



Notice is hereby given that the
WILLARD CITY PLANNING COMMISSION
Will meet in a regular session on
Thursday, February 2, 2023 – 6:30 p.m.
Willard City Hall, 80 West 50 South
Willard, Utah, 84340

AGENDA

The meeting will be held 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 proposal to amend the Conditional Use Regulations - Chapter 12-105 - of the Willard City Zoning Ordinance
 - b. Consideration and recommendation to City Council regarding a proposal to amend the Conditional Use Regulations – Chapter 12-105 – of the Willard City Zoning Ordinance
7. Consideration and approval of the January 19, 2023, 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/pmnl/index.html>, on the Willard City website www.willardcity.com, and sent to the Box Elder News Journal this 27th day of January, 2023.

/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 Conditional Use Regulations - Chapter 12-105 - of the Willard City Zoning Ordinance.

The public hearing will be held on Thursday, February 2, 2023, 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 435-723-9881. 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 23rd day of January, 2023.

/s/Michelle Drago
Deputy City Recorder

CONDITIONAL USE DRAFT 1/26/23

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 in the applicable zoning district, or only if such uses are designed or conducted in a particular manner.

12-105-2. Permit Required

A Conditional Use Permit shall be required for all uses listed as conditional uses in the zoning district use regulations or elsewhere in this Chapter.

12-105-3. Application

A Conditional Use Permit Application shall be made to the City Planner on forms provided by the City Planner. Only property owners or their duly authorized agents shall make application for a Conditional Use Permit. No Conditional Use Permit may be processed without the submission of an application, payment of the processing fee, and providing all supporting materials as required by the City Planner, the Conditional Use Review Committee, and this Chapter.

12-105-4. Required Documents

The Conditional Use Permit Application shall be submitted with the material listed in this Section. The City Planner and/or the Conditional Use Review Committee may determine and require items not listed herein be submitted in order to evaluate the proposed conditional use application. The application for the Conditional Use Permit shall include at least the following:

1. A written statement explaining details surrounding the proposed Conditional Use Permit Application is consistent with all the standards and requirements of this Chapter and other applicable sections of the Willard City Zoning and Land Use Ordinances.

12-105-5. Public Notice

No public hearing need be held. However, a hearing may be held if the City Planner, Conditional Use Review Committee or the Planning Commission deem a public hearing to be necessary and in the public interest. When such public hearing is required, the applicant shall notify by certified 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 impacted 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. Conditional Use Review Committee

Upon submission of a Conditional Use Permit Application, the City Planner will determine the completeness of the application. If the Conditional Use Application is complete, the City Planner will forward the application and all supporting materials to the Conditional Use Review

Committee. The Conditional Use Review Committee shall be comprised of the following individuals: The Chief of Police, Fire Chief, City Attorney, a member of the Planning Commission, Director of Public Works, City Planner, City Engineer, and City Manager. Upon review of the application, proposed site plan if required, and any other necessary documentation or information, the Conditional Use Permit Review Committee will transmit a recommendation for the proposed Conditional Use Permit to the Planning Commission.

12-105-7. Factors to be considered by the Conditional Use Review Committee

In considering an application for a Conditional Use Permit, the Conditional Use Review Committee should analyze the following factors and may request information, studies, or data with respect to such factors for the purpose of determining whether a proposed Conditional Use Permit meets the standards set forth in this Chapter:

1. The suitability of the specific property for the proposed use;
2. The development or lack of development adjacent to the proposed site and the harmony of the proposed use with existing uses in the vicinity;
3. Whether the proposed use or facility may be injurious to potential or existing development in the vicinity;
4. The economic impact of the proposed facility or use on the surrounding area;
5. The aesthetic impact of the proposed facility or use on the surrounding area;
6. The present and future requirements for transportation, traffic, water, sewer, and other utilities for the proposed site and surrounding area;
7. The safeguards proposed or provided to ensure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection and pedestrian and vehicular circulation;
8. The safeguards provided or proposed to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor from the proposed facility or use;
9. The safeguards provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area; and
10. The impact of the proposed facility or use on the health, safety and welfare of the City, the area and persons owning or leasing property in the area.

