



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

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

The following members were in attendance:

Sid Bodily, Chairman
Diana Baker
Alex Dubovik
Zac Hulsey

Chris Davis, City Manager
Colt Mund, City Attorney
Bryce Wheelwright, City Planner
Michelle Drago, Deputy City Recorder

Excused: Chandler Bingham and Blake Harrop

Others in attendance: Mayor Travis Mote; Councilman John Seamons; Rew Wiley; Travis Wells; Tammy Brimberry; Jo Baird; and Dan Gilmore.

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

1. PRAYER: Al Dubovik
2. PLEDGE OF ALLEGIANCE: Diana Baker
3. ROLL CALL: Attendance was recorded by the secretary.
4. GENERAL PUBLIC COMMENTS

Time Stamp: 1:51 12/01/2022

Tammy Brimberry, 425 South 250 West, asked about the status of the Accessory Dwelling Unit Ordinance. The staff reported that the ordinance itself had been approved by the City Council. However, the City Council had to approve it with an ordinance, which had not been done. Mr. Davis said it would be added to the next Council agenda.

Jo Baird, 175 West Center, and Tammy Brimberry, 425 South 250 West, spoke in favor of the Palmer Barn Events Center. There had been a lot of controversy surrounding it recently. Some police reports had been filed against Morgan Palmer, and there had been some articles in the newspaper. They felt Morgan Palmer had gone above and beyond. She had not had a fair shake. Willard City was trying to bring businesses in. They felt the last thing the community should do was drive a business out. The City needed to protect the rights of business owners.

Commissioner Dubovik asked if any citations had been issued. Mrs. Baird said reports had been filed, but no citations had been issued. Commissioner Dubovik asked if there were repercussions for filing a false police report. Colt Mund, City Attorney, said there was a criminal statute for filing a false police report.

There was a discussion about prosecution. Colt Mund did not have any information regarding prosecutions because they were handled by a different attorney. Commissioner Dubovik asked about the general standard. Mr. Mund said that if a police officer saw that there was a Noise Ordinance violation, he could either cite an individual or send it to the prosecutor for charges.



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Colt Mund provided some context regarding the Palmer Barn. The City did send a letter to Ms. Palmer some months ago regarding concerns about violations of her conditional use permit. The City representatives also met with her. The City had received correspondence from her attorney. The City had responded with its perspective. In the coming weeks, this might be an issue that would be brought to the Planning Commission for review.

Jo Baird asked if the Planning Commission had the authority to revoke Ms. Palmer's business license, or would that be the responsibility of the City Council. Bryce Wheelwright, City Planner, said conditional use permits were reviewed and approved or revoked by the Planning Commission. Commissioner Hulsey said a conditional use permit was tied to property. A business license was issued by the City administration.

5. CITY COUNCIL REPORT

Time Stamp: 8:40 12/01/2022

Councilman Seamons reported stated that the City Council was trying to get a zoning change on ground the City owned up on the hill. The City Council had held an open house and a public meeting on the gravel pit. There had been subsequent meetings with the City Council and interested parties. The City hoped to get on the Box Elder Planning Commission agenda for December 15th, but had been unable to do so because Box Elder County placed a moratorium on its Subdivision Ordinance. The City was trying to find a way to work around the moratorium. At this point, the gravel pit issue was hung up at the County.

Commissioner Dubovik asked for a clarification. He had read that the rezone would extend access above its current location. Councilman Seamons said the City owned 178 acres. It wanted to rezone 12 acres so that minerals could be extracted. Commissioner Dubovik asked if the rezone would give the City a voice in the restoration of the area. Councilman Seamons said restoration was part of the three-party agreement the City was trying to negotiate, but it could not do anything until it received a zoning change.

Commission Dubovik asked if the rezone would provide Granite with years of mining in an area that would eventually become improved versus spreading laterally. Councilman Seamons stated that if nothing happened, the Wells and Granite would continue to mine the mountain until there was a residual piece. If the City allowed mining on property it owned, the mining could go back to bedrock, which would help the dust problem. There would be additional income for both the Wells and the City because Granite would have more material. The additional income was not all the City was trying to get.

6A. 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

Time Stamp 12:36 12/01/2022

Chairman Bodily read the Willard City Planning Commission Rules of Order Statement.

Bryce Wheelwright, City Planner, stated that in the City's Multiple Use, Agricultural, or Rural, and Residential Districts, 12-111, there was a Table of Uses which listed uses that were allowed, uses that were conditional, and uses that were not allowed. Line 4g allowed farms for chickens, turkey, or other fowl or poultry, fish, or frogs, including wholesale and retail sales. It did not include the business of meat processing, which was cutting and wrapping, not slaughtering. Travis Wells had requested that the ordinance be amended to allow farms for cattle and other bovine.



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Commissioner Hulsey moved to open the public hearing at 6:46 p.m. Commissioner Baker seconded the motion. All voted in favor. The motion passed unanimously.

Chairman Bodily asked if the applicant had any comments.

Travis Wells, 1215 North Main, felt that the ordinance amendment should also include swine and sheep.

Chairman Bodily opened the floor for public comments.

