



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, March 3, 2022 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

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

The following members were in attendance:

Sid Bodily, Chairman
Diane Baker
Chandler Bingham
Blake Harrop

Chris Davis, City Manager
Colt Mund, City Attorney
Michelle Drago, Deputy City Recorder

Excused: Alex, Dubovik, Zack Hulse, and Bryce Wheelwright

Others in attendance: Mayor Travis Mote; Councilman John Seamons, Councilman Kaleb Kunzler, Chad Braegger, Bryce Woodard, John Gilmore, Miriam Alberto, and Lance Anderson.

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

1. PRAYER: Chandler Bingham
2. PLEDGE OF ALLEGIANCE: Sid Bodily
3. ROLL CALL – Attendance was recorded by the secretary.
4. GENERAL PUBLIC COMMENTS (INPUT FOR ITEMS NOT ON AGENDA)

There weren't any public comments.

Chris Davis, City Manager, asked that the first item on agenda be delayed until later in the meeting when the applicant could be in attendance.

- 5B. CONSIDERATION OF A LOT LINE ADJUSTMENT FOR COREY BARTON, JOHN GILMORE, AND WILLARD CITY CORPORATION LOCATED AT 300 EAST AND HAUL ROAD (PARCEL NOS. 02-050-0077, 02-050,0078, AND 02-050-0060)

Time Stamp: 03/03/2022 3:58

Chris Davis stated that this was a lot line adjustment between properties owned by Corey Barton, John Gilmore, and Willard City Corporation. In this situation, the City was exchanging property with Mr. Barton and Mr. Gilmore to align the Haul Road and 300 East intersection to make it safer. The City was receiving additional property on the east side of 300 East that was owned by Corey Barton. Corey Barton had improved part of Haul Road that was owned by Willard City. The exchange gave him the property he had improved. Mr. Barton gave up property on 300 East to Willard City. When John Gilmore was building his house, Haul Road divided the west part of his property. Mr. Gilmore gave up the remainder parcel to Willard City in consideration of some pavement and improvement issues. The City Attorney had reviewed the lot line adjustments.



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John Gilmore stated that he was happy with the configuration of the new road. The intersection was a lot more ergonomical, and it was safer. The only issue he had was that the manhole cover in front of his house had not been uncovered. Mr. Davis made a note to contact Post Construction.

Chairman Bodily asked if the Planning Commission had any questions. They did not.

Commissioner Bingham moved to approve a lot line adjustment for Corey Barton, John Gilmore, and Willard City Corporation located at 300 East and Haul Road (Parcel Nos. 02-050-0077, 02-50-0078, and 02-050-0060). Commissioner Harrop seconded the motion. All voted “aye.” The motion passed unanimously.

5A. CONSIDERATION OF A LOT LINE ADJUSTMENT FOR TERRY DERU LOCATED AT APPROXIMATELY 500 WEST 750 NORTH (PARCEL NOS. 02-43-0023 AND 02-043-0025)

Time Stamp: 03/03/2022 8:53

Chris Davis stated that the City had received an application from Terry Deru for a lot line adjustment on 750 North. The lot line adjustment also involved UTA. Terry Deru's engineer, Lance Anderson, had prepared a preliminary plan showing the proposed property lines and a preliminary development plan. Mr. Davis had spoken with Hal Johnson from UTA who indicated that UTA was comfortable with the property line adjustment. The preliminary development plan showed a potential Front Runner Station, which might or might not happen. UTA had also purchased considerable property on the south side of 750 North. Lance Anderson was in attendance representing Terry Deru.

Lance Anderson, Cache Landmark, stated that the UTA property on 750 North was currently shaped like a slice of pie. Terry Deru and UTA proposed to create a new north/south property line. Mr. Deru was seeking approval of the boundary line adjustment in order to proceed with subdividing his property.

Commissioner Harrop asked if the lots would be commercial. Lance Anderson said they would be.

Mr. Anderson said this property had been around for a long time. They had worked on it with Willard City in 2008 and 2009 when a Transit Oriented Development was created based on discussions for a Front Runner Station. The subdivision would include commercial development.

