



Notice is hereby given that the
WILLARD CITY PLANNING COMMISSION
Will meet in a regular session on
Thursday, June 6, 2024 – 6:30 p.m.
Willard City Hall, 80 West 50 South
Willard, Utah, 84340

AGENDA

The meeting will be held in accordance with current COVID-19 guidelines.

(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. Review and consideration of a request from Seth Nielson for a conditional use permit to operate a pest control business on his property located at approximately 275 East 200 South (Parcel No. 050-0048)
 - b. Public hearing to receive public input regarding a petition from Lync Construction to rezone approximately 32.77 acres located at approximately 3710 South 1200 West/Perry Street from A-3 and A-5 to R1/2 (Parcel Nos. 02-035-0061, 02-035-0063, and 02-035-0079)
 - c. Consideration and recommendation to the City Council regarding a petition from Lync Construction to rezone approximately 32.77 acres located at approximately 3710 South 1200 West/Perry Street from A-3 and A-5 to R1/2 (Parcel Nos. 02-035-0061, 02-035-0063, and 02-035-0079)
 - d. Review of a conditional use permit issued to Peggy Jo Perry for a fruit stand located at 370 North Main (Parcel No. 02-046-0079) issued November 18, 2005
 - e. Discussion regarding amending Chapter 12-105 of the Willard City Zoning Ordinance to allow short-term rentals in residential zones (continued from April 4 and April 18, 2024)
 - f. Discussion regarding amending Chapter 12-111-3 and 12-112-3 of the Willard City Zoning Ordinance – Table of Uses
6. Consideration and approval of the May 2 and May 16, 2024, regular Planning Commission minutes
7. Commissioner/Staff Comments
8. 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 4th day of June, 2024.

/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

80 West 50 South
Box 593



Willard, Utah 84340
(435)734-9881

APPLICATION FOR PLANNING COMMISSION HEARING

Application Date 4/22/2024

Applicant Seth Nielson

Mailing Address 275 E 200 S.

Willard UT 84340

Project Address 275 E. 200 S.

Willard, UT 84340

Phone Number 435-922-5535

Email Sethspestcontrol@gmail.com

Assessor's Parcel Number 02-050-0048

Parcel Legal Description _____

see attached

I hereby request a hearing before the
Willard City Planning Commission on
behalf of my application for:

- ☒ Conditional Use Permit - \$25 fee.
- ☐ Lot Line Adjustment - \$25 fee.
- ☐ Other - Fee varies, \$25 minimum.

Note: Fees will be charged on each application and are non-refundable. Additional applications on the same project will be considered as new applications and be charged accordingly. All applications, with required data and fees, must be filed in the Willard City Office at least two weeks prior to the scheduled hearing date.

Project description (Attach additional sheets as required):

Complete Applicant Affidavit on back of this page.

Applicant's Affidavit

STATE OF UTAH)
) SS
COUNTY OF BOX ELDER)

I (we), Seth Nielson, being duly sworn, depose and say that I (we) am (are) the owner(s)* or authorized agent(s) of the owner of the property located at 275 E 200 S, Willard UT. 84340 in Willard City, which property is involved in the attached application and that the statements and answers therein contained and the information provided in the attached plans and other exhibits present thoroughly, to the best of my (our) ability, the argument in behalf of the application herewith requested and that the statements and information above referred to are in all respects true and correct to the best of my (our) knowledge and belief.

Signed Seth Nielson
Property Owner(s)

Agent _____

Subscribed and sworn before me this 22 day of April 2024.



Susan K. O'Bray
Notary Public

Residing in Forrest West
My commission expires May 25, 2024

*May be owner of record, contract owner, part to valid earnest money agreement, option holder, or have the other legal control of property.

AGENT AUTHORIZATION

I (we), _____, the owner(s) of real property described above, hereby appoint _____ as my (our) agent(s) to represent me (us) with regard to this application affecting the above described real property, and do authorize them to appear on my (our) behalf before any Willard City Boards considering the application.

Signed _____
Property Owner(s)

Agent _____

Subscribed and sworn before me this ____ day of _____, 20____.

Notary Public

Residing in _____
My commission expires _____

Location

Owner

Value

Acres 0.68

Parcel Number 02-050-0048

Account Number R0007521

Tax District 132 - WILLARD

HouseNumber 275

StreetName E 200 SOUTH

Parcels

OwnerName NIELSON SETH ETAL

NIELSON CHAUNTEL

Legal BEG 100 FT E OF SW COR SE/4 BLK 08,
PLT B, WCS. THENCE E 100 FT TO A PT 94.3 FT
W OF E BRY/L OF SD BLK, N 295.68 FT, W 100
FT M/L TO PT DUE N OF POB, S 295.68 FT TO
BEG.



Willard City
80 W 50 S | PO Box 593
Willard, UT 84340
(435) 734-9881
willardcity@comcast.net

XBP Confirmation Number: 170964032

► Transaction detail for payment to Willard City.		Date: 04/22/2024 - 9:22:33 AM MT	
Transaction Number: 217189810 Visa — XXXX-XXXX-XXXX-8409 Status: Successful			
Account #	Item	Quantity	Item Amount
	Charges PC	1	\$25.00
Notes: Seth Nielson CUP Fee			

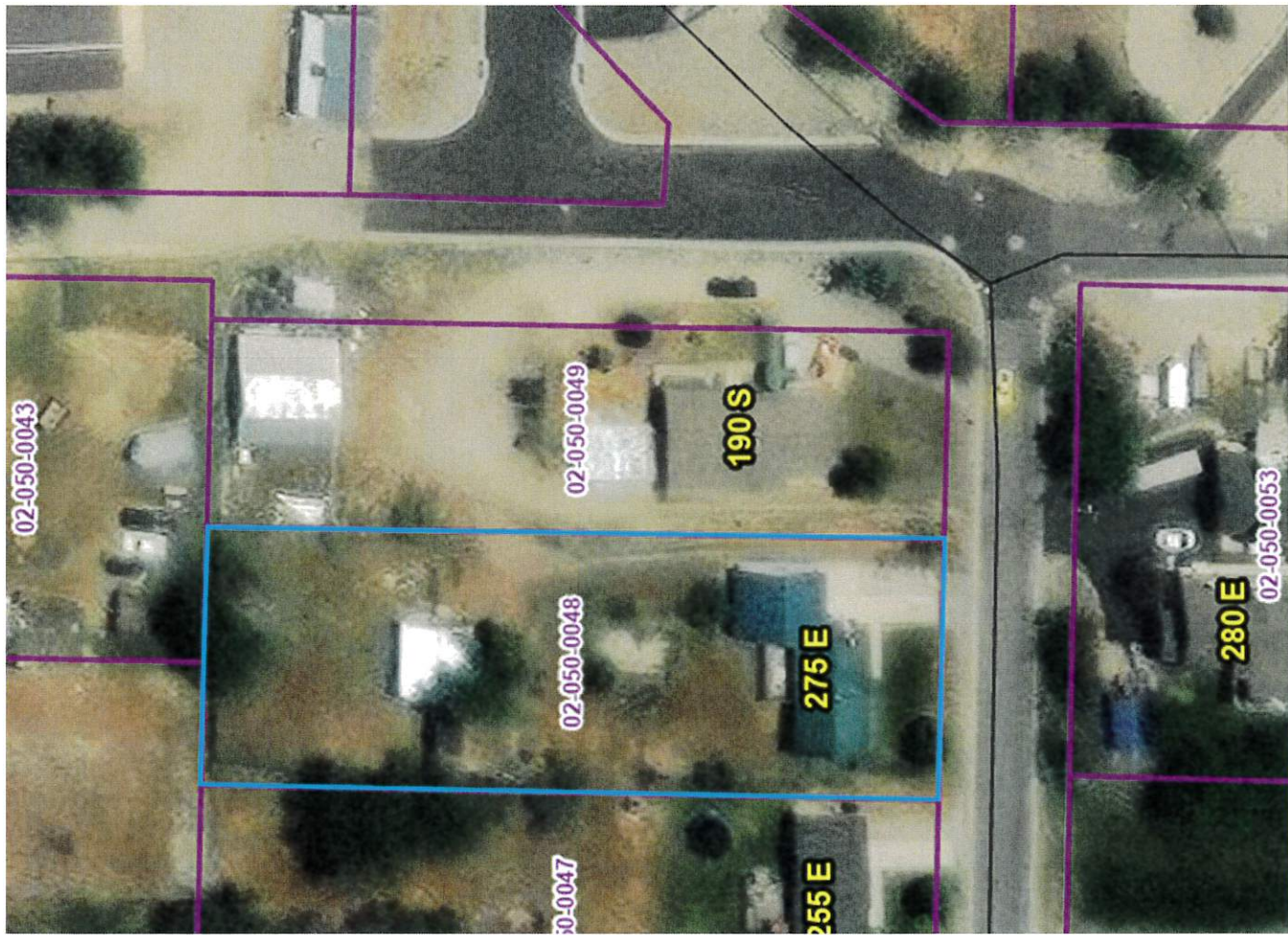
TOTAL: \$25.00

► Transaction detail for payment to Willard City.		Date: 04/22/2024 - 9:22:34 AM MT	
Transaction Number: 217189816 Visa — XXXX-XXXX-XXXX-8409 Status: Successful			
Account #	Item	Quantity	Item Amount
	Service Fee	1	\$1.25
Notes: Seth Nielson CUP Fee			

TOTAL: \$1.25

Billing Information
Seth Nielson
84340

Transaction taken by: Admin mdragoCaselle MD



NORTH ↑

NORTH ↑

NORTH ↑

Business License Application



CITY OF WILLARD
BUSINESS LICENSE DIVISION
80 W. 50 S, P.O. Box 593, Willard, Utah 84340
Phone (435) 734-9881
Fax (435) 723-6164

