt Willard Flood Control was the key. Bryce Wheelwright asked if the park parcel be turned over to  
181 Willard City. Bob Davis said he was open to donating the land if it was designated as a park and named  
182 after his family.  
183

184 Bryce Wheelwright said this land was within the City's annexation policy declaration. The SLUA needed to  
185 decide what to recommend to the Planning Commission. Would this annexation benefit Willard in the long  
186 run?  
187

188 Zac Burk felt 11 acres donated to Willard would be a benefit. Paden Vine agreed, especially if the  
189 surrounding area developed. Chris Breinholt agreed it would provide facilities on the west side of the  
190 interstate. Jeremy Kimpton felt it was worth consideration. Zac Burk felt Willard Flood Control could benefit  
191 from 11 acres of donated land.



WILLARD CITY

**Subdivision Land Use Authority (SLUA) – Special Meeting**

January 18, 2024 – 2:00 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

192 Chris Breinholt moved to recommend that the Planning Commission consider the annexation  
193 petition from Bob Davis. Payden Vine seconded the motion. All voted “aye.” The motion passed  
194 unanimously.

195  
196 2C. CONSIDERATION OF A CONCEPT PLAN AND REZONE REQUEST FROM R1/2 TO MPC FROM  
197 HERITAGE LAND DEVELOPMENT FOR APPROXIMATELY 48.19 ACRES LOCATED AT  
198 APPROXIMATELY 300 SOUTH 300 WEST (PARCEL NOS. 02-051-0062, 02-051-0085, 02-051-  
199 0264, 02-051-0004, 02-054-0005, 02-054-0007, 02-054-0009, 02-054-0011, 02-054-0012, 02-054-  
200 0013)

201  
202 Time Stamp – 38:45 01/18/2024

203  
204 Bryce Wheelwright stated that Heritage Land Development had submitted a concept plan and rezone  
205 request for 48.19 acres located at approximately 300 South 300 West. They were asking that the property  
206 be rezoned from R-1/2 to Master Planned Community (MPC). Heritage Land had completed Phases 1 and  
207 2 of The Orchards Subdivision. Those phases were zoned R-1/2. Heritage Land wanted the balance of the  
208 development to have a higher density.

209  
210 Marshae Stokes, Heritage Land Development, stated that they would like the majority of the remaining  
211 property to be single family lots ranging in size from 10,000 to 14,000 square feet. There would be a few  
212 lots that were bigger than that. There would be a patio home section on the northeast corner where the lots  
213 would be around 8,000 square feet. There would be some common areas for detention. In the patio home  
214 area on 200 South there would be a common space for a park. A preliminary civil plan had been completed  
215 to make sure the sewer and water worked. She felt the proposed design worked well. The slightly smaller  
216 lots would provide a price range that would allow people to remain in the community. Heritage Land had  
217 been working with UTA to secure the right-of-way UTA wanted. The proposed drawing did take UTA's right-  
218 of-way into consideration.

219  
220 Bryce Wheelwright asked about lining up with 400 West coming from the Rod Braegger Subdivision to the  
221 north. Ms. Stokes said it would tie into 200 South. Garth Day had told her they would line up the roads when  
222 the elevations were shot.

223  
224 Marshae Stokes stated that they had plenty of water.

225  
226 Fire Chief Van Mund did not see any issues.

227  
228 Payden Vine, Public Works, asked if 200 South would be a private road. Chris Breinholt said it would be  
229 private until about 400 West. Bryce Wheelwright said the private roads would be part of the HOA's  
230 responsibility. The remaining streets would be public.

231  
232 Zac Burk stated there was a 24-inch flood control line. Chris Breinholt stated that the City had not received  
233 detailed utility drawings. Mr. Burk felt the flood control line might run through Lot 220 or 221. Mr. Breinholt  
234 said he had spoken with Heritage Land about the flood control line. Mr. Burk asked if the street plan had  
235 been laid out with the City's sewer line. Mr. Breinholt said it had.

236  
237 Chris Breinholt suggested that the concept plan delineate which roads would be public and which would be  
238 private before the plan was forwarded to the Planning Commission. Mr. Wheelwright felt that would be  
239 advantageous to the Planning Commission.





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

Application Date: 20 December 2023

Assessor's Parcel Number

Applicant: Marc Anderson

02-055-0010

Mailing Address  
1094 S Main Street  
Willard, UT 84340

Parcel Legal Description

Attached

Project Address  
1094 S Main Street  
Willard, UT 84340

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

Phone Number 916-270-7161

Conditional Use Permit \$25 Fee

Cell Phone 916-270-7161

Lot Line Adjustment \$25 Fee

Other Fee variable, \$25 Min.

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

Project description: (Attach additional sheets, as required.)  
Complete Applicant Affidavit on back of this page.

Lot line boundary adjustment

# APPLICANT'S AFFIDAVIT

STATE OF UTAH )  
 ) SS  
COUNTY OF BOX ELDER )

I, (we) Marc Anderson, being duly sworn, depose and say that I, (we) am (are) the owner(s)\*, or authorized agent(s) of the owner, of property located at 1094 S Main Street, Willard, UT 84340 in Willard City, which property is involved in the attached application and that the statements and answers therein contained and the information provided in the attached plans and other exhibits present thoroughly, to the best of my (our) ability, the argument in behalf of the application herewith requested and that the statements and information above referred to are in all respects true and correct to the best of my (our) knowledge and belief.

SIGNED [Signature]  
Property Owner(s)

AGENT \_\_\_\_\_

Subscribed and sworn before me this 20 day of December 20023



Morgan Chambers  
Notary Public

Residing in 97 S. Main St Brigham City, UT 84302  
My commission expires: May 23, 2027

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

## AGENT AUTHORIZATION

I, (we) \_\_\_\_\_, the owner(s) of real property described above, hereby appoint \_\_\_\_\_, as my (our) agent(s) to represent me (us) with regard to this application affecting the above described real property, and do authorize them to appear on my (our) behalf before any Willard City Boards considering this application.

SIGNED \_\_\_\_\_  
Property Owner(s)

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_\_\_\_

\_\_\_\_\_  
Notary Public  
Residing in \_\_\_\_\_  
My commission expires: \_\_\_\_\_



**Willard City**  
80 W 50 S | PO Box 593  
Willard, UT 84340  
(435) 734-9881  
willardcity@comcast.net

**XBP Confirmation Number: 161309646**

▶ Transaction detail for payment to Willard City.		Date: 12/20/2023 - 1:53:54 PM MT	
<b>Transaction Number: 209969732</b> <b>Visa — XXXX-XXXX-XXXX-3547</b> <b>Status: Successful</b>			

Account #	Item	Quantity	Item Amount
	Charges PC	1	\$25.00

Notes: Marc Anderson PC Hearing Application

**TOTAL: \$25.00**

**Billing Information**  
MARC L ANDERSON  
, 84340

**Transaction taken by:** Admin mbrown

\* corrective #

**EXHIBIT "A"**

02-055-0010 (part of)

Parcel 1: A PART OF THE NORTHEAST AND NORTHWEST QUARTERS OF SECTION 35, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN.

BEGINNING AT A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF TAMS ROAD LOCATED 1775.97 FEET SOUTH 00°37'09" WEST ALONG THE EAST LINE OF SAID SECTION AND 2227.48 FEET NORTH 89°22'51" WEST FROM THE NORTHEAST CORNER OF SAID SECTION 35;

RUNNING THENCE SOUTH 23°37'19" EAST (SOUTH 26°32' EAST BY RECORD) 80.07 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE; THENCE NORTH 87°38'41" WEST (NORTH 88°56' WEST BY RECORD) 764.83 FEET TO AN EXISTING FENCE LINE; THENCE NORTH 12°46'27" WEST 216.13 FEET ALONG SAID EXISTING FENCE LINE TO THE SOUTH LINE OF E&J INVESTMENTS LLC PROPERTY, TAX ID NO. 02-055-0055; THENCE SOUTH 87°33'04" EAST (SOUTH 89°05' EAST BY RECORD) 359.12 FEET TO THE SOUTHWEST CORNER OF SUMMERS VIEW SUBDIVISION, RECORDED AS ENTRY NO. 336686 IN THE BOX ELDER COUNTY RECORDER'S OFFICE; THENCE SOUTH 88°35'48" EAST (SOUTH 89°05' EAST BY RECORD) 241.09 FEET ALONG THE SOUTH LINE OF SAID SUBDIVISION; THENCE SOUTH 17°25'15" EAST 148.86 FEET; THENCE SOUTH 87°38'41" EAST 135.62 FEET EAST TO THE POINT OF BEGINNING. .

Situated in Box Elder County, State of Utah

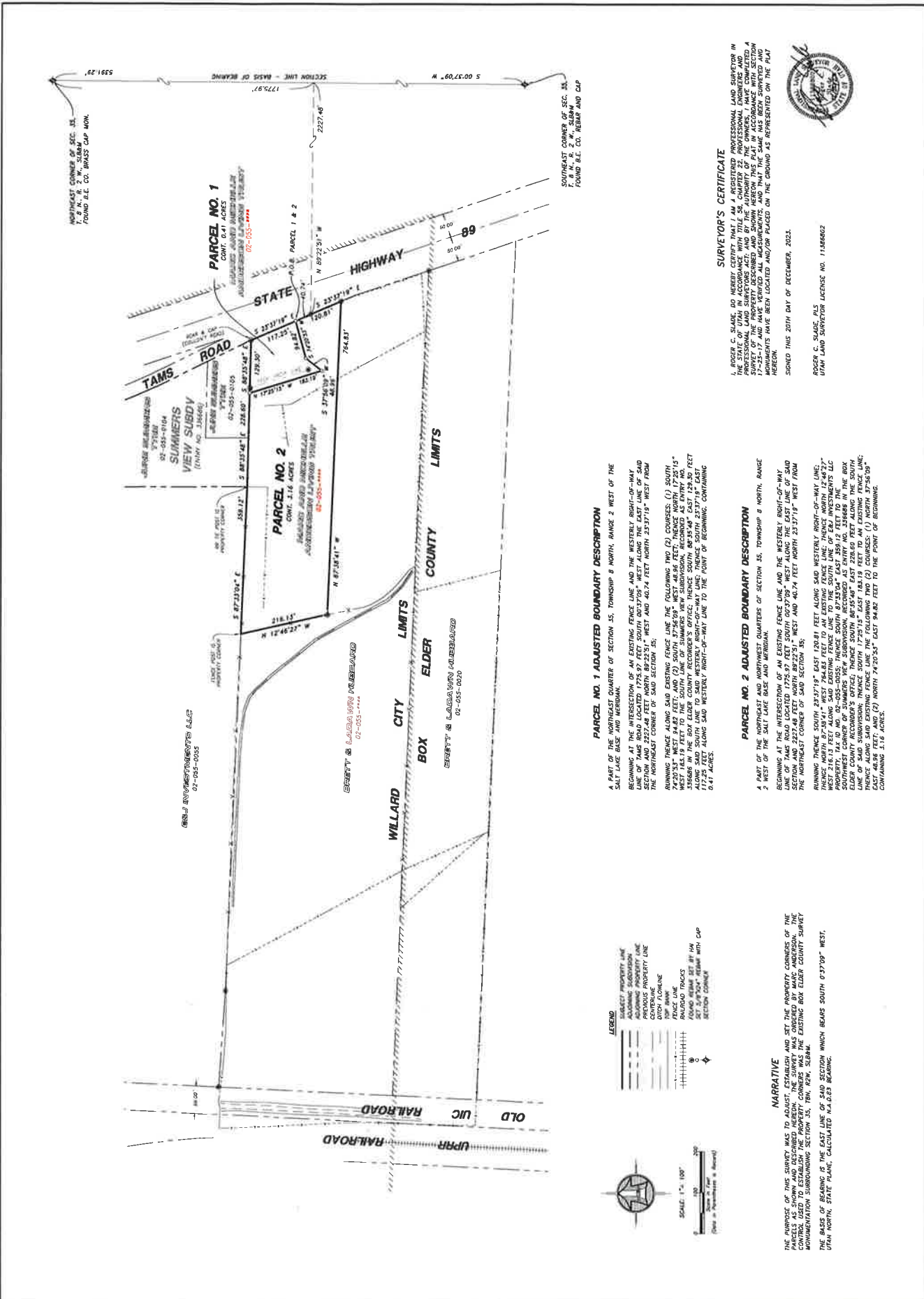
02-055-0011

Parcel 2: A PART OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN.

