Notice is hereby given that the
WILLARD CITY PLANNING COMMISSION
Will meet in a regular session on
Thursday, November 7, 2024 – 6:30 p.m.
Willard City Hall, 80 West 50 South
Willard, Utah, 84340

AGENDA

(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. Swearing in of John Pierce and Ken Ormond as alternate Planning Commission members
4. General Public Comments (Input for items not on the agenda. Individuals have three minutes for open comments)
5. Report from City Council
6. Discussion/Action Items
   a. Public hearing to receive public input regarding an application from Neldon Kapp to subdivide property located at approximately 620 North 200 West (Parcel No. 02-046-0005)
   b. Consideration of a preliminary subdivision plat and a reciprocal easement agreement for the Kapp Subdivision located at approximately 620 North 200 West (Parcel No. 02-046-0005)
   c. Consideration of a request from Dan Gammon for a Conditional Use Permit to operate a short-term rental/Airbnb located at approximately 537 West 200 North (02-057-0005)
   d. Consideration and recommendation to the City Council regarding a proposal to amend the General Plan found in Chapter 12-000 of the Willard City Zoning Ordinance to include a future land use map for the South Willard area included in Willard's Annexation Policy Declaration (continued from April 4, April 18, May 2, May 16, and June 20, 2024)
   e. Discussion regarding a proposal to amend requirements for detached Accessory Dwelling Units found in 12-102-23-6(5a) to allow units larger than 1,000 square feet in R-1, A-3, and A-5 Zones
   f. Review of a conditional use permit review issued to Mike Grimes for used vehicle sales located at 740 North Main (Parcel No. 02-046-0015) issued on September 17, 1996
7. Consideration and approval of the October 3, 2024, 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/pmn/index.html, on the Willard City website www.willardcity.com, and sent to the Box Elder News Journal this 1st day of November, 2024.

/s/ Michelle Drago

Deputy City Recorder

NOTICE OF SPECIAL ACCOMMODDTION 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.

ITEM 6A

Willard City Corporation

80 West 50 South
Box 593

Willard, Utah 84340
(435)734-9881

NOTICE OF PUBLIC HEARING
WILLARD CITY PLANNING COMMISSION

Notice is hereby given that the Willard City Planning Commission will hold a public hearing to receive public comment regarding an application from Neldon Kapp to subdivide property located at approximately 620 North 200 West.

The public hearing will be held on Thursday, November 7, 2024, at 6:30 p.m. in the Willard City Council Chambers, 80 West 50 South, Willard, Utah, during a regular Planning Commission meeting.

Information regarding this matter is available during business hours by contacting the Willard City Planner at 435-734-9881. Business hours are 8:00 a.m. to 5:00 p.m. Monday through Thursday and 8:00 a.m. to 12:00 p.m. on Friday.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communications, aids, and services) during this meeting should notify the City Office at 80 West 50 South, Willard, Utah, phone number (435) 734-9881, at least three working days prior to the meeting.

I, the undersigned duly appointed 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; two other places in the community; on the State of Utah Public Meeting Notice website http://www.utah.gov/pmn/index.html; on the Willard City website www.willardcity.com; and sent to the Box Elder News Journal this 28th day of October, 2024.

/s/Michelle Drago
Deputy City Recorder



Willard City Corporation

80 West 50 South
Box 593

Willard, Utah 84340
(435)734-9881

SUBDIVISION APPLICATION

Application Date 8/5/24

Applicant Neldon Kapp

Mailing Address
PO Box 141
Willard UT 84340

Project Address
620 N 200 W
Willard UT

Email Address neldonkapp@yahoo.com

Phone 435-740-9016

Cell _____

Fax _____

Proposed Subdivision Data

Subdivision Name Kapp Subdivision

Application Level (check one)

☐ Sketch Plan
Date _____
Approval _____

☒ Preliminary Plat *
*Not required for In-fill subdivisions.
Date 8/5/24
Approval _____

☐ Final Plat
Date _____
Approval _____

Assessor Parcel Number 02046 0005

Number of lots 2

Fee Computation

	Administrative	Engineering	Attorney	Total
Sketch Plan	$50 + $2/acre	Billed to developer		
Preliminary Plat	$50 + $15/lot	Billed to developer	$100 + $10/lot	
Final Plat	$50 + $5/lot	Billed to developer	$50 + $5/lot	

Applicant's Affidavit

STATE OF UTAH)
) SS
COUNTY OF BOX ELDER)

I (we), Meldon Happ, being duly sworn, depose and say that I (we) am (are) the owner(s)* or authorized agent(s) of the owner of the property located at
1080 North 800 West
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 _____
Property Owner(s)

Agent _____

Subscribed and sworn before me this 4th day of September 2024.

Michelle Drago
Notary Public

Residing in Perry, Utah
My commission expires 2/2/25

MICHELLE DRAGO
NOTARY PUBLIC • STATE of UTAH
COMMISSION NO. 716078
COMM. EXP. 02-02-2025

*May be owner of record, contract owner, part to valid earnest money agreement, option holder, or have the 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 an y Willard City Boards considering the application.

Signed _____
Property Owner(s)

Agent _____

Subscribed and sworn before me this ____ day of _____ 20____.

_____
Notary Public

Residing in _____
My commission expires _____

Willard City
80 W 50 S | PO Box 593
Willard, UT 84340
(435) 734-9881
willardcity@comcast.net

XBP Confirmation Number: 213309564

Transaction detail for payment to Willard City. **Date: 10/24/2024 - 4:26:40 PM MT**

Transaction Number: 228953237
Visa — XXXX-XXXX-XXXX-6151
Status: Successful

Account #	Item	Quantity	Item Amount
10-52-310	Misc. 10-52-310	1	$80.00
Notes: Neldon Kapp SULA			

TOTAL: *$80.00*

Transaction detail for payment to Willard City. **Date: 10/24/2024 - 4:26:41 PM MT**

Transaction Number: 228953239
Visa — XXXX-XXXX-XXXX-6151
Status: Successful

Account #	Item	Quantity	Item Amount
	Service Fee	1	$2.90
Notes: Neldon Kapp SULA			

TOTAL: *$2.90*

Billing Information
NELDON KAPP
84340

Transaction taken by: Admin dmundCaselle DM


HARROP BLAKE JT 02-046-0099
649 N
637 N
615 N
IVIE JASON G 02-046-0058
603 N
KAPP NELDON F ETUX 02-046-0005
597 N
620 N
575 N
WILLOW CREEK MINOR SUBDIVISION
MAIN ST
89
200 W
MCCORMICK CLINT M TTEE 02-046-0056
551 N
539 N
500 N
TAYLOR DEAN J TTEE 02-046-0046
75 W
550 N
525 N

North

A PRELIMINARY PLAT FOR:

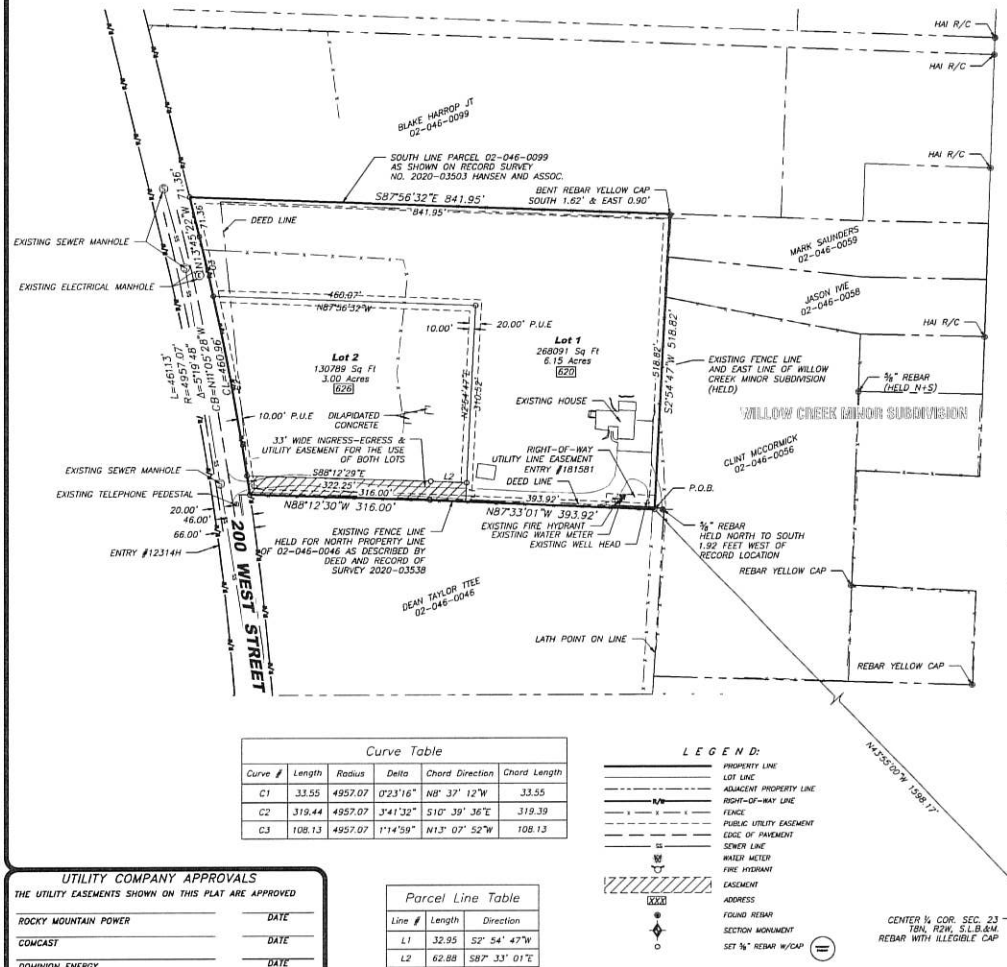
KAPP SUBDIVISION

A PART OF THE NORTHWEST QUARTER OF SECTION 23, T8N, R2W, S.L.B.&M.
WILLARD CITY, BOX ELDER COUNTY, UTAH

October 2, 2024

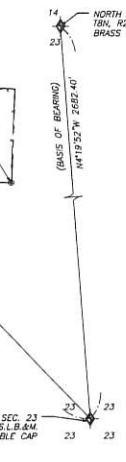
GRAPHIC SCALE





GENERAL NOTES:

1. Pursuant to Utah Code Ann. 54-3-27 this plat conveys to the owner(s) or operators of utility facilities a public utility easement along with all the rights and duties described therein
2. Pursuant to Utah Code Ann. 17-27a-603(4)(c)(ii) Rocky Mountain Power accepts delivery of the PUE as described in this plat and approves this plat solely for the purpose of confirming that the plat contains public utility easements and approximates the location of the public utility easements, but does not warrant their precise location. Rocky Mountain Power may require other easements in order to serve this development. This approval does not affect any right that Rocky Mountain Power has under:
   (1) A recorded easement or right-of-way
   (2) The law applicable to prescriptive rights
   (3) Title 54, Chapter 8a, Damage to Underground Utility Facilities or any other provision of law.
3. Dominion Energy approves this plat solely for the purpose of confirming that the plat contains public utility easements. Dominion Energy may require other easements in order to serve this development. This approval does not constitute abrogation or waiver of any other existing rights, obligations or liabilities provided by law or equity. This approval does not constitute acceptance, approval or acknowledgment of any terms contained in the plat, including those set in the owner's dedication and the notes and does not constitute a guarantee of particular terms of natural gas service. For further information please contact Dominion Energy's right-of-way department at 1-800-366-8532.



Record Owners: Neldon F. & Jan L. Kapp
620 North 200 West
Willard, Utah 84340

FORESIGHT
LAND SURVEYING
2005 North 600 West, Logan, Utah
435-753-1910

Project No. 23-059 Prepared by JH, 10/2/24

Curve Table

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	33.55	4957.07	0°23'16"	N8° 37' 12"W	33.55
C2	319.44	4957.07	3°41'32"	S10° 39' 36"E	319.39
C3	108.13	4957.07	1°14'59"	N13° 07' 52"W	108.13

Parcel Line Table

Line #	Length	Direction
L1	32.95	S2° 54' 47"W
L2	62.88	S87° 33' 01"E

LEGEND:

- PROPERTY LINE
- LOT LINE
- ADJACENT PROPERTY LINE
- R/W — RIGHT-OF-WAY LINE
- FENCE
- PUBLIC UTILITY EASEMENT
- EDGE OF PAVEMENT
- SS — SEWER LINE
- WATER METER
- FIRE HYDRANT
- EASEMENT
- XXX — ADDRESS
- FOUND REBAR
- SECTION MONUMENT
- SET ⅝" REBAR W/CAP

Sheet 1 of 1

SURVEYOR'S CERTIFICATE

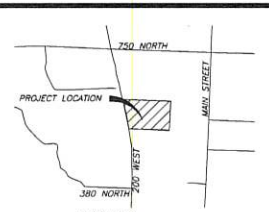
I, JEFF C. NIELSEN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR HOLDING CERTIFICATE NO. 5152661 IN ACCORDANCE WITH UTAH CODE TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17, HAVE VERIFIED ALL MEASUREMENTS, HAVE PLACED MONUMENTS AS REPRESENTED ON THIS PLAT, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS HEREAFTER TO BE KNOWN AS: KAPP SUBDIVISION

Subdivision Boundary

A PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 8 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE NORTH LINE OF PARCEL 02-046-0046 ON THE EXTENSION OF AN EXISTING FENCE LINE LOCATED NORTH 4°35'00" WEST, A DISTANCE OF 1598.17 FEET FROM THE REBAR AND CAP MONUMENTING THE CENTER QUARTER OF SAID SECTION 23 FROM WHICH THE BRASS CAP MONUMENTING THE NORTH QUARTER CORNER OF SAID SECTION 23 BEARS NORTH 04°19'52" WEST, A DISTANCE OF 2682.40 FEET; THENCE RUNNING ALONG SAID EXISTING FENCE LINE AND ITS EXTENSION THE FOLLOWING TWO (2) COURSES:
(1) NORTH 87°33'01" WEST, A DISTANCE OF 393.92 FEET;
(2) NORTH 88°12'30" WEST, A DISTANCE OF 316.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF 200 WEST STREET AND POINT OF CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES SOUTH 81°34'26" WEST, A RADIAL DISTANCE OF 4,957.07 FEET;
THENCE RUNNING ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:
(1) NORTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 05°19'48", A DISTANCE OF 461.13 FEET WITH A LONG CHORD BEARING NORTH 11°05'28" WEST, A DISTANCE OF 460.96 FEET;
(2) NORTH 13°45'22" WEST, A DISTANCE OF 71.36 FEET TO THE SOUTHWEST CORNER OF PARCEL 02-046-0099;
THENCE SOUTH 87°56'32" EAST, ALONG THE SOUTH LINE OF SAID PARCEL A DISTANCE OF 841.95 FEET TO THE NORTHWEST CORNER OF WILLOW CREEK MINOR SUBDIVISION SAID POINT BEING LOCATED BY RECORD 101.54 RODS NORTH AND NORTH 88°41'00" WEST 72.32 RODS FROM THE SOUTHWEST CORNER OF THE SAID NORTHWEST QUARTER; THENCE SOUTH 07°54'47" WEST, ALONG THE WEST LINE OF SAID SUBDIVISION A DISTANCE OF 518.82 FEET TO THE POINT OF BEGINNING.
CONTAINING 9.16 ACRES IN 2 LOTS

FOR REVIEW

REGISTERED LAND SURVEYOR
5152661
JEFF C. NIELSEN
STATE OF UTAH



Vicinity Map
Willard, Utah

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNERS OF THE TRACT OF LAND DEPICTED AND DESCRIBED HEREON, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS, THE WHOLE TO BE HEREINAFTER KNOWN AS "KAPP SUBDIVISION". WE DEDICATE THE AREAS INDICATED AS ROADWAYS TO WILLARD CITY FOR THE USE OF THE PUBLIC FOREVER, AND HEREBY GRANT TO THE CITY THE RIGHT TO MAKE ANY AND ALL IMPROVEMENTS FOR THE MAINTENANCE AND REPAIR OF SAID ROADWAYS. FURTHER, WE DEDICATE THE PORTIONS OF PROPERTY INDICATED AS PUBLIC UTILITY EASEMENTS FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY LINES AS AUTHORIZED BY WILLARD CITY.

