



Notice is hereby given that the
WILLARD CITY PLANNING COMMISSION
Will meet in a regular session on
Thursday, November 3, 2022 – 6:30 p.m.
Willard City Hall, 80 West 50 South
Willard, Utah, 84340

AGENDA

The meeting will be hold 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. Roll Call
4. General Public Comment (Input for items not on the agenda. Individuals have three minutes for open comments)
5. Report from City Council
6. Discussion/Action Items
 - a. Discussion regarding amending Chapter 12-105 Conditional Use by adopting a checklist and review procedures
 - b. Training
7. Consideration and approval of the September 1 and September 15, 2022, regular Planning Commission minutes
8. Commissioner/Staff Comments
9. 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/pmnn/index.html>, on the Willard City website www.willardcity.com, and sent to the Box Elder News Journal this 1st day of November, 2022.

/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.

WILLARD CITY ZONING ORDINANCE

CHAPTER 12-105. CONDITIONAL USE

PART 12-105-1. Purpose of Conditional Use Provisions

Certain uses which may be harmonious under special conditions and in specific locations within a district, but be improper under general conditions and in other locations, are classed as conditional uses within the various districts and require conditional use permits for approval.

12-105-2. Permit Required.

A conditional use permit shall be required for all uses listed as conditional uses in the district regulations or elsewhere in this Ordinance. A conditional use permit may be revoked upon failure to comply with conditions precedent to the original approval of the certificate.

12-105-3. Application.

A conditional use permit application shall be made to the Planning Commission as provided in this Ordinance. The Planning Commission may authorize the zoning administrator to grant or deny conditional use permits, subject to such limitations or qualifications as are deemed necessary.

Applications for a conditional use permit shall be accompanied by maps, drawings, statements, or other documents as required by the Planning Commission.

12-105-4. Fees.

The application for any conditional use

permit shall be accompanied by the appropriate fee as determined by the Governing Body.

12-105-5. Public Hearing.

No public hearing need be held. However, a hearing may be held if the zoning administrator or planning commission shall deem a hearing to be necessary and in the public interest. Where such public hearing is required, the applicant shall notify by mail all property owners within 500 feet from the location where the proposed conditional use is to be conducted, inform them of the nature of the intended use, the date, time and place of the public hearing, name and address of the applicant and location of the intended use. A complete list of names and addresses of all affected property owners shall be forwarded to the City and where such list is inaccurate or incomplete the conditional use may be denied or revoked.

12-105-6. Determination.

The Planning Commission, or upon authorization the Zoning Administrator, may permit a conditional use to be located within any district in which the particular conditional use is permitted by the use regulations of this Ordinance. In authorizing any conditional use the Planning Commission shall impose such requirements and conditions as are necessary for the protection of adjacent properties and public welfare. The Planning Commission shall not authorize a conditional use permit unless

WILLARD CITY ZONING ORDINANCE

the evidence presented is such as to establish:

- (1) That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity, and,
- (2) That the proposed use will comply with regulations and conditions specified in this Ordinance for such use.
- (3) The Planning Commission shall itemize, describe, or justify the conditions imposed on the use.

12-105-7. Appeals of Decision.

Any person shall have the right to appeal the decision of the zoning administrator to the planning commission. Appeals from the decision of the planning commission shall be to the governing body.

12-105-8. Inspection.

Following the issuance of a conditional use permit by the zoning administrator or the planning commission, the zoning administrator shall approve an application for a building permit, and shall insure that development is undertaken and completed in compliance with said conditional use and building permit.

12-105-9. Time Limit.

- (1) A conditional use permit for temporary uses may be issued for a maximum period of

six months, with renewals at the discretion of the planning commission for not more than three successive periods thereafter.

- (2) Unless there is substantial action under a conditional use permit within a maximum period of one year of its issuance, the said permit shall expire. The planning commission may grant a maximum extension for six months, when deemed in the public interest.



WILLARD CITY CORPORATION

80 West 50 South, P.O. Box 593

Willard, UT 84340

Phone: 435-734-9881

Fax: 435-723-6164

CONDITIONAL USE PERMIT APPLICATION FORM

Owner(s) of Record: _____

Mailing Address: _____

Phone: _____ Email Address: _____

Authorized Representative to Whom All Correspondence should be sent:

Name: _____

Mailing Address: _____

Phone: _____ Email Address: _____

Project Information:

Address: _____ Parcel Number: _____

Subdivision Name: _____

Section: _____ Township: _____ Range: _____

OWNER(S) ACKNOWLEDGEMENT: All application fees must be paid at time of application submittal. No application will be processed until all application fees are paid. Notification and publication fees for required public hearing (cost of individual notices mailed to property owners – current postage rate plus cost of envelope – and cost of legal notice in local newspaper) and engineering review fees will be billed to applicant. Notification fees must be paid within 10 days of billing.

PLEASE NOTE REGARDING FEES: the payment of fees and/or the acceptance of such fees by City staff does not constitute any sort of approval, vesting, or signify that the application is complete or appropriate in any manner. The collection of fees is simply a requirement to begin the review process that will ultimately make such determinations.

I hereby declare under penalty of perjury that this application form and all information submitted as part of this application form is true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application form be incorrect or untrue, I understand that Willard City may rescind any approval or sufficiency determination, or take other appropriate action.