BEGINNING AT A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF TAMS ROAD LOCATED 1775.97 FEET SOUTH 00°37'09" WEST ALONG THE EAST LINE OF SAID SECTION AND 2227.48 FEET NORTH 89°22'51" WEST FROM THE NORTHEAST CORNER OF SAID SECTION 35;

RUNNING THENCE NORTH 87°38'41" WEST 135.62 FEET; THENCE NORTH 17°25'15" WEST 148.86 FEET TO THE SOUTH LINE OF SUMMERS VIEW SUBDIVISION, RECORDED AS ENTRY NO. 336686 IN THE BOX ELDER COUNTY RECORDER'S OFFICE; THENCE SOUTH 88°35'48" EAST (SOUTH 89°05' EAST BY RECORD) 116.81 FEET ALONG SAID SOUTH LINE TO SAID WESTERLY RIGHT-OF-WAY LINE; THENCE SOUTH 23°37'19" EAST 157.98 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

Situated in Box Elder County, State of Utah



**SURVEYOR'S CERTIFICATE**

I, ROGER C. SLADE, BEING A duly Licensed Professional Land Surveyor in the State of Utah in accordance with Title 54, Chapter 22, Professional Land Surveyors Act, and by the authority of the officers, I have completed a boundary adjustment survey of the parcels as shown and described hereon 17-23-17 and have verified all measurements, and that the same has been surveyed and monuments have been located and/or placed on the ground as represented on the plat hereon.

SIGNED THIS 20TH DAY OF DECEMBER, 2023.

ROGER C. SLADE, PLS  
 UTAH LAND SURVEYOR LICENSE NO. 1156802

**PARCEL NO. 1 ADJUSTED BOUNDARY DESCRIPTION**

A PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE BEGINNING AT THE INTERSECTION OF AN EXISTING FENCE LINE AND THE WESTERLY RIGHT-OF-WAY LINE OF TAMS ROAD LOCATED 675.67 FEET SOUTH 00°37'08" WEST ALONG THE EAST LINE OF SAID SECTION AND 2327.48 FEET NORTH 89°22'51" WEST AND 40.74 FEET NORTH 23°37'19" WEST FROM THE NORTHEAST CORNER OF SAID SECTION 35;

RUNNING THENCE ALONG SAID EXISTING FENCE LINE THE FOLLOWING TWO (2) COURSES: (1) SOUTH 15° WEST 183.19 FEET TO THE SOUTH LINE OF SUMMERS VIEW SUBDIVISION, RECORDED AS ENTRY NO. 35668 IN THE BOX ELDER COUNTY RECORDER'S OFFICE; THENCE SOUTH 88°55'48" EAST 129.30 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF TAMS ROAD; (2) SOUTH 87°13'41" EAST 17.25 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING, CONTAINING 0.41 ACRES.

**PARCEL NO. 2 ADJUSTED BOUNDARY DESCRIPTION**

A PART OF THE NORTHWEST QUARTERS OF SECTION 35, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE POINT OF BEGINNING AND THE WESTERLY RIGHT-OF-WAY LINE OF TAMS ROAD BEARING AND MEASURING;

SECTION 35, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE POINT OF BEGINNING, CONTAINING 1.16 ACRES.

**PARCEL NO. 1 ADJUSTED BOUNDARY DESCRIPTION**

A PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE BEGINNING AT THE INTERSECTION OF AN EXISTING FENCE LINE AND THE WESTERLY RIGHT-OF-WAY LINE OF TAMS ROAD LOCATED 675.67 FEET SOUTH 00°37'08" WEST ALONG THE EAST LINE OF SAID SECTION AND 2327.48 FEET NORTH 89°22'51" WEST AND 40.74 FEET NORTH 23°37'19" WEST FROM THE NORTHEAST CORNER OF SAID SECTION 35;

RUNNING THENCE SOUTH 23°37'19" EAST 120.81 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE; THENCE NORTH 87°30'41" WEST 784.87 FEET TO AN EXISTING FENCE LINE; THENCE NORTH 12°46'32" EAST 141.40 FEET TO CORNER OF PARCEL NO. 1; THENCE SOUTH 87°13'41" EAST 359.12 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 35; THENCE SOUTH 87°13'41" EAST 183.19 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF TAMS ROAD; (2) SOUTH 87°13'41" EAST 17.25 FEET TO AN EXISTING FENCE LINE; THENCE ALONG SAID EXISTING FENCE LINE THE FOLLOWING TWO (2) COURSES: (1) NORTH 37°56'09" EAST 183.19 FEET TO THE POINT OF BEGINNING, CONTAINING 1.16 ACRES.

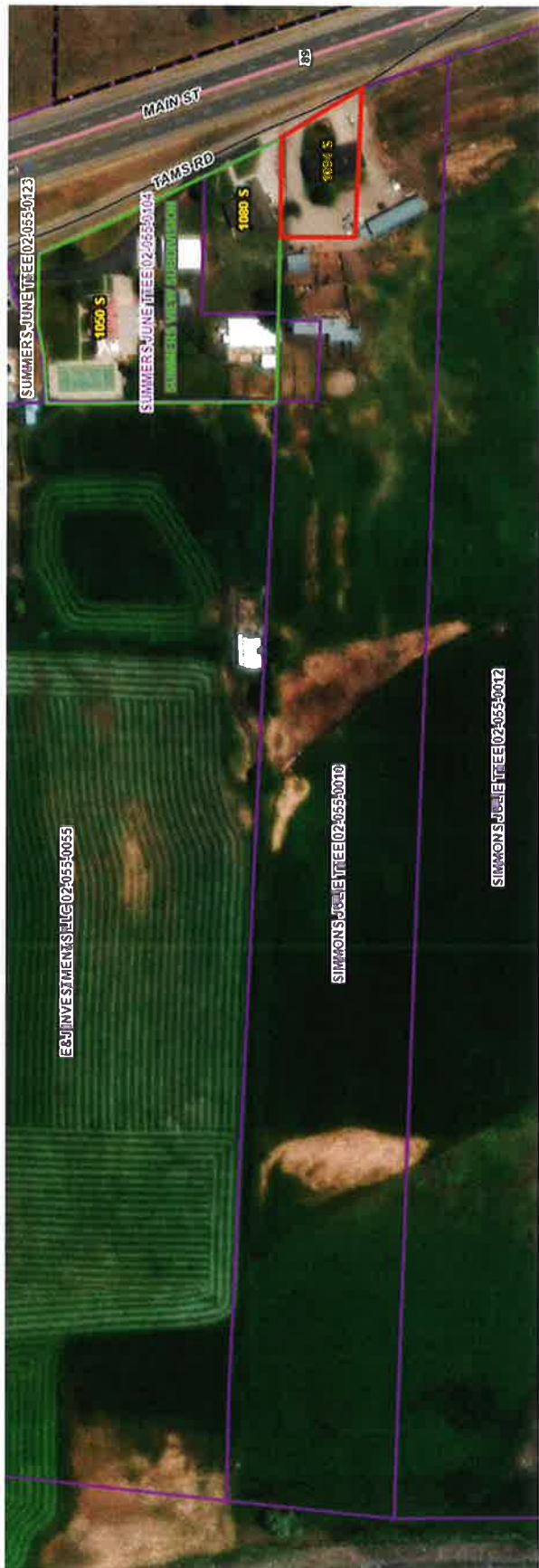
**PARCEL NO. 2 ADJUSTED BOUNDARY DESCRIPTION**

A PART OF THE NORTHWEST QUARTERS OF SECTION 35, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE POINT OF BEGINNING AND THE WESTERLY RIGHT-OF-WAY LINE OF TAMS ROAD BEARING AND MEASURING;

SECTION 35, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE POINT OF BEGINNING, CONTAINING 1.16 ACRES.



NORTH ↑





WILLARD CITY  
**Subdivision Land Use Authority (SLUA) – Special Meeting**  
January 18, 2024 – 2:00 p.m.  
Willard City Hall – 80 West 50 South  
Willard, Utah 84340

1 The meeting was a special meeting designated by resolution. Notice of the meeting was provided 24 hours  
2 in advance. A copy of the agenda was posted at the City Hall and on the State of Utah Public Meeting  
3 Notice Website.

4  
5 The following members were in attendance:

6  
7 Jeremy Kimpton, City Manager  
8 Bryce Wheelwright, City Planner  
9 Chris Breinholt, City Engineer  
10 Van Mund, Fire Chief  
11 Payden Vine, Public Works Director  
12 Michelle Drago, Deputy City Recorder

13  
14 Excused: Colt Mund, City Attorney

15  
16 Others in attendance: Zac Burk, Jones & Associates; Bob Davis; Brett Hubbard; Marshae Stokes; Larry  
17 Holmes; Doug Thompson; Virginia Thompson, Alex Owens, and Commissioner Diana Baker.

18  
19 1. CALL TO ORDER

20  
21 Bryce Wheelwright, City Planner, called the meeting to order at 2:11 p.m. The secretary recorded a roll call  
22 attendance.

23  
24 2A. CONSIDERATION OF A LOT LINE ADJUSTMENT FOR MARC ANDERSON FOR PROPERTY  
25 LOCATED AT APPROXIMATELY 1094 SOUTH MAIN STREET (PARCEL NOS. 02-05-0010  
26 AND 02-05-0011)

27  
28 Time Stamp – 048 01/18/2024

29  
30 Bryce Wheelwright, City Planner, stated that Marc Anderson had requested approval of a lot line adjustment  
31 for two parcels at 1094 South Main Street.

32  
33 Michelle Drago, Deputy City Recorder, stated that a lot line adjustment for these parcels was approved by  
34 the Planning Commission on September 7, 2023. How was this lot line adjustment different from the  
35 September adjustment?

36  
37 Brett Hubbard, South Willard, stated that his father had passed away. His sister and brother-in-law had  
38 purchased the home and property. They were making another adjustment to allow for a home to be built  
39 on Parcel 2, which was behind the existing home on Parcel 1. The adjustment added frontage to Parcel 2,  
40 so that it complied with the 100-foot lot width requirement.

41  
42 Bryce Wheelwright stated that Parcel 2 would not be a flag lot, because it would be 120.81 feet wide. He  
43 asked about the size of the parcels. Brett Hubbard said Parcel 1 was 0.41 acres; Parcel 2 was 3.16 acres.  
44 The configuration of Parcel 1 had changed, but its size had not.

45  
46 Bryce Wheelwright stated that zoning might be an issue. Parcel 1 was zoned R-1/2. The zoning for Parcel  
47 2 was split. The front portion was zoned R-1/2; the remainder was zoned A-5. Marc Anderson would have  
48



WILLARD CITY  
**Subdivision Land Use Authority (SLUA) – Special Meeting**  
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Willard, Utah 84340

49 to increase the size of Parcel 2 to five acres or rezone it R-1/2. The issue with Parcel 2 would have to be  
50 resolved before a building permit could be issued.

51  
52 There were not any comments from Payden Vine, Public Works; Chris Breinholt, City Engineer; Michelle  
53 Drago, Deputy Recorder; and Jeremy Kimpton, City Manager.

54  
55 Brett Hubbard asked if they could apply for an A-3 Zone. Bryce Wheelwright said they could request an A-3  
56 Zone, but the property was not contiguous to an A-3 Zone. It was contiguous to the R-1/2 Zone. The City's  
57 General Plan called for zoning to be contiguous to prevent spot zones.