Date _____ NELDON F. KAPP

Date _____ JAN L. KAPP

ACKNOWLEDGMENT

STATE OF UTAH) SS.
COUNTY OF BOX ELDER)

THE FOREGOING INSTRUMENT WAS PERSONALLY ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC THIS_____DAY OF_____, 20___, BY _____, WHO PROVED ON BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THIS INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL.

_____
NOTARY PUBLIC

ACKNOWLEDGMENT

STATE OF UTAH) SS.
COUNTY OF BOX ELDER)

THE FOREGOING INSTRUMENT WAS PERSONALLY ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC THIS_____DAY OF_____, 20___, BY _____, WHO PROVED ON BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THIS INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL.

_____
NOTARY PUBLIC

UTILITY COMPANY APPROVALS

THE UTILITY EASEMENTS SHOWN ON THIS PLAT ARE APPROVED

ROCKY MOUNTAIN POWER _____ DATE _____
COMCAST _____ DATE _____
DOMINION ENERGY _____ DATE _____
QWEST _____ DATE _____

BEAR RIVER HEALTH DEPT. APPROVAL

THE SUBDIVISION DESCRIBED IN THIS PLAT HAS BEEN APPROVED BY THE BEAR RIVER HEALTH DEPARTMENT THIS _____DAY OF _____, 2024.

BY:_____ TITLE:_____

COUNTY RECORDER'S NO._____

STATE OF UTAH, COUNTY OF _____, RECORDED AND FILED
AT THE REQUEST OF: _____
DATE: _____ TIME:_____ FEE:_____
ABSTRACTED_____
INDEX_____
FILED IN: FILE OF PLATS COUNTY RECORDER

COUNTY SURVEYOR'S CERTIFICATE

I CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED TO VERIFY MATHEMATICAL CORRECTNESS, SECTION CORNER DATA, AND FOR HARMONY WITH LINES AND MONUMENTS ON RECORD IN THE COUNTY OFFICES; AND FURTHER, THAT IT MEETS THE MINIMUM STANDARDS FOR PLATS REQUIRED BY COUNTY ORDINANCE AND STATE LAW. THE APPROVAL OF THIS PLAT BY THE BOX ELDER COUNTY SURVEYOR DOES NOT RELIVE THE LICENSED LAND SURVEYOR WHO EXECUTED THIS PLAT FROM THE RESPONSIBILITIES AND/OR LIABILITIES ASSOCIATED THEREWITH.

_____ _____
COUNTY SURVEYOR DATE

PLANNING COMMISSION

THIS PLAT WAS RECOMMENDED FOR APPROVAL/DENIAL BY THE WILLARD CITY PLANNING COMMISSION ON THE_____DAY OF _____, 2024.

DATED THIS_____DAY OF_____, 2024.

BY: _____
CHAIR

WILLARD CITY ATTORNEY APPROVAL

I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND APPROVE THE PLAT AS TO FORM AS REQUIRED BY STATE LAW AND CITY ORDINANCE.

_____ _____
DATE WILLARD CITY ATTORNEY

WILLARD CITY ENGINEER'S CERTIFICATE

I CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED AND THAT IT IS CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE.

_____ _____
DATE WILLARD CITY ENGINEER

WILLARD CITY COMMISSION

THIS PLAT WAS APPROVED AND ACCEPTED BY THE WILLARD CITY COMMISSION ON THE ___ DAY OF _____, 2024.
DATED THIS ___ DAY OF_____, 2024.

BY: _____
CHAIR

ATTESTED TO: _____
WILLARD CITY CLERK

Easement Agreement

This Agreement made as of the _____ day of _____ 2024, between Neldon F. Kapp and Jan L Kapp (referred to herin as "GRANTOR"), and Colton D Kapp and Kamryn Kapp(referred to herin as GRANTEE").

Witnesseth:

1. Grantor shall have a right of way to access Lot 1 of the Kapp Subdivision which shall being, onto,over,across and under a strip of land more particularly described as follows:

See attached Exhibit "A" Kapp Subdivision
Easement Described As N88 12' 30W 316' S88 12" 29" E
33' wide ingress-Egress and utility Easement for both lots

2. Maintenance fees, and damages associated with the installation of the above-described easement will be the responsibility of both the Grantor and the Grantee. In addition any repairs or upgrades made to the shared portion of the easement will be shared equally.

3. This easement shall continue in perpetuity for the benefit of Lot 1 of the Kapp Subdivision.

Dates the day and date first above written

_____ _____

Neldon F. Kapp Jan l. Kapp

_____ _____

Colton D Kapp Kamryn Kapp

State of Utah)

County of Box Elder)

On this day _____ of _____ 2024, personally appeared before me
Neldon F. Kapp, Jan L. Kapp, Colton D. Kapp and Kamryn Kapp
the signers of thru foregoing instrument, who duly acknowledged to me that they executed the same.

_____
Notary Public
Residing at Ogden Ut

My Commission Expirers _____

Willard City Corporation
80 West 50 South
Box 593
Willard, Utah 84340
(435)734-9881

CONDITIONAL USE PERMIT

Date Issued: _____

Building Permit Application

Address: 620 N 200 W
Willard, UT 84340

Parcel Number: 02-046-0005

Applicant's Name: Neldon F. and Jan L Kapp

A Conditional Use Permit is issue for the requested building permit. The conditions are as follows:

1. ***Access must be from 200 West. The access must be a minimum of 20 ft. wide. The access must be unobstructed.***

2. ***A fire hydrant must be placed on the access (west of the proposed structure) a minimum of 100 ft. from the home and no more than 400 ft. from the home.***

3. ***An 8-inch water main extension with a minimum of 4 ft. of cover with the appropriate bedding will be required. Bedding shall include a minimum of 6 inches of sand below the pipe and a minimum of 12 inches above the pipe. All backfill shall not have rocks larger than 4 inches. The waterline extension must be inspected by Willard City prior to backfill. Thrust blocks for the fire hydrant will also need to be inspected. The waterline must be pressure tested and chlorinated. Satisfactory bacteria samples must be submitted to Willard City. Completion requires compliance with Willard City Construction Standards.***

4. ***Easements for the extension of the waterline must be supplied to Willard City.***

5. ***The Willard City-Box Elder County Flood Control Board advises there is a high ground water table in the area.***

6. ***All conditions must be met prior to final inspection.***

_____ _____
Applicant's Signature Date

_____ _____
City Representative - Title Date

12

When Recorded Mail To:
Neldon & Jan Kapp
2499 North 450 West
Ogden, Utah 84414

Ent 181581 Bk 839 Pg 885
Date 8-Apr-2003 4:47PM Fee $12.00
LuAnn Adams - Filed By la
Box Elder Co., UT
For NELDON KAPP
02-046-0005

RIGHT-OF-WAY UTILITY LINE EASEMENT

NELDON KAPP and JAN L. KAPP as Grantors of Weber County, State of Utah, do hereby convey and warrant to WILLARD CITY, as Grantee, for the sum of TEN DOLLARS ($10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, a non-exclusive right-of-way and easement hereinafter described to construct, operate, maintain and repair a water line and its appurtenant works, across and under, the following described land and premises, situated in Box Elder County, State of Utah, to-wit:

> Beginning at a point 101.54 rods North, North 88°41' West 73.32 rods and South 2°53' West 31 rods from the Southeast Corner of the Northwest Quarter of Section 23, Township 8 North, Range 2 West, Salt Lake Base and Meridian, said point of beginning being Grantors' Southeast property corner; thence North 88°16' West 85 feet, thence North 2°53' East 20 feet, thence South 88°16' East 85 feet to grantors east property line, thence South 2°53' West 20 feet to the point of beginning.

TO HAVE AND TO HOLD the same unto the said Grantee, its successors and assigns, with a reasonable right to ingress and egress to and from said right-of-way to construct, operate, maintain and repair the same. Except as provided herein, all costs for the operation, maintenance and repair in the right-of-way shall be paid by Grantee and by its successors and assigns. All work performed by Grantee, or by his successors and assigns, shall be performed in such a manner so as to minimize the impact of such work upon the property. Grantee, after maintaining and repairing the utility line, shall restore the easement area to its preconstruction, operation, maintenance, or repair condition.

