



**WILLARD CITY**  
**Subdivision Land Use Authority (SLUA) – Special Meeting**  
January 18, 2023 – 4:00 p.m.  
Willard City Hall – 80 West 50 South  
Willard, Utah 84340

The meeting was a special 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:

Chris Davis, City Manager  
Colt Mund, City Attorney  
Bryce Wheelwright, City Planner  
Chris Breinholt, City Engineer/Jones & Associates  
Payden Vine, Public Works Director  
Van Mund, Fire Chief  
Michelle Drago Deputy City Recorder

Others in attendance: Dr. Lynn Beard

**1. CALL TO ORDER**

Bryce Wheelwright called the meeting to order at 4:02 p.m. A roll call attendance was recorded by the secretary.

**2A. DISCUSSION REGARDING LYNN BEARD LOT LINE ADJUSTMENT/SUBDIVISION AND REZONE REQUEST FOR PROPERTY LOCATED AT APPROXIMATELY 200 WEST 750 NORTH (PARCEL NO. 02-046-0004)**

Time Stamp – 0:48 01/18/2023

Bryce Wheelwright stated that the meeting had been convened to discuss Lynn Beard's subdivision and rezone requests for property located at approximately 200 West 750 North. Mr. Beard's property consisted of seven separate parcels (02-046-0001 02-046-0004, 02-046-0044, 02-046-0045 02-046-0075, 02-046-0076, and 02-046-0077). In October 2021, Mr. Beard approached the City for approval of some lot line adjustments. He currently had seven parcels and planned to retain seven parcels, but he wanted to move the lot lines to create four half-acre, residential lots on 200 West and some commercial areas on 750 North. Mr. Beard wanted to have the potential to put in some high density housing units on 750 North. In October 2021, Mr. Beard wanted to see if his concept would work in Willard City. The staff suggested that Mr. Beard apply for an MPC Zone. Mr. Beard did not want to pursue an MPC Zone. He wanted to pursue the lot line adjustments. Some staff felt that Mr. Beard's proposal more than lot line adjustments. It was a subdivision. The purpose of the meeting was to determine how Mr. Beard should move forward.

Chris Breinholt, City Engineer, stated that Lot 5 did not have any legal frontage. Lynn Beard submitted a new concept plan that increased the size of Lot 5 from .919 acres to 1.753 acres and provided it with frontage on 200 West. The concept plan submitted by Mr. Beard was creating building lots, which would require subdivision-type improvements. Mr. Beard stated that there was an existing homes on Lots 3 and 5. The home on Lot 3 was a duplex.

Lynn Beard, 295 West 750 North, stated that Councilman John Seamons had asked that he create commercial lots on 750 North, which would increase the number of parcels to nine. He didn't have to create the additional parcels, Councilman Seamons had just asked him to consider them. Eventually he wanted to create a one-acre lot on the 750 North 200 West for some multi-family. He did not feel any changes



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would be made on the ground until long after he was dead. He had not heard any objections to his concept, but he had been working on this for a year and did not feel like he had gotten anywhere. He was feeling a little frustrated. He planned to put a conservation easement on the rest of his property so it would never be divided.

Bryce Wheelwright stated that Mr. Beard had applied for approval of a sketch/concept plan in October 2021. He submitted a rezone request in November 2022 and a subdivision application in December 2022. He asked what areas Mr. Beard wanted to have rezoned.

Lynn Beard stated that he wanted to have the residential parcels on 200 West rezoned R ½. Those parcels were contiguous to an existing R ½ Zone. He wanted to rezone the property along 750 North Commercial General, which was in the City's Master Plan. It was also contiguous to other properties zoned Commercial General. This was a "subdivision" that would require no new roads, no new water lines, and no new sewer lines.

Chris Breinholt stated that if Mr. Beard ended up with more parcels than he currently had, it legally had to be considered a subdivision. Mr. Beard said he did not need to have more than seven parcels unless he complied with Councilman Seamon's request, which he could live without.