58  
59 Brett Hubbard asked if Marc Anderson could build on the portion of Parcel 2 that was zone R-1/2 and leave  
60 the remainder zoned A-5. Bryce Wheelwright said they could, or they could rezone the entire parcel R-1/2.  
61 There was also the possibility that the new General Plan would blanket zone the entire city R-1/2.

62  
63 There was a discussion about zoning.

64  
65 Chris Breinholt explained that approval of the lot line adjustment did not mean approval for a building permit.  
66 Brett Hubbard understood Marc Anderson would have to resolve the zoning issue before a building permit  
67 could be issued.

68  
69 Van Mund stated that Marc Anderson might also have to run a water line or provide a fire hydrant depending  
70 on how far the home would be set back from the road.

71  
72 **Van Mund moved to recommend that the Planning Commission approve a lot line adjustment for**  
73 **Marc Anderson for property located at approximately 1094 South Main (Parcel Nos. 02-055-0010 and**  
74 **02-055-0011). Payden Vine seconded the motion. All voted "aye." The motion passed unanimously.**

75  
76 2B. CONSIDERATION OF AN ANNEXATION AND A CONCEPT PLAN FOR DAVIS PARK  
77 SUBDIVISION LOCATED AT APPROXIMATELY 7700 SOUTH 1100 WEST (PARCEL NOS.  
78 01-041-0043 AND 01-041-0044)

79  
80 Time Stamp – 10:48 01/18/2024

81  
82 Bryce Wheelwright stated that the City had received an annexation petition from Bob Davis for 45 acres  
83 located at approximately 7700 South 1100 West. Mr. Davis was proposing to divide his property into six  
84 agricultural parcels. One of the parcels would be an 11-acre park.

85  
86 Bob Davis stated that he had met with Willard Flood Control. Willard Flood Control was interested in helping  
87 to build the park. Mr. Davis felt the only impact his development would have on Willard City was emergency  
88 services, which it was already providing. The property would remain agricultural. There would be three lots  
89 for his children. The park would be a memorial park for the Davis name. He wanted to build a bowery in  
90 memory of his wife Ronda. He did not feel the property would be a burden to the City. The property had  
91 adequate water rights. The development would be on a private road, so road maintenance would not be  
92 required.

93  
94 Bryce Wheelwright asked who would maintain the road. Mr. Davis said they would maintain it. Only the  
95 park would need City maintenance. He felt there was plenty of water for a soccer field. Eleven acres would  
96 provide room for a dog park, a nature park, or a compost area until the park evolved.



# WILLARD CITY PLANNING COMMISSION SUBDIVISION APPLICATION

Application Date \_\_\_\_\_

Proposed Subdivision Data

Subdivision Name

Applicant \_\_\_\_\_

Marion Stokes Subdivision

Doug Thompson

Application Level (Check One)

Mailing Address \_\_\_\_\_

Sketch Plan

4075 W 5600 N

1/11/24  
Date

Approval

Brigham City UT 84302

Preliminary Plat\*

\*(Not required for In-fill Subdivisions)

Project Address \_\_\_\_\_

1395 N Main

Date

Approval

Willard UT 84340

Final Plat

Email Address Colleen.gardner@hotmail.com

Phone Number 435-279-5150

Date

Approval

Cell Phone (435-720-2974)  
Doug

Assessor Parcel Number 02-040-0004

Fax Number \_\_\_\_\_

Number of lots 1

FEES MUST ACCOMPANY APPLICATION SUBMISSION AT EACH LEVEL.

FEE COMPUTATION

	Administrative	Engineering	Attorney	TOTAL
Sketch Plan	\$50 + \$2/Acre	Billed to the Developer		
Preliminary Plat	\$50 + \$15/Lot	Billed to the Developer	\$100 + \$10/Lot	
		Billed to the Developer	\$50 + \$5/Lot	

Division may be sold or offered for sale until the council.

VISION APPLICATION.DOCX

Form SD-1 Rev. 01/11/05

**WILLARD CITY CORPORATION**  
 80 W 50 S  
 PO Box 593  
 Willard UT 84340  
 Receipt No: 1-019048  
 435-734-9881  
 Jan 11, 2024  
 Doug Thompson Subdivision Application  
 Fines and Forfeitures  
 Sundry Revenues  
 Total: 50.00  
 Check No: 8682  
 Total Applied: 50.00  
 Change Tendered: .00  
 Duplicate Copy  
 01/11/2024 1:48 PM



APPLICANT'S AFFIDAVIT

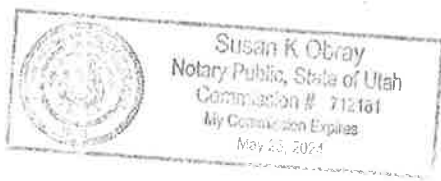
STATE OF UTAH )  
 ) SS  
COUNTY OF BOX ELDER )

I, (we) Douglas Thompson, being duly sworn, depose and say that I, (we) am (are) the owner(s)\*, or authorized agent(s) of the owner, of property located at 1395 N main in Willard City, which property is involved in the attached application and that the statements and answers therein contained and the information provided in the attached plans and other exhibits present thoroughly, to the best of my (our) ability, the argument in behalf of the application herewith requested and that the statements and information above referred to are in all respects true and correct to the best of my (our) knowledge and belief.

SIGNED \_\_\_\_\_

AGENT Douglas B. Thompson Property Owner(s)

Subscribed and sworn before me this 11 day of January 2024



Susan K. O'Bray  
Notary Public

Residing in Far West Ut  
My commission expires: May 23, 2024

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

**AGENT AUTHORIZATION**

I, (we) \_\_\_\_\_, the owner(s) of real property described above, hereby appoint \_\_\_\_\_, as my (our) agent(s) to represent me (us) with regard to this application affecting the above described real property, and do authorize them to appear on my (our) behalf before any Willard City Boards considering this application.

SIGNED \_\_\_\_\_  
Property Owner(s)

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Residing in \_\_\_\_\_  
My commission expires: \_\_\_\_\_



NORTH ↑





WILLARD CITY

**Subdivision Land Use Authority (SLUA) – Special Meeting**

January 18, 2024 – 2:00 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

240 Chris Breinholt said he had seen this concept plan many times. His previous concerns had been addressed,  
241 although he reserved the right to tweak the road design at the south end of 500 West.  
242

243 Zac Burk asked if the wells had been capped. Marshae Stokes said they had been capping the wells as  
244 development progressed. Until development occurred, Randy Lemon was still farming the land and using  
245 the wells. Bryce Wheelwright said there had been discussion about using the wells for a private irrigation  
246 system. Ms. Stokes was aware that had been discussed. A final decision had not been made.  
247

248 Michelle Drago asked when Heritage Land and Willard City would enter into a development agreement.  
249 Bryce Wheelwright said approval of the MPC Zone would start the development agreement process. Ms.  
250 Stokes said they had a draft development agreement. Mr. Wheelwright thought the City Attorney had  
251 reviewed the draft agreement.  
252

253 Bryce Wheelwright felt the proposed concept plan and rezone were ready to be forwarded to the Planning  
254 Commission. He asked if the SLUA felt the plan and rezone complied with City ordinances.  
255

256 **Chris Breinholt moved to forward the concept plan and rezone request from Heritage Land**  
257 **Development to the Planning Commission with a recommendation of approval. Zac Burk seconded**  
258 **the motion. All voted “aye.” The motion passed unanimously.**  
259

260 2D. **CONSIDERATION OF A CONCEPT PLAN FOR THE MARION STOKES SUBDIVISION**  
261 **LOCATED AT APPROXIMATELY 1395 NORTH MAIN (PARCEL NO. 02-040-0004)**  
262

263 Time Stamp 51:38 01/18/2024  
264

265 Bryce Wheelwright stated that Marion Stokes had lived in the home at 1395 North Main. She passed away  
266 almost a year ago, and her family needed to divide the land so the home could be sold.  
267

268 Larry Holmes, 1561 Hargis Hill, stated that they were originally going to sell the home with one acre of  
269 ground. However, they discovered there was more acreage between the highway and 200 West than they  
270 thought. The family that submitted the offer for the home had agreed to purchase additional land. The house  
271 would now sell with 3.49 acres. Another buyer was going to purchase the remaining nine acres.  
272

273 Michelle Drago stated that the preliminary plan would have to be revised to reflect the change in lot size.  
274 Mr. Wheelwright agreed. The plan which had been submitted was no longer correct. It would have to be  
275 updated.  
276

277 Larry Holmes did not feel this was a subdivision. Bryce Wheelwright said if a parcel was divided into two  
278 parcels, it was a subdivision by definition. Mr. Holmes felt the City had already divided the property by  
279 building 200 West.  
280

281 Michelle Drago stated that the front portion of the property was zoned R-1/2. The proposed lot met the  
282 requirements of the R-1/2 Zone. If they were just making the lot bigger, she felt the SLUA could forward a  
283 recommendation to the Planning Commission subject to submission of a revised preliminary plan.  
284

285 Zac Burk asked if the remainder parcel was subject to zoning regulations. Michelle Drago said the  
286 remainder parcel was zoned A-5 and had more than five acres. It had frontage on 200 West.



WILLARD CITY  
**Subdivision Land Use Authority (SLUA) – Special Meeting**  
January 18, 2024 – 2:00 p.m.  
Willard City Hall – 80 West 50 South  
Willard, Utah 84340

287 Chris Breinholt stated that a new building lot was not being created. The division would create a remainder  
288 parcel. He did not see a problem.

289  
290 There were not any comments from Van Mund, Payden Vine, or Jeremy Kimpton.

291  
292 **Michelle Drago moved to forward the preliminary/concept plan to the Planning Commission with a**  
293 **recommendation of approval subject to a revised plan being submitted prior to the Planning**  
294 **Commission meeting. Payden Vine seconded the motion. All voted “aye.” The motion passed**  
295 **unanimously.**

296  
297 2E. CONSIDERATION OF A CONCEPT PLAN AND REZONE REQUEST FROM A-3 AND A-5 TO  
298 R1/2 FROM LYNC CONSTRUCTION FOR APPROXIMATELY 3700 SOUTH 1200 WEST (AKA  
299 200 WEST) (PARCEL NOS. 02-035-0061, 02-035-0063, 02-035-0075, AND 02-035-0079)

300  
301 Time Stamp: 1:01:12 01/18/2024

302  
303 Bryce Wheelwright stated that Lync Construction had submitted a rezone request for 37.22 acres located  
304 at approximately 3700 South 1200 West from A-3 and A-5 to R-1/2.

305  
306 There was a discussion about the address of the lot and the street name. Van Mund asked if the proposed  
307 development would have Perry addresses. Bryce Wheelwright said the addressing would have to be  
308 changed. Van Mund said Willard Police and Fire would respond, not Perry.

309  
310 Bryce Wheelwright asked how many lots were proposed. Alex Owens, Lync Construction, said their current  
311 concept plan contained 46 lots. Mr. Wheelwright asked if all the lots were half-acre. Mr. Owens said they  
312 were. Mr. Wheelwright liked the proposed concept plan. He felt it was a good fit for Willard.

313  
314 Zac Burk asked about Parcel A and Lot 1. Alex Owens said Lync Construction did not own Lot 1. He wasn't  
315 sure why it had been included in the concept plan. Parcel A had been set aside to do a land swap with  
316 Chad Braegger. The land swap had not been finalized.

317  
318 Bryce Wheelwright asked if Chad Braegger's property was included in the rezone request. Mr. Owens said  
319 it was. Michelle Drago stated that Chad Braegger had not signed the petition. If he wanted to be included  
320 in the rezone, he needed to sign the petition. Mr. Owens said Chad Braegger had been part of the MPC  
321 rezone request. Lync Construction needed to have him sign the latest petition.

322  
323 Fire Chief Mund said his only concern was addressing. The lots needed to have Willard addresses.

324  
325 Chris Breinholt stated that gravity sewer would not work on this property. The development would need  
326 some type of sewer pumping system. Details regarding the pumping system had not been nailed down,  
327 which wasn't necessary for a rezone. The requested rezone was not consistent with the 2017 Future Land  
328 Use Map nor was it consistent with any surrounding zone.

