



Notice is hereby given that the
WILLARD CITY PLANNING COMMISSION
Will meet in a regular session on
Thursday, March 16, 2023 – 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. Review of conditional use permit for Morgan Palmer for a reception center located at approximately 683 North Main (Parcel No. 02-048-0098)
 - b. Review and discussion regarding closed or abandoned conditional use permits
 - c. Consideration of a lot line adjustment for the Old Farm Stone House lot line adjustment located at approximately 7140 South Highway 89 (02-055-0042 and 02-055-0067)
 - d. Discussion regarding revised General Plan
7. Consideration and approval of the March 2, 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/pmnn/index.html>, on the Willard City website www.willardcity.com, and sent to the Box Elder News Journal this 10th of March, 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.

CONDITIONAL USE PERMIT

DATE: 4/15/2021

ISSUED TO: Palmer Barn 683 North Main Willard Utah

PURPOSE: Events Center

THE FOLLOWING CONDITIONS WILL BE REQUIRED OF THE OWNERS OF THE PALMER BARN EVENTS CENTER TO DO BUSINESS AT 683 NORTH MAIN IN WILLARD UTAH.

1. A paved parking lot with a minimum of 40 stalls will be built before this permit is issued.
2. The building will meet all commercial building code requirements for this type of business.
3. The landscape plan will be installed within six months of this permit being issued.
4. The property will be fenced with a vinyl fence within three months of this permit being issued.
5. The Fire Marshal will sign off on the fire safety of this operation.
6. The building will have separate commercial sewer and water connections from the residence.
7. Hours of operation will be between 7:00 am to 1:00 am.
8. The business will stay in compliance with Willard City Noise Ordinance.
9. The Business will not hold over night events.
10. In the event that Morgan Palmer sells this business, or it changes ownership, then this Conditional Use permit is revoked.

ANY VIOLATION OF THE ABOVE CONDITIONS THAT ARE NOT RESOVED IN A TIMELY MANNER MAY RESULT IN THE BUSINESS LICENSE AND CONDITIONAL USE PERMIT BEING REVOKED.



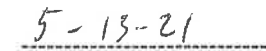
APPLICANT SIGNATURE



DATE



CITY PLANNER



DATE

Mr. Davis suggested the Commission table this agenda item. He pointed out they do not have a full quorum and if this doesn't pass, the city had an ordinance in place that indicated if a rezone is denied, it cannot be reviewed for a year, which might happen. He reiterated it was his suggestion to table the item until they had additional information. He indicated that part of that can come from potential of additional development along with the review of the traffic needs.

Motion: Commissioner Bingham moved to table the rezone request for Trish Heath (Barker/Braegger) to rezone property located at approximately 110 South 250 West (02-054-0003) from A5 to R ½ so they can get the additional information Mr. Davis spoke of. Commissioner Hulsey seconded the motion. The motion passed unanimously.

Public hearing to consider a request from Damon and Morgan Palmer to rezone property located at approximately 683 North Main (02-046-0102) from R ½ to Commercial Neighborhood

Chair bodily entertained a motion to open the public hearing.

Motion: Commissioner Hulsey moved to open the public hearing to consider a request from Damon and Morgan Palmer to rezone property located at approximately 683 North Main (02-046-0102) from R ½ to Commercial Neighborhood. Commissioner Barker seconded the motion. The motion passed unanimously.

The public hearing opened at 7:32 p.m.

Mr. Wheelwright informed the Commission the Rezone petition was for the property located 683 North Main. The petitioners would like to do a commercial business at the location, specifically wedding receptions. He went on to say they came in and got a conditional use permit and rezone application. However, at that time, they changed their mind. Now it was back for the rezone, and they were working on the building to make it commercial friendly. He informed the Commission the property needed to be rezoned to commercial neighborhood.

Morgan Palmer, petitioner, addressed the Commissioner. She had nothing to add to what Mr. Wheelwright already informed the Commission.

Motion: Commissioner Baker moved to close the public hearing. Commissioner Hulsey seconded the motion. The motion passed unanimously.

The public hearing closed at 7:34 p.m.

There was an inquiry about Mrs. Palmer's conditional use permit. Mr. Wheelwright informed the Commission the property needed to be rezoned to neighborhood commercial first.

Mr. Mund informed the Commission there needed to be a commercial access from UDOT, and staff had not received anything from the state as of yet. He suggested the approval be made subject to the commercial access being granted by UDOT.

Mrs. Palmer presented the approval for the commercial access from UDOT to staff. Mr. Davis suggested that the Commission still approve the rezone subject to the commercial access being granted by UDOT and make sure they do have it.

Motion: Commissioner Baker moved to approve the request for Damon and Morgan Palmer to rezone property

located at approximately 683 North Main (02-046-0102) from R ½ to Commercial Neighborhood subject to the commercial access from UDOT. Commissioner Bingham seconded the motion. The motion passed unanimously.

Public hearing to consider an amendment to Chapter 12-110-4 of the Willard City Zoning Ordinance regarding notification for applications for zoning changes

Mr. Wheelwright informed the Commission the current ordinance specifies a rezone notice be mail to all property owners within one-quarter mile and be mailed via certified mail, which can be very costly. He noted that staff did not see a need for that. He went on to say they could be mail via U.S. Regula mail and state law allowed that. In regard to the mailing distance, state law did not require one-quarter mile. However, the state law was ambiguous; most cities utilize 300 feet.

Commissioner Bodily stated 300 feet it did not seem like very far. Mr. Davis indicated that was staff's recommendation based on state code and other communities. However, they would like to get the Commission's fee back and public comment. It was said in Willard, it may only be one neighbor. Commissioner Bingham stated he would like to see it stay at one-quarter mile. Commissioner Hulsey agreed.

Motion: Commissioner Bingham moved to open the public hearing to consider an amendment to Chapter 12-110-4 of the Willard City Zoning Ordinance regarding notification for applications for zoning changes. Commissioner Baker seconded the motion. The motion passed unanimously.

The public hearing opened at 7:41 p.m.

Travis Mote, 455 South 200 West

Mr. Mote pointed out if it was 300 feet, he didn't think it would be adequate. His property is 500 feet. He went on to say, he did not think he had been receiving the notices. Mr. Mote pointed out when the Braegger subdivision went in, the runoff went into the Randy Lemon property. He thought the mailing distance should be kept at one-quarter mile.

Morgan Palmer, 683 North Main

Ms. Palmer indicated she thought it should be kept at one-quarter mile as well; however, U.S. Regular mail should be fine.

Keith Larsen, 150 South 200 West

Mr. Larsen agreed. The city did not need to mail the notices certified mail – except the city would not have proof a resident has been notified (note: the notice were not mailed return receipt; only certified). He also thought the distance should be kept at one-quarter mile.

Motion: Commissioner Hulsey moved to close the public hearing. Commissioner Bingham seconded the motion. The motion passed unanimously.

The public hearing closed at 7:44 p.m.

It was said that some cities do not even mail out notices, they just post a sign on the property. Commissioner Bingham agreed with the public comment to keep the distance at one-quarter mile. Commissioner Baker agreed as well, and she indicated that she did not think the city followed the ordinance in the past.

Motion: Commissioner Hulsey moved to recommend that the Planning Commission approve the amendment to



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

The following members were in attendance:

Sid Bodily, Chairman
Diane Baker
Chandler Bingham
Zack Hulsey

Christ Davis, City Manager
Colt Mund, City Attorney
Bryce Wheelwright, City Planner
Michelle Drago, Planning Secretary

Excused: Alex Dubovik and Blake Harrop

Others in attendance: Rachel McIntire; Trisha Heath; Morgan Palmer. Rod Braegger; and Don Waite.

1. PRAYER: Chandler Bingham
2. PLEDGE OF ALLEGIANCE: Zack Hulsey
3. ROLL CALL – Attendance was recorded by the secretary.
4. GENERAL PUBLIC COMMENTS (INPUT FOR ITEMS NOT ON AGENDA)

No comments were made.

5A. **CONSIDERATION OF A CONDITIONAL USE PERMIT FOR MORGAN PALMER FOR AN EVENT CENTER LOCATED AT APPROXIMATELY 683 NORTH MAIN (02-046-0102)**

Bryce Wheelwright stated that Morgan Palmer's rezone request was approved by the City Council on March 25th. She was now requesting approval of a conditional use permit for an event center at 683 North Main. The Planning Commission needed to consider and discuss conditions that would be appropriate for the proposed use.