Chairman Bodily asked if Mr. Anderson knew what kind of commercial uses were being proposed. Mr. Anderson said a hotel was interested at one time. The pandemic had changed their plans. Chairman Bodily asked about a credit union. Mr. Anderson the credit union had owned the sliver of property now owned by UTA. There had been plans for a convenience store and some retail and small shop space. There wasn't any particular use right now. Their current plan was to get the lots and roads laid out and install some of the subdivision improvements, such as the 12-inch water line, and other infrastructure within the UDOT right-of-way.

Colt Mund, City Attorney, stated that the City required a survey and property descriptions for the proposed adjustments. He asked if they had been submitted. Lance Anderson stated that the new legal descriptions had been recorded. Michelle Drago, Deputy City Recorder, stated that the City had received new legal descriptions with the application.



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Lance Anderson stated that the new warranty deeds had been submitted with the application. UTA came to Mr. Deru with threat of eminent domain. Mr. Deru had agreed to the boundary line adjustment, and the new deeds, with legal descriptions he provided, had been recorded.

Mr. Mund did not see any zoning violations or any other code restrictions. He recommended that the Planning Commission approve the lot line adjustment contingent upon a legal review of the warranty deeds.

Chairman Bodily asked if the Planning Commission had any concerns. Commissioner Harrop felt the lot line adjustment made sense. It utilized the ground better.

Commissioner Bingham moved to approve a lot line adjustment for Terry Deru and UTA located at approximately 500 West 750 North (Parcel Nos. 02-043-0023 and 02-043-0025) subject to legal review of the property descriptions and warranty deeds. Commissioner Baker seconded the motion. All voted “aye.” The motion passed unanimously.

5C. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR BRYCE AND KAREN WOODARD FOR A RETAIL STORE AND REPLACEMENT OF EXISTING MOBILE HOMES FOR USE AS SHORT-TERM RENTALS LOCATED AT 39 SOUTH MAIN (PARCEL NO. 02-051-0183)

Time Stamp: 03/03/22 17:01.

Chris Davis stated that Bryce Woodard, the applicant, had been working with Bryce Wheelwright on a Conditional Use Permit application for a retail store located at 39 South Main and replacement of existing mobile homes for use as short-term rentals. Colt Mund had some concerns about the proposed use. Mr. Woodard wanted to address the Planning Commission and discuss his vision for the property.

Bryce Woodard, 438 ½ North Main, Logan, Utah 84321, stated that he and his wife Karen had submitted an application for a Conditional Use Permit for 39 South Main. They currently owned a retail nutrition store in Logan, Utah where they sold vitamins, supplements, essential oils, etc. New owners had purchased the space they occupied, and they had not been able to work out a new lease arrangement. They were on a month-to-month lease. They either had to shut down the store or find someplace else. Retail space in Logan was out of his price range. He came across this site in Willard. They originally looked at 39 South Main for the retail space. They felt it would give them the ability expand their business by selling smoothies and keto or bullet-proof coffee. They felt the site would work well.

Mr. Woodard said there were a couple of older trailers on the property. According to Bryce Wheelwright the trailers were grand-fathered in. They owned a condo at Bear Lake that they had used for nightly rentals. It did really well. They were interested in doing something similar in Willard. The property was currently being used as an Airbnb. He was concerned about the older trailers. They were paying rent. He proposed to replace them with new, small manufactured/mobile homes that were approximately 400 square feet in size. The current renter of the trailer closest to the building had tentatively agreed to move out. There were several different models to choose from if appearance was a concern. They preferred to Airbnb the space out. They currently lived in an RV and planned to stay at the Willard Peaks Campground. If they needed to, they would put in the manufactured home and live in it.

Mr. Woodward said he was looking for a five-year conditional use permit. His ultimate goal was to build another commercial space behind the existing store with a townhouse above it. There were places like that in Logan. For five years, he would like to be able to do short-term rentals with small, manufactured homes.



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If he could get approval of the second Airbnb, he would wait until August, when the current lease would be up.

Chairman Bodily asked if there was a third trailer. Mr. Woodward said there was only two on this property.

Mr. Woodward said they would eventually find another lot to move the manufactured homes to. The manufactured homes were built well.

