



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, February 2, 2023 – 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
Chandler Bingham
Alex Dubovik
Zack Hulsey

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

Excused: Blake Harrop and Bryce Wheelwright

Others in attendance: Mayor Travis Mote, Councilman John Seamons, Rew Wiley, and Chad Braegger.

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

1. PRAYER: Sid Bodily
2. PLEDGE OF ALLEGIANCE: Chandler Bingham
3. ROLL CALL: Attendance was recorded by the secretary.
4. GENERAL PUBLIC COMMENTS

There were no comments.

5. CITY COUNCIL REPORT

Time Stamp: 2:37 02/02/2023

Councilman John Seamons reported on the January 26th City Council meeting. The City Council discussed excess property, and the really low bids that had been received. The Council decided to extend the bid date to March 1st and to provide additional notification. The Council approved the annexation of property providing tank access to the Old Farm Subdivision, and it was provided an update on employee evaluation software. The City Council discussed light meters and audiometers. It determined that if the City purchased one, it had to be good enough to withstand a court challenge, and its user would have to be certified. The Council decided not to purchase one. There had been no progress on Dark Sky, but the Council was still working on it. A policy was adopted to provide relief for large water bills when owners asked for meters to be shut off. The Council asked the staff to pursue a Jake Brake ordinance. There was a report about the excellent job the Public Works staff had doing removing snow, and that the Police Department would soon have four officers on the street again. Box Elder County was talking about creating a fire service district for the entire county, which Willard was opposed to that. Mayor Mote had met with the Northwestern Band of the Shoshone regarding the petroglyph that fell into the Granite Ridge Subdivision. The Shoshone agreed to have the petroglyph placed in the historic cemetery. Sandbags would be filled and made available in the spring. The Council also talked about turkeys. The City was the only entity working to catch them. The City now had ID cards available for employees.



WILLARD CITY
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Mayor Mote stated that the Council had scheduled a work session to review the General Plan with the City's planning consultant on Monday, February 20th, at 11:00 a.m. He invited the Planning Commission to attend. It was a federal holiday, but it was the only day the Council had had available. He asked that the Council and Planning Commission review the plan and note any page number with an issue. He felt the focus of the meeting should be the action items and the Future Land Use Map.

Mayor Mote reported that he had spoken with the head of State Parks regarding their expansion and the right-of-way issue at Willard Bay. They wanted to see the area west of the freeway and north of the Bay developed into a commercial area that would support the Bay. They wanted to be involved in the City's General Plan. They would be invited to the February 20th meeting. The City would continue to work to resolve access to the City's sewer treatment plant and private property in the area.

6A. PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS REGARDING A PROPOSAL TO AMEND
THE CONDITIONAL USE REGULATIONS – CHAPTER 12-105 – OF THE WILLARD CITY
ZONING ORDINANCE

Time Stamp 10:17 02/02/2023

Commissioner Bingham moved to open the public hearing at 6:40 p.m. Commission Dubovik seconded the motion. All voted "aye." The motion passed unanimously.

Chairman Bodily read the Willard City Planning Commission rules of order statement.

Colt Mund, City Attorney, stated that this ordinance had been a few years in the making. About two years ago, the Planning Commission updated the conditional use tables. Last fall the City Council passed a moratorium on conditional use permits and asked that the City's Conditional Use regulations be updated. The Planning Commission had held several discussions about the CUP Ordinance. In its last conversation, the Planning Commission asked that the City Attorney and a member of the Planning Commission be added to the Conditional Use Permit Review Committee. Michelle Drago had reviewed the latest draft and made some comments that he felt should be incorporated. The first was about the notice requirements.

Mr. Mund said the City currently required that a conditional use applicant provide notice by certified mail to all property owners within 500 feet of the proposed site. Michelle recommended that the City send the notice by regular mail based on a list of affected property owners provided by the applicant. Then the City would have an accurate list of the notified property owners and could ensure that the notice had been sent. He echoed that recommendation and asked that the notification change be included in any positive recommendation to the City Council.

Mr. Mund said Michelle also noticed that the Table of Uses did not address Airbnb's, which the Planning Commission might want to consider. He had noted that Accessory Dwelling Units were listed as a conditional use in manufacturing areas. He asked that the Table of Uses be amended to make Accessory Dwelling Units a permitted use in all zones in order to comply with the State's new regulations. Any ADU applicant would have to follow the City's ADU Ordinance.

Chairman Bodily opened the floor for public comments.