Morgan Palmer said she was willing to talk about whatever concerns the Planning Commission had.

Commissioner Baker and Chairman Bodily asked about Morgan Palmer's landscaping plans. Morgan Palmer wanted to plant wildflowers and shrubs on the berm along the highway. The main open area west of the event center would just be grass. The back area would be gravel and xeriscape.

Chairman Bodily asked how many parking spaces she would have. Ms. Palmer said Willard's ordinances required her to have 40 paved parking spaces. There would be a total of 87 parking spaces. The extra 47 spaces were for overflow parking. They would be on her property, and they would be graveled.

Commissioner Hulsey asked about Morgan's lighting plans. Would there be lights along the highway? Morgan Palmer said she couldn't have lighting along the highway. She had the required egress lighting along the outside of the barn, and she had motion floodlights. All of the exterior doors had fancy, barn lights. Commissioner Hulsey asked if there would be any lighting in the parking lot. Ms. Palmer said there would not.



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Chairman Bodily asked about hours of operation. Morgan Palmer said most weddings were over and cleaned up by 10:00 p.m. Most private events ended around 11:30 p.m., but some private events could last until 12:30 a.m.

Commissioner Baker was concerned about how the neighbor to the north could be impacted. Would the floodlights bother them? Morgan Palmer said the floodlights were actually residential-looking lights. The light they produced was directed straight down, not out. She didn't want anything flashy that would deter traffic.

Commissioner Hulsey verified that there was only one ingress/egress and that it was from the highway. Ms. Palmer said that was correct.

Chairman Bodily asked if Morgan Palmer had received an access permit from UDOT. Bryce Wheelwright said she had.

Commissioner Hulsey asked if a single ingress/egress was a cause for concern. What happened if there was a fire? Colt Mund felt that was a valid question that should be answered by the Fire Chief. The Fire Chief could determine if anything should be required to mitigate a fire. Commissioner Baker asked how many exits the barn had. Morgan Palmer said the barn itself had four. She was only required to have two. There was only one ingress/egress for her house and the barn. When UDOT did their traffic study, it rated the ingress/egress for commercial. Commissioner Baker was okay with the access. Commissioner Hulsey asked if there was an option for a second access. Morgan Palmer said UDOT wouldn't allow another access on Highway 89. Commissioner Hulsey asked if there was a way to put in a second access from 750 North. Morgan Palmer stated that she would have to go through two private properties to access 750 North.

Bryce Wheelwright asked if Morgan Palmer had any fencing plans. Morgan Palmer said she would like to put in a fence.

Commissioner Baker asked if Morgan Palmer had hosted any large events that used a lot of the parking lot space. Morgan Palmer said most weddings were open house events with people constantly coming and going. Due to Covid, most events had been smaller. Her occupancy was limited to 148. She couldn't host a large event with 500 people.

Commissioner Baker asked about alcohol. Morgan Palmer said she could not sell alcohol, and she did not have an alcohol license. However, the Utah DBC allowed private held events to serve alcohol. If an event included alcohol, she required a security guard and a licensed and insured bartender. Commissioner Baker was concerned about someone drinking and pulling out onto the highway.

Colt Mund, City Attorney, asked if Morgan Palmer planned to hold outside events during the summer. Morgan Palmer said she planned to hold a few public events for the children in the community. They would be held in the large grass area.

Commissioner Hulsey felt that fencing should be required if there would be outside events; especially fencing along the highway. Morgan Palmer said she could put in a 6-foot, vinyl privacy fence.

Chairman Bodily asked if there was any concern about the hours of operation. Should there be a restriction on 24-hour events? Morgan Palmer said an overnight restriction would prevent her from holding overnight events, such as sleepovers for Girl Scouts or Boy Scouts.



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Commissioner Hulsey was concerned that noise from an overnight event could affect adjoining property owners. He wasn't sure there was a quantifiable way to measure noise levels after certain hours. Morgan Palmer said other event centers in other communities had noise restrictions. Noise could be measured with a decibel test. She felt the highway produced much more noise than an event would. She required music to be turned off at 10:00 p.m. Commissioner Hulsey didn't care if people were in the event center 24 hours as long as they weren't keeping adjoining property owners up. Chandler Bingham felt the noise level should comply with the City's curfew regulations. Colt Mund said decibel levels had been used in other cities, but wasn't sure how well they worked. Morgan Palmer said most phones could measure decibel levels. In other event centers, noise was restricted to certain decibel levels after a certain time. She asked if the noise restriction only applied to outdoor events. Chairman Bodily felt that at a certain point the noise level had to drop to a specific level, no matter where the event was at – outdoor or indoor.

Chairman Bodily asked what the noise level should be. Morgan Palmer said Farr West and North Ogden had noise restrictions. Bryce Wheelwright thought Willard had noise restrictions in the Nuisance Ordinance. Colt Mund thought Brigham City had a Noise Ordinance. Commissioner Hulsey felt the noise could be monitored or managed by complaint. Commissioner Baker felt Willard should check on the decibel level used by Farr West and North Ogden.

Don Waite, 1389 North Main, stated that North Ogden's noise and lighting regulations were City wide. It was based on decibels. At 11:00 p.m. light and noise levels had to drop. He was surprised Willard did not have a noise ordinance.

Morgan Palmer felt Willard's asphalt regulations were overkill. She wanted to have a gravel parking for a more rustic feel. Willard required that she pave 40 required parking stalls. She asked that the Planning Commission grant her a variance on the asphalt requirement. Bryce Wheelwright stated that Willard required all off-street parking to be paved. Morgan Palmer asked that she be allowed to have gravel parking rather than asphalt. There was a \$40,000 difference in cost. She was trying to keep her expenses down as she started her business so she didn't go bankrupt. If she was allowed to have gravel, she would have to cement the handicap parking. Chairman Bodily said Morgan Palmer needed to have a surface that could support emergency vehicles.

Bryce Wheelwright said the City Council was the City's appeal authority.

Commissioner Baker felt the paved parking could be addressed again when Morgan Palmer's conditional use permit was reviewed in one year. After one year, she would know what problems needed to be addressed.

Chairman Bodily said the Commission and Morgan Palmer needed to follow the City's rules. He asked about the variance process. Bryce Wheelwright said the City's ordinance required that off-street parking stalls be paved with compacted asphalt, which Morgan Palmer had agreed to. Morgan Palmer said the ordinance required a surface that was bound together. Mr. Wheelwright said the City Engineer said a surface that was bound together was asphalt or concrete. Morgan Palmer said she had asked about rotomill, which would cost \$32,000 instead of \$38,000. Rotomill would get pressed and compacted. Chris Davis said the City Engineer said the surface had to be asphalt or concrete, not rotomill.

Commissioner Bingham felt the conditional use permit should be restricted to the current owner only. Morgan Palmer lived there. She would treat the use differently than an absentee owner. Chairman Bodily said a conditional use was usually attached to a property, not an owner. Could the Planning Commission



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restrict it to the current owner? Colt Mund said he would look into it, but he felt the Planning Commission make that condition.

Chairman Bodily asked if Bryce Wheelwright could look into appropriate noise levels. Colt Mund said he would work with Bryce on noise conditions.

Chairman Bodily felt Morgan Palmer would have to appeal the paving requirement to the appropriate authority. Colt Mund said the Palmer's could request a variance. Whether it would be granted was a different question. Chris Davis stated that right now the City's appeal authority was the City Council. Willard did not have a Board of Adjustment or a Hearing Officer. Morgan Palmer thought the ordinance said the Planning Commission had authority to grant a variance. If she didn't agree with the Planning Commission's decision she could appeal it to the City Council. Colt Mund said that would be the course Ms. Palmer would take if she were denied a land use. In this case, she was seeking a modification or alteration to the ordinance. The Planning Commission did not have the ability to grant a variance request or modify or alter the ordinances. Bryce Wheelwright said Morgan Palmer would have to make a request to be on the Council agenda to have her variance request considered. Colt Mund said the Planning Commission would have to approve a conditional use permit with an asphalt requirement before Morgan Palmer could make an appeal. Morgan Palmer would bear the burden of proving why the variance should be granted. A variance could not be self-imposed or economic. If her request was just to save money, he could comfortably say her request did not meet the variance requirements.