12-105-8. Standards and Criteria for Conditional Use Permit

Upon receiving a recommendation from the Conditional Use Permit Review Committee, the Planning Commission shall consider the following general standards and criteria prior to approving or denying a conditional use permit:

1. The Conditional Use is authorized in the zoning district where the use is proposed;
2. The use applied for at the proposed location is necessary or desirable to provide service or facility that will contribute to the general well-being of the area and Willard City;
3. Compatibility of the proposed use with the interest, function and policies established in the Willard City General Plan;
4. Compatibility of the proposed use within the character of the site, neighboring properties and other existing and proposed development.
5. Streets and other means of access to the Conditional Use are adequate to carry anticipated traffic and shall not materially reduce the level of service on adjacent streets;
6. The Conditional Use shall not unreasonably interfere with the lawful use of surrounding property;
7. Fencing, screening and landscaping, and other adequate buffering, is provided as needed to protect adjacent property from light, noise and visual impacts associated with the proposed use;
8. The availability of or ability to provide adequate services, drainage, parking, fire protection, and safe transportation access.
9. 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;
10. 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.
11. 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.

12-105-9. Reasonable Conditions Imposed

The Planning Commission may issue a Conditional Use Permit to be located within any zoning district in which the particular Conditional Use is allowed by the use regulations of this Chapter. In authorizing any Conditional Use, the Planning Commission shall impose such requirements and conditions as required by law and as may be necessary for the protection of neighboring properties and the general welfare of the public. Such conditions of approval may include, but shall not be limited to, limitations or requirements as to a street dedication, the height, size, location and design of structures, landscaping, density, ingress/egress, fencing, parking, screening, buffering parking, hours of operation, or lighting.

12-105-10. Expiration

A Conditional Use Permit shall expire one (1) year after the date of approval and shall be null and void unless the property owner or their duly authorized agent has obtained a Building Permit, where required, or a Business License or other permits or licenses required for the operation. A one (1) year extension may be granted by the Planning Commission when deemed to be in the public interest.

12-105-11. Revocation

A Conditional Use Permit may be revoked by the Planning Commission upon failure to comply with the conditions of the permit, for any violation of this Title occurring on the site for which the permit was approved, or if the use is not maintained or abandoned. Prior to taking action concerning revocation of a Conditional Use Permit, a meeting shall be held by the Planning Commission. Notice of the meeting and the grounds for consideration of revocation shall be mailed to the permittee at least ten (10) days prior to the hearing.

12-105-12. Appeals

Any applicant shall have the right to appeal the decision of the Planning Commission to the designated Hearing Officer under the procedure outlined in Willard City Zoning Code Chapter 12-101-2. Any decision of the Hearing Officer may be appealed by the applicant or City to the District Court within thirty (30) days from the issuance of the written decision.

12-105-13. 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 City Planner. 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 City Planner 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 City Planner 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 City Planner 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 City Planner 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, January 19, 2023 – 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

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

12
13 Excused: Alex Dubovik

14
15 Others in attendance: Councilman John Seamons, Police Chief Theron Fielding, Clyde Westley, Keith
16 Lammert, Rew Wiley, and Chad Braegger.

17
18 The meeting was called to order at 6:32 p.m.

- 19
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. GENERAL PUBLIC COMMENTS

27
28 Time Stamp: 1:55 01/19/2023

29
30 Clyde Westley, 221 East 100 South, addressed the Planning Commission regarding gravel pits and
31 corrections to the proposed General Plan. His written comments are attached.

32
33 5. CITY COUNCIL REPORT

34
35 Time Stamp: 9:36 01/19/2023

36
37 Councilman Seamons reported that there wasn't a City Council meeting on January 12th because the
38 Council was unable to field a quorum. However, there was an issue that he wanted to share with the
39 Planning Commission. He had received correspondence from Lucas Davis, who was part of the
40 construction group working at Willard Bay. The map included with the correspondence showed that the
41 right-of-way the City used to have to the waste treatment plan was gone. Mr. Davis said that the State Park
42 did not have any interest in providing a right-of-way access this time. Mr. Davis felt that continued
43 commercial development would be counter-productive to the services provided by the State Park and
44 wildlife management area in this location.