Owner(s) Signature: _____ Date: _____

CHECKLIST AND REVIEW PROCEDURE FOR CONDITIONAL USE PERMIT (Section 12-105)

Conditional uses are those uses which are permitted in a particular zone district upon showing that such use at a specific site within that zone district will comply with all conditions and standards specified in the Code for ensuring compatibility with surrounding land uses. If no action is taken to establish the use within one year from its issuance, the permit shall expire.

Criteria for Approval

- A. The proposed use shall be appropriate in the particular location, taking into account the nature of the use, its relationship to surrounding land uses, and its impact on the natural environment.
- B. The proposed use shall be in general compliance with the General Plan and all applicable code requirements.
- C. The proposed use will not be a violation of any City, State, and Federal laws.
- D. The applicant shall present evidence to show approval of the landowner for the particular use, unless the land is owned by the applicant, and, in such case, the applicant shall submit proof of ownership.
- E. The applicant shall demonstrate that he/she possesses the requisite skills and experience to ensure that the particular use will be conducted in a safe and orderly manner.
- F. The use will not adversely affect in a significant manner the public health, safety, and welfare.
- G. The length and size of the proposed structure must be compatible with the residential uses in the area and must also meet the setback requirements for the zone in which it is located.

Submission Requirements

- A. Completed Application form
- B. A complete name/address list of all adjacent property owners within 500 feet of the project parcel. (Incomplete or inaccurate list shall be grounds for revocation).
- C. **Application fee of \$25.** Required legal notification costs and engineering review costs will be billed to application.
- D. 4 hard copies and 1 digital copy of a detailed site plan (2 copies on 11"x17" paper and 2 on 24"x36" paper) that includes at a minimum:
 - 1. Vicinity map and north arrow
 - 2. Scale
 - 3. Property lines
 - 4. The location and arrangement of all proposed uses, including the building area
 - 5. The height and number of floors of all buildings, other than single family dwellings, both above and below, or partially below, the finished grade
 - 6. A cross section elevations plat depicting all buildings, structures, monuments, and other significant natural and man-made features of the proposed development
 - 7. Setbacks from the property lines for all structures
 - 8. The traffic and pedestrian circulation system, including the location and width of all roads, driveways, entrances to parking areas, trails, and pedestrian pathways
 - 9. Dimensions and locations of off street parking and loading areas and structures and landscaping for parking areas
 - 10. Architectural elevations and features of typical proposed structures, including lighting fixtures, signs, fencing, and landscaping.

11. When the development is to be constructed in stages or units, a final sequence of development schedule showing the order of construction for each age or unit.
12. A final statement in tabular form which sets forth the following data, when such data is applicable to a given development plan:
 - a. The area of the parcel, including total acreage of roads or other easements;
 - b. Total number of dwelling units, by development phase, or total amount of square footage for non-residential uses;
 - c. Residential and/or non-residential density and units per acre;
 - d. Total floor area and floor area ratio for each type of use;
 - e. Total area in open space and trails;
 - f. Total area in development recreation open space;
 - g. Total number of off-road parking and loading spaces.
13. 4 hard copies and one digital copy of building structure elevations (2 copies on 11"x17" and 2 copies on 24"x36") drawn to scale (if applicable)
14. Storm Water Pollution Prevention and Erosion Control Plan (SWPPP), per Willard City's Development Standards, Engineering requirements, and Supplemental specifications for Public Works Projects (if applicable).
15. Electronic copies (in PDF format) of the site plans and building detail plans and/or other details as required.
16. Additional information may be required (See attachment as appropriate)
_____ Yes _____ No (Staff determination)

Review Procedure

- A. The Planner will review the application and make preliminary findings as to whether the application complies with the "Criteria for Approval" of a Conditional Use Permit.
- B. The request will be sent to applicable service providers for their review and comment. When their comments are received, the Planner will contact the applicant to discuss the service provider recommendations.
- C. The Planner will schedule a public hearing before the Planning Commission, which includes noticing all property owners located within 1,000 feet of the subject parcel.
- D. After conducting a public hearing, the Planning Commission will approve, approve with conditions, or deny the Conditional Use Permit. The Planning Commission may impose conditions or requirements in addition to those prescribed in the Development Code in order to ensure that the proposed use is compatible with other uses permitted in the applicable zoning district and to mitigate or eliminate the adverse impacts of the proposed use.
- E. The applicant will receive a final decision letter from the Planner indicating the action taken by the Planning Commission.

RECEIVED BY: _____ DATE: _____



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, September 15, 2022 – 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	Chris Davis, City Manager
8	Diana Baker	Colt Mund, City Attorney
9	Chandler Bingham	Bryce Wheelwright, City Planner
10	Alex Dubovik	Michelle Drago, Deputy City Recorder
11	Zack Hulse	

12
13 Excused: Blake Harrop

14
15 Others in attendance: Council Member John Seamons, Police Chief Theron Fielding, Delaney Sillman,
16 Chad Braegger, Norma Conkel, Ken Ormond, Ruth Ormond, Doug Younger, and Mary Younger.

17
18 The meeting was called to order at 6:33 p.m.

- 19
20 1. PRAYER: Sid Bodily
- 21
22 2. PLEDGE OF ALLEGIANCE: Diana Baker
- 23
24 3. ROLL CALL: Attendance was recorded by the secretary.
- 25
26 4. GENERAL PUBLIC COMMENTS

27
28 There weren't any public comments.

