



WILLARD CITY

**Planning Commission Meeting** – Regular Meeting

Thursday, February 1, 2024 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

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

The following members were in attendance:

Sid Bodily, Chairman  
Diana Baker  
Chandler Bingham  
Chad Braegger  
Alex Dubovik  
Brian Gilbert

Jeremy Kimpton, City Manager  
Colt Mund, City Attorney  
Bryce Wheelwright, City Planner  
Michelle Drago, Deputy Recorder

Others in attendance: Mayor Travis Mote; Councilmember Rex Christensen; Councilmember Jordan Hulse; Doug Thompson; Virginia Thompson; Ken Ormond; Ruth Ormond; Clyde Westley; Keith Larsen; Ana Larsen; Jodi Wade; Bart Wade; Becky Jo Kruitbosch; Justin Kruitbosch; Garth Day, Heritage Land; James Settlemire; Mary J. Grimes; Justin Grimes; Doug Younger; Mary Younger; Loralee Darley; Mindi Vandersteen; J. Russell Hurst; C. Hurst; Randy Braegger; Rew Wiley; Alex Owens, Lync Construction; Pat Burns, Lync Construction; Jeannine Jensen; Dorothy Call; Brinton Neff; Marvin Neff; Bob Davis; Spencer Davis; Larry Holmes; Crystal Beck; Marc Hamson; Rolin Hinrichsen; and Ronda Hinrichsen.

The meeting was called to order at 6:31 p.m.

1. PRAYER: Chandler Bingham
2. PLEDGE OF ALLEGIANCE: Diana Baker
3. GENERAL PUBLIC COMMENTS

Time Stamp: 03:00 02/01/2024

Clyde Westley, 221 East 100 South stated that a year ago, he thought Granite Construction could not start mining city material for 10 to 20 years. According to Brad Sweet from Granite, it was closer to 10 years. If Willard City opened a gravel pit, what would stop anyone else? He planned to protect two parcels of property around Cook's Canyon that could become a gravel pit in the future. If that gravel pit opened, the entire east side of Willard City would be a gravel pit. He had been in touch with the habitat group from the Utah Division of Natural Resources. He had been told that these parcels were the kind the State tried to protect, but it was an involved process and could take years to complete. The State first had to determine if purchase was even an option. He felt 10 years would be a reasonable time to complete the process. These parcels were critical wildlife winter range, and the Bonneville Shoreline Trail passed directly through both. They were almost surrounded by federally owned property. Just south of the federal property, Utah State had a wildlife management area, which was jointly managed by the state and federal governments. They kept ownership of the property separate, but they had a common goal – wildlife management. Both had a stake in the Bonneville Shoreline Trail. HR2551 was a congressional bill that was aimed at protecting and preserving natural areas ensuring their conservation for future generations. The Utah Legislature had created the Bonneville Shoreline program to help fund the development of the trail. With more public awareness and support these parcels could become a high priority for the State to purchase. He wanted to see Willard City strive to protect what was left of the mountain to the east by partnering with county, state,



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Willard, Utah 84340

and federal governments. It was the premier view from Willard Bay State Park. A significant number of people passed through this area daily. What did Willard want them to see in the next thirty to fifty years? Willard had one of the mountain showcases along the Wasatch Front.

4. CITY COUNCIL REPORT

Time Stamp: 06:56 02/01/2024

Mayor Travis Mote welcomed two new members to the Planning Commission – Chad Braegger and Brian Gilbert. Both had previously served as alternates. Blake Harrop's term had ended, but he had agreed to serve as an alternate. Zack Hulsey felt he had a conflict of interest but had agreed to serve as an alternate until a replacement could be found.

Mayor Mote reported that one of the biggest topics at the last City Council meeting was the General Plan. Three members of the Planning Commission attended that meeting and were able to give input about the Planning Commission's thoughts. He felt the City Council got bogged down in the same issues the Planning Commission had. To give the three new Council members some time to digest things, the General Plan was tabled for two weeks.

Mayor Mote stated that one issue that made the General Plan more complex was how the Master Planned Community Zone would relate to the General Plan. He presented a master planned community checklist to the Planning Commission (see attached copy). He had sent the checklist to the staff to review with instructions to implement it immediately. He wanted to make sure Master Planned Community Zones were reviewed in an orderly manner. He encouraged the Planning Commission to read the Master Planned Community Ordinance and review the checklist. The checklist was open for draft. Master planned communities were forwarded to the Planning Commission by SLUA (Subdivision Land Use Authority). If there were things the Planning Commission wanted SLUA to address, the checklist could be modified. He intended for SLUA to complete the checklist by adding findings according to the code, and then forward it to the Planning Commission. He asked the Planning Commission to add their comments and findings and send the checklist to the City Council. He felt the checklist would keep track of comments, drawbacks, and benefits. He hoped the checklist would ensure all applicants were treated equally and would meet the ordinance and intent of the General Plan.

Mayor Mote stated Willard City was starting to get multiple annexation and subdivision requests from South Willard property owners because of Box Elder County's new policy requiring all land use changes to come to the municipality that included the property in its annexation policy declaration. He felt the process needed to be addressed in an orderly manner. If South Willard was going to become part of Willard, roads needed to connect, and the zoning needed to be similar. He didn't want to create two separate cities. In the last City Council meeting, he instructed the staff to work with the Planning Commission to propose a zoning map for South Willard that could be incorporated into the General Plan. He felt commercial locations needed to be identified and maintained. He asked Bryce Wheelwright to get a copy of Box Elder County's zoning map for South Willard for the Planning Commission to review.