FOR OFFICE USE ONLY

Business License Category: _____
Date Application Received: _____
Application/License Fee: _____
Other Fee: _____
☐ Check ☐ Cash Total: _____
Receipt No. _____ Date Received: _____

PLEASE COMPLETE ALL ITEMS - INCOMPLETE APPLICATIONS WILL BE RETURNED WITHOUT BEING PROCESSED

SECTION I: Business Information- Please type or print clearly

CHANGE of: ☐ LOCATION ☐ OWNERSHIP ☐ BUSINESS NAME

Date of Application: 4/11/2024

Business Name: Seths Pest Control Is this name registered with the State of Utah?
☒ Yes ☐ No

Type of Business (Be Specific): Pest Control

Business Address: 275 E. 200 S, Willard UT 84340
Street City State Zip

Business Phone: (435) 922-5535 Business Email: Sethspestcontrol@gmail.com

Mailing Address: 275 E. 200 S, Willard UT 84340 Bus. Start Date: 1/1/2024
Street/PO Box City State Zip

Owner's Name: Seth Nielson Phone No. (435) 922-5535 Email: Seth.nielson12@gmail.com

Owner's Address: 275 E 200 S, Willard UT 84340
Street City State Zip

Federal License (If Any): _____ No. _____ Expires: _____

Federal ID: ☐ SSN ☐ EIN 99-2349783 Utah Corporation, LP or LLC #: 13920043-0160

State Sales & Use Tax No. (If not applicable please sign here): Seth Nielson Filing: ☐ Annual ☐ Monthly ☐ Quarterly

DBA File No.: _____

Professional License / State Contractor Number (If Applicable): 4000-3000 (Commercial Pesticide Business License)
4001-29660 (Commercial Pesticide Applicator License)

Continued on Back of Page

SECTION II: Check <u>All</u> That Apply	SECTION III: Describe Business
<p>Approximate Number of Employees: _____</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Limited Partnership <input type="checkbox"/> Profit Corporation <input type="checkbox"/> Outside City Limits </div> <div style="width: 48%;"> <input type="checkbox"/> Home Occupation <input type="checkbox"/> General Partnership <input checked="" type="checkbox"/> Limited Liability Co. <input type="checkbox"/> Non-Profit Corporation <input type="checkbox"/> Sexually-oriented Business or Employee </div> </div>	<p><i>The company will provide residential and commercial pest control services, including interior and perimeter pesticide treatments and targeted pest elimination for various pests.</i></p>

SECTION III: Verification of Accuracy – Acknowledgement of Responsibility
<p><i>Under penalty of perjury, I hereby certify that the information provided for this entire application is complete, accurate and in accordance with Willard City Ordinances. I further certify that updated information will be provided in writing, as required, to the City of Willard Business License Division within 10 days of any change to the business, name, organization, or location. I hereby acknowledge that illegal or fraudulent business practices are grounds for revocation of the business license, as is delinquent payment of the business license fee. This form is an application for a business license. The receipt for payment of license fees thereof does not constitute being approved to operate a business. The actual license will be issued only when all inspections are completed and signed off by the various departments and approval is given by the Business License Office. To open and or operate a business without final approval is a Class "B" misdemeanor and is subject to a \$1,000 fine and/or a six month jail sentence. It is the responsibility of the licensee to be familiar with the ordinance under which the license is applied for. All business licenses are to be renewed yearly. The application and fees provided for herein shall be due and payable by the 31st of December of each year, or before commencing a new business, trade, service, or profession. All license fees not paid before March 1st of each year shall thereafter be considered delinquent and shall be subject to a 50% penalty. Responsibility of renewal is that of the licensee. Failure to receive a renewal notice does not excuse this responsibility.</i></p>
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p><u><i>Seth Nielson</i></u></p> <p>Signature of Authorized Business Agent/ Owner</p> </div> <div style="width: 45%;"> <p><u>4/11/2024</u></p> <p>Date</p> </div> </div>

FOR OFFICE USE ONLY: Planning Commission Conditional Use Requirements

Conditional Use Permit Required ☐ Yes ☐ No If yes, give date of approved by Planning Commission _____

FOR OFFICE USE ONLY: Application Review/Comments Section

BUILDING & ZONING DIVISION	BEAR RIVER HEALTH DEPARTMENT	POLICE & FIRE DEPT.
<p>Inspection Required:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, date of inspection: _____</p> <p>Property Zoned Appropriately?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Approved <input type="checkbox"/> Denied</p> <p>Reason: _____</p> <p>Signature: _____</p>	<p>Inspection Required:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, date of inspection: _____</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Denied</p> <p>Reason: _____</p> <p>Signature: _____</p>	<p>Inspection Required:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, date of inspection: _____</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Denied</p> <p>Reason: _____</p> <p>Signature: _____</p>

FOR OFFICE USE ONLY: Approval of Business License Administrator

Business License Administrator

Date



City of Willard



Home Occupation Business License Standard Conditions for Administrative Approval

Standard Conditions:

The following items are prohibited:

1. Outdoor storage and/or display.
2. Signage without a permit (attach permit as needed).
3. Vehicles in excess of 12,000 pounds gross vehicle weight.
4. Employees other than residents of the home.
5. Any alterations to the physical appearance of the home or change which impacts the neighborhood.
6. Increased demand for municipal services.
7. Hazardous or combustible materials.
8. Unsolicited door-to-door sales.

Special Conditions (if required):

Owner's Acknowledgment:

I hereby certify that I shall comply with the above conditions and understand that failure to comply with all conditions is grounds for revocation of my business license and may include other fines and penalties. Responsibility of renewal is that of the licensee. Failure to receive a renewal notice does not exclude this responsibility.

Seth Nielsen
Business Owner Signature

4/11/2024
Date

Year: 2026

STATE OF UTAH
DEPARTMENT OF AGRICULTURE
AND FOOD

LICENSE
AS A COMMERCIAL PESTICIDE BUSINESS
SETH'S PEST CONTROL

SETH NIELSON
275 E 200 S
WILLARD UT 84340

Expiration: 12/31/2026

License: 4000-3000

Year: 2026

STATE OF UTAH
DEPARTMENT OF AGRICULTURE
AND FOOD

LICENSE
AS A COMMERCIAL PESTICIDE APPLICATOR

SETH O NIELSON
275 E 200 S
WILLARD UT 84340

Expiration: 12/31/2026

License: 4001-29660



WILLARD CITY
Conditional Use Permit (CUP) Review Committee – Special Meeting
May 23, 2024 – 3:00 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

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

4
5 The following members were in attendance:

6
7 Madison Brown, City Planner
8 Colt Mund, City Attorney
9 Sid Bodily, Planning Commission Chair
10 Theron Fielding, Police Chief
11 Van Mund, Fire Chief
12 Payden Vine, Public Works Director
13 Michelle Drago Deputy City Recorder

14
15 Excused: Jeremy Kimpton, City Manager; and Chris Breinholt, City Engineer.

16
17 Others in attendance: Seth Nielson

18
19 1. CALL TO ORDER

20
21 Madison Brown, City Planner, called the meeting to order at 3:07 p.m. The secretary recorded a roll call
22 attendance.

23
24 2A. REVIEW AND CONSIDERATION OF A REQUEST FROM SETH NIELSON FOR A
25 CONDITIONAL USE PERMIT TO OPERATE A PEST CONTROL BUSINESS ON HIS PROPERTY
26 LOCATED AT APPROXIMATELY 275 EAST 200 SOUTH (02-050-0048)

27
28 Time Stamp – 0:56 05/23/2024

29
30 Madison Brown stated that Seth Nielson had applied for a business license to operate a pest control
31 business from his home at 275 East 200 South (02-050-0048). The staff felt Mr. Nielson needed a
32 conditional use permit because of the chemicals his business would use and store. She asked Mr. Nielson
33 where he planned to store his pesticides.

34
35 Seth Nielson stated that he had worked in St. George as a pest control technician. He did not plan to store
36 a large quantity of pesticides. The pesticides would be stored in his garage. One was approximately 2' x 1'
37 x 1' in size. If required, he was willing to keep his garage locked, and he did not have a problem storing the
38 chemicals in a locked metal cabinet.

39
40 Van Mund, Fire Chief, verified the amount of pesticides that would be stored. Mr. Nielson said he would
41 have one to three boxes that were 2' x 1' x 1' each. He didn't plan to store a 50-gallon drum of concentrate.

42
43 Chief Mund asked if Mr. Nielson's garage was attached to his home. Mr. Nielson said it was. He did have
44 a pole barn on his property if the chemicals needed to be away from the house. However, his pole barn
45 only had three walls.

46
47 Chief Mund asked what was stored in the garage besides cars. Mr. Nielson said his garage was extra wide
48 and extra deep. There was shelving on the west and north sides of the garage. The garage was not heated
49 and did have electricity for lights.



WILLARD CITY

Conditional Use Permit (CUP) Review Committee – Special Meeting

May 23, 2024 – 3:00 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

Colt Mund, City Attorney, asked how many employees Mr. Nielson planned to have. Seth Nielson said he was the only employee and did not anticipate hiring anyone. This would be a small, side business to help him make ends meet.

Chief Mund asked if the storage boxes would be wood. Mr. Nielson said they would be cardboard. The chemical bottles ranged from 8 ounces to one gallon in size.

Colt Mund asked if the chemicals had any kind of odor. Mr. Nielson said they didn't.

Sid Bodily, Planning Commission Chairman, quoted 12-105-7(3), "Whether the proposed use or facility may be injurious to potential or existing uses in the vicinity." He wasn't sure if Mr. Nielson complied with that requirement. It only took a small quantity of pesticides to harm an animal or a child.

Madison Brown felt Mr. Nielson's suggestion for a locking cabinet was a good idea. Chief Mund said the Fire Department would be okay with a locked cabinet.

Payden Vine, Public Works Director, asked if Seth Nielson had a spill kit to clean up an accidental spill rather than hosing it down the road. Mr. Nielson said pesticides could not be hosed down the road. They absorbed quickly. If anything was left, he would clean it up with towels. If a pesticide required a spill kit, he would get one.

