



WILLARD CITY  
**Conditional Use Permit (CUP) Review Committee – Special Meeting**  
March 7, 2024 – 3:00 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: Carl Dilg; Rebecca Dilg; and Dan Gammon, via phone call

19  
20 1. CALL TO ORDER

21  
22 Bryce Wheelwright, City Planner, called the meeting to order at 3:16 p.m. The secretary recorded a roll call  
23 attendance.

24  
25 2A. REVIEW AND CONSIDERATION OF A REQUEST FROM CARL AND REBECCA DILG FOR A  
26 CONDITIONAL USE PERMIT FOR A DETACHED ACCESSORY DWELLING UNIT LOCATED AT  
27 APPROXIMATELY 50 WEST 1075 NORTH (02-041-0003)

28  
29 Time Stamp – 0:43 03/07/2024

30  
31 Bryce Wheelwright stated that the purpose of the meeting was to review a conditional use permit application  
32 from Carl and Rebecca Dilg for a detached accessory dwelling unit. The site was located at approximately  
33 50 West 1075 North. The Dilg's wanted to build an ADU on an existing foundation on their lot. The  
34 foundation is what was left of a home demolished a few years ago.

35  
36 Rebecca Dilg stated that they were requesting approval of an accessory building, not an accessory dwelling  
37 unit. They were meeting with the CUP Committee based on a recommendation from Mr. Wheelwright.

38  
39 Bryce Wheelwright stated that there was an existing home and detached garage on their parcel. The  
40 existing foundation is what was left of the home that was demolished when the new one was constructed.

41  
42 Zac Burk, City Engineer, arrived at 3:18 p.m.

43  
44 Rebecca Dilg, 50 West 1075 North, stated that they were on a legal, non-conforming lot. Their property  
45 was zoned A-5 but only had approximately 4.25 acres. They built a new home a few years ago, and they  
46 had a detached garage. They had to agree to tear down the original home before they were allowed to build  
47 their new one. Tearing down the original house had left the foundation and an open hole in their property.  
48 They had tried to negotiate with the city to keep the original home. They had a son with disabilities, and  
49 they wanted to keep the house for him. Because they had signed an agreement with Willard, they had to



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50 tear down the original home. At that time, the city would not even consider turning the original home into  
51 an accessory building. So, they took the loss and tore the house down.

52  
53 Van Mund, Fire Chief, arrived at 3:20 p.m.

54  
55 Mrs. Dilg felt the open foundation was a safety hazard. They wanted to get a building on it. They had spoken  
56 with Bryce Wheelwright about an accessory building. They wanted to build something that was aesthetically  
57 pleasing. It would be expensive to have the building designed. They did not want to spend the money until  
58 they knew they could get a permit. They were aware of various ordinances that would allow for housing on  
59 farmland, which they did not know about when they signed the agreement to tear down the original home.  
60 Their attorney said they could have permanent farm worker housing in Willard if they were zoned A-5, which  
61 is what they were zone.

62  
63 Mrs. Dilg said, at the minimum, they would like to build an accessory building. A year ago, the City adopted  
64 the ADU ordinance. Mr. Wheelwright had suggested they meet with the CUP Review Committee to see  
65 what their possibilities were.

66  
67 Jeremy Kimpton, City Manager, clarified that they were requesting approval to build a shed or a shop. Mrs.  
68 Dilg said it would be a shed, storage, workshop.

69  
70 Payden Vine, Public Works Director, asked if the building would be connected to water and sewer. Mrs.  
71 Dilg said it would. They wanted to make the building useful.

72  
73 Sid Bodily, Planning Commission Chair, asked about the square footage. Carl Dilg said it would be 988  
74 square feet.

75  
76 Payden Vine asked if the building would be two stories. Rebecca Dilg said they wanted it to look like a barn.  
77 They wanted it to fit the neighborhood.

78  
79 Jeremy Kimpton asked how tall the accessory building would be. Mr. Dilg said it would not be any taller  
80 than their barn. Mrs. Dilg stated that their home was one story in height.

81  
82 Michelle Drago, Deputy City Recorder, said that accessory dwelling units could not be taller than the primary  
83 dwelling unit. Mr. Wheelwright said ADU's couldn't, but accessory buildings could. They could be 2 ½  
84 stories, or 35 feet in height.

85  
86 Bryce Wheelwright stated that if the structure was going to be an ADU, it could not be larger than 999  
87 square feet, and it could only be one story in height

88  
89 Carl Dilg felt there were variable criteria. He felt they were non-constraining items.

90  
91 Van Mund, Fire Chief, and Sid Bodily, Planning Commission Chair, asked if the structure was going to be  
92 a shop or a house. If the structure was going to be a house, with water and sewer connections, then it had  
93 to comply with the ADU requirements. It could not be bigger than the main structure, and it couldn't be  
94 larger than 999 square feet. He was concerned this would start as a shop and turn into a dwelling.

95  
96 Rebecca Dilg stated that they had reviewed the ADU ordinance and did not feel an ADU would work for  
97 them because of conditions, such as neighbors and window locations.



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Theron Fielding, Police Chief, stated that they had neighbors across the street.

Carl and Rebecca Dilg said it was not a street, it was a private lane, even though it extended through to 200 West.

Jeremy Kimpton stated that if the structure was going to be an accessory building and left as an accessory building, it would be a permitted use. The details would be flushed out in the building permit process.