- 5A. 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 R-1/2 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)



WILLARD CITY

**Planning Commission Meeting** – Regular Meeting

Thursday, February 1, 2024 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

Time Stamp: 13:10 02/01/2024

Chairman Bodily read the Willard City Planning Commission's Rules of Order statement.

**Commissioner Bingham moved to open the public hearing at 6:44 p.m. Commissioner Baker seconded the motion. All voted "aye." The motion passed unanimously.**

Bryce Wheelwright stated that Heritage Land had applied to rezone 48.19 acres between 200 West and 500 West and 200 South to approximately 450 South. The property was formerly owned by Helen Jane Lemon. The first two phases of Heritage Land's subdivision, known as The Orchards, had been approved and were being constructed. Those phases were zoned R-1/2. Heritage Land was asking that the remaining property be zoned Master Planned Community to create community living area with a little higher density. The Planning Commission had not received a copy of the development agreement.

Garth Day, Heritage Land, stated that they were developing the old Helen Jane Lemon orchard. They had completed the first two phases located along and just west of 200 West. All of those lots were half-acre in size. They had been working to find the best use for the rest of the property. The property extended from 200 West west to the railroad tracks. Their concept plan included a road that would line up with 500 West to the north and 600 West to the south. They were proposing a mixed-use development. It would have a mixed use, but the primary use would be single-family residential. Their plan included two different types of lots, or homes, plus recreation. Their concept plan included eight acres of open space. Second West (200 West) was designed as an urban trail, and trails would be included trails throughout the development. There would be a pond with surrounding trails near the center. The corridor along the railroad tracks would ultimately be dedicated to UTA (Utah Transit Authority) for the Front Runner project. Until UTA started the Front Runner project, the corridor would include a trail that would extend from the north to the south end of the development. They were proposing patio homes on the northeast corner of the project. The patio homes would provide single level living on smaller lots approximately 8,000 square feet in size. The patio homes would include a recreation area with pickleball courts and parking. The balance of the development would be single-family lots ranging from 10,000 to 19,000 square feet with an average lot size of 16,000 square feet and an overall density of 2.5 units per acre. This would not be a high-density development. Willard Flood Control wanted to use the regional pond on the southwest corner as a detention basin and open space. Willard Flood Control also had a large, 36-inch drain line which ran through the property and under the interstate. They had designed around that drain line. The roads in the patio homes would be privately owned and maintained. The rest of the roads would be public. The private roads necessitated a homeowners' association. After discussions with the City administration, it did not appear the City was interested in owning the open space. So, they planned for the homeowners' association to cover the entire development to maintain and care for the open space. Modern rules for homeowners' associations required a reserve study to make sure the HOA fees would be appropriate so it would not fail. The development agreement included a one-year review period. One year after the HOA was established, the City would review it to make sure it was functioning properly.

Chairman Bodily opened the floor for public comments.

Bart Wade, 220 South 200 West, understood some of the reasons for proposal. He understood housing prices were ridiculous. However, patio homes and smaller lots were already available in Willard in the Deer Run and Granite Ridge Subdivisions. The most compelling argument against this development was the results of a recent survey that showed the citizens wanted half-acre lots. He felt that was what the City needed to stick to.



WILLARD CITY

**Planning Commission Meeting** – Regular Meeting

Thursday, February 1, 2024 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

Mindi Vandersteen, 202 South Main, read that the developer was going to have an impact statement addressing how the development would impact the community. She couldn't find an impact statement in the Planning Commission packet. Was an impact study completed? She had a lot of concerns; one was traffic. She lived on 200 South and saw the traffic. The Wells Subdivision brought in 12 houses; the Braegger Subdivision brought in ten. There are already 17 homes in this area. When the development was being constructed, there would be a lot of gravel and cement trucks driving up and down 200 South. Only one road fed all this area. The proposed subdivision contained 120 lots. If each lot had two cars, there would be another 276 cars on 200 South. A family of two adults and three children would add 690 new residents. She spoke with a school board member who said they have no plans to build a school on the Kunzler property. The school board couldn't find people to work. If more students were added, what would it do to the infrastructure? As she looked at how this development would impact the community, the traffic was the one that irritated her the most. There were several school bus stops for elementary and junior high students on 200 South. She had seen cement trucks and gravel trucks run through the stop sign on 100 West. Those drivers were not aware of the community. Residents walked and biked on 200 South. She was also stressed about property taxes. Growth in the school district meant bonds and increased property taxes. Subdivisions were affecting everyone's pockets. She was concerned the development would raise property taxes, which was very hard for those on fixed incomes. She didn't like developments or neighbors. That was why she had an acre of land.