Payden Vine said Mr. Nielson needed to make sure pesticides were kept out of the storm drain that ran down 200 South.

Madison Brown asked if Seth Nielson was licensed by the State of Utah. Mr. Nielson said he was. He had a commercial applicator license and a commercial pesticide business license. Ms. Brown asked for a copy of his state licenses, which Mr. Nielson provided. Chief Mund said Mr. Nielson could not purchase restricted use pesticides without those licenses.

Colt Mund asked if Mr. Nielson anticipated the need to store more pesticides than he currently planned. Would Mr. Nielson be okay with a condition that restricted the amount of pesticides he could store? Seth Nielson asked that he be allowed to store a total of six boxes.

Chief Mund asked if the pesticides were liquid or powder. Seth Nielson said they were mostly concentrate liquid.

Payden Vine asked if Seth Nielson would have a tank in the back of his truck. Mr. Nielson said he had a backpack sprayer. A four-gallon backpack sprayer had less waste.

Colt Mund was concerned Sieth Nielson planned to have multiple employees and company vans. He recommended that the conditional use permit limit Mr. Neilsen to one employee. Seth Nielson said did not plan to purchase new equipment. He would have a small trailer to carry water.

Colt Mund referred to 12-105-7(9) and (10) which required efforts to minimize the effect of the conditional use. If the pesticides were locked away and limited in quantity, was there anything else that needed to be addressed? Did those conditions alleviate concerns about the impact Mr. Nielson's business might have?

Sid Bodily felt they did. Mr. Nielson needed to be mindful of abiding by the conditions. Who knew who could or would get into his yard or garage.



WILLARD CITY

Conditional Use Permit (CUP) Review Committee – Special Meeting

May 23, 2024 – 3:00 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

Colt Mund asked if Mr. Nielson's yard was fenced. Mr. Nielson said it wasn't. Someone would have to have a key to get into his garage.

Sid Bodily felt that the pesticides would be secure in a locked cabinet in his garage.

Van Mund was concerned about a house fire. Did the garage have a side door? Mr. Nielson said it did. Chief Mund suggested that the side door have a sign stating that pesticides were stored inside to alert firefighters.

Colt Mund asked about liability insurance. Seth Nielson said he did have liability insurance and would provide the city with a copy.

Colt Mund said it didn't appear there would be issues with odor, noise, utilities, access, drainage, or quantities.

Van Mund preferred that the pesticides be kept in a locked metal cabinet in the garage to prevent fire from reaching them for as long as possible.

Colt Mund asked if there was a need for a fire extinguisher inside the garage. Chief Mund said pesticides weren't very flammable.

Michelle Drago, Deputy City Recorder, listed the conditions: Keep pesticides in a locked, metal cabinet in the garage; prevent chemicals from entering the storm drain; a sign on the outside garage's side door; pesticide quantity limited to a total of six boxes; a copy of his state licenses; a copy of his liability insurance; one employee in addition to the residents of the home, and a spill kit.

Seth Nielson asked if he could amend the conditional use permit if he needed to. Colt Mund said he could.

Van Mund asked what Seth Nielson sprayed for. Mr. Nielson said he sprayed for box elder bugs, mosquitos, grasshoppers, and spiders. He sprayed around the interior once and the perimeter routinely. He could spray lawns, but he encouraged people to spray their own.

Colt Mund asked if the standard home occupation conditions were attached to the conditional use. Madison Brown said they were.

Seth Nielson stated that his wife was a part owner of the company. She would not be spraying. She would help with bookkeeping. Colt Mund felt the limitation of one employee other than the residents of the home would cover them.

Colt Mund moved to recommend that the Planning Commission approval of Seth Nielson's conditional use permit subject to the conditions outlined. Sid Bodily seconded the motion. All voted "aye." The motion carried.

Colt Mund asked if there was a need for a public hearing or notification of nearby residents due to the pesticides. Seth Neilsen said he had already spoken with most of his neighbors. Van Mund didn't feel a public hearing was necessary. Farmers had more pesticides than Mr. Nielson would have. There might be a need if Seth Nielson planned to store an exorbitant amount of pesticides.



WILLARD CITY
Conditional Use Permit (CUP) Review Committee – Special Meeting
May 23, 2024 – 3:00 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

2B. CONSIDERATION AND APPROVAL OF MARCH 28, 2024, MINUTES

Payden Vine moved to approve the March 28, 2024, minutes as written. Van Mund seconded the motion. All voted “aye.” The motion passed unanimously.

3. ADJOURN

Sid Bodily moved to adjourn at 3:37 p.m. Colt Mund seconded the motion. All voted “aye.” The motion passed unanimously.

Minutes were read individually and approved on: _____

Madison Brown, City Planner

Michelle Drago, Deputy City Recorder

dc:CUP 05-23-2024

ITEM 5B

Willard City Corporation

80 West 50 South
Box 593



Willard, Utah 84340
(435)734-9881

May 31, 2024

Staff Report: Lync Construction Rezone

On January 3, 2024, Lync Construction submitted a rezoning application to rezone parcels 02-035-0061, 02-035-0063, 02-035,0079, and 02-035-0075 located at approximately 3700 S 1200 W Perry from A-3 and A-5 to R ½.

On January 18, 2024, Lync Construction attended SLUA and presented a concept plan and rezone request to change the zoning of the property from A5 to R ½. SLUA agreed to the zoning change, but the 2017 Future Land Use map indicated the property still as A3-5, so Lync Construction was told they would need to submit a petition to amend the Future Land Use map in the General Plan before submitting the rezone request.

On February 1, 2024, Pat Burns of Lync Construction attended the Planning Commission meeting where there was a public hearing regarding a petition from Lync Construction to amend the 2017 Future Land Use map of the Willard City General Plan. After public comment and discussion among the Planning Commission, Pat Burns withdrew his application to amend the General Plan. This was done because the General Plan was being reviewed and re-finalized. He was told if his petition was denied, there would be a waiting period to re-apply. So he decided to withdraw his petition since the General Plan was currently under review.

The General Plan was approved and updated in March 2024. The Future Land Use map in the General Plan was updated, and the future zoning for this property was R ½. Due to this change, Lync Construction no longer needed to apply for a petition to amend the General Plan. A rezone was still required. While the General Plan had been approved, the current zoning and future land use maps within the General Plan were not updated.

On April 1, 2024, Lync Construction reached out to Madison Brown, City Planner, to inquire about the status of the rezoning application. Madison referred to the incorrect Current Zoning map within the General Plan and mistakenly told Lync Construction they would no longer need to apply for the rezoning.

On April 25, 2024, Lync Construction presented SLUA with a concept plan for their subdivision application. The rezone was also discussed, and it was misinterpreted again that the current zoning was R ½ instead of A5. SLUA discussed some items that needed to be addressed, such as water, sewer, and stormwater issues. SLUA did not take any action on this item and Lync Construction was asked to bring back a revised plan.

Willard City Corporation

80 West 50 South
Box 593



Willard, Utah 84340
(435)734-9881

NOTICE

Notice is hereby given that the Planning Commission of Willard City Corporation will hold a public hearing at Willard City Hall, 80 West 50 South, on Thursday, June 6, 2024, at 6:30 p.m.

The public hearing will be held to take public comment on a request from Lync Construction to rezone property located at approximately 3710 South 1200 West/Perry Street (Parcel Nos. 02-035-0061, 02-035-0063, and 02-035-0079) from A-3 and A5 to R-1/2.

Written comments will be accepted at Willard City Offices until June 6, 2024. If you have any questions, please contact Madison Brown at 435-734-9881.

A copy of the proposal is available for review on the State of Utah Public Meeting Notice Website and at Willard City Hall, 80 West 50 South, Willard, Utah 84340 during regular business hours Monday – Thursday 8:00 a.m. to 5:00 p.m. and Friday 8:00 a.m. to 12:00 p.m.

I, the undersigned duly appointed and acting Deputy City Recorder for Willard City Corporation, hereby certify that a copy of the foregoing notice was posted at the City Hall and on the State of Utah Public Meeting Notice Website this 24th day of May 2024.

A handwritten signature in blue ink that reads "Michelle Drago".

Michelle Drago
Willard City Deputy Recorder

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City Officer at 80 West 50 South, Willard, Utah 84340, phone number 435-734-9881, at least three working days prior to the meeting.



↑ NORTH

WILLARD CITY PLANNING COMMISSION RE-ZONE APPLICATION

Application Date 1/3/24

Assessor Parcel Number* 02-035-0061,
02-035-0063, 02-035-0079,

Lync Construction
Applicant

Parcel Legal Description* 02-035-0075

1407 N Mountain Rd
Mailing Address

Refer to title Report

Ogden, UT

84404

AS-A3

R-1/2

Present Zone

Proposed Zone

801-710-2234

Phone Number

Cell Phone

This completed application, must be submitted at least 15 days prior to the April or October Planning Commission meeting and be accompanied by:

- 1) Proof of ownership.*
- 2) Non-refundable application fee of \$125.00.
- 3) Written petition designating the change desired and the reason for such change, bearing the signature(s) of the fee title owner(s) of the parcel or designated agent. (See reverse of this form for required Applicant's Affidavit.)
- 4) List of all property owners within 1/4 mile of the parcel.*
- 5) Map (Assessor's Plat* or suitable drawing) of the proposed re-zone area, annotated to show the location and boundaries of the parcel to be re-zoned.
- 6) If a subdivision is planned, supply sketch of possible subdivision, to show compatibility with existing and planned infrastructure, with emphasis on roads, water supply and other utilities.

* Available at the office of the Box Elder County Registrar, 01 South Main Street, Brigham, Utah, 84302

Project Summary

(Please use additional pages as necessary to adequately address the answers.)

