



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, March 2, 2023 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

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

The following members were in attendance:

Sid Bodily, Chairman
Diana Baker
Alex Dubovik
Blake Harrop
Zack Hulseley

Chris Davis, City Manager
Colt Mund, City Attorney
Bryce Wheelwright, City Planner

Excused: Chandler Bingham

Others in attendance: Mayor Travis Mote, Dr. Lynn Beard, Rew Wiley, Ken Ormond, Ruth Ormond, Chad Braegger, Pat White; Debra Barker; and Marc Hansen.

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

1. PRAYER: Zack Hulseley
2. PLEDGE OF ALLEGIANCE: Diana Baker
3. ROLL CALL: Attendance was recorded by the secretary.
4. GENERAL PUBLIC COMMENTS

There were no comments.

5. CITY COUNCIL REPORT

Time Stamp: 2:13 03/02/23

Mayor Travis Mote reported that the during its February 23rd meeting, the City Council discussed the General Plan. He had made most of the corrections discussed at the February 20th work session. When he was finished, he would send it to the consultants. Garbage day would be changing from Monday to Tuesday starting Tuesday, March 7th. The Northwestern Band of the Shoshone provided a history of their tribe in Willard. The band had determined to place the petroglyph found in the Granite Ridge Subdivision at the Willard Historic Cemetery. The Council was concerned about how fast water would melt off the mountain. The Council passed the ADU and CUP Ordinances and authorized the replacement of the wrecked snowplow.

- 6A. PUBLIC HEARING RECEIVE PUBLIC COMMENTS REGARDING A REQUEST FROM LYNN BEARD TO REZONE APPROXIAMATELY 7.423 ACRES LOCATED AT APPROXIMATELY 750 NORTH 200 WEST (PARCEL NOS. 02-046-0001, 02-046-0004, AND 02-046-0044) FROM A-5 TO COMMERCIAL GENERAL, AND APPROXIMATELY 2.207 ACRES LOCATED AT APPROXIMATELY 481 NORTH 200 WEST (PARCEL NOS. 02-046- 0004, 0045, 0075, 0076, AND 0077) FROM A5 TO R1/2



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Time Stamp 5:27 03/02/2023

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

Commissioner Baker moved to open the public hearing at 6:38 p.m. Commissioner Dubovik seconded the motion. All voted "aye." The motion passed unanimously.

Bryce Wheelwright, City Planner, stated that Lynn Beard owned approximately 59.91 acres on the southwest corner of 750 North 200 West. The property extended west from 200 West to the UTA property and south from 750 South to approximately 425 South. Mr. Beard proposed that approximately 7.423 acres, consisting of three separate parcels, located on 750 North, be rezoned from A-5 to Commercial General. The requested Commercial General Zone complied with the City's Future Land Use Map. Mr. Beard also proposed to rezone 2.207 acres on the south side of his property, near Willard Creek, from A-5 to R ½ in order to create four half-acre lots. One of the lots on 200 West already existed. The requested R ½ Zone did not comply with the Future Land Use Map but was contiguous with other R ½ zoning. The south half-acre lot (Lot No. 4) was located in the national flood plain. The City Engineer recommended that the half-acre lots be shifted to the north out of the flood plain area. On 750 North, lot lines would be to create an additional parcel at the request of Councilman Seamons. Mr. Beard planned to place the remaining 50 acres of his property in a conservation easement. On the hard corner of 750 North 200 West, Mr. Beard wanted to build some multi-unit housing to create a revenue source to maintain property in the conservation easement.

Mr. Wheelwright reminded the Commission members about the HOP Trail planned on 200 West.

Lynn Beard, 295 West 750 North, stated that the half-acre lots were for his children. They would probably never build on them, but he wanted to have the lots available. The only other development he anticipated in his lifetime were some townhouses on the corner of 750 North 200 West. The rental townhouses would generate income to keep up the rest of his property, which would be in a conservation easement.

Chairman Bodily asked if property could be removed from a conservation easement. Mr. Beard said a conservation easement was permanent. It could not be removed. The property he placed in a conservation easement could never be developed.

Lynn Beard stated that his goal was to keep the property empty. The only thing that would be developed in his lifetime was the townhouses on the corner. After his death, his children could eventually sell off the four half-acre parcels. The rest of the property would be a permanent open area.