329  
330 Bryce Wheelwright stated that the property was currently zoned A-5. The Future Land Use Map designated  
331 it as A-3 and A-5.

332







WILLARD CITY  
**Planning Commission Meeting** – Regular Meeting  
Thursday, December 7, 2023 – 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  
8 Diana Baker  
9 Chandler Bingham  
10 Alex Dubovik  
11 Blake Harrop  
12 Zack Hulsey  
13  
14 Chris Davis, City Manager  
15 Colt Mund, City Attorney  
16 Bryce Wheelwright, City Planner  
17 Chris Breinholt, attended electronically via Zoom  
18 Maddie Brown, Secretary

19 Excused: Michelle Drago

20 Others in attendance: Chad Braegger; Brian Gilbert; Jeff Wells; Laura Wells; Doug Thompson; Virginia  
21 Thompson; Shannon Andersen; Rose Kenny; Brandon Jacobson; Steffanie Jacobson; Larry Holmes;  
22 Daniel Warr; Rew Wiley; Doug Younger; Burt Miller; Kari Miller; Jo Baird; Samantha Shupe; Ken Ormond;  
23 Ruth Ormond; Michael Zurn; Crystal Beck; Dorothy Call; Brinton Neff; Brian Bayless, Nilson Homes; Steve  
24 Anderson, Nilson Homes; and Jay Thackery.

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

- 26 1. PRAYER: Zack Hulsey  
27 2. PLEDGE OF ALLEGIANCE: Diana Baker  
28 3. GENERAL PUBLIC COMMENTS

29 There were no comments.

- 30 4. CITY COUNCIL REPORT

31 There wasn't one.

- 32 5A. PUBLIC HEARING TO RECEIVE PUBLIC INPUT REGARDING THE APPROVAL OF A PUD  
33 DEVELOPMENT AGREEMENT FOR THE KUNZLER PROPERTY LOCATED AT  
34 APPROXIMATELY 1550 NORTH HARGIS HILL ROAD (PARCEL NOS. 02-035-0046, 02-038-  
35 0072, 02-038-0073, 02-040-0210, 02-043-0013, 02-043-0048, 02-043-0049, 02-043-0050)  
36 (CONTINUED FROM 2016 AND 2019)

37 Time Stamp: 03:39 12/07/2023

38 Chairman Bodily read Willard City's Rules of Order Statement.

39 Bryce Wheelwright, City Planner, stated that the Planning Commission was familiar with the location of the  
40 Kunzler property, which was zoned PUD (Planned Unit Development) long before the City adopted the  
41 MPC Ordinance. The project was originally started by a developer named Ericson. Nilson Homes got  
42



WILLARD CITY

**Planning Commission Meeting** – Regular Meeting

Thursday, December 7, 2023 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

49 involved after the project received approval. Mr. Wheelwright stated that the concept plan was approved in  
50 2019. Willard had been working with Nilson Homes on the development agreement since then. The  
51 development agreement was now ready for City approval.  
52

53 Chris Davis stated that the City's engineer, Chris Breinholt from Jones & Associates, was attending the  
54 meeting electronically. He was available to answer any questions from the Planning Commission.  
55

56 Brian Bayless, Nilson Homes, stated that the concept plan was approved in 2019. They had been working  
57 on this project with the Kunzler family for about 2 ½ years. The unit count, the mix between single-family  
58 and multi-family, open space, and road network were previously approved by the Planning Commission  
59 and the City Council. The concept plan contained 76 single-family homes and 170 townhomes: for a total  
60 of 246 dwelling units. Forty-seven percent (47%) of the project would be dedicated as open space. Tonight,  
61 they wanted to talk about the nuts and bolts of how the project would happen.  
62

63 Mr. Bayless said that one of the project's challenges had been the City's existing water infrastructure. There  
64 were problems with fire flow and public safety. Hargis Hill could not achieve the required 1,000 gallons per  
65 minute to fight a fire. The City wanted to provide better water infrastructure. The challenge was building  
66 transmission lines between two different sites: an existing site and a newly proposed one. Another big  
67 challenge was the \$1 million dollar grant Willard had been working on to upgrade the City's water  
68 infrastructure, which was now in place. Nilson Homes felt ready to move forward on the project.  
69

70 Mr. Bayless said Nilson Homes felt this project would be a great addition to the community. He realized the  
71 density might not be the norm for Willard City. However, most of the homes they built on lots of this size or  
72 smaller, so they felt comfortable and confident and were excited to get going. This project had been a long  
73 time in the making.  
74

75 Chairman Bodily read a written comment submitted by Brad Sweet from Granite Construction regarding the  
76 PUD agreement that allegedly planned to use water from two water thanks on Granite Construction  
77 property. There was presently no agreement between Granite Construction and Willard City for use of  
78 Granite's property for such a purpose.  
79

80 Chairman Bodily opened the floor for public comments at approximately 6:41 p.m.  
81

82 Doug Thompson, 1370 North Main, stated that for more than 35 years he had owned property at the bottom  
83 of the lane known as 1550 North, which used to be a county road. He felt the lane met the prescriptive State  
84 requirements to be a road. It had been there for over 60 years. He was concerned about how the  
85 development would affect 1550 North. It was how he accessed his property, and he wanted to make sure  
86 it would remain. How could they do away with a public road?  
87

88 Brian Bayless stated that there was an existing road from 200 West that headed down to Doug's property.  
89 Their proposal included a road that would run east and west across the entire project, which would replace  
90 1550 North, with the exception of the road adjacent to Larry Holmes' property. For the portion of the road  
91 along Larry's property, they had agreed to move the existing fence line 10 feet north in keeping with the  
92 deed. He would continue to have access from there. They would coordinate with Mr. Holmes to keep the  
93 road built so he could access his property. On the west side of Mr. Holmes' property there would be a public  
94 access that would be built and turned over to him. The 10 feet of the road on their property would remain  
95 as an easement that Mr. Holmes could access.



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96 Doug Thompson said his concern was access from 200 West through the proposed open space to his  
97 property. Brian Bayless stated that the east/west road from Hargis Hill to 200 West would be constructed  
98 in the first phase. Access from 200 West through the open space would continue to be available. The  
99 easement east of 200 West would remain open until the road in Phase 1 was finished. The easement on  
100 the open space was a recorded easement, which would remain. They couldn't touch it. They planned to  
101 place a trail next to the easement.  
102

103 Larry Holmes, 1561 Hargis Hill, stated that he had deeds for the lane dated 1904. The easement had been  
104 used by all the property owners for over 100 years and extended west across the railroad tracks. The lane  
105 was there before the Kunzler's purchased the property. He had been working with Nilson Homes, and they  
106 had worked out a pretty good agreement for the area east of 200 West. The lane west of 200 West needed  
107 to be added to the concept plan. That lane was there so surrounding property owners could get to their  
108 properties. Mr. Holmes stated that he purchased his property in 1975. In 1975, the City's road plan included  
109 1550 North. It was still there in 2018. When was it removed from the City zoning maps? He didn't have any  
110 qualms about the development, but wondered how a planned road could disappear. If this was a public  
111 right-of-way, how could it be taken away?  
112

113 Chairman Bodily stated that 1550 North was shown on the City's master road plan. It just wasn't labeled.  
114

115 Commissioner Hulseley stated that the access was still there, it had just been moved slightly.  
116

117 There was further discussion about 1550 North.  
118

119 Brian Bayless stated that they were not touching the 100-year access on Mr. Holmer's property. The portion  
120 of the easement that was on their property belonged to them. They planned to preserve the access that Mr.  
121 Holmes historically had. The research done by their title company indicated that there was an existing  
122 easement, but it had never been dedicated as a road. At this point, the easement was prescriptive. Nobody  
123 owned it. The State didn't own it, the City didn't own it, and neither did Box Elder County. It was owned by  
124 Larry Holmes and themselves; ten feet on either side of the fence line. The road on the west side of 200  
125 West would stay exactly the same. The property owners that had always had access to their properties via  
126 the 1550 North easement would continue to have access.  
127

128 Chad Braegger, 3790 South 1200 West, stated that Doug Thompson, Fred Barker, and others used the  
129 lane on the west side of 200 West that had been in existence for 125 years. He felt it needed to be included  
130 in the development so farmers could continue to use it. He wasn't sure Nilson Homes actually owned all of  
131 the property being discussed. He understood they had only purchased Phase One.  
132

133 Commissioner Hulseley asked if the concept plan being discussed had already been approved. Bryce  
134 Wheelwright stated that the Planning Commission had approved the basic concept, but he felt things could  
135 be changed.  
136

137 Jay Thackery, 1562 Hargis Hill Road, was concerned about a development agreement for the whole  
138 development when Nilson Homes only owned the land for Phase One. They didn't own the land for Phase  
139 Two, Three, or Four. He didn't want to see this project end up like Granite Ridge where a developer started  
140 the project with a development agreement and then walked away leaving muddy water between new  
141 owners and agreements. He hoped all the Commissioners had read the agreement and understood what  
142 they were voting for and not just taking a lawyer's advice. He wanted to see the agreement upheld for  
143 whoever finished the development.



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144 Ken Ormond, 150 North Main, asked who would own and maintain the open space. What was its future  
145 use? Colt Mund, City Attorney, said the townhome open area would be managed by the homeowners'  
146 association. The open space would be dedicated to the City and would become a public park if the school  
147 district did not use it.

148  
149 Commissioner Hulsey said the development agreement said the open space would be the City's  
150 responsibility. Chris Davis said the City's acceptance of the open space was based on the adoption of a  
151 park impact fee.

152  
153 Commissioner Baker asked if the Box Elder County School District planned to build a school. What would  
154 happen to the access road west of 200 West if a school was constructed? Brian Bayless said he reached  
155 out to the school district over six months ago. They had expressed interest in this property in the past. He  
156 could not make any commitments to them until the development agreement with the City was finalized. If  
157 the school district wasn't interested in the property, they would move forward with a park. If a school was  
158 built, the access road would have to be re-routed. It was a dirt road. It would be simple to relocate. If the  
159 school district acquired the property, the purchase would be subject to the access easement. They would  
160 have to work something out with the property owners.

161  
162 Crystal Beck, 1561 Hargis Hill, asked why Nilson Homes didn't need Doug Thompson's permission to move  
163 the access easement between Hargis Hill Road and 200 West. Why wasn't Larry Holmes' permission  
164 needed to move the easement east of 200 West. Brian Bayless said Nilson Holmes had been talking with  
165 Mr. Holmes.

166  
167 Crystal Beck stated that the Willard Police Department was already short-staffed and under manned. Who  
168 would fund the additional staff that would be needed to provide police services for an additional 74 units?  
169 Chairman Bodily said that would be the City's responsibility. If the City allowed the development, it would  
170 have to step up to provide the necessary services.

171  
172 Doug Thompson asked how Nilson Homes could enter into a development agreement for land they didn't  
173 own. What if something fell through? They just said the access to his property wouldn't change, and then  
174 they started talking about a school that would change it. The access road had been established for over  
175 100 years. Why couldn't it stay there? If Nilson Homes didn't own the property, how could they promise it  
176 would be open space? Would the City end up being responsible? He felt there were a lot of unanswered  
177 questions.

178  
179 Colt Mund stated that Nilson Homes had assumed the financial and legal obligation to complete this  
180 development in accordance with the concept plan that was approved in 2019 and the development  
181 agreement. If Nilson Homes defaulted, the development agreement would be enforceable by the City.

182  
183 Commissioner Hulsey asked what would happen if Nilson Homes was unable to come up with the proposed  
184 open space. Mr. Mund said they would be in breach of the contract and subject to the legal remedies the  
185 City had available.

186  
187 Jay Thackery asked if the development had been reviewed by Willard Flood Control. Bryce Wheelwright  
188 said it was reviewed by Willard Flood Control in 2019 when the concept plan was considered.