Chris Davis, City Manager, asked for clarification about the proposed lot line adjustments. Mr. Beard showed Chris where the existing lot lines were located and how he was proposed to change them. He did not consider his proposal a subdivision because he was starting with seven parcels and ending up with seven parcels.

Chris Breinholt stated that lot line adjustments were typically minor tweaks. Mr. Beard was proposing a major reconfiguration.

Chris Davis asked if lot line adjustments had to be contiguous. Mr. Beard said the proposed lot line adjustments were contiguous. He was proposing to change the property lines to make the parcels more useful by moving boundaries.

There was a discussion about where current property lines were located according to the County records, and the changes proposed by Mr. Beard. Mr. Beard did not feel the County records were correct. Mr. Beard said his proposal would leave a narrow strip of land south of the residential lots. He wanted to leave that strip and use it for access.

Colt Mund, City Attorney, stated that the City's code did not allow a lot line adjustment to create a residential lot. He did not feel a lot line adjustment was the proper vehicle for what Mr. Beard wanted to do.

Chris Breinholt stated that Mr. Beard would have to follow the Subdivision Code. Mr. Beard said that if he had to do a subdivision, he would create the commercial lots requested by Councilman Seamons. There was a slight possibility that in ten years, one of his children would build a home on one of the residential lots. Chances were that nothing would be built on the lots in his lifetime. Nothing would change on the actual ground. The changes were all being made on paper.

Chris Breinholt stated that the Subdivision Code would require that water and sewer services be provided and constructed for the residential lots. Chris Davis said that payment of impact fees would not be necessary until a building permit was needed.



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Bryce Wheelwright stated that the property would have to be rezoned before the subdivision could be approved.

Colt Mund asked about the current zoning. Mr. Wheelwright said the current zone was A-5. Mr. Beard said he was asking that the residential lots be rezoned R ½, and that the property along 750 North be rezoned Commercial General.

Colt Mund felt the subdivision should include a deferral agreement for the curb, gutter, and sidewalk improvements.

Chris Breinholt asked if multi-family was allowed in the Commercial General Zone. Mr. Wheelwright said it was.

Lynn Beard said the only thing he planned to do was put six townhomes on the corner of 200 West 750 North, with the potential for an additional six. That is all he planned to do in his lifetime.

Van Mund, Fire Chief, asked about water and sewer services on 750 North. Chris Breinholt felt water and sewer services should be deferred until it developed. He said there were fire hydrants near the residential lots.

Payden Vine, Public Works Director, confirmed the location of fire hydrants near the residential lots. There weren't any fire hydrants on 750 North. Chief Mund said Mr. Beard would have to put in fire hydrants on 750 North when he built on his property.

Colt Mund stated that the City had not updated its water rights conveyance requirements. That was another issue that would have to be addressed during the subdivision approval.

Van Mund asked if the townhomes would be duplexes. Mr. Beard said it would be a row of six townhomes that would share a common wall. Mr. Beard said he planned to do as small a footprint as possible; maybe 200 feet by 200 feet. He wanted to take as little land as he could.

Bryce Wheelwright stated that the rezone request should be scheduled for the Planning Commission. Michelle Drago said that the City needed legal descriptions for the two rezone areas and the rezone application fee needed to be paid. Mr. Beard also needed to submit a list of all property owners to be notified within half a mile.

Chris Breinholt suggested that Lynn Beard have his engineer prepare a rezone map and a preliminary plan.

Lynn Beard asked if the Planning Commission could consider the rezone and the subdivision concept plan at the same time. This Planning Commission had already discussed his proposal. This wouldn't be something new to them.

Colt Mund felt the Planning Commission could hold a public hearing on the rezone request, make a decision on regarding the rezone, and then consider the concept subdivision at the same meeting. Consideration of the concept plan would be subject to a favorable decision regarding the rezone.