Commissioner Dubovik asked if the open area would have public access. Lynn Beard said it would not. The property would still be privately owned.

Commissioner Hulseley asked about the location of the HOP Trail. Bryce Wheelwright said the HOP Trail was originally planned along the west side of 200 West. Due to the drop off on the west side of 200 West and the width of the City's right-of-way, the trail would probably be shifted to the east side of 200 West at 750 North. The trail would remain on the east side of 200 West until it passed Willard Creek, then it would jump back to the west side.

Rew Wiley, 75 West 825 North, asked if the crossing on 750 North would be marked with lights. Mr. Wheelwright said it would have something. When the 200 West Trail was constructed, the City received



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money from BRAG to put in a HOC (hand-operated) crossing at 750 North. However, UDOT chose not to put in because they didn't feel there was enough traffic to warrant it.

Chairman Bodily read a written statement from Fred Barker, 901 North Main (see attached copy).

Chairman Bodily opened the floor for public comments.

Pat White, 69 West 200 North, had the same sentiments as Fred Barker. She recognized that Mr. Beard was trying to find a way to fund a conservation easement, which she agreed with. An open area would leave a place for the wild turkeys and all kinds of animals. She was concerned about the townhouses. She felt the ones being built in Perry were constructed of pasteboard and staples. She certainly wouldn't buy one. What would Mr. Beard's townhouses be like? Would they be quick and cheap; something that would degrade over the next five years? Would the townhouses remain in his name? He planned to use their income to fund the conservation easement, but plans could change. The townhouses could be sold to an investor who would not care for them. Would the multi-family housing be duplexes or townhouses? Through the grapevine, she had heard there were problems with people racing up and down 200 West. The road she lived on, 200 North, was a main thoroughfare on the northern end of Willard, which was used by school buses and kids. If there was already a problem in the City with gangs or people not behaving, how would the City control a downgrade of rentals? How would the citizens be safe from people who couldn't keep a job? Since rentals had been approved in North Ogden, there were now people begging in the commercial area. Willard already had transients along Highway 89, particularly in the fall. She was concerned about the caliber of people Mr. Beard's rentals would bring in.

Mayor Travis Mote, 455 South 200 West, stated that he worked with a lot of conservation easements. He liked them. He thought they were a great idea and a great estate tool. A property owner had a bundle of property rights. The development right was one of them. A conservation easement pulled the development component out. The development component could be rejoined to property because it was a property right. Successful conservation easements transferred the development rights to a third party. He was glad to hear that Lynn Beard was transferring his development rights to Utah Open Lands because it made it less likely that the development component could be rejoined. Offering the development component to a third party was a good way to keep the land open in perpetuity. Mrs. White was right. The townhouses could be sold off. There wasn't anything legally tying them to the conservation easement. A good easement also provided somebody with the right of enforcement. He suggested that Mr. Beard's easement provide Willard City with the right of enforcement. If the owner did not maintain the property, the City could, through taxing authority or some other means, enforce its maintenance. Mayor Mote felt the City Attorney should review the conservation easement to make sure it would not become a burden upon the City.

Commissioner Hulsey asked who maintained property in a conservation easement. Mayor Mote said property with a conservation easement would be maintained by the property owner. A conservation easement devalued property because it no longer had development rights. It made land really feasible for farming. The key to a conservation easement was detaching the development right and giving it to a third party who would be very unlikely to sell it. He felt it was a great way to maintain open space. The City did not have to maintain the property, but it should have the right to enforce maintenance.

Rew Wiley, 75 W 825 N, stated that the area around 750 North had been designated as an industrial area. He liked the idea of townhouses on the south side of 750 North. The City needed to realize that farmers were getting old, and Willard was going to develop whether residents liked it or not. He felt it was a good idea to build houses along 750 North and keep it more residential than industrial.



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Lynn Beard said the whole purpose of Utah Lands was to hold conservation easements. His conservation easement would be in perpetuity unless Utah Lands changed its mission statement. His property would be a permanent open space once Utah Lands approved the easement. They had granted preliminary approval, but they were waiting for the snow to melt to conduct a complete property survey. He felt conservation easements were a way to keep open land with very little development. It was also a way to allow for some affordable housing. In response to Ms. White's concerns, he planned to rent the townhouses. They would be quality construction. They would be affordable housing, not low-cost housing.