189





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190 Chris Davis stated that Nilson Homes was working on a project that would involve the Flood Control District,  
191 the City, and some of the property owners on Hargis Hill Road to put a detention bason on property they  
192 owned.  
193

194 Brian Bayless stated that Nilson Homes owned Phase 1. The Kunzler Family owned, and would continue  
195 to own for some time, the remaining phases of the project. The development agreement was an agreement  
196 for the entire property, whether it was owned by Nilson Homes or not. That was a protection the City had  
197 required because they didn't want a developer to leave and not know what would happen with the remainder  
198 of the property. Obligations approved in the development agreement would run with the property, no matter  
199 who owned it. Nilson Homes was committing for the portion they owned. The Kunzler's were committing for  
200 the remainder of the property. Both parties would sign the agreement. All of the property would be  
201 encumbered.  
202

203 Commissioner Harrop asked how Nilson Homes could commit the property west of 200 Wes to open space  
204 when they didn't own it. A future owner might not want to use it as open space. Mr. Bayless said the  
205 development agreement would be enforceable.  
206

207 Brian Bayless understood Mr. Thompson's concern regarding access. Before they purchased the property,  
208 they studied it extensively to understand where the easements were. If the school district acquired the  
209 property, they would do their due diligence. They would see the existing access easement. They would  
210 either plan around it, or they would approach Mr. Thompson to work out a new access. The access could  
211 not be taken away. It was a right that property had.  
212

213 Dan Warr, 1710 Hargis Hill, stated that this development was happening on the south end of Hargis Hill.  
214 There was also a development happening in Perry on the north end. There would be an increase in traffic  
215 on Hargis Hill Road, which was a very narrow road. Were there any plans to improve Hargis Hill Road?  
216

217 Verl Hunsaker, 1420 North Main, stated that if they were traveling south, they could not use the center lane  
218 to turn into their property. He asked if there were any plans to solve that problem. Chairman Bodily stated  
219 that UDOT planned to rebuild Highway 89 from the KOA road in Perry to the Weber County line.  
220

221 Doug Thompson asked if the property west of 200 West was going to stay the same. Mr. Bayless said it  
222 was going to stay the same. If the school district acquired the property, they would contact Mr. Thompson  
223 try and work something out.  
224

225 Brian Bayless said the access was not a public right-of-way. It was a recorded easement. Mr. Thompson  
226 asked about the state law that said as easement became a public access road if it had been there for more  
227 than ten years. Mr. Bayless said the easement was still there. Mr. Thompson asked how it could be taken  
228 away. Mr. Bayless said it wouldn't be taken away, If a new property owner wanted to change the access  
229 easement, he would have to contact those that used the easement to change it.  
230

231 Doug Thompson asked if this was a public access or not. Colt Mund stated that the City Engineer had  
232 researched the access. It was not a public right-of-way. It was a prescriptive easement. Landowners to the  
233 west who had used the easement for a certain number of years had acquired the right to continue to use it.  
234 It was not a public road. There had been a lot of discussion about property owners to the west being able  
235 to access their farm ground as they have always done. They will have the right to do that. There was a  
236 prescriptive easement that could not be terminated. Whoever tried to terminate it would be sued for



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237 damages. The City Engineer and Nilson Homes felt the easement would accommodate everybody who had  
238 a prescriptive easement west of the development.  
239

240 Brian Bayless asked if the access could be changed if those who used it agreed to change it. Mr. Mund  
241 said it could be modified if the users agreed to it. It could not be legally taken away. Commissioner Baker  
242 asked if it could be condemned. Mr. Mund said that only the city, county, or state could condemn property.  
243 A private landowner or developer could not. Chris Davis said the state could not condemn property just to  
244 condemn property. There had to be a public purpose.  
245

246 Virginia Holmes Thompson, 1370 North Main, stated that the property that Nilson Homes was talking about  
247 selling to the school was a swamp. In wet years, it was hard to get a horse through it. How could a school  
248 be built in a swamp? Commissioner Harrop stated that the school would probably do a wetland analysis.  
249

250 Brandon Jacobson, 1580 Hargis Hill Road, asked about the approval and development of 260 dwelling  
251 units on a road that did not have curb and gutter or paved driveway approaches. Everybody that lived on  
252 the west side of the road washed out. He questioned the approval of 260 homes without plans to improve  
253 the road.  
254

255 Samantha Shupe, 1563 Hargis Hill, asked for clarification regarding the lot sizes behind her property. Brian  
256 Bayless said the lots were 100 feet deep and about 60 feet wide, which was 6,000 square feet. Samantha  
257 Shupe said she had lived in Willard for nine years. She loved the area. She begged the Planning  
258 Commission to make the lots bigger. Commissioner Hulsey stated that the concept plan and lot sizes were  
259 approved in 2016 and 2019. He didn't think anything could be done about the lot sizes. Ms. Shupe asked  
260 if the townhomes would be rental units or owner occupied. Commissioner Hulsey said the townhomes could  
261 be purchased and then rented. Nilson Homes planned to sell them individually.  
262

263 **Commissioner Baker moved to close the public hearing at approximately 7:27 p.m. Commissioner**  
264 **Harrop seconded the motion. All voted "aye." The motion passed unanimously.**  
265

266 5B. CONSIDERATION AND RECOMMENDATION TO THE CITY COUNCIL REGARDING A PUD  
267 DEVELOPMENT AGREEMENT FOR THE KUNZLER PROPERTY LOCATED AT  
268 APPROXIMATELY 1550 NORTH HARGIS HILL ROAD (PARCEL NOS. 02-035-0046, 02-038-  
269 0072, 02-038-0073, 02-040-0210, 02-043-0013, 02-043-0048, 02-043-0049, 02-043-0050)  
270 (CONTINUED FROM 2016 AND 2019)  
271

272 Time Stamp: 58:39 12/07/2023  
273

274 Chairman Bodily asked if water was available for this project. Chris Davis said there was water for the first  
275 75 homes. The remainder of the project was contingent upon the City building a water storage tank. Nilson  
276 Homes had agreed to an upfront of \$1.65 million to help offset the cost of the tank. Nilson Homes would be  
277 repaid through impact fees. The development could not move beyond the first 75 homes, or first phase,  
278 until the tank was built. Nilson Homes' contingency was they didn't have to do more than 75 homes. The  
279 City's contingency was that if the water tank and storage weren't built, they couldn't build any more.  
280

281 Commissioner Hulsey asked if there had been a traffic study to look at the traffic impact to Hargis Hill Road.  
282 Brian Bayless said Nilson Homes was aware of the impact on Hargis Hill Road, but they had not completed  
283 a traffic study. When this project was approved, 200 West had not been built. The completion of 200 West  
284 had changed things. They were concerned about Hargis Hill. When the project was completed, there would



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285 be a road on the south side that would convey traffic away from Hargis Hill and the middle of their project.  
286 Until that road was built, Hargis Hill would be a problem.  
287

288 Commissioner Harrop asked if the road shown on the south side of the project would extend east to  
289 Highway 89. Brian Bayless said the City owned a right-of-way south of Sam Kunzler's house that connected  
290 to Highway 89. UDOT liked that better because it would be a perpendicular intersection. Hargis Hill  
291 intersected Highway 89 at an awkward angle. That was the long-term solution for this area.  
292

293 Crystal Beck asked if Mr. Bayless was referring to the private road that said 'Do Not Enter' that belonged  
294 to Ormond Construction. Chris Davis said the City owned the corner. Mr. Bayless felt it was good that  
295 Willard owned the corner because it could control the access, not UDOT.  
296

297 Commissioner Bingham was concerned about Phase 1 and the road. During the time he had been on the  
298 Planning Commission, he had seen many concept plans for this project. He had always understood that  
299 the right-of-way on the south side that was shared by Ormond's would be the primary. He was concerned  
300 about traffic from 75 homes on Hargis Hill Road.  
301

302 Commissioner Hulseley stated that 200 West looked nice, but it wasn't built for a lot of capacity. It didn't have  
303 a thick road base underneath it.  
304

305 Commissioner Baker was concerned about a green space with trails that was swampland. She was  
306 concerned about Willard having to take care of another marsh. Willard repealed the PUD Ordinance  
307 because developers were giving the City open space that couldn't be used.  
308

309 Commissioner Bingham was concerned that the proposed open space could landlock Doug Thompson.  
310

311 Chairman Bodily asked if the development agreement had to be signed before Nilson Homes could start  
312 Phase 1. Mr. Wheelwright said it did.  
313

314 Commissioner Hulseley asked how soon Nilson Homes could start if the Planning Commission approved the  
315 agreement. Mr. Wheelwright said the agreement still had to be approved by the City Council.  
316

317 Commissioner Harrop asked about Section 13 of the development agreement that talked about a change  
318 in developer or assignment. Could the City mandate that the agreement stay with the property no matter  
319 who the developer was? Colt Mund stated that Nilson Homes could transfer their obligation. If someone  
320 else purchased the property, they would step into the shoes of Nilson Homes.  
321

322 Commissioner Dubovik was concerned that new property owners would only purchase developable land  
323 and that the open space would never be improved. Colt Mund stated that Kunzler's were the current owners  
324 and had the responsibility to build the park.  
325

326 Commissioner Hulseley said the development agreement referred to a *school plan* and a *no school plan*.  
327 Under the *school plan*, it said the developer shall have no obligation to improve the open space. At what  
328 point would the agreement switch to the *no school plan*? Brian Bayless stated that Section 8 Subsection  
329 G(i) on Page 14t said the decision of a school or no school would be made before the 75<sup>th</sup> Certificate of  
330 Occupancy was issued. In the event of no school, they would have to work with Willard City to determine  
331 what the park improvements would look like, get them built, and dedicated to Willard City. Nilson Homes



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332 was comfortable with either outcome, although they preferred the school plan. Elementary schools became  
333 an important part of the community. A park would also be great for the community.  
334

335 Mr. Nilson said some of the open space was wet; there was a lot that was not. Construction of infrastructure  
336 with adequate storm drainage could impact the wet areas. Their objective was to put the park in at the  
337 beginning of a project because it became a great selling asset.  
338

339 Chairman Bodily asked about estimated costs. Brian Bayless said their obligation, or commitment, to build  
340 the park was \$900,000, which was shown in Version 19 of the agreement.  
341

342 Commissioner Baker asked what would happen with the road shown on the south side of the open space.  
343 Would it be paved? Brian Bayless said they had provided enough room on their property to build a 26-foot  
344 access road to the soccer field and parking lot. The access had to be wide enough for cars going in both  
345 directions.  
346

347 Commissioner Harrop asked about storm drainage. The concept plan did not include a detention basin.  
348 Commissioner Bingham asked where all the storm water would go. Brian Bayless stated that they could  
349 not convey storm water off the property. They planned to detain their storm water on their property in an  
350 appropriate place. There would be a detention area in the open space.  
351

352 Commissioner Hulsey stated that Section 8-F(ii) talked about widening 200 West. Brian Bayless said they  
353 planned to widen the east side of 200 West as soon as development occurred on their property. They had  
354 committed to widening the west side of 200 West when a combination of the park being built and  
355 development to the north and south of them occurred. South Side Road referred to the road that straddled  
356 their property and Dave Ormond's. The portion they planned to build was shown in Exhibit J. They planned  
357 to construct 24 feet of asphalt so that cars could travel in either direction. Dave Ormond would have to finish  
358 the south half of the road when he developed his property.  
359

360 Virginia Holmes Thompson asked if there was really enough water for 75 homes because they had  
361 problems with water flow now.  
362

363 Chris Breinholt, City Engineer, stated that the current standard for fire flow was 1,000 gallons per minute.  
364 He didn't feel the north side of Hargis Hill could meet that standard. In Phase 1, Nilson Homes would be  
365 required to upsize the water line in Hargis Hill Road to 10 inches. The computer model said that in order to  
366 have 1,000 gallons per minute, they had to have 40 psi of pressure. With a 10-inch line, the north end of  
367 Hargis Hill Road would have 51 psi. That one improvement would improve pressure for peak demand times  
368 significantly. In future phases, Nilson Homes would extend a 10-inch line down 200 West, which would  
369 improve the situation even more. The construction of a water tank at 750 North would improve the situation  
370 immensely. This project would provide a lot of good water system benefits.  
371

372 Commissioner Harrop asked what the current pipe size was. Mr. Breinholt said it was six inches.  
373

374 Commissioner Hulsey stated that someone had said the 75 homes could be put in now. That wasn't true.  
375 The homes couldn't be put in without a new 10-inch water line. Chris Davis said that was reflected in the  
376 agreement.  
377



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378 Virginia Holmes Thompson asked how a 10-inch line would connect to the current system that had 8-inch  
379 lines. Mr. Breinholt stated that there were 8-inch water lines on both sides of Highway 89. Adding a 10-inch  
380 line would create a looped system without creating a choke point.