Colt Mund stated there were regulations in Chapter 12-103 of the Zoning Ordinance for legal non-conforming uses and buildings. Under the ordinance, a property owner was not allowed to remove and replace an existing non-conforming structure. A damaged, non-conforming building could be restored if it was damaged by a fire or natural disaster. A non-conforming use could not be altered or enlarged. He did not feel a restoration included replacing the non-conforming use with a new, manufactured home. Mr. Mund did not feel the Code would allow what Mr. Woodward was contemplating.

Mr. Mund asked about the difference between the existing mobile home and the proposed manufactured home. Bryce Woodward said the existing trailer was quite a bit bigger than the manufactured home he was proposing. The size of the use would shrink. Mr. Mund did not feel decreasing the size of the non-conforming use would be a problem, but the ordinance did not discuss replacing a non-conforming use.

Mr. Mund deferred to Bryce Wheelwright and the Planning Commission on conditions for the retail portion of the conditional use permit.

Chairman Bodily asked what the non-conforming use meant. Chris Davis said it meant the current use predated current zoning regulations. The current zone did not allow a mobile home park. This property was not zoned to have a residential use behind the commercial use.

Commissioner Harrop stated that if the use was removed the grandfather status would be gone. Chris Davis and Colt Mund both agreed that was the argument.

Colt Mund stated that adding a third mobile home would not be allowed. If the use was discontinued for a year, then it would no longer be allowed. In this case, the applicant was asking if the existing mobile homes could be replaced. The ordinance did not say anything about replacing a non-conforming building. It only said an existing, non-conforming building could be restored. The Code did not explicitly say a non-conforming use could be replaced, but it didn't say it couldn't either.

Bryce Woodward stated that his purchase of this property was contingent on approval of a use to bring in more income.

Commissioner Baker asked about the size of this property and the corner property with the other mobile homes. Mr. Woodward said his property was .28 acres (12,196 square feet). The retail building was only 1,050 square feet. The existing trailers were long and single wide. The manufactured homes he was proposing would be considerably smaller. Commissioner Harrop said the lot on the corner was .25 acres.

Commissioner Baker didn't have a problem with the retail part. She was concerned about the manufactured homes. She didn't want it to end up a mess like the campground.



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Colt Mund stated that there was a difference between a mobile home and a manufactured home. If the existing trailers were mobile homes and the applicant was proposing manufactured homes, the grandfather status would be lost. The mobile homes weren't being replaced with mobile homes.

Commissioner Baker asked if the manufactured homes were like the tiny homes. Mr. Woodard said they were, but they were built better than tiny homes were.

Chris Davis agreed that the manufactured homes would be much nicer than what was there, but he did not feel manufactured homes were mobile homes. They were not categorized the same way. Regardless of how much the Planning Commission might like them, this was a commercial zone.

Commissioner Baker was concerned about what would happen if a parking dispute occurred between this property and the property on the corner. Mr. Woodard felt there was more property and parking for this property than the corner.

Commissioner Bingham did not feel that the proposed use fit the zoning. The non-conforming use would be gone as soon as a trailer was removed.

Bryce Woodard said the current trailers could be there for a long time. Mr. Woodard said he could purchase the property and leave the old trailers there forever. Why would the City want that? Commissioner Bingham agreed, but the Planning Commission had to abide by the Zoning Ordinance.

Commissioner Baker asked about Mr. Woodard's future plans. Bryce Woodard said that in about five years, he wanted to build a commercial space behind the retail store with living space above it, or he could just build a two-story commercial space. He liked this site because of its future potential.

Chairman Bodily did not feel the residential part fit the current zoning.

Commissioner Baker agreed with the business part, but not the residential part.

Commissioner Harrop did not feel the application complied with the Zoning Ordinance. He agreed it would be nice to get this property cleaned up, but the Planning Commission had to follow the ordinances and the City standards.

Chairman Bodily said Mr. Woodard could run the retail business, but the Planning Commission couldn't approve the residential part.

Mr. Woodward said he wanted to get the trailers out of there. He wanted to make the property profitable.

Commissioner Baker pointed out that Bryce Woodard planned to live at the RV campground, which was not supposed to happen. According to conditions attached to the campground's conditional use permit, there weren't supposed to be long term tenants. The maximum length of stay was 90 days.

Bryce Woodward stated that if his conditional use permit was approved, he would put in a new manufactured home and live behind the retail store.

