



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

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

The following members were in attendance:

Madison Brown, City Planner
Colt Mund, City Attorney
Sid Bodily, Planning Commission Chair
Theron Fielding, Police Chief
Van Mund, Fire Chief
Payden Vine, Public Works Director
Michelle Drago Deputy City Recorder

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

Others in attendance: Seth Nielson

1. CALL TO ORDER

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

**2A. 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 (02-050-0048)**

Time Stamp – 0:56 05/23/2024

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

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

Van Mund, Fire Chief, verified the amount of pesticides that would be stored. Mr. Nielson said he would 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.

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

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



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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.

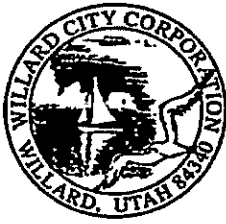
Chief Mund asked if the pesticides were liquid or powder. Seth Nielson said they were mostly concentrate liquid.

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.



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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.



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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:

10/17/24

Madison Brown
Madison Brown, City Planner

Michelle Drago
Michelle Drago, Deputy City Recorder

dc:CUP 05-23-2024