



**Notice is hereby given that the
WILLARD CITY PLANNING COMMISSION
Will meet in a regular session on
Thursday, August 7, 2025 – 6:30 p.m.
Willard City Hall, 80 West 50 South
Willard, Utah, 84340**

AGENDA

(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. Consideration of a preliminary plan and subdivision improvement plans for the Mountain Bay Subdivision submitted by Val Poll located at approximately 8200 South Highway 89 (Parcel No. 01-045-0133) (continued from June 5, 2025)
 - b. Review of a conditional use permit issued to Qwest/Maurice Roche on April 19, 2001, for a communications tower located at 1357 North Main (Parcel No. 02-040-0005) (continued from July 17, 2025)
 - c. Discussion regarding revisions to the Recreational Vehicles and Recreational Vehicle Parks Code found in 24.92.030 of the Willard City Zoning Code (continued from May 1, May 15, June 5, and July 17, 2025)
 - d. Discussion regarding amending the Future Land Use Map found in Chapter 3 of the General Plan adopted in March 2024 by expanding the Environmentally Sensitive areas to include sensitive wetlands and to include a commercial corridor through the Old Town Willard Zone
6. Consideration and approval of regular Planning Commission minutes for July 17, 2025
7. Discussion regarding agenda items for the August 21, 2025, Planning Commission meeting
8. Commissioner/Staff Comments
9. Adjourn

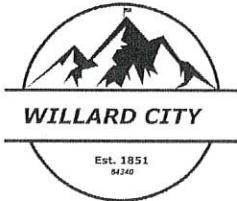
I, the undersigned duly appointed and acting Deputy City Recorder for Willard City Corporation, hereby certify that a copy of the foregoing notice and agenda was posted at the Willard City Hall, on the State of Utah Public Meeting Notice website <https://www.utah.gov/pmn/index.html>, on the Willard City website www.willardcity.com, and sent to the Box Elder News Journal this 1st day of August, 2025.

/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.

ITEM 5A



Willard City Corporation

435-734-9881
80 W 50 S
PO Box 593
Willard, Utah 84340
www.willardcityut.gov

Mayor

Travis Mote

City Council Members

J. Hulsey

R. Christensen

M. Braegger

R. Mund

J. Bodily

August 4, 2025

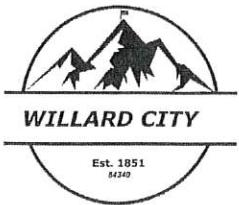
Staff Report

Subject: Mountain Bay Subdivision

Mountain Bay Subdivision was originally presented to the Planning Commission on June 5, 2025. The two main items discussed were sewer dry lines and a secondary access. The Commission expressed concern about the number of homes that would be using the two access points to the highway. The Commission also felt the developer should be required to put in dry lines for the sewer in addition to their proposed septic tanks due to the plan for the sewer to extend through South Willard. The discussion ended with the Planning Commission asking the developer to address those two issues before approval was considered.

Willard City staff have maintained frequent communication with the developer, as documented in the attached email correspondence. Based on the Willard City Public Works Standards and the Utah State Annexation Code 10-2-804, the staff's position is that dry lines should be required for installation. The developer, however, has presented several counterarguments outlining their position that the installation of dry lines should not be required.

The developer has indicated that only 25 lots will access the subdivision through their designated access point, which is below the IFC's maximum threshold of 30 lots. It is understood that the Planning Commission's concern was the potential for more than 30 homes to share a single access to the highway. The developer has submitted a temporary emergency egress application with UDOT (see attached). As of 7/3/2025, the approval was pending.



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Discussion also took place via email about the length of the cul-de-sac. Without emergency access at 1000 West, the length of the cul-de-sac is over 600 feet, which exceeds Willard City's current requirement for cul-de-sacs. Willard City Zoning Code 24.81.130 states the following: "Cul-de-sac Streets. Cul-de-sac Streets shall comply with the Willard City Public Works Standards and shall provide for a maximum of ten lots per cul-de-sac." And, "Maximum Cul-De-Sac Length. All cul-de-sacs shall be limited to a maximum length of six hundred (600) feet, measured from the radius point of the cul-de-sac to the centerline of the connecting road or street, and shall provide adequate easements for drainage, as required by the City Engineer."

Mountain Bay Subdivision requested to appear before the PC again without any adjustments to their preliminary plat. Staff has a scheduled meeting with the developer on August 7 at 3 pm, which will precede their next appearance at the Planning Commission.

Re[2]: Mtn Bay Subdivision

From Chris Breinholt <chrisb@jonescivil.com>

Date Mon 7/7/2025 5:05 PM

To kjuddconsulting@gmail.com <kjuddconsulting@gmail.com>; Madison Brown <mbrown@willardcityut.gov>

Cc Jeremy Kimpton <jkimpton@willardcityut.gov>; colt <colt@utah-lawfirm.com>; Val Poll <Val.poll@thrivepet.com>; Thomas Hunt <thomas@hunday.co>; Michelle Drago <mdrago@willardcityut.gov>; zacb <zacb@jonescivil.com>

Kelvin,

Utah State Code 10-2-804 regarding annexations states that cities may only annex parcels that create islands in very specific cases. Section 3(d) states that one requirement is that "the annexation is for the purpose of providing municipal services to the area." The only reason that Willard City had to accept your request for annexation was to provide sewer service since no water services are being provided by the City. Everybody, including your team, was well aware of this when the process undertaken for annexation.

It is still the City's intention to provide sewer service to the area when the trunk lines are eventually constructed through development activity. That has been the sole reason for the annexation of this land and the other island parcels. The City is considering allowing septic tanks in Mountain Bay only as a temporary concession to allow you to move forward as the challenges with the sewer trunk line are worked through. Don't take that goodwill gesture and turn it around on the City. If the dry sewer lines are not installed in your development during construction, the cost of installing them will eventually be passed on to the rest of the citizens of Willard when sewer service is eventually extended to the area.

If we were to allow this development to move forward without intending to provide sewer service, it is my opinion we would be in violation of Utah State Code.

Thanks,
Chris Breinholt, City Engineer



----- Original Message -----

From "Kelvin Judd" <kjuddconsulting@gmail.com>
To "Madison Brown" <mbrown@willardcityut.gov>
Cc "Jeremy Kimpton" <jkimpton@willardcityut.gov>; "colt" <colt@utah-lawfirm.com>; "Val Poll" <Val.poll@thrivepet.com>; "Thomas Hunt" <thomas@hunday.co>; "chrisb" <chrisb@jonescivil.com>; "Michelle Drago" <mdrago@willardcityut.gov>
Date 7/3/2025 12:42:56 PM
Subject Re: Mtn Bay Subdivision

Hi Maddie,

Thank you for your response, I really appreciate the clear communication, you have been great at that, which is not common in a lot of places. We have a few questions we would like to have clarified, and it would be great to meet in person next week to discuss these further:

1. Access:

[Mountain Bay Estates Civil Set](#)

Above is a link to the updated civil set that shows the emergency egress. This has been submitted to UDOT, and that approval is pending. We are ok with a conditional approval motion from the planning commission contingent on this access being granted by UDOT. We understand what you are saying about the existing subdivision containing over 30 homes, but it is not accurate to state that the existing subdivision only has one access. There are two accesses (8100 S and 7950 S) to the existing subdivision, as shown in our exhibit, and it is also connected to a third access (7800 S). Including our new lots, that is approximately 100 total homes on those 3 accesses, and we will agree to provide the emergency egress in addition to the existing accesses.

2. We agree that dry sewer lines have been discussed throughout this process and understand the intent behind it. Here are our comments:

- While dry lines may avoid future disruption, future sewer is not a guarantee as far south of the city as this property is. We are aware of significant Army Corps of Engineers Wetlands issues for the proposed southern extension of the trunk line that have not been solved after several years of effort. So much so that the developer south of our property is considering abandoning their 1/3 acre concept in favor of 1/2 acre lots so they can potentially be on septic if they go through the feasibility process with BRHD and are approved.
- This is the opposite of minimizing costs, it is essentially doubling the cost of wastewater treatment for possible future sewer that is not guaranteed where septic systems are entirely adequate and approved to serve these homes. We agree with you in wanting to support responsible and sustainable growth, we are 100% on board with that. Septic systems are not irresponsible nor unsustainable, they work just fine for a very long time, especially with today's

technology and standards. BRHD does not just approve septic systems and hope for the best. The last thing we want to do is not be responsible.

- If it is cost prohibitive to put sewer in, then there won't be development on the south end that makes sewer not cost prohibitive, if that makes sense. Half acre zoning here is informed by lack of sewer here. If Willard City wants higher density in more rural areas, they would need to cost share or something similar. If half acre lots are what the city and residents want, then lack of sewer is a default mechanism to restricting smaller lots.
- Can you send us the code ordinance stating the drylines are required? The ordinance sent to us previously does not state that. We understand it is what is wanted, but don't agree that the code requires it.
- Can you send us a map showing where the current sewer line is located?
- Can you also send me any examples and locations of subdivisions that have put in dry lines?

We appreciate you and everyone we have worked with at Willard City thus far, and we are committed to working toward a thoughtful, affordable development. Like you mentioned, we are also happy to continue working with you to explore ways to help manage costs and meet requirements. Please let us know when we can meet next week, and we would like to plan to be on the agenda for July 17th.

Thanks again.

On Wed, Jul 2, 2025 at 10:35 AM Madison Brown <mbrown@willardcityut.gov> wrote:
Kelvin,

Thank you for the detailed update and for continuing to work closely with us on this project. We appreciate the time, coordination, and thoughtfulness you've put into addressing both the sewer and access concerns.

1. Dry Sewer Lines

We want to clarify that the installation of dry sewer lines was discussed early in the process, even prior to annexation, as part of the City's long-term infrastructure planning. While we understand your concerns about the current distance to the nearest sewer connection and the costs involved, the intent behind requiring dry lines is to prepare for eventual service in a way that avoids future disruption and minimizes costs to both residents and the City.

Importantly, the City is actively progressing with plans to expand the sewer system, and we anticipate that project will begin in the near future. This makes it even more critical that developments like yours are built with future connectivity in mind. Installing dry lines now, while the subdivision is under construction, ensures a smoother and less costly connection when sewer service does become available.

We also acknowledge the investment you've made in obtaining septic feasibility from BRHD, and that documentation will be part of the record. However, the Planning Commission has emphasized the importance of forward-thinking infrastructure planning. Requiring dry lines is a standard and reasonable approach that allows us to support growth in a responsible, sustainable manner.

This expectation has been consistent throughout the process and is not meant to create undue burden, but rather to protect long-term community interests. We're happy to continue working with you to explore ways to help manage costs while meeting the City's requirements.

2. Access

Regarding access, we appreciate your efforts to clarify the lot count and your coordination with the school district on future stub roads. However, as was raised in previous discussions, while your proposed development does remain under the 30-lot threshold, access to Highway 89 currently runs through an existing subdivision that already contains more than 30 homes. When combined, this would exceed the single-access limit per the International Fire Code and Willard City Ordinance 20.12. This was a key concern voiced by the Planning Commission.

Your petition to UDOT for a temporary emergency access is a step in the right direction. If approved, it may help address the Commission's concerns. However, if that request is denied, further solutions will need to be considered to provide adequate emergency egress.

The Planning Commission provided clear and specific feedback at the last meeting, and they will expect to see meaningful modifications or responsive solutions when the project returns for review. While they will be open to hearing any progress you have made on these items, their original concerns still remain and will need to be adequately addressed. If those concerns are not resolved, the likelihood of the subdivision being approved in its current form is very limited. You are welcome to attend the July 17th planning commission meeting with the same plans and drawings, but I fear it may be a repeat of the previous meeting. If that is how you'd like to proceed, that's what we can do. It will count as one of your four reviews done by the Planning Commission, though. If changes are not made that align the subdivision to the city's ordinances within four reviews, the Planning Commission can deny the application completely.

We know you are working toward a thoughtful, affordable development and appreciate your continued collaboration. Please keep us updated on any new information, including UDOT's response. I'm also happy to meet with you before the July 17th meeting if you'd like to go over any materials or discuss options.

We currently have you on the agenda for July 17th; however, if you need more time to make adjustments or hear back from the School District or UDOT, we can postpone your next appearance. Let me know how you'd like to proceed.

Maddie Brown

City Planner

435.734.9881

Please update your records to my new email address: mbrown@willardcityut.gov.

From: Kelvin Judd <kjuddconsulting@gmail.com>

Sent: Friday, June 20, 2025 1:57 PM

To: Jeremy Kimpton <jkimpton@willardcityut.gov>; Madison Brown <mbrown@willardcityut.gov>

Cc: colt <colt@utah-lawfirm.com>; Val Poll <Val.poll@thrivepet.com>; Thomas Hunt <thomas@hunday.co>; chrisb <chrisb@jonescivil.com>

Subject: Re: Mtn Bay Subdivision

Jeremy and Maddie,

Thank you for working on this with us. I'd like to summarize where we are at on this project in preparation for going back to the planning commission. We are anticipating being on the agenda at the next meeting on July 17th, and there are essentially two items to be addressed: dry lines and access.

1. Dry lines for a possible future sewer connection: This is a tough one. We understand the logic of where the city is coming from, but the existing sewer is a long way from this property and far exceeds the 300' proximity requirement to connect to existing sewer, let alone possible sewer in the future. Septic systems are a proven science, and the BRHD has significant liability in approving them. That approval is attached. Substantial financial costs have been paid to test and acquire septic feasibility for this property, which has been granted. Also attached is the letter from Willard City that we were given, clearly stating that sewer is not at all feasible for this property. We purchased this property under the land use authority of Box Elder County, adjacent to single family homes on half acre lots with septic systems, homes more proximate to sewer than our property is. We were required to annex into Willard City, which we understand, the interpretation of the code regarding this issue is ambiguous to us and does not make sense this far from the existing sewer where septic systems have been approved and are presently in use without issues. We got multiple bids to see if installing the dry lines would be economically feasible. The lowest bid looks like this:

\$40k fill, \$40k gravel, \$1500 per lateral, \$5k camera testing, \$1k per manhole to raise rings after asphalt, \$6k per manhole, \$70 per linear foot of pipe (estimated 1700 feet minimum). Roughly \$300k total.

For us to bear the burden of installing dormant dry lines for the possibility of a future sewer line that is not a certainty any time soon, we would then need to pass that cost on to the lot owners. They would then also need to bear the burden of the cost of their individual septic system (roughly \$20k-\$25k per home) on top of that. One or the other makes sense, but both do not. Since sewer is not feasible nor certain, we are proposing individual septic systems based on the infeasibility of sewer letter from Willard City and the Septic Feasibility approval letter from BRHD. Half acre lots make sense here and we want to make that work, which is a rare opportunity. It is also extremely rare to have neighbors show up to planning commission meetings to publicly support development in their own backyard, but we were thrilled to have that support. We want to deliver a development here that normal folks can afford to build in. If we need to put in dry lines, we would need to reduce lot sizes to create more lots, and that creates a whole new chain of issues and complications that nobody wants.

2. Access: As our civil engineer stated and as shown in the exhibit (attached below) he sent this week, the existing homes north of our project actually do have 2 accesses, and we would not be over 29 homes on one access with our development. We met with the school district, and they understand that a future road or roads will cross their property at 1000 W and/or 1050 W. We and the city understand that we can't force the school district to do

anything with their property, but we have an understanding that it makes sense for us to plan for and place properly the stub roads from our property to the school district property, which we are happy to do. In the interest of safety and compromise with what we can actually control to move forward, we have petitioned UDOT for a secondary emergency access from our property to 89 at approximately 8200 N that would serve as a temporary emergency access only. If we don't get that granted by UDOT, we do still meet code for less than 30 homes on one access. We want to have that if we can, and it would be abandoned permanently when the connection with 8300 N is made.

These are the two solutions we are proposing and would like to present to the planning commission for approval next month. I will keep you posted with any updates we get.

Please let me know if you have any questions or need anything else from us.

Thank you for your help, we are really enjoying working with Willard City.

On Tue, Jun 17, 2025 at 4:40 PM Thomas Hunt <thomas@hundtday.co> wrote:

Jeremy,

Thanks for the email. In reading the below, these utilities are to be installed/extended to the boundary lines of the subdivision for future/adjacent development needs. In the scenario of this subdivision, a sewer line through the development would not be servicing any future or adjacent development, so there is not a need for it. Let me know if you have any questions.

Thanks,

Thomas Hunt, PE

Principal Engineer & Planner

Mobile: (801) 664-4724

Email: Thomas@HuntDay.co

Address: Hunt Day, 3445 W Antelope Drive, St 200, Syracuse UT 84075

From: Jeremy Kimpton <jkimpton@willardcityut.gov>

Sent: Tuesday, June 17, 2025 1:12 PM

To: kjuddconsulting@gmail.com <kjuddconsulting@gmail.com>; Madison Brown <mbrown@willardcityut.gov>

Cc: thomas <thomas@hundtday.co>; colt <colt@utah-lawfirm.com>

Subject: RE: Mtn Bay Subdivision

Hi Kelvin,

Here you go, I hope this helps answer your question.

Public Works Standard:

Section 2.02.C.1.b

"All street, storm drain lines, water lines, sewer lines, and any other buried utility lines and conduits shall be installed to the boundary lines of the subdivision where reasonably expected to extend as determined by the City Engineer and based on anticipated future development and the City's capital facilities plans and/or master plans. Design must provide for future extension to adjacent development and be compatible with the contour of the ground."

Thanks,

Jeremy Kimpton

Willard City Manager

Phone: 435-734-9881

Please update your records to my new email address:

jkimpton@willardcityut.gov

From: Kelvin Judd <kjuddconsulting@gmail.com>

Sent: Tuesday, June 17, 2025 10:07 AM

To: Madison Brown <mbrown@willardcityut.gov>
Cc: Jeremy Kimpton <jkimpton@willardcityut.gov>; thomas <thomas@hundtday.co>
Subject: Re: Mtn Bay Subdivision

Great, thank you. I have one other request-can you direct us to the city code language stating a dry line for possible future sewer is required? One of the planning commissioners mentioned something about that, and we'd like to understand the dry line request better.

Thank you for your help.

On Tue, Jun 17, 2025 at 9:27 AM Madison Brown <mbrown@willardcityut.gov> wrote:

Kelvin,

Of course! I will get to work on that right away. I will have it to you by the end of the day.

Maddie Brown

City Planner

435.734.9881

Please update your records to my new email address: mbrown@willardcityut.gov.

From: Kelvin Judd <kjuddconsulting@gmail.com>
Sent: Tuesday, June 17, 2025 8:54 AM
To: Madison Brown <mbrown@willardcityut.gov>
Cc: Jeremy Kimpton <jkimpton@willardcityut.gov>; thomas <thomas@hundtday.co>
Subject: Re: Mtn Bay Subdivision

Thanks Maddie. We also spoke with UDOT about a secondary emergency egress for this subdivision if needed. Can you (for Willard City) or the fire marshal send us a letter stating a need for a secondary emergency egress? That will help us with UDOT and/or the school district.

Thanks

KELVIN JUDD

Consultant/Agent

Windermere Real Estate

kjuddconsulting@gmail.com /

[435.640.4347](tel:435.640.4347)

 
winutah.com

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On Fri, Jun 13, 2025 at 11:50 AM Madison Brown <mbrown@willardcityut.gov> wrote:

Oh, I forgot to mention that we added 1050 West and 1000 West to that Road Master Plan I sent you.

Maddie Brown

City Planner

435.734.9881

Please update your records to my new email address:
mbrown@willardcityut.gov.

From: Madison Brown <mbrown@willardcityut.gov>

Sent: Friday, June 13, 2025 11:49 AM

To: kjuddconsulting@gmail.com <kjuddconsulting@gmail.com>

Cc: Jeremy Kimpton <jkimpton@willardcity.com>

Subject: Re: Mtn Bay Subdivision

Hi Kelvin,

I hope this message finds you well. I had a productive discussion with our city engineer regarding the design of your subdivision. While the Planning Commission previously considered extending 1050 West through the BESD property, I believe it may be more prudent to explore the option of extending 1000 West instead.

Per our city ordinances, cul-de-sac lengths are limited to 600 feet. Without the inclusion of 1000 West, the current layout would not meet that requirement. While I understand that 1000 West is anticipated to extend through in the future, the Planning Commission has encountered challenges in the past when future road connections were assumed but not secured—particularly in the Granite Ridge area, where nearly 70 homes are now served by a single access to the highway.

If it's not too late in the process, it may be worth approaching BESD to request an emergency access easement or a road easement along 1000 West. This would help ensure your subdivision complies with both the second access and cul-de-sac length requirements.

Please let me know if you'd like to discuss this further. I'm headed out of the office for the day, but we can chat on Monday if necessary.

Have a great weekend!

Maddie Brown

City Planner

435.734.9881

Of course. Attached is our master road plan that shows 1050 W and 1000 W.

Let me know if you need anything else!

Maddie Brown

City Planner

435.734.9881

**Please update your records to my new email address:
mbrown@willardcityut.gov.**

From: Kelvin Judd <kjuddconsulting@gmail.com>

Sent: Monday, June 9, 2025 3:57 PM

To: Madison Brown <mbrown@willardcityut.gov>

Subject: Mtn Bay Subdivision

Hi Maddie,

Thank you for your help at the meeting last week. We met with the business administrator for the BESD about the property just south of Mtn Bay Subdivision. Can you send me the future road master plan that shows 1050 West as a through street from north to south across our property and the school property? It would be helpful for the school district to know the plan and that the road will be required to go through the property.

Thanks again.

KELVIN JUDD

Consultant/Agent

Windermere Real Estate

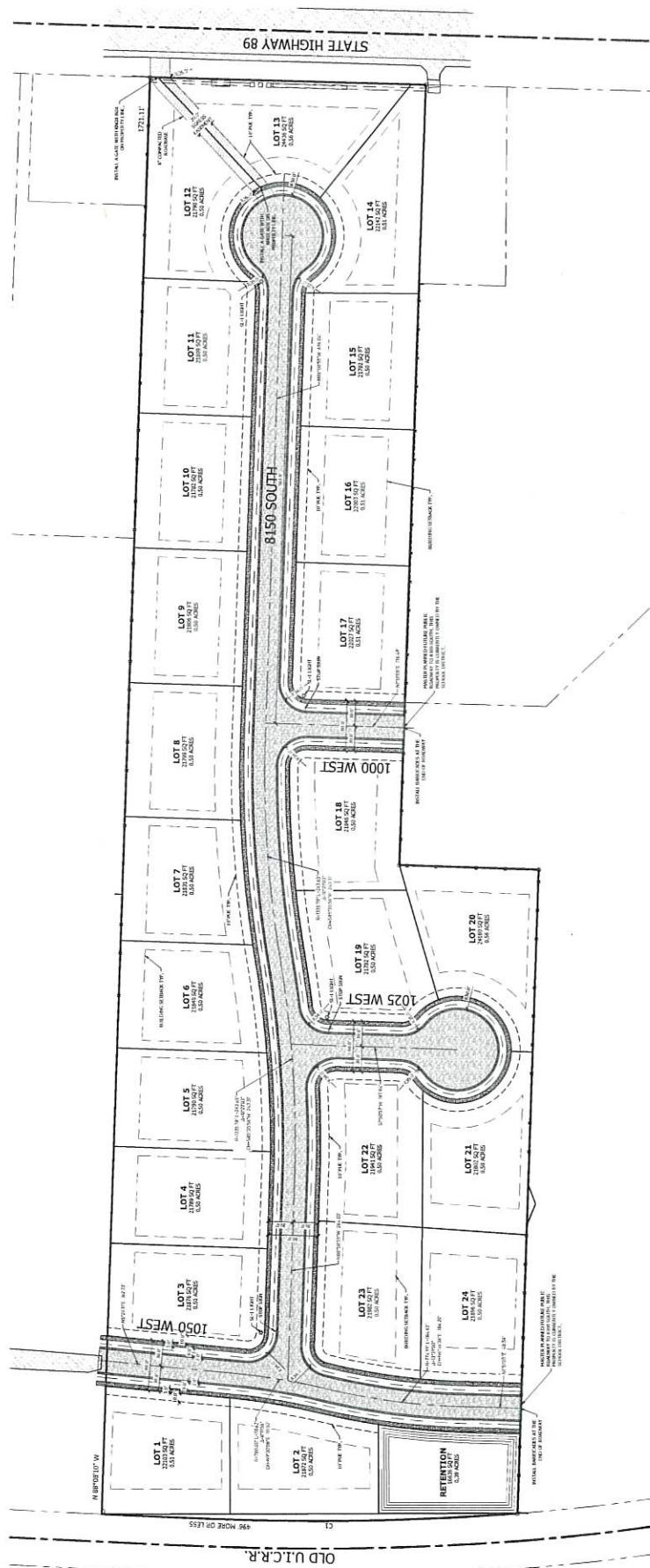
kjuddconsulting@gmail.com /

[435.640.4347](tel:435.640.4347)



HUNT • DAY
3445 Antelope Drive, Ste 200
Syracuse, UT 84075
PH: 801.664.4724
EM: Thomas@HuntDay.co

What Emergency Access?