Chairman Bodily explained that the Planning Commission would probably table consideration of Morgan Palmer's conditional use permit to allow time to follow up on the concerns discussed. Bryce Wheelwright listed the concerns raised by the Planning Commission – landscaping, paving 40 parking stalls, lighting, fire safety, fencing, hours of operation, noise level, and restrict the use to current owner.

Chairman Bodily felt the hours of operation were tied to the noise level. Not matter how long an event lasted, its noise level needed to drop to a certain level after a certain time, such as 10:00 p.m.

Chris Davis stated that storm water detention was also a concern. Morgan Palmer stated that her site guy told her she could drain onto herself. He had already resolved the drainage.

Commissioner Bingham moved to table consideration of Morgan Palmer's conditional use until the next meeting in order to allow the staff time to address the Commission's concerns. Commissioner Baker seconded the motion. All voted unanimously. The motion carried.

5B. DISCUSSION REGARDING A REQUEST FROM TRISHA HEATH (BARKER/BRAEGGER) TO REZONE PROPERTY LOCATED AT APPROXIMATELY 110 SOUTH 250 WEST (02-054-003) FROM A5 TO R ½

Colt Mund stated that in the previous Commission meeting, there was discussion about access. The Commission wanted to make sure it was resolved. The Braegger's had been very accommodating. He would prepare an agreement that would give the City emergency access through their property which would function as the second access. Other concerns would be dealt with as they went through the subdivision approval process. He wanted to get feedback from the Fire Chief about what the City needed for a second access. He anticipated having an agreement done in two weeks so the Planning Commission could move forward. He asked that the Planning Commission table consideration of the Barker/Braegger Rezone until the next meeting when there would be a written agreement between the two parties.



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The following members were in attendance:

Sid Bodily, Chairman
Diane Baker
Chandler Bingham
Zack Hulse

Chris Davis, City Manager
Colt Mund, City Attorney
Bryce Wheelwright, City Planner
Michelle Drago, Planning Secretary

Excused: Alex Dubovik and Blake Harrop

Others in attendance: Rachel McIntire; Trisha Heath; Morgan Palmer; Rod Braegger; and Travis Mote.

1. PRAYER: Zack Hulse
2. PLEDGE OF ALLEGIANCE: Diane Baker
3. ROLL CALL – Attendance was recorded by the secretary.
4. GENERAL PUBLIC COMMENTS (INPUT FOR ITEMS NOT ON AGENDA)

No comments were made.

5A. **CONSIDERATION OF A CONDITIONAL USE PERMIT FOR MORGAN PALMER FOR AN EVENT CENTER LOCATED AT APPROXIMATELY 683 NORTH MAIN (02-046-0102)**

Bryce Wheelwright stated that during its last meeting, the Planning Commission discussed appropriate conditions for the event center Morgan Palmer was proposing at 683 North Main. He presented a draft letter outlining those conditions (copy filed for record). There were two issues that had not been resolved – a review by the Fire Chief and recommendations regarding noise restrictions. He tried to contact the Fire Chief, but he had not received a response. Colt Mund was going to look into the noise issue.

Colt Mund stated that he looked into the noise ordinances recommended by Morgan Palmer at the last meeting. Farr West just had a general noise ordinance. Ogden City used a decibel level; Tremonton City did too. Brigham City did not have a decibel level, but they had a general noise ordinance. He was unable to get any information from North Ogden. He felt most of the ordinances were pretty generic. Ogden City's was a very robust ordinance. He was concerned about imposing a decibel system because he didn't know what those numbers meant. If the Planning Commission wanted to consider a decibel level, he felt the City needed to find someone, maybe Chief Fielding, who could provide information about what decibel levels meant and what they sounded like. He felt the best and cleanest approach was to consider hours of operation.

Morgan Palmer said she had researched the noise issue too. Most cities had level of 50 to 60 decibels. Decibels were measured at the edge of the property line with a sound meter. She purchased one and tested the decibels around her property. The decibels from the highway were outrageous. They were well over 100. The noise level from the highway was still over 80 decibels on her west property line. The highway



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noise was above the decibel levels of most cities. If a decibel level didn't work, she was willing to restrict all outside music after midnight.

Commissioner Hulsey felt most events would have ended by midnight. He suggested that Morgan Palmer notify the City when an overnight event would be held. Then the City would know who to talk to if any complaints were filed. Colt Mund was more concerned about notification to neighbors than the City. The City would respond if neighbors complained.

Chairman Bodily was concerned about Item 7 of the draft Conditional Use Permit letter regarding hours of operation. If the hours of operation were restricted to 8:00 a.m. to 11:30 p.m., it would prevent overnight events. The proposed hours of operation would help keep noise levels down, but they did preclude overnight events. Bryce Wheelwright asked if the hours of operation should apply only to outdoor events.

Morgan Palmer suggested that she be allowed to operate 24 hours a day, but that all outside noise be limited between the hours of 11:30 p.m. to 8:00 a.m.

There was a discussion about hours of operation inside and outside and noise levels.

Commissioner Bingham suggested that Morgan Palmer comply with the City's current Noise Ordinance. Commissioner Hulsey agreed. If the City already had a Noise Ordinance, he didn't think anything else was needed. Commissioner Baker thought the current ordinance restricted noise from 10:00 p.m. to 6:00 a.m. Bryce Wheelwright said noise was restricted from 10:00 p.m. to 7:00 a.m.

Morgan Palmer asked that she be allowed to have noise until midnight

Commissioner Bingham felt the conditional use permit needed to clearly state that the conditional use was being issued to Morgan Palmer only. It would not remain with the property. Any future business or property owner would have to reapply for a new conditional use permit.

Commissioner Bingham asked if this conditional use would be re-evaluated in a year. Bryce Wheelwright felt a re-evaluation could be included as a condition. Colt Mund did not feel a conditional use permit could be changed every year. A conditional use was issued with conditions outlined. He didn't feel the Planning Commission could change those conditions unilaterally.

Chairman Bodily didn't feel Morgan Palmer would have a problem if she followed the conditions outlined in the conditional use permit.

Colt Mund was under the impression that Morgan Palmer was seeking approval to operate a reception event center, not a campground. He was trying to understand exactly what type of business Morgan Palmer planned to have. Morgan Palmer said her barn would be a venue that could be leased for any event – birthday parties, weddings, scouting events, funerals, family reunions, UFC fights, etc. It was a space that could be leased for people to get together. Her uncle owned a venue in Peterson that was leased for a lot of scout events, which were overnight events.

Chris Davis asked if there would ever be an event that would last for more than 24 hours. Morgan Palmer said she was a business. She had invested a lot of money. She wanted to be busy every day. Mr. Davis felt the discussion led back around to whether this could be considered a campground with trailers. Morgan Palmer said she didn't want that kind of use. Commissioner Hulsey asked if that would be a problem for the City. Mr. Davis said it would. The City already had an issue with the existing campground. He understood



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Ms. Palmer wasn't trying to operate a campground, but the question became how long an event would last. He could foresee a youth camp or conference lasting multiple days. Morgan Palmer asked why that would be a concern if she complied with the noise restrictions.

Colt Mund felt the Planning Commission needed to understand what approval for a venue meant. Did that mean a rock concert, a week-long youth conference, or a wedding? He advised the Planning Commission to consider what the venue meant. It might approach the conditional use permit for a wedding reception venue differently than it would a venue for a youth conference or anything like it.

Commissioner Hulseley asked if it would matter what events were held as long as Morgan Palmer complied with the conditions of the conditional use permit. Mr. Mund said it wouldn't matter if the Planning Commission wanted to leave the broad conditions. He advised the Planning Commission to consider what an open ended venue definition could mean. Had the Planning Commission considered all the possible events that could be held? Such a consideration could change the conditions.

Chairman Bodily said the City could end up with camp trailers. Morgan Palmer said she wouldn't allow something like that. She felt it could take a long time to cover every possible event. Chairman Bodily said that if the Planning Commission didn't consider it, it would happen. He felt the Planning Commission should restrict camp trailers.

