



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, June 6, 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 Madison Brown, City Planner
8 Ruth Beebe Michelle Drago, Deputy Recorder
9 Chandler Bingham
10 Chad Braegger

11
12 Excused: Alex Dubovik; Brian Gilbert; Jeremy Kimpton, City Manager; and Colt Mund, City Attorney.
13

14 Others in attendance: Councilmember Jordan Hulsey; Seth Nielson; Roline Hinrichsen; Ronda Hinrichsen;
15 Jeannine Jensen, Alex Owens, Lync Construction; Nathan Combs, Lync Construction; and Pat Burns, Lync
16 Construction.

17
18 The meeting was called to order at 6:45 p.m.
19

20 1. PRAYER: Chad Braegger
21
22 2. PLEDGE OF ALLEGIANCE: Chandler Bingham
23
24 3. GENERAL PUBLIC COMMENTS
25

26 There were no comments.
27

28 4. CITY COUNCIL REPORT
29

30 There wasn't a report.
31

32
33 5A. REVIEW AND CONSIDERATION OF A REQUEST FROM SETH NIELSON FOR A CONDITIONAL
34 USE PERMIT TO OPERATE A PEST CONTROL BUSINESS ON HIS PROPERTY LOCATED AT
35 APPROXIMATELY 275 EAST 200 SOUTH (PARCEL NO. 02-050-0048)

36
37 Time Stamp: 02:07 – 06/06/2024
38

39 Madison Brown, City Planner, stated that Seth Nielson had applied for a business license for a small pest
40 control business that he planned to operate from his home. Because of the pesticides Mr. Nielson planned
41 to use, the administration felt he needed a conditional use permit. The Conditional Use Permit Review
42 Committee reviewed Mr. Nielson's application on May 23rd. It recommended approval of the conditional use
43 permit subject to the following conditions:

44
45 1. Pesticides shall be kept in a locked, metal cabinet in the garage.
46 2. Pesticides shall be prevented from entering Willard's storm drain system.
47 3. A sign stating that *pesticides are stored inside* shall be posted on the exterior of the garage side door.
48 4. No more than six boxes of pesticides shall be stored at any given time.
49 5. The owner shall provide Willard City with current copies of current state-required licenses and a copy



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50 of his liability insurance.
51 6. The business shall be limited to the residents of the home plus one employee.
52 7. The owner shall have a spill kit.
53 8. Subject to the standard home occupation regulations.
54
55 Ms. Brown said Seth Nielson had agreed to the recommendation conditions, and he had provided the city
56 with copies of his Utah state licenses and his liability insurance.
57
58 Seth Nielson did not have any comments.
59
60 Chairman Bodily asked if the Planning Commission had any concerns or wanted to add additional
61 conditions.
62
63 Commissioner Braegger asked about how many vehicles Mr. Nielson planned to have. Seth Nielson said
64 he planned to use his own vehicles and his small trailer, which would hold a 40-gallon water tank to fill his
65 backpack sprayer. His truck and trailer would be parked on his own property.
66
67 **Commissioner Bingham moved to approve a conditional use permit for Seth Nielson to operate a**
68 **pest control business on property located at approximately 275 East 200 South (Parcel No. 02-050-**
69 **0048) subject to the conditions recommended by the CUP Review Committee. Commissioner Beebe**
70 **seconded the motion. All voted "aye." The motion passed unanimously.**
71
72 5B. PUBLIC HEARING TO RECEIVE PUBLIC INPUT REGARDING A PETITION FROM LYNC
73 CONSTRUCTION TO REZONE APPROXIMATELY 32.77 ACRES LOCATED AT
74 APPROXIMATELY 3710 SOUTH 1200 WEST/PERRY STREET FROM A-3 AND A-5 TO R-1/2
75 (PARCEL NOS. 02-035-0061, 02-035-0063, AND 02-035-0079)
76
77 Time Stamp: 07:37 – 06/06/2024
78
79 Chairman Bodily read Willard City's Rules of Order statement.
80
81 **Commissioner Bingham moved to open the public hearing at 6:54 p.m. Commissioner Beebe**
82 **seconded the motion. All voted "aye." The motion passed unanimously.**
83
84 Madison Brown read from the May 31, 2024, staff report:
85
86 On January 3, 2024, Lync Construction submitted a rezoning application to rezone parcels 02-035-0061, 02-035-
87 0063, 02-035-0079, and 02-035-0075 located at approximately 3700 S 1200 W Perry from A-3 and A-5 to R 1/2.
88
89 On January 18, 2024, Lync Construction attended SLUA and presented a concept plan and rezone request to change
90 the zoning of the property from A5 to R 1/2. SLUA agreed to the zoning change, but the 2017 Future Land Use map
91 indicated the property still as A3-5, so Lync Construction was told they would need to submit a petition to amend
92 the Future Land Use map in the General Plan before submitting the rezone request.
93
94 On February 1, 2024, Pat Burns of Lync Construction attended the Planning Commission meeting where there was a
95 public hearing regarding a petition from Lync Construction to amend the 2017 Future Land Use map of the Willard
96 City General Plan. After public comment and discussion among the Planning Commission, Pat Burns withdrew his
97 application to amend the General Plan. This was done because the General Plan was being reviewed and re-finalized.