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811 Know what's below.
Call before you dig.



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PROJECT INFO.	
Engineer:	T. Hunt
Drawn:	R. Hartfield
Date:	3/12/2025
Proj. No.:	111.11
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SHEET 1 OF 6	

PRINT ONLY ONE INCH ON THIS SHEET, AND
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PLAN

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Site Data

MADE. IF FIELD CONDITIONS VARY FROM SHOWN AT HOME, NOTICE TO THE OWNER AND ENGINEER OF RECORD DAMELED TO CONTACT THE UTILITY COMPANIES AND TAKE PRECAUTIONS SHOWN OR NOT SHOWN ON THESE PLANS.



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, June 5, 2025 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

**5B. CONSIDERATION OF A PRELIMINARY PLAN AND SUBDIVISION IMPROVEMENT PLANS FOR
THE MOUNTAIN BAY SUBDIVISION SUBMITTED BY VAL POLL LOCATED AT
APPROXIMATELY 8200 SOUTH HIGHWAY 89 (PARCEL NO. 01-045-0133)**

Time Stamp: 23:47 – 06/05/2025

Commissioners Bingham and Gilbert asked if the subdivision would contain dry lines that could be connected to the sewer line that would be constructed along the UTA right-of-way.

Madison Brown stated that the City Engineer had commented about the need for dry sewer lines. She felt that was something the city should require. Hopefully, someday the sewer line would be constructed. In the meantime, the developer did have permission from the health department to put in septic tanks.

Chairman Bingham agreed that dry lines should be required.

Commissioner Gilbert verified that the Suncrest Subdivision located south at approximately 8300 South Highway 89 could not start until the sewer line had been constructed. Jeremy Kimpton, City Manager, said that was correct. Commissioner Gilbert asked about the time frame. Mr. Kimpton stated that the developer of Old Farm Market, a subdivision to the north that would be located at approximately 7100 South Highway 89, was trying to resolve wetland issues with the Army Corps of Engineers. The sewer would not be installed until that issue was resolved. He didn't feel the sewer would be constructed in the immediate future. It was probably several years away.

Commissioner Dubovik understood there was concern about land in this area not percolating. Mr. Kimpton said that was why Willard required the developer to receive approval from the health department.

Commissioner Gilbert realized that requiring dry lines was a big burden for the developer, but the requirement made sense.

Commissioner Bingham felt dry sewer lines should be required so the road didn't have to be torn up in the future at the expense of the city.

Commissioner Bingham asked who would provide the water for the subdivision. Kelvin Judd stated that Willard City petitioned Bear River Water Conservancy for the culinary water they needed. That petition was approved last week. They had a will-serve letter from Pine View Water for secondary water. They would have pressurized secondary water.

Madison Brown stated that Bear River Water Conservancy District would wholesale 11-acre feet of water to Willard City. Willard City would retail the water to subdivision residents. Bear River Water Conservancy didn't have the resources to bill residents for water. Willard did.

Commissioner Dubovik stated that Willard normally required a developer to bring the water a development would need. The amount of culinary water needed for Mountain Bay had been reduced because it had secondary water. How much had the water requirement been reduced? Jeremy Kimpton said there was a formula used by the City Engineer.

Commissioner Bingham asked if this subdivision complied with the master road plan. If connecting roads were shown on the master road plan, they would go in regardless of who developed the adjoining property.



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, June 5, 2025 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

Madison Brown said the current road plan did not show 1000 West going north because of an existing home. A road was shown from 8150 South to 8300 South at approximately 1050 West. The west road in the Suncrest Subdivision would tie into 8300 South as well.

Commissioner Bingham agreed with the comments made during the public hearing. It was difficult to turn into this area from 8100 South, especially when trucks were coming from the Maguire Gravel Pit because the intersections were offset. The subdivision itself only needed one access, but that access was through another development. The total number of homes on the 8100 South Highway 89 access was more than the proposed 24 lots. According to Willard's fire code requirements, there could not be more than 30 homes without a second access. Was there a way to require a second access through the school district property, even if it was simply road base?

Commissioner Dubovik agreed that 8100 South was the only entrance for the existing subdivision, which had more than 30 homes. The proposed subdivision would add another 24.

Commissioner Bingham felt Box Elder County had already allowed more homes than a single access should have. If the developer could secure an easement through the school district's property, it would provide a second access for the entire neighborhood.

Commissioner Dubovik stated that if this was a Willard subdivision, it would not be allowed because it exceeded the number of homes on a single access.

Commissioner Bingham stated that the same safety issues existed regardless of whether it was Willard or South Willard.

Colt Mund, City Attorney, stated that this subdivision had been annexed to Willard. It needed to be treated the same as other subdivisions.

Commissioner Dubovik said there were already more than 30 homes on the single access of 8100 South. The proposed subdivision would exacerbate that number.

Commissioner Beebe asked if there was a possibility of extending either 1000 West or 1050 West to 8300 South. Commissioner Bingham felt an easement with road base would serve as an emergency access just like the emergency access was working for the Rod Braegger Subdivision.

Commissioner Dubovik felt the City Council might be able to engage with the County Commission. He roughly counted 40 existing homes with one access. If there was a natural disaster, this area would have a huge problem. The resolution should not be at the complete expense of the developer because the Planning Commission had identified an existing hazard.

Commissioner Bingham agreed. The county had approved the existing subdivisions which did not comply with the fire code. An approved road base road would be better than what the area now had.

Commissioner Bingham stated that if the access and dry sewer issues could be resolved, he felt the proposed subdivision would be a good addition to the area. The other Planning Commission members agreed.



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, June 5, 2025 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

Commissioner Gilbert asked if Kelvin Judd had seen the City Engineer's comments about the dry sewer lines. Mr. Judd said he had spoken with Zac Burk. They wanted to do the subdivision right, but it would be a significant financial burden to plan for a septic system and a sewer system. A homeowner bore the burden of financing a septic system that would someday be abandoned. They would bear the burden of a sewer system without the benefit of being connected. At some point it would become cost prohibitive. Was there some way to be reimbursed through impact fees? If the cost for dry lines didn't break them, they wouldn't fight the requirement. He understood the city's reason for the requirement.

Kelvin Judd said they were actively working with the school district to purchase the property to the south, but the school district had to follow the state code for selling property. They couldn't pick a favorite. At some point a road would extend south to 8300 South. Was there a way to work with the school district to record an easement where the most likely place for a road would be? He hoped there could be a resolution that would not be costly for them.

Commissioner Bingham stated that the master road plan showed a road in the 1050 West vicinity. No matter how development occurred on the property to the south, a road would be required to connect 8300 South to the Mountain Bay Subdivision. Mr. Judd asked if there would be issues with UDOT if a road connected to 8300 South. Commissioner Bingham said there was already access onto Highway 89 from 8300 South.

Kelvin Judd felt it would be ideal if some kind of condition could be worked out for access. That would allow them to move forward.

Commissioner Dubovik felt dry sewer lines were significant, but he felt access was the showstopper.

Chairman Bodily asked if the dry sewer lines was a requirement from the City Engineer.

Jeremy Kimpton stated that tonight's meeting met the public hearing requirement. Preliminary approval could be tabled. If the Planning Commission wanted, the staff could try to address dry sewer lines and a second access with the developer.

Colt Mund stated that the Planning Commission needed to identify specific modifications to the subdivision plans so the developer could be addressed.

Commissioner Beebe asked if Willard could require a road from the Mountain Bay Subdivision to 8300 South. Madison Brown said it could if the school property annexed to Willard.

Commissioner Bingham hoped the road plan would still apply to South Willard. Mr. Kimpton also hoped Box Elder County would acknowledge the road plan.

The Planning Commission agreed that additional street access and dry sewer lines needed to be addressed.

Jeremy Kimpton stated that the staff would take those notes, meet with the City Engineer, the City Attorney, and the developer to see what could be resolved.



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, June 5, 2025 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

5C. REVIEW OF A CONDITIONAL USE PERMIT ISSUED TO E. K. BAILEY ON MAY 15, 2008, FOR A HOME FURNISHING STORE LOCATED AT APPROXIMATELY 875 NORTH MAIN (PARCEL 02-041-0045)

Time Stamp: 48:21 – 06/05/2025

Madison Brown stated that the building at 875 North Main was no longer occupied by a home furnishing business. There were currently two businesses operating in the building – the Amish store and a fitness center. She had reviewed the history of the building. Willard had never really issued a conditional use permit. The property received a design approval.

Commissioner Bingham remembered a furniture store in the building after Blacker's closed. The furniture store lasted only a short time.

Madison Brown stated that she couldn't find a record of a conditional use permit. If a conditional use permit was approved, it would be null and void because the property had been rezoned to Commercial General. There was no longer a need for a conditional use permit.

Chairman Bodily asked that the conditional use permit for 875 North Main be removed from the list.

5D. DISCUSSION REGARDING REVISIONS TO THE RECREATIONAL VEHICLES AND RECREATIONAL VEHICLE PARKS CODE FOUND IN 24.92.030 OF THE WILLARD CITY ZONING CODE (CONTINUED FROM MAY 1 AND MAY 15, 2025)

Time Stamp: 51:14 – 06/05/2025

Jeremy Kimpton stated he just received notes back from the City Planner and the City Attorney that he needed to put into a draft ordinance. He would send it to the Planning Commission members for review as soon as he finished it. It should be ready for the next meeting on July 17th. He had also drafted a memo for the City Council asking that the campground be included in the impact fee study.

Chairman Bodily asked if the campground would have to comply with the new ordinance, or would it be a non-conforming use. Mr. Kimpton said that issue needed to be clarified during the approval process.

Madison Brown felt the new ordinance should apply to the existing campground and any future ones.

Colt Mund said Neff's argued that new regulations should not apply to them. He disagreed.

5E. DISCUSSION REGARDING MASTER ROAD PLAN (CONTINUED FROM MAY 1 AND MAY 15, 2025)

Time Stamp: 54:37 – 06/05/2025

Commissioner Dubovik asked if roads had been removed per UDOT requirements. Madison Brown said they had.

Commissioner Gilbert asked if the roads he had suggested west of the interstate had been incorporated. Ms. Brown said they had.

Under Review

Active

Application Review Status

Pre-Review Complete Application

Dear Mr. Poll and Mr. Judd,

04/16/2025

Re: Mountain Bay Subdivision Application – Review Process and Public Hearing

We are writing to inform you that Willard City is now prepared to move forward with the review process for your Mountain Bay Subdivision application. All initial requirements have been satisfied, and the application is now in the formal review phase.

As part of this process, please be advised that a public hearing has been scheduled for June 5 at 6:30 p.m. This hearing will be held at Willard City Hall and will provide an opportunity for public comment and discussion regarding the proposed subdivision.

We appreciate your cooperation and responsiveness throughout the preliminary stages. If there are any additional materials or clarifications needed before the public hearing, we will be in contact. Please ensure that a representative is available to attend the hearing and respond to any questions from the Planning Commission or the public.

Thank you for your continued collaboration. We look forward to working with you through the remainder of the review process.

Sincerely,
Madison Brown

*City Planner
Willard City
435-734-9881
mbrown@willardcityut.gov*

City Planner	Not Reviewed
City Manager	Not Reviewed
Fire Department	Not Reviewed
Legal Department	Not Reviewed
City Engineers	Not Reviewed
Public Works	Not Reviewed
Flood Control	Not Reviewed
Final-Review	Not Reviewed

Fees

Payments

Subdivision Application Fee	\$1,000.00	04/16/2025	Online	\$6,100.00
Application Lot Fee	\$2,100.00	Total Paid		\$6,100.00
Retainer	\$3,000.00			
Subtotal	\$6,100.00			
Amount Paid	\$6,100.00			
Total Due	\$0.00			

Application Form Data

(Empty fields are not included)

Applicant First Name

Kelvin

Applicant Last Name

Judd

Applicant Email

kjuddconsulting@gmail.com

Applicant Phone Number

(435) 640-4347

Applicant Address

1169 Hidden Gold Pass

City

Morgan

State

UT

Zip Code

84050

Are you the owner or the agent doing the work on the owner's behalf?

Agent

Owner's Affidavit

[owners_affidavit_Willard_City_4.25.pdf](#)

Subdivision Name

Mountain Bay

Project Street Address

8190 S Highway 89

Parcel Number

01-045-0133

Legal Description

Attached PDF

Legal Description

[Legal Description Parcel 01-045-0133.pdf](#)

Number of Proposed Lots

24

is this a Residential or Commercial development?

Residential

Additional Project Notes

24 half acre lots

Owner First Name

Val

Owner Last Name

Poll

Email Address

Val.poll@thrivepet.com

Phone Number

(801) 920-2231

Mailing Address

3823 Evergreen Dr

City

Pleasant View

State

UT

Zip Code

84414

Check each box to acknowledge it has been included with the application. These items will apply to most subdivisions, although there may be some exceptions.

Submittals showing preliminary compliance with all applicable provisions of the Willard Zoning Code and Public Works Standards, Preliminary Plat, Layout of lots including sizes and dimensions, Layout of proposed and adjacent roads, including a proposed street section(s), Preliminary storm water plan, Preliminary utility plan, Existing structures and natural features, Data indicating the number of lots/units, percentage of landscaping, density of units per acre, buildable area for each lot, Preliminary compliance with design standards as applicable

Will this development include two-family homes or townhomes?

No

Will this development include any commercial or industrial development?

No

Is this proposed development adjacent to Highway 89?

Yes

Is the area to be developed greater than 10 acres?

Yes

Preliminary Subdivision Plat Drawings

[Mountain Bay Civil Set 4.25.pdf](#)

Please include any additional information.

Attached civil engineered plan set for Mountain Bay Subdivision.

Please include any additional information - Click 'Add to List' after uploading each file

No Answer

[23451 - Geotechnical Study, Willard Bay Subdivision, Willard, UT Combined.pdf](#)

[Mountain Bay Preliminary Plat.pdf](#)

[Mountain Bay Wetland Map.pdf](#)

[Mountain Bay Flood Map.pdf](#)

[Mountain Bay County Map and Prelim Overlay.pdf](#)

[Title Report.pdf](#)

[Letter of feasibility - sewer - Mountain Bay.pdf](#)

[Mountain Bay Subdivision - Pineview Water Will Serve.pdf](#)

[Tax Clearance Statement of Taxes Due.pdf](#)

[Summary of Taxes Due.pdf](#)

[South Willard Water Connection Mtn Bay Property.pdf](#)

Due to legislative changes in the state of Utah, the cost for Willard City to process, review, and inspect developments has dramatically increased. Willard City will track all time and resources expended by the city for processing, reviewing, and inspecting subdivision application. The related city expenditures will be billed to the applicant/developer.

✓

The applicant agrees to pay for all application fees. This includes \$1,000 application fee plus \$100/lot after the third lot.

✓

Following approval by the Planning Commission, this Preliminary Subdivision Application will be valid for the period of not more than one year. To avoid expiration, the applicant must submit a Final Subdivision Application prior to expiration of the Preliminary Subdivision Application approval.

✓

Within thirty (30) days of a complete Preliminary Subdivision application submittal, City Staff and other invited regulating agencies and utility providers shall review the submittals and provide comments/corrections to the applicant. After the comments/corrections have been addressed by the applicant, the application will be placed on the Planning Commission's next available meeting agenda.

✓

Following receipt of city comments and required corrections, the applicant shall respond with updated submittals in accordance with Utah Code Annotated 10-9a-604.2 within sixty (60) business days. Failure to provide the required response and corrected submittals within sixty calendar days shall result in the application being immediately denied.

✓

The applicant also agrees to provide retainer in the amount of \$1,000 for 8 lots and fewer and \$3,000 for greater than 8 lots. The retainer will be used, as required, for the public noticing costs and professional review costs incurred by the city. Any amounts exceeding the retainer after the application has been approved are due before signatures and recording of documents. Any amounts not exceeding the retainer will promptly be returned to the applicant.

✓

Engineer/Surveyor Name or Company

Thomas Hunt

Engineer/Surveyor Email

thomas@hundtday.co

Engineer/Surveyor Phone Number

801-664-4724

Do you have water for your current property?

Yes

Upload proof of water ownership

 Pine View Water Rights.pdf

Signature

I hereby certify that all information provided herein is true and correct. I understand and agree to comply with the applicable codes, standards, and the rules listed below.

1. All sections of this application must be complete and will not be reviewed until fees have been received.
2. The payment of fees does not guarantee a certain result and fees are not refunded due to the lack of favorable results.
3. Fees are an estimate of the costs for the City to administer the Subdivision review and approval process. Willard City reserves the right to bill the applicant for administrative costs that go beyond the estimated fees collected at the time of application.
4. This application will be placed on the next available Planning Commission agenda AFTER necessary updates are made in response to staff comments. These updates will be required to ensure Planning Commission reviews drawings that are substantially complete and responsive to the application requirements found in the Willard Zoning Code.
5. Complete application and approval requirements can be found in Willard Zoning Code Title 24 and Willard City Public Work Standards.

Kelvin Judd - 04/16/2025 9:50 am

Willard City Planning & Zoning

Mountain Bay

04/28/2025 - 04/27/2026

Subdivision Improvement Plan Submittal

8013146

b172fb30-2458-11f0-9fef-f547dd0f8a39

Under Review

Active

Application Review Status

Pre-Review	Complete Application	04/28/2025
City Planner	Not Reviewed	
City Manager	Not Reviewed	
City Engineers	Corrections Requested	
Public Works	Reviewing	
Flood Control	Not Reviewed	
Legal Department	Not Reviewed	
Final-Review	Not Reviewed	

Fees

There are no fees

Payments

There are no payments

Application Form Data

(Empty fields are not included)

Applicant First Name

Kelvin

Applicant Last Name

Judd

Applicant Email

kjuddconsulting@gmail.com

Applicant Phone Number

(435) 640-4347

Applicant Address

1169 Hidden Gold Pass

City
Morgan

State
UT

Zip
84050

Are you the property owner or an agent working on the owner's behalf?
Agent

Owner's Affidavit
 Willard affidavit.pdf

Owner First Name
Val

Owner Last Name
Poll

Owner Email
Val.poll@thrivepet.com

Owner Phone Number
801-920-2231

Owner Address
3823 Evergreen Drive

City
Pleasant View

State
UT

Zip
84414

Engineer/Surveyor Name or Company
Thomas Hunt/Hunt Day Engineering

Engineer/Surveyor Email
thomas@hunday.co

Engineer/Surveyor Phone Number
801-664-4724

Subdivision Name
Mountain Bay

Parcel Number	Legal Description	Legal Description
01-045-0133	Attached	<input type="checkbox"/> Legal Description Parcel 01-045-0133.pdf

Total Number of Lots

24

Is this a Residential or Commercial Development?

Residential

Engineering Drawings

Mountain Bay Civil Set 4.25.pdf

Check each box to acknowledge it has been included with the application.

Drawings that show compliance with Willard City Public Work Standards and Subdivision Code, Written approval from other agencies as applicable (e.g. UDOT, Army Corps, Box Elder County, etc.), All information submitted with the Preliminary Application, Detail drawings, Landscape designs, Final utility plans, Plan and profile drawings for roadways, Complete storm water plan with calculations, Engineer's Cost Estimate

Upload any additional supporting materials - Click 'Add to List' after uploading each file

_2024-12-10 (10_30) (PA-156519) US-89 MP-424.25.docx

Subdivision Improvement Plans must be submitted along with a Final Subdivision Application.

✓

Subdivision Improvement plans are subject to 4 review cycles between the applicant and Willard City designated staff, including Willard City Planner, Manager, Attorney, Engineers, Public Work Director, and Fire Chief. Upon submittal of a complete Improvement Plan Application, Willard City will respond within forty (40) business days with any comments or corrections. Willard City Staff will not review the plans again until all the corrections have been made to the plans.

✓

Signature

I hereby certify that all information provided herein is true and correct. I understand and agree to comply with the applicable codes, standards, and the rules listed below.

1. All sections of this application must be complete and will not be reviewed until fees have been received.
2. The payment of fees does not guarantee a certain result and fees are not refunded due to the lack of favorable results.
3. Fees are an estimate of the costs for the City to administer the Subdivision review and approval process. Perry City reserves the right to bill the applicant for administrative costs that go beyond the estimated fees collected at the time of application.
4. Complete application and approval requirements can be found in Willard Zoning Code.

Kelvin Judd - 04/28/2025 11:46 am

Kelvin, thank you for filling out this application as well.

While we wait for the title report and letter from BRHD to mark the other application as complete, I will approve this one so the engineers can start reviewing your plans. Any review of the construction drawings will be done here on this application, while review of the preliminary plat will be done on the other application.

Please let me know if you have any questions. Thank you.

-Maddie

Zac Burk I'm confused on this. Are we waiting on or entertaining an annexation application for this subdivision? This parcel does not appear to even be in Willard City Boundaries? So I'm not sure how I can do a review, if there is now sewer, water, or any other utilities that will be serviced by Willard City. Even after an annexation. Our standards won't apply until they're annexed. Also, the Pineview irrigation SHARES are not water Rights that they would be bringing to the city. I'm not clean on the order of operations on this one. I'll hold off on doing a full review until I get a little more context.

Apr 29 at 2:37 pm 

Applicant Thanks Zac. Good questions. Maddie can speak to this as well, the parcel has been annexed into Willard City. There is no sewer in the area, the lots will be on septic, we have submitted the septic feasibility application to BRHD. We have met with Bear River Water Conservancy District and city staff regarding water, there are a few routes to go for secondary and culinary. BRWCD (Chance Baxter) stated: "I believe in this case BRWCD will wholesale water to Willard City who would then retail it to your development. I would be happy to meet with everyone to discuss the due process. Let me know a time that works for everyone. I'm generally pretty flexible." So the development will be on city water and we were told 2 acre-feet per acre will be converted for use in the pressurized system to provide secondary water. The property currently also has one South Willard water connection. We are happy to meet with you and anyone else to answer questions and iron out details. Thanks

Apr 29 at 2:48 pm

Zac Burk I'm usually the last to know what parcels are annexed into Willard, and I just check our most recent boundary mapping. I do recall the discussions we had about the water, but for this application I would not consider it complete until we have a response from the Health Department and we've figured out and finalized a water usage agreement for this subdivision. In my mind, those things need to be finished before we can start our development review time line. All that really means for you is that our review can't start until those details are finalized. And that is just an effort to eliminate unnecessary review costs to the developer if we can't end up on an agreement or approval

Permit Details

 Edit

Subdivision Improvement Plan Information

Applicant Information

Owner Information

Engineer/Surveyor Information



Willard City Planning & Zoning

[Home](#) / New Permits / Mountain Bay

Plan Review: SIP: Review 1

Feedback will be sent to: [?](#)

kjuddconsulting@gmail.com, thomas@huntday.co

Coordinator

Maddie Brown

1. RECEIVED [?](#) Apr 28 at 2:53 pm

Please review the Civil Set and add notes for the developer to review.