- 29
30 5. CITY COUNCIL REPORT

31
32 Time Stamp 01:47 9/15/22

33
34 Council Member John Seamons reported that during the September 8th City Council meeting, the Council
35 discussed turkey management; adopted a 1% transit room tax; increased annual dog tags from \$5 to \$10,
36 with a senior citizen discount; approved the Development and Waterline agreements for the Willard Land
37 annexation; discussed a wage study for the Police Department; and discussed emergency preparedness
38 work. He invited Planning Commission members to attend the Day of Service on Saturday, September 17th,
39 at 9:00 a.m. at the Nature Park. He and Bryce Wheelwright planned to conduct a walkability survey at the
40 same time.

41
42 Chris Davis stated that the City had hired a lobbyist by the name of Lincoln Shurtz to help with the City's
43 application for ARPA grant funds, which would open on September 20th. The City hoped to receive \$1
44 million to run a water pipeline from the well on the north side of the canyon, where Granite Construction
45 was talking about granting the City a site for a tank and holding pond to 750 North.

46
47 Council Member Seamons reported on the City's secondary water efforts. Three different entities were
48 needed to apply for a secondary water grant. The City was having a hard time getting a third party involved.
49



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, September 15, 2022 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

6A. PRESENTATION BY DR. BRUCE PARKER REGARDING FUTURE LAND USE MAP AND PORTIONS OF THE GENERAL PLAN

Time Stamp 8:02 9/15/22

Delaney Sillman, Professional and Development Services, stated that she was filling in for Dr. Bruce Parker. They had been working on the City's Future Land Use Map for the past few months, and she in attendance to discuss the most current version. The land use districts they had set aside were Residential (1-3 acre lot); Residential (1/2 acre lot); Agriculture (3-5 acre lot); Commercial; Old Downtown District; Transit Oriented Development; Planned Unit Development; Environmentally Sensitive Area; and Industrial. The latest version included the Old Downtown District and the Environmentally Sensitive land areas. The map was based on feedback received from community members in the General Plan survey and open houses, the City Council, and the Planning Commission. She asked if the Planning Commission had any questions about the latest version of the map.

Commissioner Hulsey asked if the commercial area shown on Highway 89 was necessary to generate enough revenue and funding to provide for the rest of the community. Ms. Sillman felt the proposed commercial area was consistent with existing land uses and what people were interested in seeing there. She would present that question to Dr. Parker.

Commissioner Bingham felt the proposed Commercial district was based on the existing mix of commercial and residential found on Highway 89. Commissioner Hulsey realized there had been a lot of feedback indicating that was the City's commercial area. He wanted to know if PDS's studies had shown that Highway 89 had to be commercial for everything else to work. Ms. Sillman did not feel that had been part of their findings. She felt the proposed district was based on feedback and existing uses.

Delaney Sillman said items on the Future Land Use map were based on land ownership, recognition, and respect for private property rights; existing land uses and the community's needs for housing; non-residential land uses, including commercial and industrial activities; parks and open space; governmental facilities and services, and other land uses; existing zoning patterns and consistencies between regulations and the community's vision; regional development plans and pressures, and changing land use preferences; and the realities of direct and indirect connections between land uses and transportation needs.

Ms. Sillman explained that the following text relating to the future land use areas would be incorporated into the plan, or already had been pending approval. It was a breakdown of the existing land use districts. The descriptions and locations were based on existing zones and land use and/or expected future changes.

Residential – 1 dwelling unit per .5 – 1-3 acre, recognizing existing pattern.

Agriculture – 1 dwelling unit per 3 or 5 acres, lower density for farmland assessment areas

Commercial – along Highway 89 and 750 North – includes light industrial, professional offices, common retail and commercial users

Old Town District – 100 North to 200 South and east/west

Transit Oriented Development – 750 North at the future Front Runner Station – residential and non-residential uses

Planned Unit Development – these are areas where the land is already zoned for PUD, no new areas designated

Environmentally Sensitive Areas – 1 dwelling unit per 100 acres

Industrial – light industrial complying with City standards



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, September 15, 2022 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

Commissioner Hulsey asked how future schools would be identified. Would they go under residential? Ms. Sillman felt schools would go somewhere in the residential areas.

Chairman Bodily asked if the zoning designations applied to the future. Commissioner Hulsey felt the Future Land Use Map would guide the Planning Commission when zoning changes were submitted. The Planning Commission could reference the map and decide if the zoning change should be approved or not.

Chairman Bodily felt the agriculture area would be the most difficult to deal with.

Delaney Sillman explained that the General Plan included a layout of implementation tables. If someone requested a zoning change that was inconsistent with the Future Land Use Map, there was a process identified for amending the map.

Chairman Bodily asked what obligation the City would have if it received an application for a zoning change that did not comply with the Future Land Use Map. Commissioner Hulsey said the Planning Commission would to contemplate their request.

Commissioner Dubovik felt it would be helpful to be able to click on a zoning designation and see all of the reasons why PDS (Professional and Development Services) felt that was the best use for that area. Was their reason transportation, environment, or future growth? He wanted to have access to the PDS thought process and the pro's and cons of the zone. Ms. Sillman said the zoning descriptions in the General Plan would include justification components. More justification detail could be added if that was what the Planning Commission was seeking.