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98 He was told if his petition was denied, there would be a waiting period to re-apply. So, he decided to withdraw his
99 petition since the General Plan was currently under review.
100
101 The General Plan was approved and updated in March 2024. The Future Land Use map in the General Plan was
102 updated, and the future zoning for this property was R ½. Due to this change, Lync Construction no longer needed
103 to apply for a petition to amend the General Plan. A rezone was still required. While the General Plan had been
104 approved, the current zoning and future land use maps within the General Plan were not updated.
105
106 On April 1, 2024, Lync Construction reached out to Madison Brown, City Planner, to inquire about the status of the
107 rezoning application. Madison referred to the incorrect Current Zoning map within the General Plan and mistakenly
108 told Lync Construction they would no longer need to apply for the rezoning.
109
110 On April 25, 2024, Lync Construction presented SLUA with a concept plan for their subdivision application. The
111 rezone was also discussed, and it was misinterpreted again that the current zoning was R ½ instead of A5. SLUA
112 discussed some items that needed to be addressed, such as water, sewer, and stormwater issues. SLUA did not take
113 any action on this item and Lync Construction was asked to bring back a revised plan.
114
115 Lync Construction met with Jeremy Kimpton, City Manager, and Madison on May 21, 2024. Madison explained the
116 mistake with the Current Zoning map and that Lync Construction still needed to submit a rezoning application and
117 that it would be addressed during the next Planning Commission meeting. The Future Land Use and Current Zoning
118 maps have been corrected and updated in the General Plan.
119
120 Lync Construction presented their revisions to the concept plan. Discussion regarding an interlocal agreement with
121 Perry took place. Madison and Jeremy decided to meet with Bob Barnhill, Perry City Planner, to discuss this option.
122
123 As of May 31, Lync Construction's Subdivision application has not been recommended to the Planning Commission.
124 The rezone request has been recommended because this rezone adheres to the Willard City General Plan.
125
126 Councilmember Hulsey verified that the city maps had been corrected. Ms. Brown said they had. The Future
127 Land Use Map now showed the property in question with a future land use designation of R-1/2. The Zoning
128 Map showed that the current zone was A-5.
129
130 Pat Burns, Lync Construction, did not have any comments.
131
132 Chairman Bodily opened the floor for public comments.
133
134 Roline Hinrichsen, 3580 South 1200 West/Perry Street, asked for an explanation of the incorrect maps. Ms.
135 Brown said the maps were created for the new General Plan in March, the use designation were backward.
136 The zoning map identified the property in question with an R-1/2 Zone; the Future Land Use Map identified
137 it as Agriculture with three to five acre lots. The maps now correctly identified the Lync property with a
138 current zone of A-5 (agriculture with a minimum lot size of five acres) and a future land use designation of
139 R-1/2.
140
141 Councilmember Hulsey said Willard would not automatically rezone the Lync property, but their request did
142 comply with the future land use plan of Willard City.
143



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144 Mr. Hinrichsen said it sounded like Willard had already decided to rezone the property, which he felt was
145 very sad. He quoted from the General Plan, *"Willard City has a rich rural, agricultural history. The citizens*
146 *have worked to maintain the rural and small-town qualities of the City. Residents desire to continue to*
147 *recognize the heritage of areas where rural pursuits, agricultural activities, and the grazing of*
148 *animals are allowed and protected. Maintaining the small-town and rural ambience will not be*
149 *easy as the City faces constant growth pressures from the north and south. City officials and*
150 *residents must remain committed to protecting the small-town qualities of their City and*
151 *protecting the City's agricultural heritage. This Plan provides various policy statements to guide*
152 *future land use and community decisions applicable to the City's Agricultural Heritage Areas.*
153 *The Agriculture District (Future Land Use Map) provides areas of the City determined*
154 *appropriate to provide opportunities for low density residential development patterns (minimum*
155 *lot size 3 – 5 acres) and the protection of viable agricultural soils. The Agriculture area promotes*
156 *agriculture, as determined by the landowner, based on the area used for viable agriculture and*
157 *the opportunity to qualify such areas under farmland, or green-belt, property..."*