Mountain Bay Civil Set 4.25.pdf

Reviews



City Engineers

 Public Works

City Engineers

 **CORRECTIONS REQUESTED** [?](#) Apr 29 at 2:42 pm

Who's water system will you be connecting to? Will you "dry line" in the sewer mains in the roadway for future connections? Roadway sections will be decided by City Council & Planning and zoning, depending on the type of zoning assigned at annexation. This could change the storm drain layout and other utility issues. Cannot do a full review until I know more about zoning assigned at annexation.

Response NOT REVIEWED NOT REVIEWED Review Time: 23 days 20 hours [?](#)

Messages

Send the applicant a new message...

Sent by [Applicant](#) • May 28 at 11:32 am

Thank you for the engineering comments. I have attached here an updated set of civil plans based on requests from Pineview Water for the secondary water system. Pineview Water has also issued the attached plan approval letter. Willard City is providing culinary water. We are just doing the base density of half acre lots per zoning, no request for increased density so we do not anticipate major layout changes. Please let me know if you are waiting on anything else from us in order to complete a full review. Thank you.

📎 Mountain Bay Secondary Water Plan Approval.pdf 📎 111.11_Willard Bay-2025.05.27.pdf

Write a comment...

Reviewers [Edit](#)

Departments

[CE](#) City Engineers

[PW](#) Public Works

Users

Notify only the following users from the departments listed above.

 [Zac Burk](#)

 [Chris Breinholt](#)

 [Payden Vine](#)

Total Time Awaiting Review 

← **23 days 20 hours**

Total Time Awaiting Revisions

→ **0 hours**

Michelle Drago

From: Zac Burk <zacb@jonescivil.com>
Sent: Friday, May 30, 2025 12:02 PM
To: Michelle Drago; chrisb
Cc: Madison Brown; sgbodily@netscape.com; ruth.beebe26@gmail.com; chandlerbingham24@gmail.com; crbunderground@gmail.com; alexedubovik@gmail.com; Brian Gilbert; ken@ormondconst.com; John Pierce; Jeremy Kimpton; colt; motetravis; mwbraegger@gmail.com; jacobbodily@utah.gov; rtcwillard@gmail.com; jordandhulsey@gmail.com; waterwellservices@outlook.com
Subject: RE: Engineering Comments for Mountain Bay Subdivision

Sorry it took me so long to reply. And I see you sent out the packet just barely.

My comments/questions that I think the PC should consider:

- Will the developer need to “dry line” in the sewer mains and laterals for when additional development happens in south Willard or the sewer trunk line is extended to that part of the city/county?
- Will they allow the “low impact roadway section” or require full curb, gutter, and sidewalk to follow our regular standard and connect future development with a cleaner roadway section and storm water flows?
 - Storm water flows and other issues will arise with the “low impact roadway section”.

Those are the two main comments/questions I need answered before I can finish my review. I was surprised to see they did not encounter ground water in any of their test pits. So there shouldn't be any basement or drain restrictions. Now that Bear River will be supplying the water, we will just need to consider how this annexed “island” will be maintained and eventually absorbed into our infrastructure.

Thanks,

Zac Burk, PE | Municipal Engineer
Jones & Associates Consulting Engineers
6080 Fashion Point Dr. South Ogden, UT 84403
P: (801) 476-9767 | C: (435) 730-5000



From: Michelle Drago <mdrago@willardcityut.gov>
Sent: Friday, May 30, 2025 8:21 AM
To: chrisb <chrisb@jonescivil.com>; zacb <zacb@jonescivil.com>
Cc: Madison Brown <mbrown@willardcityut.gov>
Subject: Engineering Comments for Mountain Bay Subdivision

Do you have engineering comments for the Mountain Bay Subdivision that I can include in the Planning Commission packets?

Thanks!

Mountain Bay Subdivision

Willard, Utah

Civil Construction Set - April 2025

SHEET INDEX

- C001 COVER SHEET
- C002 SITE LOCATION & ABBREVIATIONS
- C100 SITE DEMOLITION PLAN
- C200 PROPOSED SITE PLAN
- C300 SITE GRADING PLAN
- C400 SITE UTILITY PLAN
- C500 PLAN & PROFILE 1050 WEST
- C501 PLAN & PROFILE 1025 WEST
- C502 PLAN & PROFILE 1000 WEST
- C503 PLAN & PROFILE B150 SOUTH
- C504 PLAN & PROFILE B150 SOUTH
- C505 PLAN & PROFILE B150 SOUTH
- C600 SITE CIVIL DETAILS
- C603 CITY CIVIL DETAILS
- C504 SITE ORGANIC DETAILS
- C700 STORMWATER POLLUTION
- WATER POLLUTION
- C701 STREAMWATER POLLUTION
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- C9999 STREAMWATER POLLUTION

SITE DATA

- PARCEL ID: 01-045-0133
- PROJECT LOCATION: LOCATED IN THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 11, RANGE 11, WEST, OF THE SALT LAKE BASE AND MERIDIAN
- FLOOD INFORMATION: FLOOD ZONE DESIGN ZONE: "X"
- ZONE: RESIDENTIAL DISTRICT (R-1/2) - 1/2 ACRE
- PROPERTY SIZE: 15.96 ACRES
- 24 SINGLE FAMILY LOTS



AGENCY / UTILITY CONTACTS

- PUBLIC WORKS:**
161 E 300 S
WILLARD, UTAH
PHONE: (435) 734-9881
- UTILITIES:**
WILLARD CITY WATER
80 W 50 N
WILLARD, UTAH
PHONE: (435) 734-9881
- FIREFIGHTER:**
50 W 50 N
WILLARD, UTAH
PHONE: (435) 734-9881
- GAS COMPANY:**
ENERGIZE GAS
PHONE: (800) 767-1689
- POWER COMPANY:**
ACUA/HIGHWAY 40 POWER
PHONE: (800) 469-9391

NOTICE TO CONTRACTORS

THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITIES OR STRUCTURES SHOWN ON THESE PLANS WERE OBTAINED FROM THE OWNER AND ARE FOR INFORMATION ONLY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING THESE UTILITIES AND SHALL NOT DAMAGE THEM. THE LOCATIONS SHOWN ARE APPROXIMATE AND SHALL BE CONFIRMED IN THE FIELD BY THE CONTRACTOR. SO IF ANY NECESSARY ADJUSTMENT CAN BE MADE, IF ANY CONFLICT/DISCREPANCY ARISE, PLEASE CONTACT THE ENGINEER OF RECORD IMMEDIATELY. THE CONTRACTOR IS REQUIRED TO CONTACT THE UTILITY COMPANIES AND TAKE PRECAUTIONARY MEASURES TO PROTECT ANY UTILITIES SHOWN OR NOT SHOWN ON THESE PLANS.



REVISIONS
BY
SEAL

REVISIONS
BY
SEAL
1
IF ONE LINE ON ORIGINAL DRAWING
IS SCALED ACCURATELY
PROJECT INDEX
Engineer: T. Hart
Drafter: J. Smith
Plot No. 11111
SHEET TITLE

COVER
SHEET

0001

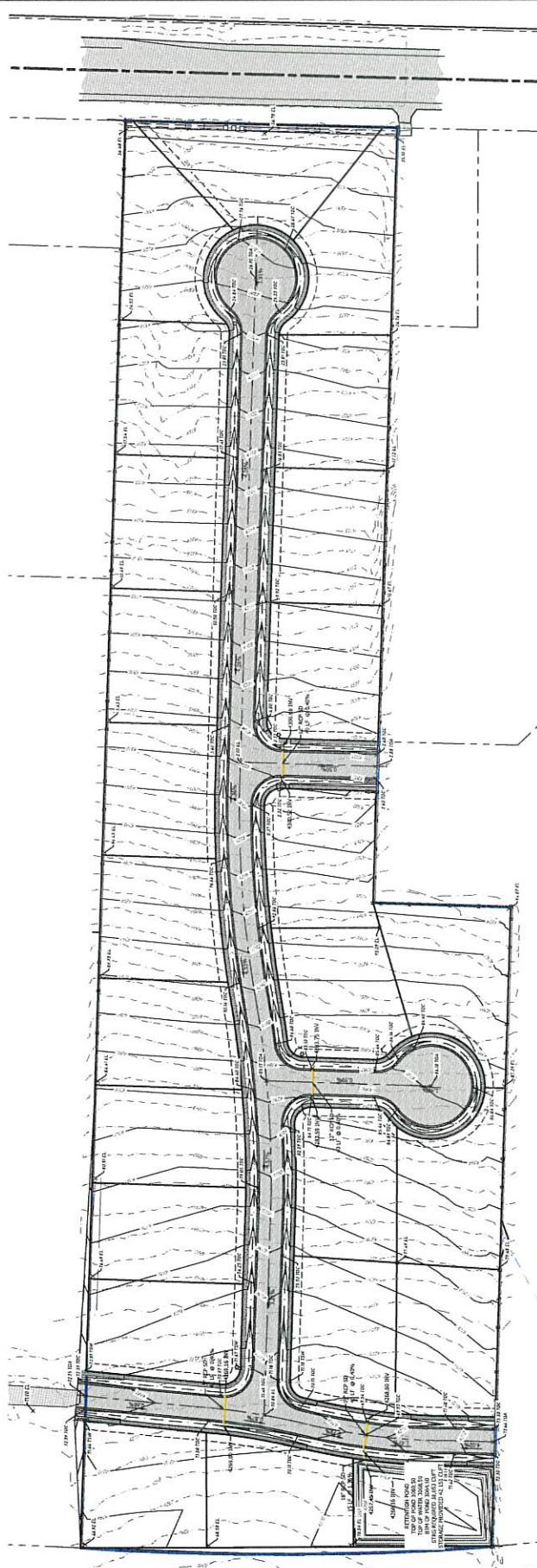




HUNT-DAY

3440 S. STATE ST., SUITE 200
Salt Lake City, UT 84121
Ph: 801-466-4724
Fax: 801-466-4724PROJECT TITLE
MOUNTAIN BAY
SUBDIVISION
SUBDIVISION
8200 SOUTH HIGHWAY 89
BOX Elder COUNTY, UT
TOWNSHIP 9 NORTH, RANGE 2 WEST, 5TH LAKE SECTION 25
SECTION 25, TOWNSHIP 9, RANGE 2, SECTION 25, BOX ELDER COUNTY, UT

REF. NO.	DATE	DESCRIPTION	BY
DESIGNERS			
SEAL			





HUNT · DAY

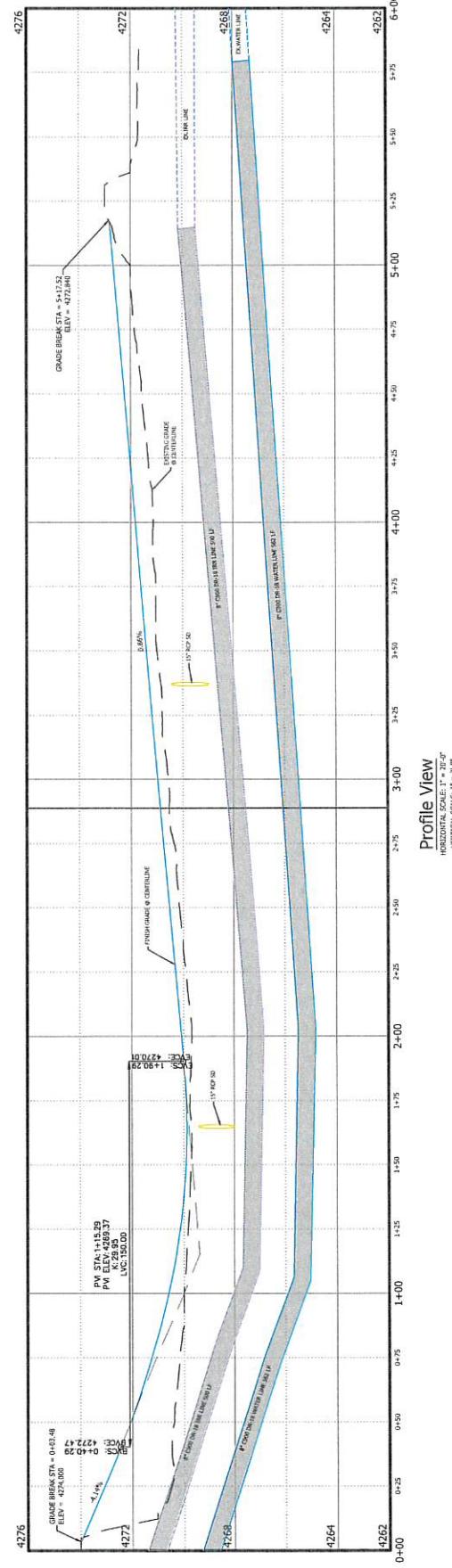
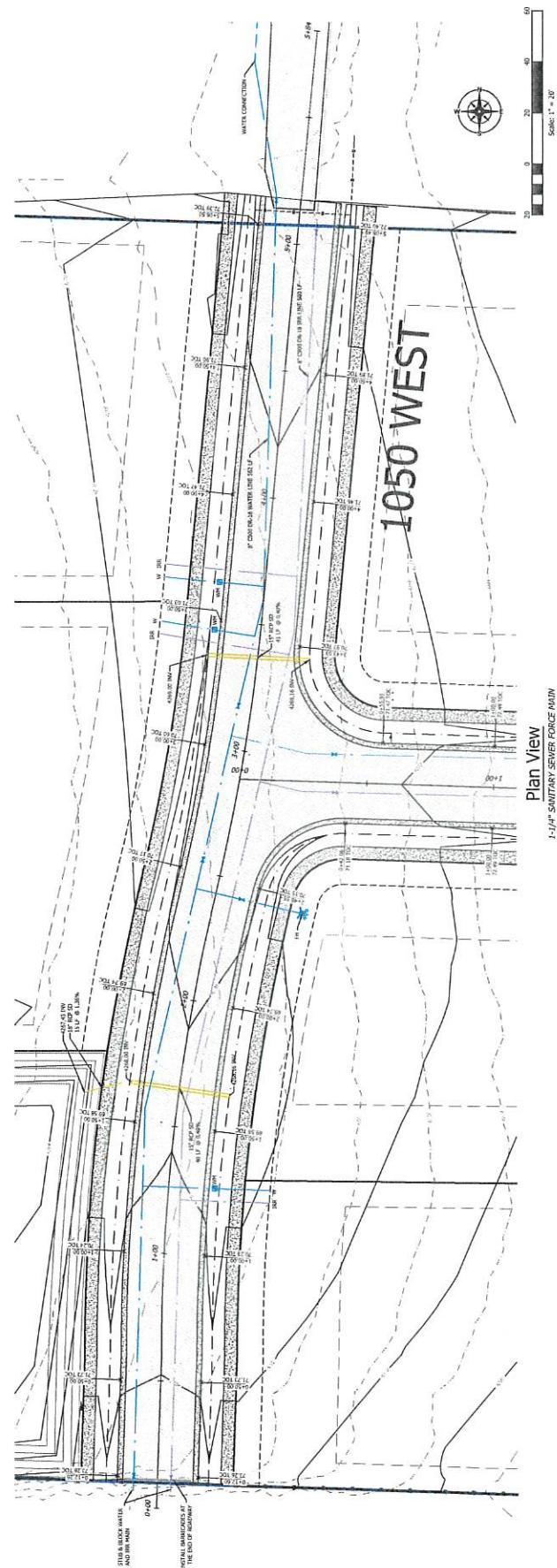
445 Antelope Drive, Ste 200
Provo, UT 84605
801.664.4724
Thomas@HuntDay.co

MOUNTAIN BAY SUBDIVISION
8200 SOUTH HIGHWAY 89
BOX ELDER COUNTY, UT
LODGE IN THE NORTH 200' WEST, START LINE OF SECTION 25
WASHINGON & KETCHUM, IDAHO

REV.	DATE	DESCRIPTION	BY

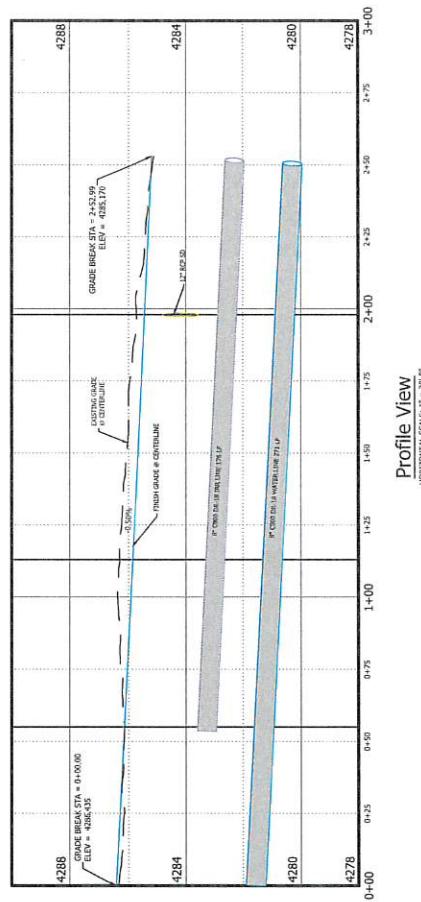
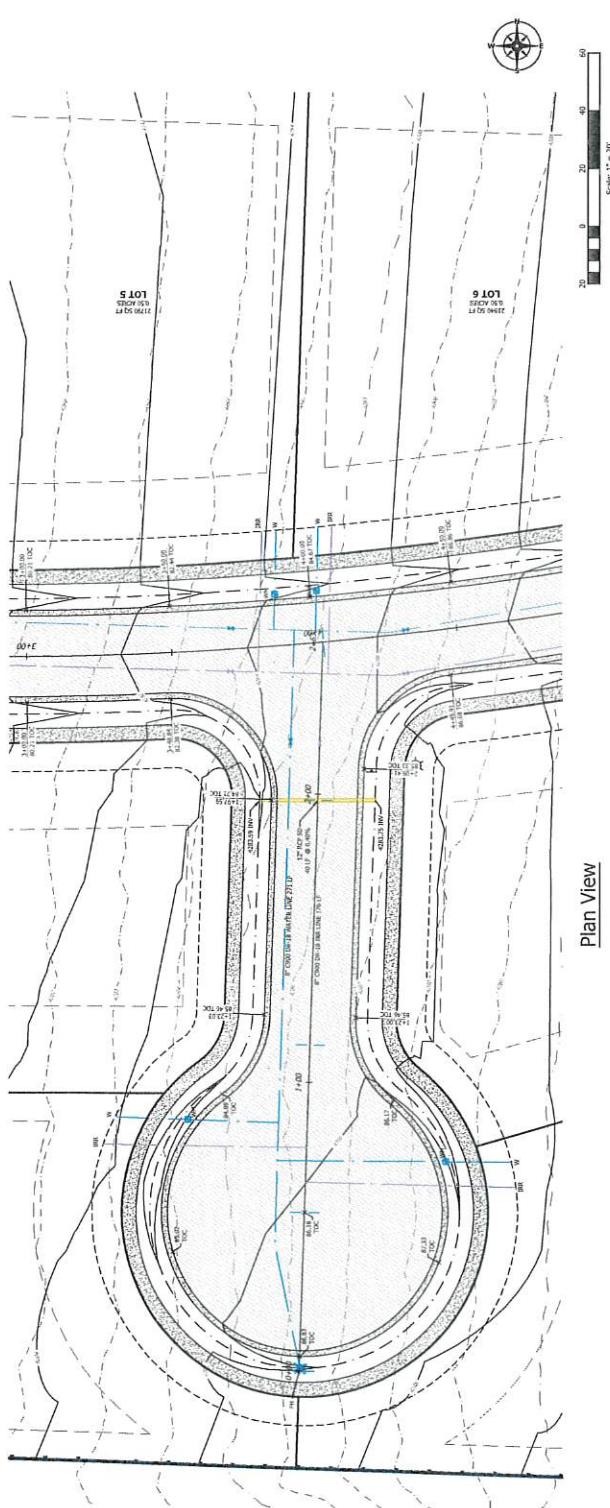
Plan and
Profile
1050
WEST

500





HUNT DAY

3445 Antelope Drive, St. 200
Phone: 801.664.4724
Email: Thomas@HuntDay.coTOWNSHIP 5 MILETH, RANGE 2 WEST, SECTION 22
BOX Elder County, UT
8200 SOUTH HIGHWAY 89
PROJECT TITLE: MOUNTAIN BAY
SUBDIVISIONREV. DATE DESCRIPTION BY
RELEASED BY
SEALVERIFY SCALES
Scale to be checked: 1" = 20'-0"
P. NOT FOR THIS SHEET. ADJUST
SCALES ACCORDINGLY
PROJECT INFO:
Engineer: T. Hunt
Drawn: R. Hunt
Date: 3/12/2015
Print No.: 11111
Sheet Title:Plan and
Profile
1025
WESTSHEET NO.
C501



HUNT - DAY
3444 Anderson Drive, Ste 200
Syracuse, UT 84075
Ph: (801) 662-4724
Fax: (800) 334-4724

200 SOUTH HIGHWAY 89
BOX Elder COUNTY, UT
TOWNSHIP 3 MILE 3, WES. 1/2 SECTION 15
SOUTHWEST IN THE NINETH MILE OF SECTION 15
PROJECT TITLE: MOUNTAIN BAY SUBDIVISION

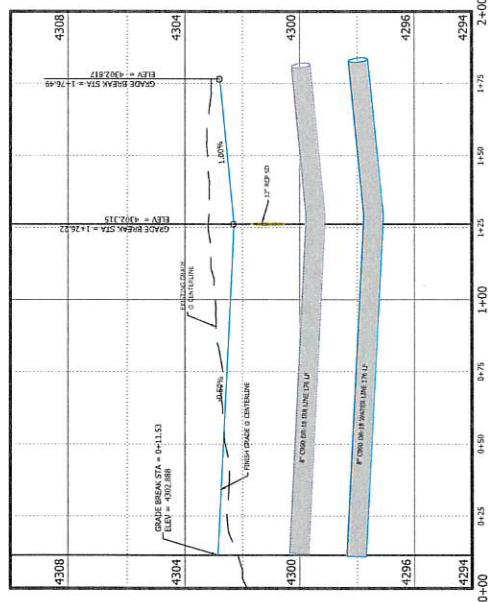
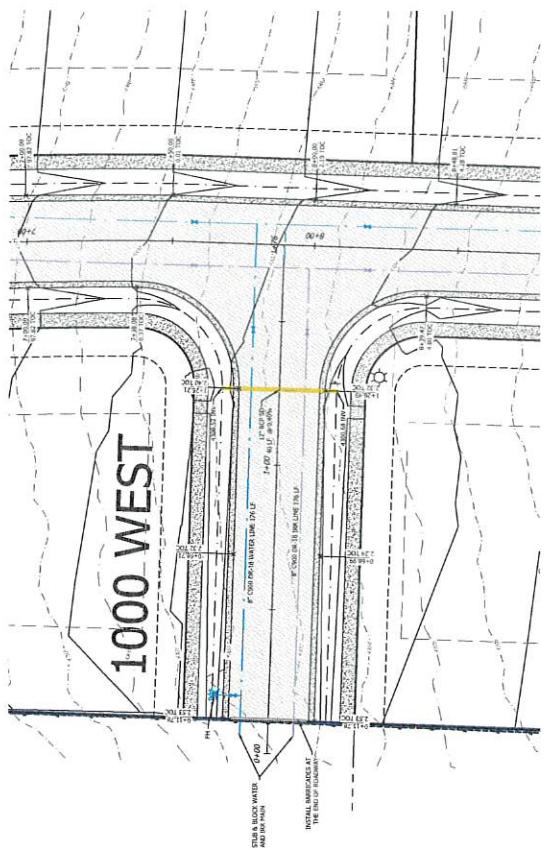
REV. DATE DESCRIPTION BY
REVISIONS
SEAL
REVISEMENTS



VERIFY SCALES
H.A. 300' INCHES ON THIS SHEET. ADJUST
IF NOT ONE HUNDRED PERCENT ACCURATE
Scales Accurate
PROJECT INFO
Engineer: T. Hunt
Drawn: R. Hirsch
Date: 11/17/2015
Job No. 11111
SHEET TITLE

Plan and
Profile
1000
WEST

SHEET NO.
C502





HUNT - DAY
4445 Antelope Drive, St 200
Provo, UT 84605
801-664-4724
E-mail: Thomas@HuntDay.co

MOUNTAIN BAY SUBDIVISION
8200 SOUTH HIGHWAY 89
BOX ELDER COUNTY, UT
JOURNAL OF THE MOUNTAIN BAY SUBDIVISION
MOUNTAIN BAY, WYOMING 82557, AT THE END OF SECTION 24.