Van Mund suggested that Mr. Beard get access approval from UDOT for the lots on 750 North. Mr. Beard said that he already had three access on 750 North, and he intended to access the multi-family from 200



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West. Chief Mund said that when the commercial area on 750 North developed, UDOT might limit access due to changes in traffic flow.

Colt Mund asked if the sketch plan was for the townhomes, the commercial, the residential lots, or all of it. Mr. Beard said he wanted to do it all at once so he didn't have to do it again.

Colt Mund agreed with Chief Mund. There should be some discussion with UDOT regarding the access for 750 North for future development. Mr. Beard said that if he had to talk to UDOT, he didn't want to do the commercial lots because they would never be developed in his lifetime.

Chris Breinholt felt it was good advice to talk to UDOT. It wouldn't hurt to ask the question. The City wasn't asking for approval from UDOT right now because Mr. Beard wasn't building anything. If Mr. Beard was creating lots with only access onto 750 North, he should get an opinion from UDOT.

Colt Mund felt that the Planning Commission would ask about access approval from UDOT. He asked if the City had any master planned roads through Mr. Beard's property. Mr. Wheelwright said the master planned roads in this area were 200 West and a road that would have a cross connection with the TOD intersection. He felt that road would be west of Mr. Beard's property. If all of Mr. Beard's property was in a conservation easement, it would not have any roads.

Bryce Wheelwright stated that to move this project forward and get a total approval, it would behoove Mr. Beard to talk to UDOT. All he needed to ask was where an appropriate access location should be if his property on 750 North developed. UDOT would provide him with a letter.

Lynn Beard asked if that was really necessary. It seemed pointless. Chris Breinholt stated that when a lot was created, the City had to make sure it was usable. Colt Mund stated that the City code required that lots have approved access.

Colt Mund asked when the paperwork on the conservation easement would be prepared. Lynn Beard said he had already received preliminary approval. They were waiting until the snow was gone to survey his property.

Bryce Wheelwright stated that the City needed a map showing what areas Mr. Beard wanted to have rezoned, a concept plan showing all of the lots the way Mr. Beard wanted them, access approval from UDOT, a list of land owners within half a mile, and payment of application fees. Mr. Breinholt said Mr. Beard would have to submit construction drawings for the improvements to the residential lots. The preliminary plat would show the location of existing water and sewer lines and proposed locations of water and sewer stubs.

Lynn Beard asked about his next step after the rezone and subdivision were approved. Mr. Wheelwright stated that after the subdivision was approved, Mr. Beard could submit a site plan and engineering for the townhomes.

Chris Davis asked about impact fees for a sixplex. Bryce Wheelwright thought it was 2/3 of an ERU unit.

Colt Mund asked about a development agreement on the townhomes. He felt that would be a clean way to address impact fees and other issues.

Lynn Beard did not feel the City's impact fees were encouraging affordable housing.



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Chris Davis moved to recommend that the Planning Commission consider a rezone application from Dr. Beard and hold a public hearing and on the same agenda consider an approval of a preliminary sketch plan that would include the rezone descriptions, access approval from UDOT for parcels on 750 North, construction plans for the utilities for the four residential lots on 200 West, and making sure the City had information regarding affected property owners within half a mile. Colt Mund seconded the motion. All voted “aye.” The motion passed unanimously.

2B. APPROVAL OF THE JANUARY 12, 2023, MINUTES

Chris Davis moved to approve the minutes of January 12, 2023, as written. Chris Breinholt seconded the motion. All voted “aye,” except Van Mund who abstained. The motion passed.

3. ADJOURN

Chris Davis moved to adjourn at 5:52 p.m. All voted “aye.” The motion passed unanimously.

Minutes were read individually and approved on: 2/2/23

  
Bryce Wheelwright, City Planner

  
Michelle Drago, Deputy City Recorder

dc:SLUA 01-18-2023