1. Location Map (showing nearest cross streets):

W - 3550 South

S - 1200 West

2. Site Address/Description:

3630 S. Perry St.

3. Parcel Number(s):

02-035-0061, 02-035-0063, 02-035-0079, 02-035-0075

4. Current and Proposed Zoning by parcel number and area in acres:

All are in current zone - A5-A3

All are in proposed zone - ~~W0000~~ R-1/2

5. Road Access Provided:

Yes, 1200 W

6. Utility Plan:

Power and Water stubbed to property

Sewer is in discussion

7. Reason for the requested change:

To make it more conforming ~~the~~ with the surrounding properties to the North and West

8. Impacts (financial and other) of the change to surrounding properties and the city as a whole:

Increased traffic, amazing new residents, money to the city from permits and taxes, and this will help with the current housing shortage.

APPLICANT'S AFFIDAVIT

STATE OF UTAH)
) SS
COUNTY OF BOX ELDER)

I, (we) DAN JONES of 2020, LLC, being duly sworn, depose and say that I, (we) am (are) the owner(s)*, or authorized agent(s) of the owner, of property located at 3550 South 1200 West in Willard City, which property is involved in the attached application and that the statements and answers therein contained and the information provided in the attached plans and other exhibits present thoroughly, to the best of my (our) ability, the argument in behalf of the application herewith requested and that the statements and information above referred to are in all respects true and correct to the best of my (our) knowledge and belief.

SIGNED Dan Jones, Mgr. 2020, LLC

Property Owner(s)

AGENT Lync Construction LLC



NATHAN COMBS
Notary Public, State of Utah
Commission #726022
My Commission Expires
August 02, 2026

Subscribed and sworn before me this 8 day of January 2024

Notary Public

Residing in Salt Lake County, UT

My commission expires: 8-2-2026

* May be owner of record, contract owner, part to valid earnest money agreement, option holder or have other legal control of property.

AGENT AUTHORIZATION

I, (we) DAN JONES, of 2020 LLC, the owner(s) of real property described above, hereby appoint Lync Construction, LLC, as my (our) agent(s) to represent me (us) with regard to this application affecting the above described real property, and do authorize them to appear on my (our) behalf before any Willard City Boards considering this application.

SIGNED Dan Jones

Property Owner(s)



NATHAN COMBS
Notary Public, State of Utah
Commission #726022
My Commission Expires
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Subscribed and sworn before me this 8 day of January 2024

Notary Public

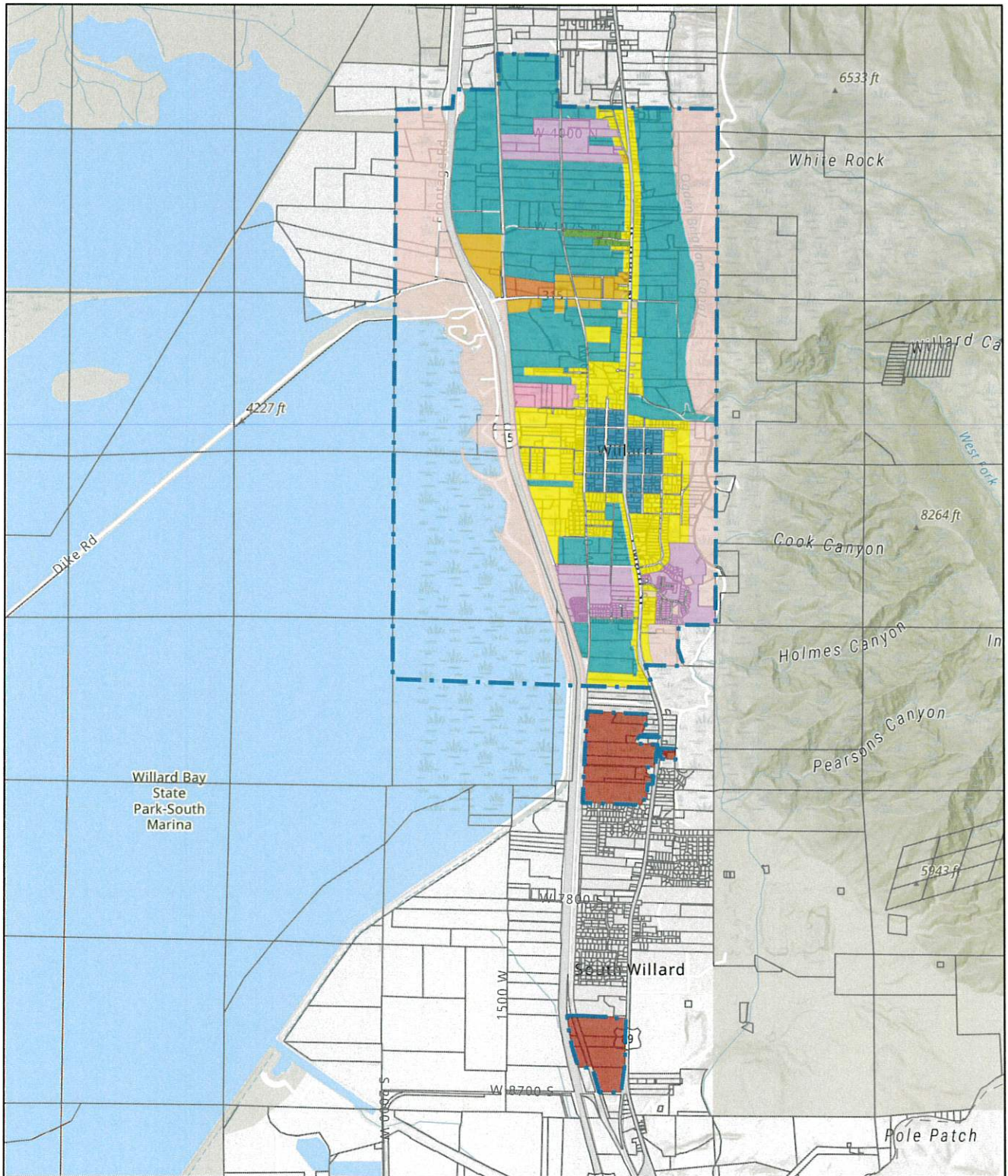
Residing in Salt Lake County, UT

My commission expires: 8-2-2026

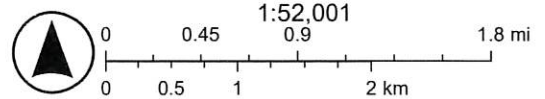
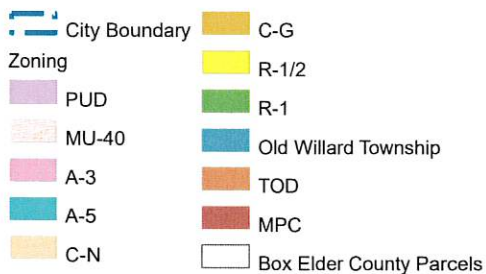


North ↑

Willard Zoning Map

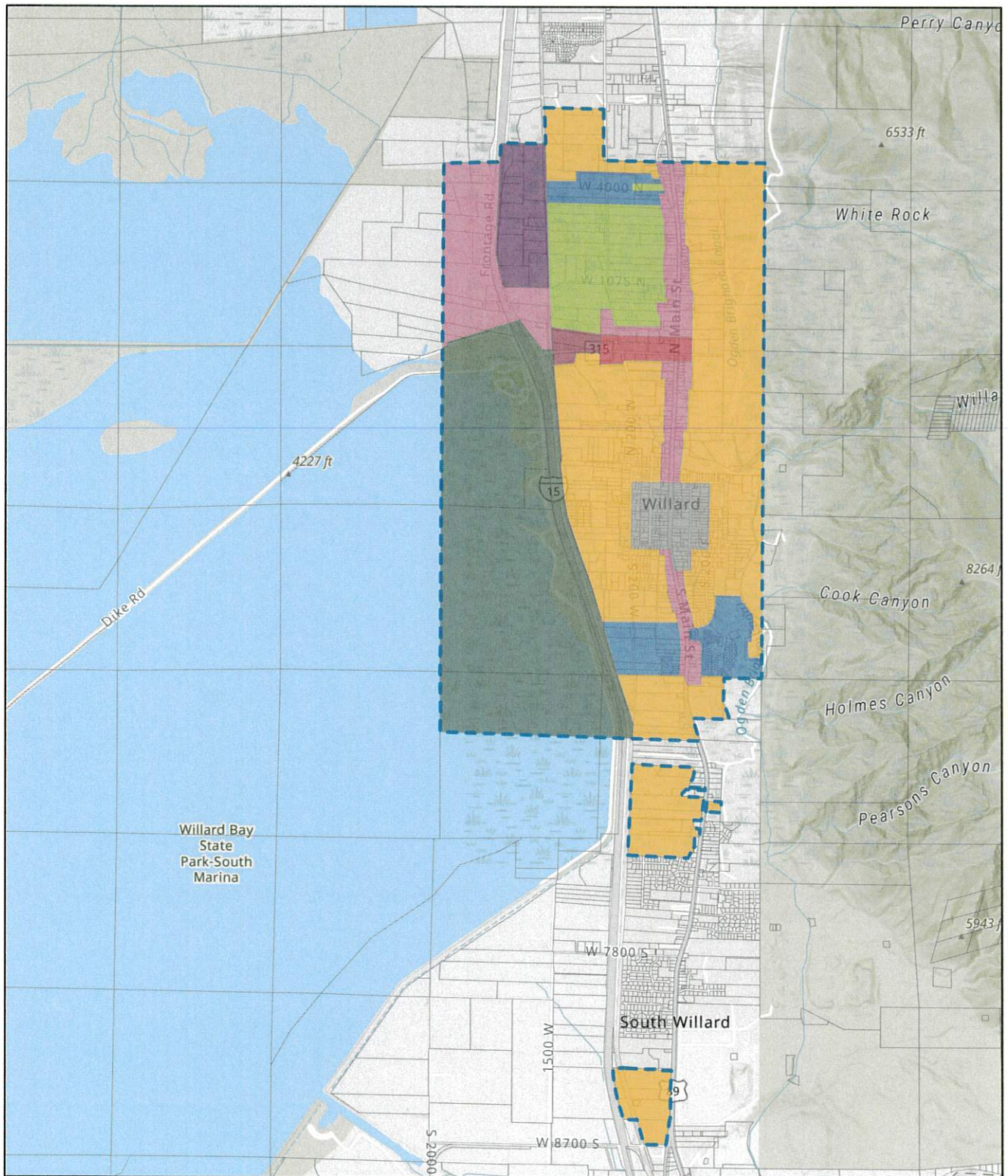


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Esri, NASA, NGA, USGS, Utah Geospatial Resource Center, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, USFWS