Grantee shall have the right to install, maintain, and operate their equipment above and below ground and all other related facilities within the Easements identified above as may be necessary or desirable in providing utility services, including the right of access to such facilities and the right to require removal of any obstructions including structures, trees and vegetation that may be placed within the Easement. The City may require the lot owner to remove all structures within the Easement at the lot owner's expense, or the Grantee may remove such structures at the lot owner's expense. At no time may any permanent structures be placed within the Easement or any other obstruction which interferes with the use of the Easement without the prior written approval of the Grantee. The said Grantors, and their heirs, successors and assigns, shall have the right to use the said premises except for the purposes for which this right of way and easement is granted to the said Grantee.

Unofficial Copy

2

This Agreement may be modified by subsequent written agreement between the parties.

WITNESS the execution hereto this 3rd day of April, 2003.

NELDON KAPP

JAN L. KAPP

STATE OF UTAH)
Weber : ss
COUNTY OF ~~BOX ELDER~~)

On the 3rd day of April, 2003 personally appeared before me NELDON KAPP and JAN L. KAPP, who being by me duly sworn did say that they are the signers of the foregoing instrument and acknowledged to me that they signed the same.

NOTARY PUBLIC
JARROD T. MURPHY
2560 North 400 East
North Ogden, Utah 84414
Commission Expires
August 20, 2005
STATE OF UTAH

NOTARY PUBLIC

WILLARD CITY:

By: Willard City
Its: Mayor

STATE OF UTAH)
: ss
COUNTY OF BOX ELDER)

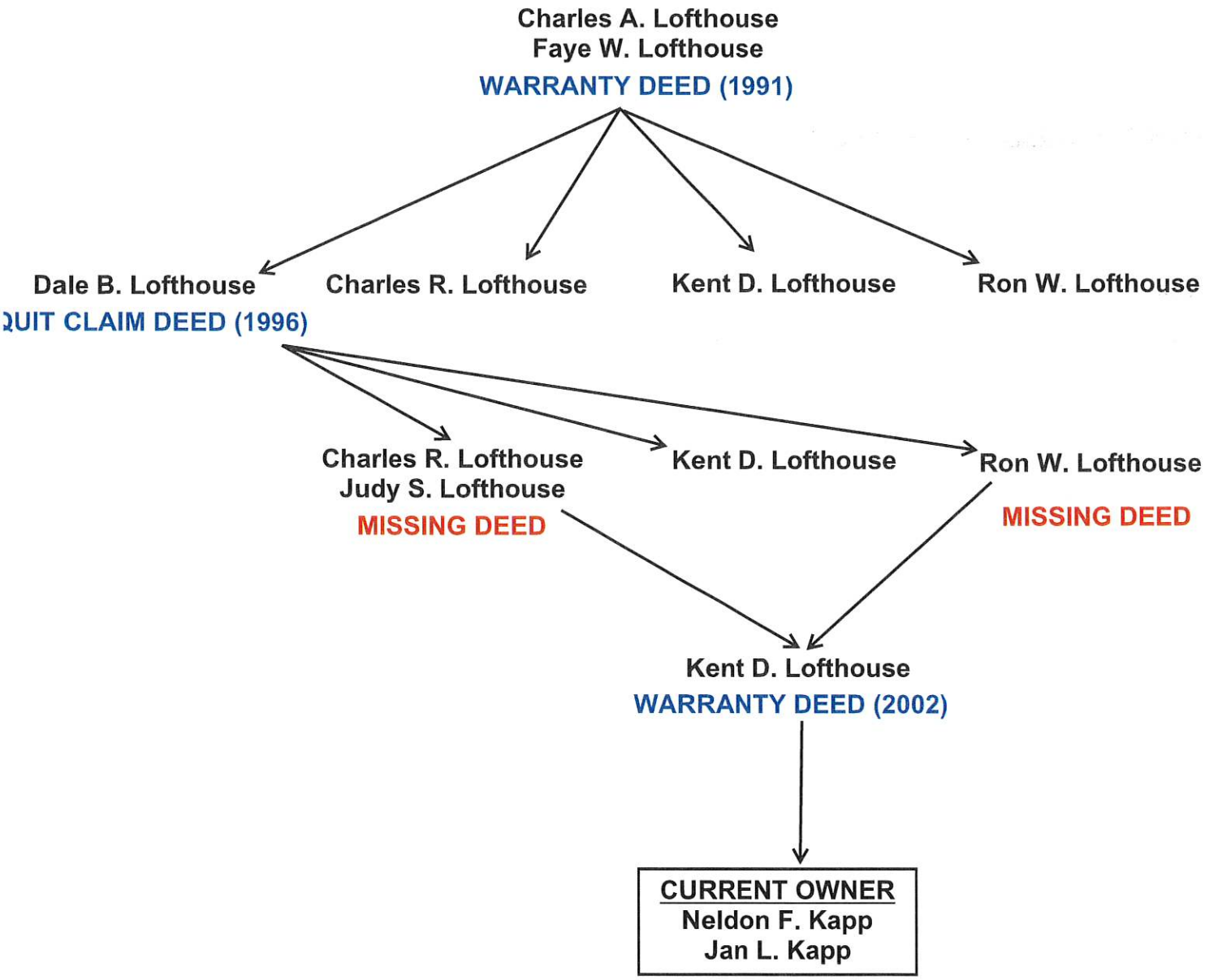
On this 4th day of April, 2003 personally appeared before me Jean Loveland, who being by me duly sworn did say that Jean Loveland is the Mayor of Willard City and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its board of directors and said Jean Loveland duly acknowledged to me that said Corporation executed the same.

TERI L. FELLENZ
NOTARY PUBLIC • STATE OF UTAH
80 WEST 50 SOUTH
WILLARD, UT 84340
COMM. EXP. AUG. 15, 2006

NOTARY PUBLIC

Unofficial Copy

PROPERTY CONVEYANCE SUMMARY (1991 - 2024)



REPORT OF WATER RIGHT CONVEYANCE

Receipt by _____
Fee Rec. _____
Receipt # _____

USE THIS CONVEYANCE REPORT FORM WHEN 100% OF THE WATER RIGHT IS CONVEYED.

WATER RIGHT # 29-1325

TO BE COMPLETED ONCE ALL DEEDS ARE COLLECTED

SECTION A. CONVEYANCE SUMMARY

If no water right number is mentioned on deed, is a map attached? Yes ___ No ___

1. Assignment__ Warranty Deed__ Quitclaim Deed__ Sheriff's Deed__ Trustee's Deed__ Water Deed__ Trust Deed__
   Other : _____
2. Date Signed ___/___/_____ Date Recorded ___/___/_____
   Book _____ Page # _____ Entry # _____
3. Grantor Lofthouse, Charles A. _____
4. Grantee(s) _____
5. Mailing Address : _____
6. E-mail Address (to be notified of ownership updates) : _____
7. Special Conditions/Information of Conveyance _____

If no water right number is mentioned on deed, is a map attached? Yes ___ No ___

1. Assignment__ Warranty Deed__ Quitclaim Deed__ Sheriff's Deed__ Trustee's Deed__ Water Deed__ Trust Deed__
   Other : _____
2. Date Signed ___/___/_____ Date Recorded ___/___/_____
   Book _____ Page # _____ Entry # _____
3. Grantor _____
4. Grantee(s) _____
5. Mailing Address : _____
6. E-mail Address (to be notified of ownership updates) : _____
7. Special Conditions/Information of Conveyance _____

If no water right number is mentioned on deed, is a map attached? Yes ___ No ___

1. Assignment__ Warranty Deed__ Quitclaim Deed__ Sheriff's Deed__ Trustee's Deed__ Water Deed__ Trust Deed__
   Other : _____
2. Date Signed ___/___/_____ Date Recorded ___/___/_____
   Book _____ Page # _____ Entry # _____
3. Grantor _____
4. Grantee(s) _____
5. Mailing Address : _____
6. E-mail Address (to be notified of ownership updates) : _____
7. Special Conditions/Information of Conveyance _____

REPORT OF WATER RIGHT CONVEYANCE

Receipt by _____
Fee Rec. _____
Receipt # _____

USE THIS CONVEYANCE REPORT FORM WHEN 100% OF THE WATER RIGHT IS CONVEYED.

