

Willard City Corporation

80 West 50 South
Box 593



Willard, Utah 84340
(435)734-9881

NOTICE

Notice is hereby given that the Conditional Use Permit Review Committee of Willard City Corporation will hold a special meeting at Willard City Hall, 80 West 50 South, on Thursday, March 7, 2024. Said meeting shall start at 3:00 p.m.

Agenda is as follows:

1. Call to order:

2. Business:

- a. Review and consideration of a request from Carl and Rebecca Dilg Review for a conditional use permit for a detached accessory dwelling unit located at approximately 50 West 1075 North (Parcel No. 02-041-0003)
- b. Review and consideration of a request from Dan Gammon to operate a short-term rental/Airbnb located at approximately 537 West 200 North (02-057-0005) (Continued from January 18, 2024)
- c. Consideration and approval of January 18, 2024, minutes

3. Adjourn

CUP Review Committee Meetings: Held as needed based on applications.

I, the undersigned duly appointed and acting Deputy City Recorder for Willard City Corporation, hereby certify that a copy of the foregoing notice was posted at the Willard City Hall, on the State of Utah Public Meeting Notice website <https://www.utah.gov/pmnl/index.html>, on the Willard City website www.willardcity.com, and sent to the Box Elder News Journal this 1st day of March, 2024.

/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.

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			
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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

ITEM 2A

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

Application Date:
2.8.2024

Assessor's Parcel Number

020410003

Applicant:

CARL & REBECCA DILG
Mailing Address

Parcel Legal Description

SEE ATTACHED

P.O. BOX 44

WILLARD UT. 84340

50 WEST 1075 NORTH
Project Address

I hereby request a hearing before the
Willard City Planning Commission in
behalf of my application for:

WILLARD UT. 84340



Conditional Use Permit \$25 Fee

ACCESSORY BLDG



Lot Line Adjustment \$25 Fee



Other Fee variable, \$25 Min.

435 730-0851

Phone Number

435 730-0851

Cell Phone

435-730-4010

NOTE: Fees will be charged on each application and are non-refundable. Additional applications on the same project will be considered as new applications and be charged accordingly. All applications, with required data and fees, must be filed in the Willard City Office at least two weeks prior to the scheduled hearing date.

Project description: (Attach additional sheets, as required.)

Complete Applicant Affidavit on back of this page.

WILLARD CITY CORPORATION

80 W 50 S

PO Box 593

Willard UT 84340

435-734-9881

Receipt No: 1.019309

Feb 9, 2024

Dilg Application

Charges for Services
Charges - PC & B of Adj

25.00

Total:

25.00

Cash

Total Applied:

25.00

25.00

Change Tendered:

.00

Duplicate Copy

02/09/2024 8:28 AM

APPLICANT'S AFFIDAVIT

STATE OF UTAH)
) SS
COUNTY OF BOX ELDER)

I, (we) CARL W. DILG, being duly sworn, depose and say that I, (we) am (are) the owner(s)*, or authorized agent(s) of the owner, of property located at 50 W. 1075 N. WILLARD UT. 84340 in Willard City, which property is involved in the attached application and that the statements and answers therein contained and the information provided in the attached plans and other exhibits present thoroughly, to the best of my (our) ability, the argument in behalf of the application herewith requested and that the statements and information above referred to are in all respects true and correct to the best of my (our) knowledge and belief.

SIGNED

Carl W. Dilg
Property Owner(s)

AGENT _____



Subscribed and sworn before me this 9th day of February ²⁰⁰³ 200

Michelle Drago
Notary Public

Residing in Kenya, Utah

My commission expires: 2/2/05

* May be owner of record, contract owner, part to valid earnest money agreement, option holder or have other legal control of property.

AGENT AUTHORIZATION

I, (we) _____, the owner(s) of real property described above, hereby appoint _____, as my (our) agent(s) to represent me (us) with regard to this application affecting the above described real property, and do authorize them to appear on my (our) behalf before any Willard City Boards considering this application.