Willard City Future Land Use



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 City Boundary

Future Land Use

 Residential (1/2 Acre Lot)

 Agriculture (3-5 Acre Lot)

 Commercial General

 Commercial Retail

 Old Downtown District

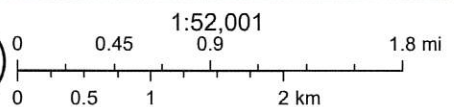
 Transit Oriented Development

 Planned Unit Development

 Environmentally Sensitive Area

 Industrial

 Box Elder County Parcels



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

ITEM 5D

MASTER CONDITIONAL USE PERMIT SPREADSHEET								
No.	Address	Applicant	Application Date	Fee	Approval Date	Type	Status and Review Date	Parcel No.
	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
	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
	370 North Main	Perry, Peggy Jo	10/28/2005	\$25.00	Approved 11/18/05	Fruit Stand	Active	02-046-0079
	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	10/6/2014	Alpaca Farm	Active	02-046-0047 & 0084
	481 North 200 West	Beard, Lynn			Approved 2/5/15	Multi-Family Dwelling/Duplex	Active	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
???	500 South 200 East	Wilkes, Melissa			3/15/2015	Home Occupation	Active	02-053-0029
	550 North 200 West	Kilpack, Lee	2/16/2018	\$25.00		Multi-Family/Basement Apartment	Active	02-046-0046
	620 North 200 West	Kapp, Neldon & Jan	6/24/1905		2002	Building Permit	Active	02-046-0005
	683 North Main	Palmer, Morgan	2/9/2021	\$25.00 PD	Approved 5/6/21	Wedding Reception Center	Active	02-046-0102
	740 North Main	Grimes, Mike	7/19/1996		9/17/1996	Used Vehicle Sales	Active	02-046-0015
	747 South Main	Gilbert, Scott; Gilbert, Dustin; Russell, Dee	3/22/2016	\$25.00 PD	4/5/2016	Accessory Building	Active	02-053-0059
	769 North Main				2/7/2020	RV Campground	Active	02-041-0067

*Pd 25⁰⁰
for 11-17 mtg*

WILLARD CITY PLANNING COMMISSION
APPLICATION FOR PLANNING COMMISSION HEARING

Application Date:

10-28-05

Assessor's Parcel Number

Applicant:

Peggy Jo Perry

Mailing Address

370 N. 200 W.

Willard, Ut.

84340

Project Address

370 N. Main

Willard, Ut. 84340

Phone Number

734-9508

Cell Phone

730-0007

02-046-0078 PGP.
Parcel Legal Description

I hereby request a hearing before the
Willard City Planning Commission in
behalf of my application for:



Conditional Use Permit \$25 Fee



Lot Line Adjustment \$25 Fee



Other Fee variable, \$25 Min.

NOTE: Fees will be charged on each application and are non-refundable. Additional applications on the same project will be considered as new applications and be charged accordingly. All applications, with required data and fees, must be filed in the Willard City Office at least two weeks prior to the scheduled hearing date.

Project description: (Attach additional sheets, as required.)

Complete Applicant Affidavit on back of this page.

APPLICANT'S AFFIDAVIT

STATE OF UTAH)
) SS
COUNTY OF BOX ELDER))

I, (we) Peggy Jo Perry, being duly sworn, depose and say that I, (we) am (are) the owner(s)*, or authorized agent(s) of the owner, of property located at 370 N. Main Willard, Ut. in Willard City, which property is involved in the attached application and that the statements and answers therein contained and the information provided in the attached plans and other exhibits present thoroughly, to the best of my (our) ability, the argument in behalf of the application herewith requested and that the statements and information above referred to are in all respects true and correct to the best of my (our) knowledge and belief.

SIGNED Peggy Jo Perry
Property Owner(s)
AGENT Brad Ouderkirk P.G.P.

Subscribed and sworn before me this 28th day of Oct 2005



Teri L. Fellenz
Notary Public

Residing in Willard
My commission expires: 8-15-06

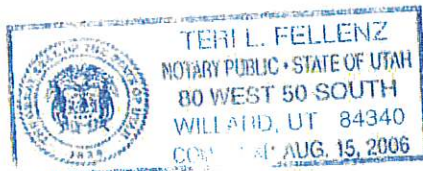
* May be owner of record, contract owner, part to valid earnest money agreement, option holder or have other legal control of property.

AGENT AUTHORIZATION

I, (we) Peggy Jo Perry, the owner(s) of real property described above, hereby appoint Brad Ouderkirk P.G.P., as my (our) agent(s) to represent me (us) with regard to this application affecting the above described real property, and do authorize them to appear on my (our) behalf before any Willard City Boards considering this application.

SIGNED Peggy Jo Perry
Property Owner(s)

Subscribed and sworn before me this 28th day of Oct 2005



Teri L. Fellenz
Notary Public

Residing in Willard
My commission expires: 8-15-05

4. New Business:**a. Peggy Perry - Conditional Use Permit for 370 North Main (Perry Fruit Stand)
Parcel# 02-046-0079 for a Cabinet Making Business**

Commissioner Graham asked what type business it would be retail or wholesale? How many cars would there be? What about fire hazards such as sawdust and extra lumber? What about the noise from the machinery and neighbors? Eric Ouderkirk, who is purchasing the property, stated he would be selling wholesale to contractors with the possibility of retail sales in the future. He would be building kitchen and bathroom cabinets. There will be a bin for any extra wood out back of the building and there would be a dust collector. Chairperson Krum stated it would be up to the Fire Marshall to give approval for the fire sprinklers. He was asked about the type of varnish he would be using and if there would be a smell. He stated he would be using laquer varnish which would have a filter and there would not be much smell. He stated there would only be one or two trucks per week picking up cabinets, but he would be doing most of the deliveries.

When asked where he would be storing his cabinets he stated with the cost of wood he would be storing it inside. When asked how late he would be working, he stated he would be done around 5:00 pm or 6:00 pm and there may be an occasional Saturday. Zoning Administrator Jacobson stated most businesses with a Conditional Use Permit are allowed to work until 10:00 pm. Chairperson Krum asked what conditions would need to be set. The following were discussed:

- *Fire Department approval. The owner must meet all requirements of the Fire Department and receive approval by the Fire Department.

- *The owner must meet the requirements of the Willard City Zoning Ordinance on Sign Ordinances (12-115).

- *There will be no storage of finished, or raw, or waste products visible from the street.

- *The hours of operation will be from 6:00am to 9:00pm.

- *The owner will adhere to section 12-107 of the Willard City Zoning Ordinance titled Performance Standards.

A motion was made by Commissioner Sleeman to approve the Conditional Use Permit for Peggy Perry for the property listed as Perry's Fruit Stand located at 370 North Main. The motion was seconded by Commissioner Marsing. The motion carried.

Willard City Corporation

80 West 50 South
Box 593



Willard, Utah 84340
(435)734-9881

CONDITIONAL USE PERMIT

Date Issued: November 18, 2005

Applicant's Name: Peggy Jo Perry

Business Name: Perry's Fruit Stand
Business Address: 370 North Main
Willard, UT 84340

Business Phone: 734-9508

A Conditional Use Permit is issued for the above named business. The conditions are as follows:

- 1. The owner must meet all Fire Department requirements and receive Fire Department approval.*
- 2. The owner must meet the current Willard City Sign Ordinances 12-115.*
- 3. There will be no storage of furnished, or unfurnished, or waste product visible from Highway 89.*
- 4. The hours of operation will be from 6:00 a.m. to 9:00 p.m.*
- 5. The owner must adhere to the Willard City Zoning Ordinance 12-107 Performance Standards.*

Peggy Jo Perry
Applicant's Signature

11-18-05
Date

Jan M. Baker
City Representative - Title
Deputy Recorder

11-18-05
Date

ITEM 5E

CHAPTER 12-102-24. Short-Term Rentals

12-102-24-1 Purpose.

The purpose of this section is to accomplish the following:

- (1) To promote the public health, safety, and welfare by requiring short-term rentals to be safe and fit for human occupancy;
- (2) To provide contact information, through licensing, for each short-term rental to allow problems to be resolved expeditiously;
- (3) To provide consistency with licensing of all other businesses in the city by requiring licensing of short-term rentals;
- (4) To allow an existing residential dwelling to be used and occupied as a short-term rental while also maintaining its character and function as a dwelling; and
- (5) To minimize the impact of short-term rentals on adjacent properties, residential dwellings, and surrounding neighborhood.

12-102-24-2 Definitions.

Short-Term Rental. Temporary lodging ~~typically~~ located in a residential dwelling for charge or fee and for a rental period of less than thirty (30) continuous days. A short-term rental excludes hotels, motels, bed & breakfast establishments, and Accessory Dwelling Units.

12-102-24-3. Requirements for Approval.

