



Notice is hereby given that the
WILLARD CITY PLANNING COMMISSION
Will meet in a regular session on
Thursday, December 1, 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. Public hearing to receive public comments regarding a request to amend Table 1 Line Item 4g found in Chapter 12-111-3 – Multiple Use, Agricultural or Rural and Residential Districts - of the Willard City Zoning Ordinance
 - b. Consideration and recommendation to City Council regarding a request to amend Table 1 Line Item 4g found in Chapter 12-111-3 – Multiple Use, Agricultural or Rural and Residential Districts - of the Willard City Zoning Ordinance
 - c. Discussion regarding amendments to Chapter 12-105 Conditional Use
 - d. Training
7. Consideration and approval of the November 3, 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/pmn/index.html>, on the Willard City website www.willardcity.com, and sent to the Box Elder News Journal this 29th 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 Corporation

80 West 50 South
Box 593



Willard, Utah 84340
(435)734-9881

NOTICE OF PUBLIC HEARING WILLARD CITY PLANNING COMMISSION

Notice is hereby given that the Willard City Planning Commission will hold a public hearing to receive public comment regarding a proposal to amend Table 1 Line Item 4g found in Chapter 12-111-3 – Multiple Use, Agricultural or Rural and Residential Districts - of the Willard City Zoning Ordinance to read, "Farms devoted to raising and marketing chickens, turkeys or other fowl or poultry; fish or frogs; and *beef or other bovine animal production*, including wholesale and retail sales."

The public hearing will be held on Thursday, December 1, 2022, at 6:30 p.m. in the Willard City Council Chambers, 80 West 50 South, Willard, Utah, during a regular Planning Commission meeting.

Information regarding this matter is available during business hours by contacting the Willard City Planner at 435-734-9881. Business hours are 8:00 a.m. to 5:00 p.m. Monday through Thursday and 8:00 a.m. to 12:00 p.m. on Friday.

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

I, the undersigned duly appointed 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; two other places in the community; on the State of Utah Public Meeting Notice website <http://www.utah.gov/pmn/index.html>; on the Willard City website www.willardcity.com; and sent to the Box Elder News Journal this 21st day of November, 2022.

/s/Michelle Drago
Deputy City Recorder

**WILLARD CITY PLANNING COMMISSION
APPLICATION FOR PLANNING COMMISSION HEARING**

Application Date:

11-28

Assessor's Parcel Number

Applicant:

Travis Wells

N/A

Mailing Address

Parcel Legal Description

1215 N Main

Willard, UT 84340

N/A

Project Address

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.

Phone Number

Cell Phone

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.

Amendment To Chapter 12-111-3 Table 1
To allow meat processing in The C N &
CG Zone

APPLICANT'S AFFIDAVIT

STATE OF UTAH)
) SS
COUNTY OF BOX ELDER)

I, (we) Travis Wells, 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 N/A 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 Travis Wells
Property Owner(s)

AGENT _____

Subscribed and sworn before me this _____ day of _____ 20__

Notary Public

Residing in _____

My commission expires: _____

* 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) _____, 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 this application.

SIGNED _____
Property Owner(s)

Subscribed and sworn before me this _____ day of _____ 20__

Notary Public

Residing in _____

My commission expires: _____

TITLE 12
WILLARD CITY ZONING ORDINANCE

**CHAPTER 12-111 MULTIPLE USE, AGRICULTURAL OR RURAL, AND
RESIDENTIAL DISTRICTS**

Part 12-111-1. Purpose

(1) Multiple Use Districts.

- (a) To establish areas in mountain, hillside, canyon, mountain valley, desert, and other open and generally undeveloped lands where human habitation would be limited in order to protect land and open space resources.
- (b) To reduce unreasonable requirements for public utility and service expenditures.
- (c) To avoid uneconomic and unwise dispersal and scattering of population.
- (d) To encourage use of the land, where appropriate, for forestry, grazing, agriculture, wildlife habitat, and recreation.
- (e) To avoid excessive damage to watershed, water pollution, soil erosion, danger from brush land fires, damage to grazing, livestock raising, and wildlife values.,
- (f) To promote the health, safety, convenience, order, prosperity and general welfare of the inhabitants of the community.

This District is referred to as MU-40, minimum lot size: 40 acres.