SIGNED _____

Property Owner(s)

Subscribed and sworn before me this _____ day of _____ 200

Notary Public

Residing in _____

My commission expires: _____

ax Account

ummary

ccount Id R0007115
rcel Number 020410003
wners DILG CARL W ETUX
DILG REBECCA A
dress P O BOX 44
WILLARD, UT 84340
tus Address 50 W 1075 NORTH
gal BEG AT A PT ON W R/W LINE OF HWY 89 AT EXIST FENCE LINE, WHICH IS S 378.5 FT ALG 1/4 SEC LINE & W (S89* 27°11'W) 242.96 FT & N 88°33' W 394 FT FRM CENTER OF SEC 14, TWP 8 N, R 2 W SLM, SD PT IS ALSO N 2287.15 FT ALG 1/4 SEC LINE & S 89°27'11 W 242.92 FT & N 88°33' W 394 FT FROM S/4 COR OF SD SEC 14, N 88°33' W 788 FT, S 1°25'40W 220.90 F. S 88°30' E 788 FT, N 1°25'40E 221.66 FT TO BEG. SUBJ TO A 20 FT R/W FOR LANE. CONTG 4.28 ACS

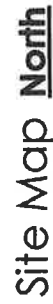
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3 Of 02/08/2024

atal Due \$0.00

alue

rea Id	Tax Rate	
2 - WILLARD	0.0089180000	
	Actual	Assessed
AND RESIDENTIAL - 1	170,000	93,500
ESIDENTIAL BUILDING - 3	501,902	276,046
3 REAL ESTATE - 50	82,000	82,000
ital Value	753,902	451,546
axes		\$4,026.89



DO NOT SCALE DRAWING

SIZE DWG. NO. **A** Dilig Site Map
SCALE: 1:1 WEIGHT: SHEET 1 OF REV



NORTH ↑

50 West 1075 North

CHAPTER 12-102-23. Accessory Dwelling Units

12-102-23-1 Purpose.

Accessory Dwelling Units are an important tool in the overall housing goals and needs of the city and allow for alternative and flexible housing options in owner-occupied single-family residences. The purposes of this section are to:

- (1) Allow new housing units while respecting the appearance, neighborhood character, and reducing the adverse impacts to surrounding areas and property owners.
- (2) Provide more housing choices in Willard City.
- (3) Provide housing options for family caregivers, adult children, and aging parents.
- (4) Offer a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship, and services.

12-102-23-2 Definitions.

For the purpose of this chapter, whenever any of the following words, terms, or definitions are used herein, they shall have the meaning ascribed to them in this section.

(1) Detached Accessory Dwelling Unit. Means a stand-alone permanent structure, as an entirely separate unit or constructed as part of an existing accessory structure (such as a detached garage or shed) with typical footing and foundation that is not attached to the Primary Dwelling and which provides fully connected utility services to the unit and is used as a dwelling. A Detached Accessory Dwelling Unit must be located on the same lot or parcel of record as the Primary Dwelling. Campers, recreational vehicles, recreational coaches, trailers, mobile homes, and other portable units or structures are not considered a permanent structure for the purpose of this definition.

(2) Internal Accessory Dwelling Unit. Means an accessory dwelling unit created (i) within the footprint of the Primary Dwelling at the time the Internal Accessory Dwelling unit is created; (ii) for the purposes of offering long-term rental of thirty (30) consecutive calendar days or more; (iii) located on the same lot of record as the primary dwelling; and (iv) includes separate dedicated kitchen and bathroom facilities for the exclusive use of the Internal Accessory Dwelling Unit Occupants.

(3) Primary Dwelling. Means a single-family dwelling that is (i) detached; and (ii) occupied as the primary residence of the Owner of record.

(4) Owner. Means any one of the following: (i) An individual who is listed on a recorded deed as an owner of the property; (ii) any person who is related by blood, marriage, or adoption to an individual who is listed on a recorded deed as the owner of the property; or (iii) an individual who is a trustor or trustee of a family trust who possesses legal ownership of the property.

12-102-23-3. Location.

A maximum of one (1) Accessory Dwelling Unit shall be allowed per lot of record. Under no circumstance shall a lot be allowed to have both a Detached Accessory Dwelling Unit and an Internal Accessory Dwelling Unit.

12-102-23-4. General Regulations.