381  
382 Commissioner Dubovik asked if there were any actual roads that were not depicted on the concept plan or  
383 in the development agreement. Colt Mund stated that 200 West was the only dedicated road. The rest were  
384 prescriptive easements. Commissioner Dubovik asked how much green space Nilson Homes currently  
385 owned. Brian Bayless said they owned between 10 to 15 acres. Their commitment to the Kunzler's included  
386 buying developable ground as well as open space.

387  
388 Commissioner Dubovik asked about UDOT or City plans to improve Hargis Hill. Chris Davis said UDOT  
389 would not improve Hargis Hill Road because it was not a state road. Commissioner Dubovik asked if Phase  
390 1 would be a viable development if Hargis Hill did not exist. Chris Breinholt stated that if Hargis Hill did not  
391 exist, the accesses would be different. UDOT would probably allow them to connect to Highway 89 with  
392 proper spacing.

393  
394 Commissioner Dubovik said the Planning Commission was being asked to approve a project with access  
395 to Hargis Hill Road. If Hargis Hill Road was not accessible, there would have to be another access for the  
396 project to be approved. Mr. Breinholt said they would have to have some access. Commissioner Dubovik  
397 said the Planning Commission was being asked to approve a plan that had less than optimal access.

398  
399 Commissioner Hulsey stated that the project had access on 200 West, a road that extended to the north  
400 and to the south. Chris Breinholt felt the development would work if 200 West was the only connection. It  
401 was designed to be a collector road. Commissioner Dubovik felt that Hargis Hill was not a required access.

402  
403 Commissioner Hulsey asked about the 10-inch water line. Did the City need agreements from anyone to  
404 put it in? Could Nilson Homes start installing it as soon as the development agreement was signed? Mr.  
405 Bayless said it could.

406  
407 Brian Bayless said that Nilson Homes would improve the frontage on Hargis Hill that was part of their  
408 project. They were obligated to do that. They hoped the main access would be from 200 West.

409  
410 A gentleman from the audience felt that the storm drain on Hargis Hill should be installed while a trench  
411 was open to put in the 10-inch water line.

412  
413 Commissioner Hulsey was nervous and hesitant about approving the development agreement because of  
414 the unresolved issues regarding the water tank. He felt it would be wise to wait until the City had a better  
415 agreement with Granite for the water tank.

416  
417 Commissioner Baker agreed with Commissioner Hulsey.

418  
419 Chris Breinholt stated that the water tank was not required for this development to go forward. There was  
420 a limitation on the number of homes community-wide due to the lack of water storage. Everyone would be  
421 subject to that limitation. The water tank on 750 North would improve water pressure and water flow, but  
422 the City still met minimum standards without it. There had been a lot of discussion between the City and  
423 Nilson Homes about when the water tank needed to be built. The tank didn't need to be done for this  
424 development to be fully built out as long as there was capacity in the rest of the system. When capacity  
425 was reached all development would be stopped.





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426 Commissioner Harrop asked if the 10-inch water line would supply enough water for the whole build out.  
427 Chris Breinholt said the 10-inch line on Hargis Hill and the lines along Highway 89, in addition to the lines  
428 on 200 West, would serve the area. There would be two routes for the water.  
429

430 Chris Davis stated that the development agreement stipulated that Nilson Homes could not build more than  
431 75 homes unless Willard acquired the water tank and the 10-inch line from the well to 750 North, or there  
432 was another option.  
433

434 Brian Bayless felt that was accurate. There had to be storage capacity somewhere in the system. The City  
435 could decide to build a water tank somewhere else if it could not reach an agreement with Granite. It was  
436 a combination of the Hargis Hill line with the extension of the water line on 200 West and looping the water  
437 system that solved all of the problems for the area. They had money on the line, and the City had a grant  
438 to build the water tank. If something couldn't be worked out with Granite, the City had other options,  
439 including condemning an easement to build a transmission line or storage capacity elsewhere.  
440

441 Commissioner Dubovik was also concerned about approving the agreement all at once. There were still so  
442 many unknowns. If the agreement was approved, would Nilson Homes still have to get approval for  
443 subsequent phases?  
444

445 Chairman Bodily stated that Nilson Homes would have to receive approvals to move further ahead, such  
446 as the water tank. As they moved forward there was more to be done, and it was outlined in the agreement.  
447

448 Commissioner Dubovik was concerned that something could happen to the access for property owners to  
449 the west for some unforeseen reason. Brian Bayless said the property owners to the west would have the  
450 same access with or without them. Mr. Davis said that would be a breach of the agreement.  
451

452 Commissioner Dubovik asked if there was a method to approve Phase 1 and require subsequent phases  
453 to come for development agreement hearings and approvals. Colt Mund stated that was not how the current  
454 agreement was written. It was within the Planning Commission's purview to ask that the agreement be  
455 changed. The agreement would then have to be renegotiated.  
456

457 Chris Davis said that the Planning Commission could recommend approval of the first 75 units but express  
458 concern about the unresolved issues.  
459

460 Commissioner Hulsey clarified that if only Phase 1 was approved, Nilson Homes was only obligated for  
461 Phase 1. Everything outside of that was still up for negotiation. Colt Mund said that was theoretically correct.  
462 However, he felt it would be more complex than that. Issues that had already been approved would have  
463 to be renegotiated.  
464

465 Commissioner Harrop's concerns were the easements and access rights-of-way, Hargis Hill Road, the  
466 school, and the agreement carry over. He felt the biggest issues were the rights-of-way and access points  
467 and Hargis Hill Road. He felt that the Planning Commission should recommend that those somehow be  
468 addressed before the agreement went to the City Council.  
469

470 Commissioner Hulsey was nervous about the unknowns regarding the water system. He would hate to see  
471 negotiations with Granite get hung up and the City never get a water tank. He liked the idea of an agreement  
472 for Phase 1 with a 10-inch water line. It would be an improvement for the City, and Nilson Homes got its  
473 first 75 homes.



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474 Commissioner Dubovik felt another issue that needed to be finalized at 75 units was the school. That would  
475 determine what the future plans were. Commissioner Bingham felt the school issue had to be decided  
476 before the end of Phase 1.

477  
478 Commissioner Baker asked if the Planning Commission would see future plans. Commissioner Hulsey said  
479 the agreement stipulated that the concept plan would be generally followed. If it changed, both parties had  
480 to agree upon the change. Colt Mund said the agreement language said changes would be mutually agreed  
481 upon by the City Planner, the City Engineer, and the developer. The plan would probably not come back to  
482 the Planning Commission or City Council again.

483  
484 Commissioner Hulsey felt the Planning Commission could recommend that changes be brought to the  
485 Planning Commission and City Council. Colt Mund said that had been discussed, and that verbiage was  
486 rejected.

487  
488 Brian Bayless stated that every phase would have to go through the approval process. The PUD Ordinance  
489 was set up because there were massive commitments for a larger project that Willard might not get as  
490 smaller phases came in. For example, Nilson Homes was willing to commit \$1.65 million to build a water  
491 tank and a \$900,00 for a park. They were willing to do that because they could see the whole package.  
492 Without that a project commitment, their interest level changed. There were a lot of things they did not  
493 control, such as inadequate fire flows for the existing residents on Hargis Hill Road. That was a concern  
494 the City should be worried about, and they were trying to fix it. The City didn't have parks for a lot of the  
495 residents. They were trying to resolve that, at least for the residents of their project. They would be willing  
496 to talk to the City about contributing to improvements on Hargis Hill Road. There were a lot of impact fees  
497 that would be collected from their subdivision that could be earmarked for those improvements. They were  
498 trying to contribute to solutions, not just make the problems worse. They had spent the past two to three  
499 years trying to understand the Willard's concerns and come up with actionable, reasonable solutions given  
500 the variables that neither they nor the City controlled. He understood it was uncomfortable for the Planning  
501 Commission. It had been extremely uncomfortable for Nilson Homes.

502  
503 Mr. Bayless said the contingencies that were in place addressed the Planning Commission's concerns.  
504 Nilson Homes was infinitely more worried about the same, exact concerns. The first phases of a project  
505 were usually not profitable for a developer; latter phases were. They were heavily motivated to make this  
506 project work. They were putting their money where their mouth was. He realized the Planning Commission  
507 had to take that in good faith. If the Planning Commission told them they didn't have any agreement past  
508 Phase 1, that would be a really hard pill for them to swallow. He didn't know that it would be in the City's  
509 best interest either.

510  
511 Mr. Bayless said there were solutions on the table right now, which they had tried to write into the  
512 agreement. There might be solutions they don't see that might not be on the table. Granite seemed to be  
513 the most viable solution, but if Granite wasn't willing to deal, they would have to find a way to work around  
514 it. If the City was willing to expand its existing tank, then that might be a solution. The water storage capacity  
515 was the bottleneck right now. There were transmission systems in place. They tried to build flexibility into  
516 the agreement. The Planning Commission had to read and analyze the agreement for themselves, but  
517 Nilson Homes had spent a lot of time trying to figure those solutions out.

518  
519 Commissioner Dubovik stated that he had sat through several development agreement discussions. This  
520 was one of the better presentations. He felt there had been a lot of work, and that the technical solutions  
521 were there. He also took into consideration that the next-door neighbors weren't opposed to the



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522 development. He was most concerned about, and felt the City need to make a written commitment to, was  
523 sustained access for the property owners to the west.  
524

525 Commissioner Hulsey asked about verbiage that had been rejected. Colt Mund stated that one of the  
526 changes discussed by the State Legislature was withdrawal from the Planning Commission and City  
527 Council administrative decisions related to development. The Kunzler development agreement reflected  
528 that course. If Nilson Homes made any minor modifications to their concept plan, they would be reviewed  
529 by the City Planner and City Engineer.  
530

531 Commissioner Hulsey felt maintaining access was crucial and the school plan could conflict with that. He  
532 felt it would be beneficial if the Planning Commission had an opportunity to see what the concepts would  
533 look like under either plan so it could fulfill its obligation to make sure the public maintained its access.  
534 Could verbiage be included in the agreement to allow the Planning Commission to see and approve either  
535 concept just to make sure the access was maintained?  
536

537 Chairman Bodily asked if Nilson Homes had talked to the Box Elder County School Board. Mr. Bayless said  
538 it had been a while. Two years ago, the school district was very interested. He felt someone from the City  
539 should reach out to them. He felt flexibility should be drafted into the agreement to allow them to go either  
540 way.  
541

542 Commissioner Hulsey stated that whether the school was there or not, the Planning Commission wanted  
543 to see what was going to happen just to make sure about the access. Brian Bayless said Nilson Homes  
544 was willing to agree to the development agreement being subject to accesses being secured for neighboring  
545 property owners. They would be happy to write that in the agreement. Legally they couldn't take the access  
546 away, but it wouldn't hurt to have it in writing.  
547

548 Commissioner Hulsey just wanted to see a plan to make sure everyone was satisfied. He would feel more  
549 comfortable if the Planning Commission could see how their access laid out. Mr. Bayless asked what the  
550 Planning Commission wanted to see. If there wasn't a school, access would remain as it was. If the school  
551 came along, he wasn't sure how the access would change. That would be between the school district, Doug  
552 Thompson, and other property owners.  
553

554 Commissioner Bingham said if the school district purchased the property, construction of a school would  
555 be a long way down the road. Right now, all the school district needed to know was that there was an  
556 access road to work around. Mr. Bayless said Nilson Homes couldn't submit a school site plan. They had  
557 no way of knowing what the project would look like.  
558

559 Commissioner Hulsey stated that if the school decided to purchase the property, access would be worked  
560 out between them, the property owners, and the City. If the school didn't purchase the property, he wanted  
561 to see the access. Chris Davis said the access would stay the same under the *no school* plan.  
562

563 Steve Anderson, Nilson Homes, stated that they would add and label the access road on the concept plan  
564 before the City Council meeting.  
565

566 Brian Bayless stated they were obligated to finalize what the open space design with the City. They would  
567 not move forward with those improvements without the City's approval. They had provided a concept based  
568 on past discussions with the Planning Commission. The dimensions of the soccer field, the restroom,  
569 pavilion locations, and the parking lot dimensions would be subject to the City's approval.