Delaney Sillman stated that the General Plan would be integrated into the map with a Community Vision list that would capture the land use actions. The Community Vision list had been put together using public input from the outreach phase and some of their own projections. The Community Vision statements were grounded in several public policies:

- Strengthen the City's small-town sense of place and charm
- Protect the City's naturally occurring lands, features, and amenities
- Work cooperatively with property owners, and with innovation, to protect and preserve agricultural and sensitive areas
- Promote efficiencies in water use and protect local water sources
- Expand commercial opportunities and the ability for residents to meet their daily living needs within the community
- Strengthen, protect, and promote Willard's historic town core
- Ensure sustainable, fiscally responsible growth

In Chapter 2 of the General Plan, the Community Vision statements were broken out into an Action Table. The table broke down the vision statements into goals and objectives, which would help track how they could be accomplished and who was responsible

Commissioner Bingham said that he had been looking at the Future Land Use Map and the attached goals and objectives. One goal was to celebrate the community's agricultural heritage and locally produced food and products. All of the City's agricultural land was west of Highway 89, and all of the fruit trees, which is what Willard was famous for, was to the east. He felt there was a little bit of a disconnect.

Delaney Sillman asked if the Planning Commission had noticed any other inconsistencies.



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, September 15, 2022 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

Commissioner Dubovik asked if land uses on the Future Land Use Map were consistent with land uses in Perry. Ms. Sillman stated that she had not actually looked at Perry City's zoning code, but based on GIS analysis, the uses were consistent.

There was a discussion with Chad Braegger regarding the agricultural area. Chad Braegger said the property owner behind him wanted to annex into Perry because he could have half-acre lots. Willard's Agricultural Zone had a minimum lot size of three acres. He felt it would be difficult to force someone to have a three-acre lot when there were half-acre lots behind him. Willard City did not have any utilities in the area. He had Perry water, sewer, and storm sewer. Perry's utility offer was very appealing.

Commissioner Dubovik asked how much control municipalities had over their own destinies. How solid was the General Plan? Could federal and state governments overrule it? Commissioner Hulseley felt it would be easier to defend something that had been approved versus something that hadn't.

Delaney Sillman stated that they provided guidance about how to deal with inconsistencies between the Zoning Ordinance and the General Plan. If the General Plan wasn't used to make decisions regarding zoning changes, the City would run into problems.

Commissioner Baker asked about the environmentally sensitive area by Willard Bay. Did PDS know how far east it extended from the Interstate? Ms. Sillman thought it ran along the property line.

Chad Braegger asked how the City went from an Agricultural Zone with 3 to 5 acres lots to a PUD Zone right in the middle of it. Bryce Wheelwright stated that the City's previous PUD Zone could be approved in any zone. Mr. Braegger asked why the City had approved a PUD Zone for property that did not have any utilities. Chairman Bodily said that even if the property was zoned PUD, it could not be developed until it could provide utilities. Mr. Braegger felt the utilities should have been figured out before the zone was approved.

Commissioner Hulseley stated that if the Future Land Use Map wasn't used, the City would end up with similar situations.

Delaney Sillman reviewed the Goal, Objective, and Action Table found the Chapter 2 of the new General Plan. The table incorporated some pretty specific action statements. The table listed the action, its priority, the participants, funding source, how success would be measured, and resources needed. If any decision, action, or City budget expenditure was found to be inconsistent with the General Plan, the City should modify the decision, action, or expenditure to be consistent with the Plan; or make the necessary General Plan amendments required to achieve consistency.

Ms. Sillman said they were still working on the Transportation Element of the General Plan. The Land Use Element was coming together. They hoped to have the draft available for a general view within a month.

Commissioner Dubovik asked if the General Plan would be published in an open meeting. Mr. Mund said it would.

Commissioner Baker felt the draft should be available to review on the City's website.



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, September 15, 2022 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

195 Chad Braegger asked if the transportation element would include a way for pedestrian traffic to move east
196 and west over the highway. Ms. Sillman felt it would be included as a long-term goal in the active
197 transportation plan. The transportation element would also address road conditions.

198
199 Commissioner Dubovik wanted the Planning Commission to have information about why the planning
200 consultants had proposed certain zones; the pros and cons. That information could be used as a reference
201 when the City received a land use proposal that wasn't consistent with the Future Land Use Map.

202
203 Commissioner Hulsey felt the Future Land Use Map could be used as a binding tool if the Planning
204 Commission didn't want to approve a rezone.

205
206 Commissioner Dubovik felt the Future Land Use Map would provide reasoning for decisions.

207
208 Commissioner Baker had always been told that the Future Land Use Map was a guide. It wasn't set in
209 stone.

210
211 Chairman Bodily said the Future Land Use Map could be changed.

212
213 Commissioner Bingham felt the Planning Commission needed to be willing to consider proposals that met
214 the spirit of what the City was trying to accomplish.

215
216 There was discussion about PUD Zoning in the middle of the three-to-five-acre zoning. Commission Hulsey
217 felt that was approved under an older land use map. Commissioner Bingham didn't feel the best solution
218 was found in keeping things black and white. He had served long enough to know that proposals and
219 decisions were never black and white. Commissioner Hulsey felt the City needed to bind itself to the new
220 map and General Plan. If it didn't, what was the point of adopting it in the first place? Commissioner
221 Bingham felt it would be hard to theorize every single avenue.

222
223 Chris Davis was excused at 7:00 p.m.