Keith Larsen, 150 South 200 West, stated that he and his wife were retired and on a fixed income. His property taxes had gone up every year for 24 years. If it continued, they would be priced out of their home. They also walked around the community. He was concerned about their safety when they walked on 200 South. It was terrifying as a pedestrian because it was so narrow. He felt traffic should be counted on 200 South and 200 West. They had become the busiest roads in Willard. The people who had moved into the new subdivision were wonderful people, and he was glad they were here. However, he asked about the reason or motive for the zoning change. He understood the master plan was for half-acre lots. They were proposing to move away from the plan. What good do it do to have a master plan, if no one followed it? Heritage Land had already rezoned this land from agricultural to half-acre lots. Now they wanted to have smaller lots. He did not feel that was part of the master plan. If Willard was going to have a plan, it needed to follow the plan, stick to its guns and keep the community a place where residents could feel safe and comfortable. He was all for the bike path on 200 West, but he was afraid to walk across the highway because of the additional traffic. The highway didn't have crosswalks or stop lights to manage the traffic. Big cities were looking for open space. The open space proposed on the concept plan wasn't open. It was closed space that wouldn't be accessible because of the private roads. There were four parks on the east side of town. There was only one park on the west side - the school playground. He didn't feel the city plan should be changed willy nilly every time a contractor came in who wanted to make money by putting in lots and lots of housing and adding congestion. He felt Willard needed to keep its lifestyle. He realized there needed to be growth, but he felt Willard needed to make and follow its plan.

Jordan Hulsey, 10 South 100 West, stated that she was speaking as a private citizen not as a Council member. She wanted to record her opposition to the rezone request. It already had a reasonable half-acre zone. Changing this area to Master Planned Community with its attached concept plan, would allow most of the lots to have less than 14,000 square feet. She felt that decision required careful consideration. There were three key reasons she felt the rezone should be denied. First, the rezone was likely to exacerbate the existing traffic issues the Planning Commission had already heard about. A higher housing density tended to bring increased vehicles, which would compromise the safety of the community and undermine the quality of life that Willard valued. Second, the shift to the Master Planned Community Zone contradicted the current vision statement of Willard City. Introducing a zoning change that did not align with the City's



WILLARD CITY

**Planning Commission Meeting** – Regular Meeting

Thursday, February 1, 2024 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

vision jeopardized the essence of what made Willard a desirable place to live. It misaligned with our love and desire to keep Willard rural, open, and beautiful. Third, the General Plan Draft that she believed was on the brink of adoption reflected the collected aspirations of the citizens and carefully laid out strategies for Willard's future. One of those aspirations was the strong desire to keep at least half-acre lots. The proposed Master Planned Community Zone stood in stark contrast to the Future Land Use Map that was outlined in the draft. Approving the rezone request would not only undermine the efforts put into the General Plan, but it would also send conflicting signals about the City's commitment to a well-thought-out development strategy. In light of recent discussions, the City Council had had about addressing requests for MPC Zones, the General Plan, and the Planning Commission's responsibility as representatives of Willard City, she urged the Commission to reject the rezone proposal and prioritize the long-term well-being of the community over short-term gains.

Loralee Darley, 374 South 200 West, said she had lived in Willard a little over a year. They moved to Willard to get out of Lehi traffic. She felt the proposed development would make traffic in Willard worse than Lehi. In 15 years, Lehi had grown from nothing to what it is today. Infrastructure in Lehi was terrible. Putting the proposed development behind her house would result in a big mess coming up 200 South. It was the smallest road in the town. If 200 West was meant to be a main road, why were the homes built so close together? Why wasn't it wider to accommodate the proposed trail? She didn't want bicycles in front of her house. Why were homes being added without stores, schools, and churches? Highway 89 was not developed for commercial growth to accommodate these homes. She moved here to get away from growth, she didn't want it in her back yard. Half-acre lots would be fine. She didn't feel Willard was big enough for the proposed development.

Marc Hamson, 240 North 200 West, realized the proposed plan was not super high density. He hoped the Planning Commission would stay in line with the current zoning and future land use maps that had been considered and were being considered. He asked the Planning Commission to consider infrastructure needs Willard might already be low on, such as traffic, and future water use. He felt Willard needed to focus on better infrastructure, such as a 650 South entrance to Highway 89, before it allowed more growth. That would allow for better traffic flow.

Brinton Neff, 423 North 200 West, stated that his perspective was different. All this ground was in the green belt. He felt the proposed subdivision would lower property taxes, not raise them. If Willard wanted people to work and build businesses, Willard had to welcome the growth. He felt the Master Planned Community Zone was a good tool. It gave the Planning Commission some control. If this was just a straight half-acre, it would be gridded out without parks or ponds or preservation of green space. The Master Planned Community Zone allowed Willard to get what it needed, such as parks. The way to fix traffic wasn't to stop future growth. Willard needed growth to provide needed funding to improve infrastructure.

Becky Kruitbosch, 396 South 200 West, lived in the first phase of The Orchards Subdivision. She moved to Willard for the quality of life and had loved it. They were against the proposed Master Planned Community Zone. Infrastructure was strained. Two Hundred South (200 South) was the only way to get out of the neighborhood. She felt most of the traffic would pass the bus stop her children used, which was a big concern for her. She wanted her children to be safe. A surge in growth could strain water and sewer services. The school district would be left to figure out what to do with the children. What about the strain on emergency services? A higher population would mean an increased demand for emergency services. Willard only had four police officers. What would it take to get more officers? There has been a recent increase in break-ins. Would higher density mean a higher crime rate? They relocated from the Roy/West Haven area. West Haven was promised nothing less than half-acre lots. When West Haven allowed smaller



WILLARD CITY

**Planning Commission Meeting – Regular Meeting**

Thursday, February 1, 2024 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

lots, they had not been able to keep up with the growth, and there was a huge infrastructure strain. She was concerned about the quality of life. She urged the Planning Commission to consider the long-term implications of such a substantial housing increase; to prioritize the well-being of the existing community; and to be thoughtful about collaborative planning to ensure sustainable growth while preserving the great qualities of Willard.