Commissioner Bingham pointed out that Morgan Palmer's occupancy limited her to a certain number of people. The City didn't want any complaints about competition between her venue and the campground down the road upon which the City had placed restrictions.

Colt Mund asked if there was a limitation on the number of people. Morgan Palmer said her architect limited the number of people to 148. Colt Mund asked if there was a limit of people on the exterior. Morgan Palmer asked if a park had a limited capacity. Colt Mund asked if her venue was a park. Morgan Palmer said her property wasn't a park, but a park didn't have a capacity limit. Why should the exterior of her property have a limited capacity?

Commissioner Bingham pointed out that Morgan Palmer's property had a residential/commercial use. She only had 40 parking stalls. Any overnight events would have to be limited because she had a limited amount of parking and restroom facilities. Maybe there needed to be a daytime capacity and an overnight capacity. Chairman Bodily said there were adequate restroom facilities on the interior for 148 people. He suggested limiting the exterior capacity to the same number. Commissioner Bingham felt the capacity for a sit-down event would be different than the capacity for an overnight event. Multiple day and overnight events changed the conditions. Morgan Palmer suggested limiting events to one night. The only overnight event she could think of involved youth, such as scouts. She didn't want to allow more than that because she didn't want the liability issues related to children under 18. Commissioner Bingham felt an overnight event was different than a wedding. A large number of people attended a wedding, but they weren't all there at the same time. An overnight event involved a large number of people all there at the same time.

Morgan Palmer asked if a condition could be added to her conditional use permit requiring her to get special permission for an overnight event.

Chairman Bodily felt that an overnight event should be limited to one night only. Otherwise there would be requirements for bathing facilities.

Bryce Wheelwright suggested limiting the number of overnight guests to 50.



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Morgan Palmer explained how her architect calculated the occupancy capacity of her venue. She felt the capacity would be the same for an overnight event. Chris Davis suggested that Morgan Palmer's architect calculate an overnight occupancy.

Colt Mund pointed out that the City still didn't have the Fire Chief's requirements for overnight lodging. There might be International Fire Code requirements Morgan Palmer would have to meet. Chairman Bodily felt the Planning Commission needed to have an answer from the Fire Department up front.

Morgan Palmer had contacted her home town fire department. She was told that she had to have a turn around that met the fire code, which she did. Her turn around was more than 100 foot by 100 foot. Chairman Bodily said the Planning Commission needed to know what the fire requirements would be if people were sleeping in her building.

Commissioner Hulseley said the Planning Commission realized that things could occur that they had not foreseen. If the conditional use was reviewed in six months, could conditions be added or altered? Colt Mund wasn't sure the Planning Commission could issue a conditional use permit and alter it afterward. He would have to research that.

Morgan Palmer asked that the Planning Commission approve her conditional use permit without overnight events. She would consult her legal counsel. If she wanted to pursue overnight events she would make an application to have her conditional use permit amended.

Bryce Wheelwright asked about hours of operation. Morgan Palmer asked that the a.m. hours be the same as the City's Noise Ordinance, which was 7:00 a.m. She asked that she be allowed to operate until 1:00 a.m. to accommodate same longer events.

Commissioner Baker agreed with the proposed hours of operation and hours of quiet.

Commissioner Bingham liked the quiet hours of 10:00 p.m. to 7:00 a.m. He couldn't imagine anything after 10:00 p.m. being louder than the Noise Ordinance permitted. Morgan Palmer asked that the noise restriction be extended to midnight to accommodate an outdoor wedding.

Colt Mund said the City's Noise Ordinance would apply whether the sound came from the inside or the outside. The hours of operation were a separate issue.

Morgan Palmer felt that limiting noise at 10:00 p.m. would limit events which would limit her income. She didn't feel that would be fair.

Commissioner Bingham stated that all residents and businesses were required to comply with the City's Noise Ordinance; gravel pits included. He agreed Morgan Palmer's hours of operation could extend past 10:00 p.m., but he felt the noise needed to be in line with the City's Noise Ordinance.

Bryce Wheelwright felt the only thing Morgan would have to worry about was music after 10:00 p.m.

Commissioner Hulseley felt the hours of operation needed to include a definite end time to preclude overnight events.



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Morgan Palmer agreed with hours of operation from 7:00 a.m. to 1:00 a.m. She was willing to abide by the City Noise Ordinance. There wouldn't be outside noise after 10:00 p.m.

Bryce Wheelwright stated that he would modify the conditional use permit to include hours of operation, no overnight events, and compliance with the City's Noise Ordinance. The Planning Commission could approve the modified draft at the next meeting.

Colt Mund stated that the conditional use permit also needed to include a 'catch all' phrase for compliance with all City ordinances.

Morgan Palmer asked if the Planning Commission could approve the conditional use permit subject to the modifications. She agreed with the proposed changes.

Bryce Wheelwright felt it would take a few weeks to get her parking lot paved. Mrs. Palmer said her parking lot would be paved within a week.

Commissioner Bingham asked if the Planning Commission could approve a conditional use permit subject to suggested changes. Colt Mund said the Planning Commission could legally do that. It was up to the Planning Commission to determine if that was a prudent course of action. He reminded the Planning Commission that it was still waiting for input from the Fire Department.

Commissioner Hulsey asked if the City Council could approve the conditional use permit. That would save a week. Chairman Bodily said only the Planning Commission approved conditional use permits.

Commissioner Bingham felt the Planning Commission should table the conditional use permit until it received an answer from the Fire Department. Chairman Bodily agreed.

Chairman Bodily clarified that the conditional use permit would be modified to include hours of operation, no overnight events, compliance with the City's Noise Ordinance, and compliance with all City ordinances. The Planning Commission also needed an answer from the Fire Department.

Morgan Palmer stated that the Fire Department had to make a final inspection of her venue for her building permit. Why did there need to be an additional condition on the conditional use permit?

Colt Mund asked if Morgan Palmer would need an alcohol license. Morgan Palmer said the DABC (Department of Alcoholic Beverage Control) only required an alcohol license for public events. Private events did not require a license. She could not sell alcohol. She couldn't even buy it for her clients. A private party could provide alcohol for its guests. Colt Mund felt an event where people were invited and charged for use of the venue would be considered a public event. Ms. Palmer said her space was rented by private parties or individuals for their private events. They supplied the alcohol for their individual guests. Colt Mund said that the public was still coming onto Morgan Palmer's property for an event. It was still a business operation. The public was being invited to Morgan's place of business. He wasn't sure Morgan was accurate. If she was serving alcohol at her business she was required to have alcohol license.

Morgan Palmer stated that private events were not required to have a license. She had called the DABC to verify the regulations. She had to follow the DABC rules and agreed that condition should be added to the conditional use permit. Colt Mund felt the alcohol regulations should be verified.



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Chris Davis stated that by allowing alcohol she would have dramshop liability. Did she have dramshop insurance? Morgan Palmer said she had spoken with her insurance, the health department, and the DABC. Any private event had the right to serve their own food and beverages. They could have their own alcohol if they provided it. As a venue she could and did require a security guard and a licensed bartender, which did not work for her, to serve alcohol for the private event.

Colt Mund said the DABC website said any business where alcohol was consumed or sold was considered public. Morgan Palmer said she would not be selling alcohol. No one would be selling alcohol. Those who leased her space would provide alcohol for their guests. Colt Mund stated that this was a public business, not a private event. The law said a public business that allowed alcohol to be sold or consumed on its property was required to have a liquor license. Morgan Palmer said no alcohol would be sold. No money would be exchanged. Her clients would provide alcohol for their guests. Colt Mund felt he needed to verify the requirements for a State liquor license.

Chairman Bodily asked that Colt Mund verify the alcohol regulations and that Bryce Wheelwright get an answer from the Fire Department.

Commissioner Bingham moved to table consideration of the conditional use permit for Morgan Palmer and directed the staff to make the recommended changes to the conditional use permit, to verify the alcohol regulations, and to receive an answer from the Fire Department. Commissioner Baker seconded the motion. All voted unanimously. The motion carried.