158
159 Mr. Hinrichsen felt one dwelling unit for every three to five acres would keep Willard rural. That was Willard's
160 plan. That was what Willard wanted, and that was what he wanted. He planned to keep farming his property,
161 so did Chad Braegger. Lync Construction was proposing to put a subdivision right down the middle of them
162 and around the pond, which would flood. It had been dry for several years, now it was getting wet again.
163 The ground cyclically changed from dry to wet. Willard had very little agricultural land left. He and Chad
164 Braegger were trying to maintain their agricultural ground. Now the city was taking a swath out of the middle.
165 He felt the city was going against its own plan. He realized the plan was a living document and that things
166 could change. It seemed Willard was quickly developing everything. Willard's small-town ambience was
167 quickly going away.
168

169 Mr. Hinrichsen said the General Plan also talked about staying within the limits of the city's resources. With
170 all the subdivisions going in, he questioned those resources. Utah was known for limited water. Sewer rates
171 were increasing. He felt the city was hitting everything really, really hard. Developments like this led to
172 higher taxes. Developments cost more money than they brought in. He felt developers would say whatever
173 they needed to get approval. Developers always won, and he did not understand why because it would cost
174 the city and residents money in the long run. How could the city put faith in what a developer said? What
175 value would this development have for Willard? It would make Willard a busier place and take away even
176 more of the small-town charm. It would tax the city resources even more. This was the edge of town; a
177 place that should remain agricultural. He urged the Planning Commission to consider the long-term impact
178 of its decisions to preserve the agriculture and small-town qualities that made Willard City unique. If the
179 Planning Commission made the decision to go forward, it could not go back. It was a one-way street. If the
180 Planning Commission said yes, it was a done deal.
181

182 Jeannine Jensen, 1155 West 3600 South, Perry, asked if the R-1/2 Zone would require septic tanks.
183 Commissioner Bingham said any development would have to connect to the city's sewer system. Ms.
184 Jensen said the groundwater could be an issue in wet years. She felt the proximity to the slough and septic
185 tanks would be an issue. She felt the city's main concern should be making sure the infrastructure was in
186 place. Previous projects in the area had not installed all the infrastructure. Partial infrastructure would
187 restrict future development. She wanted to make sure there was infrastructure to handle the additional
188 capacity.
189

190 There were no further public comments.
191



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192 **Commissioner Bingham moved to close the public hearing at 7:09 p.m. Commissioner Beebe**
193 **seconded the motion. All voted “aye.” The motion passed unanimously.**

194
195 5C. CONSIDERATION AND RECOMMENDATION TO THE CITY COUNCIL REGARDING A
196 PETITION FROM LYNC CONSTRUCTION TO REZONE APPROXIMATELY 32.77 ACRES
197 LOCATED AT APPROXIMATELY 3710 SOUTH 1200 WEST/PERRY STREET FROM A-3 AND A-
198 5 TO R-1/2 (PARCEL NOS. 02-035-0061, 02-035-0063, AND 02-035-0079)

199
200 Time Stamp: 23:46 – 06/06/2024

201
202 Chairman Bodily did not feel the requested zone matched adjacent uses. Land to the north was in Perry.
203 The use to the west was agriculture, not houses. However, The rezone request did comply with the new
204 Future Land Use Map. All that was being considered tonight was the zone change. The developer would
205 bring in a subdivision later.

206
207 Commissioner Bingham stated that just before the City Council approved the new General Plan and Future
208 Land Use Map, they changed the future land use designation of this area to R-1/2. He felt that change
209 made the decision for the Planning Commission. Half-an-acre was a good-sized lot. He was not sure he
210 would be opposed to the rezone even if the Council had not changed the Future Land Use Map. If a farmer
211 had wanted to farm the land, he would have purchased it.

212
213 Commissioner Bingham said he recently attended a planning meeting hosted by BRAG (Bear River
214 Association of Governments) and the state. The state legislature was pushing development and lower
215 density. If cities acted against their general plans, it gave the state legislature grounds to take away the
216 rights of cities to control what was going on.

217
218 Commissioner Beebe wished it wasn't that way. This would bring in more houses.

219
220 Commissioner Braegger wanted to be selfish and keep this area the way it was. It was a little slice of
221 heaven. The City Council had changed the Future Land Use Map. He understood the position of the
222 property owner. As much as he hated to see the land develop, there was going to be growth. No one liked
223 to see it in their backyard.