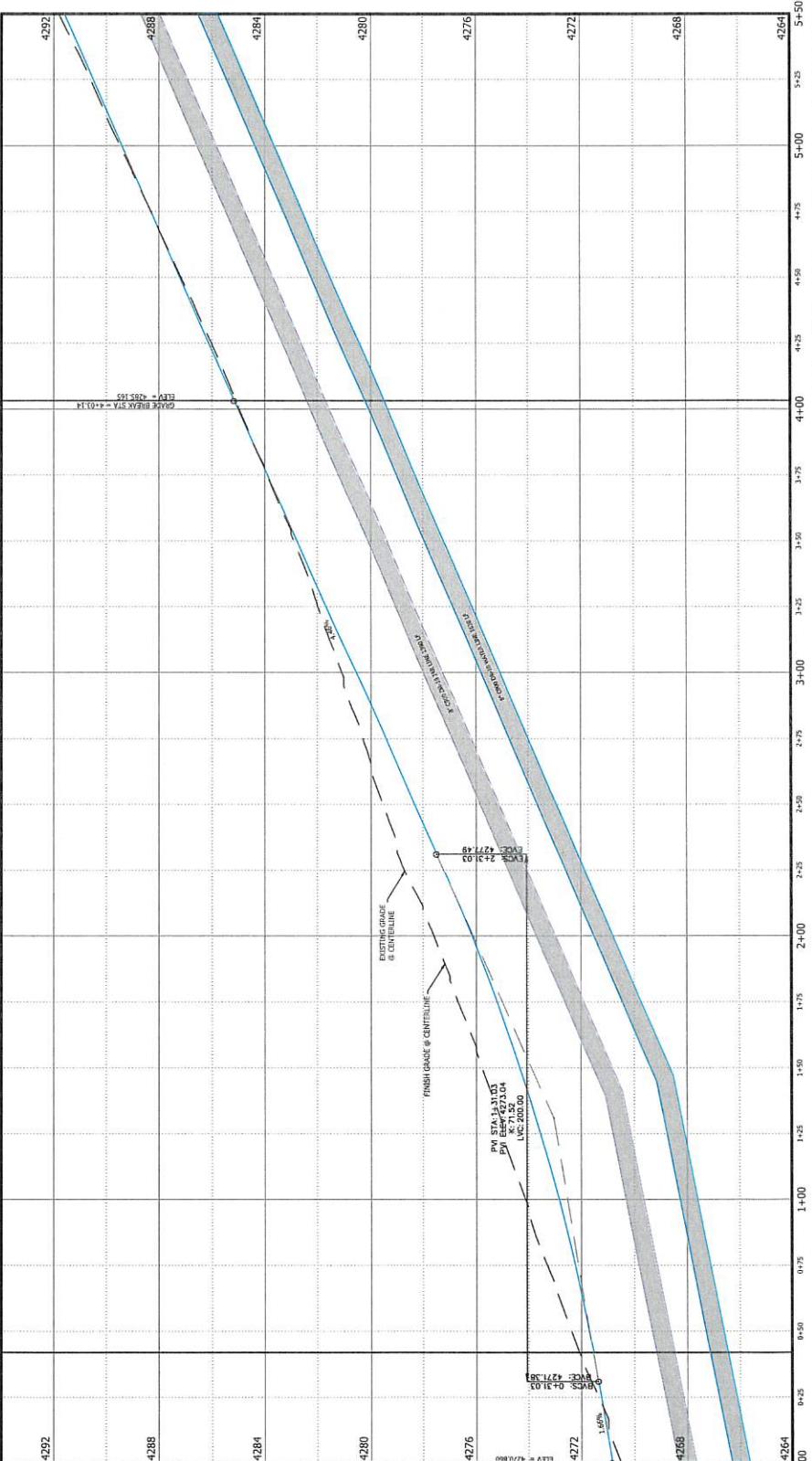
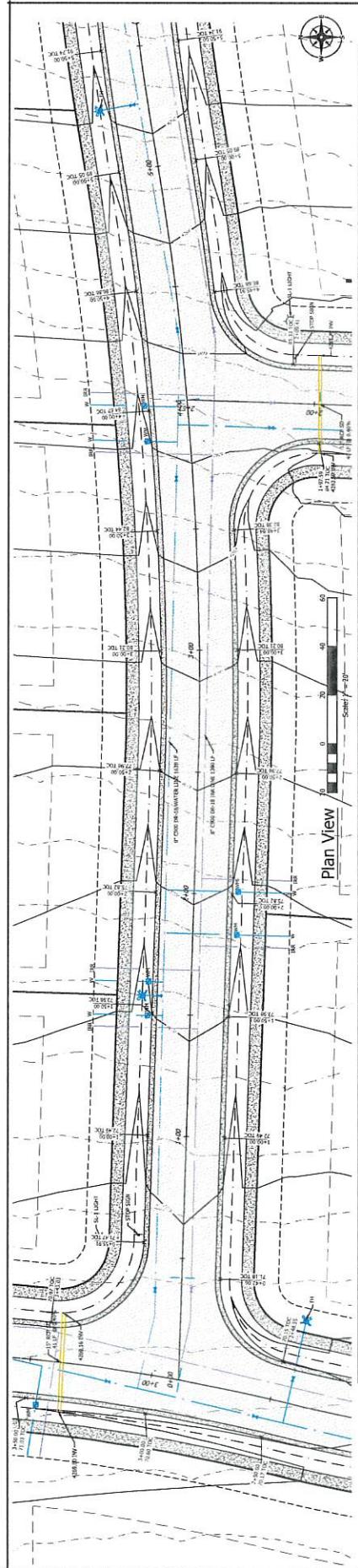
REV. DATE DESCRIPTION BY



VERIFY SCALES	
0 TO 15 ONE INCH ON ORIGINAL DRAWING	
0 TO 15 ONE INCH ON THIS SHEET. ADJUST SCALES ACCORDINGLY	
OBJECT INFO.	
Engineer:	T. Hult
Drawn:	R. Hartfield
Date:	3 / 12 / 2025
Pl. No.	111.11
HEET TITLE	

Plan and
Profile
8150
SOUTH

CE503



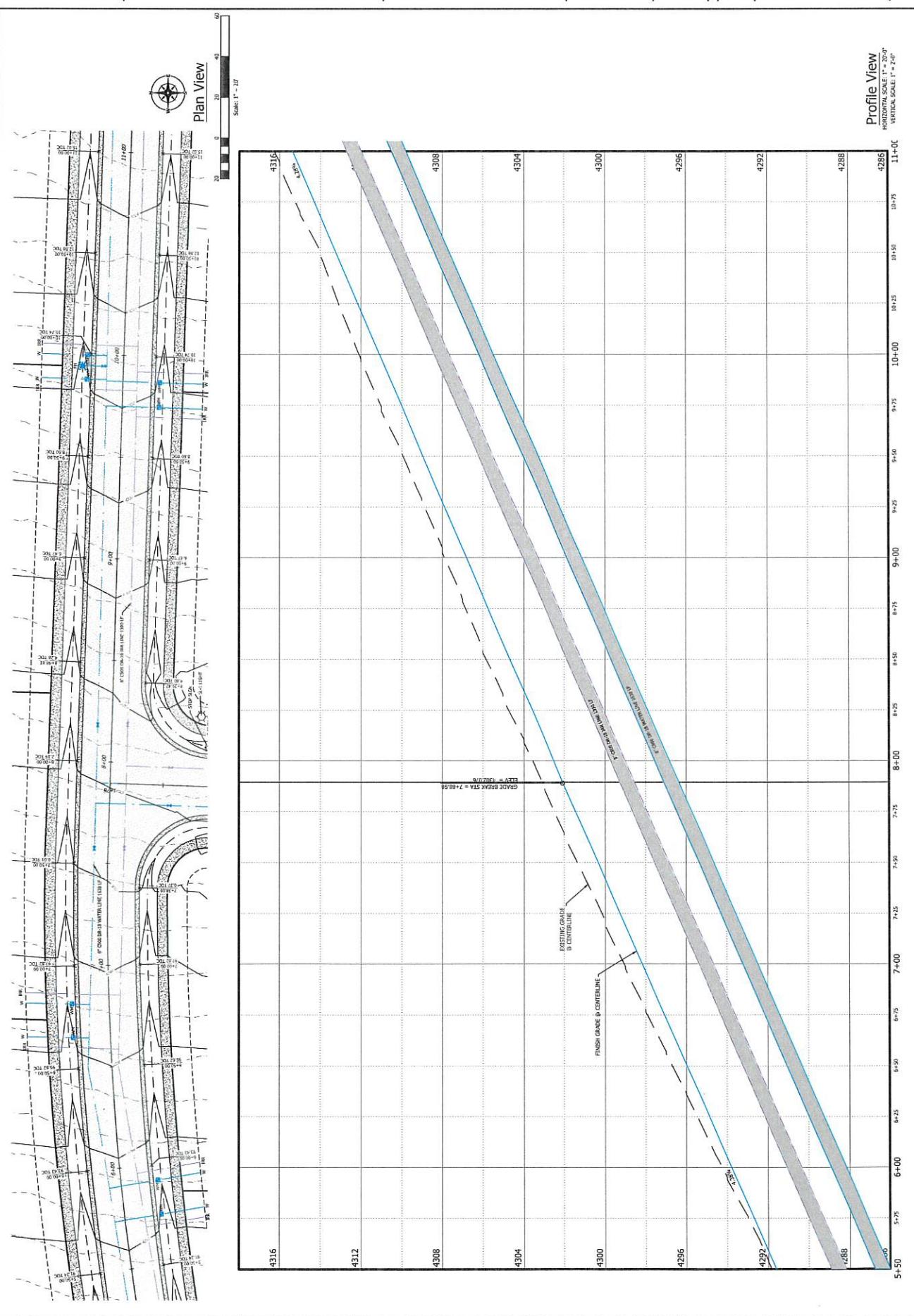
Profile View



HUNT - DAY
445 Antelope Drive, St 200
Cyrus, UT 84075
801.664.4724
e-mail: Thomas@HuntDay.co

Plan and
Profile 8150 SOUTH

SET NO. 04





HUNT & DAY
345 Antelope Drive, Ste. 200
P.O. Box 166, P.O. Box 4724
Email: Thomas@HuntDay.co

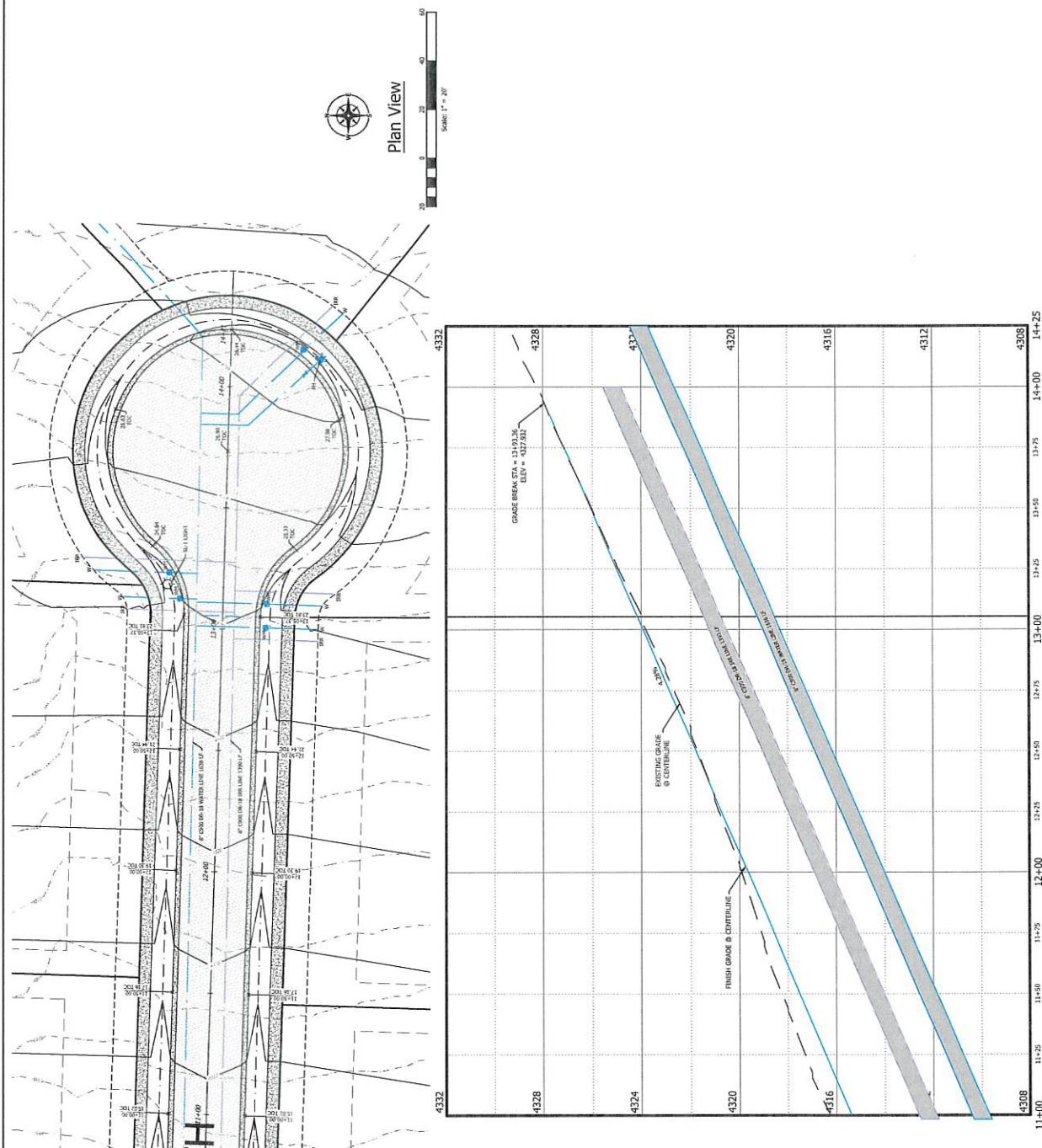
PROJECT TITLE: MOUNTAIN BAY SUBDIVISION
CITY: BOX Elder County, UT
ADDRESS: 8200 SOUTH HIGHWAY 89
COMMISSIONED BY: THE MOUNTAIN BAY SUBDIVISION

REF. DATE: 08/14/2013
DESCRIPTION: 8150
REVISONS: 00
SEAL:

VERIFY SCALES
Scale of 1" = 50'-0"
Scale of 1" = 20'-0"
If not true, check on this sheet, ready
Scales Accurately
PROJECT NAME:
Drawn: R. Morris
Engineer: T. Hunt
Date: 3/12/2013
Page No.: 10111
SHEET TITLE: 8150

Plan and
Profile
8150
SOUTH

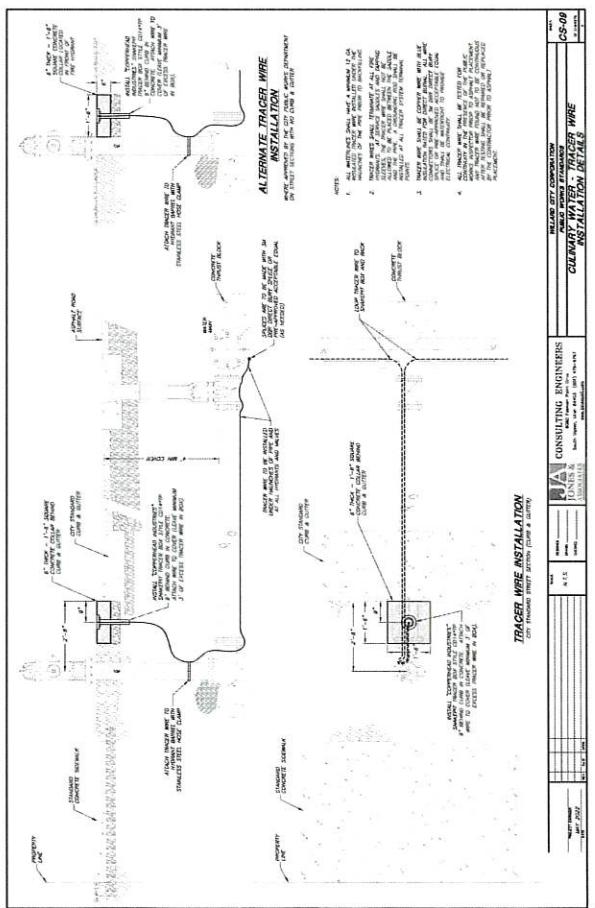
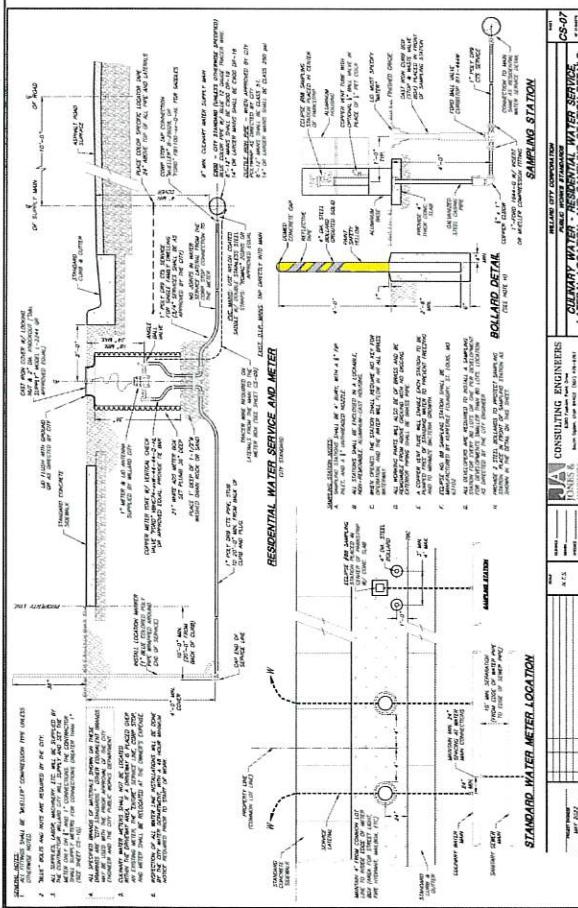
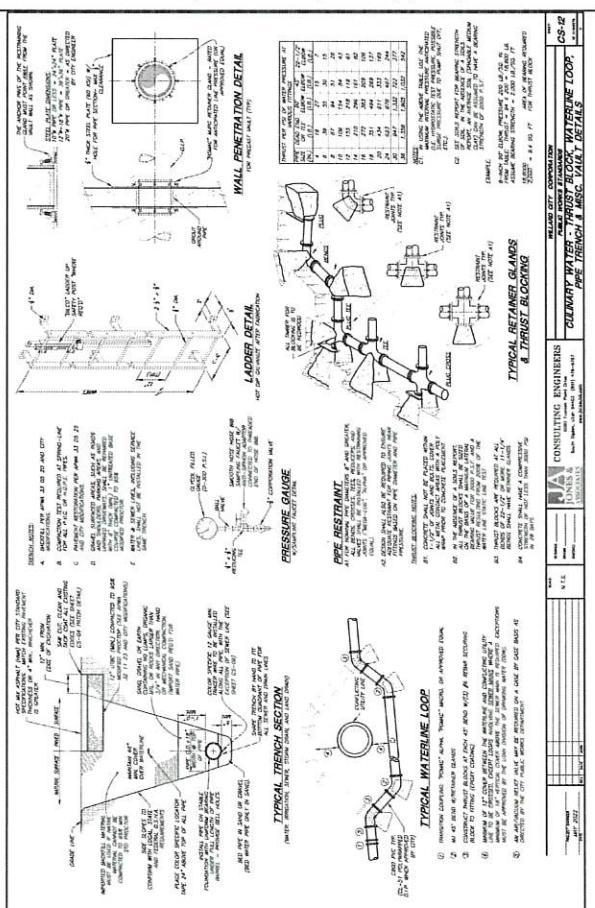
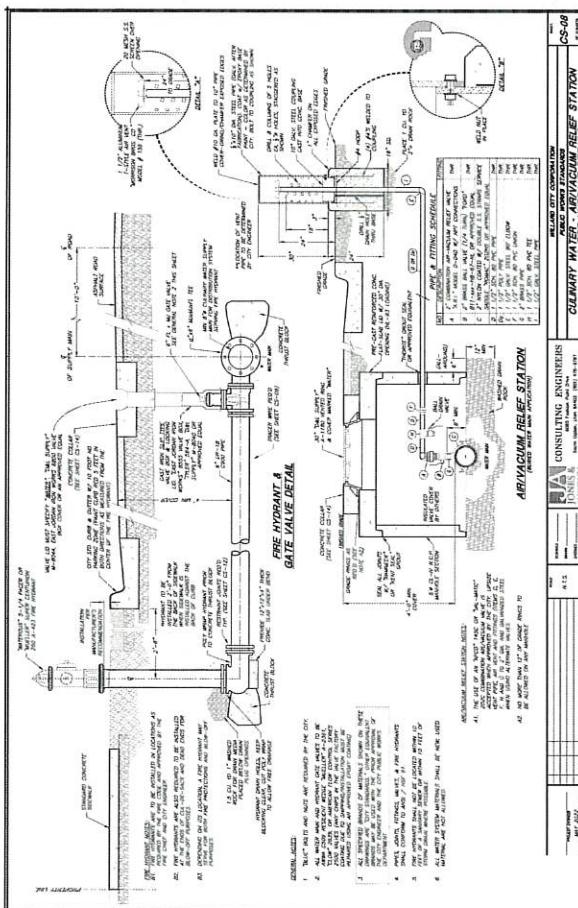
SHEET NO.
C505