5B. CONSIDERATION OF A REQUEST FROM TRISHA HEATH (BARKER/BRAEGGER) TO REZONE PROPERTY LOCATED AT APPROXIMATELY 110 SOUTH 250 WEST (02-054-003) FROM A5 TO R ½

Bryce Wheelwright stated that the Planning Commission held a public hearing for the Barker/Braegger rezone on March 18th. After the public hearing, consideration of the rezone was tabled. The rezone was tabled again on April 1st. The main issue was secondary access. He still didn't have any information from the Fire Chief.

Colt Mund stated that during the last meeting he told the Planning Commission that the rezone could be approved if there was a written agreement regarding secondary access. Subsequent research revealed that a rezone could not be approved contingent on a party's agreement. With that in mind, he reminded the Planning Commission that the second access had been discussed. It appeared that the applicant could comply with the second access requirement. The second access would be addressed at the subdivision application level and before any building permit was issued. The staff recommended that the rezone request be approved, and that the record state that the second access would be addressed before any subdivision was approved or any building permit issued. Another issue that had to be resolved was payment of postage for certified notices. The applicant had agreed to pay those fees.

Commissioner Hulsey stated that the Planning Commission denied the Vern Price rezone request because of access. Colt Mund said the Vern Price rezone was denied because there wasn't a possibility for a second access. Commissioner Hulsey said there was a second access to the Vern Price property between 4th and 250. Mr. Mund said there was, but Mr. Price didn't own the access. Neither Mr. Price nor the City could demand that the property owner allow access to Mr. Price's property. In the case of the Barker/Braegger Rezone, the current applicant was the property owner and could provide assurance of a second access. She would have to comply with the second access requirement, and she had the ability to do so.



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park. Chairman Bodily felt animal waste fell under trash removal and was regulated by the City's Nuisance Ordinance. Commissioner Dubovik suggested that a statement about compliance with the City's Nuisance Ordinance be included in both chapters. Colt Mund said he would review the Nuisance Ordinance to make sure the issue was covered.

Commissioner Baker and Hulseley didn't have any comments.

Commissioner Harrop moved to table consideration of the Mobile Home and Recreational Vehicles ordinances for two weeks to allow Colt Mund time to make the changes discussed. Commissioner Hulseley seconded the motion. All voted unanimously. The motion carried.

5B. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR MORGAN PALMER FOR AN EVENT CENTER LOCATED AT APPROXIMATELY 683 NORTH MAIN (02-046-0102)

Bryce Wheelwright stated that the Planning Commission tabled consideration of Morgan Palmer's conditional use permit two weeks ago. Her conditional use permit letter had been amended to include the items discussed by the Planning Commission at its previous meeting. The Fire Marshal said there were five items that Morgan Palmer needed to address in order to pass a fire inspection:

1. There needed to be an exterior exit from the 2nd floor.
2. There needed to be lighted exit signs above all exits.
3. All doors must swing out and have "*Door must remain unlocked during business hours*" signs.
4. There must be a commercial fire extinguisher with sign on each level.
5. There must be a fire flow of 1500 gpm from Hydrant 75.

Mr. Wheelwright explained that the Fire Marshal was requiring an exterior exit from the second floor because the building plans showed that the second floor mezzanine would be used during events. Morgan Palmer stated that her architect included occupancy numbers on the plans, but the second floor would only be used for her office and storage. Mr. Wheelwright had relayed that information to the Fire Marshal who agreed to revise the first condition if Morgan Palmer put up a sign restricting public access to the second floor. Mrs. Palmer said there was a sign.

Bryce Wheelwright stated that the Fire Marshal had not checked the fire flow yet, but that wasn't Morgan Palmer's fault.

Morgan Palmer stated that her fire inspection was scheduled for Monday, May 10th.

Bryce Wheelwright stated that the building also needed an occupancy permit.

Commissioner Harrop asked about her landscaping plan. Morgan Palmer said there would be grass and gravel and flowers on the berm. The gravel was there, and the grass was growing.

Commissioner Hulseley asked if the conditional use permit should include the Fire Marshal's requirement regarding the second floor. Morgan Palmer felt regulations for the second floor were covered under the International Fire Code. Bryce Wheelwright stated that the Fire Marshal would be making periodic inspections. If there was an issue, he would shut her down. Colt Mund was comfortable with the conditional use permit as written. Yearly fire inspections would be part of the business license process.



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Chairman Bodily asked if the alcohol issue had been resolved. Colt Mund said it had. He was comfortable with Morgan Palmer's commitment to follow the law.

Chairman Bodily asked if Morgan Palmer had read the revised conditional use permit. Ms. Palmer said she had. She was comfortable with it.

Commissioner Hulsey moved to approve a conditional use permit for Morgan Palmer for an event center located at 683 North Main. Commissioner Dubovik seconded the motion. All voted unanimously. The motion carried.

5C. CONSIDERATION OF A LOT LINE ADJUSTMENT FOR DAVID GRANT LOCATED AT APPROXIMATELY 488 SOUTH MAIN (02-052-0023 AND 02-052-0039)

Bryce Wheelwright stated that the property in question was located at 488 South Main. It was also known as the Lynn Zundel house. The property was currently owned by David Grant. Mr. Grant also owned part of the field north of the house. He wanted to adjust the property line to make the home (Parcel A) a half-acre lot. Parcel B would be 2.5 acres and would eventually face 100 West. Mr. Grant planned to build a home on Parcel B. Mr. Wheelwright felt the proposed lot line adjustment met all of the criteria.

Colt Mund and Commissioner Hulsey asked about the zoning. Mr. Wheelwright said it was zoned R-1/2.

Chairman Bodily asked if the Planning Commission had any concerns.

Commissioner Dubovik asked about the current size of the parcels. David Grant said there was a total of three acres. Each parcel had 1 ½ acres. He wanted to shrink the home to half an acre and increase the field to 2 ½ acres.

There wasn't any further discussion. Chairman Bodily called for a motion.

Commissioner Dubovik moved to approve the lot line adjustment at 488 South Main. Commissioner Harrop seconded the motion. All voted unanimously. The motion carried.

5D. DISCUSSION WITH JEROME JENKINS REGARDING ACCESS TO 13 ACRES LOCATED AT APPROXIMATELY 625 SOUTH 400 EAST (02-049-0006)

Bryce Wheelwright stated that the property in question was located above (to the east) the Granite Ridge Subdivision at approximately 625 South 400 East. It was owned by Jerome Jenkins. Mr. Jenkins had access to his property from Haul Road. Due to legal issues, he was seeking another access to his property.

Jerome Jenkins hoped the Commission could help him. Both Staker Parson and the Granite Ridge Subdivision blocked access to his property. They were both corporations staffed by good people, but he was being left with the short end of the stick.

Mr. Jenkins said his property was located on the mountainside. The canal road ran through part of it. He had about four or five flat acres below the canal road. When he and his wife purchased the property in 2015 the former owner told them there might be access issues. In 2015 they could drive right to their property on the Haul Road. Haul Road extended from Highway 89 across the corner of his land and further east to the gravel pit. Granite Ridge's preliminary plan showed twelve lots along the west side of his property. There wasn't a stub shown for his property. Stubs were shown for other property owners, but not his. There wasn't

MASTER CONDITIONAL USE PERMIT SPREADSHEET								
No.	Address	Applicant	Application Date	Fee	Approval Date	Type	Status and Review Date	Parcel No.
	39 South Main	Woodard, Bryce & Karen	2/15/2022	\$25.00 PM	Denied 3/3/22	Health Food Store & Airbnd	DENIED	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	Beekeeping	Expired	02-047-0102
	88 North Main	Huntsman, Tonya			Approved 8/30/17	Day Care	Expired	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	Expired	02-048-0029
	155 East 100 South	Shropshire/S & K Trucking			7/18/2002	Home Business-Trucking Business	Expired	02-050-0085
	155 South 100 West	Braegger, Tammy	2/13/2003		3/3/2003	In Home Day Care	Expired	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 Expired 2011	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	Active	02-046-0079

???	426 North 200 West	Thurgood, Ryan					1/24/2007	Home Occupation - Construction Business	Active	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	Kilback, 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	DENIED	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	Expired	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	Expired	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, Annie	1/19/1999				2/11/1999	In Home Day Care	Expired	02-040-033
	1590 Hargis Hill Road	Hunsaker, Adrienne	4/20/2005				Approved 05/12/05	In Home Day Care	Expired	02-038-0049

CHAPTER 12-105. 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 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 City will send notice by mail, at the applicant's sole cost and expense, to 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 by the applicant 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. Review

The Planning Commission may review compliance with an issued Conditional Use Permit at regular intervals at the discretion of the Planning Commission or upon recommendation of the City Planner.