Subsequent to the meeting, Mayor Mote asked that this email be entered into the record: "I am a Willard resident living on 200 West, and I am unable to attend the public hearing tonight. I want on record my strong opposition to the rezone request. I believe that the proposed rezone will cause high traffic through the neighborhood and create an unsafe environment for families with children. It would cause overpopulation of the area, thus undermining the quality of life that we so desperately love here in Willard." – Kristian Pearce.

**Commissioner Dubovik moved to close the public hearing at 7:13 p.m. Commissioner Bingham seconded the motion. All voted "aye." The motion passed unanimously.**

5B. 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 R-1/2 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)

Time Stamp: 45:50 02/01/2024

Chairman Bodily asked for the Planning Commission's thoughts. He felt the plan was pretty busy.

Commissioner Brian Gilbert wanted to see the development agreement before a decision was made.

Garth Day appreciated all the public comments. He felt they needed to go back and relook at their concept plan. Heritage Land was required to complete a traffic study. He could provide that study to the City.

Chairman Bodily realized that the streets were getting busier, but Willard was long way from having a full traffic capacity.

Garth Day stated that tonight was the first time he had heard about an impact statement. He would like the opportunity to prepare one. He wanted to take the public comments back to his design team. He thanked the Planning Commission for holding the public hearing and asked that the rezone be tabled to give them time to address some of the public's concerns.

Commissioner Bingham stated that there wasn't a specific density in the Master Planned Community Ordinance. He felt the intent of the Planning Commission and City Council was to have an overall density right around half-an-acre. Heritage Land had approximately 48 acres. An overall half-acre density would be 96 homes; Heritage Land was proposing 120. He asked that Heritage Land look at the density.

Garth Day stated that developers did not create a market. They responded to a need. It would be the dumbest thing in the world for them to build something and hope it would work. There was a huge amount of pressure; there was a housing crisis. Box Elder County hadn't felt it like other places, such as West



WILLARD CITY

**Planning Commission Meeting** – Regular Meeting

Thursday, February 1, 2024 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

Haven, but it was growing. They were planning for the future. They couldn't plan for 50 years ago; those times were gone. Everyone had had families that now needed a place to live. Heritage Land was responding to a market. They provided shelters for people. As interest rates started to come down, he did not feel the pressure for Willard would go away. He felt it would get worse.

Mr. Day said they had tried to do the best they could on density, but they would go back and look at it. He heard Chairman Bodily's comment that this was a busy plan. He had also heard comments about open space. Heritage Land would be happy to have the city own the open space, but in their discussions with the City administration, it became clear that Willard wasn't ready for that. Willard didn't have the staff or resources to care for the proposed open space. Their remedy was an HOA, because somebody had to take care of it. They were more than happy to have discussions with the City about dedicating the open space in the development agreement. If he had a little time, he felt he could address the issues raised by the public.

Commissioner Baker asked how many houses were proposed in their original concept plan. Mr. Day thought it was 148. Commissioner Baker referred to a memo from the City Engineer, Zac Burk. The memo said there were 17 lots in Phases 1 and 2, and that the proposed MPC Zone would add 121 lots that were closer to a quarter-of-an-acre than a third of an acre. Mr. Day said there would be a variety of lot sizes. The average was around 16,000 square feet. Lots for the patio homes would be around 8,000 square feet. Some of the single-family lots would be around 10,000 square feet. The UTA corridor had reduced the size of the lots along the west side. Most of the 10,000 square foot lots were located along the UTA corridor. The lots in the middle of the development would range from 13,000 to 20,000 square feet.

Commissioner Baker asked about the private road between 200 West and 400 West. Garth Day explained that they were trying to take advantage of a private lane to provide additional access to their development. The proposed road did not have the right-of-way width required by Willard's Public Works Standards. Commissioner Baker asked if the patio homes would be gated. Mr. Day said they would not. A private street meant the right-of-way width was a little smaller. The asphalt width would be the same as a regular street, so most drivers wouldn't notice the difference. The private roads would be privately maintained, but they would be accessible for public use. Emergency services would be able to use the private roads. They would never be gated or closed. There would be a full width public street in the middle of the patio homes to accommodate Willard Flood Control's 35-inch storm drain line. The City Engineer did not want the line in a private road.

Commissioner Baker asked if 500 West would line up with 500 West on West Center? Garth Day said it would.

Commissioner Baker said she did not like the proposed concept plan.

Commissioner Baker once again asked how many homes Heritage Land originally proposed. Mr. Day said they originally planned to propose quarter acre lots throughout the entire development. The original plan included patio homes because there was a need for them.

Commissioner Dubovik said the MPC Zone was attractive to him because it allowed a developer to be flexible and creative and provide some compelling benefit to Willard. It also allowed the City to have a qualitative review to see if the benefits were worth allowing a little higher density or shifting density to one spot. The proposed concept plan had an overall higher density. He did not see a compelling reason to lower the density from the existing half-acre. What was the net benefit to the community at large?