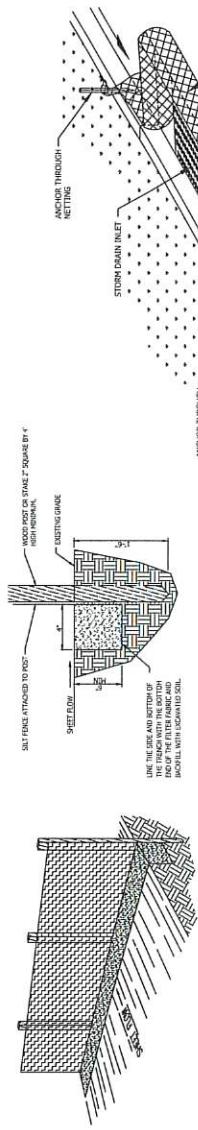




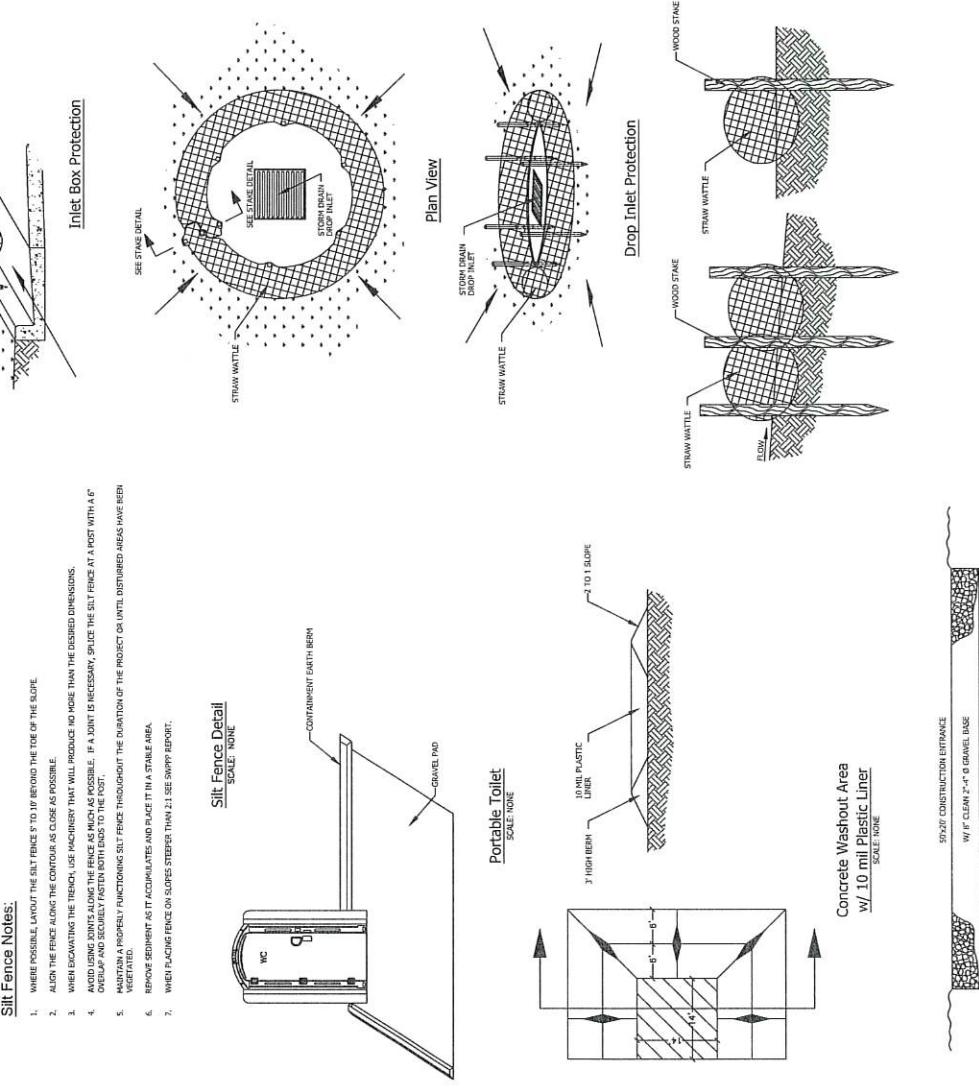
SHEET NO. C602

REV. DATE		DESCRIPTION	BY
<hr/> <hr/> <hr/> <hr/> <hr/>			
			
		VERIFY SCALES <small>DO NOT USE FOR DURABLE DRAWINGS</small>	
		<small>IF NOT ONE, SHOW ON THIS SHEET. ADJUST SCALES ACCORDINGLY</small>	
		PROJECT INFO. <small>Engineer: T. Hunt Drafter: R. Hartfield Date: 11/17/2025 File No.: 111111</small>	
		<small>SHEET TITLE</small>	





Perspective View



Cross Section 50' x 20' Construction Entrance

כָּלְלָנְדָנְמָן מִתְּהִלָּה אֲלֵיכָם יְהוָה יְהוָה יְהוָה



May 19, 2025

South Willard City Planning
Re: Parcel# 01-045-0133

To Whom It May Concern:

We have reviewed the plans for Mountain Bay Subdivision. Approx: 8200 S Highway 89, South Willard, Utah. This property is currently part of the water district with an appropriate allocation of secondary water. We will serve this property after they have subdivided, paid all required fees and construction has been completed.

Please contact us with any further questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Brooke Harris".

Brooke Harris
Assessment Clerk
Pineview Water Systems
801-622-4355

Hashtag Seven CVCW, LLC



Welcome to South Willard Water Co.

We are a member owned, private utility company. We provide **culinary water only**. Your new account has been opened for address, 8182 S HWY 89. The account # is 10452.02.

We bill on a **bi-monthly** basis and bills are mailed in the following months; Feb, April, June, August, October, & December. Water allocation for each billing cycle is 26,000 gallons at rate of \$28.00 plus a water base fee of \$22.00. Every 1000 gallons over 26,000 is charged at a rate of \$1.50 per 1000 gallons from 26,000 to 83,999, \$2.00 per 1000 gallons from 84,000 to 133,999, \$2.50 per 1000 gallons from 134,000 – 999,999, and \$3.50 per 1000 gallons over 1,000,000. So, your **regular bill will be \$50.00 plus any overage**. The payments should be sent to our post office box below or you can go to our website southwillardwater.org. We allow roughly 30 days in which to make the payment. If payments are late, they are subject to late fee charge of \$5.00 per billing cycle. If you have any questions or need assistance with a water issue contact the office at 435-730-6550.

Cross Connections are not allowed! The connections need to be completely separate in order not to contaminate our drinking water. A certified cross connection inspection needs to be completed to avoid any fines or further expenses.

Prior owners should pay their final bill; however, it is commonly overlooked either by the Title Company and/or the prior owners. As the current homeowner, you are required to maintain the connection in order to be in good standing with South Willard Water Co. Inc. If a balance is not paid and is left outstanding on your connection; it will be your responsibility to make any necessary actions to ensure that your connection is maintained and in good standing.

If you have any questions, feel free to contact the office at 435-730-6550. Normal Office hours are 10:00am - 2:00pm. Again, welcome to South Willard Water Co.



BEAR RIVER WATER CONSERVANCY DISTRICT
PETITION FOR WATER SERVICE

DATE: 5/16/2025

APPLICANT'S NAME: Willard City

BUSINESS/DEVELOPMENT NAME: Mountain Bay Subdivision

MAILING ADDRESS: PO Box 593 Willard City UT 84340

CITY: Willard STATE: UT ZIP: 84340

PHONE: 435-734-9881 EMAIL: mbrown@willardcity.ut.gov

REQUESTED WATER SERVICE

NEW DEVELOPMENT/RETAIL NO. OF CONNECTIONS NEEDED
 WHOLESALE NO. OF ACRE-FEET NEEDED PER YEAR 11

ADDRESS/LOCATION OR PARCEL # OF REQUESTED SERVICE:

01-045-0133

DESCRIPTION OF PROPOSED PROJECT AND REQUESTED WATER SERVICE:

The developer would like use BRWCD to supply their new subdivision of 24 lots.

IS LOCATION OF REQUESTED SERVICE WITHIN THE BOUNDARIES OF ANY OTHER PUBLIC WATER SYSTEM?

YES NAME OF PUBLIC WATER SYSTEM _____
 NO

DATE OF REQUEST TO PUBLIC WATER SYSTEM _____

RESPONSE TO REQUEST: _____

* LETTER OF DENIAL IS REQUIRED TO ACCOMPANY THIS APPLICATION WHEN 'YES' BOX IS CHECKED

ARE THERE ANY WATER RIGHTS ASSOCIATED WITH PROPERTY INVOLVED?

YES WATER RIGHT NO. _____ DESIGNATED USE: Irrigation - Secondary
 NO Pin review

Madison Brown
APPLICANT'S SIGNATURE

5/16/2025
DATE

FOR DISTRICT USE ONLY - STATUS OF PETITION

CONDITIONAL APPROVAL FINAL APPROVAL DENIED LETTER OF DENIAL ATTACHED

WATER SERVICE POLICY GIVEN TO APPLICANT INITIAL _____ DATE _____

Willard City Corporation

80 West 50 South
Box 593



Willard, Utah 84340
(435)734-9881

May 13, 2025

To:

Mark Rees
Bear River Health Department
817 W 950 S
Brigham City, UT 84302

Subject: Letter of Feasibility – Sewer System Unavailability for Mountain Bay Subdivision

Dear Mr. Rees,

This letter serves as confirmation that the municipal sewer system is not available to serve the **Mountain Bay Subdivision**, a development owned by **Val Poll**, located at approximately **8200 South in Willard, Utah**. The property is identified as **Parcel Number 01-045-0133**.

Following review of the current municipal infrastructure and discussions with relevant utility providers, it has been determined that no public sewer service is accessible to this area. As a result, connection to the Willard City wastewater system is not feasible at this time.

Consequently, each lot within the subdivision will require an individual on-site wastewater disposal system. These systems will be designed in compliance with all applicable local and state regulations, and will be subject to review and approval by the Bear River Health Department. If you need additional information or have any questions, please feel free to contact me directly.

Sincerely,
Madison Brown
Willard City Planner
Email: mbrown@willardcityut.gov
Phone: 435-734-9881



Prevent ~ Protect ~ Promote
Box Elder, Cache & Rich Counties
Health Officer: Jordan D. Mathis
Senior Support Officer: Joshua Greer

May 14, 2025

RE: Mountain Bay Subdivision, 24-lot subdivision, Kelvin Judd. Approximately 8790 S Highway 89 Willard, UT 84340. Part of Parcel # 01-045-0133.

To whom it may concern:

At the request of Kelvin Judd an evaluation of the above mentioned property was conducted by the Bear River Health Department, Environmental Health Services. The evaluation was to determine the feasibility of creating 24 new lots with onsite wastewater systems and public culinary water connections. It was determined that soil conditions allow for a single onsite wastewater system to be installed to service a single family dwelling on each of these proposed lots.

Lots 1-7, 18-24: Conditions allow for a conventional system to be installed with total trench depth not to exceed 24 inches. A soil-loading rate of 0.50 gallons per day per square foot will be assigned to these lots.

Lots 8-17: Conditions allow for a conventional system to be installed with total trench depth not to exceed 36 inches. A soil-loading rate of 0.50 gallons per day per square foot will be assigned to these lots.

In a letter from Willard City Corporation dated May 13, 2025 it was expressed that public sewer is not available for this subdivision.

The on-site individual wastewater disposal system is to be installed in accordance with R317-4, Utah Administrative Code, Onsite Wastewater Systems Rule. This includes maintaining a minimum of 100-foot separation distance between the wastewater system and any grouted wells in the area. Before installation begins a septic permit will need to be obtained from this office for each lot. Final approval will be given only after an on-site inspection of the completed project and prior to any backfilling.

Please be advised that an affirmative statement of feasibility does not imply that it will be possible to install additional wastewater systems beyond the number specified in this letter. Also be advised that feasibility status may change if additional information is presented or if the conditions change.

Feel free to contact me with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Mark Rees".

Mark Rees

LEHS

Environmental Health Services

UDOT Pre-Application Permit Meeting

Route: US-89 MP: 424.25

Pre-App # PA-156519 Applicant: Thomas Hunt (Hunt Day)

Permit Review Fee:

- Permit Review Fee Level - 2

Required Documents and Recommended Mitigation Options - for more information visit:
<https://www.udot.utah.gov/connect/business/permits/access-management/>

Agreements (e.g. Drainage, Cross Access, and Phased Development) are to be signed and recorded as the final documents after plan approval and before the permit is issued.

- Complete Site Plans
- Property Owner Statement Form (One for each property owner closing an existing access)
- Optional Documents:**
- TIS
- Letter from the Fire Marshal (if requesting an emergency access)

Site Plan & Access Notes:

- Discussed access options - Due to the highway speed and deceleration lengths required for the intersection left turn lanes. It is not recommended to have an additional street access between 8100 South and 8300 South. The internal street network is the primary access location(s) for this development.
- Administrative Rule R930-6 states "The primary function of a state highway is to provide system continuity and efficiency of state highway system operation and maintenance activities. Utah Code Section 72-4-102.5. A state highway may provide access to property as a secondary function. The primary function of city and county roads is to provide access to property. Owners of property adjoining a state highway have certain rights of access unless such access has been restricted by purchase or by legal action. The Department recognizes that property owners have the right of reasonable access to their property. This rule establishes standards that balance the need for reasonable access to properties with the need to preserve the smooth flow of traffic on the state highway system in terms of safety, capacity, and speed."
- If a secondary (emergency only) access is requested, please submit a letter from the local fire marshal stating the need. This access must be a locked and gated access approved by the fire marshal with adequate space for emergency vehicles to clear the highway traffic.
- The property owner or authorized representative served by a lawful access may make physical improvements to the access per the requirements of this rule and only with the written permission of the Department. Denial of the application for improvements does not constitute revocation of the existing access authorization. Denial of an application to enlarge, relocate, or modify an existing lawful access, in no way impairs the permit for or right to the existing access for its legal historical use. (This historic use is agricultural)

- Add the updated UDOT General Notes to the plan set: available at <https://www.udot.utah.gov/connect/business/permits/access-management/> (located in the Process Drop-down area).
- Consider including the current applicable UDOT standard and supplemental drawings as part of the plan set. These are available on the UDOT website at udot.utah.gov
- Coordinate with the city on options to install a pathway/sidewalk, or fee in lieu of until a connection to 8300 South and 8100 South can be achieved.
- Coordinate with the UDOT project to extend the M1 curb and gutter across the frontage of the development with the UDOT contractor (hired and paid by developer) or to be done prior to the UDOT paving and with catch basins and elevations coordinated with the project.

Traffic Impact Notes:

- Option 1: Waived for no direct public access to US-89 (possible for a gated emergency access if required by the Fire Marshal).
- Option 2: Provide a Level 2 Traffic Impact Study (TIS) with existing counts at the intersections of US-89 at 8100 South, the McGuire Pit access, Commercial access across from site, and 8300 South.
- Use the Conditional Access Permit Guide for more information.

Utility Notes:

- Show existing and tie-in requirements of utilities.
- Our policy is that we require trenchless construction unless convincing and sufficient reason is given for open trench construction. The reason for this is the substantial delays caused to the public which we measure in user costs, and the degradation to our pavement which increases maintenance costs and shortens the life cycle duration of the pavement.
- If small utility trenches are needed, they are to be cut at right angles to the travel lanes. Patches require at least a 2 inch rotomilling approaching and leaving the patch in all travel lanes impacted before final asphalt placement to create the "T patch".
- All final parallel sawcut lines or rotomilling must be located either at designed lane lines or designed center of lane. Sawcuts must be cleaned and a tack-coat applied before asphalt placement.
- All trenches for laterals within a 100 ft distance must have a 2 inch mill and replaced as a single patch. Single laterals will require a 2 inch mill for 20 ft each direction.
- Consider removing abandoned utilities when possible without major impacts to the public. All abandoned lines 6 inch diameter or larger that remain in place are to be filled with flowable fill meeting standard specification 03575.
- For asphalt construction (MUST BE PRIOR TO UDOT PROJECT) within the UDOT ROW match existing, or the anticipated existing of 7 inches of UDOT- approved hot mix asphalt (HMA), PG-grade 64-34 asphalt binder, 1/2 inch nominal max, 7-75-115 gyration per UDOT standard specification 02741; over 4 inches untreated base course (UTBC) per UDOT specification 02721; over 8 inches granular borrow (GB) per UDOT specification 02056 (whichever is greater). Provide documentation of compaction from a UDOT-qualified laboratory.

Drainage Notes:

- Site drainage is to be away from the highway. Coordinate requirements with the local jurisdiction.

Other Notes:

- Pre-application notes are valid for 12 months. Approved Conditional Access Permits have 12 months from the date of approval to acquire an Encroachment Permit to build the access.
- Marcus Wager from Box Elder County, Chris Breinholt and Madison Brown from Willard City attended the pre-application meeting so the applicant will not be required to provide a letter stating they are aware of the project.

To be included when finalized:

Exhibit A: Recorded Agreement between Bear River Water Conservancy District and Willard City for 11 Acre-Feet Annually for Culinary Water Service.

Exhibit B: Recorded Agreement between Pineview Water and Mountain Bay Subdivision for Secondary Water service.

Exhibit C: City approved and stamped Civil Engineered Set of Mountain Bay Subdivision Site Plan addressing:

1. Stormwater detention
2. Use of a septic system per each residential lot

Exhibit D: Final Plat

Exhibit E: Legal Description

Exhibit F: Septic Feasibility from Bear River Health Dept

Exhibit G: Willard City Sewer Infeasibility Letter

When Recorded, Return to:

Kelvin Judd

TK Dirt Co, LLC

1169 Hidden Gold Pass

Willard, UT 84050

Affects Tax Parcel No: 01-045-0133

Date: 23 May 2025

Development Agreement Draft

Mountain Bay Subdivision, Willard City, UT

This Development Agreement (“**Agreement**”) is entered into as of 23 May 2025, by and between Hashtag Seven CVCW, LLC, a Utah limited liability company and the owner of “Mountain Bay Subdivision” (“**Developer**”), and Willard City, a Utah political subdivision (“**City**”). The Developer and the City are referred to in this Agreement individually as a “**Party**” and collectively as the “**Parties**”.

Recitals

- A. Developer owns approximately 15.96 acres of land located in Willard City, Utah, a legal description of which is attached as **EXHIBIT E (“Property”)**.
- B. In accordance with Willard City Land Use Entitlement Process, the Developer submitted application for development of the Property to the City.
- C. In accordance with the codified approval process, the Developer will submit a final plat of the development for the Property, which final plat will be approved by the City and recorded.
- D. The City has required the Developer to enter into this Agreement in connection with the City’s approval of the Property Development.. This Agreement and the City’s approval advance the policies, goals, and objectives of the Willard City General Plan (“**General Plan**”), and the Willard City Land Use Management Code (“**Land Use Code**”), and will result in capital improvements and development that will substantially benefit the City.
- E. Developer has designed and proposed development of the Property to harmonize the use of the Property with the General Plan and the applicable provisions of the Land Use Code to promote the City’s long-range development objectives and policies.
- F. Developer and the City desire to address specific items and clarify certain standards that will apply to the development of the Property.
- G. Acting in accordance with the City’s authority under Utah Code §§ 17-27a-101 through -1005 (2019), the City Council will approve this Agreement based on specific findings of fact that the development of the Property in accordance with this Agreement is consistent with the goals, policies, and objectives of the General Plan.

1. Development Agreement

Zoning, Construction Drawings, and Plat Approval.

1.1 Final Plat Approval. The City will approve the Final Plat, providing for public roads within the Property that will be dedicated to the City. Any minor changes to the plat will be handled by City staff prior to recordation and will be released to the Developer for collection of required signatures and recordation.

1.2 Completion Assurances. Notwithstanding any other provision in the Land Use Code to the contrary, the City acknowledges and agrees that Developer shall only be required to provide improvement completion assurances

(each a “**Completion Assurance**”) with respect to public infrastructure located within the boundaries of the Final Plat if requested by Developer pursuant to the provisions of Utah Code Ann. Section 17-27a-604.5. Unless a Completion Assurance is posted with respect to the Final Plat, Developer may not record the Final Plat until such time as the applicable public infrastructure to be completed in connection with the Final Plat are completed by Developer. Completion Assurances posted by the Developer shall comply with the requirements of Section 8-12-37 of the Land Use Code. All Completion Assurances, including but not limited to performance, warranty, and maintenance bonds, and related agreements are between the City, Developer (or contractor if applicable) and the applicable financial institution. No other person shall be deemed a third-party beneficiary or have any rights under this subsection or any bond or agreement entered into pertaining to bonds. Any other person or entity, including but not limited to owners of individual units or lots, shall have no right to bring any action under any bond or agreement as a third-party beneficiary or otherwise.

1.3 Building Permits. Following the recordation of the Final Plat, the Developer is authorized to sell lots in accordance with state and local law. The City will issue building permits in accordance with this Agreement and applicable law. Building permits will only be issued when required public infrastructure for the Property has been installed and inspected and approved by the City Engineer, which approval will be limited to confirming that such infrastructure is completed in accordance with this Agreement and applicable law.

2. Approved Use, Density, General Configuration, and Development Standards Affecting the Property.

2.1 Property Affected by this Agreement. The legal description of the Property contained within or that may be contained within boundaries of the development to be known as Mountain Bay Subdivision is attached and specifically described on EXHIBIT E. No additional property may be added to this description for purposes of this Agreement except by written amendment to this Agreement executed and approved by the Parties.

2.2 Approved Use, Density, and General Configuration. The approved use, density, and general configuration for the Property, is shown in Exhibit D.

3. Vested Rights and Reserved Legislative Powers.

3.1 Vested Rights. Subject to Sections 3.2, 6.2, and 6.3, Developer will have the vested right to develop and construct the Property in accordance with the applicable zoning, subdivision, development, growth management, transportation, environmental, open space, and other land use plans, policies, processes, ordinances, and regulations (together, the “**Land Use Laws**”) in existence and effective on the date of final approval of the Final Plat (the “**Vesting Date**”), and applying the terms and conditions of this Agreement.

3.2 Reserved Legislative Powers. Nothing in this Agreement will limit the City’s future exercise of its police power in enacting generally applicable Land Use Laws after the Vesting Date. Notwithstanding the retained power of the City to enact such legislation under the police powers, such legislation will only be applied to modify the vested rights of Developer under this Agreement based upon policies, facts, and circumstances meeting the compelling, countervailing public interest exception to the vested rights doctrine in the State of Utah. Any such proposed change affecting the vested rights of the Property will be of general application to all development activity in the City; and, unless the City declares an emergency, Developer will be entitled to notice and an opportunity to be heard with respect to the proposed change and its applicability to the Property under the compelling, countervailing public policy exception to the vested rights doctrine. Developer acknowledges that the City cannot control changes in federal or state laws, rules and regulations that might affect a developer’s right to develop property, including, without limitation, state and federal environmental laws.

4. Further Approvals.

4.1 Subdivision, Plat Approval and Compliance with Design Conditions. Subject to Section 3.1, Developer expressly acknowledges and agrees that nothing in this Agreement will be deemed to relieve it from the obligation to comply with all applicable requirements necessary for approval and recordation of the Final Plat as set forth in Section 1.1.

4.2 Timeliness. Where further approvals from the City are necessary, the City agrees to cooperate in processing requests for such approvals.