The following regulations must be met in order to have an Accessory Dwelling Unit:

- (1) An application shall be filed with the City prior to the creation or establishment of an Accessory Dwelling Unit.
- (2) Upon approval of an Accessory Dwelling Unit application, the Owner of the Primary Dwelling, who desires to rent or offer to rent any Accessory Dwelling Unit, shall first obtain a rental business license issued by Willard City before the Accessory Dwelling Unit is rented. Such rental business license must remain valid and must be renewed, as required by Willard City.
- (3) Before occupancy, the City Administrator shall confirm the Accessory Dwelling Unit complies with all Willard City building, health, and fire codes, as adopted.
- (4) Subject to the restrictions and regulations outlined in this Chapter, Accessory Dwelling Units may be allowed in all Agricultural, Residential, and Commercial Zones within Willard City. All Accessory Dwelling Units must comply with the regulations of the underlying zone.
- (5) An Accessory Dwelling Unit shall not be rented or occupied for a period of less than thirty (30) consecutive calendar days. It is prohibited for any Accessory Dwelling Unit to be used as a short-term rental unit.
- (6) The Accessory Dwelling Unit shall include separate dedicated kitchen and bathroom facilities for the exclusive use of the Internal Accessory Dwelling Unit occupants.
- (7) One (1) additional on-site-hard-surface (concrete, asphalt, pavers) parking space shall be provided for the exclusive use of the Accessory Dwelling Unit, regardless of whether the Primary Dwelling is existing or a new construction.
- (8) The Accessory Dwelling Unit parking space shall not be located within the clear view area on a corner lot.
- (9) On street parking shall not be permitted for any occupant of an Accessory Dwelling Unit.
- (10) All Internal Accessory Dwelling Units shall have a separate, accessible entrance or stairway.
- (11) Drive approaches and curb cuts shall comply with the Willard City Public Works Standards.
- (12) No portion of a mobile home, mobile home park, motor home subdivision as defined within the Willard City Zoning Ordinances, Recreational Vehicle, or Recreational Vehicle Park shall be entitled to any use as an Accessory Dwelling Unit.

- (13) No construction to create or establish an Accessory Dwelling Unit shall commence without the issuance of the necessary building permits and zoning approval, as required by Willard City.
- (14) The Owner of a Primary Dwelling shall reside on the property, either occupying the Primary Dwelling or the Accessory Dwelling Unit.
- (15) Accessory Dwelling Units are exempt from the residential density standard of the Willard City Zoning Code.
- (16) Each Accessory Dwelling Unit shall have the same street and mailing address as the primary dwelling, but shall add the letter "B" to the Accessory Dwelling Unit's address.

12-102-23-5. Standards for Internal Accessory Dwelling Units.

- (1) An Internal Accessory Dwelling Unit shall be designed in a manner that does not change the appearance of the Primary Dwelling as a single-family residence.
- (2) If there are insufficient onsite parking spaces available, the Owner of the Primary Dwelling shall replace any parking spaces contained within a garage or carport if an Internal Accessory Dwelling Unit is created within an attached garage or carport.
- (3) An Internal Accessory Dwelling Unit is prohibited if it will be served by a failing septic tank, as determined by Willard City or the Box Elder County Health Department.
- (4) The Internal Accessory Dwelling Unit shall be served by the utility meter serving the Primary Dwelling. The installation of a separate utility meter for an Internal Accessory Dwelling Unit is prohibited.

12-102-23-6. Standards for Detached Accessory Dwelling Units.

- 1. A Detached Accessory Dwelling Unit shall be a permanent structure. Trailers, mobile homes, and other movable structures shall not be permitted as a Detached Accessory Dwelling Unit.
- 2. Exterior lighting for a Detached Accessory Dwelling Unit shall provide illumination directed downward with the light source shielded from adjoining properties. Any light source for a Detached Accessory Dwelling Unit shall not encroach be visible from adjacent properties.
- 3. The height shall not exceed the height of the Primary Dwelling.
- 4. Exterior stairways and landings shall not encroach into a setback.
- 5. A Detached Accessory Dwelling Unit shall:
 - a. Not be less than three hundred (300) square feet or more than one thousand (1,000) square feet.
 - b. Not occupy more than twenty five percent (25%) of the available yard area of the lot.

c. Meet all accessory building standards for lot coverage, rear yard coverage, height, and any other standards for the zone in which it is located.