WILLARD CITY

**Planning Commission Meeting – Regular Meeting**

Thursday, February 1, 2024 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

Garth Day felt the proposed concept plan would provide variety and diversity in Willard's housing stock. Not everyone wanted a half-acre lot, and half-acre lots could waste a lot of resources. He felt the proposed development would provide a net tax increase. When the density increased, commercial retail and amenities would follow. Large businesses would not build here until the demographics were here. A third-acre lot was not a small lot. He did not feel third acre lots would take away from what was already in Willard. They were just smaller than a half-acre lot. Mr. Day reminded the Planning Commission that half-acre lots only came to be when septic tanks were needed. In the 1960's and 1970's, the health department decided 20,000 square feet was needed to put in a septic tank. Half-acre lots became the standard. Sanitary sewer was now available, and there was no longer a need for such large lots. Their plan included sewer. They would actually be increasing Willard's infrastructure.

Commissioner Bingham felt a half-acre density would be third acre lots when the land for streets was taken out. Mr. Day said a half-acre density was 1.85 units per acre. They were proposing a density of 2.5 units per acre, which was about a 25% increase in density. The trails would be public spaces. Part of the development agreement negotiations dealt with how to preserve the pond and whether it would be a public space. The HOA was not in place to keep open space private and keep people out. The HOA was meant to provide a way to pay for the open spaces. If the City wanted to establish a Parks Department and take over maintenance of the open spaces, they would be more than happy to build them and turn them over.

Garth Day felt all the open space would be a benefit to Willard. Two Hundred West (200 West) had been designed as an urban trail. The sidewalks they were proposing on 200 West were designed for an urban trail and would connect to trails throughout the development.

Mary Grimes, 175 West 200 South, stated that everyone's main concern was traffic on 200 West 200 South. Did this plan have another outlet? Were there other streets going to Highway 89? Garth Day said there would eventually be six streets connecting to Highway 89, but they had not been built yet. Ms. Grimes felt there needed to be consideration for evacuation. Mr. Day said it would take seven to eight years for the development to be built out.

Jodi Wade, 220 South 200 West, stated that there would still be a traffic problem in seven or eight years unless 200 South was widened. Garth Day said Deer Run had an obligation to build 200 West and 600 South. Another part of the development agreement was their offer to create a public infrastructure district to help pay for some of the offsite improvements.

A woman asked if the private road was a way to get around not being able to put in a city road because it was not wide enough. If the road was private, how could it be accessible to the public?

Commissioner Dubovik stated he lived on the east side of Willard and understood the difficulty of turning left onto Highway 89. He realized that the school density was not something Heritage Land could control, but it was something to consider and led him to lean toward a less dense neighborhood. He had been told that Willard would never be able to slow down traffic on Highway 89 to 35 mph or get another entrance onto Interstate 15. If Heritage Land and their colleagues wanted more favorable decisions, they needed to put their money where their mouth was and petition the State legislature to relieve some of Willard's concerns. Mr. Day said he couldn't do anything about the school district. Other communities were dealing with the same issues. For school districts it was a chicken and egg situation. Did they build a school thinking students would come, or wait until the students were there before? The State legislature had given them some tools, such as a public infrastructure district. Homes inside this development could be taxed differently to put in needed infrastructure. That was an option he wanted to explore with the city administration.





WILLARD CITY

**Planning Commission Meeting** – Regular Meeting

Thursday, February 1, 2024 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

Commissioner Braegger felt the Planning Commission needed a copy of the development agreement before it could even begin to consider the MPC Zone for Heritage Land. Willard was not a fan of HOA's. There had been issues with HOA's in the past. He had worked with a lot of HOA's and felt they were a nightmare. If the citizens wanted parks on the west side of the community, Willard would have to pony up and establish a Parks Department to care for them. He also felt the patio homes needed to provide sufficient guest parking. According to Box Elder County, each unit should have 1.5 guest parking spaces. He agreed that traffic was an issue.

**Commissioner Bingham moved to table consideration of a rezone petition from Heritage Land Development to allow them time to address concerns of the residents and Willard City. Commissioner Gilbert seconded the motion. All voted "aye." The motion passed unanimously.**

5C. 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)

Time Stamp: 1:08:57 02/01/2024

**Commissioner Baker moved to open the public hearing at 7:39 p.m. Commissioner Dubovik seconded the motion. All voted "aye." The motion passed unanimously.**

Commissioner Braegger stated that this item might be a conflict for him. He recused himself from the discussion.

Bryce Wheelwright stated that the property in question was located on the north end of Willard City. It did have a Perry address, but it was located on 200 West. It was currently zoned A-5. The current Future Land Use Map designated the property as both A-3 and A-5. Lync Construction had submitted a petition to amend the Future Land Use Map to change the future land use designation from A-3 and A-5 to R-1/2. Lync Construction proposed a development of half-acre lots.

Pat Burns, Lync Construction, stated that he had attended the work sessions during which the Planning Commission and City Council had discussed the draft General Plan and Future Land Use Map. He was trying to follow the future land use the Planning Commission and City Council had proposed. He would like to rezone this property for a half-acre density. The first step was to amend the future land use map.

Chairman Bodily opened the floor for public comments.

Bart Wade, 220 South 200 West, stated that Willard did not need a mass of houses. He was not opposed to growth, but he hoped Lync Construction didn't come back and request something less than R-1/2. He felt the current Planning Commission would impact the future of Willard more than any other Planning Commission ever would now or in the future. He asked the Planning Commission not to fall for the notion that half-acre lots were old-fashioned. There wasn't anything wrong with half-acre lots.