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570 Commissioner Dubovik felt adding the access easement to the concept plan before the City Council  
571 meeting would be helpful. That was a key component.  
572

573 Brian Bayless stated that Section 8G at the bottom of Page 13 discussed open space obligations. It said,  
574 "The City and developer agree to negotiate in good faith as to each Party's responsibility for construction  
575 and installing park improvements on the open space area located west of 200 West. The Parties anticipate  
576 that any such agreement will be reached prior to the completion of the First 75 Units. Any such agreement  
577 regarding the parties' obligations for the Open Space Area will be consistent with this Agreement." They  
578 couldn't make a unilateral decision, and they would have to respect the access rights of others.  
579

580 Commissioner Hulsey asked who from the City would review and approve the open space plans. Was it  
581 SLUA, the City Manager, or the Planning Commission? Colt Mund said the open space plan would be  
582 reviewed by SLUA, the City Engineer, and the City Planner. He felt the City Council would be involved in  
583 the park itself.  
584

585 Brian Bayless felt something could be drafted into the agreement to allow the Planning Commission and  
586 City Council to be involved in the park design. Commissioner Hulsey liked that suggestion. He felt it would  
587 allow the Planning Commission to make sure it had done its due diligence to the public.  
588

589 Commissioner Hulsey said Mr. Bayless had said Nilson Homes would be willing to help with Hargis Hill  
590 improvements. What would that look like? Brian Bayless said they were committing to a \$1.65 million water  
591 tank, a \$400,000 water line, and a \$900,000 open space, which was shown in Exhibit E. He hoped the City  
592 and residents understood that as development occurred, impact fees were paid. Impact fees, like a  
593 transportation impact fee, could be used to make improvements to Hargis Hill.  
594

595 Chris Davis said Willard did not have a transportation impact fee because it didn't have enough collector  
596 roads.  
597

598 Steve Anderson, Nilson Homes, stated that he had met with Willard Flood Control to discuss flooding on  
599 Hargis Hill. Nilson Homes would have to put in 260 feet of curb and gutter along their portion of Hargis Hill  
600 Road, which would pick up some of the water that crossed the road. Willard Flood Control had talked about  
601 a project to add further curb and gutter along the west side of Hargis Hill Road to catch more water. Curb  
602 and gutter and widening the road was the responsibility of Willard Flood Control. He felt Flood Control  
603 money could be used to widen the road because it would help prevent flooding. There had been discussion  
604 about temporarily retaining storm water on their property. Eventually all of Hargis Hill would be tied into the  
605 Kunzler property. Then storm water would be conveyed toward the west. Willard Flood Control needed to  
606 make some improvements on Hargis Hill just to collect the water. He understood Willard Flood Control  
607 wanted to put the project out to bid right away.  
608

609 Chairman Bodily felt the storm water problem on Hargis Hill was a City problem. Chris Davis said storm  
610 water was the responsibility of Willard Flood Control.  
611

612 Commissioner Dubovik hoped that everyone could work together so the road would be torn up just once.  
613

614 Commissioner Dubovik asked what verbiage Commissioner Hulsey would suggest for the City Council if  
615 the Planning Commission approved the development agreement. Commissioners Hulsey and Harrop  
616 wanted to have language added to allow the Planning Commission and City Council to have input on the



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617 design and layout of the park/open space and that the design contain extreme consideration for the  
618 easement and rights-of-way.  
619

620 Commissioner Hulsey asked if the Willard City was currently planning to make improvements to Hargis Hill  
621 Road. Chris Davis stated that Willard City and Willard Flood Control used the same engineering firm, Jones  
622 & Associates. Jones & Associates was working on a proposal for Hargis Hill Road. There was not an  
623 agreement with Nilson Homes. Commissioner Hulsey felt the Planning Commission should recommend  
624 that the City Council consider improvements to Hargis Hill Road in conjunction with improvements made  
625 by Nilson Homes. Commissioner Harrop and Chairman Bodily felt City improvements were a separate  
626 issue.  
627

628 **Commissioner Harrop moved to recommend that the City Council approve the development**  
629 **agreement for the Kunzler property located at approximately 1550 North Hargis Hill Road subject to**  
630 **the Planning Commission and City Council being involved in the approval of the park and open**  
631 **space, extreme consideration of access and rights-of-way for properties to the west; and**  
632 **improvements to Hargis Hill Road. Commissioner Bingham seconded the motion. A roll call vote**  
633 **was taken: Commissioners Bingham, Dubovik, Hulsey, and Harrop voted “aye.” Commissioner**  
634 **Baker voted “nay.” The motion carried.**  
635

636 5C. REVIEW OF A CONDITIONAL USE PERMIT ISSUED TO BLAIR DEAN AND KATHY DAVIS FOR  
637 A SINGLE-FAMILY DWELLING ON SENSITIVE LAND LOCATED AT 155 SOUTH SPRING  
638 STREET, ALSO KNOWN AS 135 SOUTH 100 EAST (PARCEL NO. 02-050-0077), ISSUED ON  
639 SEPTEMBER 23, 2005  
640

641 Time Stamp 2:05:28 12/07/2023  
642

643 Bryce Wheelwright stated that in September 2005, a conditional use permit was issued to Blair Dean for a  
644 single-family home on Spring Street. The home was constructed and was currently occupied by Corey  
645 Barton. A conditional use permit was attached to the property. Although Blair Dean no longer owned the  
646 property, the conditional use permit was still active.  
647

648 Chairman Bodily asked if there had been any issues with the conditional use permit. Mr. Wheelwright said  
649 there hadn't been.  
650

651 Commissioner Hulsey asked if the current owners had been contacted to see if they wanted to discontinue  
652 the conditional use.  
653

654 Bryce Wheelwright stated that the conditional use permit was to allow construction of a home on sensitive  
655 land, which was a flood plain. The home was built and was currently occupied.  
656

657 Commissioner Dubovik asked why the conditional use permit was still necessary. Bryce Wheelwright stated  
658 that the home was located in a flood plain. The conditional use permit allowed the home to be built and  
659 used.  
660  
661  
662



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663 5D. CONSIDERATION AND RECOMMENDATION TO THE CITY COUNCIL REGARDING THE  
664 GENERAL PLAN DRAFT WHICH WOULD AMEND CHAPTER 12-000 OF THE WILLARD CITY  
665 ZONING ORDINANCE  
666

667 Time Stamp 2:07:45 12/07/2023  
668

669 Bryce Wheelwright stated that the Planning Commission had been reviewing the General Plan DRAFT for  
670 several months. Most of the concern was about the Future Land Use Map. The City Council was waiting  
671 for a recommendation from the Planning Commission. Several options had been discussed.  
672

673 Commissioner Bingham felt that after the last work session with the City Council the consensus was to put  
674 everything in half-acre density and use the MPC Zone to provide a variety of lot sizes. If there was going to  
675 be a zone for large lots, he felt it should be on the east side of the highway where most of the orchards  
676 were located. He felt half-acre zoning would work. There would be larger lots on west side of the highway  
677 due to wetlands.  
678

679 Commissioner Bingham felt Willard wanted to encourage half-acre lots more than developer lots. If  
680 developers purchased large tracts of land, the City wanted to be able to keep the half-acre density with  
681 variable sized lots. He wanted to make it possible for property owners on either side of the highway to  
682 subdivide their property without having to sell to large developers. If the City started requiring three to five-  
683 acre lots, it would force property owners to sell to a developer who would grow through the approval process  
684 for a master planned community.  
685

686 Commissioner Hulsey felt Willard would end up with a half-acre grid from one end to the other if a blanket  
687 density was used. What was the benefit of an MPC Zone? Commissioner Harrop felt the MPC Zone would  
688 provide for some smaller lots and some larger as well.  
689

690 Colt Mund stated that an MPC could be located in any zone.  
691

692 Commissioner Hulsey asked what would encourage a developer to provide a mix of lot sizes rather than  
693 doing a half-acre grid. A grid would be easier than an MPC.  
694

695 Commissioner Harrop felt that clustering lots would reduce a developer's construction costs. Commissioner  
696 Hulsey agreed, but he also knew that Dr. Beard didn't want to use the MPC Zone because he felt it would  
697 be too much hassle. He wanted to encourage the use of the MPC Zone. He worried that if everything was  
698 half-acre, it would be easier for a developer to do a grid.  
699

700 Commissioner Dubovik felt Willard needed to make the MPC Zone more appealing by rewriting it to state  
701 that Willard would consider reducing density acre if a developer submitted a compelling MPC plan. Then a  
702 developer would be able to utilize land they wouldn't have had otherwise. An MPC would allow a half-acre  
703 density in A-3 or A-5 Zones.  
704

705 Commissioner Hulsey didn't feel that would resolve Commissioner Bingham's concern.  
706

707 Commissioner Bingham stated that Willard was willing to annex property with zoning of half-acre or less.  
708 He felt life-time residents in Willard should receive the same benefit. Their retirement was tied up in their  
709 property. He felt the MPC Zone would appeal to developers. He was trying to help everyone. He agreed





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710 there needed to be more incentive in the MPC Zone. He felt a half-acre density along with more incentive  
711 in the MPC Zone would help everyone and, hopefully, provide a variety of lot sizes.  
712

713 Colt Mund reminded the Planning Commission that the General Plan and Future Land Use Map was a  
714 living document. A lot of cities were comfortable with amendments to both. Someone with an agricultural  
715 three-acre parcel could always ask to have the Future Land Use Map amended down to half-acre residential  
716 lots. The idea was to be a little flexible with the General Plan to accommodate people.  
717

718 Commissioner Hulseley was nervous about doing that. He felt applicants could argue that a precedent had  
719 been set if Willard allowed smaller lots in one area. If Willard relied solely on amendments, it would be in  
720 the same position it was now. Residents wanted a half-acre density. He suggested a blanket of three-  
721 quarter acre density. Then the MPC Zone could allow density to be shrunk to a half-acre density.  
722

723 Commissioner Bingham felt a half-acre lot would be the same as three-quarter density because of off-site  
724 improvements.  
725

726 Commissioner Hulseley said if the entire City was three-quarter density, anyone with 1.5 acres could divide  
727 off a piece and those who wanted to do a bigger development would be incentivized by the MPC Zone  
728 because they could get a smaller density.  
729

730 Commissioners Harrop and Bingham said that was exactly what was proposed at the joint City Council-  
731 Planning Commission work session.  
732

733 Commissioner Hulseley felt the discussion had been a blanket half-acre with hope that people would choose  
734 to be creative through the MPC Zone. To him the incentive was three-fourths of an acre that could be  
735 reduced to a half-acre with the MPC Zone.  
736

737 Commissioner Bingham stated that a half-acre in an MPC would be an overall half-acre density. A half-acre  
738 density outside of an MPC would be a half-acre lot, plus off-site improvements.  
739

740 Commissioner Hulseley felt Willard would have to be clear. It had to distinguish between lots and density in  
741 the MPC Zone. If there was a blanket zone that was bigger than a half-acre and the MPC Zone allowed for  
742 a half-acre, he felt everyone in town would be satisfied. There wouldn't be anywhere with less than a half-  
743 acre density, and there wouldn't be a grid.  
744

745 Commissioner Harrop asked if there were any legal issues with the MPC Zone being considered case by  
746 case. Mr. Mund was not concerned about it; cities did that all the time.  
747

748 Bryce Wheelwright stated that submission of an MPC Zone application did not mean the City had to accept  
749 it. The City could change it to whatever it chose.  
750

751 Commissioner Hulseley was trying to find a way to encourage people to use the MPC Zone. If a property  
752 owner or developer didn't have an incentive, they would just lay out half-acre lots. Time and cost were  
753 factors for developers.  
754

755 Chris Davis stated that in the only time the MPC Zone had been used so far, lot sizes had not been half-  
756 acre. There were some half-acre lots in the Old Farm development, but there were a bunch of third-acre lots  
757 as well. The MPC Zone did not require half-acre lots.