Rew Wiley, 75 West 800 North, had a few questions. How often was a conditional use permit reviewed? If someone had a conditional use permit regulated by City ordinance, did the applicant have to comply with



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, February 2, 2023 – 6:30 p.m.
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that ordinance at some point in time? Did a conditional use permit mean an applicant did not have to comply with City ordinances? How was a conditional use permit revoked?

Chairman Bodily understood that a conditional use permit would be reviewed if a complaint was received. If an applicant did not comply with the conditions of the conditional use permit, a conditional use could be revoked.

Commissioner Dubovik asked if conditional use permits were reviewed annually. Chairman Bodily did not think there was an annual review. Colt Mund stated that conditional use permits were reviewed by the City Planner as needed.

Rew Wiley asked if there was a complaint form. Chairman Bodily said there was.

Colt Mund stated that if the City Planner observed that an applicant was in non-compliance, he could review the conditional use permit. He did not have to wait for a complaint.

Rew Wiley asked if a conditional use permit allowed an applicant to be exempt from complying with City ordinances. Chairman Bodily said an applicant was required to comply with all City regulations. Conditions for a conditional use permit were in addition to the City's regulations.

Commissioner Dubovik stated that a conditional use permit meant an applicant had more stringent requirements.

Rew Wiley stated that his next-door neighbor had a conditional use. It didn't seem like it was ever reviewed. He felt there were City ordinances his neighbor wasn't adhering to, but his neighbor seemed to feel that his conditional use permit granted him an exception.

Commissioner Dubovik stated that a conditional use permit did not allow an applicant to violate City ordinances. A conditional use permit simply allowed a use with additional, stringent regulations.

Rew Wiley asked who enforced the City ordinances. Chairman Bodily said that enforcement was one of the City's biggest problems. The City Planner could not take care of all of the enforcement issues.

Commissioner Bingham stated that the proposed ordinance included better enforcement provisions.

Mayor Mote felt the City would have to hire an enforcement officer to really nail down every issue. Until it did, enforcement was on a complaint basis. He would like to see conditional use permits reviewed annually, but the City currently didn't have the manpower.

Rew Wiley suggested hiring somebody and giving them a percentage of the fines he collected.

Chairman Bodily stated that the former mayor had suggested that a few cities pool their resources to hire an enforcement officer.

Mayor Mote stated the City's biggest issue was the cost of labor and the cost of keeping current employees with the revenue provided by the current tax rate. The City needed more businesses that could bring in more revenue. Right now Bryce Wheelwright, the City Planner, did most of the enforcement, but even he had personally chipped in to help.



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, February 2, 2023 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

Commissioner Hulsey felt an annual review wouldn't necessarily be geared toward compliance. It would be a check to see if conditions were still applicable. If an applicant wasn't complying from the beginning, compliance needed to be addressed. Enforcement did not have to wait for the annual review.

Mayor Mote verified that the City could not change conditions of a conditional use permit. Colt Mund said there was case law that said a city did not have the authority to alter or modify a conditional use permit after the fact. A city could enforce provisions, but it could not add additional ones.

Mayor More stated that the Council's reason for the proposed amendments was to do a better review upfront so the City's hands weren't tied on the back end.

Rew Wiley asked if changes to a conditional use permit could be made during the annual review. Chairman Bodily reiterated that the City could not make changes to a conditional use permit after it was approved.

Commissioner Hulsey asked if the City could make conditional use permits expire. Colt Mund said the City could not do that. Conditional use permits were tied to the land. The City could issue temporary use permits for things like a concert or a seasonal business. Temporary use permits did expire.

Rew Wiley asked how many conditional use permits the City had. Commissioner Baker said the staff had a list of conditional uses, but she wasn't sure how many were on it.

Rew Wiley was frustrated by those who felt their conditional use permit meant they didn't have to comply with the City's ordinances.

Commissioner Baker stated that the proposed changes would apply to future conditional use permits, not ones that already existed.

Commissioner Dubovik said a conditional use permit was not a waiver or deterrent from City ordinances. The proposed changes included a review body that would allow a closer review of compliance before a conditional use permit was issued. He felt that would save the City a lot of grief in the future.

Chad Braegger, 3790 South 1200 West, Perry, really wanted to know how many conditional use permits were in Willard. He didn't feel there were as many as everyone thought there was. If there were 20 conditional use permits, the Planning Commission could review one every meeting to make sure it was up to snuff. He didn't feel it was appropriate to count on the public to bring violations to the attention of the City. If conditional use permits were reviewed annually, hopefully problems could be taken care of before they became problems for neighbors. If conditional use permits were approved by the Planning Commission, he felt they should be reviewed by the Planning Commission. If a conditional use permit was on the agenda, the City Planner could check it ahead of time. If neighbors knew the conditional use permit was on the agenda, they could come to the meeting to discuss any issues.