224
225 Commissioner Beebe did not like the R-1/2 Zone, but she was not sure there was much the Planning
226 Commission could do.

227
228 Chairman Bodily stated that past rezone requests had been denied. This request complied with the Future
229 Land Use Map. The developer would have to address the wetlands and infrastructure problems. He wanted
230 this land to stay farmland, but there had to be someone who wanted to farm it. Willard didn't have farmers
231 anymore.

232
233 **Commissioner Bingham moved to recommend that the City Council approve a petition from Lync**
234 **Construction to rezone approximately 32.77 acres located at approximately 3710 South 1200 West/**
235 **Perry Street from A-3 and A-5 to R-1/2 (Parcel Nos/ 02-035-0061, 02-035-0063, and 02-035-0079). The**
236 **motion died for lack of a second.**

237
238 Discussion continued at Time Stamp 36:01 after Item 5D.



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240 Council member Hulsey felt the Planning Commission's motion was out of order. If a motion died for lack
241 of second, she felt the Planning Commission either had to table the item or make a new motion. According
242 to the law, she did not feel the Planning Commission could let it die.

243
244 There was a brief discussion.
245

246 **Commissioner Bingham moved to recommend that the City Council approve a petition from Lync**
247 **Construction to rezone approximately 32.77 acres located at approximately 3710 South 1200 West/**
248 **Perry Street from A-3 and A-5 to R-1/2 (Parcel Nos/ 02-035-0061, 02-035-0063, and 02-035-0079).**
249 **Commissioner Braegger seconded the motion. Commissioners Bingham and Braegger voted "aye."**
250 **Commissioner Beebe voted "nay." The motion carried.**

251
252 Michelle Drago stated that this rezone would be forwarded to the City Council on June 27th.
253

254 5D. REVIEW OF A CONDITIONAL USE PERMIT ISSUED TO PEGGY JO PERRY FOR A FRUIT
255 STAND LOCATED AT 370 NORTH MAIN (PARCEL NO. 02-046-0079) ISSUED NOVEMBER 18,
256 2005 (CONTINUED FROM MAY 2, 2024)

257
258 Time Stamp: 32:48 -06/06/2024

259
260 Madison Brown stated that the Planning Commission discussed this conditional use permit on May 2nd. In
261 2005, a conditional use permit was issued to Peggy Jo Perry whose family member wanted to use the fruit
262 stand as a cabinet shop. Ms. Brown spoke with the current property owner Thayne Tagge. He had not used
263 the fruit stand as a cabinet shop since he owned the property. Conditional use permits expired after one
264 year if the use was discontinued. It had been well over a year since the cabinet shop was used.

265
266 Chairman Bodily asked about the current use of the fruit stand. Ms. Brown said Thayne Tagge was using
267 it for storage. If needed, he would open the fruit stand again, which was its original and intended use.

268
269 Michelle Drago stated that a fruit stand was a permitted use.

270
271 Chairman Bodily agreed the conditional use had ended. If Mr. Tagge wanted to do something else, he
272 would have to seek the city's approval.

273
274 Ms. Brown stated that the conditional use permit for the cabinet shop would be changed from active to
275 expired.

276
277 5E. DISCUSSION REGARDING AMENDING CHAPTER 12-105 OF THE WILLARD CITY ZONING
278 ORDINANCE TO ALLOW SHORT-TERM RENTALS IN RESIDENTIAL ZONES (CONTINUED
279 FROM APRIL 4 AND APRIL 18, 2024)

280
281 Time Stamp: 39:28 – 06/06/2024

282
283 Madison Brown stated that the Planning Commission had received the latest draft of the ordinance from
284 the City Attorney. In 12-102-24-6 (7), Mr. Mund referenced Willard's noise regulations found in Chapter 10-
285 08-010, which did not have any set hours. At the last meeting, the Planning Commission discussed adding
286 quiet hours to the short-term rental ordinance. The city attorney said the Planning Commission could add



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287 quiet hours to the short-term rental ordinance. However, those quiet hours could only be enforced on short-
288 term rental properties. He recommended that quiet hours be added to the noise ordinance.