Commissioner Harrop asked how big the townhouses would be. Mr. Beard said they would be 1200 to 1400 square feet. He planned to build a row of six townhouses to begin with the potential for a second row facing the first. He owned townhouses in Brigham City that consisted of two rows of six facing each other on one acre. He planned to do the same on his Willard property.

Commissioner Harrop asked about access. Mr. Beard said access for the townhouses would be from 200 West. He had already talked to UDOT.

Commissioner Hulsey moved to close the public hearing at 7:06 p.m. Commissioner Harrop seconded the motion. All voted "aye." The motion passed unanimously.

Commissioner Hulsey asked why Mr. Beard did not pursue a Master Planned Community Zone. Lynn Beard stated that he did not want to spend money for the necessary legal work, and he would receive a bigger tax deduction for a conservation easement than he would for a planned development.

Commissioner Hulsey asked if the Commercial General Zone allowed townhomes. Mr. Wheelwright said it did allow multi-unit housing.

Commissioner Dubovik asked if townhomes were being placed on the corner of 750 North 200 West due to UDOT's access requirements. Could the townhomes be moved closer to Interstate 15? Lynn Beard said he placed the townhouses where they would use as little land as possible. The hard corner was the driest spot on his land. By placing the townhouses on the corner, access could come from 200 West. UDOT was not very excited about giving him access from 750 North.

Commissioner Dubovik felt the only other issue for the Planning Commission to consider was rezoning 2.207 acres from A-5 to R ½, which wasn't consistent with the Future Land Use Map. Bryce Wheelwright said it wouldn't be consistent with the FLUM, but it was contiguous to another R ½ Zone.

Commissioner Hulsey stated that if the Commission looked at the entire Beard property and the number of housing units overall, four R ½ lots would be less dense than by following the Future Land Use Map.

Chairman Bodily said he had been concerned about the longevity of a conservation easement. Colt Mund, City Attorney, stated that according to Utah law, a conservation easement could be terminated. Giving the development rights to a third party would make it more difficult to do so. He felt it was critically important for the City to know what was in the easement agreement.

Lynn Beard stated that the easement agreement had not been finalized.

Commissioner Dubovik and Bryce Wheelwright asked if Lynn Beard would consider moving the half-acre lots to the north to make sure they weren't located in a flood plain. Mr. Beard would rather not. He wanted to keep the open area as large as possible. The lot in the flood plain would just require extra engineering.



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It was extremely unlikely that the lots would be built on in his lifetime. Mayor Mote said the lot would probably require flood insurance. Mr. Beard stated that he had owned the property for 30 years. Lot 4 was not an area that flooded very often.

Bryce Wheelwright reminded the Planning Commission that they needed to make a recommendation regarding the rezone request to the City Council and consider preliminary approval of Black Willow Estates, the four-lot subdivision proposed by Lynn Beard.

Commissioner Hulsey stated that Lynn Beard's proposal was awesome, but it all hinged on the conservation easement. Any approval should be subject to making sure the conservation easement worked for the City as well.

Commissioner Hulsey moved to recommend that the City Council approve the rezone of 7.423 acres from A-5 to Commercial General and 2.207 acres from A-5 to R ½ subject to review and approval of the conservation easement; and that preliminary approval be granted to the Black Willow Estates Subdivision subject to Council approval of the rezone. A voice vote was taken. All voted "aye." The motion passed.

- 6B. CONSIDERATION OF A PRELIMINARY PLAN FOR THE BLACK WILLOW ESTATES SUBDIVISION LOCATED AT APPROXIMATELY 481 NORTH 200 WEST (PARCEL NOS. 02-046-0004, 02-046-0045, 02-046-0075, AND 02-046-0077)

Time Stamp 43:05 03/02/2023

See motion for Item 6A.

7. CONSIDERATION AND APPROVAL OF FEBRUARY 16, 2023, REGULAR PLANNING COMMISSION MINUTES

Commissioner Baker moved to approve the February 16, 2023, minutes as corrected. Commissioner Dubovik seconded the motion. All voted "aye." The motion passed unanimously.