5. Public Improvements.

5.1 Improvements. All public improvements located within the Property will be constructed and installed at the Developer’s sole expense in accordance with the Final Plat (including the approved construction drawings and specifications), this Agreement, and applicable law. As soon as reasonably practical, but in no event more than thirty (30) days from the completion of the public improvements and at a time mutually agreed upon by the Parties, the City shall inspect the public improvements to verify that such Work has been completed in accordance with the plans and specifications therefore (the “**Inspection**”). As soon as reasonably practical, but in no event more than thirty (30) days after the Inspection, the City shall provide to Developer one of the following: a) a list of items

failing to meet plans and specifications (the “**Correction List**”); or b) written acknowledgment that there are no outstanding items to be completed or repaired and the public improvements are accepted by the City. The City agrees that it shall not unreasonably withhold, condition or delay the City’s approval and initial acceptance of the public improvements, provided such public improvements are completed in accordance with the plans and specifications. Upon the City’s initial acceptance of the public improvements, Developer shall execute and deliver to the City a Cash Escrow or Credit Guarantee Agreement, which Guarantee Agreement shall require the Improvements to remain free from any damage arising from any defects in construction, materials and workmanship for a period of one year following the City’s initial acceptance of the public improvements, and further require Developer to deposit a contingency amount with the City pursuant to such Guarantee Agreement, which amount will represent ten percent (10%) of a licensed Engineer’s estimate to complete the public improvements.

5.2 Roadways. The public roads within the Property will be built by Developer in accordance with the Final Plat and the City approved road cross-section, and will be constructed prior to or concurrent with development of adjacent lots or parcels and in accordance with applicable law. Except as expressly provided in Section 5.2, Developer will not be required to expand, operate, repair or maintain any publicly dedicated roads.

5.3 Septic, Pressure Irrigation, and Storm Drainage. Developer has received official approval from Bear River Health Department (Exhibit F) and Willard City (Exhibit G) for individual septic systems for each residential lot. Pressurized secondary water for irrigation will be provided by Pineview Water, culinary water service from Willard City. Stormwater detention per code for the Property is shown on Exhibit C. In addition, Developer will cause to be brought to the Property such other utilities as are customary and necessary for residential use. All such installation will be done according to the reasonable and customary design and construction standards of the utility providers and the City Engineer and will be installed underground to the extent reasonably possible.

6. Miscellaneous Provisions.

6.1 Term of this Agreement. The rights of the Developer under this Agreement will continue for a period often (10) years following the date of this Agreement, unless the Agreement is earlier terminated or its term modified by written amendment to this Agreement. Developer’s obligations under this Agreement will continue until the earlier to occur of (a) Developer fully performing its obligations under this Agreement, or (b) the City releasing Developer from its obligations in accordance with Section 7.2. Notwithstanding the foregoing, any indemnification given by the Developer under this Agreement will survive the term of this Agreement.

6.2 Fees. Developer acknowledges that City fees may increase over the life of the Property consistent with the City’s exercise of its jurisdiction in accordance with applicable law.

6.3 Construction Standards. Construction standards for all portions of the development of the infrastructure for the Property will be governed by the most current edition of the Land Use Code, the Utah State Building, Plumbing, Mechanical, Electrical Codes, current engineering standards and the International Building Code as enforced by the City as the primary governing agency, at the time of application for building permit. No part of this Agreement will be deemed to supersede these standards. Developer will be required to comply with all conditions necessary for the issuance of a building permit, including, without limitation, any bonding or guaranty requirements generally applied by the City.

6.4 Dedication, Conveyance, and Preservation of Roads and Detention Basin. Upon the filing of the Final Plat, and except to the extent otherwise expressly set forth in this Agreement, Developer agrees to dedicate and convey by special warranty deed or by plat dedication, at no cost to the City and free and clear of liens and encumbrances, except those existing on the Property on the date of acquisition by Developer and those agreed to by the Parties (excluding any monetary liens or encumbrances), any areas designated on the Final Plat to be used as roadways or stormwater detention basins. All parcels to be dedicated or conveyed to the City pursuant to the terms of this Section will be conveyed at the time of recordation of the Final Plat or at any earlier time agreed to by the Parties. Upon dedication, the City agrees to operate, maintain, repair and replace, as provided by law all public roadways and dedicated property subject to any existing warranties.

6.5 Minor Development Changes. In the event Developer desires to make minor changes to the Final Plat before it is recorded, plans and specifications and construction drawings which have been approved in accordance with the provisions of Section 1.1, following the commencement of the development of the Property in accordance with the provisions of this Agreement, the Developer will submit such changes to the City staff for approval. So long as such changes are consistent with this Agreement and applicable law, the City Staff will approve of such changes. If the City Staff determines that such changes are inconsistent with the provisions of this Agreement, Developer must seek the approval of such changes from the City Planning Commission and the City Council.

7. Successors and Assigns.

7.1 Binding Effect. This Agreement will be binding on the successors and assigns of the Developer in the ownership or development of any portion of the Property, and the successors and assigns of the City.

7.2 Assignment. (a) Developer may from time to time and without the consent of the City, convey the Property in its entirety to a successor developer, together with the rights granted by this Agreement to develop the Property in accordance with this Agreement; provided, however, such assignment will in no way relieve Developer of its obligations under this Agreement and Developer will remain jointly and severally liable with Developer's assignee to perform all obligations under the terms of this Agreement which are specified to be performed by Developer. Developer may request the written consent of the City of an assignment of Developer's interest in the Agreement. In such cases, the proposed assignee will have the qualifications and financial responsibility necessary and adequate, as required by the City, to fulfill the obligations undertaken in this Agreement by Developer. The City will be entitled to review and consider the ability of the proposed assignee to perform, including financial ability, past performance and experience. After review, if the City gives its written consent to the assignment, Developer will be released from its obligations under this Agreement for that portion of the Property for which such assignment is approved. (b) Nothing in this Section 7 will prohibit Developer, without the consent of the City, from selling real estate in the ordinary course of the business of Developer, or prohibit the Developer from selling a portion of the Property to one or more occupants for the purpose of erecting, constructing, maintaining, and operating (or causing to be erected, constructed, maintained, and operated) improvements thereon consistent with the requirements of this Agreement. The provisions of this Section will not prohibit the granting of any security interests for financing the acquisition and development of dwelling units, residential lots, commercial lots or structures, or other development parcels within the Property, subject to Developer complying with this Agreement and applicable law. (c) **Liability of Assignee.** In the event of a transfer of all or any remaining portions of the Property, and upon assumption by the transferee of the Developer's obligations under this Agreement, the transferee will be fully substituted as the Developer under this Agreement, and will agree to be subject to all of the conditions and restrictions that the Developer and the Property are subject to.

8. General Terms and Conditions.

8.1 Agreement to Run With the Land. This Agreement will be recorded in the office of the Willard City Recorder against, except as specifically provided below, the Property and will be deemed to run with the land, will encumber the Property, and will be binding on all successors in the ownership of any portion of the Property. Notwithstanding the foregoing, this Agreement will not be deemed a covenant running with the land with respect to the enforcement of the zoning and land use regulations imposed hereby for any portion of the Property that would otherwise be exempt from compliance with zoning and land use regulations generally under applicable law by reason of the ownership thereof.

8.2 Construction of Agreement. This Agreement should be construed so as to effectuate the public purpose of implementing long-range planning objectives, obtaining public benefits, and protecting any compelling, countervailing public interest while providing reasonable assurances of continuing vested development rights.

8.3 State and Federal Law. The Parties agree, intend, and understand that the obligations imposed by this Agreement are only such as are consistent with applicable state and federal laws, rules, regulations and ordinances. The Parties further agree that if any provision of this Agreement becomes, in its performance, inconsistent with applicable state and federal laws, rules, regulations and ordinances or is declared invalid, this Agreement will be deemed amended to the extent necessary to make it consistent with applicable state and federal laws, rules, regulations and ordinances, as the case may be, and the balance of this Agreement will remain in full force and effect.

8.4 Relationship of Parties and No Third Party Rights. This Agreement does not create any joint venture, partnership, undertaking, or business arrangement between the Parties nor any rights or benefits to third parties. It is specifically understood by the Parties that: (a) the Property is a private development; (b) the City has no interest in or responsibilities for or duty to third parties concerning any improvements to the Property unless the City accepts the improvements in connection with a dedication plat or deed approval; and (c) Developer will have the full power and exclusive control of the Property subject to the obligations of the Developer set forth in this Agreement.

8.5 Laws of General Applicability. Where this Agreement refers to laws of general applicability to the Property, this Agreement will be deemed to refer to laws of general applicability to other developed and subdivided properties in the City.

8.6 Integration. This Agreement contains the entire agreement between the Parties with respect to the subject matter hereof and integrates all prior conversations, discussions, or understandings of whatever kind or nature and may only be modified by a subsequent writing duly executed and approved by the Parties.

8.7 No Third-Party Beneficiary. The provisions of this Agreement are and will be for the benefit of the Developer and the City only and are not for the benefit of any third party.

8.8 Confidentiality. This Agreement and all exhibits and attachments are subject to the provisions of the Government Records Access Management Act, Utah Code § 63-2-101, et seq., as amended.

8.9 Events of Default. (a) Upon the happening of one or more of the following events or conditions Developer or City, as applicable, will be in default (“**Default**”) under this Agreement: (i) a warranty, representation, or statement made or furnished by Developer under this Agreement is intentionally false or misleading in any material respect when it is made. (ii) a determination by the City made upon the basis of substantial evidence that the Developer has not complied in good faith with one or more of the material terms or conditions of this Agreement.

(iii) any other act or omission, either by the City or Developer, which (A) violates the terms of this Agreement, or (B) materially interferes with the intent and objectives of this Agreement. **Procedure Upon Default.** (i) Upon the occurrence of Default, the non-defaulting Party will give the other Party 30 days’ written notice specifying the nature of the alleged Default and, when appropriate, the manner in which the Default must be satisfactorily cured. If the Default cannot reasonably be cured within 30 days, the defaulting Party will have such additional time as may be necessary to cure the Default so long as the defaulting Party takes action to begin curing the Default within the 30-day period and thereafter proceeds diligently to cure the Default. After proper notice and expiration of the 30-day (as extended) without cure, the non-defaulting Party may declare the other Party to be in breach of this Agreement and may pursue such remedies as are allowed in law or in equity. (ii) Any Default or inability to cure a Default caused by strikes, lockouts, labor disputes, acts of God, inability to obtain labor or materials or reasonable substitutes therefore, governmental restrictions, regulations, or controls, enemy or hostile governmental action, civil commotion, fire or other casualty, and other similar causes beyond the reasonable control of the Party obligated to perform an obligation under this Agreement, will excuse the performance of such obligation by such Party for a period equal to the period during which any such event prevented, delayed or stopped any required performance or effort to cure a Default.

8.10 No Waiver. Failure of a Party to exercise a right under this Agreement will not be deemed a waiver of the right and will not affect the right of the Party to exercise the right at some future time. Unless this Agreement is amended by vote of the City Commission taken with the same formality as the vote approving this Agreement, no officer, official, or agent of the City has the power to amend this Agreement or waive any condition so as to bind the City by making a promise or representation not provided for in this Agreement.

8.11 Attorneys Fees. If any Party employs an attorney to enforce this Agreement (or any judgment based on this Agreement) against the other Party, the prevailing Party will be entitled to receive reimbursement from the other Party for all attorney’s fees, costs, and expenses.

8.12 Notices. All notices under this Agreement will be given in writing by certified mail, postage prepaid, at the following addresses:

Developer:

TK Dirt LLC
1169 Hidden Gold Pass
Morgan, UT 84050
Attn: Kelvin Judd

City:

Willard City
Attn: City Attorney

8.13 Effectiveness of Notice. Any notices sent by certified mail will be effective two business days after the notice is sent. Any Party may change its address for notice by giving written notice to the other Party in accordance with Section 8.122.

8.14 Applicable Law. This Agreement will be governed by Utah.

Signatures and Acknowledgments Follow

The Parties have executed this Agreement as of the date first set forth above.

Developer:

City:

Exhibits:

ITEM 5B

	620 North 200 West	Kapp, Neidon & Jan	10/15/05?		2/11/2003	Building Permit for Single Family Dwelling	Reviewed 10/03/24	Active	02-046-0005
	683 North Main	Palmer, Morgan	2/9/2021	\$25.00 PD	Approved 5/6/21	Wedding Reception Center	Reviewed 5/18/23	Active	02-046-0102
	725 South Main	Surrage, Jackie	8/2/2023	\$25.00 PD	Approved 11/3/23	Food Truck	Active	02-053-0009	
	740 North Main	Grimes, Mike	7/19/1996		9/17/1996	Used Vehicle Sales	Reviewed 11/7/24	Active	02-046-0015
	755 South Main	Gilbert, Scott; Gilbert, Dustin; Russell, Dee	3/22/2016	\$25.00 PD	4/5/2016	Accessory Building	Reviewed 12/5/24	Active	02-053-0059
	769 North Main	Marvin Neff			2/7/2020	RV Campground	Under Review	Active	02-041-0067
	781 North 200 West	Bartholome, Shane Sold business to W W Clyde in approx 2019	10/31/2013	\$25.00	12/9/2013	Truss Manufacturing known as Sierra Truss Currently known as Sunpro	Reviewed 4/3/25	Active	02-041-0030
	850 North Main (filed in 960 N Main)	Venture Outdoor Advertising-no longer in business. Fred Barker wants to keep sign		\$25.00	8/27/1990	Off-Premise Sign (Billboard)	Reviewed 5/15/25	Active	02-043-0013
	1348 North Main	Dorothy Call & Garrick Call	4/18/2023	\$25.00	5/18/2023	Detached Accessory Dwelling Unit	Active	02-039-0055	
	1387 North Main	Qwest & Maurice Roche	4/4/2001		7/26/2001	Communications Tower	Active	02-040-0005	
	45 North Main	Comer, William				Trailer Court	???	02-051-0183	
	95 North 100 West	Bingham, Stephen						02-047-0205	
	???	Wilkes, Melissa			3/15/2015	Home Occupation	Active	02-053-0029	
	595 South Main	Ross, Terry			12/29/2016	Temporary Business Use		02-053-0005	
	1305 North Main	Bodily, Jacob				Home Occupation - Auto Repair		02-040-0035	

MASTER CONDITIONAL USE PERMIT SPREADSHEET

No.	Address	Applicant	Application Date	Fee	Approval Date	Type	Status and Review Date	Parcel No.
	33 CUPs							
	26 South 500 West	Forbush, Molly	1/27/2025	\$250.00		Short-Term Rental/AirBnd		02-087-0005
	51 North Main	Moyes, Jeff & Brenda	7/26/2022	\$25.00 PD	9/1/2022	Automobile Repair Shop	Active	02-047-0177
	53 North 100 West	Braegger, Josh	5/28/2020	\$25.00 PD	Approved 6/19/20	Multi-Family (Basement Apartment)	Active Reviewed 9/12/23	02-047-0074
	55 South 100 East	Braegger, Kenneth			Approved 2/5/16	Contractor - Home Business	Active Reviewed 10-5-23	02-050-0074
	105 South 100 East	Loveland, Judy	9/16/1996		Approved 9/20/96	Auto Repair - Home Business	Active Reviewed 10-19-23	02-050-0008
	110 South 200 West	Gilbert, Brian	4/20/2023	\$25.00	Approved 5/18/23	Detached Accessory Dwelling Units	Active	02-051-0008 and 02-051-0242
	110 South 250 West	Heath, Trisha	5/18/2018		1/9/2019	Multi-Family Dwelling	Active Reviewed 11-2-23	02-053-0003
	155 South Spring Street (135 S 100 E)	Dean, Blair & Kathy Davis	6/21/1999		9/23/2005	Single Family Home On Sensitive Land	Active Reviewed 12-7-23	02-050-0077
	275 East 200 South	Nielson, Seth	4/22/2024	\$25.00	6/6/2024	Pest Control Business	Active	02-050-0048
	300 East 750 North	Granite Construction Company			11/3/2015	Concrete Batch Plant	Active	02-045-0005
	344 East 300 North	Merritts, Bill & Shelley	4/8/1993		5/10/1993	Single Family Dwelling on Sensitive Land	Active Reviewed 4-18-24	02-048-0005
	369 West 200 North	Dominguez, Duane	3/13/2024	\$25.00	4/22/2024	ATV Repair	Active	02-057-0030
	432 North Main	Francom, Matthew	10/20/2020	\$25.00	Approved 3/7/24	Welding Shop	Active	02-046-0086
	450 North 200 West	Radtke, Robert and Suzie	9/25/2014	\$25.00 PD	10/2/2014	Additional dogs	Active Reviewed 6/20/24	02-046-0047 & 0084
	481 North 200 West	Beard, Lynn			Approved 2/5/15	Multi-Family Dwelling/Duplex	Active Reviewed 9/5/24	02-046-0075
	500 East 625 South	Nielsen, Darrell (Now Staker Parson)	3/20/1980		4/11/1989	Gravel Removal	Active	02-049-0001 & 02-053-0044
	537 West 200 North	Gammom, Dan	12/18/2023	\$25.00	11/7/2024	Short-Term Rental/AirBnd		02-057-0005
	550 North 200 West	Kilpack, Lee (now owned by Dean Taylor)	2/16/2018	\$25.00		Multi-Family/Basement Apartment	Active Reviewed 9/19/24	02-046-0046

July 17, 2025



USWEST is now

Qwest

70 South State Street #617
Salt Lake City, Utah 84111
phone: (801) 205-0071
email: gene1s2@uswest.com

April 4, 2001

Willard City
Mr. Leland Jacobson
Community Development
80 West 50 South
Willard City, Utah 84340-0593

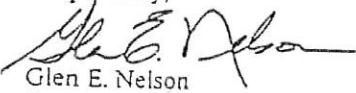
Conditional Use Permit Application
Qwest Wireless Site #309
Located at 1387 North Main Street

Qwest Wireless (QW) is proposing to install a Personal Communication System (PCS) site on the property belonging to Maurice and Penny Roche, located at 1387 North Main Street in the Willard. The present zoning on this property is A-5 and is presently being used as vacant land with no residential dwelling on it. There are no residential structures within more than 400 feet. The pole will be located in the rear of the property, not in a required landscaped area, buffer area or required parking area.

Qwest is proposing to place a new 80 foot monopole in the rear of this property near the north property line about 2000 feet west of Main Street. It will consist of three sets of antennas, each one measuring 54 inches high, 6 inches wide and 3 inches deep. These antennas will be placed at the top of the steel monopole and will measure 4.5 feet across the array. There will be three remote units attached to the pole just beneath the antennas. The remaining equipment, the main unit, the telco unit, the UPS unit (uninterruptable power supply) and the small GPS antenna will all be attached near the base of the pole.

This proposal will not require a re-zoning, a variance or an annexation, Qwest feels like this proposal meets the objectives, intent and overall general purposes of the Land Use Management Code and it is compatible with the City's planning goals. It complies with the Wireless Telecommunication Ordinance in the City.

Respectfully,


Glen E. Nelson
Zoning Manager

Site sketch Ormond Construction

14 TOWNSHIP 8-N RANGE 2W S.L.B.&M.

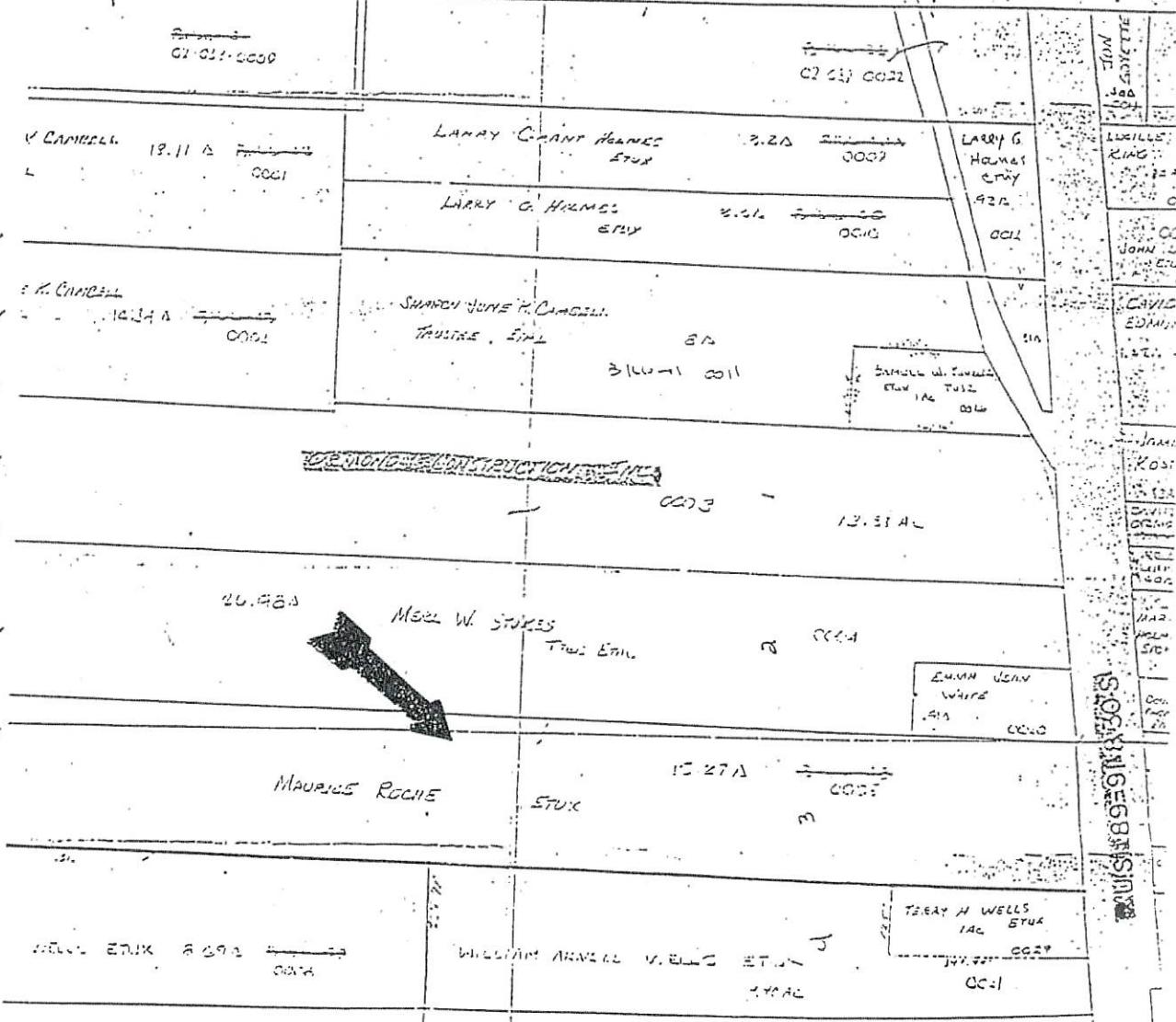
Book

SCALE 1" = 200'