45
46 Councilman Seamons pointed out that there was a large area north of Willard Bay and west of the interstate
47 that the City had designated for commercial development. Without a right-of-way, the City could not get to
48 the sewer plant. Chris Davis, City Manager, and Chris Breinholt, City Engineer, were both working to resolve



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the issue. Willard Bay had not even talked to the City about their construction plans or loss of the right-of-way.

Commissioner Harrop asked what Willard Bay was doing. Bryce Wheelwright said that Willard Bay was moving the gate to access the park to the north. The new gate would have two lanes for vehicles entering the park. The lanes would loop around to the north before turning back south toward the Bay. The park exit would not be changed. Councilman Harrop wasn't sure what the Bay was trying to accomplish by using all of that ground for a purpose that was already there.

Commissioner Bingham felt they were trying to provide check-in space so vehicles and boats so didn't back up onto the interstate.

Commissioner Baker had noticed over the past couple of years that parking for the Bay was overflowing onto 750 North. She thought the Bay had presented a plan about the construction of the pond a few years ago.

Councilman Seamons stated that when he and Bryce Wheelwright attended the dedication of the day pond they asked Bay officials what they were planning to do. They were told the Bay planned to change the access to the park. He and Bryce asked what would happen to the access road. Bryce Wheelwright said Bay officials wanted to give the access road to the City because they didn't want to maintain it or snowplow it. Now things had changed.

Commissioner Harrop asked who the City needed to talk to. Councilman Seamons said the staff was working with State officials to try to resolve the problem. He just wanted the Planning Commission to be aware of what was happening. There were land owners who were losing access to their properties.

Commissioner Harrop asked if the State Park had notified the land owners. Councilman Seamons said he had talked with one land owner who didn't know anything about it. Commissioner Harrop stated that any other party would be prohibited from blocking access for other property owners. The State shouldn't be treated any differently.

6A. CONSIDERATION OF A SKETCH PLAN AND A PRELIMINARY PLAN FOR REYES RANCH
SUBDIVISION LOCATED AT APPROXIMATELY 964 SOUTH MAIN (PARCEL NO. 02-055-0106)

Time Stamp 17:37 01/19/2023

Bryce Wheelwright stated that the City had received an application for preliminary approval of the Reyes Ranch Subdivision from Keith Lammert. The subdivision would consist of one lot and was located at approximately 964 South Main (Parcel No. 02-055-0106). The lot was originally part of a 20-acre parcel on Tams Road owned by the Kunkel Burton Franz family trust. Mr. Lammert wanted to subdivide a half-acre building lot for his daughter.

Mr. Wheelwright felt the subdivision was pretty straight forward. The water was located in the street. The sewer was located west of the lot. Keith Lammert met with SLUA on January 12th. The SLUA recommended that the Planning Commission grant preliminary approval of the subdivision.

Commissioner Harrop asked if the proposed lot met all of the zoning criteria. Bryce Wheelwright said it did. The frontage along Tams Road was zoned R ½. The proposed lot complied with the lot size and lot width requirements of the R ½ Zone.



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Commissioner Baker asked about the location of the lot in relation to the existing homes. Keith Lammert said the lot would be located immediately south of his home, which was located at 950 South.

Commissioner Baker asked how big the entire acreage was. Mr. Wheelwright said it was about 20 acres.

Commissioner Bingham was concerned about access to the remainder of the property if development plans happened in the future. Keith Lammert stated that there was plenty of room to access the property on the south side of 980 South. The trust property also bordered 200 West.

Bryce Wheelwright stated that the current Subdivision Ordinance required that subdivisions provide curb, gutter, and sidewalk. There currently wasn't any curb, gutter, or sidewalk on Tams Road. SLUA recommended that the curb, gutter, and sidewalk improvements for the Reyes Ranch Subdivision be deferred to a future date with a deferral agreement.