(2) Rural Districts

To promote and preserve, in appropriate areas, conditions favorable to agriculture and to maintain green belt open spaces. These Districts are intended to include activities normally and necessarily related to the conduct of agriculture and to protect the District from the intrusion of uses inimical to the continuance of agricultural activity. Included in these districts are Rural Developments for people who wish to be in a rural district, but are not primarily engaged in agriculture. These Districts are referred to as:

- a) A-5, minimum lot size: 5 acres
- b) A-3, minimum lot size: 3 acres

Planned Unit Development is a conditional use and will be allowed in these districts.

Rev.9/96, 7/00, 6/15 (2015-B)

(3) **Residential Districts.**

To promote and preserve, in appropriate areas, conditions favorable to large-lot family life, the keeping of limited numbers of animals and fowl, and reduced requirements for public utilities. These Districts are intended to be primarily residential in character and protected from encroachment by commercial and industrial uses.

- a) R-1/2, minimum lot size: ½ acre
- b) R-1, minimum lot size: 1 acre

12-111-2. Codes and Symbols

The following sections of this Chapter, uses of land or buildings which are allowed in the various Districts are shown as "**Permitted Uses**", indicated by a "**P**" in the appropriate column, or as "**Conditional Uses**", indicated by a "**C**" in the appropriate column. If a use is not allowed in a given district it is either not named in the use list or it is indicated in the appropriate column by a dash, "-". If a regulation applies in a given district, it is indicated in the appropriate column by a numeral to show the linear or square feet, or acres required, or by the letter "**A**". If the regulation does not apply, it is indicated in the appropriate column by a dash, "-".

12-111-3. Uses

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)

WILLARD CITY ZONING ORDINANCE

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

Rev.9/96, 7/00, 6/15 (2015-B)

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.

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.

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



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: _____

CONDITIONAL USE

12-105-1. Purpose of Conditional Use Provisions

The purpose of the issuance of a conditional use permit is to allow the proper integration into Willard City of land uses which may be suitable only under special conditions and in specific locations in Willard City or a zoning district, or only if such uses are designed or conducted in a particular manner.

12-105-6. Standards and Criteria for Conditional Use Permit

The Planning Commission shall review a conditional use request considering the following general standards and criteria:

1. The use applied for at the proposed location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the area and Willard City;
2. Compatibility of the proposed use with the interest, function and policies established in the Willard City General Plan;
3. Compatibility of the proposed use within the character of the site, neighboring properties and other existing and proposed development.
4. The availability of or ability to provide adequate services, drainage, parking, fire protection, and safe transportation access.
5. The proposed conditional 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 interests to property or improvements in the vicinity;
6. In the event the Planning Commission determines that the standards of this Chapter cannot be met and that adequate mitigation measures cannot be imposed to bring the use into conformity with the applicable standards and criteria, the Planning Commission may deny the request for a conditional use permit.
7. Within and adjoining the proposed site, the Planning Commission may impose reasonable conditions as deemed necessary for the protection of the site location and adjacent properties and the public interest.

12-105-10. No Presumption of Approval

The listing of a conditional use in any district does not constitute an assurance that the conditional use shall be approved by the Planning Commission or Zoning Administrator. Each conditional use application shall be evaluated individually to determine compliance with the standards set forth in this chapter, the standards of the district where the proposed use shall be located, and any standards applicable to the conditional use.

CHAPTER 12-111 MULTIPLE USE, AGRICULTURAL OR RURAL, AND RESIDENTIAL DISTRICTS

12-111-4. Uses Not Listed

The Table in this Section provides a listing of permitted and conditionally permitted uses for multiple use, agricultural, and residential zones within the city. The Table in this section is not comprehensive. In the event a sought-after use is not listed, the Zoning Administrator is empowered to interpret the list and

determine if the unlisted use substantially similar in character, origin, and impact to a listed use. In making this determination, the Zoning Administrator may, at their sole discretion, ask the Planning Commission for its review and interpretation.