12-105-14. 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	P	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
Air BNB or any short-term lodging facility	C	C	C
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	50	30	50

may cover no more (percentage) of the lot area than			
---	--	--	--

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 Corporation

80 West 50 South
Box 593



Willard, Utah 84340
(435)734-9881

March 10, 2023

STAFF REPORT LOT LINE ADJUSTMENT FOR OLD FARMS ROAD WIDTH

The newly annexed Old Farm Development at 6988 South Main has requested a lot line adjustment so that they can meet the road width requirement from our city engineer for ingress and egress from the development to Hwy 89.

This creates a corner lot for the rock house on the North side of the new street.

In Willard City Ordinance 12-111-page 5 paragraph 5 it states that the required setbacks for a corner lot is two front yards and two rear yards which is 30 feet each direction in the R-1/2 zone.

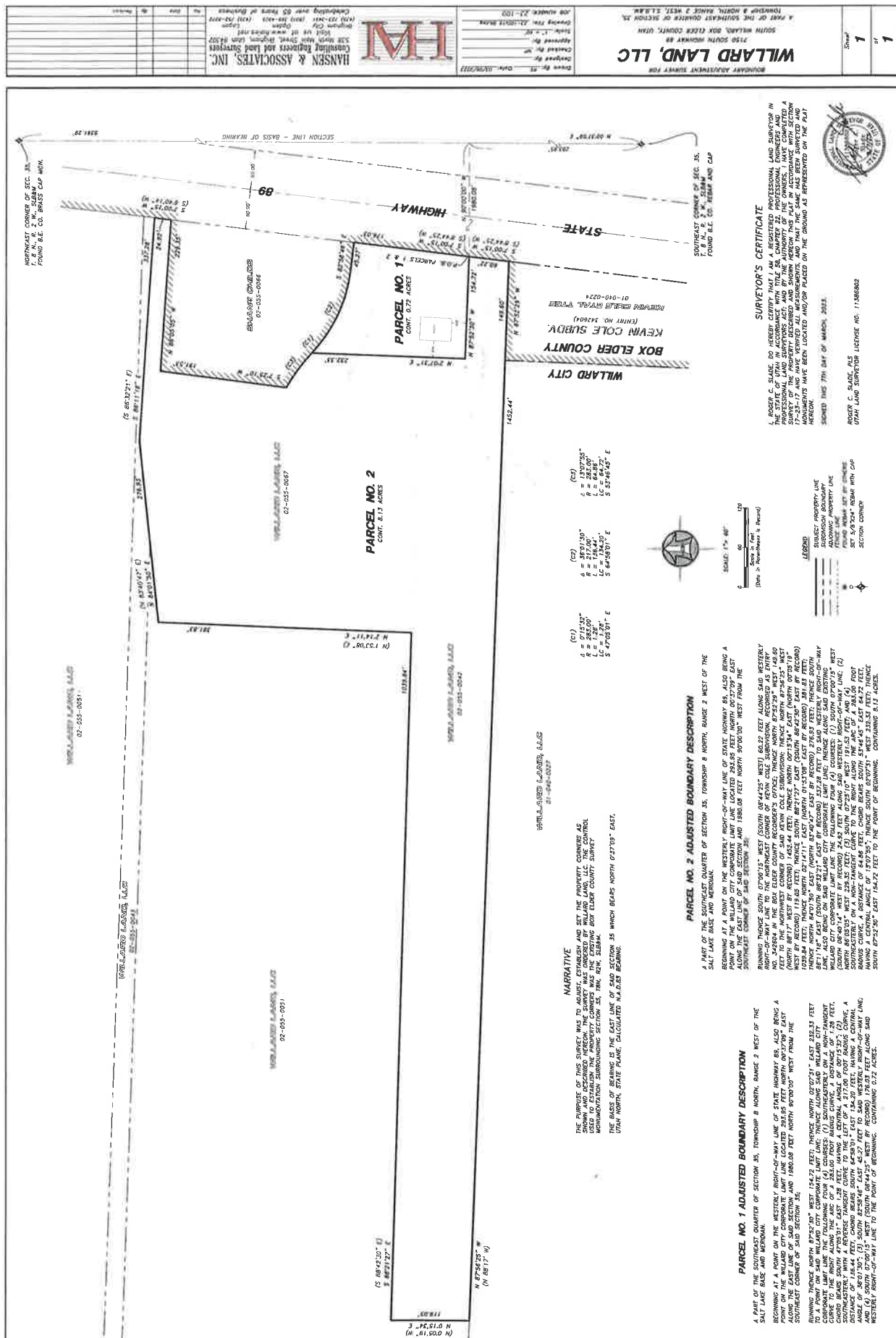
The drawing shows a setback of 23 feet on the proposed south and 25 feet on the West.

It could be argued that the west setback is legal nonconforming as it has not changed, but the South setback distance is questionable.

The front yard setbacks in other PUDs in the city range from 20 to 25 feet.

It is recommended that the Planning Commission consider the setback requirements in ordinance 12-111 in making a decision on this lot line adjustment.

Bryce Wheelwright
Willard City Planner





WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, March 2, 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 Alex Dubovik
10 Blake Harrop
11 Zack Hulse

Chris Davis, City Manager
Colt Mund, City Attorney
Bryce Wheelwright, City Planner

12
13 Excused: Chandler Bingham

14
15 Others in attendance: Mayor Travis Mote, Dr. Lynn Beard, Rew Wiley, Ken Ormond, Ruth Ormond, Chad
16 Braegger, Pat White; Debra Barker; and Marc Hansen.

17
18 The meeting was called to order at 6:30 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 were no comments.

- 29
30 5. CITY COUNCIL REPORT

31
32 Time Stamp: 2:13 03/02/23

33
34 Mayor Travis Mote reported that the during its February 23rd meeting, the City Council discussed the
35 General Plan. He had made most of the corrections discussed at the February 20th work session. When he
36 was finished, he would send it to the consultants. Garbage day would be changing from Monday to Tuesday
37 starting Tuesday, March 7th. The Northwestern Band of the Shoshone provided a history of their tribe in
38 Willard. The band had determined to place the petroglyph found in the Granite Ridge Subdivision at the
39 Willard Historic Cemetery. The Council was concerned about how fast water would melt off the mountain.
40 The Council passed the ADU and CUP Ordinances and authorized the replacement of the wrecked
41 snowplow.

- 42
43 6A. PUBLIC HEARING RECEIVE PUBLIC COMMENTS REGARDING A REQUEST FROM LYNN
44 BEARD TO REZONE APPROXIMATELY 7.423 ACRES LOCATED AT APPROXIMATELY 750
45 NORTH 200 WEST (PARCEL NOS. 02-046-0001, 02-046-0004, AND 02-046-0044) FROM A-5
46 TO COMMERCIAL GENERAL, AND APPROXIMATELY 2.207 ACRES LOCATED AT
47 APPROXIMATELY 481 NORTH 200 WEST (PARCEL NOS. 02-046- 0004, 0045, 0075, 0076, AND
48 0077) FROM A5 TO R1/2
49



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Time Stamp 5:27 03/02/2023

Chairman Bodily read the Willard City Planning Commission's Rules of Order statement.

Commissioner Baker moved to open the public hearing at 6:38 p.m. Commissioner Dubovik seconded the motion. All voted "aye." The motion passed unanimously.

Bryce Wheelwright, City Planner, stated that Lynn Beard owned approximately 59.91 acres on the southwest corner of 750 North 200 West. The property extended west from 200 West to the UTA property and south from 750 South to approximately 425 South. Mr. Beard proposed that approximately 7.423 acres, consisting of three separate parcels, located on 750 North, be rezoned from A-5 to Commercial General. The requested Commercial General Zone complied with the City's Future Land Use Map. Mr. Beard also proposed to rezone 2.207 acres on the on the south side of his property, near Willard Creek, from A-5 to R ½ in order to create four half-acre lots. One of the lots on 200 West already existed. The requested R ½ Zone did not comply with the Future Land Use Map but was contiguous with other R ½ zoning. The south half-acre lot (Lot No. 4) was located in the national flood plain. The City Engineer recommended that the half-acre lots be shifted to the north out of the flood plain area. On 750 North, lot lines would be to create an additional parcel at the request of Councilman Seamons. Mr. Beard planned to place the remaining 50 acres of his property in a conservation easement. On the hard corner of 750 North 200 West, Mr. Beard wanted to build some multi-unit housing to create a revenue source to maintain property in the conservation easement.