- (1) No dwelling or structure shall be occupied or used as a Short-Term Rental within the corporate limits of Willard City without the owner having first obtained a conditional use permit, and Short-Term Rental business license from Willard City.
- (2) All Short-Term Rentals must obtain a conditional use permit. A conditional use permit may be granted by the Planning Commission for a Short-Term Rental, provided that the requirements of this section are met in addition to the requirements of Chapter 12-105.
- ~~(3)~~ The granting of a conditional use permit for a Short-Term Rental shall not exempt the owner and/or applicant from meeting other applicable ordinances, covenants, or law.
- ~~(3)~~(4) No Short-Term Rental may used by an individual for more than twenty-nine (29) consecutive days or for more than sixty (60) days within a three-hundred sixty-five (365) day period.

12-102-24-4. License Application. An application for a Short-Term Rental business license and conditional use permit shall conform to the requirements of the Willard City Code and shall also include the following information:

- (1) A detailed floor plan drawn to scale with labels on rooms indicating uses or proposed uses;
- (2) A copy of the Utah State tax license number for remittance of transient lodging taxes;
- (3) The name and contact information of the owner, and if applicable, the designated local contact, residing in the State of Utah, who is authorized by the owner for service of process.

12-102-24-5. License Fee.

- (1) The fee for a Short-Term Rental license shall be as set forth in the fee schedule adopted by the Willard City Council;
- (2) The business license shall be paid annually and shall be due and payable on or before the license expiration date of owner's application for a business license. A license shall be delinquent if paid after said date in the year for which it is due.

12-102-24-6. Minimum Requirements

- (1) All Short-Term Rental properties shall, at all times, have a designated local contact or property manager that resides within one (1) hour travel time of the property. The property owner shall provide the registered local contact person's contact information at the time of submission of their application. The local contact shall be available twenty-four (24) hours per day to respond to questions or concerns.
- (2) Upon receipt of a notification regarding a complaint, the designated local contact shall contact the occupant of the Short-Term Rental and resolve the issue giving rise to the complaint. The designated local contact shall have sixty (60) minutes from the time of notification of a complaint to resolve the problem giving rise to the complaint. Failure to resolve the problem within sixty (60) minutes shall constitute a violation of this code unless the designated local contact can demonstrate that they contacted the occupant of the Short-Term Rental within sixty (60) minutes and attempted to resolve the problem but were unable to do so. In that event, the designated local contact shall visit the Short-Term Rental property to address the problem and resolve the complaint if reasonably possible within sixty (60) minutes thereafter.
- (3) Failure to resolve any complaints as required in this Section, may be a violation of this Chapter and may be cause for the issuance of enforcement action, criminal penalties, administrative fines, and potential termination of business licensing. The

City may take enforcement action against a Short-Term Rental for any violation of this Section separately from and in addition to any enforcement action taken to address the violation underlying the complaint, if any.

- (4) The Short-Term Rental floor plan and principal function shall remain as a residential dwelling to be used for its main purpose when not used as a Short-Term Rental.
- (5) Each Short-Term Rental unit shall meet the zoning, building code requirements for installation, maintenance, and operation in effect at the time the Short-Term Rental unit was legally permitted.
- (6) Each sleeping room must meet current international code requirements for egress and be equipped with smoke and carbon monoxide detectors. A fire exiting plan and maximum occupancy number must be posted in each sleeping room.
- (7) Each Short-Term Rental shall comply with the noise ordinance of the Willard City Code. Quiet hours shall be established, posted, and enforced for the Short-Term Rental and which shall be between the hours of ~~eleven o'clock (11:00) p.m.~~ and ~~seven o'clock (7:00) a.m.~~
- (8) The Short-Term Rental owner and designated local contact, upon notification that the Short-Term Rental occupants and/or their guests have created unreasonable noise or disturbances or violated any provision of the Willard City Municipal Code pertaining to noise or disorderly conduct, will promptly act within sixty (60) minutes to prevent continuation and/or reoccurrence of such conduct by those Short-Term Rental occupants and/or their guests.
- (9) No later than ten (10) days following the issuance of a Short-Term Rental license, the property owner shall disseminate the designated local contact information, a copy of the conditional use permit, and a copy of the Short-Term Rental license to all properties located within a three hundred (300) foot radius of the Short-Term Rental. The property owner shall also mail the same information to each property owner of record as listed with the Box Elder County Assessor's office within the three hundred (300) foot radius. Proof of mailing and a copy of the information sent to residents and adjoining property owners shall be provided to the Willard City Recorder within fourteen (14) days of mailing.

Commented [CM1]: Willard City Code Chapter 10.08.010 (Noise) states the following: It is a class C misdemeanor for any person to disturb the peace or quiet of any neighborhood, family, or person, by and or unusual noises, or by tumultuous or offensive conduct.

12-102-24-7. Parking Regulations.

- (1) The owner of any property licensed as a Short-Term Rental shall provide off street parking for the guests in accordance with the following:
 - a. Off street parking shall be provided on the same lot as the dwelling which is licensed as a Short-Term Rental.
 - b. Parking shall be provided at one (1) vehicle per bedroom. Tandem spaces on a driveway may be used. The number of vehicles allowed by occupants of the

Short-Term Rental shall be restricted to the number of off-street parking spaced provided by the owner.

12-102-24-8. License Renewal.

- (1) The owner shall include with their renewal application evidence that minimum Utah State Sales Tax and Transient Taxes were submitted for the prior year.
- (2) Failure to renew the business license within thirty (30) days of the license expiration date may result in revocation of the license and subject the property to the license limitations as outlined in Willard City Code.

12-102-24-9. Business License Not Transferable. A business license for a Short-Term Rental is not transferable. Any owner holding a license shall give written notice within thirty (30) days to the City Recorder after having transferred or otherwise disposed of legal or equitable control of any Short-Term Rental. Such notice of transferred interest shall include the name, address, and information regarding the person(s) or entity succeeding to the ownership or control thereof. The new owner shall obtain a business license within thirty (30) days of the date of purchase and as required by this Chapter.

12-102-24-10. Required Posting. The following information must be posted in a clear, concise, and unambiguous manner in a conspicuous location inside all Short-Term Rentals:

- (1) A copy of the Short-Term Rental license.
- (2) The name, address, and phone number of the owner/property manager.
- (3) Emergency exit plan and the location of all fire extinguishers.
- (4) A list of all rules applicable to Short-Term Rentals.
- (5) The maximum occupancy of the Short-Term Rental, the maximum number of vehicles allowed, and the location of parking stalls.

12-102-24-11. Inspections.

- (1) The City or authorized agency shall conduct a safety inspection of the Short-Term Rental at the time of application for the initial short term rental license. License renewals will not automatically require subsequent re-inspections unless the City Planner, in their discretion, determines a renewal inspection is necessary.
- (2) The City or other authorized agency shall be permitted to inspect any Short-Term Rental unit to enforce any part of this title or any other applicable statute or ordinance

if the Short-Term Rental unit has a recorded and valid complaint. Complaints may be submitted by any person including a Willard City employee.

- (3) No owner, occupant, or any other person having charge, care, or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to properly permit entry therein by the business license official or their designee for the purpose of inspection and examination to ensure compliance with this title. If the property owner or other responsible person refuses to allow an inspection, the business license official or their designee may obtain and execute an administrative search warrant.

12-102-23-12. Penalties.

- (1) Violation of any of the provisions of this Chapter may be punishable by a Class B misdemeanor upon conviction and subject to a \$750.00 fine.
- (2) Any Short-Term Rental that fails to comply with any duty imposed under this chapter may face suspension, denial, or revocation of a Short-Term Rental License and/or business license.

12-102-23-13. Appeals. The owner of a Short-Term Rental shall have the right to appeal by filing a written notice of appeal within 15 days of the receipt of the notice of denial, suspension, revocation of a Short-Term Rental and/or business licenses to the Hearing Officer of Willard City.

ITEM 5F

24.44.030 Uses *Chapter 12-111-3*

No building, structure or land shall be used and no building or structure shall be hereafter erected structurally altered, enlarged or maintained in the multiple use, rural, or residential districts except as provided in this Ordinance. (See Table I)

TABLE I	MU-40	A-3	A-5	R-1/2	R-1
1. Accessory buildings and uses customarily incidental to permitted uses...	P	P	P	P	P
2. Accessory uses and buildings customarily incidental to conditional uses...	C	C	C	C	C
3. Temporary buildings, for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work...	C	C	C	C	C
4. AGRICULTURE AND FORESTRY					
a. Agriculture, except grazing and pasturing of animals	P	P	P	P	P
b. Agriculture, including grazing and pasturing of animals	C	P	P	P	P
c. Agriculture, business or industry	C	C	C	C	C
d. Animals and fowl for recreation or for family food production for the primary use of persons residing on the premises	P	P	P	P	P
e. Nursery or green house, wholesale or retail	C	P	P	P	P
f. The tilling of the soil, the raising of crops, horticulture and gardening	C	P	P	P	P
g. Farms devoted to raising and marketing chickens, turkeys or other fowl or poultry, fish or frogs, including wholesale and retail sales	C	C	P	C	C
h. Forestry, except forest industry	P	P	P	P	P
i. Forest industry, such as a sawmill, wood products plant, or others	C	-	-	-	-
5. APIARY	P	C	P	C	C
6. AVIARY	P	P	P	P	P
7. PLANNED UNIT DEVELOPMENT (PUD) OR CLUSTER SUBDIVISION OF SINGLE FAMILY DWELLINGS:					
a. Provided that the residential unit density of the total parcel is not increased above two units per acre.	C	C	C	C	C
b. Provided that the area, in acres, of the total parcel is not less than thirteen acres.	A	A	A	A	A
8. DUDE RANCH; family vacation ranch	C	-	C	-	-
9. DWELLINGS:					
a. Single-family dwelling	C	C	C	P	P

b. Multi-family dwelling	C	C	C	C	C
c. Seasonal Home or Cabin	C	-	-	-	-
d. Farm or Ranch Housing	C	C	C	-	-
e. Manufactured Housing	C	C	C	P	P
f. Mobile Homes					
1) When located in a mobile home park or subdivision	P	P	P	P	P
2) When not located in a mobile home park or subdivision	-	-	-	-	-
10. Home occupation	C	C	C	C	C
11. Household Pets	P	P	P	P	P
12. Kennel	-	-	C	-	-
13. Power generation	C	P	P	P	P
14. Private park or recreational grounds or private recreational camp or resort, including accessory or supporting dwellings or dwelling complexes and commercial service uses which are owned or managed by the recreational facility to which it is accessory	C	-	C	-	-
15. Public and quasi-public					
a. Churches	-	-	-	C	C
b. Parks, golf courses, swimming pools and other recreation areas	-	-	-	P	P
c. Public buildings	-	-	-	C	C
d. Private schools	-	-	-	C	C
16. Public stable, riding academy or riding ring, horse show barns or facilities	C	-	P	-	-
17. Residential Housing Developments					
a. Mobile home park	C	-	C	C	C
b. Mobile home subdivision	C	-	C	C	C
c. Subdivisions and Planned Unit Developments.	C	C	C	C	C
18. Signs (See Sign Ordinance WZC 24.60)					

HISTORY

Amended by Ord. [2022-9](#) on 12/8/2022

24.48.030 Uses Not Listed *chapter 12-112-3*

The Table in this Section provides a listing of permitted and conditionally permitted uses for Commercial and Manufacturing zones within the city. The Table in this section is not comprehensive. In the event a sought-after use is not listed, the City Planner is empowered to interpret the list and determine if the unlisted use is substantially similar in character, origin, and impact to a listed use. In making this determination, the City Planner may, at their sole discretion, ask the Planning Commission for its review and interpretation.