CHAPTER 12-112 COMMERCIAL AND MANUFACTURING ZONES, C-N, C-G AND M

12-112-2. Use Regulations

In the following Section of this Chapter, uses of land or buildings which are allowed in the various districts are shown as "permitted uses," indicated by a "P" in the appropriate column, or as "conditional uses," indicated by a "C" in the appropriate column. If a use is not listed then it is either not allowed in a given district or it is indicated in the appropriate column by a dash, "-." No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the Commercial or Manufacturing zones except as provided for in this ordinance. If a regulation applies in the district, it is indicated in the appropriate column by a numeral to show the linear or square feet, or acres required, or by the letter "A." If the regulation does not apply, it is indicated in the appropriate column by a dash "-"

12-112-3. Uses Not Listed

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 Zoning Administrator 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 Zoning Administrator may, at their sole discretion, ask the Planning Commission for its review and interpretation.

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	C	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
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. RECREATION/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	C
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 & Garden	P	C	C
Pet Shop	C	C	P
Retail, Big Box Store	P	C	P
Retail, General	P	C	P
Shoe Store/Repair	P	C	P
Sporting Goods	P	P	P
E. RESTAURANT/FOOD ESTABLISHMENTS	M	C-N	C-G
Bakery	P	P	P
Candy/ Ice Cream Store	C	C	P
Private Club/Bar/Tavern	C	-	C
Restaurant/Fast Food	P	P	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/Nails	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 City General Ordinances Title 9-000 for Home Businesses.	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
Transport/Trucking	P	C	P

12-112-4.

A. Height Regulations	M	C-N	C-G
The maximum height for all buildings and structures in districts regulated by this chapter shall be: In feet	50	35	50

12-112-5.

A. Area, Width, Frontage, Yard and Coverage Regulations	M	C-N	C-G
Any Parcel larger than one acre at the time of passage of this ordinance may be divided or developed only under planned unit commercial development approval	A	A	A
Regulations as may be required by conditional use permit or by planned unit development approval. Except that no commercial building shall be located closer than fifteen feet to any residential district boundary line or to any street line which continues as frontage into a residential district.	A	A	A
Except as may be allowed through planned unit development approval, buildings and structures may cover no more (percentage) of the lot area than	50	30	50

12-112-6.

A. Special Provisions	M	C-N	C-G
Any area outside of a building used for any accessory activity other than off-street parking and loading shall be completely enclosed within a solid fence or wall of a height sufficient to completely screen such activity from street or from adjoining parcels	A	A	A
All uses shall be free from Objectionable noise, hazards, or nuisances	A	A	A
All uses shall be conducted from enclosed buildings except automobile service stations, automatic car wash, automobile and recreational vehicle or vehicle sales, lease, rental or repair, off-street parking and loading, plant material nurseries, outdoor restaurants, and commercial recreation, unless otherwise permitted by planned unit development or conditional use permit	A	A	A



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, November 3, 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, Doug Younger, Mary Younger, Chad Braegger,
16 Ken Ormond, Ruth Ormond, Morgan Palmer, Travis Wells, and Rew Wiley.
17

18 The meeting was called to order at 6:31 p.m.
19

- 20 1. PRAYER: Zack Hulse
- 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 02:43 11/3/2022
33

34 Councilman John Seamons reported on the October 28th City Council meeting. The Council received a
35 budget update. The City's budget numbers looked good. There was about \$600,000 in unbudgeted
36 reserves. The Council also discussed the sewer bond payment. People were concerned that the City would
37 not be able to meet the payment. The staff put together a presentation regarding the sewer bond which
38 showed that the City's sewer bond payment would go up in small increments every year, but there would
39 not be a large increase for another ten years. The City Council had a big discussion regarding conditional
40 use permits. They had considered doing away with them altogether, but passed a six-month moratorium
41 instead. The Council felt some things that should be added to the Conditional Use Permit ordinance were
42 details and reasonable conditions. The Council wanted to commission a park impact fee study. It had tabled
43 consideration of the ADU Ordinance. It was concerned the City would not get what it was asking for due to
44 the way the ordinance was written. The Council had scheduled a work session for November 7th to discuss
45 the employee compensation plan. Another work session would be held on November 16th, to discuss
46 economic development with Mitch Zundel.
47
48
49



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6A. DISCUSSION REGARDING AMENDING CHAPTER 12-105 CONDITIONAL USE BY ADOPTING
A CHECKLIST AND REVIEW PROCEDURES

Time Stamp 7:33 11/3/2022

Bryce Wheelwright stated that in 2020, the Planning Commission reviewed and revamped the Conditional Use Permit Ordinance, and the City Council held a public hearing regarding the ordinance in October 2020. After the hearing, consideration of the ordinance was tabled. It was never approved. The City was still using the old ordinance. The staff had found a conditional use permit checklist and felt it would be good to incorporate it into the CUP Ordinance. The staff was also suggesting that all conditional use permits be reviewed by the Fire Department, Police Department, Public Works, and administrative staff prior to the Planning Commission's consideration. The staff was seeking input from the Planning Commission regarding changes to the Conditional Use Permit Ordinance.