224
225 Commissioner Bingham stated that two-thirds of the three-to-five-acre area was already developed in half-
226 acre lots.

227
228 Commissioner Hulsey felt the Planning Commission needed to decide now that it was going to stick with
229 the new Future Land Use Map.

230
231 Commissioner Bingham stated that he has served on the Planning Commission long enough to know that
232 someone could come up with something really good that might now fit the new land use map. There needed
233 to be some room for negotiation.

234
235 Commissioner Hulsey felt decisions needed to be based on pro's and con's. Decisions should not be based
236 on emotions.

237
238 Chairman Bodily felt land use proposals would have to be taken on a case-by-case basis as they were
239 submitted.

240
241 Chairman Bodily reminded the Planning Commission and Ms. Sillman that the City wanted to have a
242 Commercial Neighborhood Zone along Highway 89.



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, September 15, 2022 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

Chairman Bodily felt the Planning Commission needed to apply the new General Plan consistently.

7. CONSIDERATION AND APPROVAL OF SEPTEMBER 1, 2022, REGULAR PLANNING COMMISSION MINUTES - TABLED

Commissioner Dubovik moved to table consideration of the September 1, 2022, minutes until the next meeting. Commissioner Hulsey seconded the motion. All voted" aye." The motion passed unanimously.

8. COMMISSIONER/STAFF COMMENTS

Time Stamp: 1:10:55 9/15/22

Bryce Wheelwright

Bryce Wheelwright stated that the Planning Commission had requested a checklist for conditional use permits. Michelle Drago had found the checklist and provided the Planning Commission members with a copy.

Mr. Wheelwright reminded the Commission members about the Day of Service scheduled for Saturday, September 17th at 9:00 a.m. at the Nature Park. Service projects were planned throughout the City. There would also be a walkability survey for future non-motorized transportation, including the HOP Trail and east/west connectors. There had been a lot of discussion the past 12 years with UDOT, BRAG, and the WFRM about how to connect Willard from east to west. Highway 89 was quite a dividing line.

Mr. Wheelwright stated that the Fizz Store was making progress. They were working on engineering issues.

Chairman Bodily

Chairman Bodily asked what was going on at the old post office. Mr. Wheelwright said it was being used as an Airbnb.

Colt Mund

Did not have any comments.

Commissioner Bingham

Commissioner Bingham asked about the sewer conflict with Perry over the Orchards Subdivision. Mr. Wheelwright said it was development at the south end of the county that wanted service from the Perry/Willard Sewer District.

Commissioner Dubovik

Commissioner Dubovik stated that there were a few residents who tore up and down the Canal Road on their dirt bikes traveling well over 60 mph. He and his grand-daughter had been hit by one while they were riding their four wheeler. If they had been walking, it would have been a lot worse. Was there something that could be done before someone was killed? People were disrespecting the privilege of being able to use the Canal Road. Chief Fielding stated it was illegal to ride dirt bikes on City streets. The Canal Road in



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, September 15, 2022 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

Willard was private property. Pine View had been willing to allow the road to be used as long as riders didn't do donuts and tear it up. Pine View would have to sign a trespassing complaint.

Commissioner Hulsev

Commissioner Hulsev stated that when he first started on the Planning Commission, he didn't receive any training or direction. He felt it would be very beneficial for new commissioners to receive training. He felt it would help Planning Commission to function better.

Commissioner Baker

Commissioner Baker asked who owned the top of 3rd North. Would be possible to develop the mouth of the canyon a little better with a parking lot? Bryce Wheelwright stated that the mouth of the canyon was private property. Chairman Bodily felt there was a public right-of-way. Mr. Wheelwright said he had reviewed the County maps. There wasn't a public right-of-way or easement.

9. ADJOURN

Commissioner Bingham moved to adjourn at approximately 7:44 p.m. Commissioner Baker 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 09-15-2022



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, September 1, 2022 – 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	Blake Harrop
11	Zack Hulsey
12	
13	Chris Davis, City Manager
14	Colt Mund, City Attorney
15	Michelle Drago, Deputy City Recorder

16 Excused: Alex Dubovik and Bryce Wheelwright

17 Others in attendance: Mayor Travis Mote, Council Member John Seamons, Council Member Kaleb Kunzler;
18 Police Chief Theron Fielding; and Don Waite.

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

- 20 1. PRAYER: Chandler Bingham
- 21
- 22 2. PLEDGE OF ALLEGIANCE: Diana Baker
- 23
- 24 3. ROLL CALL: Attendance was recorded by the secretary.
- 25
- 26 4. CITY COUNCIL REPORT
- 27

28 Time Stamp 03:42 9/1/22

29
30 Council Member Seamons reported on the August 25th City Council meeting. During the meeting, the City
31 Council discussed wild turkey management; a 1% Transit Room Tax; denied Mr. Mackley's request to
32 connect to the sewer line; reviewed the City Engineer's recommendation to revise the City's Water Rights
33 Ordinance; approved the annexation of the Willard Land property subject to approval of the development
34 and waterline agreements; and discussed and tabled a purchase/lease agreement with Granite
35 Construction.