Chris Davis asked Michelle Drago to print the list of conditional use permits (see attached copy).

Mayor Mote felt the Planning Commission should have a list of the conditional use permits, and that they should be reviewed annually. There might be way for the City to operate more efficiently.

There was further discussion about enforcement.

Rew Wiley asked if a conditional use permit had to be tied to the property. Mr. Mund said it did.



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, February 2, 2023 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

Commissioner Baker moved to close the public hearing at 7:04 p.m. Commissioner Hulsey seconded the motion. All voted “aye.” The motion passed unanimously.

6B. CONSIDERATION AND RECOMMENDATION TO THE CITY COUNCIL REGARDING A PROPOSAL TO AMEND THE CONDITIONAL USE REGULATIONS – CHAPTER 12-105 – OF THE WILLARD CITY ZONING ORDINANCE

Time Stamp: 34:37 02/02/2023

Chairman Bodily stated that the Conditional Use Permit regulations had been amended by the City Attorney as directed by the Planning Commission. He agreed with the recommended change to the notification requirements and the addition of Airbnb's to the Table of Uses.

Commissioner Hulsey asked if the applicant would be responsible to reimburse the City for mailing expenses. Colt Mund said that Michelle had recommended that the City be reimbursed for all notification expenses.

Commissioner Bingham liked both of the recommendations from the City Attorney.

Commissioner Dubovik felt the proposed content put the Planning Commission in a much better position to make sound decisions.

Commissioner Hulsey asked for a clarification about expirations. Colt Mund explained that if a conditional use applicant had not applied for a business license or a building permit within a year of the Planning Commission's approval, the approval would become null and void. The paragraph also said that if a use was abandoned over time, the Planning Commission could revoke it.

Councilman Seamons asked what constituted an abandonment. Colt Mund stated that if it had been more than a year since a conditional use permit had been actively used at a site, the Planning Commission could revoke the use so that it no longer ran with the land.

Councilman Seamons asked if that time frame also applied to inactive mining operations.

Mayor Mote asked if abandonment was defined in the code. Mr. Mund said it was not. Mayor Mote felt it a definition for abandonment should be added to the regulations. He would make that suggestion when the amendments were discussed by the City Council.

There was a discussion about the Francom welding shop. Chairman Bodily felt it was a use the Planning Commission needed to review.

Commissioner Hulsey stated that the Planning Commission kept talking about an annual review, but he could not find an annual review requirement in the Conditional Use Regulations. Colt Mund said there wasn't one. Commissioner Baker thought there was a review requirement in the ordinance. Commissioner Hulsey asked if an annual review requirement should be added to the regulations, or should an annual review be a condition of the conditional use permit itself.

Colt Mund felt there had been some confusion between a conditional use permit and a temporary use permit. A temporary use permit was only good for a certain amount of time and had to be renewed annually. A conditional use permit would only be reviewed by the Planning Commission if there was a concern



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, February 2, 2023 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

regarding the use. The Planning Commission could include an annual review as a condition of a conditional use permit.

Commissioner Dubovik felt that would be a good addition for the City Council to consider.

Cold Mund reminded the Planning Commission that the staff recommended it forward the proposed amendments to the Conditional Use Regulations to the City Council for approval as written, except for changes to the notification requirements, the addition of Airbnb's to the Table of Uses as a conditional use in all three Zones, and that the Table of Uses be changed to allow Accessory Dwelling Units as a permitted use in all zones.

Commissioner Dubovik suggested that an annual review also be added. Commissioner Bingham felt an annual review would be a lot of paperwork if a use didn't have an issue. Maybe the review should be biannual. Commissioner Hulsey didn't feel four or five minutes once a year would be that much work. Commissioner Dubovik felt the Planning Commission should pass on the recommendation that there be a periodic review. The Council could determine how often the review should be done.

Commissioner Hulsey said the Mayor planned to have the City Council discuss the definition of abandonment.

Commissioner Bingham moved to recommend that the City Council approve the proposed amendments to the Conditional Use Regulations found in Chapter 12-105 of the Willard City Zoning Ordinance as drafted, except for changes to the notification requirements as recommended by staff, the addition of Airbnb's to the Table of Uses as a conditional use in all three zones, that the Table of Uses be changed to allow Accessory Dwelling Units as a permitted use in all three zones, and that a periodic review of a conditional use permit be required. Commissioner Dubovik seconded the motion. All voted "aye." The motion passed unanimously.

