



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

The meeting was a special 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:

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

Excused: Colt Mund, City Attorney

Others in attendance: Dan Gammon, via phone call

1. CALL TO ORDER

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

2A. 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)

Time Stamp – 0:55 01-18-2024

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

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

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



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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 barbecues. 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.



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Zac Burk, City Engineer, asked if the access was a right-of-way or an easement. They were two different things. The access appeared to be an easement, not a right-of-way. The City had the right to access the easement to maintain the sewer, but those renting the home would not have that right and could obstruct fire and emergency vehicles.

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

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

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

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

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

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

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

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

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

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



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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: Was this a legal use in a residential zone; would this use have to conform to residential or commercial fire requirements; and could the City re-address the access issue. 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: 3/7/24


Bryce Wheelwright, City Planner


Michelle Drago, Deputy City Recorder

dc:CUP 01-18-2024