Commissioner Harrop stated that the property was zoned commercial. If a non-conforming use was removed, it could no longer be part of the equation. The non-conforming use was gone, and the property



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had to comply with current commercial zoning regulations and standards. The proposed retail was allowed by the zoning, but the proposed residential use was not.

Bryce Woodward said that if the trailers could not be changed that was what he needed to know.

Commissioner Baker moved to decline the Conditional Use Permit requested by Bryce and Karen Woodard for a retail store and replacement of existing mobile homes for use as short-term rentals located at 39 South Main (Parcel No. 02-051-0183). Commissioner Bingham seconded the motion. All voted “aye.” The motion passed unanimously.

5D. CONSIDERATION OF A RECOMMENDATION TO THE CITY COUNCIL REGARDING THE ADOPTION OF CHAPTER 12-106 OF THE WILLARD CITY ZONING ORDINANCE ESTABLISHING A MASTER PLANNED COMMUNITY ZONE

Time Stamp: 03/03/22 34:26

Chairman Bodily asked if the Planning Commission members had read the proposed ordinance.

Commissioner Bingham stated that changes had been made to the proposed ordinance after the joint City Council/Planning Commission work session on Wednesday, February 21st. Michelle Drago stated that Colt Mund had updated the ordinance after the work session. The most current draft had been forwarded to the Planning Commission and was included in their packets.

Commissioner Harrop stated that he had a few questions. The first was about the one-year probationary period for homeowners' associations discussed in 12-106-3-3(a). The one-year time period really could not start the day an MPC Zone was approved. In most cases, the HOA did not kick in until 50% of the homes were occupied. Until that time, the developer was in charge of the association. He suggested that language be added to start the probationary period when the homeowners took over the association.

Councilman John Seamons did not feel the one-year period at the beginning made sense. Attorneys would run the homeowners' association until it qualified to be managed by homeowners. The concept was not to have a probationary period at the beginning. The concept was to allow a homeowners' association one year to fix issues if it got into trouble.

Mayor Travis Mote asked if the ordinance would allow the City to disable, or unapprove, an HOA. Or, did it deal strictly with what the City could or could not do with the open space? The ordinance said the City would temporarily approve an HOA. To him that meant the City could unapprove an HOA.

Councilman John Seamons said the one-year period was not meant to be a probationary period. The City didn't have any say in an HOA. That was between a homeowner and a developer. The proposed ordinance was intended to address problems that might come up years after an HOA went into effect. If a homeowners' association started to let maintenance slip or didn't have money to provide maintenance, the City would give them one year to resolve the problem. If the problem wasn't or couldn't be fixed, the City would have the authority to create a special assessment district.

Mayor Mote felt that was reasonable.

Colt Mund stated that Councilman Ward had raised the question about what the City could and could not regulate regarding HOA's. After an HOA was approved and there a binding agreement between the



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association and the landowners, the City did not have the authority to void or terminate it. The landowners would have to bring a suit against the HOA if it was not performing. Prior to the formation of an HOA, the City did have the right to listen to a proposal, review bylaws and HOA agreement, and try to negotiate language to allow the City to be party to the agreement in some manner. Then the City could impose a penalty provision if an HOA failed to perform. Once an agreement was entered into, he did not feel the City would have authority to nullify it.

Mayor Mote stated that if the open space was a City easement, the easement could have a right of enforcement. There could be language about the easement that gave the City the ability to assess a special tax or fee based on the required maintenance.

Colt Mund said the Mayor was correct. If there was an easement agreement beforehand with performance clauses and costs of maintenance, the City could interject. The City could also use the City's Nuisance Ordinance to enforce issues such as weeds and fire hazards.

Commissioner Harrop felt 12-106-3-3(a) should be re-written. Once an HOA was started, the City would not be able to intervene. Colt Mund felt a development agreement with easement and enforcement provisions would allow the City to maintain open space.

Councilman Seamons felt that language should be put in the proposed MPC Ordinance.

Commissioner Harrop said 12-106-5 said the density of the MPC Zone shall be consistent with the policies of the General Plan. What policies was the ordinance talking about? Colt Mund stated that the General Plan would have stated goals and policies.

Commission Baker expressed concern about adopting the MPC Ordinance before the General Plan with its goals and policies was adopted. Commissioner Bingham said the City already had a General Plan with stated goals and policies.