7. CONSIDERATION AND APPROVAL OF JANUARY 19, 2023, REGULAR PLANNING COMMISSION MINUTES

Commissioner Baker moved to approve the January 19, 2023, minutes as corrected. Commissioner Bingham seconded the motion. All voted "aye." The motion passed unanimously.

8. COMMISSIONER/STAFF COMMENTS

Time Stamp: 51:39 02/02/2023

Chris Davis

Did not have any comments

Colt Mund

Did not have any comments.

Commissioner Bingham



WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, February 2, 2023 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

Commissioner Bingham stated that there were crews doing surveying through the community. What was the survey for? Chris Davis said it might be the fiber optics company. It could be part of the prep work for the Highway 89 project planned during the summer.

Commissioner Dubovik

Commissioner Dubovik asked who would be liable for incidents that happened on the Canal Road, such as a dog bite from a loose animal. Would it be Pineview Water, the land owner, or would it be a civil case? Colt Mund felt the dog owners would be liable. Chris Davis suggested that he contact the Police Chief.

Commissioner Hulsey

Commissioner Hulsey asked about Dr. Beard's property. Chris Davis said the staff was waiting for Dr. Beard to submit the required paperwork and meet with UDOT regarding access from 750 North.

Commissioner Baker

Did not have any comments.

Chairman Bodily

Did not have any comments

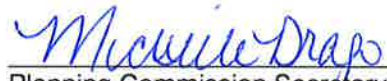
9. ADJOURN

Commissioner Dubovik moved to adjourn at approximately 7:26 p.m. Commissioner Hulsey seconded the motion. All voted in favor. The motion passed unanimously.

Minutes were read individually and approved on: 2/16/23



Planning Commission, Chairman
Sid Bodily



Planning Commission Secretary
Michelle Drago

dc:PC 02-02-2023

MASTER CONDITIONAL USE PERMIT SPREADSHEET							Status and Review	
No.	Address	Applicant	Application Date	Fee	Approval Date	Type	Date	Parcel No.
	39 South Main	Woodard, Bryce & Karen	2/15/2022	\$25.00 PM	Denied 3/3/22	Health Food Store & Airbnd	N/A	02-051-0183
	45 North Main	Comer, William				Trailer Court		02-051-0183
	51 North Main	Peterson, Kevin	9/17/1996	\$25.00	Approved 1/9/97	Auto Repair	Closed	02-047-0177
	51 North Main	Sherrod, Bruce T. /Rhino Linings	5/6/2004		Approved 5/27/04	Automotive Servicing	Closed	02-047-0177
	51 North Main	Gillespie Alexander & Heather	2/22/2018		4/9/2018	Automobile Repair Shop	Closed	02-047-0177
	51 North Main	Moyes, Jeff & Brenda	7/26/2022	\$25.00 PD	9/1/2022	Automobile Repair Shop	Active	02-047-0177
	53 North 100 West	Braegger, Josh	5/28/2020	\$25.00 PD	Approved 6/19/20	Multi-Family (Basement Apartment)		02-047-0074
	55 South 100 East	Braegger, Kenneth			Approved 2/5/16	Contractor - Home Business	Active	02-050-0074
	65 North 200 West	Barlow, Phillip	4/26/2005	\$25.00	Approved 2/17/05	Single Family Dwelling		02-047-0044 & 0046
	76 North 200 West	Younger, Stacy	10/28/2011		Approved 5/31/12	Temporary Residential use		02-047-0071
	76 North Main	Taylor, April	3/1/2013		Approved 3/8/13	Beekkeeping	Closed	02-047-0102
	88 North Main	Huntsman, Tonya			Approved 8/30/17	Day Care	Closed	02-047-0101
	100 West 1700 North	Wilson, Gerald W.G.	6/5/1991		Amended 9/16/91	Auto Repair - Home Business		02-038-0030
	105 South 100 East	Loveland, Judy	9/16/1996		Approved 9/20/96	Auto Repair - Home Business	Active	02-050-0008
	110 South 250 West	Heath, Trisha	5/18/2018		1/9/2019	Multi-Family Dwelling		02-053-0003
	135 East Center	Rose, Nonna Mae	11/4/1988	\$25.00	11/16/1988	In Home Day-Care	Closed	02-048-0029
	155 East 100 South	Shropshire/S & K Trucking			7/18/2002	Home Business-Trucking Business	Closed	02-050-0085
	155 South 100 West	Braegger, Tammy	2/13/2003		3/3/2003	In Home Day Care	Closed	02-051-0107
	155 South Spring Street (135 S 100 E)	Dean, Blair & Kathy Davis	6/21/1999		9/23/2005	Single Family Home On Sensitive Land		02-050-0077
	188 South 250 West	Hansen, Lindsey B.	5/3/2006	\$25.00		Single Family Dwelling	Active	02-054-0021
	234 South 100 East	Olson, John	3/3/1989	\$25.00	3/22/1989	Business Trailer		02-051-0126
	250 East 100 North	Condie Construction	1/12/2009	\$25.00		Construction Trailer	Closed 2010	02-048-0038
	300 East 750 North	Granite Construction Company			11/3/2015	Concrete Batch Plant		02-045-0005
	344 East 300 North	Merritts, Bill & Shelley	4/8/1993		5/10/1993	Single Family Dwelling on Sensitive Land		02-048-0005
	369 South Main	Mitchell, Craig	3/29/2016		4/5/2016	Temporary Residential Use		02-051-0099
	370 North Main	Perry, Peggy Jo	10/28/2005	\$25.00	Approved 11/18/05	Fruit Stand		02-046-0079