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758 Colt Mund said the density required in an MPC Zone had to be consistent with the goals and policies of the  
759 General Plan, which was a discretionary decision by the City Council. Theoretically, someone could ask for  
760 ten acre lots in return for providing certain benefits. The City Council could find that met the goals of the  
761 General Plan.

762  
763 Commissioner Hulsey thought density in an MPC was tied to the underlying zone. Colt Mund said that was  
764 not his interpretation of the MPC Zone, nor did he feel that was ever discussed until after the ordinance  
765 was approved. An applicant was not tied to the underlying zone. The MPC Zone was a distinct zone in and  
766 of itself. An applicant had to present a proposal that was appealing to Willard City. The Planning  
767 Commission and City Council had the discretion to turn down a proposal based on a reasonable, articulated  
768 basis.

769  
770 Commissioner Dubovik didn't feel there was a need to do a half-acre grid across the entire City to execute  
771 an MPC Zone.

772  
773 Colt Mund wasn't sure a half-acre grid was necessary because an applicant could apply for an MPC Zone  
774 regardless of the existing zone as long as he met the requirements.

775  
776 Commissioner Harrop felt that the minimum size requirement for an MPC Zone should be reduced from 20  
777 acres.

778  
779 Commissioner Hulsey asked if the Planning Commission was happy with the Future Land Use Map as a  
780 general guide knowing how the MPC Zone could be used.

781  
782 Commissioner Bingham felt the same zone requirements should be applied to both sides of the highway.

783  
784 Commissioner Hulsey asked what a compelling reason would be for the Planning Commission to consider  
785 an MPC Zone in a three to five-acre zone. Commissioner Dubovik felt it would a variety of lot sizes and  
786 housing. Commissioner Harrop felt the Planning Commission needed to consider adjacent uses. Uses  
787 needed to flow.

788  
789 Commissioner Bingham stated that in the past, the City had turned down development and rezone requests  
790 because they weren't consistent with the General Plan. Commissioner Dubovik said the City was now  
791 saying developments could be considered if there was a compelling reason. Commissioner Harrop said  
792 there had to be a benefit to the City.

793  
794 Commissioner Hulsey asked if the vision was that Willard would eventually be developed out with the look  
795 of a half-acre density. To achieve that density, there might be different clusters here and different clusters  
796 there.

797  
798 Commissioner Bingham felt the Planning Commission should be trying to promote growth that looked like  
799 the center of town where there was a variety of lot sizes. To do that, he felt the MPC Zone would have to  
800 be amended to lower the minimum acreage. Then it would be easier for normal people to do something  
801 with their land.

802  
803 Commissioner Dubovik felt verbiage could be added to define the compelling evidence the Planning  
804 Commission was looking for. He agreed with Commissioner Hulsey. If the General Plan zoned everything  
805 half-acre, 90% of Willard would be a half-acre grid.



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806 Commissioner Hulsey didn't feel the Future Land Use Map reflected the vision of the Planning Commission  
807 and City Council. He felt it needed to show the A-3 and A-5 Zones to compel people to apply for MPC  
808 zoning. He felt the map was only there to try to get people to use an MPC Zone. Maybe the Planning  
809 Commission also needed to make the land east of Highway 89 A-3 and A-5 knowing that the Planning  
810 Commission was potentially okay with everything developing with a half-acre density.

811  
812 Commissioner Bingham suggested that all of the undeveloped areas have a blanket three quarter acre  
813 density, including streets.

814  
815 Commissioner Hulsey felt it should all be blanketed five acres knowing that no one would come in with a  
816 five-acre development. They would come in with an MPC Zone.

817  
818 Commissioner Bingham felt that would prohibit a landowner from breaking off a lot for one of his children.

819  
820 Commissioner Hulsey felt that could be addressed by amending the minimum acreage in the MPC Zone.

821  
822 Commissioner Bingham felt the City needed to make it easy for a landowner to subdivide. It also wanted to  
823 make the City appealing for developers. Those were two different things, and they were almost diametrically  
824 opposed to each other. If a property owner felt he couldn't create a lot to sell to his children, he would  
825 decide he had to develop his entire property. That was the whole reason for the blanket half-acre density.  
826 The General Plan and the Future Land Use Map was a living document. Things would always be changing.

827  
828 Commissioner Hulsey felt everyone was working toward the same vision. It was a matter of agreeing on a  
829 way to make it happen.

830  
831 Chairman Bodily asked what the Planning Commission wanted to forward to the City Council. He felt the  
832 Planning Commission needed to move forward with the General Plan.

833  
834 Commissioner Hulsey stated that he didn't want to send anything. He didn't feel it was ready. He would  
835 table the plan every time until he felt comfortable with it.

836  
837 Chairman Bodily stated that in the work session with the Planning Commission and City Council, everyone  
838 agreed on a blanket half-acre density, except for Commissioner Dubovik and Hulsey who weren't there.

839  
840 Commissioner Hulsey stated that he had read the minutes and listened to the work session. He felt what  
841 was being proposed was great. He felt the Planning Commission needed to be sure about what it was  
842 sending forward. It needed to think it through.

843  
844 Commissioner Dubovik asked what would prevent the Planning Commission from coming back in two  
845 weeks and having the same discussion. On October 29th, he sent an email to Chris Davis, Colt Mund,  
846 Bryce Wheelwright, Chairman Bodily, and Commissioner Hulsey about the two different versions of the  
847 future land use section of the General Plan. One had comments, and he wanted to know who made those  
848 comments. Michelle Drago answered and said the comments came from Dr. Parker. There hadn't been  
849 any further discussion. He never got past the point of clarifying the baseline documents. He felt that was  
850 there the Planning Commission needed to start.

851  
852 Commissioner Hulsey felt everyone had the same vision. He liked the idea of a blanket zone if the Planning  
853 Commission was confident Willard wouldn't end up with a grid. He wasn't sure everyone was confident



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854 about how to prevent a grid. He felt the benefit of mixed zones was encouragement to use the MPC Zone.  
855 People had told the Planning Commission that using the MPC Zone was complicated. If the grid would get  
856 them through faster, he would do a grid.

857  
858 Chris Davis stated that one person had said the MPC Zone was complicated. That person who didn't want  
859 to spend money on attorneys or engineers. The Planning Commission hadn't heard another developer say  
860 the MPC process was too hard.

861  
862 Commissioner Bingham felt the MPC Zone was much easier than the old PUD Ordinance.

863  
864 Commissioner Harrop asked if there was a way to forward the General Plan to the City Council with verbiage  
865 redefining the MPC criteria. Colt Mund said amending the MPC Zone would require a public hearing. The  
866 Planning Commission could mention that it felt the City should look at amendments to the MPC Zone.

867  
868 Commissioner Bingham felt the Planning Commission needed to finish the General Plan before considering  
869 changes to the MPC Zone so the two documents would work well together.

870  
871 Commissioner Hulsey stated that he was concerned about Willard developing with a half-acre grid. If he  
872 was the only one who thought that would happen, then the General Plan could be forwarded to the City  
873 Council. The Future Land Use Map did not show a blanket half-acre, nor was there verbiage that stated  
874 everything would be blanketed at a half-acre. If the Planning Commissioner sent the General Plan to the  
875 City Council, it would be sending it up blind.

876  
877 Commissioner Dubovik said the map wasn't the only element in the plan. Verbiage was also changed.

878  
879 Commissioner Hulsey said the plan could be forwarded if the Planning Commission was comfortable with  
880 it. When he brought it up before, it didn't seem like the Planning Commission was comfortable with it. It was  
881 tabled so it could be discussed further. He did not feel that the current version of the General Plan reflected  
882 what had been discussed.

883  
884 Commissioner Harrop wasn't sure anything could be written that was definitive. There were too many  
885 variables.

886  
887 Commissioner Hulsey asked if the Planning Commission was telling the City Council to figure out verbiage  
888 to blanket everything in a half-acre density. The Planning Commission agreed that was the consensus of  
889 the joint work session with the City Council.

890  
891 Commissioner Bingham felt people's property rights trumped just about everything.

892  
893 There was further discussion.

894  
895 Time Stamp 2:43:40: 12/07/2023

896  
897 **Commissioner Harrop moved to recommend that the City Council amend Chapter 12-000 by**  
898 **approving the current General Plan DRAFT subject to the Future Land Use Section and Future Land**  
899 **Use Map being amended to reflect a half-acre lot size density in residential areas as agreed upon in**  
900 **the joint Planning Commission/City Council work session. Commissioner Baker seconded the**  
901 **motion. All voted "aye." The motion passed unanimously.**



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902 6. CONSIDERATION AND APPROVAL OF THE NOVEMBER 2, REGULAR PLANNING  
903 COMMISISON MINUTES  
904

905 **Commissioner Bingham moved to approve the November 2, 2023, minutes as corrected.**  
906 **Commissioner Harrop seconded the motion. All voted “aye.” The motion passed unanimously.**  
907

908 7. COMMISSIONER/STAFF COMMENTS  
909

910 Time Stamp: 2:46:22 12/07/2023  
911

912 Bryce Wheelwright  
913

914 Bryce Wheelwright asked if the Planning Commission wanted to hold a meeting on December 21<sup>st</sup>. The  
915 Planning Commission asked that the December 21<sup>st</sup> meeting be canceled if there wasn't anything pressing.  
916

917 Bryce Wheelwright expressed appreciation for Chris Davis who planned to retire at the end of the month.  
918 He had been a great asset for Willard City.  
919

920 Colt Mund  
921

922 Colt Mund concurred with Mr. Wheelwright's comments about Chris Davis.  
923

924 Chris Davis  
925

926 Chris Davis stated that the administration interviewed City Manager candidates. Those candidates would  
927 be discussed by the City Council on December 14<sup>th</sup>.  
928

929 Commissioners Bingham, Dubovik, Hulse, Baker, and Harrop  
930

931 The Planning Commission members thanked Chris Davis and wished him well.  
932

933 Commissioner Harrop  
934

935 Commissioner Harrop stated that he would not be able to attend either of the January 2024 meetings.  
936

937 Chairman Bodily  
938

939 Chairman Bodily asked who assigned house numbers in Willard. Bryce Wheelwright said they were  
940 assigned by the City Engineer.  
941

942 8. ADJOURN  
943

944 **Commissioner Dubovik moved to adjourn at approximately 9:19 p.m. Commissioner Hulse**  
945 **seconded the motion. All voted in favor. The motion passed unanimously.**  
946  
947  
948  
949



WILLARD CITY  
**Planning Commission Meeting** – Regular Meeting  
Thursday, December 7, 2023 – 6:30 p.m.  
Willard City Hall – 80 West 50 South  
Willard, Utah 84340

950 Minutes were read individually and approved on: \_\_\_\_\_  
951

952  
953  
954

955 \_\_\_\_\_  
956 Planning Commission, Chairman  
957 Sid Bodily

955 \_\_\_\_\_  
956 Planning Commission Secretary  
957 Maddie Brown

957  
958 dc:PC 12-07-2023

DRAFT