Commissioner Bingham moved to grant preliminary approval of the Reyes Ranch Subdivision located at approximately 964 South Main (Parcel No. 02-055-0106) subject to a deferral agreement for curb, gutter, and sidewalk improvements. Commissioner Baker seconded the motion. All voted "aye". The motion passed unanimously.

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

Time Stamp: 24:36 01/19/2023

Bryce Wheelwright stated that the Planning Commission had received a draft copy of Chapter 12-105. He deferred to the City Attorney for an explanation of the proposed amendments.

Colt Mund, City Attorney, stated that a Conditional Use Permit Review Committee had been added to Chapter 12-105-11. The Committee was a new element. Now prior to the Planning Commission holding a public hearing and making a decision regarding a conditional use permit, the City Planner would review the application to make sure it was complete. Then the application would be reviewed by a Conditional Use Permit Review Committee, which would be comprised of the Police Chief, the Fire Chief, Public Works Director, City Planner, City Manager, and City Engineer. The draft ordinance also included ten factors that the Conditional Use Permit Review Committee to consider. Those factors were listed in 12-105-12 and included fencing, noise, landscaping, parking, lighting, fire protection, access, etc. All of those elements would be flushed out by the Committee before a conditional use application was transmitted to the Planning Commission along with a written recommendation. When an applicant appeared before the Planning Commission, a lot of issues should have been ironed out. If the Planning Commission had additional concerns at that point and did not feel the use fit or was compatible, it could reject the conditional use permit, or it could add additional conditions. Another element that had been added was 12-105-13 to try and clear up language regarding the powers of the Planning Commission regarding non-compliance.

Mr. Mund said that the City Council and Planning Commission felt there needed to be greater work done to flush out any problems or issues prior to a conditional use applicant appearing before the Planning Commission. They were also looking for more guidance regarding what the Review Committee and the Planning Commission should be looking for, and they were seeking better clarification regarding the authority of the Planning Commission if someone was not in compliance. Mr. Mund said any thoughts or discussion by the Planning Commission was welcome.



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Commissioner Bingham felt the Conditional Use Permit Review Committee should include one member of the Planning Commission. Bryce Wheelwright said the CUP Review meetings would probably be held during the day. Would it be difficult for a member of the Planning Commission to attend?

Commissioner Baker asked about the relationship between a conditional use permit and a business license. Colt Mund explained that after the Planning Commission approved a conditional use permit, a business license could be issued to the applicant. Commissioner Baker asked if revocation of a conditional use permit revoked a business license. Mr. Mund said it should. Chairman Bodily said the Planning Commission didn't have anything to do with business licenses. They were handled by the City administration.

Chris Davis, City Manager, explained that part of the requirements for a business license was proper zoning. If a business owner did not have a conditional use permit, he didn't have the correct zoning.

Commissioner Harrop clarified that if a conditional use permit was revoked, a business license would be revoked as well.

Commissioner Hulsey asked if a business owner could move to a property that would allow the use. Mr. Mund said he could. A conditional use ran with the land, not the business.

Commissioner Baker asked if an applicant had to comply with the conditional use permit before a business license was issued. Mr. Wheelwright said that was correct.

Chairman Bodily felt an applicant should be in compliance with a conditional use permit before receiving a business license. The problem in the past had been stopping a use once it was started. The proposed amendment would give the Planning Commission authority to stop a conditional use.

Commissioner Harrop asked if the City could realistically stop a conditional use once it was started. Colt Mund said that if a conditional use was revoked on which a business license was contingent, a business owner ran the risk of being charged with a Class B Misdemeanor for doing business without a license. A business owner would have a lot of penalties hanging over his head if he continued to operate. If a conditional use permit was revoked, an applicant could appeal the Planning Commission's decision to the City's hearing office. A decision from the hearing officer could be appealed to district court.