Mr. Wheelwright reminded the Commission members about the HOP Trail planned on 200 West.

Lynn Beard, 295 West 750 North, stated that the half-acre lots were for his children. They would probably never build on them, but he wanted to have the lots available. The only other development he anticipated in his lifetime were some townhouses on the corner of 750 North 200 West. The rental townhouses would generate income to keep up the rest of his property, which would be in a conservation easement.

Chairman Bodily asked if property could be removed from a conservation easement. Mr. Beard said a conservation easement was permanent. It could not be removed. The property he placed in a conservation easement could never be developed.

Lynn Beard stated that his goal was to keep the property empty. The only thing that would be developed in his lifetime was the townhouses on the corner. After his death, his children could eventually sell off the four half-acre parcels. The rest of the property would be a permanent open area.

Commissioner Dubovik asked if the open area would have public access. Lynn Beard said it would not. The property would still be privately owned.

Commissioner Hulsey asked about the location of the HOP Trail. Bryce Wheelwright said the HOP Trail was originally planned along the west side of 200 West. Due to the drop off on the west side of 200 West and the width of the City's right-of-way, the trail would probably be shifted to the east side of 200 West at 750 North. The trail would remain on the east side of 200 West until it passed Willard Creek, then it would jump back to the west side.

Rew Wiley, 75 West 825 North, asked if the crossing on 750 North would be marked with lights. Mr. Wheelwright said it would have something. When the 200 West Trail was constructed, the City received



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98 money from BRAG to put in a HOC (hand-operated) crossing at 750 North. However, UDOT chose not to
99 put in because they didn't feel there was enough traffic to warrant it.

100
101 Chairman Bodily read a written statement from Fred Barker, 901 North Main (see attached copy).

102
103 Chairman Bodily opened the floor for public comments.

104
105 Pat White, 69 West 200 North, had the same sentiments as Fred Barker. She recognized that Mr. Beard
106 was trying to find a way to fund a conservation easement, which she agreed with. An open area would
107 leave a place for the wild turkeys and all kinds of animals. She was concerned about the townhouses. She
108 felt the ones being built in Perry were constructed of pasteboard and staples. She certainly wouldn't buy
109 one. What would Mr. Beard's townhouses be like? Would they be quick and cheap; something that would
110 degrade over the next five years? Would the townhouses remain in his name? He planned to use their
111 income to fund the conservation easement, but plans could change. The townhouses could be sold to an
112 investor who would not care for them. Would the multi-family housing be duplexes or townhouses? Through
113 the grapevine, she had heard there were problems with people racing up and down 200 West. The road
114 she lived on, 200 North, was a main thoroughfare on the northern end of Willard, which was used by school
115 buses and kids. If there was already a problem in the City with gangs or people not behaving, how would
116 the City control a downgrade of rentals? How would the citizens be safe from people who couldn't keep a
117 job? Since rentals had been approved in North Ogden, there were now people begging in the commercial
118 area. Willard already had transients along Highway 89, particularly in the fall. She was concerned about
119 the caliber of people Mr. Beard's rentals would bring in.

120
121 Mayor Travis Mote, 455 South 200 West, stated that he worked with a lot of conservation easements. He
122 liked them. He thought they were a great idea and a great estate tool. A property owner had a bundle of
123 property rights. The development right was one of them. A conservation easement pulled the development
124 component out. The development component could be rejoined to property because it was a property right.
125 Successful conservation easements transferred the development rights to a third party. He was glad to hear
126 that Lynn Beard was transferring his development rights to Utah Open Lands because it made it less likely
127 that the development component could be rejoined. Offering the development component to a third party
128 was a good way to keep the land open in perpetuity. Mrs. White was right. The townhouses could be sold
129 off. There wasn't anything legally tying them to the conservation easement. A good easement also provided
130 somebody with the right of enforcement. He suggested that Mr. Beard's easement provide Willard City with
131 the right of enforcement. If the owner did not maintain the property, the City could, through taxing authority
132 or some other means, enforce its maintenance. Mayor Mote felt the City Attorney should review the
133 conservation easement to make sure it would not become a burden upon the City.

134
135 Commissioner Hulsey asked who maintained property in a conservation easement. Mayor Mote said
136 property with a conservation easement would be maintained by the property owner. A conservation
137 easement devalued property because it no longer had development rights. It made land really feasible for
138 farming. The key to a conservation easement was detaching the development right and giving it to a third
139 party who would be very unlikely to sell it. He felt it was a great way to maintain open space. The City did
140 not have to maintain the property, but it should have the right to enforce maintenance.

141
142 Rew Wiley, 75 W 825 N, stated that the area around 750 North had been designated as an industrial area.
143 He liked the idea of townhouses on the south side of 750 North. The City needed to realize that farmers
144 were getting old, and Willard was going to develop whether residents liked it or not. This was a good was
145 for houses to be built along 750 North and keep more residential than industrial.



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Lynn Beard said the whole purpose of Utah Lands was to hold conservation easements. His conservation easement would be in perpetuity unless Utah Lands changed its mission statement. His property would be a permanent open space once Utah Lands approved the easement. They had granted preliminary approval, but they were waiting for the snow to melt to conduct a complete property survey. He felt conservation easements were a way to keep open land with very little development. It was also a way to allow for some affordable housing. In response to Ms. White's concerns, he planned to rent the townhouses. They would be quality construction. They would be affordable housing, not low-cost housing.

Commissioner Harrop asked how big the townhouses would be. Mr. Beard said they would be 1200 to 1400 square feet. He planned to build a row of six townhouses to begin with the potential for a second row facing the first. He owned townhouses in Brigham City that consisted of two rows of six facing each other on one acre. He planned to do the same on his Willard property.

Commissioner Harrop asked about access. Mr. Beard said access for the townhouses would be from 200 West. He had already talked to UDOT.

Commissioner Hulsey moved to close the public hearing at 7:06 p.m. Commissioner Harrop seconded the motion. All voted "aye." The motion passed unanimously.

Commissioner Hulsey asked why Mr. Beard did not pursue a Master Planned Community Zone. Lynn Beard stated that he did not want to spend money for the necessary legal work, and he would receive a bigger tax deduction for a conservation easement than he would for a planned development.

Commissioner Hulsey asked if the Commercial General Zone allowed townhomes. Mr. Wheelwright said it did allow multi-unit housing.

Commissioner Dubovik asked if townhomes were being placed on the corner of 750 North 200 West due to UDOT's access requirements. Could the townhomes be moved closer to Interstate 15? Lynn Beard said he placed the townhouses where they would use as little land as possible. The hard corner was the driest spot on his land. By placing the townhouses on the corner, access could come from 200 West. UDOT was not very excited about giving him access from 750 North.

Commissioner Dubovik felt the only other issue for the Planning Commission to consider was rezoning 2.207 acres from A-5 to R ½, which wasn't consistent with the Future Land Use Map. Bryce Wheelwright said it wouldn't be consistent with the FLUM, but it was contiguous to another R ½ Zone.

Commissioner Hulsey stated that if the Commission looked at the entire Beard property and the number of housing units overall, four R ½ lots would be less dense than by following the Future Land Use Map.

Chairman Bodily said he had been concerned about the longevity of a conservation easement. Colt Mund, City Attorney, stated that according to Utah law, a conservation easement could be terminated. Giving the development rights to a third party would make it more difficult to do so. He felt it was critically important for the City to know what was in the easement agreement.

Lynn Beard stated that the easement agreement had not been finalized.

Commissioner Dubovik and Bryce Wheelwright asked if Lynn Beard would consider moving the half-acre lots to the north to make sure they weren't located in a flood plain. Mr. Beard would rather not. He wanted to keep the open area as large as possible. The lot in the flood plain would just require extra engineering.