Rolin Hinrichsen, 3580 South 1200 West, Perry, stated that he had addressed the Planning Commission numerous times. In this meeting he had heard only one person support growth. He hoped the Planning



WILLARD CITY

**Planning Commission Meeting** – Regular Meeting

Thursday, February 1, 2024 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

Commission was paying attention to that. The representative from Heritage Land said they were filling a need. He heard the same claim from other developers. It simply was not true. If houses were built, people would come. If houses were not built, people would not come because there would not be places to live, and the community would not increase in size. The developers were in it for the money. There had been a lot of comments about traffic and infrastructure. Property taxes from new houses would not pay for new schools, new infrastructure, and more maintenance. He moved here over 35 years ago for peace and quiet. He had been happy, but he had watched the growth and increase in traffic. Everyone drove past him to get to shopping in Brigham City. The roads in front of him were not wider like they were in Willard, and drivers sped past his property. Would everyone that moved in be bad? No, but there would be some. It would be a mixed bag. Crime had gone up. Traffic would be bad; so, would infrastructure. In this case, Willard did not have infrastructure to take care of this property, but this developer wanted to put more homes there! Lync Construction was proposing to build next to the pond, which was a wetland area. Lync Construction wanted to add 55 more homes to the high-density Willard was already dealing with. He disagreed with the argument that the homes wouldn't be built for another ten years. If the City approved the development, the growth would happen either today or in ten years. It would strain and hurt Willard. In this case, it would hurt him because it was next to him. He would be the lone voice and would lose against the many new homeowners. Why did every square inch in Willard need to be developed? Willard needed to have some open space. The pollution haze had slowly crept north until it was past Brigham City. Farms grew green leafy plants that turned pollution back to clean air. More people meant more pollution. If density and the number of people were increased, Willard could not go backward. Perry had approved a development next to him, and he was living with the problems. Willard was going to do the same thing to its residents. It had to stop somewhere. Someone needed to grow up and be the one to not do it.

Jeannine Jensen, 1155 West 3600 South, Perry, realized that growth was going to happen. She was concerned about where the water was coming from. Willard did not have water lines in this area. Where was the sewer going to go? The Planning Commission needed to make sure those improvements were installed before the development was. Another developer had purchased property in this area and spent the past four years trying to get water and sewer. Growth was going to happen, but Willard needed to make sure it had the infrastructure to support it.

Jordan Hulsey, 10 South 100 West, stated that she was once again speaking as a private citizen. Lync Construction's requested amendment to the Future Land Use Map specifically targeted the 32 acres on 1200 West. It was seeking to change the A-3 and A-5 designations to R-1/2. She felt this move contradicted the core values of Willard City and changed the vision that had guided the community. In the past, Willard had thrived on a delicate balance between development and the preservation of its rich agricultural heritage. Throughout the 30 years she had been in Willard, she had watched that balance change in different sections of town. The proposed amendment threatened to disrupt that equilibrium. The proposed change to R-1/2 did not conform to the character of the surrounding agricultural lands, which were already diminishing. This departure from Willard's roots jeopardized the unique charm that defined it. The current vision statement in the draft of the General Plan, that would hopefully be adopted in the near future, was crafted to guide the growth of Willard. It was at risk of being compromised. Approving the proposal to amend the current Future Land Use Map would undermine the principles that had made Willard a great place to be and a place she had been proud to call home. It would also send the message that Willard was willing to compromise its values for very short-term gains. In the face of such challenges, she asked the Planning Commission to reject the proposal in the best interest of the City and its neighbors. Everyone needed to stand united in safeguarding the values and vision that had guided Willard through the years. The Planning Commission's decision today would shape the community. She hoped the Planning Commission understood its responsibility to prioritize and represent the community's well-being, its identity, and its integrity.



WILLARD CITY

**Planning Commission Meeting** – Regular Meeting

Thursday, February 1, 2024 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

James Settlemyre, 3630 South 1200 West, stated that the rules of the Master Planned Community Zone said its goal was to keep Willard rural. He did not feel this proposal checked the boxes. Where was the water going to come from? Where would the sewer go? Yes, the zone would be R-1/2, but some of the proposed lots didn't even have 100 feet of frontage, which was a Willard requirement. Because this did not check the boxes, he felt it was a waste of everyone's time. If a proposal was being brought to the table, it should check every box. As a community, Willard had already said, "Here are our bylaws and ordinances." This proposal did not even check the minimum boxes of the MPC Zone. Developers had an obligation to bring their plans to the City. Willard had a general plan and a map to follow. Just follow the map. He felt half-acre lots across all of Willard was super dangerous. That kind of blanket was not worth it. If Willard started chipping away at land, it would seem normal and okay. If Willard was going to stay rural, he did not feel half-acre farms would do well. He felt Willard needed to make developers stick to the plan it had.

**Commissioner Bingham made a motion to close the public hearing at 7:59 p.m. Commissioner Gilbert seconded the motion. All voted "aye." The motion passed unanimously.**

- 5D. 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)

Time Stamp: 1:30:36 02/01/2024

Pat Burns, Lync Construction, stated that he was proposing an R-1/2 Zone, not an MPC Zone. He hadn't proposed any plans or lot sizes. He wasn't sure where information about 55 lots and lot widths had come from. He was simply requesting an amendment to the Future Land Use Map.

Commissioner Dubovik stated that his consistent thought was that Willard had a current Future Land Use Map. Until a different plan was approved, he felt the Planning Commission should stick with the current zoning and designated future land use. They were there for a reason. He felt there should be a compelling reason to make a change, or something really beneficial to Willard.