Commissioner Bingham liked the checklist. He thought the City was trying to keep conditional uses in the established zones. All uses had to comply with zoning requirements. A conditional use was a use that had conditions over and above what the zone required. There was a broad range of uses that fell into the commercial/residential zone. A use might be okay in one area, but not in another. Two years ago, the Planning Commission tried to get the zoning to take care of as many requirements as possible.

Commissioner Dubovik recalled that the tables in the Conditional Use Permit Ordinance determined where a conditional use permit could be considered. As a Commission member, he would feel more informed if a conditional use application was reviewed by the Fire Department, Police Department, Public Works, and the administrative staff before it was presented to the Planning Commission. Then he would have more confidence that he would be making an informed decision. He asked about the impetus for the Council's decision to place a moratorium on conditional use permits.

Bryce Wheelwright stated that conditional use permits were troublesome in all municipalities. A few years ago, he attended training provided by the Utah League of Cities and Towns. The League suggested the best thing cities could do was to get rid of conditional use permits. However, they were a necessary evil. A conditional use permit was an avenue to control things that weren't covered in the zoning ordinance. The League suggested that they be used sparingly.

Colt Mund, City Attorney, stated that in 2020 the Planning Commission did quite a bit of work on the conditional use permit table. The number of uses had been reduced from 200 to 70. The Planning Commission put together an ordinance and recommended that the City Council adopt it. The City Council held a public hearing, but never actually passed the ordinance. The proposed ordinance included standards that would revise the existing Conditional Use Permit Ordinance. It gave the Planning Commission more direction on things it should consider. The current ordinance did not include a lot of direction for the Planning Commission. Mr. Wheelwright was correct, if the world was perfect there would not be conditional use permits. However, there were some uses that should be considered that might not fit strictly into a zone. They needed certain safe guards and protections to make them work. The City Council was concerned about how to make the conditional use permit process easier for the Planning Commission. It had discussed having a staff review committee that could make recommendations for the Planning Commission. The City Council was also concerned about the enforceability of conditional use permits. The current ordinance allowed the Planning Commission to take whatever action it deemed necessary. The ordinance could be amended to give the Planning Commission more authority to review conditional use permits to provide remedies for violations.



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Mr. Mund said that when the City Council discussed the Conditional Use Ordinance at its last meeting, it had not remembered the ordinance proposed in 2020. He had reviewed the City Council minutes from 2020. After the public hearing, one Council member suggested that a change be made, but the change was not specified. Consideration of the ordinance was table pending the change. The Council's purpose for instituting the moratorium was the City time to step back and look at conditional use permits process. Some of the work may have already been done in 2020.

Chairman Bodily asked if conditional use permits could be reviewed yearly. Mr. Wheelwright said they could. Chairman Bodily said he could not find a yearly review in the Conditional Use Permit Ordinance. Mr. Wheelwright said the yearly review could be included as a condition of the conditional use permit itself. The ordinance did not give a lot of direction on enforcement. Mr. Mund felt that was something that could be added to the ordinance.

Chairman Bodily felt enforcement was the City's biggest problem with all of its ordinances.

Chris Davis, City Manager, stated that the City Council had suggested a more robust review of conditional use permits that included recommendations from the various departments to begin with. Then the Planning Commission would have more specific information up front.

Chairman Bodily stated that even if the Planning Commission received more information up front, enforcement was still an issue. He asked who did enforce conditional use permits.

Colt Mund stated that the Planning Commission was the enforcement body. Under the current ordinance, the Planning Commission could revoke a conditional use permit. He explained that if a conditional use permit was brought to the Planning Commission for review, the Planning Commission would review the conditions and evidence that those conditions were not being complied with. If the Planning Commission felt it was appropriate, it could revoke a conditional use permit based on findings. The staff's job was to vet and verify complaints to determine if violations were occurring.