- 36
- 37 5. GENERAL PUBLIC COMMENTS (INPUT FOR ITEMS NOT ON AGENDA)
- 38

39 There weren't any public comments.

- 40
- 41 6A. PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS REGARDING A PROPOSAL TO AMEND
- 42 THE SUPPLEMENTARY REGULATIONS – CHAPTER 12-102 – OF THE WILLARD CITY
- 43 ZONING ORDINANCE BY ADDING REGULATIONS FOR ACCESSORY DWELLING UNITS
- 44

45 Time Stamp 9:09 9/1/22

46
47 Chairman Bodily read the Willard City Planning Commission Rules of Order statement.
48



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, September 1, 2022 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

49 **Commissioner Bingham moved to open the public hearing at 6:21 p.m. Commissioner Baker**
50 **seconded the motion. All voted “aye.” The motion passed unanimously.**
51

52 Chris Davis, City Manager, stated that the Planning Commission had extensively discussed various
53 iterations of the proposed ADU ordinance. The City Attorney had made the changes recommended by the
54 Planning Commission.
55

56 Colt Mund, City Attorney, stated that the Accessory Dwelling Unit Ordinance had been initiated because
57 the State passed legislation that made interior accessory dwelling units legal in every jurisdiction. The staff
58 originally recommended that the Planning Commission adopt regulations for interior ADU's only. The
59 Planning Commission felt detached ADU's should be addressed as well. There had been a number of
60 revisions to the ordinance. After the Planning Commission received public comments, he felt the ordinance
61 was ready to forward to the City Council.
62

63 Chairman Bodily opened the floor for public comments.
64

65 Don Waite, 1389 North Main, stated that North Ogden had passed an ADU Ordinance while he served on
66 their Planning Commission. He liked accessory dwelling units. They worked very well. He wanted to warn
67 Willard City about a problem North Ogden ran into after it passed the ADU Ordinance. The problem
68 occurred when there was a large parcel with a small house and someone wanted to build a bigger house
69 and turn the small home into the ADU. Most ordinances said an ADU could only be 75% of the size of the
70 original dwelling. He felt the same problem could easily happen in Willard because it had a lot of larger lots
71 with small homes.
72

73 Mayor Travis Mote, 455 South 200 West, wanted to get the Planning Commission's opinion on how to
74 address the emergency use of a trailer or RV for temporary living quarters. The City's ordinance limited that
75 use to seven days. A trailer did not count as an ADU, nor did he want it to. Could someone in those
76 circumstances apply for a temporary conditional use permit?
77

78 Colt Mund stated that the regulations for detached ADU's said it had to be a permanent structure. He did
79 not feel that situation described by Mayor was a conditional use. He recalled the City entering into an
80 agreement for temporary living quarters, which had not worked very well. The City had to go to extreme
81 measures to enforce it. He did not feel there was an exception.
82

83 Mayor Mote asked how the City would respond to a citizen who asked for permission to use a trailer or RV
84 for temporary living quarters. Colt Mund felt it should be an automatic no. Chris Davis said thus far, those
85 types of requests had been told no. The City did not have an enforcement officer, but it had responded to
86 complaints about people living in trailers. Those people had been told to move on.
87

88 Council Member Seamons felt it happened more than people knew. It was a real problem.
89

90 Mayor Mote knew these issues happened. He wondered if there was a way to address them with an
91 ordinance, or did the City ignore them until they became a nuisance problem.
92

93 Colt Mund stated that some of the negatives were setback violations, potential fire hazards, and disposal
94 of waste.
95

96 There was further discussion.
97



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, September 1, 2022 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

Commissioner Hulsey felt it would be beneficial to have regulations in place to address the issue. Commissioner Bingham felt it could be similar to the transient workers at the campground. Commissioner Harrop suggested a short-term, renewable conditional use permit with setback requirements. It could be revoked if there were any complaints. Don Waite felt the best place to address it was the RV Ordinance.

Commissioner Hulsey moved to close the public hearing at 6:58 p.m. Commissioner Bingham seconded the motion. All voted “aye.” The motion passed unanimously.

6B. CONSIDERATION AND RECOMMENDATION TO CITY COUNCIL REGARDING A PROPOSAL TO AMEND THE SUPPLEMENTARY REGULATIONS – CHAPTER 12-102 – OF THE WILLARD CITY ZONING ORDINANCE BY ADDING REGULATIONS FOR ACCESSORY DWELLING UNITS

Time Stamp 29:01 9/1/22

Chairman Bodily stated that the ADU Ordinance said the minimum size was 300 square feet; the maximum was 1,000 square feet. He felt those sizes would address the concern raised by Don Waite.

Commissioner Harrop asked if there was a downside to having someone use a small older home as an ADU and building a larger new home.

Chairman Bodily felt a property owner could use whichever dwelling it wanted as the ADU, as long as it met the size requirements.

Commissioner Hulsey was concerned there could be a loophole that would allow a property owner to get away with a lesser impact fee.

Commissioner Harrop asked if the ADU had to be behind the primary residence or just on the same lot.

Commissioner Hulsey said a detached ADU could not use more than 25% of the rear yard. Did that mean a detached ADU could not be located in a front yard? Colt Mund the ordinance was specific enough to say that a detached ADU had to occupy a rear yard, but the ordinance did not specifically state that an ADU had to be constructed in a rear yard.

Commissioner Hulsey asked if the ordinance should be changed to restrict a detached ADU to 25% of the yard area rather than 25% of the rear yard. Mr. Mund said it was up to the Planning Commission.