6. Balconies and rooftop decks are prohibited.

7. Windows on a Detached Accessory Dwelling Unit located above a detached garage facing adjoining properties are prohibited, unless required by building, health, and fire codes, as adopted. If required, a frosted, translucent, or stained type of non-see-through window shall be installed.

12-102-23-7. Impact Fees

The creation or construction of a Detached Accessory Dwelling Unit shall result in the assessment of the following impact fees:

a. Water: Sixty-six percent (66%) of the single-family water impact fee.

b. Sewer: Sixty-six percent (66%) of the single-family sewer impact fee.

c. Internal Accessory Dwelling Units shall not be required to pay impact fees.

12-102-23-8. Non-Transferability.

Upon the sale or transfer of the home, a permit allowing an Accessory Dwelling Unit on the lot shall expire. The new record Owner of the lot shall be required to submit a new application and obtain a new permit as outlined herein. The Primary Dwelling and Accessory Dwelling Unit must be on the same parcel or lot, shall not be subdivided, and shall not be sold separately.

12-102-23-9. Recordation Required.

The City shall record a notice in the Office of the Box Elder County Recorder that provides:

(1) A description of the Primary Dwelling.

(2) A statement that the Primary Dwelling or Primary Dwelling lot of record contains an Accessory Dwelling Unit.

(3) A statement that the Accessory Dwelling Unit may only be used in accordance with Willard City's land use regulations.

(4) Upon recording the notice described herein, the City shall mail a copy of the notice to the Owner of the Internal Accessory Dwelling Unit.

(5) Meet all standards and requirements of 12-504 of this Ordinance and all other requirements of any applicable ordinances.

12-102-23-10. Enforcement.

(1) Willard City may, in addition to any other legal or equitable remedies available, pursue a lien against the subject property in an amount of \$100.00 for each day of violation (after notice of noncompliance has been provided) for:

- (a) Any violation of Utah Code Section 10-9a-530; or
- (b) Any violation of this Section.

12-102-23-11. Notice and Hearing.

Willard City adopts the lien notice and hearing notice requirements set forth in Utah Code Section 10-9a-530. An Owner appealing a violation may appeal that decision 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 Owner or City to the District Court within thirty (30) days from the issuance of the written decision.

12-102-23-12. Criminal Penalty

Violation of any of the provisions of this Chapter may be punishable by a Class C misdemeanor upon conviction and subject to a \$500.00 fine.

ITEM 2B

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

Application Date:

DEC 18, 2023

Assessor's Parcel Number

Applicant:

DAN GAMMON

Mailing Address

103 E 500 S

BURLEY ID 83318

537 W 200 N

Project Address

WILLARD UT 84340

Phone Number

208-670-4105

Cell Phone

02-057-0005

Parcel Legal Description

APPROXIMATELY 2.6 ACRES

LEGAL DESCRIPTION AVAILABLE ON REQUEST

I hereby request a hearing before the
Willard City Planning Commission in
behalf of my application for:



Conditional Use Permit \$25 Fee



Lot Line Adjustment \$25 Fee



Other Fee variable, \$25 Min.

NOTE: Fees will be charged on each application and are non-refundable. Additional applications on the same project will be considered as new applications and be charged accordingly. All applications, with required data and fees, must be filed in the Willard City Office at least two weeks prior to the scheduled hearing date.

Project description: (Attach additional sheets, as required.)

Complete Applicant Affidavit on back of this page.

SHORT-TERM RENTAL OF HOME AND BUNKHOUSE AND OUTSIDE
FACILITIES. ANTICIPATED USE OF AIRBNB AND/OR VRBO RENTAL
WEBSITES TO WIDEN EXPOSURE FOR MARKETING PURPOSES.