(See TABLE I)

A. Accessory Buildings/dwellings/manufacturing/storage	M	C-N	C-G
Accessory uses and buildings customarily incidental to the permitted uses.	P	C	P
Single-Family Dwelling	C	P	P
Multi-Family Twin Home	C	P	P
Multi-Family Attached	C	P	P
Multi-Family Stacked	C	P	P
Accessory Dwelling Units	P	P	P
Manufactured and Modular Homes	C	C	C
Manufacturing/Industrial Heavy	P	-	C
Manufacturing/Light	P	C	C
Refineries	C	-	-
Renewable Energy Systems	C	C	C
Storage Facility/Units	P	-	C
Temporary Buildings	C	C	C
Warehousing/Distribution	P	C	C
Warehousing/Distribution Motor Fuels/Propane/Plant/Storage Facilities	C	-	C
B. Public Facilities/Utilities	M	C-N	C-G
Air BNB or any short-term lodging facility	C	C	C
Communication Towers and Antennas	C	C	C
Churches/Places of Worship	P	P	P
Educational Facilities	p	p	p
Public Utility installations	P	P	P
C. Recreations/Entertainment	M	C-N	C-G
Bowling Alley	C	C	P
Dance Studio	C	C	C
Fitness Center	C	C	P
Golf Course	C	C	P
Recreation Center	P	C	P

Recreational Vehicle Park	-	-	C
Sexually Oriented Businesses: See Willard City General Ordinances Title 9-600	C	-	-
Swimming Pool	C	C	C
Theater/Entertainment	C	C	C
D. Retail	M	C-N	C-G
Alcohol or Tobacco Specialty Store	C	-	C
Art and/or Art Supply	P	C	P
Book Store	P	P	P
Christmas Trees Sales	P	C	P
Clothing/Department Store	C	C	P
Convenience Store	P	C	P
Craft/Hobby Store	P	P	P
Fireworks Stand	C	C	C
Florist Shop/Nursery	C	C	P
Fruit Stand	P	P	P
Grocery Store	P	P	P
Hardware Store/Lawn and Garden	P	C	C
Pet Shop	C	C	P
Retail, Big Box Store	P	P	P
Retail, General	P	C	P
Shoe Store/Repair	P	C	P
Sporting Goods	P	P	P
E. Restaurant/Food Establishments	M	C-N	G-G
Bakery	P	P	P
Candy/Ice Cream Store	C	C	P
Private Club/Bar/Tavern	C	C	P
Restaurant/Fast Food	C	C	P
F. Service	M	C-N	C-G
Agriculture, Existing	P	P	P
Agricultural Industry/Food	P	C	P
Automobile Service and Sales Station (Includes Fuel)	C	C	C
Bank/Credit Union/Financial	P	C	P
Barber/Beauty Salon/Tanning/ Nales	P	P	P
Bed and Breakfast/ Air BNB	-	P	-

Business/ Professional Office	C	C	C
Car Wash	C	C	C
Check Cashing, Payday Lender, Title Loans	C	C	C
Childcare/Preschool: See Willard General Ordinances Title 9-000 for Home Business	C	C	C
Dry Cleaning	P	C	P
Fabrication/Welding	P	C	P
Hospital	P	P	P
Hotel/Motel	C	-	P
Kennel: See Willard City General Ordinances Title 13-00-0-00	C	C	C
Locksmith/Key and Lock	P	C	P
Laundromat	P	P	P
Medical and Dental Clinic	P	C	P
Nursing Home	-	C	C
Pet Grooming	P	P	P
Pharmacy	P	C	P
Residential Facilities for Persons With Disabilities	P	C	P
Slaughterhouse	C	C	C
Tattooing/Body Art	P	C	P
Towing/Impound Yard	P	-	C
Transportation/Trucking	P	C	P

HISTORY

Amended by Ord. [2023-2](#) on 3/9/2023

ITEM 6



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, May 2, 2024 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

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

4
5 The following members were in attendance:

6
7 Sid Bodily, Chairman
8 Diana Baker
9 Chandler Bingham
10 Chad Braegger
11 Alex Dubovik
12 Brian Gilbert

Jeremy Kimpton, City Manager
Colt Mund, City Attorney
Madison Brown, City Planner
Michelle Drago, Deputy Recorder

13
14 Others in attendance: Mayor Travis Mote; Ruth Beebe; Ken Ormond; and Ruth Ormond.

15
16 The meeting was called to order at 6:30 p.m.

- 17
18 1. PRAYER: Alex Dubovik
19
20 2. PLEDGE OF ALLEGIANCE: Diana Baker
21
22 3. GENERAL PUBLIC COMMENTS
23

24 There were no comments.

- 25
26 4. CITY COUNCIL REPORT
27

28 Time Stamp: 02:21 - 05/02/2024
29

30 Mayor Mote reported on the April 25, 2024, City Council meeting. Josh Braegger presented the budget for
31 the treatment plant and reported on the detention basin being dug above Spring Street. Josh Braegger was
32 also recognized for his service on the City Council. The City Engineer made a presentation on the road
33 projects – chip and seal and curb and gutter on 200 South. The City Council discussed public hearing dates
34 for the Davis annexation. The Willard Peak Ranches HOA requested approval of lot line adjustments and
35 the creation of two lots. The Council felt their proposal was a good solution, but there were some legal
36 issues that had to be resolved.

- 37
38 5A. REVIEW OF A CONDITIONAL USE PERMIT ISSUED TO PEGGY JO PERRY FOR A FRUIT
39 STAND LOCATED AT 370 NORTH MAIN (PARCEL NO. 02-046-0079) ISSUES ON NOVEMBER
40 18, 2005
41

42 Time Stamp: 08:52 - 05/02/2024
43

44 Madison Brown, City Planner, stated that a conditional use permit was issued to Peggy Jo Perry in
45 November 2005 for the fruit stand at 370 North Main to be used as a cabinet shop. The building was
46 currently not being used.

47
48 Commissioner Bingham stated that there was a cabinet shop in the building at one time.



WILLARD CITY

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There was discussion about who currently owned the property. Commissioner Braegger stated that Thayne Tagge was using the property. Madison Brown said the Box Elder County ownership records said the property was owned by Angelo Avenue, LLC from Holladay, Utah. Colt Mund said that was Thayne Tagge's corporate name.

Commissioner Dubovik said the conditional use permit was for a cabinet shop, which was no longer in operation. Commissioner Bingham felt the conditional use permit should be closed because the cabinet shop was not being used and had not been used for some time.

Colt Mund, City Attorney, felt the evidence showed that the use had been abandoned, and that the conditional use permit could be declared null and void.

The Planning Commission asked Madison Brown to contact Thayne Tagge and ask if he wanted to keep the conditional use permit.

Chairman Bodily tabled this item until the next meeting.

5B. DISCUSSION REGARDING AMENDING CHAPTER 12-105 OF THE WILLARD CITY ZONING ORDINANCE TO ALLOW SHORT-TERM RENTALS IN RESIDENTIAL ZONES (CONTINUED FROM APRIL 4 AND APRIL 18, 2024)

Time Stamp: 15:09 – 05/02/2024

Chairman Bodily stated that this item had been continued from the Planning Commission's last two meetings.

Commissioner Dubovik asked if an accessory dwelling unit could be used as a short-term rental. Colt Mund said an accessory dwelling unit could not be used simultaneously as a short-term rental. There needed to be a distinction. It was one use or the other, but not both.

Chairman Bodily asked about 12-102-24-6(7) on Page 3 which talked about Willard's noise ordinance. There was a typo that needed to be corrected in the last sentence.

Commissioner Dubovik asked if the noise ordinance actually stated those hours of 10:00 p.m. to 7:00 a.m. Colt Mund said it did not. Commissioner Dubovik felt Section 7 needed to align with Willard's noise ordinance.

Commissioner Gilbert asked if the proposed ordinance contained language to allow a short-term rental license to be revoked. Colt Mund said penalties could be found in 12-102-23-12. A short-term rental license could be revoked if there were repetitive violations.

Colt Mund asked if the Planning Commission felt each short-term rental should be reviewed on a case-by-case basis through a conditional use permit in addition to a short-term rental license. The Planning Commission agreed that a short-term rental should have a conditional use permit.

Commissioner Gilbert asked if the ordinance needed to stipulate the number of violations allowed before a license would be revoked. Mr. Mund said the ordinance could include a definite number. There were a number of cities that allowed only three violations in one year before revoking a license. The Planning



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Commission agreed there should be a number to provide consistency and suggested two violations in a 365-day period.