Bryce Wheelwright stated that a conditional use permit would not be needed if the structure was an accessory building only.

Theron Fielding asked if a family member lived in the home before it was torn down. Rebecca Dilg said they did. Carl Dilg said it was not an accessory dwelling, it was a dwelling. It was given a conditional use permit while they built their home.

Bryce Wheelwright felt the Dilg's needed to define what the building would be. Rebecca Dilg said it would be an accessory building.

Zac Burk, City Engineer, asked if there was a limit on the number of accessory buildings that could have utilities. Jeremy Kimpton thought there was but said he would have to verify it. Mr. Burk felt a limit might prevent an accessory building from turning into an accessory dwelling unit.

Michelle Drago asked if the existing barn had utilities. Mrs. Dilg said it did.

Rebecca Dilg asked if the city would deny a sink and a toilet in a shop. Jeremy Kimpton said connections were not regulated by zone. He would have to research the city code to see if there was a limit on the number of accessory connections. If there was a limit, separate lines would have to be run, which would include connection and impact fees.

Rebecca Dilg asked if there were restrictions on the use of an accessory building for a commercial use. Bryce Wheelwright stated that a commercial use would require commercial zoning.

There was a discussion regarding business licensing. Bryce Wheelwright said the Utah State Legislature said cities could not require a business license for a home business that was not impacting the community in terms of traffic, water, and sewer. A home business without customers did not impact the community. Fire Chief Mund said that a home-based business that drew in customers did have an impact. There was also concern about home businesses that stored flammable materials. Mr. Burk pointed out that customers that used restroom facilities impacted the city's public works system.

Carl Dilg asked about the building permit process. Bryce Wheelwright explained that accessory buildings were a permitted use. The Dilg's could submit a building permit application on the Box Elder County website. Box Elder County would have Willard City review the site plan to make sure it complied with setback requirements. Then a permit could be issued.

Rebecca Dilg asked about the farm or ranch housing allowed for permanent farm employees in the A-5 Zone. Carl Dilg said the definition of a farm was agriculturally zoned property. Their property was zoned agricultural. When they tried to argue that the previous home was housing for a farm employee, their argument got hung up on the definition of a farm. The city said they didn't have enough acreage for a farm.



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148 Van Mund said a farm was defined as a primary source of income.

149  
150 Rebecca Dilg said their property was designated *green belt* by Box Elder County.

151  
152 Jeremy Kimpton said the Dilg's had the right to apply for farm or ranch housing, which was a conditional  
153 use in the A-5 Zone.

154  
155 Sid Bodily was confused. Did the Dilg's want an accessory dwelling unit or an accessory building?

156  
157 Rebecca Dilg said they wanted to put a building back on the existing foundation.

158  
159 Jeremy Kimpton suggested that the Dilg's determine how they wanted to proceed.

160  
161 2B. REVIEW AND CONSIDERATION OF A REQUEST FROM DAN GAMMON TO OPERATE A  
162 SHORT-TERM RENTAL/AIRBNB LOCATED AT APPROXIMATELY 537 WEST 200 NORTH  
163 (02-057-0005)

164  
165 Time Stamp – 44:43 03/07/2024

166  
167 Bryce Wheelwright called Dan Gammon at 4:00 p.m. to allow him to electronically join the discussion on  
168 his request for a short-term rental which was continued from January 18, 2024.

169  
170 Bryce Wheelwright apologized to Mr. Gammon that the CUP Review Committee would be unable to discuss  
171 his application because the City Attorney was unable to attend the meeting.

172  
173 Jeremy Kimpton said the administration would try to meet with the City Attorney the following week to get  
174 the CUP Review Committee's questions answered.

175  
176 Bryce Wheelwright asked if Mr. Gammon had any other information for the CUP Review Committee.

177  
178 Dan Gammon stated that he had submitted the site plan requested at the last meeting. They were  
179 continuing to make improvements to the property. They had removed fencing and trees to make the  
180 property more accessible.

181  
182 Bryce Wheelwright that the Gammon's would be required to provide an all-weather surface for fire and  
183 public safety equipment. Dan Gammon asked what an all-weather surface was. Van Mund said it was road  
184 base or gravel. Something that would support a fire truck. Because the driveway was longer than 150 feet,  
185 the Gammon's would have to provide a 90-foot turning radius or a hammer head turnaround. There had to  
186 be a height clearance of 14 feet.

187  
188 Bryce Wheelwright asked if Mr. Gammon had had any contact with Betty Child about the fence in the right-  
189 of-way. Dan Gammon said he attempted to contact Betty Child several times. He hadn't received any  
190 response from her.

191  
192 **Sid Bodily moved to table consideration of a conditional use permit for a short-term rental for Dan**  
193 **Gammon at 537 West 200 North until the Committee received legal counsel regarding its questions**  
194 **from January 18<sup>th</sup>. Van Mund seconded the motion. All voted "aye." The motion passed**  
195 **unanimously.**



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2C. CONSIDERATION AND APPROVAL OF JANUARY 18, 2024, MINUTES

**Sid Bodily moved to approve the January 18, 2024, minutes as written. Jeremy Kimpton seconded the motion. All voted “aye.” The motion passed unanimously.**

3. ADJOURN

**Payden Vine moved to adjourn at 4:16 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 03-07-2024