8. COMMISSIONER/STAFF COMMENTS

Time Stamp: 45:05 03/02/2023

Bryce Wheelwright

Bryce Wheelwright stated that the administration had met with UDOT regarding the 200 West Trail. Funding was moving forward and some engineering had been done. There were some issues the City would have to address.

Bryce Wheelwright said the administration also met with UDOT regarding Highway 89. UDOT did not plan to start the project until 2024. Some preliminary work might be done in the fall of 2023. The project would start at the Weber County/Box Elder line and extended north to 3600 South (KOA Road) in Perry. The project would take two years to complete.

Mayor Mote stated that UDOT planned to completely rebuild Highway 89. They had to take out the old cement road and every layer of asphalt on top of it because the sublayers were failing. The new road would



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not have curb and gutter. Chris Davis, City Manager, said it wouldn't have a bike lane either. UDOT did not want to see bikes on Highway 89 because the traffic speed.

Chris Davis

Chris Davis stated that the 2023 Legislative Session would end on March 3rd. There were some bills that could favor Willard. One dealt with gravel pits and points of sale. It looked like there were three points of sale in Willard, which could be very beneficial. Another bill would allow the City to put removal of the UTA sales tax percentage on the ballot. A second UTA bill would allow a percentage of the sales tax to be returned to cities to help fund transportation issues. There were also some bills regarding how cities approved developments.

Colt Mund

Did not have any comments.

Commissioner Harrop

Did not have any comments.

Commissioner Baker

Did not have any comments.

Commissioner Hulsey

Commissioner Hulsey said the Planning Commission had talked about amending the City's trailer ordinance to allow a residents to have someone temporarily occupy an RV on their property. How could the Planning Commission move forward with that? He knew the issue was occurring in the City. He did not have a problem with it, but he understood there were valid concerns that needed to be enforced. He felt there needed to be a mechanism in place to allow it, so there could be enforcement.

Bryce Wheelwright felt the use could be addressed with a temporary conditional use.

Colt Mund said Councilman Hulsey's concern could be conveyed to the City Council.

Commissioner Hulsey asked if the City needed to address the MPC Zone if property owners were finding it difficult to do. He liked what Mr. Beard had proposed. The goal of the MPC Zone was to encourage developments like Mr. Beard's. Did the ordinance need to be amended to make it easier?

Chris Davis said the City gave Mr. Beard a copy of a development agreement. Bryce Wheelwright said an MPC Zone was established with a development agreement. Lynn Beard said the development agreement would have required him to hire a lawyer at a significant cost. He felt he would get a better tax deduction with a conservation easement.

Commissioner Hulsey felt Mr. Beard's proposal was very positive. He felt the City should do whatever it could to encourage others to do the same.

Chairman Bodily



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Chairman Bodily asked about the status of the Palmer Barn conditional use permit. Colt Mund, City Attorney, stated that Morgan Palmer had started to fence the south side of her property. Her attorney had requested that the Planning Commission delay reviewing the Palmer's CUP until March 16th to accommodate his schedule. With installation of the fence, the Palmer's wondered why there needed to be any review at all. He had responded that review of the conditional use permit was up to the Planning Commission.

Commissioner Harrop asked if the fence was supposed to be a privacy fence or just a fence. Mr. Wheelwright said the fence was supposed to be a 6-foot vinyl fence. Commissioner Harrop said the fence was not done. He felt the Planning Commission should review the CUP because there had been some noise issues with some of the neighbors. He felt that should be addressed.

Chris Davis said there were also some landscaping issues to discuss. Palmer's had decided to do xeriscaping instead of the landscaping approved by the Planning Commission.

Chairman Bodily asked if the west property line had to be fenced. Colt Mund said that would have to be determined by the Planning Commission. The conditional use permit said Palmer's were to fence the property. Palmer's had taken the position that did not mean the entire property.

Chad Braegger asked about parking. Chris Davis said all parking was to be on a hard surface. Mr. Braegger said all of the property west of Palmer's was agricultural. He did not feel commercial parking should be allowed on an agricultural use.