Commissioner Harrop said the ordinance already limited the size of a detached ADU. What the purpose for limiting them to 25% of the rear yard? Commissioner Hulsey felt the intent was to make sure that a rear yard was not covered by accessory buildings.

Chairman Bodily felt detached ADU's should be limited to rear yards. Commissioner Hulsey asked about side yards. Commissioner Bingham felt that side yards were technically part of the rear yard.

Commissioner Harrop suggested language to allow ADU's proposed in front yards to be reviewed on a case-by-case basis.

Mayor Mote suggested limiting a detached ADU to 25% of the front or rear yard. The Planning Commission felt that made sense.



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, September 1, 2022 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

There was further discussion.

Commissioner Baker moved to forward the ADU Ordinance to the City Council subject it being revised to limit a detached ADU to 25% of a front yard or rear yard. Commissioner Bingham seconded the motion. All voted “aye.” The motion passed unanimously.

6C. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR JEFF AND BRENDA MOYES FOR A MECHANIC SHOP LOCATED AT APPROXIMATELY 51 NORTH MAIN (PARCEL NO. 02-047-0177)

Time Stamp 38:32 9/1/22

Chris Davis stated that practically and legally, the use of the property was not changing. This was not an item the Planning Commission needed to take action on. It could be handled administratively.

Colt Mund stated that the staff had provided the Planning Commission with additional information and prepared a staff recommendation and updated conditional use permit. The additional information made him feel much more comfortable.

Chairman Bodily said the current conditional use permit limited the property to four cars. He felt that number was too low.

Commissioner Hulsey said the conditional use permit said, *“Four cars in any state of disassembly.”* The Moyes could have some cars in the garage and some on the back lot. At that point, there would be more than four vehicles.

Chris Davis didn't feel Mr. Moyes would object to being allowed more vehicles. Chairman Bodily didn't want to allow any more than what Mr. Moyes needed.

Commissioner Bingham stated that the previous business was limited to four vehicles, because they didn't have any other place to park them.

Commissioner Hulsey was concerned about the limit of four employees. He didn't care how many employees the Moyes had. He did feel the number of employee vehicles should be limited. He suggested that the number of employee vehicles be limited to four.

Chairman Bodily said there had been concern about their sign. He felt any signs should comply with the Sign Ordinance.

Commissioner Harrop moved to approve a conditional use permit for Jeff and Brenda Moyes at 51 North Main subject to the existing conditions; that Item 1 be amended to allow six vehicles; and that Item 4 be amended to read *no more than 4 employee vehicles*. Commissioner Baker seconded the motion. All voted “aye.” The motion passed unanimously.



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, September 1, 2022 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

6D. REVIEW AND RECOMMENDATION REGARDING FUTURE LAND USE MAP AND PORTIONS OF THE GENERAL PLAN

Time Stamp: 44:53 9/1/22

Chris Davis stated that he would try to schedule Dr. Parker for attend the next Planning Commission meeting.

Commissioner Hulsey asked how many residential one to three acre lots were even viable in the area proposed on the Future Land Use Map. The Commission suggested that the definition be changed to one-half to three acres. Commissioner Hulsey didn't feel three acre lots were too applicable.

Commissioner Baker stated that the Willard Land property being annexed into Willard had property along Highway 89. Should the property along Highway 89 be zoned commercial or MPC? The City wanted Dr. Beard's property along 750 North to be commercial. Was the City discriminating against Dr. Beard versus Willard Land? She was concerned that the City wasn't treating property owners equally.

Chris Davis stated that it was Dr. Beard's idea to put commercial along 750 North. The City wanted to see that happen, but it was his idea.

Commissioner Baker asked about the future. There had been discussion about commercial along 200 West north of 750 North. Would those property owners be told they had to provide commercial when the Willard Land owner didn't have to?

Commissioner Bingham stated that the MPC Zone allowed different uses. It was Willard Land's choice not to pursue commercial uses along Highway 89. They could have designed the development differently.

Commissioner Hulsey felt the Future Land Use Map should be a tool. When property owners requested MPC Zones, the Planning Commission could use the FLUM to ask for commercial in certain areas.

Commissioner Bingham said there was a possibility of commercial development along 750 North and Highway 89 because the City had already zoned it residential/commercial. The City wasn't taking that possibility away from any property owner. In an MPC Zone, a property owner had the option for commercial development. The City didn't want to tell a property owner they had to do something.

Commissioner Hulsey disagreed. He felt the City should be telling property owners where it wanted commercial development. If a property owner came in with a proposal that did not include commercial along 750 North or Highway 89, the City should be telling him the City wanted commercial.

Commissioner Bingham felt that would cause property to remain vacant until there were enough houses to justify commercial. The City could allow more houses to speed up the need for commercial. There could be residential in a commercially zoned area.

Commissioner Hulsey asked how the City could pick and choose what properties along 750 North or Highway 89 became commercial. Commissioner Bingham said it wasn't the City's choice because the City didn't own the land. Not every parcel would be commercial because there just wasn't the demand for it. The City wanted to allow the possibility to entice people to bring commercial.



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, September 1, 2022 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

Mayor Mote felt it was a double edged sword. If the City did not preserve property for commercial, it could build out without any commercial because the City didn't make room for it. The City needed to preserve the envisioned land uses.

Commissioner Hulsey felt that if the City didn't want all of Highway 89 to be commercial, it needed to pick and choose commercial properties now so that when property became available the City would already know how to respond.