28-10858 152 WILLARD CITY CORPORATION
80 W 50 S
PO Box 593
Willard UT 84340
Receipt No: 1.018933
Dec 26, 2023

DAN GAMMON CUP PERMIT APPLICATION

Charges for Services	25.00
Charges - PC & B of Adj	25.00
Total:	50.00
Check No: 231	25.00
Total Applied:	25.00
Change Tendered:	.00

12/26/2023 12:29 PM

Form PC-1 Rev. 9/3-02

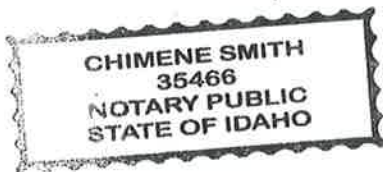
APPLICANT'S AFFIDAVIT

STATE OF ~~UTAH~~ IDAHO)
) SS
COUNTY OF ~~BOX ELDER~~ CASSIA)

I, (we) DAN GAMMON, being duly sworn, depose and say that I, (we) am (are) the owner(s)*, or authorized agent(s) of the owner, of property located at 537 W 200 N WILLARD UT 84340 in Willard City, which property is involved in the attached application and that the statements and answers therein contained and the information provided in the attached plans and other exhibits present thoroughly, to the best of my (our) ability, the argument in behalf of the application herewith requested and that the statements and information above referred to are in all respects true and correct to the best of my (our) knowledge and belief.

SIGNED [Signature]
Property Owner(s)
AGENT N/A

Subscribed and sworn before me this 16 day of December 2023



[Signature]
Notary Public

Residing in Minidoka
My commission expires: 1/30/25

* May be owner of record, contract owner, part to valid earnest money agreement, option holder or have other legal control of property.

AGENT AUTHORIZATION

I, (we) _____, the owner(s) of real property described above, hereby appoint _____, as my (our) agent(s) to represent me (us) with regard to this application affecting the above described real property, and do authorize them to appear on my (our) behalf before any Willard City Boards considering this application.

SIGNED _____
Property Owner(s)

Subscribed and sworn before me this _____ day of _____ 200__

Notary Public

Residing in _____
My commission expires: _____



Business License Application



CITY OF WILLARD
BUSINESS LICENSE DIVISION
80 W. 50 S, P.O. Box 593, Willard, Utah 84340
Phone (435) 734-9881
Fax (435) 723-6164

FOR OFFICE USE ONLY

Business License Category: _____
Date Application Received: 12/20/23
Application/License Fee: _____
Other Fee: _____
☐ Check ☐ Cash Total: _____
Receipt No. _____ Date Received: _____

PLEASE COMPLETE ALL ITEMS - INCOMPLETE APPLICATIONS WILL BE RETURNED WITHOUT BEING PROCESSED

SECTION I: Business Information- Please type or print clearly

CHANGE of: ☐ LOCATION ☐ OWNERSHIP ☐ BUSINESS NAME

Date of Application: DEC 18, 2023

Business Name: DAN GAMMON

Is this name registered with the State of Utah?

☐ Yes ☒ No

Type of Business (Be Specific): PROPERTY RENTAL - SHORT-TERM

Business Address: 537 W 200 N WILLARD UT 84340

Street

City

State

Zip

Business Phone: (208) 670-4105

Business Email: GAMMONDT@OUTLOOK.COM

Mailing Address: 103 E 500 S BURLEY ID 83318

Street/PO Box

City

State

Zip

Bus. Start Date: DEC 18, 2023

Owner's Name: DAN GAMMON

Phone No. (208) 670-4105

Email: GAMMONDT@OUTLOOK.COM

Owner's Address: 103 E 500 S BURLEY ID 83318

Street

City

State

Zip

Federal License (If Any): N/A

No.

Expires:

Federal ID: ☒ SSN ☐ EIN 529-21-8479 Utah Corporation, LP or LLC #:

State Sales & Use Tax No. (If not applicable please sign here): [Signature]

Filing: ☐ Annual ☐ Monthly ☐ Quarterly

DBA File No.:

Professional License / State Contractor Number (If Applicable):

Continued on Back of Page

SECTION II: Check <u>All</u> That Apply	SECTION III: Describe Business
☐ Approximate Number of Employees: <u>0</u> ☐ Commercial ☒ Sole Proprietorship ☐ Limited Partnership ☐ Profit Corporation ☐ Outside City Limits ☐ Home Occupation ☐ General Partnership ☐ Limited Liability Co. ☐ Non-Profit Corporation ☐ Sexually-oriented Business or Employee	<i>SHORT-TERM PROPERTY RENTAL</i>