Travis Mote, 455 South 200 West, was in favor the proposed amendment. He felt it should include large animals and big game. He felt that would cover beef, swine, sheep, and wild game. He felt having a local meat processing business would be a benefit to the community.

There were no further comments.

Commissioner Dubovik moved to close the public hearing at 6:49 p.m. Commissioner Hulsey seconded the motion. All voted in favor. The motion passed unanimously.

6B. 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

Commissioner Hulsey agreed that the amendment should be more general to provide more flexibility.

Commissioner Baker was in favor of the amendment.

Commissioner Dubovik also agreed that the amendment should be more general to allow large animals and wild game. If it was more general, it wouldn't be brought back to address a different animal.

Commissioner Hulsey asked if there would be an issue if someone did an illegal hunt. Commissioner Dubovik felt there were already State laws in place to address that issue.

Chairman Bodily felt the proposed amendment should be simple and general. He was not opposed to it.

Commissioner Baker moved to recommend that the City Council amend Table 1 Line Item 4g of Chapter 12-111-3 to include large animals and wild game. Commissioner Dubovik seconded the motion. All voted in favor. The motion passed unanimously.

6C. DISCUSSION REGARDING AMENDMENTS TO CHAPTER 12-105 CONDITIONAL USE

Time Stamp 12:22 12/01/22

Bryce Wheelwright stated that in October the City Council had placed a moratorium on conditional use permits. The Planning Commission discussed the Conditional Use Permit Ordinance at its last meeting. The staff had provided the Planning Commission with an updated Conditional Use Permit application and the Conditional Use Permit Ordinance it proposed to the City Council in the fall of 2020. Had the Planning Commission had a chance to review those documents? Were there any changes the Planning Commission wanted to make?



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Chairman Bodily felt the updated application would provide the Planning Commission with more information than it had had in the past.

Commissioner Dubovik said he had reviewed the proposed ordinance and did not see any glaring problems. If the City ran into an issue that wasn't covered, the ordinance could be amended.

Colt Mund stated that the City Council had discussed having a staff committee review conditional use permit applications and make written recommendations to the Planning Commission. Some jurisdictions used review committees. The City already had a staff review committee in place called the SLUA.

Commissioner Dubovik asked if a review committee needed to be included in the ordinance. Colt Mund if the Planning Commission wanted to go that route, the ordinance should include language that all conditional use permit applications would be reviewed by staff prior to being reviewed by the Planning Commission.

Commissioner Dubovik stated that a review committee was discussed by the Planning Commission at its last meeting. He was in favor of a review committee. Chairman Bodily was too.

Commissioner Hulsey felt a review committee would provide the Planning Commission with a filter.

Colt Mund felt a review committee would provide the Planning Commission with a list of issues to address, such as lighting, parking, or landscaping.

Commissioner Dubovik asked if the Planning Commission could recommend that the City Council approve the Conditional Use Permit Ordinance it had submitted in 2020 with the addition of a review committee. Mr. Mund felt it could.

Commissioner Baker reminded the Planning Commission that the SLUA no longer included the Police Chief.

Bryce Wheelwright felt there should be a different committee to review conditional use permits that would include all of the City departments - Police, Fire, Public Works, City Planner, and City administration.

Commissioner Hulsey did not feel the need to re-review the Conditional Use Permit Ordinance as the Planning Commission had reviewed and recommended it to the City Council in 2020.

Bryce Wheelwright suggested that Colt Mund add the review committee to the Conditional Use Permit Ordinance and present a draft form for the Planning Commission to review. Then the Planning Commission could hold a public hearing to receive public input before forwarding it to the City Council

Commissioner Baker asked how existing conditional use permits would be affected by the new ordinance. Mr. Wheelwright said they would be grandfathered.

Commissioner Dubovik moved to table discussion regarding amendments to Chapter 12-105 pending editing of verbiage for the next Planning Commission session on January 5, 2023. Commissioner Baker seconded the motion. All voted in favor. The motion passed unanimously.

6D. TRAINING

Bryce Wheelwright stated that there would not be any training.



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7. CONSIDERATION AND APPROVAL OF NOVEMBER 3, 2022, REGULAR PLANNING COMMISSION MINUTES

Commissioner Hulseley moved to approve the November 3, 2022, minutes as corrected. Commissioner Baker seconded the motion. All voted "aye." The motion passed unanimously.

8. COMMISSIONER/STAFF COMMENTS

Time Stamp: 31:29 12/01/2022

Bryce Wheelwright

Bryce Wheelwright stated that the Fizz business proposed at 30 North Main was in its final engineering phase. They hoped to open in the spring.

Chris Davis

Chris Davis stated that the City Engineer had received approval to begin potholing service locations on Highway 89 in preparation for UDOT's reconstruction project.

There were no comments from Colt Mund, Chairman Bodily, Commissioner Hulseley, Commissioner Baker, and Commissioner Dubovik.

9. ADJOURN

Commissioner Dubovik moved to adjourn at approximately 7:04 p.m. Commissioner Hulseley seconded the motion. All voted in favor. The motion passed unanimously.

Minutes were read individually and approved on: 1/5/23

Sid Bodily
Planning Commission, Chairman
Sid Bodily

Michelle Drago
Planning Commission Secretary
Michelle Drago

dc:PC 12-01-2022

