



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

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: Carl Dilg; Rebecca Dilg; and Dan Gammon, via phone call

1. CALL TO ORDER

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

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

Time Stamp – 0:43 03/07/2024

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

Rebecca Dilg stated that they had reviewed the ADU ordinance and did not feel an ADU would work for 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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Van Mund said a farm was defined as a primary source of income.

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

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

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

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

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

2B. 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 – 44:43 03/07/2024

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

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

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

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

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

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

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

Sid Bodily 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 received legal counsel regarding its questions from January 18th. Van Mund seconded the motion. All voted "aye." The motion passed unanimously.



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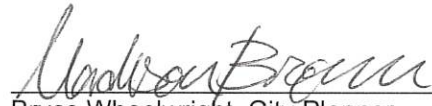
2C. CONSIDERATION AND APPROVAL OF JANUARY 18, 2024, MINUTES

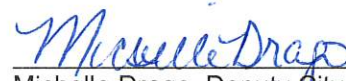
Sid Bodily moved to approve the January 18, 2024, minutes as written. Jeremy Kimpton seconded the motion. All voted “aye.” The motion passed unanimously.

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: 3/28/24


Bryce Wheelwright, City Planner


Michelle Drago, Deputy City Recorder

dc:CUP 03-07-2024