The Planning Commission felt that the proposed Future Land Use Map needed to be changed to show a mix of commercial and residential along Highway 89.

Commissioner Baker stated that right now the Willard Land property wasn't included in the Future Land Use Map. If that land was annexed, the map needed to be amended.

Commissioner Bingham stated that everyone wanted rural, rural, and rural. If the entire length of Highway 89 in Willard was commercial, it would not be rural.

Commissioner Baker didn't feel there was room for commercial development left in South Willard along Highway 89. She felt the most likely commercial on Highway 89 would be a convenient store on the corner of 750 North. How did the City find balance between the private owner that wanted to preserve the agricultural use of his land versus the owner that wanted to put in several hundred homes?

Commissioner Hulsey felt the City could have approached the annexation the same way it did Dr. Beard. It could have asked the developer to preserve a commercial area along Highway 89. He felt the Future Land Use Map would be a useful tool in those circumstances. The Future Land Use Map could be enforced in the MPC Zone because the zone needed to comply with the City's vision.

Commissioner Bingham said the City didn't want to limit what builders could do. He was against requiring it 100%. He felt it needed to be discussed on a case-by-case basis. He did not feel commercial should be forced on property owners.

There was further discussion.

Commissioner Bingham did not feel the Planning Commission had to resolve every question on the map. A lot of situations would resolve themselves. The City had to leave options open.

7. CONSIDERATION AND APPROVAL OF AUGUST 18, 2022, REGULAR PLANNING COMMISSION MINUTES

Commissioner Hulsey moved to approve the regular Planning Commission minutes of August 18, 2022, as corrected. Commissioner Baker seconded the motion. All voted "aye." The motion passed unanimously.

8. COMMISSIONER/STAFF COMMENTS

Time Stamp: 1:11:12 9/1/22



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, September 1, 2022 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

Chris Davis

Chris Davis said the administration was still working on the HOP Trail. The City Engineer had proposed an updated Water Rights Ordinance, which would be brought before the Planning Commission. The City Engineer had found that the City had a good amount of water rights. The staff was still working on secondary water. Mr. Davis reported that 1050 North and 250 West had been repaved as part of the 2022 Street Maintenance Project. Mayor Mote asked if the streets were rotomilled. Mr. Davis said he would check.

Colt Mund

Did not have any comments.

Commissioner Harrop

Commissioner Harrop stated that a resident had spoken to him about the Palmer Barn conditional use permit. A few of the conditions had not been completed. He asked how the City could enforce the conditions on the permit.

Colt Mund stated that several weeks ago the City sent Morgan Palmer a letter regarding the incomplete items. She responded by contesting the issues that had been raised. He replied by stating that he disagreed with her assessment. The City expected the fence and landscaping to be installed, and that she needed to control the noise. She asked to meet with him, but a date had not been scheduled. Mr. Mund the time period she had been given to install the fence and landscaping had long since come and gone. She was months behind. The City had extended to her the opportunity to complete them within 30 days about three weeks ago. If there wasn't compliance, the Planning Commission would have to review her conditional use permit.

Commissioner Harrop asked when Ms. Palmer's conditional use permit expired. Mr. Mund said conditional use permits did not have annual renewals. The City could review them, and it could enforce provisions. If her conditional use permit was revoked, it would prevent her from operating. Ms. Palmer's conditional use permit was approved in May 2021.

Commissioner Harrop stated that one of the complaints he had received was about noise. The Planning Commission minutes included a statement from her that there would not be loud outside music, and if there was, it would be closed down by 10:00 p.m. He didn't feel the noise was too bad, but one neighbor was adamant about it. This neighbor felt the noise was a nuisance and was asking for enforcement.

Chairman Bodily asked if anyone had tested the noise level. Mr. Mund reminded the Planning Commission that there had been a discussion about a City decibel level when her conditional use permit was considered. The Planning Commission decided that she needed to comply with the Noise Ordinance as written. Chairman Bodily asked if the noise was a nuisance or if someone was complaining just to complain. Commissioner Harrop felt it was a combination of both.

Colt Mund stated that in his correspondence with Ms. Palmer her he invited her to be cognizant of neighbors and to keep the noise down in the parking lot after certain hours.

There was further discussion.

Colt Mund stated that the three issues were the fence, landscaping, and the noise. He felt the noise would be an ongoing issue. The fence and landscaping should have been put in months ago.



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, September 1, 2022 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

Commissioner Baker

Did not have any comments.

Commissioner Hulsey

Commissioner Hulsey asked about the status of a conditional use permit checklist. Mayor Mote said he had not completed it.

Chairman Bodily

Chairman Bodily asked about the status of the high speed internet. Council Member Kunzler stated that he had reached out to Connex. They were doing background work and applying for permits to hang their lines. They were also waiting on delayed parts. They estimated visible action would happen soon.

Chris Davis stated that Beehive Telephone had a contract with Box Elder County, who was using ARPA funds. Beehive Telephone was also proposing to bring upgraded fiber lines through Willard City via aerial and underground in the next few months.

Commissioner Bingham

Commissioner Bingham asked for a copy of the water rights proposal made by the City Engineer to the City Council.

Commissioner Bingham stated that the stop sign at 200 North was not visible due to trees.

9. ADJOURN

Commissioner Baker moved to adjourn at approximately 7:58 p.m. Commissioner Hulsey 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 09/01/2022