WATER RIGHT # 29-1325

SECTION A. CONVEYANCE SUMMARY

If no water right number is mentioned on deed, is a map attached? Yes ___ No ___

1. Assignment__ Warranty Deed__ Quitclaim Deed__ Sheriff's Deed__ Trustee's Deed__ Water Deed__ Trust Deed__
   Other : _____
2. Date Signed ___/___/_____ Date Recorded ___/___/_____
   Book _____ Page # _____ Entry # _____
3. Grantor _____
   _____
4. Grantee(s) _____
   _____
5. Mailing Address : _____
6. E-mail Address (to be notified of ownership updates) : _____
7. Special Conditions/Information of Conveyance _____
   _____

If no water right number is mentioned on deed, is a map attached? Yes ___ No ___

1. Assignment__ Warranty Deed__ Quitclaim Deed__ Sheriff's Deed__ Trustee's Deed__ Water Deed__ Trust Deed__
   Other : _____
2. Date Signed ___/___/_____ Date Recorded ___/___/_____
   Book _____ Page # _____ Entry # _____
3. Grantor _____
   _____
4. Grantee(s) _____
   _____
5. Mailing Address : _____
6. E-mail Address (to be notified of ownership updates) : _____
7. Special Conditions/Information of Conveyance _____
   _____

If no water right number is mentioned on deed, is a map attached? Yes ___ No ___

1. Assignment__ Warranty Deed__ Quitclaim Deed__ Sheriff's Deed__ Trustee's Deed__ Water Deed__ Trust Deed__
   Other : _____
2. Date Signed ___/___/_____ Date Recorded ___/___/_____
   Book _____ Page # _____ Entry # _____
3. Grantor _____
   _____
4. Grantee(s) _____
   _____
5. Mailing Address : _____
6. E-mail Address (to be notified of ownership updates) : _____
7. Special Conditions/Information of Conveyance _____
   _____

REPORT OF WATER RIGHT CONVEYANCE

WATER RIGHT # 29-1325

SECTION B. CERTIFICATION

I, _____ , certify that I am authorized by Administrative Rule R655-3-7 to complete this report, and that the information contained herein or attached hereto is true and accurate to the best of my knowledge.

_____ _____ _____

Signature Date Phone #

FOR LICENSED PROFESSIONALS ONLY

I, _____ , certify that I am licensed as _____ in the State of Utah, that my license number is _____ , that I was retained by an owner of the water right to prepare or supervise the preparation of the Report of Conveyance; that the report is true and accurate to the best of the preparer's knowledge; that an appropriate search of County Records records has been made and that the attached documents evidence the ownership interest of the grantee.

_____ _____ _____

Signature Date Phone #

Address: _____

This report is not a title opinion based on the title search made. It does not warrant or guarantee title to water rights. This report was prepared for the purpose of updating records of the Division of Water Rights.

SECTION C. DIVISION OF WATER RIGHTS - FOR OFFICIAL USE ONLY

Received: _____/_____/_____ Filed: _____/_____/_____ Reviewed By: _____

Database Changed: _____/_____/_____ By: _____

File Changed: _____/_____/_____ By: _____

New File Number based on Segregation _____

Remarks: _____

_____

_____

_____

_____

AMOUNT OF WATER RIGHT RETAINED _____

_____

_____

_____

_____

No agency of the State of Utah warrants or guarantees title to certain water rights. The water right ownership information of record in the Division of Water Rights concerning this water is based on the information which has been submitted by this Report of Water Right Conveyance.

Water Right No. 29-1325



The property outlined above is the place of use for Water Right No. 29-1325. The Parcel ID No. for the property is 02-046-0005.

Water Right No. 29-1325



The property outlined above is the place of use for Water Right No. 29-1325. The Parcel ID No. for the property is 02-046-0005.

8.50 no tax due

02 096 0005

CORRECTED **WARRANTY DEED** BOOK 512 PAGE 83

For Value Received TEN DOLLARS AND OTHER VALUABLE CONSIDERATION

CHARLES A. LOFTHOUSE and FAYE W. LOFTHOUSE, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto DALE B. LOFTHOUSE, CHARLES R. LOFTHOUSE, KENT D. LOFTHOUSE, and RON W. LOFTHOUSE, as Joint Tenants With Full Rights of Survivorship (Not as Tenants in Common)

the grantees, the following described premises, in Box Elder County ~~Idaho~~ Utah, to wit:

Beginning at a point 101.54 rods North and North 88°41' West 73.32 rods from the Southeast Corner of the Northwest Quarter of Section 23, Township 8 North, Range 2 West Salt Lake Meridian; thence North 88°16' West 49.5 rods, along the South line of Frank J. Lowe's land to the abondoned right of way of the U. & N. Ry.; thence South 6°13' East 31 rods, along said right of way; thence South 88°16' East 43 rods, more or less, to the West boundary of the D. C. Hubbard land, thence North 2°53' East 31 rods, more or less to the point of beginning, containing 9 acres, more or less.

ALSO: A right of way for ingress and egress 2 rods wide extending from the South line of above described land along the East line of Grantors property to the South line thereof; thence East to State Highway.

TOGETHER WITH all water and water rights.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: 16 December 1991

Charles A. Lofthouse
CHARLES A. LOFTHOUSE

Faye W. Lofthouse
FAYE W. LOFTHOUSE

STATE OF ~~IDAHO~~ UTAH, COUNTY OF Box Elder

On this 24 day of December 19 91, before me, a notary public in and for said State, personally appeared

CHARLES A. LOFTHOUSE and FAYE W. LOFTHOUSE, husband and wife

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same

NOTARY PUBLIC
KEVIN H. SHUPTLEFF
BOX 400
BRIGHAM CITY, UT 84302
COMMISSION EXPIRES
MAY 22, 1995
STATE OF UTAH

Notary Public
Residing at ~~Idaho~~
Comm. Expires

MARIE G. KORTH
BOX ELDER COUNTY RECORDER

41285

FEE 8.50

1991 DEC 24 AM 11:18

INSTRUMENT No

Send Tax Notice To: Charles A. Lofthouse
961 North Main
Willard, UT 84340

Unofficial Copy

15

092849 Bk 0636 Pg 0042
LuAnn Adams, Box Elder County Recorder
11/08/1996 11:17am FEE: 15.00 Dep:JI
Rec'd For: PHILLIPS HANSEN LAND TITLE CO

PH #
TAX I.D. NO. 02-046-0005

QUIT CLAIM DEED

DALE B. LOFTHOUSE
grantor of Pahrump, State of Nevada, hereby QUIT CLAIM to

JUDY S. LOFTHOUSE, CHARLES R. LOFTHOUSE, KENT D. LOFTHOUSE, and RON W. LOFTHOUSE, as joint tenants with full rights of survivorship (not as tenants in common)
grantees, for the sum of ten dollars and other valuable considerations the following tract of land in Box Elder County, State of Utah:

SEE ATTACHED EXHIBIT "A"

WITNESS, the hand of said grantor, this the 4 day of Nov A.D. 1996.

Signed in the presence of

Dale B. Lofthouse
Dale B. Lofthouse

==========

State of Nevada >
> ss
County of Nye >

On the 4 day of November A.D. 1996 personally appeared before me Dale B. Lofthouse the signer of the within instrument who duly acknowledged to me that he executed the same.

Virginia M. Berquist
Notary Public

Commission Expires: March 13, 2000
Residing at: Nye Co Nevada

NOTARY PUBLIC
STATE OF NEVADA
County of Nye
VIRGINIA M. BERQUIST
Appt. No. 96-2204-14
My Appointment Expires March 13, 2000

PHILLIPS-HANSEN LAND TITLE COMPANY
c:\phlt96\lofthous.qcd

Unofficial Copy

2

EXHIBIT "A"

BEGINNING AT A POINT 101.54 RODS NORTH AND NORTH 88°41' WEST 73.32 RODS FROM THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 8 NORTH, RANGE 2 WEST, SALT LAKE MERIDIAN; THENCE NORTH 88°16' WEST 49.5 RODS, ALONG THE SOUTH LINE OF FRANK J. LOWE'S LAND TO THE ABANDONED RIGHT OF WAY OF THE U. & N. RY.; THENCE SOUTH 6°13' EAST 31 RODS, ALONG SAID RIGHT OF WAY; THENCE SOUTH 88°16' EAST 43 RODS, MORE OR LESS, TO THE WEST BOUNDARY OF THE D. C. HUBBARD LAND, THENCE NORTH 2°53' EAST 31 RODS, MORE OR LESS TO THE POINT OF BEGINNING, CONTAINING 9 ACRES, MORE OR LESS.