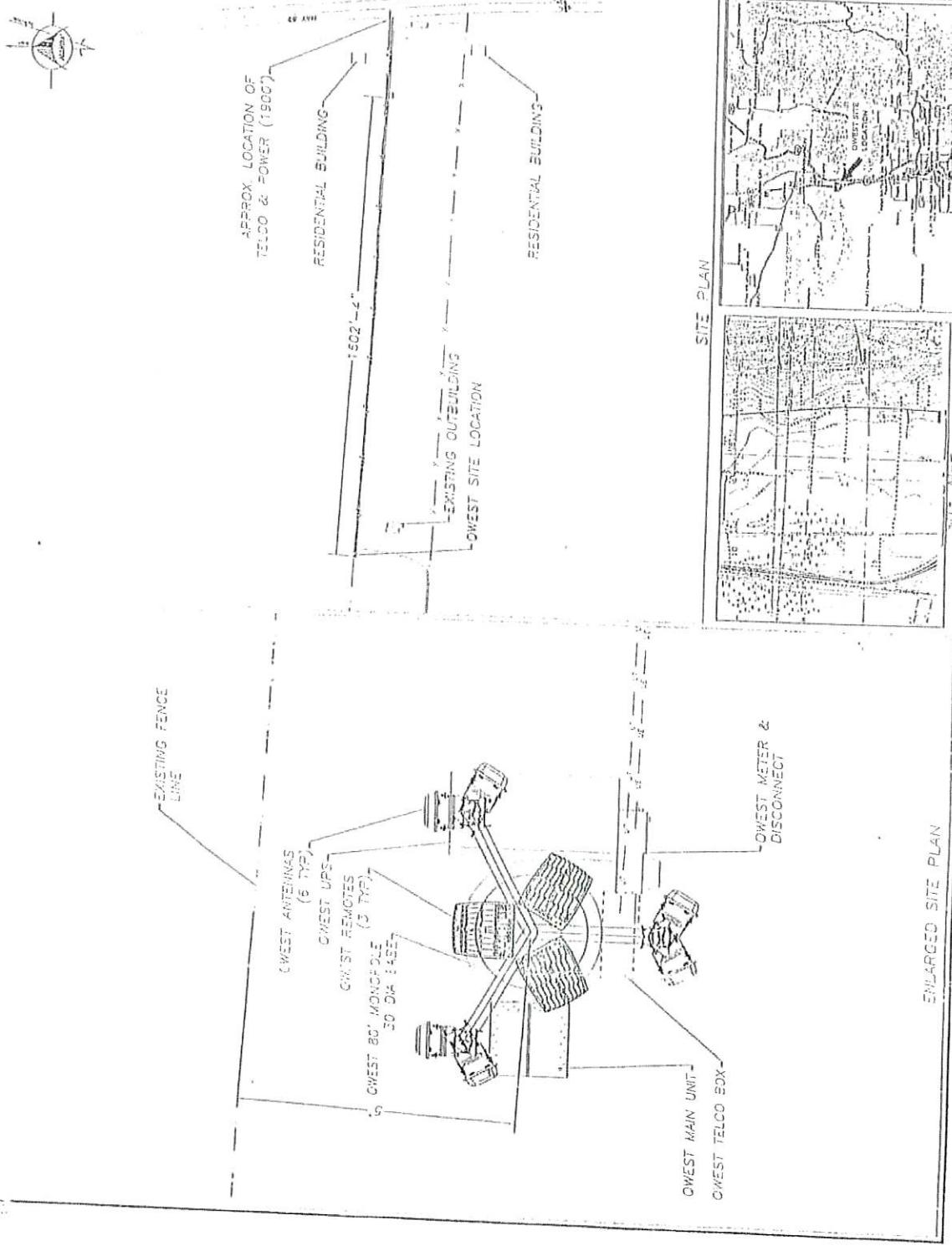
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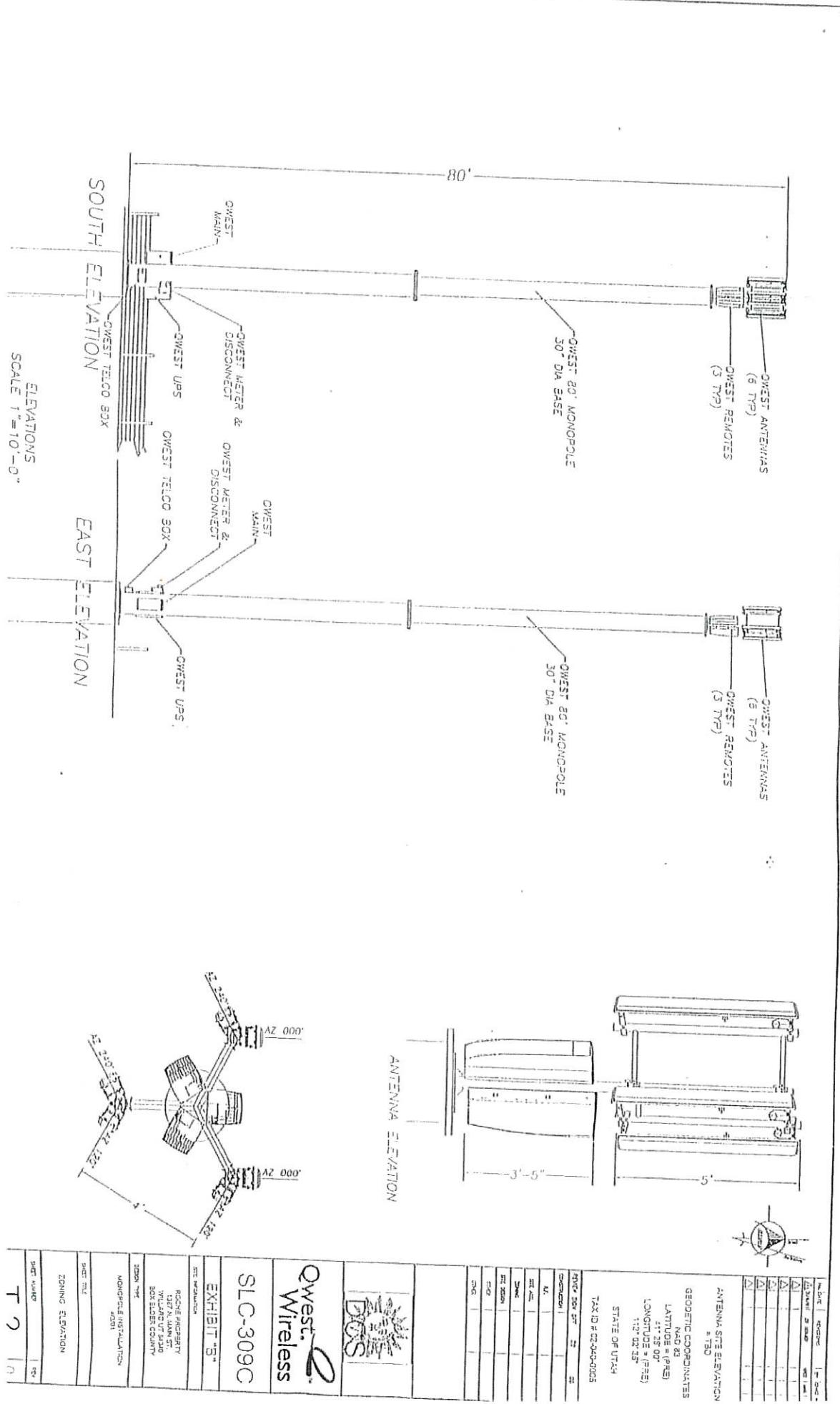
PAGE 38

PREFIX 02-040 TAX UNIT 32



EMAIL





zone request, the collection of parcels based on the Willard City General Plan and Short Term Zoning Plan, because it is not in the 2 year growth area. Commissioner Erickson seconded the motion. The motion carried.

5. New Business

a. Guy Haskell - Subdivision Request - Parcel # 02-053-0006 (Project 110)

A discussion was held on the sketch plan on the Willard Peaks Subdivision and how it fit into the concept of cluster housing.

A motion was made by Commissioner Krum to approve the General Concept Plan of the Willard Peaks Subdivision assuming the plans meets the Willard City General Plan requirements, the Planned Unit development requirements, and Health requirements. The Planning Commission recommends that the concept plan be given to the City Council for review and comments. Commissioner Harding seconded the motion. The motion carried.

b. Glen Nelson - Qwest

A discussion was held on the (attached) proposed telecommunication tower located at 1387 North Main Street (Maurice and Penny Roche property.) Commissioner Erickson read from the Willard City Zoning Ordinance which states in section 12-114 that Wireless Communications towers are classified as Permitted Use if located on City owned property or if located west of Interstate 15, and said that this requested tower would be governed by the Conditional Use section of the Zoning Ordinance. That section states that Wireless Communication facilities are classified as

conditional use when not located on City-owned property or west of Interstate 15 and/or do not meet the requirements as stated in section 12-114-3 also, engineering justification is required. The height requirements were discussed it was stated that in a permitted use area the requirements were 80 ft. max. and in a conditional use area the max. height was 60 ft. The height requirements would need to be changed for the area that the pole is in. The Planning Commission recommended that they table the request until this new information could be taken back to Qwest for review.

A motion was made by Commission Erickson to table the request until the May 17 Planning Commission. Commissioner Krum seconded the motion. The motion carried.

6. Planning Commission Members:

a. Chair person - Kink Clawson

b. Commissioners -

Chris Erickson

Stillman Harding

Robert Krum

Ryan Tingey

Herbert Pedersen

c. Zoning Administrator - Leland Jacobson

Reported on various projects coming up.

d. City Council member (non-voting) Lynn Beard

7

7. Adjourn - A motion was made by Commissioner Erickson to adjourn,

seconded by Commissioner Krum, motion carried. The meeting adjourned at 10:40 p.m.

Minutes were read individually and approved on _____

Chair _____ Person, _____ Kink _____ Clawson
PC Secretary, Gaylene Nebeker

Memo

To: City Planning Commission
From: Alan Taylor
CC: Glen Nelson
Date: 5/1/2001
Re: Design Explanation for SLC-309

Dear City Planning Commission:

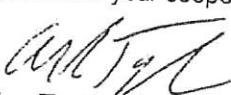
I am a Radio Frequency Engineer for Qwest Wireless here in Salt Lake City. I am the lead Engineer for the design of the cell sites in Utah.

Part of this year's project was to expand our coverage out to Brigham City. This expansion included your city of Willard. The goal is to have seamless coverage from North Ogden to Brigham City. It has been calculated that an 80' monopole on the Roche property will be at a sufficient height to achieve this goal.

Attached is a test that was performed on the Roche property. The various colors represent the different signal strengths. Greens, yellows and Reds are the colors we look at. Once the signal turns blue to gray then the signal is at a level that the phone can no longer use. This test shows that a 80' monopole will be high enough to cover Willard and I-15. If the monopole were any shorter, there would be a gap right in the middle of Willard and on I-15 and thus would not give Qwest Wireless the seamless coverage described at the beginning of this memo.

Qwest Wireless has no plans to build more monopoles in the City of Willard at this time.

Thanks for your cooperation,


Alan Taylor

Willard City Corporation

80 West 50 South
Box 593



Willard, Utah 84340
(435)734-9881

WILLARD CITY PLANNING COMMISSION RECOMMENDATION TO WILLARD CITY COUNCIL

DATE: May 17, 2001

PROJECT: Qwest Communication Tower

PROJECT DESCRIPTION: Construction of a 80' monopole on
the Maurice & Penny Roche property located at
1387 North Main.

SUBMITTED BY: Glen Nelson - Qwest Rep.

THE WILLARD CITY PLANNING COMMISSION RECOMMENDS:

APPROVAL

DENIAL

APPROVAL WITH CONDITIONS OR RECOMMENDATIONS AS FOLLOWS:

See back of sheet For Reccomendations
and motions.

	YEA	NAY	COMMENTS
C. ERICKSON	—	—	_____
H. PEDERSEN	—	—	_____
S. HARDING	—	—	_____
B. KRUM	—	—	_____
P. TINGEY	—	—	_____

To: Willard City Council
From: Leland Jacobson, Zoning Administrator
Subject: Project 111 - Qwest Tower
Date: June 12, 2001

**Willard City
Commission**

For Public Hearing, June 14, 2001:

Planning Commission, on April 19, 2001, voted to grant a Conditional Use Permit to Qwest for an 80-foot communications tower in the location requested (1357 North Main Street; Parcel 02-040-0005; Maurice and Penny Roche, owners), with the stipulation that the height limitation in the Communications Tower Ordinance (Chapter 12-114 of the Willard City Zoning Ordinance, Part 12-114-5 (3)(b)) be revised as follows:

From: ...60 feet in conditional-use areas and 80 feet in permitted-use areas
To: "...80 feet *minimum* in a conditional-use area and 100 feet *minimum* in a permitted-use area".

City Council set June 14, 2001, as the date for a Public Hearing on the ordinance change.

RECOMMENDATION: Following the Public Hearing: If you wish to accept the proposal:

- 1) Amend the requested ordinance change to read ***maximum*** rather than ***minimum*** for both of the limitations.
- 2) Approve the amended change to the ordinance
- 3) Approve the requested Conditional Use Permit.

These actions will clear the Conditional Use Permit and enable the issuance of a building permit without the need for a second public hearing and without causing further delays to the project.

WILLARD CITY CORPORATION CC1165

Date: June 14, 2001
Time: 8:00 p.m.
Place: Willard City Hall
Attendance: Mayor Dell Braegger, Council members Fred Barker, Dennis Jeppsen, Peggy Ray, Jean Loveland, Lynn Beard and Recorder Teri Fellenz

Absent:

Others: Leland Jacobson - Zoning Administrator, Kink Clawson - Planning Commission Chair, Phil Hermanek - News correspondent, Mike Setzer, Kelly Nelson, Cindy Hanks

1. Call to Order

a. Prayer - Peggy Ray

2. Public Hearing

a. **Proposed changes to the Willard City Zoning Ordinance** - Telecommunications Ordinance to change telecommunication tower heights to 80 ft. minimum in a conditional use area A- 5 and 100 ft. minimum in a permitted use area. - Zoning Administrator Jacobson presented the proposed change to Section 12-114-5 (3)(b) changing the height limit to 100 ft. minimum in a permitted use area and 80 ft. minimum in a conditional use area A-5. It was noted the motion made by Commissioner Pederson does state minimum heights instead of maximum. Mayor Braegger stated the proposed change needed to be looked at carefully, because the original ordinance was designed to place towers in areas other than housing areas. Council member Beard stated the technical data presented by Planning Commission member Herb Pederson was very convincing.

Council member Barker stated he was not present at the previous meeting and asked if co-locating on existing towers was an option and expressed his concern of adopting an ordinance and then changing it right away if it doesn't fit the request. Planning Commission Chairperson Kink Clawson stated a location west of I-15 will pick up disturbance from Ogden and Brigham City. Mayor Braegger added that Sprint was able to change the height and location of their tower from their original request.

Council member Beard again noted the technical reasons presented, but the ordinance doesn't meet the requested height. Zoning Administrator Jacobson stated the ordinance was patterned after other municipalities ordinances and felt the maximum heights chosen were arbitrary heights chosen in an attempt to direct the locations of the towers in areas where they would be more desirable. Council member Beard stated he had no expertise in the area. Chairperson Clawson asked if the location requested was the only site suitable, could it be denied. Council member Barker stated he felt as long as there were areas allowing the telecommunication towers they weren't being denied. It was also noted that the equipment could not be placed on the tower built by Sprint due to the design.

Mayor Braegger opened the item for public comment. No public comment was received.

Further discussion was held on issuing a Conditional Use Permit. Council member Beard stated he would be more comfortable revising the ordinance if a report from a third party engineer provided more information. Cindy Hanks, the representative from Qwest stated there are third party RF engineers available to provide such data. Ms. Hanks stated she was not an engineer, but reported the location was selected as far west as possible without betting into a swamp area and still meet the requirements of their system. *see page 3*

- b. Proposed changes to the 2000-01 fiscal year budget - The attached proposed changes to the 2000-01 fiscal year budget were presented it was also suggested any excess revenue/expenditures be transferred to the Capital Improvement Fund earmarked for the 200 East Storm Drain project to replace the amount used for the purchase of new computers and software. Mayor Braegger opened the floor for public comment. No public comment was received.
- c. Proposed 2001-02 fiscal year budget - The attached proposed 2001-02 fiscal year budget was presented. Mayor Braegger opened the floor for public comment. No public comment was received.

A motion was made by Council member Beard to close the public hearing and open the regularly scheduled meeting. The motion was seconded by Council member Ray, motion carried.

3. Business

a. Approval of minutes: The minutes of the May 24, 2001, meeting were reviewed.. *A motion was made by Council member Ray to accept the minutes as written, seconded by Council member Beard, motion carried, with Council member Loveland abstaining from the vote.*

b. Financial - The vouchers and warrants were presented to the Council for approval. The reports were individually reviewed.

(1) Warrants

(2) Vouchers

(3) Reports

(4) Changes to the 2000-01 fiscal year budget - *A motion was made by Council member Beard to accept the attached proposed changes with any excess revenue/expenditures to be transferred to the Capital Improvements Fund for the 200 East Storm Drain Project. The motion was seconded by Council member , voting was unanimous.*

c. Department Reports

(1) Police Department - Police Chief Kelly Nelson reported the month of May was a busy one for the police department. He explained there was \$19,000 worth of items stolen and \$16,000 worth was recovered. He reported on July 2, dispatch for the County will change to a central dispatch to include Brigham City. He also reported an individual has been stealing water services. The service had been shut off to the residence and the meter was removed. One of the maintenance personnel noticed water around the meter. They investigated and found a pipe used to by-pass the area where the meter was. The department is currently working with the City Prosecutor to press charges.

Chief Nelson then reported there was an accident at the corner of 100 South and 100 West. He noted there is a yield sign for traffic traveling on 100 South. He noted that many do not even slow down and suggested that the sign be changed to a stop sign.

Council member Barker asked about reports of someone dipping water out of the creek with a backhoe. Chief Nelson stated the maintenance personnel had observed an individual taking water out of the creek and he is following up on the situation. A discussion was held. It was decided Chief Nelson will check with the Irrigation Company for information.

Council member Beard inquired if anything has been done about junk vehicles. Chief Nelson stated he is currently working on a revised ordinance and will have a copy to the Council for review during their next meeting.

(2) Fire Department - Council member Loveland explained Assistant Chief Mund has been delayed and is unable to attend. She reported the department has responded to twice as many calls to date as the previous year. She also reported the City still has not received a signed contract from the County for Willard City to furnish fire protection services and the department will begin billing per the amounts discussed in a prior Council meeting, including charges for extrication equipment. She then reported on discussions with Brigham City about sending more than required vehicles on calls.

(3) Maintenance - Streets/Parks/Water - Maintenance Supervisor Mike Setzer reported the pad for the bleachers has been completed and the bleachers have been placed on the pads. Council member Barker stated he had an opportunity to attend a game at the softball field and commented on the fine work. Mr. Setzer then stated they installed two big lines and sprinklers to cover areas being missed by the current system at the Willow Creek Park.

He then reported he has contacted Steve Hansen with Hydro Specialties about a master meter to check the flow at the tank. He has been unable to locate one at this time. He then reported on equipment. Council member Barker asked the spring flow at the current time. Mr. Setzer stated the spring flow is currently at 180 gpm.

d. Business License Request - Betty Davis - B & B Cleaning - The request was withdrawn by the applicant.

e. **Possible adoption of proposed changes to the Willard City Zoning Ordinance -** Telecommunications Ordinance to change telecommunication tower heights to a 80 ft. In a conditional use area A- 5 and 100 ft. Minimum in a permitted use area - Council member Beard stated he would like to see an independent third party study on the issue. Council member Loveland expressed concern about changing the ordinance. Council member Jeppsen cited different areas for possible locations. Ms. Hanks noted each system is uniquely designed and again stated Qwest could have the independent study done.

Council member Beard made a motion to table the decision pending a third party independent study on why the tower can't be on City Property or west of Interstate 15, verifying the height requirement, and why one tower would be better than a number of shorter towers. The motion was

seconded by Council member Loveland the motion carried with Council member Ray abstaining from the vote.

f. Qwest Communication - Request for Conditional Use Permit for 80 ft. Telecommunications Tower on property located at 1387 North Main -

Council member Beard made a motion to table the item until the next regular Council meeting when a decision will be made on the proposed change to the ordinance. The motion was seconded by Council member Jeppsen, motion carried.

4. Council members

- a. Jean Loveland
- b. Dennis Jeppsen - Reported the Sesquicentennial coins are in and are available for \$7.00 each. He also reported the Flood Control Board has declined to offer financial help on the 200 East Storm Drain project.
- c. Lynn Beard - Reported he contacted developer Guy Haskell about his proposed development. A discussion was held on a pressurized secondary water system.

9:35 Council member Loveland was excused from the meeting.

Mayor Braegger suggested asking Pineview Water to attend a meeting and have a public hearing on the possibility of a pressurized secondary system. Council member Beard noted that the Water Department could lose revenue which will fund the new well project currently underway if a secondary system is put on line in the near future. Further discussion was held on the possibility of a secondary system, but the need to complete the proposed well project first. Council member Barker expressed his concern for the loss of revenue for the water department. A heated discussion ensued and Council member Jeppsen moved for a short break.

Mayor Braegger and Council member Jeppsen returned to the meeting. Mayor Braegger announced his intention to submit his resignation and asked that the meeting be adjourned.

5. Adjourn: *A motion was made by Council member Ray to adjourn, seconded by Council member Beard, motion carried. The meeting adjourned at 10:05 p.m.*

Minutes were read individually and approved on 6-28-01.

Jean Loveland
Mayor

Lynn Beard
Recorder

WILLARD CITY CORPORATION CC1179

Date: June 28, 2001
Time: 8:00 p.m.
Place: Willard City Hall
Attendance: Mayor Pro-Tem Lynn Beard, Council members Fred Barker, Dennis Jeppsen, Peggy Ray, Jean Loveland, Recorder Teri Fellenz

Others: Leland Jacobson - Zoning Administrator, Kink Clawson - Planning Commission Chair, Phil Hermanek - News correspondent, Reah Loveland, Klea Nebeker, Ruth Harding, Arnell Wells, Glen Nelson,

1. Call to Order

a. Prayer - Fred Barker

2. Business

a. Approval of minutes: The minutes of the June 14, 2001, meeting were reviewed. Council member Loveland noted she abstained from the vote of the approval of the May 24, 2001 minutes. It was also requested a copy of the changes to the 2000-01 budget be noted as attached to explain the changes. Council member Ray also requested under the time for Council members that her name and Council member Barker's name be removed as well as the Mayor's Correspondence due to the fact the meeting was adjourned prior to that point on the agenda.

A motion was made by Council member Loveland to accept the minutes as corrected, seconded by Council member Barker, motion carried.

b. Proposed changes to the Willard City Zoning Ordinance - Telecommunications Ordinance to change telecommunication tower heights to a 80 ft. minimum in a conditional use area A- 5 and 100 ft. minimum in a permitted use area. - It was requested this item be postponed until later in the meeting to have Qwest representatives present to provide information on the third party study report. Arnell Wells questioned why property owners next to the proposed location were not notified. He stated he was opposed to the location which would be approximately where proposed 200 West is to be placed. Council member Ray noted the ordinance does not require neighbors be notified.

Council member Barker made a motion to have the decision on the change to the ordinance and Qwest's request for a conditional use permit to later on the agenda, seconded by Council member Loveland, motion carried.

c. Planning Commission

(1) Qwest Communication - Request for Conditional Use Permit for 80 ft. Telecommunications Tower on property located at 1387 North Main

(2) Sam Kunzler Subdivision - Review and possible request for approval - Hargis Hill Road - The attached memo to the City Council from Zoning Administrator Jacobson was presented. Zoning Administrator Jacobson reported he felt the process should be followed and the required signatures should be obtained prior to submittal to the Council for approval. He explained which signatures are still required. Council member Barker asked the status of the dedication of Hargis Hill Road. Council member Loveland explained there are still four land owners that have not yet signed the dedication plat and she has been trying to personally contact them. She stated her concern of approving a subdivision before the road dedication is cleared up.

e. Nancy Green - Brigham City Senior Center - Nancy Green stated she was present for her annual funding request. She explained the Meals-on-Wheels program and that ten Willard City residents participate in the program at a cost of \$2860. A two dollar donation for each meal is requested from the participant and the rest is obtained through fund raising and grants. In addition, an average of twelve seniors meet each Tuesday at the City Hall for meals. Ms. Green also presented other activities and services offered through the Senior Center.