Bryce Wheelwright stated that if conditions were not detailed when the conditional use permit was approved, enforcement was difficult.

Commissioner Hulse clarified that the purpose of a conditional use permit was allow some uses, but only with conditions. The reason conditional use permits fell under the Planning Commission was because they dealt with properties and site plans. He wondered if it made sense for enforcement to be handled by a different body. He felt it would be difficult for the Planning Commission to enforce anything.

Colt Mund stated that the Planning Commission would be acting on information provided by the staff. In different cities, the city staff, planner, or code enforcement officer, provided a recommendation and findings to the Planning Commission. The Planning Commission reviewed the evidence and heard from the applicant. It weighed the evidence to determine if there had been violations. If it found there had been violations, it would determine what action to take. If the Planning Commission determined there weren't any violations, there wouldn't be any action to take.

Commissioner Dubovik was confused about the enforcement process. If a conditional use permit was revoked, the business would continue to operate, which would involve another layer of enforcement in the form of a business license revocation or a ticket. The Planning Commission couldn't issue a ticket or turn off utilities, only the City had power to do those things. Colt Mund stated that if a conditional use permit for a commercial business was revoked, the business license would be revoked, which was a City issue. If a



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conditional use permit was revoked, the City business license would no longer be valid. Operating a business without a business license was a misdemeanor offense.

Colt Mund stated that the applicant had the right to appeal the findings of the Planning Commission to an appeal authority. If the appeal authority agreed with the Planning Commission, the applicant could appeal to the district court. There were remedies to contest the findings of the Planning Commission, but it started with the Planning Commission.

Commissioner Hulseley felt the checklist was very helpful. He suggested that the process of addressing enforcement and violations be added to it. He felt that would be fair to both the Planning Commission and an applicant. Everyone would know the process.

Commissioner Baker said that Councilman Mund felt the enforcement process needed to be outlined in the ordinance.

Commissioner Bingham stated that the enforcement process was addressed in the ordinance proposed in 2020. He felt the Planning Commission should review the ordinance it proposed in 2020 to determine if anything needed to be changed.

There was a discussion about the review process of the 2020 ordinance.

Chris Davis stated that since 2020, the City had appointed an appeal authority.

Colt Mund gave the Planning Commission members a copy of the ordinance prepared in 2020 (see attached copy). He asked the Commission members to review it, the checklist prepared by Mr. Wheelwright, and determine if anything needed to be supplemented, such as enforceability and a pre-review committee.

Bryce Wheelwright stated that when the City received an application for a development or subdivision, it was always reviewed by the Subdivision Land Use Authority (SLUA), which was a staff committee consisting of the City Manager, City Engineer, City Planner, Fire Chief, Public Works Director, and the Deputy Recorder. He suggested that the same thing happen with a conditional use permit.

Colt Mund stated that some cities had staff review committees. Other cities had specific criteria that had to be addressed by a conditional use permit, such as lighting, parking buffers, etc.

Commissioner Bingham felt those items were addressed by the ordinance prepared in 2020.

Rew Wiley, 75 West 825 North, asked how long a business was allowed to use a conditional use permit. Colt Mund stated that a conditional use permit was attached to the land. The conditional use permit was good as long as the use continued and applicant complied with the approved conditions.

Commissioner Bingham stated that part of the enforcement involved citizens filing complaints with the staff. Those complaints became part of the evidence for the Planning Commission to consider.

Commissioner Hulseley asked if the Planning Commission had to wait for a review period to end to address violations. Could the Planning Commission schedule a review if it determined there were violations? He felt the one-year review was meant to ensure all of the conditions had been met. If conditions were not being met, it should trigger something. There needed to be an actual process outlined in the ordinance. If a complaint was filed, the City Planner should investigate and bring findings to the Planning Commission.



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Commissioner Bingham felt the same process should be followed if there was a violation of the Zoning Ordinance.

Chad Braegger, 3790 South 1200 West, felt applicants would be more accountable if they knew their conditional use permit would be reviewed every year.