ALSO: A RIGHT OF WAY FOR INGRESS AND EGRESS 2 RODS WIDE EXTENDING FROM THE SOUTH LINE OF ABOVE DESCRIBED LAND ALONG THE EAST LINE OF GRANTORS PROPERTY TO THE SOUTH LINE THEREOF; THENCE EAST TO STATE HIGHWAY.

TOGETHER WITH ALL WATER AND WATER RIGHTS.

Unofficial Copy

MISSING DEEDS FROM CHARLES R. LOFTHOUSE (JUDY S. LOFTHOUSE) AND RON W. LOFTHOUSE TO KENT D. LOFTHOUSE WILL BE INSERTED HERE.

Ent 172223 Bk 812 Pg 12
Date 26-Sep-2002 11:49AM Fee $13.00
LuAnn Adams - Filed By ED
Box Elder Co., UT
For AMERICAN SECURE TITLE

02-046-0005

ORDER NO.:
LAND SERIAL NO.: COURTESY 02-046-0005

Grantee's Address:
2499 NORTH 450 WEST
HARRISVILLE, UT. 84414

WARRANTY DEED

KENT D. LOFTHOUSE, grantor

of ST. GEORGE, County of WASHINGTON, State of Utah,
hereby CONVEY and WARRANT to

NELDON F. KAPP AND JAN L. KAPP, husband and wife as joint tenants, grantees
with full rights of survivorship,

of HARRISVILLE, County of WEBER, State of Utah,
for the sum of Ten dollars ($10.00) and other good and valuable consideration the following described tract of land in BOX ELDER, State of Utah, to-wit:

SEE ATTACHED EXHIBIT "A"

WITNESS the hand of said grantor, this 25 , day of September A.D. 2002.

X Kent D. Lofthouse
KENT D. LOFTHOUSE

COURTESY RECORDING
This document is being recorded solely as a courtesy and an accomodation to the parties named therein. American Secure Title hereby expressly disclaims any responsibility or liability for the accuracy or the content thereof.

STATE OF UTAH)
):ss
COUNTY OF WASHINGTON)

On the 25 day of September, 2002, personally appeared before me KENT D. LOFTHOUSE, the signer(s) of the foregoing instrument who duly acknowledged to me that they executed the same.

Brian L. Goodwin
NOTARY PUBLIC

Residing at: Washington, UT
My commission expires: SEPT. 2005

NOTARY PUBLIC
BRIAN L. GOODWIN
805 West Telegraph
Washington, Utah 84780
Commission Expires
September 15, 2005
STATE OF UTAH

10 6118 P. 3

Form No. 3301 (6/00)
Short Form Commitment, EAGLE
PROPERTY REPORT

ORDER NO: 5702102
FILE NO: 38932926
LENDER REF: 20082750917380

Exhibit "A"

The land referred to in this policy is situated in the **STATE OF UTAH, COUNTY OF BOX ELDER, CITY OF WILLARD,** and described as follows:

SITUATED IN THE COUNTY OF BOX ELDER AND STATE OF UTAH: BEGINNING AT A POINT 101.54 RODS NORTH AND NORTH 89 DEGREES 41 MINUTES WEST 73.32 RODS FROM THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 8 NORTH, RANGE 2 WEST, SALT LAKE MERIDIAN, THENCE NORTH 88 DEGREES 16 MINUTES WEST 49.5 RODS, ALONG THE SOUTH LINE OF FRANK J. LOWE'S LAND TO THE ABANDONED RIGHT OF WAY OF THE U. AND N. RY.; THENCE SOUTH 6 DEGREES 13 MINUTES EAST 31 RODS, ALONG SAID RIGHT OF WAY; THENCE SOUTH 88 DEGREES 16 MINUTES EAST 43 RODS, MORE OR LESS, TO THE WEST BOUNDARY OF THE D. C. HUBBARD LAND, THENCE NORTH 2 DEGREES 53 MINUTES EAST 31 RODS, MORE OR LESS TO THE POINT OF BEGINNING. CONTAINING 9 ACRES, MORE OR LESS. ALSO: A RIGHT OF WAY FOR INGRESS AND EGRESS 2 RODS WIDE EXTENDING FROM THE SOUTH LINE OF ABOVE DESCRIBED LAND ALONG THE EAST LINE OF GRANTORS PROPERTY TO THE SOUTH LINE THEREOF; THENCE EAST TO STATE HIGHWAY. TOGETHER WITH ALL WATER AND WATER RIGHTS. PERMANENT PARCEL NUMBER: 02-046-0005 FIRST AMERICAN ORDER NO: 38932926

APN # 02-046-0005

STATE OF UTAH - DEPARTMENT OF HEALTH

CERTIFICATE OF DEATH

the Vital Statistics Act and Rules

LOCAL FILE NUMBER 02-162

STATE FILE NUMBER

DECEDENT

1. NAME OF DECEDENT — FIRST: Charles — MIDDLE: Anthony — LAST: Lofthouse
2. SEX: Male
3a. DATE OF DEATH (Mo., Day, Yr.): Sept 5, 2001
3b. TIME OF DEATH (24 hr. clock): 1945
4. DATE OF BIRTH (Mo., Day, Yr.): Mar 12, 1908
5. AGE - Last Birthday: 93
IF UNDER 1 YEAR — Months: Days: IF UNDER 24 HRS. — Hours: Minutes:
6. BIRTHPLACE (City & State or Foreign Country): Paradise, Utah
7. SOCIAL SECURITY NUMBER: 547-07-1736

8a. PLACE OF DEATH (check only one): HOSPITAL (Status codes for Hospital only): [ ] 1. Inpatient [ ] 2. ER/Outpatient [ ] 3. DOA — ALL OTHER LOCATIONS: [X] 5. Nursing Home [ ] 6. Residence (any) [ ] 7. Other (specify)
8b. NAME OF HOSPITAL, NURSING HOME OR OTHER FACILITY (If outside a facility, give street address of location): Brigham Nursing & Rehabilitation Center

8c. CITY, TOWN OR LOCATION OF DEATH: Brigham City
8d. COUNTY OF DEATH: Box Elder
9. SURVIVING SPOUSE (If wife, give maiden name): Faye Wignall

10. WAS DECEDENT EVER IN THE U.S. ARMED FORCES? [ ] 1. Yes [X] 2. No
11. MARITAL STATUS: [ ] 1. Never Married [ ] 3. Widowed [X] 2. Married [ ] 4. Divorced
12a. DECEDENT'S USUAL OCCUPATION (Give kind of work done during most of working life. Do NOT enter retired): Farmer
12b. KIND OF BUSINESS OR INDUSTRY: Agriculture

13a. RESIDENCE - STREET AND NUMBER: 961 North Main
13b. CITY, TOWN, OR COMMUNITY: Willard
13c. COUNTY: Box Elder
13d. STATE: UT

13e. INSIDE CITY LIMITS? [X] 1. Yes [ ] 2. No
13f. ZIP CODE: 84340
14. WAS DECEDENT OF HISPANIC ORIGIN? [ ] 1. Yes [X] 2. No — [ ] 1. Mexican [ ] 2. Cuban [ ] 3. Puerto Rican [ ] 4. Other (Specify)
15. RACE - Black, White, Am. Indian (tribe may be entered), Japanese, etc. (Specify): White
16. EDUCATION (specify only highest grade completed) Elementary or Secondary (0-12) College (13-16 or 17+): 13

PARENTS

17. FATHER'S NAME (First, Middle, Last): Anthony William Lofthouse
18. MAIDEN NAME OF MOTHER (First, Middle, Last): Sarah Housley

INFORMANT

19. NAME, RELATIONSHIP AND MAILING ADDRESS OF INFORMANT: Charles R. Lofthouse Son 259 East 2000 North, North Ogden, UT 84414