Chairman Bodily agreed. The Planning Commission had turned down previous rezone requests for this property. He realized there might be an adjacent development to the north, but that development was in Perry. There wasn't half-acre lots to the south. He was not in favor of changing the use of this property. He felt the Planning Commission should stick with the current land use map.

Commissioner Bingham had heard a lot of arguments, and it was all against development. He had lived in Willard a long time. These changes would not come overnight. There had to be a demand for a home to be built. He totally understood the desire to keep Willard rural feel. At the same time, there was property without anyone to farm it. In attempting to keep a rural feel, land could be priced so high that the only people coming in would be those that could afford multi-million-dollar homes. That would raise property taxes. Pretty soon people would not be able to afford their property taxes. There were things that had to be juggled. If there wasn't anyone to farm the land, it would become a weed-growing heritage. Willard was famous for fruit, not alfalfa. A property owner had the right to sell his property for as much as he could. It was not easy for the Planning Commission. The Planning Commission was also trying to preserve the ability of everyone to live in their home and pay property taxes for the next 50 years. Most of the people in attendance lived in Willard



WILLARD CITY

**Planning Commission Meeting – Regular Meeting**

Thursday, February 1, 2024 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

because someone sold their farm. He didn't have a problem zoning this property R-1/2 other than the fact there were farms on every side. There wasn't an adjacent R-1/2 Zone.

Pat Burns reminded the Planning Commission that the Future Land Use Map was a living document. It was supposed to be adjusted. In the last meeting, six out of six Planning Commission members voted to support half-acre lot density. The Planning Commission and City Council held a work session and collaboratively agreed on a half-acre density. The general plan survey was in favor of half-acre density. Five of the residents had spoken voiced support for half-acre lots. He had tried to listen to everyone. That is why he was requesting an R-1/2 Zone. Townhomes were going across the street in Perry.

Commissioner Dubovik stated that the proposed general plan and land use map were still being discussed. They had not been approved.

Commissioner Gilbert did not feel any changes should be made until the Council made a decision regarding the proposed general plan and land use map.

Commissioner Baker felt the request for half-acre lots was great, but there were still other issues going on, such as sewer and water. Chairman Bodily said those would be the developer's problem to solve.

Commissioner Bingham felt half-acre lots would help preserve the rural feel and would be the best solution.

After further discussion, Commission Dubovik asked if it would be better to reject the amendment request or to table it until the land use was figured out. Commissioner Bingham felt it would be better to table it. If the petition was denied, Mr. Burns would have to wait a year before he could submit a new petition.

Mayor Mote reminded the Planning Commission that this was a request for an amendment to the master plan, not a rezoning petition. A master plan amendment would not have to wait a year.

Colt Mund, City Attorney, stated that the State Code required the Planning Commission to give substantive review to an application based on the law that was currently in effect, not what the general plan might be in a month or two. He was not sure about the legal grounds to table an application because the city might amend the general plan. The application still fell under the current general plan. The current general plan had goals and policies reflecting a number of things the community wanted to see. He advised the Planning Commission to process the application based on the existing general plan. The Planning Commission could not retroactively change the application down the road. The applicant could withdraw his application and then resubmit an application when there was a new general plan. He did not advise tabling application just because Willard might amend its general plan.

Bryce Wheelwright felt that there was a waiting period in the ordinance if the application was denied.

Chairman Bodily asked if the application could be withdrawn. Colt Mund felt it was up to the Planning Commission to allow that option. If the applicant withdrew his application, no action would be taken, and the Planning Commission could move on to the next agenda item.

Chairman Bodily asked if Pat Burns wanted to withdraw his application. Pat Burns felt it would be best if his application was withdrawn.



WILLARD CITY

**Planning Commission Meeting** – Regular Meeting

Thursday, February 1, 2024 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

5E. 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)

Time Stamp: 1:45:10 02/01/2024

Bryce Wheelwright stated that Bob Davis had approached Willard City because of Box Elder County's new policy that any land use changes be considered by the municipality with the annexation policy declaration. Mr. Davis's property was located in Willard City's future annexation plan. Mr. Davis wanted to improve his property and provide the Willard Flood Control District with an area for a detention pond. His goal was to create a park and several building lots. Box Elder County was not interested in any parks. Bob Davis had submitted a petition to annex into Willard City.

Bob Davis, 7700 South 1100 West, stated that Box Elder County did not have a Parks Department. He wanted to create a park in memory of his grandfather, who built a house in Willard in 1861, and his wife. He felt his proposal would be an asset to Willard. It might be premature if Willard didn't plan to go all the way to the county line. He was asking for three three-acre lots, and he wanted to donate 11 acres to Willard City for a park. The park would be a nature park, a habitat for wildlife. He felt the park could be a draw for the community.

Chairman Bodily asked if Willard City would maintain the park. Bob Davis said it would not. He felt there would be a formal organization that would maintain the park who would work hand-in-hand with Willard Flood Control. He planned for the three lots to be a PUD with a private road, so Willard wouldn't have to maintain the road. He had over 200-acre feet of water. He felt it might be premature to delegate the water right now.

Chairman Bodily asked if this would create an island. Bob Davis said it would. Mayor Mote said that Mr. Davis's property was kitty-corner to Willard, but it was across the interstate.

Commissioner Baker stated that Bob Davis had talked to Willard Flood Control. The flood board was really interested in the property. Bryce Wheelwright agreed. Willard Flood Control was very interested in this property. This annexation would be an advantage.