SECTION III: Verification of Accuracy – Acknowledgement of Responsibility
<i>Under penalty of perjury, I hereby certify that the information provided for this entire application is complete, accurate and in accordance with Willard City Ordinances. I further certify that updated information will be provided in writing, as required, to the City of Willard Business License Division within 10 days of any change to the business, name, organization, or location. I hereby acknowledge that illegal or fraudulent business practices are grounds for revocation of the business license, as is delinquent payment of the business license fee. This form is an application for a business license. The receipt for payment of license fees thereof does not constitute being approved to operate a business. The actual license will be issued only when all inspections are completed and signed off by the various departments and approval is given by the Business License Office. To open and or operate a business without final approval is a Class "B" misdemeanor and is subject to a \$1,000 fine and/ or a six month jail sentence. It is the responsibility of the licensee to be familiar with the ordinance under which the license is applied for. All business licenses are to be renewed yearly. The application and fees provided for herein shall be due and payable by the 31st of December of each year, or before commencing a new business, trade, service, or profession. All license fees not paid before March 1st of each year shall thereafter be considered delinquent and shall be subject to a 50% penalty. Responsibility of renewal is that of the licensee. Failure to receive a renewal notice does not excuse this responsibility.</i> <i>Dec 18, 2023</i> Signature of Authorized Business Agent/ Owner Date

FOR OFFICE USE ONLY: Planning Commission/Conditional Use Requirements
Conditional Use Permit Required ☐ Yes ☐ No If yes, give date of approved by Planning Commission: _____

FOR OFFICE USE ONLY: Application Review/Comments Section		
BUILDING & ZONING DIVISION Inspection Required: ☐ Yes ☐ No If yes, date of inspection: _____ Property Zoned Appropriately? ☐ Yes ☐ No ☐ Approved ☐ Denied Reason: _____ Signature: _____	BEAR RIVER HEALTH DEPARTMENT Inspection Required: ☐ Yes ☐ No If yes, date of inspection: _____ ☐ Approved ☐ Denied Reason: _____ Signature: _____	POLICE & FIRE DEPT. Inspection Required: ☐ Yes ☐ No If yes, date of inspection: _____ ☐ Approved ☐ Denied Reason: _____ Signature: _____

FOR OFFICE USE ONLY: Approval of Business License Administrator
_____ Business License Administrator _____ Date



City of Willard



Home Occupation Business License Standard Conditions for Administrative Approval

Standard Conditions:

The following items are prohibited:

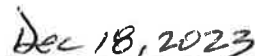
1. Outdoor storage and/or display.
2. Signage without a permit (attach permit as needed).
3. Vehicles in excess of 12,000 pounds gross vehicle weight.
4. Employees other than residents of the home.
5. Any alterations to the physical appearance of the home or change which impacts the neighborhood.
6. Increased demand for municipal services.
7. Hazardous or combustible materials.
8. Unsolicited door-to-door sales.

Special Conditions (if required):

Owner's Acknowledgment:

I hereby certify that I shall comply with the above conditions and understand that failure to comply with all conditions is grounds for revocation of my business license and may include other fines and penalties. Responsibility of renewal is that of the licensee. Failure to receive a renewal notice does not exclude this responsibility.


Business Owner Signature


Date

NORTH ↑



NORTH ↑



ITEM 2C



WILLARD CITY
Conditional Use Permit (CUP) Review Committee – Special Meeting
January 18, 2024 – 1:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

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

4
5 The following members were in attendance:

6
7 Jeremy Kimpton, City Manager
8 Bryce Wheelwright, City Planner
9 Sid Bodily, Planning Commission Chair
10 Zac Burk, City Engineer/Jones & Associates
11 Payden Vine, Public Works Director
12 Theron Fielding, Police Chief
13 Van Mund, Fire Chief
14 Michelle Drago Deputy City Recorder

15
16 Excused: Colt Mund, City Attorney

17
18 Others in attendance: Dan Gammon, via phone call

19
20 1. CALL TO ORDER

21
22 Bryce Wheelwright, City Planner, called the meeting to order at 1:37 p.m. The secretary recorded a roll call
23 attendance.