DISPOSITION

20. METHOD OF DISPOSITION: [ ] 1. Entombment [ ] 2. Donation [ ] 3. Other [X] 4. Burial [ ] 5. Cremation [ ] 6. Removal
21a. DATE OF DISPOSITION: Sept 8, 2001
21b. PLACE OF DISPOSITION (name of cemetery, crematory, or other place): Willard Cemetery
21c. LOCATION - City or Town, State: Willard, UT
22. SIGNATURE OF FUNERAL SERVICE LICENSEE
23. LICENSEE NUMBER: 354034
24. FUNERAL HOME (Name and address): Myers Mortuary-101696

CERTIFIER

25. DATE DECEASED WAS LAST ATTENDED BY CERTIFYING PHYSICIAN: 9/4/01
26. If not certified by medical examiner, was death reported to M.E.? [ ] 1. Yes [X] 2. No. If yes, enter the date and hour reported. M.E. CASE NO. _____ HR._____ MO._____ DAY._____ YEAR._____
205 South 100 East Brigham City, UT 84302-

27a. CERTIFIER
[X] 1. CERTIFYING PHYSICIAN:
[ ] 2. MEDICAL EXAMINER / LAW ENFORCEMENT OFFICIAL: On the basis of examination and/or investigation, in my opinion, death occurred at the time, date, place and due to the causes(s) and manner as stated.

27b. SIGNATURE AND TITLE OF CERTIFIER
27c. LICENSE NUMBER: 781633621205
27d. DATE SIGNED (Mo., Day, Yr.): 9/6/01
28. NAME AND ADDRESS OF PERSON WHO CERTIFIED THE CAUSE OF DEATH (ITEM 31) (Type/Print): John R. Markeson M.D. 600 W. Hospital Dr., Brigham City, UT 84302

REGISTRAR

29. REGISTRAR'S SIGNATURE: John C Bailey MD
30a. DATE REGISTRAR NOTIFIED OF DEATH (Mo., Day, Yr.): Sep 6, 2001
30b. DATE FILED (Mo., Day, Yr.): Sep 12, 2001

CAUSE OF DEATH

31. PART I. DISEASES, INJURIES, OR COMPLICATIONS THAT CAUSED THE DEATH. DO NOT ENTER MODES OF DYING, SUCH AS CARDIAC OR RESPIRATORY ARREST, SHOCK, OR HEART FAILURE. LIST ONLY ONE CAUSE ON EACH LINE. (Approximate Interval Between Onset And Death)

IMMEDIATE CAUSE (Final disease or condition resulting in death): a. Pneumonia — DUE TO (OR AS A CONSEQUENCE OF): — Approximate Interval: 2 weeks

Sequentially list conditions, if any, leading to immediate cause. Enter UNDERLYING CAUSE (disease or injury that initiated events resulting in death) LAST: b. _____ DUE TO (OR AS A CONSEQUENCE OF): c. _____ DUE TO (OR AS A CONSEQUENCE OF): d. _____

PART II. Other Significant Conditions contributing to death but not resulting in the underlying cause given in Part 1: Alzheimers

32. IN YOUR OPINION, TOBACCO USE BY THE DECEDENT: [ ] 1. Probably contributed to the cause of death. [ ] 2. Was the underlying cause of death. [ ] 3. Did not contribute to the cause of death. [ ] 4. Is unknown in relation to the cause of death. [X] 5. NON-USER [ ] 6. UNKNOWN IF USER
33a. WAS AN AUTOPSY PERFORMED? [ ] 1. Yes [X] 2. No
33b. WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? [ ] 1. Yes [ ] 2. No

34. MANNER OF DEATH: [X] 1. Natural [ ] 2. Accident [ ] 3. Suicide [ ] 4. Homicide [ ] 5. Undetermined if injured Purposely or Accidentally [ ] 6. Pending Investigation
35a. DATE OF INJURY (Mo., Day, Yr.)
35b. TIME OF INJURY (24 Hour Clock)
35c. INJURY AT WORK? [ ] 1. Yes [X] 2. No
35d. PLACE OF INJURY - At home, farm, street, factory, office, building, etc. (Specify)
35e. LOCATION (Street or rural route number, city or town, county and state)
35f. If motor vehicle accident, specify if decedent was driver, passenger or pedestrian.
35g. DESCRIBE HOW INJURY OCCURRED (enter sequence of events which resulted in injury; NATURE OF INJURY should be entered in item 31)

UDH-BVR Form 12, Rev. 12/98

SDH-BVRHS 95 (9/96)

This is to certify that this is a true copy of the certificate on file in this office. This certified copy is issued under authority of section 26-2-22 of the Utah Code Annotated, 1953 As Amended.

Date Issued: SEP 13 2001

Barry E. Nangle
DIRECTOR OF VITAL RECORDS

By Faye Parson

County

Registrar BEAR RIVER HEALTH DEPT

LL844988

* 0 0 8 4 4 9 8 8 *

THE GREAT SEAL OF THE STATE OF UTAH 1896

WARNING IT IS ILLEGAL TO DUPLICATE THIS COPY FOR OFFICIAL PURPOSES

ITEM 6C

Willard City Corporation

80 West 50 South
Box 593

Willard, Utah 84340
(435)734-9881

November 7, 2024

CONDITIONAL USE PERMIT

DAN GAMMON SHORT-TERM RENTAL

This Conditional Use Permit is issued to Dan Gammon located at 537 West 200 North (Parcel 02-057-0005) Willard, Utah 84340, to operate a short-term rental:

The conditions to operate are:

1. Removal of stumps from the parking area.
2. Addition of road base for a 96-foot diameter turn around area for emergency vehicles.
3. No parking signs in the turn around area.
4. The house and bunkhouse may not be rented separately.
5. Compliance with state requirements for a transient water system.
6. Submission of annual documentation from the state regarding the water; and
7. Annual compliance with required inspections.

This Conditional Use Permit is contingent upon the applicant's, and any successor's, ongoing compliance with all city, local, and state codes.

_____ _____

Applicant's Signature Date

_____ _____

City Planner Signature Date

WILLARD CITY PLANNING COMMISSION
APPLICATION FOR PLANNING COMMISSION HEARING

Application Date:
Dec 18, 2023

Applicant:
Dan Gammon

Mailing Address
103 E 500 S
Burley ID 83318

Project Address
537 W 200 N
Willard UT 84340

Phone Number
208-670-4105

Cell Phone
208-670-4105

Assessor's Parcel Number
02-057-0005

Parcel Legal Description
Approximately 2.8 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 152WILLARD CITY CORPORATION
80 W 50 S
PO Box 593
Willard UT 84340 435-734-9881

Receipt No: 1.018933 Dec 26, 2023

DAN GAMMON CUP PERMIT APPLICATION

Charges for Services	25.00
Charges - PC & B of Adj	
Total:	25.00
Check	25.00
Check No: 231	
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 _____
Property Owner(s)

AGENT N/A

Subscribed and sworn before me this 18 day of December 2023

CHIMENE SMITH
35466
NOTARY PUBLIC
STATE OF IDAHO

_____
Notary Public

Residing in Menidoka
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: _____

Outlook

RE: Short Term Rental Ordinance Approved

From Dan Gammon <dan.gammon@bofc.bank>
Date Wed 10/16/2024 3:53 PM
To madison@willardcity.com <madison@willardcity.com>

1 attachments (3 MB)
Willard application.pdf;

Madison, attached is my application for the short term rental license. I anticipate using this for rental purposes starting in 2025.

Of particular note when I discussed this with the P&Z committee about 9-10 months ago, their concern was access for fire vehicles, etc. I've since removed the row of trees on the north side of the property lining 200 North as well as the pasture fence line running parallel with the tree line. So that whole east pasture is now open and vehicles are able to fully turn around, even pulling 30' trailers as was done earlier this summer.

I will plan on visiting with the committee tomorrow at 3pm. Please let me know what number to call in on or if you will give me a call.