Chad Braegger asked if there was a way of tying a water bill and water usage to a business license. The City owned the water. If a business was not in compliance could their water be shut off? Mr. Mund said it was a good question. He would have to look into it.

Commissioner Baker liked the proposed draft. She agreed with Commissioner Bingham's recommendation that a Planning Commission member be added to the Review Committee.

Colt Mund asked how the Planning Commission wanted to select that member. Commissioner Bingham felt it could be any member of the Planning Commission that was able to attend the meeting. Commissioner Baker suggested that an email regarding the meeting be sent to all of the Commission members. The first Planning Commission member to respond could attend. Commissioner Bingham did not feel the meeting should be stopped if a Planning Commission member was unavailable. Colt Mund said the Review Committee would have the same quorum requirements as the Planning Commission.

Commissioner Hulsey asked if the Review Committee would suggest what conditions and requirements should be placed on a conditional use, or would it just vet an application? Colt Mund felt the Committee



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would do both. The Committee would vet an application and could make recommendations regarding conditions. The Planning Commission could accept those recommendations or propose additional ones.

Commissioner Hulseley felt that the City Attorney had had some very good recommendations when the Planning Commission had reviewed the past few conditional use applications. He felt it would be beneficial for the City Attorney to be part of the Conditional Use Permit Review Committee.

Colt Mund stated that he would prepare a final draft for the Planning Commission to review at its next meeting.

Commissioner Hulseley moved to set a public hearing to receive public comments regarding amendments to Chapter 12-105 of the Zoning Ordinance on February 2, 2023. Commissioner Bingham seconded the motion. All voted "aye." The motion passed unanimously.

7. CONSIDERATION AND APPROVAL OF JANUARY 5, 2023, REGULAR PLANNING COMMISSION MINUTES

Commissioner Harrop moved to approve the January 5, 2023, minutes as corrected. Commissioner Hulseley seconded the motion. All voted "aye." The motion passed unanimously.

8. COMMISSIONER/STAFF COMMENTS

Time Stamp: 40:06 01/19/2023

Bryce Wheelwright

Bryce Wheelwright stated that on February 16th, the Planning Commission would probably be reviewing a conditional use permit for the Palmer Barn. He asked the Commission members to take the time to review all of the information it would receive prior to that meeting.

Mr. Wheelwright updated the Planning Commission on the status of the HOP Trail. The City's matching funds for the grant would be covered by UTA and UDOT. The agreement for those funds was being drafted. When the agreement was finished, construction could get started.

Mr. Wheelwright stated that work was starting on the well for the Old Farm annexation.

Chairman Bodily asked when work on Highway 89 would begin. Mr. Wheelwright said it was supposed to start this summer.

Chris Davis

Chris Davis stated that the Lieutenant Governor's office had been confused about the annexation of the Old Farm property because it was not currently contiguous to the City's boundaries. The staff had resolved their concerns.

Chris Davis reported that the City had received a \$1 million grant from the State to extend the waterline from Willard Canyon to 750 North. The City was working with the Wells family, Granite and Staker Parsons to get that started. The waterline would allow the Kunzler property to come back before the Planning Commission.



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, January 19, 2023 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

The SLUA met with Dr. Beard on January 18th. He would be bringing a proposal for his property before the Planning Commission.

Colt Mund

Did not have any comments.

Commissioner Bingham

Did not have any comments

Commissioner Hulsey

Commissioner Hulsey asked about the sports complex that was going to go in on the southeast corner of 200 West 750 North. Bryce Wheelwright said the property owner had run into problems and didn't think he would be able to do it.

Commissioner Baker

Did not have any comments.

Commissioner Harrop

Did not have any comments.

Chairman Bodily

Chairman Bodily asked when the FiiZ shop would open. Bryce Wheelwright said they had not applied for their building permit. Chairman Bodily thought their goal was to open by April. He still felt there would have to be some type of barricade to prevent vehicles from driving straight out of the drive-through lane onto Highway 89.

9. ADJOURN

Commissioner Baker moved to adjourn at approximately 7:18 p.m. Commissioner Harrop 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 01-19-2023