24
25 2A. REVIEW AND CONSIDERATION OF A REQUEST FROM DAN GAMMON TO OPERATE A
26 SHORT-TERM RENTAL/AIRBNB LOCATED AT APPROXIMATELY 537 WEST 200 NORTH
27 (02-057-0005)

28
29 Time Stamp – 0:55 01-18-2024

30
31 Bryce Wheelwright, City Planner, stated that Dan Gammon had requested approval of a conditional use
32 permit to operate a short-term rental/Airbnb at 537 North 200 West, which was located at the west end of
33 200 North. Mr. Gammon was concerned about access to his property because it was taken away by his
34 neighbor to the north. The access dispute had gone through legal channels. Mr. Gammon was hoping
35 access could be changed.

36
37 Sid Bodily, Planning Commission Chair, was concerned about whether the requested conditional use was
38 a commercial use or residential use. If it was a commercial use, handicap access and fire exit signs would
39 be necessary. He was not sure if a residential use would have the same requirements. The City Attorney
40 needed to clarify whether this was residential or commercial. Because this property was out by itself, he did
41 not feel the proposed use would interfere with neighboring properties.

42
43 Fire Chief Van Mund was also concerned about whether this would be classified as a residential use or a
44 commercial use. Most Airbnbs he had been in did not have a lot of fire safety equipment or handicap access.
45 He also felt there should be an occupancy limit. He agreed there needed to be a ruling from the City
46 Attorney. He was also concerned about access and parking. He did not feel the current road surface would
47 meet the requirements for emergency vehicles.



WILLARD CITY
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Bryce Wheelwright stated that the staff had reviewed the Zoning Ordinance. Short-term rentals, or Airbnbs were listed as a conditional use in commercial zones, but the staff couldn't find short-term rentals in residential zones. He felt legal counsel was needed. Unfortunately, the City Attorney was not able to attend the meeting.

Police Chief Theron Fielding arrived at 1:43 p.m.

Dan Gammon stated that they had used the property for residential purposes since they purchased it in 2012. Access had always been a challenge. They had created the incoming roadway where it was. They had legal issues with Russ Child before he passed away. Russ Child fought with Willard City and tried to change boundary lines. Mr. Child eventually put up a fence down the middle of the road. There was clearly access room all the way across the eastern boundary. They preferred to access the property via the roadway that had been there when his wife's grandparents built the home in 1980, which was fifteen years before Child's were even in the picture. He felt there was room to turn an emergency vehicle around on their property because he had pulled in camp trailers and stock trailers. They could move the fence line on the eastern pasture if needed. He had received a bid to remove the trees along the north side of the prior road just to clean it up. The property contained a cabin, a bunkhouse, and a three-bedroom residence. They intended to rent the home and the bunkhouse. The cabin was where his wife's grandparents first lived in Idaho. Due to its historical nature, they did not intend to rent the cabin.

Bryce Wheelwright asked if there would be two short-term rentals. Dan Gammon said there would not. The house and the bunkhouse would be rented together. They did not want to have two different parties on site at the same time.

Dan Gammon said there was plenty of access along the east side of the home and handicap ramps. All access was only a few steps high and enclosed, so no handrails were needed. They did have fire extinguishers on site. There was a small ramp going into the garage, but they did not anticipate that the garage would be used by renters. They used the garage to store picnic tables, a lawnmower, and a tractor. They only wanted to rent the home, the bunkhouse, and the property. The property included a couple of horseshoe pits and barbeques. They were trying to identify opportunities for families to come to Willard Bay for a few days between late spring through early fall. They planned to block out time for their personal use as well.

Bryce Wheelwright asked Van Mund about fire protection. Chief Mund said there was fire protection for this site.

Payden Vine, Public Works Director, did not have any issues.

Jeremy Kimpton, City Manager, felt there needed to be designated access for a fire truck to turn around. Van Mund stated that if a driveway was more than 150 feet in length, the International Fire Code specified that there had to be a cul-de-sac, or a hammerhead turn around. Emergency access had to be gravel or road base.

Bryce Wheelwright stated that Dan Gammon would have to improve the driveway with an all-weather surface, such as road base or gravel. Dan Gammon said they could improve the driveway, but the City already had the right-of-way; it had just not enforced it. The City had access down both sides of the fence constructed by Mr. Child. In fact, the City had access on the west side of the property where the sewer line was located.