Commissioner Bingham said the Council discussed ten-acre minimum size. Some wanted a bigger minimum and some wanted a smaller one. He felt the City should keep the ten-acre size for right now. It would provide the City with an opportunity to learn on a smaller scale. Then the City would only have a ten-acre problem rather than a fifty-acre one.

Chairman Bodily said the minimum lot size had been removed. Chris Davis said that 12-106-5 referred to the General Plan rather than to lot sizes.

Commissioner Bingham said the City Council and Planning Commission spent over an hour discussing lot sizes. He felt the ordinance would work best if it was kept as open as possible to allow different ideas. If the City was bombarded with MPC applications, it could increase the minimum size. He didn't feel an MPC development would work unless it benefitted both the developer and the City. A lot of people felt the old ordinance benefitted the developer more than the City.

Chairman Bodily stated that each of the written comments received at the last meeting had a different perspective. The City could not satisfy everyone. He felt the ordinance was ready to forward to the City Council.



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Commissioner Bingham would have preferred the open space to have remained at 30% like the old PUD Ordinance. There had been arguments for 10% open space and arguments for 40%. For the most part, everyone agreed with 20%. He felt the ordinance was pretty good.

Colt Mund said he could make the Planning Commission's corrections to the MPC Ordinance prior to the City Council meeting on March 10th.

Commissioner Bingham moved to forward Ordinance No 2021-2 to the City Council with a recommendation of approval, subject to the correction recommended by Commissioner Harrop. Commissioner Harrop seconded the motion. All voted "aye." The motion passed unanimously.

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

Time Stamp: 03/03/2022 49:55

Chairman Bodily stated that the proposed amendments discussed at the last meeting were dry secondary water lines; fiber optics; and curb, gutter, and sidewalk at the discretion of the City Engineer.

Chairman Bodily said he had read through the rest of the Subdivision Ordinance and did not see anything else that needed to be updated. Commissioner Bingham felt those were the only three issues.

Colt Mund asked if the Commission would like him to prepare a redlined draft for the next meeting. The Commission said it would.

Commissioner Baker moved to table discussion regarding amendments to the Subdivision Ordinance until the next meeting when a draft ordinance could be reviewed. Commissioner Bingham seconded the motion. All voted "aye." The motion passed unanimously.

6. CONSIDERATION AND APPROVAL OF FEBRUARY 17, 2022, REGULAR PLANNING
COMMISSION MINUTES

Commissioner Harrop moved to approve the regular Planning Commission minutes of February 17, 2022, as corrected. Commissioner Baker seconded the motion. All voted "aye." The motion passed unanimously.

7. COMMISSIONER/STAFF COMMENTS

Time Stamp: 03/03/2022 53:28

Colt Mund

Did not have any comments.

Chris Davis

Did not have any comments.

Commissioner Bingham



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Did not have any comments.

Commissioner Baker

Commissioner Baker said a recent edition of *The Box Elder Journal* mentioned the rezone of property owned by Castle Creek in South Willard. The zone had been changed from 100 acres to 50 acres. According to the article, Commissioner Jeff Scott said it was highly likely the property would be annexed into Willard. She asked if this was a new development that wanted to annex. Chris Davis said it was not. This property had been trying to develop for 20 years. The County changed the minimum size for a Master Planned Community from 100 acres to 50 acres. That change would allow this property to do a master planned community. There was an agreement that would allow this property and two others to have sewer through Willard. That agreement had not been finalized because of information needed from UTA regarding the line alignment. Commissioner Baker asked if the General Plan update included these annexations. Chris Davis stated that all of the Planning Commission members had received a draft copy of the General Plan update. Chairman Bodily said there had been talk, but the City had never received an application. Chris Davis said the property owners wouldn't want to annex if they couldn't develop their property.

Commissioner Harrop

Did not have any comments.

Chairman Bodily

Did not have any comments.

8. ADJOURN

Commissioner Harrop moved to adjourn at 7:27 p.m. Commissioner Baker seconded the motion. All voted in favor. The motion passed unanimously.

Minutes were read individually and approved on: 3/17/22

Sid Bodily
Planning Commission, Chairman
Sid Bodily

Michelle Drago
Planning Commission Secretary
Michelle Drago

dc:PC 03-03-2022