289
290 Commissioner Braegger asked if there had to be quiet hours. If there were not quiet hours, noise violations
291 could be addressed at any time. He felt the lack of quiet hours would be to the city's advantage. Another
292 option was to assign quiet hours when the short-term rental applied for a conditional use permit.
293

294 Madison Brown said quiet hours could also be added to a short-term rental's business license. If the
295 Planning Commission wanted quiet hours in the noise ordinance, it would have to be amended.
296

297 Commissioner Bingham said that even if the short-term rental ordinance had quiet hours, it would still have
298 to comply with Willard's noise ordinance. So, technically, the police could respond to a noise complaint at
299 any time of the day. He suggested that the short-term rental ordinance be left as written. If the Planning
300 Commission wanted to set quiet hours, it could amend the noise ordinance.
301

302 Commissioner Braegger felt there needed to be enforcement teeth in the noise ordinance.
303

304 Commissioner Bingham felt comfortable approving the ordinance as it was written. He suggested that the
305 Planning Commission hold the required public hearing then it could address the quiet hours with the city
306 attorney.
307

308 **Commissioner Bingham moved to set a public hearing for June 20, 2024, at 6:30 p.m. to receive**
309 **public input regarding a proposal to amend Chapter 12-105 of the Willard City Zoning Ordinance to**
310 **allow short-term rentals in residential zones. Commissioner Braegger seconded the motion. All**
311 **voted "aye." The motion passed unanimously.**
312

313 5F. DISCUSSION REGARDING AMENDING CHAPTER 12-111-3 AND 12-112-3 OF THE WILLARD
314 CITY ZONING ORDINANCES – TABLES OF USES
315

316 Time Stamp: 48:57 – 06/06/2024
317

318 Madison Brown stated that Chapter 12-111-3 was the Table of Uses for multi-use, agriculture, and
319 residential zones. Chapter 12-112-3 was the Table of Uses for commercial and manufacturing zones. The
320 city attorney wanted the Planning Commission to review and discuss whether uses should be permitted or
321 conditional. The city attorney also felt conditional uses should be used sparingly. He felt a use should be
322 permitted or not. Ms. Brown suggested that the Planning Commission look for uses that needed to be
323 added.
324

325 Commissioner Braegger felt the Planning Commission needed the input of those members who were not
326 in attendance.
327

328 Commissioner Bingham felt it was hard to determine whether uses in a Commercial Neighborhood Zone
329 should be permitted or not because it depended on the neighborhood.
330

331 Ms. Brown asked Michelle Drago to explain how Perry City revised its Table of Uses several years ago,
332 which she did. Perry City's attorney recommended that uses be permitted or not. If conditions were needed
333 for a use, they were written into the ordinance.
334



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335 Commissioner Bingham asked about a use that was not listed in the Table of Uses. Michelle Drago
336 understood that a use was not allowed if it was not listed. She felt the Zoning Ordinance needed to clarify
337 that issue.

338
339 Madison Brown said she would send an explanatory email to the members not in attendance. She
340 suggested that everyone review the lists and be prepared to discuss them at the next meeting.
341

342 6. CONSIDERATION AND APPROVAL OF THE MAY 2 AND MAY 16, 2024, REGULAR PLANNING
343 COMMISSIONER MINUTES
344

345 **Commissioner Braegger moved to approve the May 2 and May 16, 2024, minutes as written.**
346 **Commissioner Beebe seconded the motion. All voted "aye." The motion passed unanimously.**
347

348 7. COMMISSIONER/STAFF COMMENTS
349

350 Time Stamp: 55:46 – 06/06/2024
351

352 Commissioner Braegger
353

354 Commissioner Braegger asked how many members of the Planning Commission were needed to approve
355 an action. Was it a majority of the entire Planning Commission, or was it a majority of those in attendance?
356

357 After discussion, Madison Brown said she would have an answer at the next meeting.
358

359 Commissioner Beebe
360

361 Did not have any comments.
362

363 Chairman Bodily
364

365 Chairman Bodily asked what was being built at 1215 North Main. Madison Brown said the owner was
366 building a shop west of his home. She would check on a building permit.
367

368 Commissioner Bingham
369

370 Did not have any comments.
371

372 Madison Brown
373

374 Madison Brown updated the Planning Commission on the city's summer road projects. The chip and seal
375 was done. The next project was on 200 South.
376

377 Commissioner Braegger felt the potholes around the city needed to be filled. He also felt contractors needed
378 to follow standards for flaggers.
379

380 Madison Brown stated that Connex was installing fiber optics in Willard.
381



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382 Madison Brown stated that Diana Baker had resigned from the Planning Commission. She asked the
383 Planning Commission members to let her know of anyone who would be interested in serving on the
384 Commission.

385

386 8. ADJOURN

387

388 **Commissioner Bingham moved to adjourn at 7:51 p.m. Commissioner Braegger seconded the**
389 **motion. All voted in favor. The motion passed unanimously.**

390

391

392 Minutes were read individually and approved on: _____

393

394

395

396

397 Planning Commission, Chairman
398 Sid Bodily

399

400 dc:PC 06-06-2024

Planning Commission Secretary
Michelle Drago