WILLARD CITY
Conditional Use Permit (CUP) Review Committee – Special Meeting
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98 Zac Burk, City Engineer, asked if the access was a right-of-way or an easement. They were two different
99 things. The access appeared to be an easement, not a right-of-way. The City had the right to access the
100 easement to maintain the sewer, but those renting the home would not have that right and could obstruct
101 fire and emergency vehicles.
102

103 Bryce Wheelwright asked if Dan Gammon had spoken with Betsy Child about removing the fence. If she
104 agreed to remove the fence, it would solve the access issues. Dan Gammon said he had not spoken with
105 her for some time. He had offered multiple times to help move the fence. The last communication was that
106 they were not interested.
107

108 Michelle Drago, Deputy Recorder, was concerned about whether this would be a legal use. Short-term
109 rentals were listed as a conditional in commercial and manufacturing zones, but there was nothing in the
110 residential zones about this type of use. She felt the Committee needed a legal opinion from the City
111 Attorney before it could proceed.
112

113 Dan Gammon stated that their property was also classified as agricultural property, which gave them the
114 ability to operate at later hours. Ms. Drago said short-term rentals weren't listed in the agricultural zone
115 either.
116

117 Police Chief Theron Fielding was concerned about access for law enforcement and emergency services.
118 The current access was very limited.
119

120 Dan Gammon stated that access was a limiting factor on their insurance policy. Their insurance company
121 did not like the lack of access. He did not know how to overcome the access problem. The former mayor
122 had talked about having a turn around at the bottom of a road. He was not opposed to either possibility.
123 Mr. Wheelwright said the railroad had been willing to give up some property to allow for a road between
124 Center Street and 200 North. The litigation issue made that option difficult.
125

126 Bryce Wheelwright felt the Committee needed information from the City's legal counsel about whether this
127 was a legal use in a residential area, whether this would have to conform to residential or commercial fire
128 requirements, and if the City could re-address the access issue.
129

130 Dan Gammon wanted to continue exploring the option. He hoped to have an answer so they could lease it
131 for the coming spring. The property had been in the family for 44 years. The fence became an issue in 2006
132 when Bill Vavricka passed away. They would like to have the road reopened. Utility companies had had
133 challenges with access. Their property was continually stepped on because of Russ's choice to put the
134 fence in the middle of the road.
135

136 Chairman Bodily asked if the City had spoken with Betsy Child since Russ passed away. Dan Gammon
137 said that a year ago he offered to pay for moving the fence. She said she didn't want to do that.
138

139 Dan Gammon asked if the City needed anything from him. Bryce Wheelwright asked him to submit a to-
140 scale site plan showing the location of buildings and the proposed parking and access.
141

142 Dan Gammon asked about emergency access. Did he have fire protection? Fire Chief Mund he did have
143 fire protection. However, he didn't have fire access that met the requirements of the International Fire Code.
144 The current access did not provide the required surface for a 52,000 pound fire truck.
145



WILLARD CITY
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Dan Gammon asked if a fire hydrant would be needed. Van Mund said there was already a fire hydrant within 700 feet.

Van Mund moved to table consideration of a conditional use permit for a short-term rental for Dan Gammon at 537 West 200 North until the Committee had received legal counsel regarding its three questions. Sid Bodily seconded the motion. All voted “aye.” The motion passed unanimously.

Bryce Wheelwright stated that he would speak with the City’s legal counsel and then schedule another meeting.

Zac Burk felt Mr. Gammon was confusing an easement with a road. Bryce Wheelwright said the legal dispute had determined that this was an easement not a road. Van Mund said an easement was meant only as access to provide service. It wasn’t meant for people to use.

Jeremy Kimpton asked if Willard had a specific ordinance for short-term rentals. Mr. Wheelwright said it did not. Short-term rentals were listed in the City’s conditional use regulations.

2B. CONSIDERATION AND APPROVAL OF OCTOBER 5, 2023, MINUTES

Sid Bodily moved to approve the October 5, 2023, minutes as written. Van Mund seconded the motion. All voted “aye.” The motion passed unanimously.

3. ADJOURN

Payden Vine moved to adjourn at 1:37 p.m. Sid Bodily seconded the motion. All voted “aye.” The motion passed unanimously.

Minutes were read individually and approved on: _____

Bryce Wheelwright, City Planner

Michelle Drago, Deputy City Recorder

dc:CUP 01-18-2024