426 North 200 West	Thurgood, Ryan					1/24/2007	Home Occupation - Construction Business		02-046-0080
432 North Main	Francom, Matthew & Keldi	10/20/2020	\$25.00 PD			Tabled 11/19/20	Welding Shop	Tabled	02-046-0086
450 North 200 West	Radtke, Robert and Suzie	9/25/2014	\$25.00 PD			10/6/2014	Alpaca Farm	Active	02-046-0047 & 0084
481 North 200 West	Beard, Lynn					Approved 2/5/15	Multi-Family Dwelling/Duplex		02-046-0075
500 East 625 South	Nielsen, Darrell	3/20/1980				4/11/1989	Gravel Removal		02-049-0001 & 02-053-0044
500 South 200 East	Wilkes, Melissa					3/15/2015	Home Occupation		02-053-0029
550 North 200 West	Kilpack, Lee	2/16/2018	\$25.00				Multi-Family/Basement Apartment		02-046-0046
595 South Main	Ross, Terry	10/28/2016				12/29/2016	Temporary Business Use		02-053-0005
595 West 750 North	Zundel, Robert	6/8/1978				Denied 6/28/78	Campground		02-044-0007
620 North 200 West	Kapp, Nelson & Jan	6/24/1905				2002	Building Permit		02-046-0005
683 North Main	Palmer, Damon & Morgan	4/1/2018				4/12/2018	Temporary Residential Use	Closed	02-046-0102
683 North Main	Palmer, Morgan	2/9/2021	\$25.00 PD			Approved 5/6/21	Wedding Reception Center	Active	02-046-0102
725 North Main	Cox, Udine	8/1/2005					In Home Day Care	Closed	02-046-0055
740 North Main	Grimes, Mike	7/19/1996				9/17/1996	Used Vehicle Sales	Active	02-046-0015
747 South Main	Gilbert, Scott; Gilbert, Dustin; Russell, Dee	3/22/2016	\$25.00 PD			4/5/2016	Accessory Building		02-053-0059
769 North Main	Wellison, Virginia	5/4/1990	\$25.00			6/15/1990	RV Park	Closed	02-041-0067
769 North Main	Gibbons, Gary					Approved 10/15/02	RV Campground	Closed	02-041-0067
769 North Main						2/7/2020	RV Campground	Active	02-041-0067
781 North 200 West	Sanders, Jeff & Marshall, Brice					2/2/2009	Truss Manufacturing	Closed	02-041-0030
781 North 200 West	Barthlome, Shane	10/31/2013	\$25.00			12/9/2013	Truss Manufacturing	Active	02-041-0030
845 North Main	Neeley, Andrew	4/28/2014				6/20/2014	Small Engine Repair		02-041-0046
850 North Main (filed in 960 N Main)	Venture Outdoor Advertising		\$25.00			8/27/1990	Off-Premise Sign (Billboard)		02-043-0013
875 North Main	E. K. Bailey					5/15/2008	Home Furnishings Store		02-041-0045
1305 North Main	Bodily, Jacob						Home Occupation - Auto Repair		02-040-0035
1357 North Main	Qwest & Maurice Roche					4/19/2001	Communications Tower		02-040-0005
1494 North Main	Parrott, Anniece	1/19/1999				2/11/1999	In Home Day Care	Closed	02-040-033
1590 Hargis Hill Road	Hunsaker, Adrienne	4/20/2005				Approved 05/12/05	In Home Day Care	Closed	02-038-0049