Mayor Mote encouraged the Commission members to listen to the recordings of the meetings and read the minutes prior to reviewing the Palmer conditional use permit.

Chairman Bodily asked if there had been any findings on the noise complaints. Chris Davis said that was something the Planning Commission needed to hear in a formal review. The Planning Commission would receive a report from the Police Department during the review.

Commission Harrop asked if the conditional use had a time limit or if it was permanent. Mr. Mund said there were time limits for completion of the conditions of the permit, but not the permit itself. The time limits have come and gone. Commissioner Harrop asked when the conditional use permit was approved. Mr. Mund said it was approved in May of 2021.

Bryce Wheelwright asked if the Planning Commission wanted to review the Palmer conditional use permit during its March 16th meeting. Commissioner Dubovik felt the Planning Commissioner should listen to the meetings and read the minutes prior to the March 16th meeting. Then the Planning Commission could hold a discussion before reviewing the conditional use permit at a subsequent meeting. Colt Mund said the Planning Commission could have a discussion item without input from the audience, except for the public comment period at the beginning of the meeting. The Planning Commission could then schedule an action item where Palmer's would be entitled to speak. The Palmer's would be informed that the Planning Commission would discuss their conditional use at the next meeting.

Colt Mund asked if there was anything the staff could provide for the Planning Commission. The Planning Commission asked for minutes and recordings of the Planning Commission meetings. Mayor Mote said the Planning Commission could ask for additional information from the staff at its next meeting if it felt there was a need. Then it could be prepared for the following meeting where action would be taken.



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Colt Mund said he would provide the letter from the Palmer's attorney and his response.

The Planning Commission asked for copies of minutes and recordings to review prior to the March 16th meeting.

Commissioner Dubovik

Commissioner Dubovik was disappointed that the State would spend hundreds of millions of dollars to dig down Highway 89 and not spend money to add three additional feet of asphalt for a bike lane. He felt that was horribly short-sighted and dangerous.

Bryce Wheelwright said the State discouraged the use of bikes on roads with speeds over 45 mph. Commissioner Hulsey said the State was investing in trails to pull bikes off of roads.

Commissioner Dubovik was impressed with the flood control measures that had been taken. It appeared the City was better prepared than it had been in the past.

9. ADJOURN

Commissioner Baker moved to adjourn at approximately 7:38 p.m. Commissioner Hulsey seconded the motion. All voted in favor. The motion passed unanimously.

Minutes were read individually and approved on: 3/16/23

Sid Bodily
Planning Commission, Chairman
Sid Bodily

Michelle Drago
Planning Commission Secretary
Michelle Drago

dc:PC 03-02-2023

March 2, 2023

TO WHOM IT MAY CONCERN:

When I see a rezone application or request, I first wonder what the city's 3 or 5 years long term zoning plan is. And, if there is one are the city fathers giving the time it requires to stick to that plan! Time allows the planning to work and allows reward for the countless hours and recommendations of the Planning Commission if the plan is followed?

I am a life long resident of this community and proud to live here. Willard has been good to me and to my family. And as this is a public hearing for public comment, I would like to offer mine.

My intent is not to offend or hurt anyone's feeling, but while I have no idea what this rezone request is about, I am always concerned about the "new norm" of building and stacking them DEEP!

I personally do not care for multiple housing (apartment complexes, duplexes, fourplexes and town houses). While they may have their place, I feel it is not for Willard or me.

Willard has been a bedroom community, where the citizens have built a culture of being neighborly, taking pride in their homes and yards, willing to contribute their time and talents to the betterment of the community! Because most of the citizens here are invested for the long haul.

I feel that multiple housing is more short term occupants and more transit – not here to really contribute to help build the culture that can continue to build the integrity of our town. Usually, the occupants are not here long enough to invest and contribute to the community as a whole. They are here until they can afford something better or cheaper, but not here for the long haul.

Multiply housing may help pay the city's bills but to what cost in 5, 10 or 20 years down the road. If more multiply housing is being pushed on us by the state, besides the trailer court, then designate a place for it. Having multiple housing in every nook and cranny as we are seeing along the Wasatch Front is not appealing and especially not appealing to Willard. As I said, it should be then designate a specific area for it to be clustered in.

Thanks for your time,

Fred Barker