Commissioner Dubovik asked if the ordinance needed to include language to prevent use of a short-term rental as a long-term residence. Mr. Mund felt there was a loophole that could be exploited. Language could be tightened up to state that a short-term rental could not be occupied by the same person for more than thirty consecutive days and not more than a total of 60 days in a calendar year, or just match the language in the RV Park Ordinance.

Michelle Drago asked if the ordinance should include language to prevent use of an RV or camp trailer as a short-term rental. An RV or camp trailer could not be used as an ADU. Mayor Mote felt there was language in 24-6-5 to prevent that from happening.

Colt Mund said that 12-702-4(a) of the RV Park Ordinance was clear that an RV or camp trailer could not be occupied for more than seven days. It was also clear that a recreational vehicle could not be used for residential purposes if it were located outside an RV Park. However, he was not opposed to including similar language in the Short-Term Rental Ordinance.

Chairman Bodily and Commissioner Bingham felt language in 12-102-24-6(5) and in the RV Ordinance would cover the problem. Mr. Mund felt confident he could enforce a violation.

Madison Brown stated that Michelle Drago had suggested capping the number of short-term rentals in a specified geographic area, such as a city block. She felt that might be a good idea, especially in master planned communities.

Commissioner Gilbert asked if other cities limited numbers. Colt Mund said other cities did provide limits.

Commissioner Dubovik did not feel a limitation would be fair.

Commissioner Baker stated that Willard's minimum lot size was half-acre. It was possible that every property owner could seek approval of an ADU. If there was not a cap, Willard's density could become much more than two units per acre.

After further discussion, Commissioner Bingham felt the Planning Commission should wait to see if there was a problem. The Planning Commission agreed.

Chairman Bodily asked Colt Mund to make the suggested changes for review at the next meeting.

Colt Mund asked that the next agenda include a discussion about revising the Table of Uses found in 12-112-3.

Mayor Mote felt multi-family housing should be removed from the Table of Uses and that a Multi-Family Zone should be created so that Willard's commercial areas were not burned up by multi-family housing.



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- 141 5C. CONSIDERATION AND RECOMMENDATION TO THE CITY COUNCIL REGARDING AN
142 AMENDMENT TO THE GENERAL PLAN CHAPTER 12-000 OF THE WILLARD CITY ZONING
143 ORDINANCE TO INCLUDE A FUTURE LAND USE MAP FOR THE SOUTH WILLARD AREA
144 INCLUDED IN WILLARD'S ANNEXATION POLICY DECLARATION (CONTINUED FROM APRIL
145 4, 2024)

146
147 Time Stamp: 35:41 - 05/02/2024

148
149 Madison Brown updated the Planning Commission on preparations for the May 16th South Willard open
150 house. She had posted notices throughout Willard – Trigon, Fizz, the Amish store, and the post office. The
151 notice was included in the newsletter and posted on the city's website and Facebook page. The city was
152 receiving comments through the QR code.

153
154 The Planning Commission members reviewed and discussed maps of South Willard.

155
156 Commissioner Bingham suggested that the commercial/residential corridor on Highway 89 in Willard be
157 continued south through South Willard. He felt the commercial area around the old Flying J could be
158 expanded. Heavy commercial could be located west of the tracks.

159
160 Madison Brown stated that she had spoken with Mellonee Wilding, the chair of the Box Elder County
161 Planning Commission and a South Willard resident. Mellonee liked the idea of having everything along the
162 highway commercial but felt that everything a few blocks from the highway should remain residential. Ms.
163 Wilding did not feel the large commercial areas would be widely accepted.

164
165 Chairman Bodily felt there needed to be more commercial than just along the highway.

166
167 Mayor Mote felt there were pockets of open land where commercial could expand, such as the elk farm and
168 the old Flying J. There had to be commercial infrastructure for city finances because residential
169 development did not pay for itself. The watershed areas on the east bench needed to be protected.

170
171 Commissioner Baker felt there should be industrial areas west of the tracks, like Willard.

172
173 Commissioner Gilbert said he would combine his road map with the Planning Commission's suggestions.

174
175 Mayor Mote felt the residential zoning needed to establish a density because the MPC Zone reflected the
176 underlying density. The overall objective might be to have MPC Zones, but there needed to be an underlying
177 density in order to interpret the number of houses and open space. If the land use map did not have a
178 density, he felt there would be a lot of ambiguity developers would take advantage of.

179
180 Commissioner Bingham felt most of the lots in South Willard were a builder's half-acre, but they also
181 included roads. So, the lots were really about one-third of an acre.

182
183 Commissioner Dubovik felt the density should be R-1/2.

184
185 Mayor Mote stated that Willard might have to create a zone for third acre lots if that was what South Willard
186 residents wanted. Willard needed to create a Commercial Retail Zone.



WILLARD CITY

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Willard, Utah 84340

Commissioner Braegger felt Willard had to be careful about lot sizes. South Willard residents were on septic systems, which required a minimum of half-an-acre. Lots could not be smaller until a sewer system was in place.

Mayor Mote felt the density could be set at R-1/2. If a master planned community wanted smaller lots, they would have to hook into the sewer trunk line.

Commissioner Baker stated that a lot of the existing subdivisions only had one way in and one way out. It would be difficult to line up through roads.

There was a discussion about addressing. Mayor Mote said emergency services suggested that the addressing be left alone unless it all annexed at once.

Chairman Bodily asked who would be at the open house. Mayor Mote said he would be there. Madison Brown said Commissioner Perry would be there, as well as Mellonee Wilding, Box Elder County Planning Commission Chair.

Mayor Mote stated that he planned to make a presentation and answer questions. Then he would turn the meeting over to the residents to review and comment on maps and talk with members of the Willard Planning Commission.

Commissioner Braegger appreciated the maps Commissioners Dubovik and Gilbert had put together.

6. CONSIDERATION AND APPROVAL OF THE APRIL 18, 2024, REGULAR PLANNING COMMISSION MINUTES

Commissioner Baker moved to approve the April 18, 2024, minutes as corrected. Commissioner Dubovik seconded the motion. All voted “aye.” The motion passed unanimously.

7. COMMISSIONER/STAFF COMMENTS

Time Stamp: 57:44 - 05/02/2024

Colt Mund

Did not have any comments.

Jeremy Kimpton

Did not have any comments.

Madison Brown

Did not have any comments.

Commissioner Bingham

Did not have any comments.



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Commissioner Dubovik

Commissioner Dubovik asked if the natural street project progression would mean curb and gutter on 300 South next year. Mayor Mote said the most requested maintenance project after 200 South was actually 600 South. Public Works wanted to take care of 600 South this year, but three of the Council members disagreed. Every time there was a rainstorm, 600 South trenched badly.

Commissioner Gilbert

Did not have any comments.

Commissioner Baker

Did not have any comments.

Commissioner Braegger

Did not have any comments.

Chairman Bodily

Chairman Bodily suggested that Public Works check the watering schedule at the upper park. Baseball games started at 5:00 p.m. The sprinklers were running at 3:00 p.m. earlier in the day. Jeremy Kimpton said Public Works had been working on the sprinkling system. He would double-check.

8. ADJOURN

Commissioner Baker moved to adjourn at 7:59 p.m. Commissioner Gilbert seconded the motion. All voted in favor. The motion passed unanimously.

Minutes were read individually and approved on: _____

Planning Commission, Chairman
Sid Bodily

Planning Commission Secretary
Michelle Drago

dc:PC 05-02-2024



WILLARD CITY

Planning Commission Meeting – Special Meeting

Thursday, May 16, 2024 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

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

4
5 The following members were in attendance:

6
7 Sid Bodily, Chairman

Jeremy Kimpton, City Manager

8 Chandler Bingham

Madison Brown, City Planner

9 Chad Braegger

Michelle Drago, Deputy Recorder

10 Alex Dubovik

11 Brian Gilbert

12 Ruth Beebe

13
14 Excused: Diana Baker and Colt Mund

15
16 Others in attendance: Mayor Ken Ormond; Ruth Ormond; David Jackson; Eileen Jackson; Robert Johnson;
17 Michael Johnson; Allen W. Johnson; Jared Monson; Jim Johnson; Brianna Sederholm; Bed Mayo; Chad
18 Arnold; Carrie Arnold; Terry Nelson; Tammy Nelson; Steven Pettingill; Josh Stott; Ron Ford; George
19 Queen; Keith Neil; Hot Spring Mobile Home Park; Benny Karlinsey; Lurleen Coggins; Thomas Hutchinson;
20 Susan Orth-Wright; Clyde Westley; Susan Michaels; Kevin Frye; Kent Davis; Linda Zito; Rex Christensen;
21 Dale Barnett; Glen Larsen; Stan Tubbs; Niki Tubbs; Joel Murray; Jen Thorsted; Peggy Barker; Michael
22 Johnson; Lance Lewis; Loran Walker; Terry Pritchard; Joyce Pritchard; Dave Cole; Verlene Cole; Gregory
23 Sagen; Pat Chapman; Brian Rose; and Mellonee Wilding.

24
25 The meeting was called to order at 6:30 p.m.

26
27 Residents of Willard and South Willard met with Willard City and Box Elder County officials to discuss the
28 future land use and zoning of South Willard. Questions regarding annexation were answered, and Mayor
29 Travis Mote emphasized that while there are multiple applications from independent landowners for
30 annexation, Willard City is not actively proposing to annex South Willard.

31
32 Mayor asked all those in attendance to review the displayed maps of South Willard and leave comments
33 about future zoning for South Willard.

34
35 The open house adjourned at approximately 9:30 p.m.

36
37
38 Minutes were read individually and approved on: _____

39
40
41
42
43 _____
44 Planning Commission, Vice Chairman
45 Chandler Bingham

Planning Commission Secretary
Michelle Drago

46 dc:PC 05-16-2024