Commissioner Dubovik said it seemed like annexations had a negative connotation because of the roads and emergency service demand that went along with them. This annexation seemed like a net benefit.

Colt Mund stated that technically the next step in the process was for the City Council to decide whether to accept or reject the petition for annexation. Because there was zoning involved, he felt it was helpful for the Planning Commission to give input.

The Planning Commission felt this annexation would benefit Willard.

5F. 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)

Time Stamp: 1:54:35 02/01/2024



WILLARD CITY  
**Planning Commission Meeting** – Regular Meeting  
Thursday, February 1, 2024 – 6:30 p.m.  
Willard City Hall – 80 West 50 South  
Willard, Utah 84340

Bryce Wheelwright stated that Marc Anderson had asked that this item be tabled because he was unable to attend the meeting.

**Commissioner Dubovik moved to table this item until the applicant could be in attendance. Commissioner Braegger seconded the motion. All voted “aye.” The motion passed unanimously.**

5G. CONSIDERATION OF A PRELIMINARY PLAN FOR THE MARION STOKES SUBDIVISION  
LOCATED AT APPROXIMATELY 1395 NORTH MAIN (PARCEL NO. 02-040-0004)

Time Stamp: 1:55:16 02/01/2024

Bryce Wheelwright stated that the Marion Stokes Estate was selling her home at 1395 North Main. Her home was part of a large tract of land consisting of about 12 acres.

Larry Holmes, 1561 Hargis Hill Road, stated that the City already divided the land once when it built 200 West, but the tax identification numbers were not changed. There was a parcel on the east side of 200 West and a parcel on the west side of 200 West with the same tax identification number. They wanted to sell the house along with 3.65 acres. That would leave nine acres on the east side of 200 West and 11.88 acres on the west side of 200 West.

Bryce Wheelwright stated that the house itself was zone R-1/2. The proposed lot size and width complied with the R-1/2 Zone regulations.

Commissioner Bingham asked how big the lot with the house would be. Larry Holmes said it would be 3.65 acres.

**Commissioner Bingham moved to recommend that the City Council grant preliminary approval of the Marion Stokes Subdivision located at approximately 1395 North Main (Parcel No. 02-040-0004). Commissioner Baker seconded the motion. All voted “aye.” The motion passed unanimously.**

6. CONSIDERATION AND APPROVAL OF THE DECEMBER 7, 2023, REGULAR PLANNING  
COMMISSISON MINUTES

**Commissioner Baker moved to approve the December 7, 2023, minutes as corrected. Commissioner Gilbert seconded the motion. All voted “aye.” The motion passed unanimously.**

7. COMMISSIONER/STAFF COMMENTS

Time Stamp: 1:58:55 02/01/2024

Bryce Wheelwright

Did not have any comments.

Jeremy Kimpton

Did not have any comments.



WILLARD CITY  
**Planning Commission Meeting** – Regular Meeting  
Thursday, February 1, 2024 – 6:30 p.m.  
Willard City Hall – 80 West 50 South  
Willard, Utah 84340

Colt Mund

Did not have any comments.

Commissioner Bingham

Commissioner Bingham asked about the status of the Thurgood lot line adjustment on 200 West. Bryce Wheelwright stated that only part of the requirements had been completed before the property was sold. It was now in the hands of the prosecuting attorney.

Commissioner Dubovik

Commissioner Dubovik concurred with Commissioner Bingham's earlier comments. The Planning Commission had to strike a balance. If the City kept lot sizes too big, it could lead to \$1 to \$2 million dollar homes that would drive property values and property taxes up. Willard was valuable. He didn't feel the City had to roll over and take any offer on the table. The City wasn't desperate. There was growth coming. He felt everyone needed to work together and do it smartly. Not everyone was going to get what they wanted every time. The Planning Commission needed to work hard to satisfy the intent.

Commissioner Gilbert

Commissioner Gilbert agreed with Commissioner Dubovik.

Commissioner Baker

Commissioner Baker was concerned about the bright lights installed by FIZZ at 30 North Main. She felt the adjoining property owners would begin complaining. Chairman Bodily felt a fence would be needed to help block the light. Mayor Mote felt the owner would have to comply with the City's Dark Sky Ordinance before he could receive an occupancy permit. Bryce Wheelwright stated that the lights would be addressed during the final inspection.

Commissioner Braegger

Did not have any comments.

Mayor Mote

Mayor Mote stated that several comments had been made about Willard's lack of a Parks Department. Willard had a Public Works Department that handled maintenance of city parks. Willard didn't want a bunch of tiny parks. Consolidated, larger parks were easier to maintain. The City's Public Works and Police Departments would have to grow as Willard grew.

Chairman Bodily

Did not have any comments.



WILLARD CITY  
**Planning Commission Meeting** – Regular Meeting  
Thursday, February 1, 2024 – 6:30 p.m.  
Willard City Hall – 80 West 50 South  
Willard, Utah 84340

8. ADJOURN

Commissioner Dubovik moved to adjourn at 8:32 p.m. Commissioner Braegger seconded the motion. All voted in favor. The motion passed unanimously.

Minutes were read individually and approved on: 3/7/24

Sid Bodily  
Planning Commission, Chairman  
Sid Bodily

Michelle Drago  
Planning Commission Secretary  
Michelle Drago

dc:PC 02-01-2024