Colt Mund stated that when the City had potential violations, the City administration sent written notifications. It sought voluntary compliance. If the Planning Commission received an enforcement action, everyone knew what was going on. The applicant would not be encountering the enforcement action for the first time.

Commissioner Dubovik felt it was a matter of structuring a formal mechanism. Had the Planning Commission reviewed any conditional use permits on an annual basis that did not have a violations? Mr. Wheelwright said it had not.

Commissioner Hulsey said the City and Planning Commission didn't think about the conditional use permits if they weren't receiving complaints. They weren't a priority if there weren't any problems.

Chairman Bodily felt it was important to follow through with enforcement and complaints.

Chad Braegger didn't feel the City had to wait for a complaint to be filed. He felt the staff should be monitoring the conditional use permits.

Commissioner Bingham stated that one of the conditions for his business limited the number of employees he could have due to his business location and the limited room for parking. The City would not have any idea how many employees he had unless one of his neighbors complained. He felt enforcement was a manpower issue.

Rew Wiley asked how a complaint was filed. Was there a formal letter that had to be filled out?

Commissioner Dubovik asked if the staff pre-review of a conditional use permit application could be added to the approval process. Maybe the staff could review the conditional use permits annually. A physical inspection might not be necessary, but the staff could discuss each conditional use permit to determine if there were issues that needed to be addressed. He felt that would provide oversight without creating a huge workload. If a problem was found, it would trigger a review by the Planning Commission.

Doug Younger, 116 South Main, asked who made sure the conditions of a conditional use permit were met before the permit was issued. Chairman Bodily said that was the responsibility of the City Planner.

Commissioner Baker stated that an applicant signed the conditional use permit. The applicant was aware of the conditions.

Commissioner Bingham stated that a conditional use permit established conditions over and above the requirements of the City ordinances. A conditional use permit applicant had to adhere to the City code, as well as any added conditions.

Rew Wiley felt a conditional use permit should be revoked if the applicant wasn't comply with the City's ordinances.



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Chairman Bodily felt that complaints about ordinance violations needed to be investigated and enforced. Bryce Wheelwright stated that the City tried to address complaints when they were received.

Morgan Palmer, 683 North Main, asked who investigated and validated complaints. Mr. Wheelwright said he usually investigated complaints. Chris Davis said Mr. Wheelwright was the point person, but he wasn't the only one involved in the process. The Police Chief, Fire Chief, City Attorney, City Engineer, and Public Works could also be involved.

Commissioner Dubovik stated that he would like to see enforcement added to the Conditional Use Permit Ordinance and a staff review as part of the approval process. He suggested that the staff also review the updated ordinance. There might be some lessons that had been learned that weren't covered by the ordinance the Planning Commission wrote two years ago. If the staff had reviewed the ordinance, he felt it would be ready for a lively discussion by the Planning Commission.

6B. TRAINING

Time Stamp 47:42 11/3/2022

Chris Davis and Colt Mund were excused at approximately 7:20 p.m.

Bryce Wheelwright showed the Planning Commission a training video conducted by Meg Ryan from the Utah League of Cities and Towns regarding the Planning Commission's legislative, administrative, and quasi-judicial responsibilities.

7. CONSIDERATION AND APPROVAL OF SEPTEMBER 1 AND SEPTEMBER 15, 2022, REGULAR PLANNING COMMISSION MINUTES

Commissioner Baker moved to approve of the September 1 and September 15, 2022, minutes as corrected. Commissioner Bingham seconded the motion. All voted "aye." The motion passed unanimously.

8. COMMISSIONER/STAFF COMMENTS

Time Stamp: 1:03:35 11/03/2022

Bryce Wheelwright

Did not have any comments.

Commissioner Bingham

Did not have any comments.

Commissioner Dubovik

Commissioner Dubovik asked about the City land that was recently sold by sealed bid. Had the new owner submitted any development plans? Bryce Wheelwright said the new land owner wanted to build a home and a shop on the property. He didn't have any current plans to subdivide the property. Commissioner



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Baker asked how the road would be handled. Mr. Wheelwright said the road was located on private property. The land owner could do as he chose.

Commissioner Hulsey

Did not have any comments.

Commissioner Baker

Did not have any comments.

9. ADJOURN

Commissioner Dubovik moved to adjourn at approximately 7:36 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 11-03-2022