A motion was made by Council member Ray to approve an \$1800 donation to the Brigham City Senior Center, seconded by Council member Barker. Motion carried.

f. **Qwest Communication** - Request for Conditional Use Permit for 80 ft. Telecommunications Tower on property located at 1387 North Main - Glen Nelson the representative from Qwest presented the proposed location of 1387 N. Main approximately 2000 ft. west of Highway 89. He stated the location was as far west as possible. He explained there are no homes within 1600 ft of the proposed location. He explained there is a small outbuilding the proposed property.

An R.F. Engineer for Qwest was also present and explained the line of sight and why the proposed site is the best location. He also explained why the area west of Interstate 15 and on the east side near the mountain wouldn't work. The engineer presented charts of the area showing areas of coverage and areas that are not suitable. The attached letter from an independent third party engineer was also presented.

Council member Barker stated he felt the Ordinance was set up to direct towers in areas where there would not be development. A discussion was held on the area. Council member Barker stated the requested location is near the area where proposed 200 West is to be located. It was also discussed that the area west has high water and is unsuitable for the location of the tower. A discussion was held on alternate locations closer to the railroad tracks. Mr. Nelson was asked if Qwest would consider alternate locations. The R.F. engineer stated they could look at alternate locations if there was access to the property so they could build and maintain the tower. Zoning Administrator Jacobson stated a special Planning Commission meeting could be called to consider the alternate location. Arnell Wells stated he would be willing to show the representatives the area.

Council member Jeppsen asked Mr. Nelson why the Council should be concerned. Mr. Nelson stated the Telecommunications Act of 1996 requires that local jurisdictions allocate and designate sites available for placement of telecommunication towers. He also stated that shorter towers work in densely populated areas, but would be inadequate for their system and would result in a number of dropped calls.

Council member Barker made a motion to stay with the current ordinance. He stated the need to work together to encourage locations as far west as possible. The motion was seconded by Council member Loveland, motion carried.

Glen Nelson stated Qwest will perform tests on alternate locations.

f. **Opening of Bids for 2001 Street Projects** - Council member Jeppsen opened bids from contractors on the attached request for bids on 2001 street projects. The following bids were received:

Granite Constriction	\$68,400
J.B. Parsons	72,800
Fife Rock Products	72,523

receipt stating it had been completed.

A motion was made by Commissioner Krum to recommend to City Council the approval of the Chad Call division of property, contingent upon verification that Mr. Call has paved his half of the road. Commissioner Erickson seconded the motion. The motion carried.

e. Guy Haskell - Subdivision Request - Parcel # 02-053-0006 (Project 110)

A discussion was held on the sketch plan that Mr. Haskell had sent to Zoning Administrator Jacobson. Questions were brought forward on who would be required to take care of the trees and shrubs that were shown on the sketch plan. It was stated that there could possibly be a Home Owners Association put together to take care of the subdivision. No further action was taken on this request. It was noted by Commissioner Tingey that the sketch plan does not show 300 East, and asked that Mr. Haskell be notified to include it on the sketch plan.

f. Glen Nelson - Qwest

A discussion was held on the fax that Glen Nelson from Qwest sent to Zoning Administrator Jacobson requesting final approval on the original site for a 60 ft monopole tower on the Maurice and Penny Roche property. Zoning Administrator Jacobson stated that the tower was still in a conditional use area and that a conditional use permit would be issued.

A motion was made by Commissioner Krum to accept the Qwest Wireless antenna monopole located 2110 ft West of Hwy. 89 on the Maurice and Penny Roche property, the monopole will be 60 ft. and in

compliance with the telecommunication ordinance, a conditional permit use will be granted, also the information that was given to the City Council be enclosed with the project file. The motion was seconded by Commissioner Tingey. The motion carried.

g. Subdivision Ordinance revision (Exemption for Infill Subdivisions)

There will be a Public Hearing on July 26th 2001.

5. New Business

There was no new business for this meeting.

6. Planning Commission Members:

a. Chair person - Kink Clawson

b. Commissioners -

Chris Erickson

Stillman Harding

Robert Krum

Ryan Tingey

Herbert Pedersen

c. Zoning Administrator - Leland Jacobson

d. City Council member (non-voting) Lynn Beard

Commissioner Krum questioned if the Planning Commission would want to consider a proposal to modify the Telecommunication Ordinance. Zoning Administrator Jacobson recommended that the Planning Commission should make a motion to take on a new project.

A motion was made by Commissioner Krum to recommend to City

A motion was made by Council member Ray to close the Public Hearing and open the regular scheduled meeting. The motion was seconded by Council member Barker, motion carried.

3. Business

a. Approval of minutes: The minutes of the July 12, 2001, meeting were reviewed. Mayor Loveland noted that on page 5 under the Hargis Hill Road item, the width of the road should be 18 ft. and not 15 ft noted in the minutes. *A motion was made by Council member Ray to accept the minutes as corrected, seconded by Council member Barker, motion carried.*

b. Planning Commission -

1) Qwest Wireless - Conditional Use Permit for a 60 ft. monopole located at 1387 North Main approx. 2110 ft. west of Highway 89 - Zoning Administrator Jacobson presented a revised request from Qwest Wireless for a Conditional Use Permit for a 60 ft. monopole telecommunications tower located at 1387 North Main in an A-5 zone. The original request was for an 80 ft. tower in the A-5 zone. He explained the current Zoning Ordinance specifies a maximum height of 60 ft. He stated the Planning Commission reviewed the revised request and recommends approval. Council member Barker asked where the original location was requested. The location was discussed. Mr. Nelson of Qwest explained the selected location and the tests that had been performed. He noted the ordinance allows 60 ft. Council member Beard noted a conditional use permit is required.

Mr. Nelson presented photographs of a tower similar to the requested tower. Mayor Loveland asked if there were buildings in addition to the tower. Mr. Nelson stated there would not be buildings in addition to the tower. He stated there is a time constraint and this is the last of the sites in Box Elder County they are working on.

Council member Beard stated his concern for future towers coming in the area. Mr. Nelson explained there are opportunities for others to co-locate on the existing towers. He also explained the major carriers already have towers in the area and smaller carriers prefer to co-locate. The request is to have the City Council approve the request with any conditions they see fit and Qwest will try and meet those conditions or negotiate the conditions. Further discussion was held on alternate areas considered. It was noted the request does meet the ordinance requirements as a conditional use.

Council member Ray made a motion to approve the request as recommended by the Planning Commission, seconded by Council member Barker. The motion carried with voting as follows:

Council member Ray - yea
Council member Barker - yea

Council member Beard - yea
Council member Jeppsen - nay

2) Telecommunications Ordinance - recommendation of a new project to update existing ordinance. - Zoning Administrator Jacobson stated the Planning Commission recommends reviewing the telecommunications ordinance and update as necessary. A discussion was held and it was noted the City Council would like to if possible to see clarification that towers are preferred to be placed closer to the railroad tracks if possible.

Willard City Corporation

80 West 50 South
Box 593



Willard, Utah 84340
(435)734-9881

WILLARD CITY PLANNING COMMISSION RECOMMENDATION TO WILLARD CITY COUNCIL

DATE: July 19, 2001

PROJECT: Quest Wireless Communication Tower

PROJECT DESCRIPTION: 60 ft monopole installed
on Maurice's Penny Roche Property

SUBMITTED BY: Glen Nelson - Quest

THE WILLARD CITY PLANNING COMMISSION RECOMMENDS:

APPROVAL

DENIAL

APPROVAL WITH CONDITIONS OR RECOMMENDATIONS AS FOLLOWS:

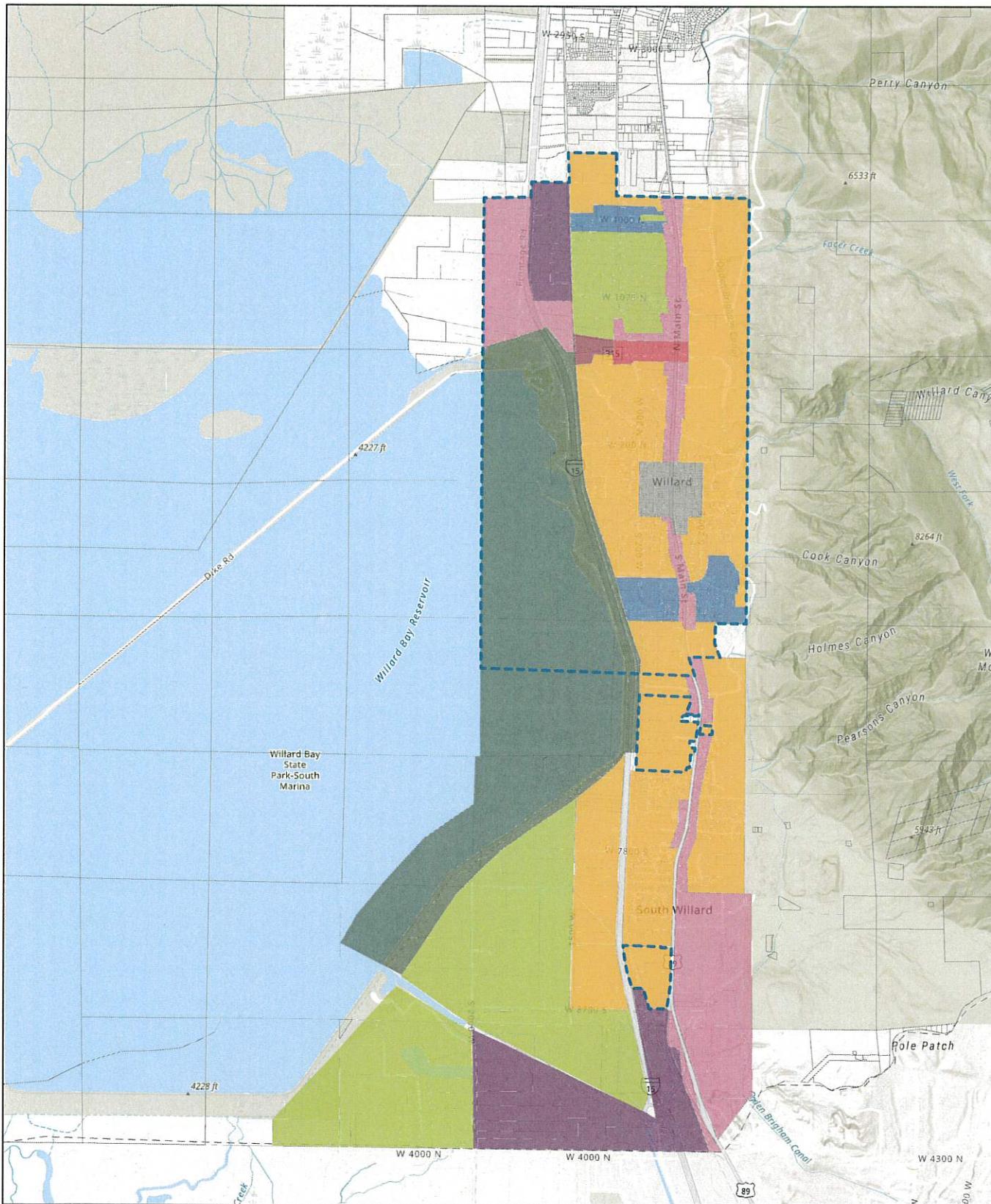
Motion was made to accept Quest Wireless Antennae/Monopole located 2110 ft W of Hwy 89. on Roche Property the monopole will be 60 ft. and in compliance with Telecommunication Ordinance granted as Conditional use permit. Also info given to City Council on June 28, 2001 be sent by Glen Nelson and filed with the minutes.

	YEA	NAY	COMMENTS
C. ERICKSON	✓	—	
H. PEDERSEN	✓	—	
S. HARDING	—	—	
B. KRUM	✓	—	
R. TINGEY	✓	—	

ITEM 5C

ITEM 5D

Willard City Future Land Use



1/2/2025, 11:04:58 AM

City Boundary

Future Land Use

- Residential (1/2 Acre Lot)
- Agriculture (3-5 Acre Lot)
- Commercial General
- Commercial Retail
- Planned Unit Development
- Environmentally Sensitive Area
- Industrial
- Box Elder County Parcels

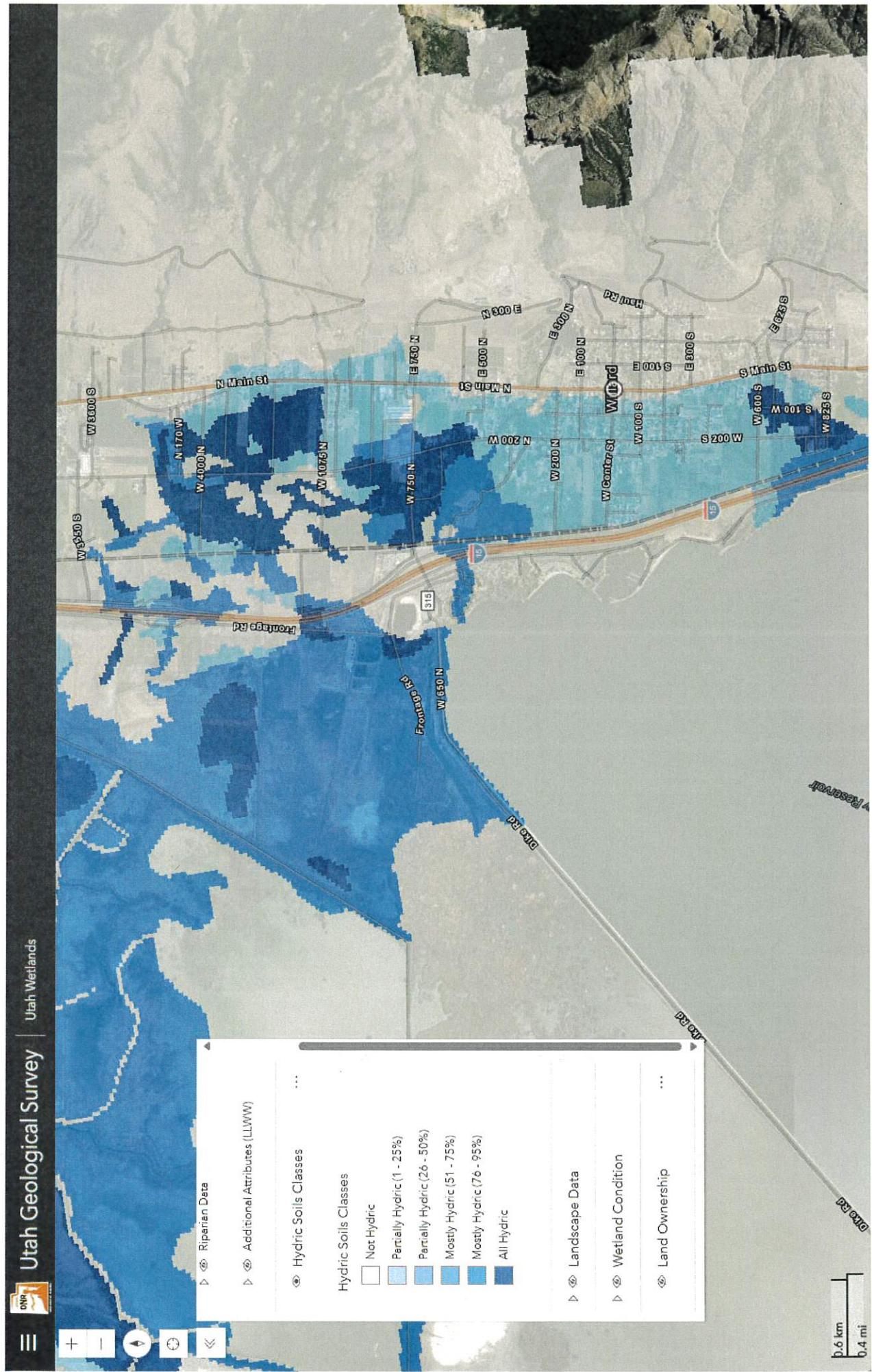
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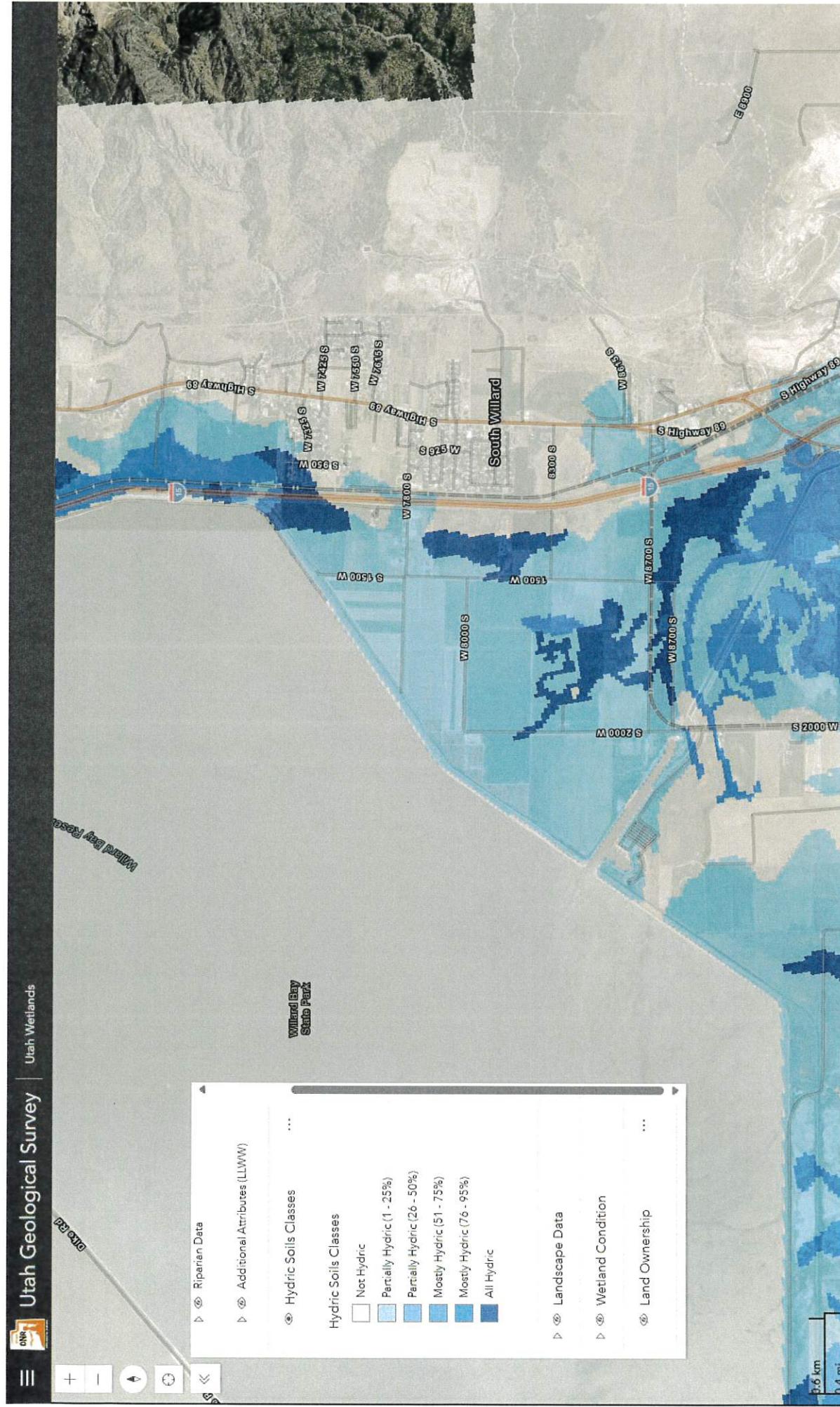
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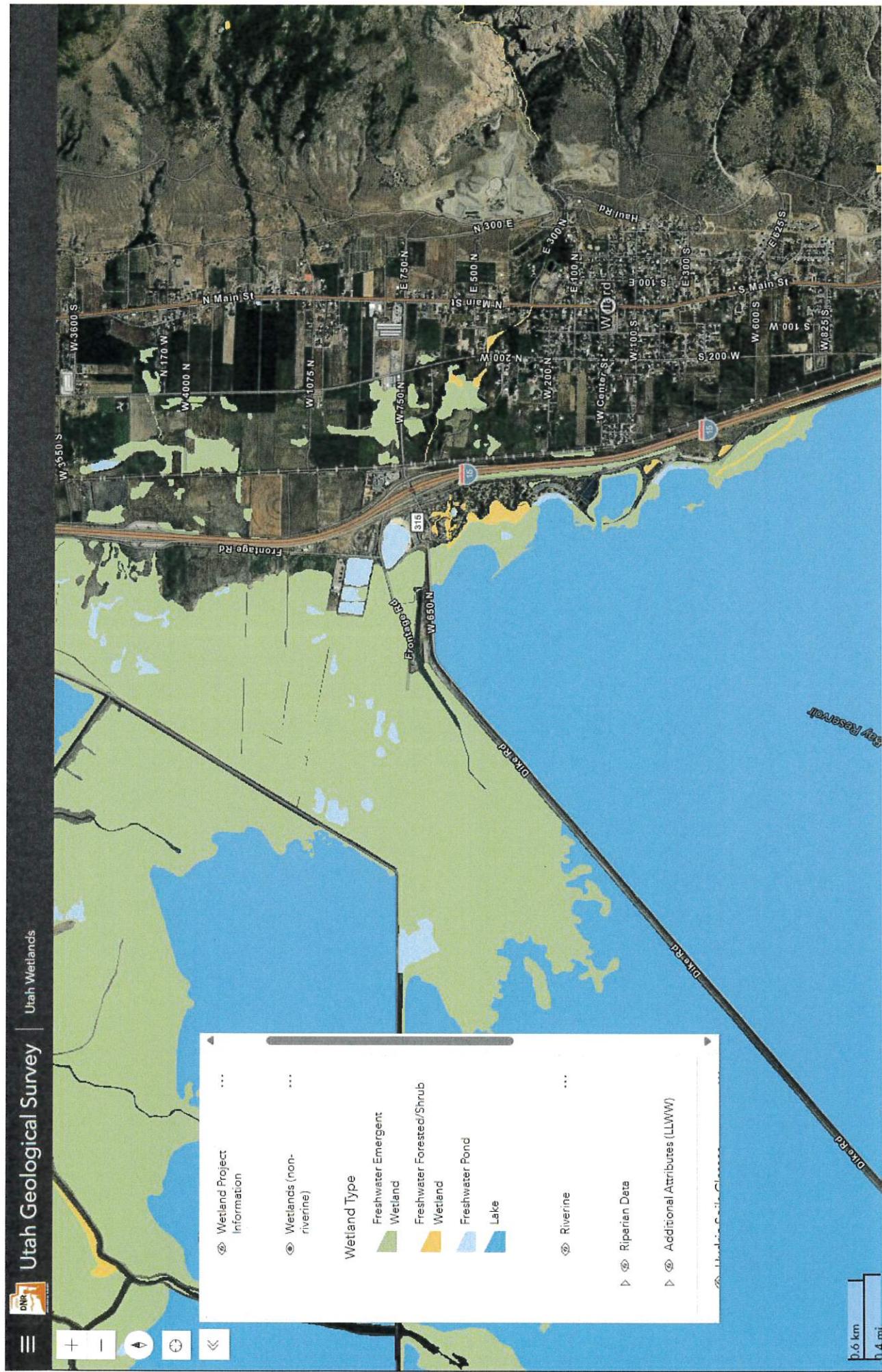


Esri, NASA, NGA, USGS, Utah Geospatial Resource Center, Esn, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, USFWS

This map is for general reference only, and makes no guarantee regarding the accuracy or completeness of the information provided.









Wetland Project Information

Wetlands (non-riverine)

Wetland Type

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake

Riverine

Riparian Data

Additional Attributes (LLWW)



ITEM 6