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196 It was extremely unlikely that the lots would be built on in his lifetime. Mayor More said the lot would probably
197 require flood insurance. Mr. Beard stated that he had owned the property for 30 years. Lot 4 was not an
198 area that flooded very often.
199

200 Bryce Wheelwright reminded the Planning Commission that they needed to make a recommendation
201 regarding the rezone request to the City Council and consider preliminary approval of Black Willow Estates,
202 the four-lot subdivision proposed by Lynn Beard.
203

204 Commissioner Hulsey stated that Lynn Beard's proposal was awesome, but it all hinged on the conservation
205 easement. Any approval should be subject to making sure the conservation easement worked for the City
206 as well.
207

208 **Commissioner Hulsey moved to recommend that the City Council approve the rezone of 7.423 acres**
209 **from A-5 to Commercial General and 2.207 acres from A-5 to R ½ subject to review and approval of**
210 **the conservation easement; and that preliminary approval be granted to the Black Willow Estates**
211 **Subdivision subject to Council approval of the rezone. A voice vote was taken. All voted "aye." The**
212 **motion passed.**
213

214 6B. CONSIDERATION OF A PRELIMINARY PLAN FOR THE BLACK WILLOW ESTATES
215 SUBDIVISION LOCATED AT APPROXIMATELY 481 NORTH 200 WEST (PARCEL NOS. 02-046-
216 0004, 02-046-0045, 02-046-0075, AND 02.-046-0077)
217

218 Time Stamp 43:05 03/02/2023
219

220 See motion for Item 6A.
221

222 7. CONSIDERATION AND APPROVAL OF FEBRUARY 16, 2023, REGULAR PLANNING
223 COMMISSION MINUTES
224

225 **Commissioner Baker moved to approve the February 16, 2023, minutes as corrected. Commissioner**
226 **Dubovik seconded the motion. All voted" aye." The motion passed unanimously.**
227

228 8. COMMISSIONER/STAFF COMMENTS
229

230 Time Stamp: 45:05 03/02/2023
231

232 Bryce Wheelwright
233

234 Bryce Wheelwright stated that the administration had met with UDOT regarding the 200 West Trail. Funding
235 was moving forward and some engineering had been done. There were some issues the City would have
236 to address.
237

238 Bryce Wheelwright said the administration also met with UDOT regarding Highway 89. UDOT did not plan
239 to start the project until 2024. Some preliminary work might be done in the fall of 2023. The project would
240 start at the Weber County/Box Elder line and extended north to 3600 South (KOA Road) in Perry. The
241 project would take two years to complete.
242

243 Mayor Mote stated that UDOT planned to completely rebuild Highway 89. They had to take out the old
244 cement road and every layer of asphalt on top of it because the sublayers were failing. The new road would



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not have curb and gutter. Chris Davis, City Manager, said it wouldn't have a bike lane either. UDOT did not want to see bikes on Highway 89 because the traffic speed.

Chris Davis

Chris Davis stated that the 2023 Legislative Session would end on March 3rd. There were some bills that could favor Willard. One dealt with gravel pits and points of sale. It looked like there were three points of sale in Willard, which could be very beneficial. Another bill would allow the City to put removal of the UTA sales tax percentage on the ballot. A second UTA bill would allow a percentage of the sales tax to be returned to cities to help fund transportation issues. There were also some bills regarding how cities approved developments.

Colt Mund

Did not have any comments.

Commissioner Harrop

Did not have any comments.

Commissioner Baker

Did not have any comments.

Commissioner Hulsey

Commissioner Hulsey said the Planning Commission had talked about amending the City's trailer ordinance to allow a residents to have someone temporarily occupy an RV on their property. How could the Planning Commission move forward with that? He knew the issue was occurring in the City. He did not have a problem with it, but he understood there were valid concerns that needed to be enforced. He felt there needed to be a mechanism in place to allow it, so there could be enforcement.

Bryce Wheelwright felt the use could be addressed with a temporary conditional use.

Colt Mund said Councilman Hulsey's concern could be conveyed to the City Council.

Commissioner Hulsey asked if the City needed to address the MPC Zone if property owners were finding it difficult to do. He liked what Mr. Beard had proposed. The goal of the MPC Zone was to encourage developments like Mr. Beard's. Did the ordinance need to be amended to make it easier?

Chris Davis said the City gave Mr. Beard a copy of a development agreement. Bryce Wheelwright said an MPC Zone was established with a development agreement. Lynn Beard said the development agreement would have required him to hire a lawyer at a significant cost. He felt he would get a better tax deduction with a conservation easement.

Commissioner Hulsey felt Mr. Beard's proposal was very positive. He felt the City should do whatever it could to encourage others to do the same.

Chairman Bodily



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Chairman Bodily asked about the status of the Palmer Barn conditional use permit. Colt Mund, City Attorney, stated that Morgan Palmer had started to fence the south side of her property. Her attorney had requested that the Planning Commission delay reviewing the Palmer's CUP until March 16th to accommodate his schedule. With installation of the fence, the Palmer's wondered why there needed to be any review at all. He had responded that review of the conditional use permit was up to the Planning Commission.

Commissioner Harrop asked if the fence was supposed to be a privacy fence or just a fence. Mr. Wheelwright said the fence was supposed to be a 6-foot vinyl fence. Commissioner Harrop said the fence was not done. He felt the Planning Commission should review the CUP because there had been some noise issues with some of the neighbors. He felt that should be addressed.

Chris Davis said there were also some landscaping issues to discuss. Palmer's had decided to do xeriscaping instead of the landscaping approved by the Planning Commission.

Chairman Bodily asked if the west property line had to be fenced. Colt Mund said that would have to be determined by the Planning Commission. The conditional use permit said Palmer's were to fence the property. Palmer's had taken the position that did not mean the entire property.

Chad Braegger asked about parking. Chris Davis said all parking was to be on a hard surface. Mr. Braegger said all of the property west of Palmer's was agricultural. He did not feel commercial parking should be allowed on an agricultural use.

Mayor Mote encouraged the Commission members to listen to the recordings of the meetings and read the minutes prior to reviewing the Palmer conditional use permit.

Chairman Bodily asked if there had been any findings on the noise complaints. Chris Davis said that was something the Planning Commission needed to hear in a formal review. The Planning Commission would receive a report from the Police Department during the review.

Commission Harrop asked if the conditional use had a time limit or if it was permanent. Mr. Mund said there were time limits for completion of the conditions of the permit, but not the permit itself. The time limits have come and gone. Commissioner Harrop asked when the conditional use permit was approved. Mr. Mund said it was approved in May of 2021.

Bryce Wheelwright asked if the Planning Commission wanted to review the Palmer conditional use permit during its March 16th meeting. Commissioner Dubovik felt the Planning Commissioner should listen to the meetings and read the minutes prior to the March 16th meeting. Then the Planning Commission could hold a discussion before reviewing the conditional use permit at a subsequent meeting. Colt Mund said the Planning Commission could have a discussion item without input from the audience, except for the public comment period at the beginning of the meeting. The Planning Commission could then schedule an action item where Palmer's would be entitled to speak. The Palmer's would be informed that the Planning Commission would discuss their conditional use at the next meeting.

Colt Mund asked if there was anything the staff could provide for the Planning Commission. The Planning Commission asked for minutes and recordings of the Planning Commission meetings. Mayor Mote said the Planning Commission could ask for additional information from the staff at its next meeting if it felt there was a need. Then it could be prepared for the following meeting where action would be taken.



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Colt Mund said he would provide the letter from the Palmer's attorney and his response.

The Planning Commission asked for copies of minutes and recordings to review prior to the March 16th meeting.

Commissioner Dubovik

Commissioner Dubovik was disappointed that the State would spend hundreds of millions of dollars to dig down Highway 89 and not spend money to add three additional feet of asphalt for a bike lane. He felt that was horribly short-sighted and dangerous.

Bryce Wheelwright said the State discouraged the use of bikes on roads with speeds over 45 mph. Commissioner Hulsey said the State was investing in trails to pull bikes off of roads.

Commissioner Dubovik was impressed with the flood control measures that had been taken. It appeared the City was better prepared than it had been in the past.

9. ADJOURN

Commissioner Baker moved to adjourn at approximately 7:38 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 03-02-2023