As always, if there is an opportunity to revisit the fence line down the middle of the road, I'll be happy to discuss options to improve the access not only for us but for the city as well. I'd discussed options with Mayor Braegger and Bryce Wheelright on several occasions about exercising the city's right of way down the lane for access to the water/sewer lines in the road and even having access for service vehicles to turn around just east of the railroad tracks. This had been done since 1980 when my wife's grandparents (Ralph & Cora Vavricka) lived there. Unfortunately the neighbors erected the fence in stages , creeping it out into the road and ultimately building the chainlink/barbed wire fence in 2012 on the property line, some 6 months before we purchased the Vavricka property from my wife's cousin.

Mr. Braegger, Mr. Wheelright and I also talked about a potential roadway across the west side of our property adjoining the railroad frontage that could be used for the city to connect a road to Center Street. This would allow service vehicles to make a full loop without the not have to reverse. This would also provide the option for a second outlet for both 200 North and Center Street in the event of an emergency that would block access to either street. I'd identified our willingness at those meetings back in 2012 to consider deeding the roadway to the city in exchange for free water/sewer hookups and service. I'm still happy to consider options regarding this, as the opening of the road would restore our ability to use our garage and front door. 😊

I appreciate your help and look forward to visiting tomorrow.

Dan Gammon
VP, Loan Officer
208.670.4105
Dan.Gammon@BofC.bank

Willard City Corporation

80 West 50 South
Box 593

Willard, Utah 84340
(435)734-9881

SHORT TERM RENTAL APPLICATION

Applicant: Dan Gammon

Phone: 208-670-4105

Email: gammondj@outlook.com

Applicant's Address: 103 E 500 S Burley ID 83318

Address of Short-Term Rental Property: 537 W 200 N Willard UT 84340

I am the: ☑ property owner ☐ property owner's representative

Property Details

Identify the Portion of the building proposed for short-term rental:

☑ The entire dwelling unit

☑ Bedrooms in the dwelling unit; number of rooms proposed: 3

☐ One floor of the dwelling unit; which floor: _____

Will the rest of the home be occupied during the rental? _____

☐ An accessory space detached from the main dwelling unit (indicate location on site plan)

Designated Local Contact Information

Name:	Janice Younger	
Address:	76 N 200 W Willard UT 84340	
Phone:	435-225-2758	
Email:	lilyounger@gmail.com	

The designated local contact must reside within one hour travel time of the property and be available to respond to complaints during time of rental.

Please attach the following to this application:

☐State issued sales tax license or proof that a 3rd party will collect and remit transient room tax.

How will transient room tax be collected?

Airbnb will collect the required tax as part of their reservation system. I have not applied for Airbnb until this application is approved.

☑Site plan and drawing/photo/map/or other description of how required legal off-street parking will be provided. (Willard City Code requires one parking space per bedroom be provided.)

☑Conditional Use Permit fee: $250

☑Business License Application

☐Business License fee: $50; annual renewal fee: $25

ORDINANCE 2024-09

APPROVING SHORT TERM RENTALS

CHAPTER 12-102-24. Short-Term Rentals

12-102-24-1 Purpose.

The purpose of this section is to accomplish the following:

(1) To promote the public health, safety, and welfare by requiring short-term rentals to be safe and fit for human occupancy;

(2) To provide contact information, through licensing, for each short-term rental to allow problems to be resolved expeditiously;

(3) To provide consistency with licensing of all other businesses in the city by requiring licensing of short-term rentals;

(4) To allow an existing residential dwelling to be used and occupied as a short-term rental while also maintaining its character and function as a dwelling; and

(5) To minimize the impact of short-term rentals on adjacent properties, residential dwellings, and surrounding neighborhoods.

12-102-24-2 Definitions.

Short-Term Rental. Temporary lodging located in a residential dwelling for charge or fee and for a rental period of less than thirty (30) continuous days. A Short-Term Rental excludes hotels, motels, bed & breakfast establishments, and Accessory Dwelling Units.

12-102-24-3. Requirements for Approval.

(1) No dwelling or structure shall be occupied or used as a Short-Term Rental within the corporate limits of Willard City without the owner having first obtained a conditional use permit, and Short-Term Rental business license from Willard City.

(2) All Short-Term Rentals must obtain a conditional use permit. A conditional use permit may be granted by the Planning Commission for a Short-Term Rental, provided that the requirements of this section are met in addition to the requirements of Chapter 12-105.

(3) The granting of a conditional use permit for a Short-Term Rental shall not exempt the owner and/or applicant from meeting other applicable ordinances, covenants, or law.

(4) No Short-Term Rental may used by an individual for more than twenty-nine (29) consecutive days or for more than sixty (60) days within a three-hundred sixty-five (365) day period.

12-102-24-4. License Application. An application for a Short-Term Rental business license and conditional use permit shall conform to the requirements of the Willard City Code and shall also include the following information:

(1) A detailed floor plan drawn to scale with labels on rooms indicating uses or proposed uses;

(2) A copy of the Utah State tax license number for remittance of transient lodging taxes;

(3) The name and contact information of the owner, and if applicable, the designated local contact, residing in the State of Utah, who is authorized by the owner for service of process.

12-102-24-5. License Fee.

(1) The fee for a Short-Term Rental license shall be as set forth in the fee schedule adopted by the Willard City Council;

(2) The business license shall be paid annually and shall be due and payable on or before the license expiration date of owner's application for a business license. A license shall be delinquent if paid after said date in the year for which it is due.

12-102-24-6. Minimum Requirements

(1) All Short-Term Rental properties shall, at all times, have a designated local contact or property manager that resides within one (1) hour travel time of the property. The property owner shall provide the registered local contact person's contact information at the time of submission of their application. The local contact shall be available twenty-four (24) hours per day to respond to questions or concerns.

(2) Upon receipt of a notification regarding a complaint, the designated local contact shall contact the occupant of the Short-Term Rental and resolve the issue giving rise to the complaint. The designated local contact shall have sixty (60) minutes from the time of notification of a complaint to resolve the problem giving rise to the complaint. Failure to resolve the problem within sixty (60) minutes shall constitute a violation of this code unless the designated local contact can demonstrate that they contacted the occupant of the Short-Term Rental within sixty (60) minutes and attempted to resolve the problem but were unable to do so. In that event, the designated local contact shall visit the Short-Term Rental property to address the problem and resolve the complaint if reasonably possible within sixty (60) minutes thereafter.

(3) Failure to resolve any complaints as required in this Section, may be a violation of this Chapter and may be cause for the issuance of enforcement action, criminal penalties, administrative fines, and potential termination of business licensing. The

City may take enforcement action against a Short-Term Rental for any violation of this Section separately from and in addition to any enforcement action taken to address the violation underlying the complaint, if any.

(4) The Short-Term Rental floor plan and principal function shall remain as a residential dwelling to be used for its main purpose when not used as a Short-Term Rental.

(5) Each Short-Term Rental unit shall meet the zoning, building code requirements for installation, maintenance, and operation in effect at the time the Short-Term Rental unit was legally permitted.

(6) Each sleeping room must meet current international code requirements for egress and be equipped with smoke and carbon monoxide detectors. A fire exiting plan and maximum occupancy number must be posted in each sleeping room.

(7) Each Short-Term Rental shall comply with the noise ordinance of the Willard City Code. Quiet hours shall be established, posted, and enforced for the Short-Term Rental which shall be between the hours of eleven o'clock (11:00) p.m. and seven o'clock (7:00) a.m.

(8) The Short-Term Rental owner and designated local contact, upon notification that the Short-Term Rental occupants and/or their guests have created unreasonable noise or disturbances or violated any provision of the Willard City Municipal Code pertaining to noise or disorderly conduct, will promptly act within sixty (60) minutes to prevent continuation and/or reoccurrence of such conduct by those Short-Term Rental occupants and/or their guests.

(9) No later than ten (10) days following the issuance of a Short-Term Rental license, the property owner shall disseminate the designated local contact information, a copy of the conditional use permit, and a copy of the Short-Term Rental license to all properties located within a three hundred (300) foot radius of the Short-Term Rental. The property owner shall also mail the same information to each property owner of record as listed with the Box Elder County Recorder's office within the three hundred (300) foot radius. Proof of mailing and a copy of the information sent to residents and adjoining property owners shall be provided to the Willard City Recorder within fourteen (14) days of mailing.

12-102-24-7. <u>Parking Regulations</u>.

(1) The owner of any property licensed as a Short-Term Rental shall provide off street parking for their guests in accordance with the following:
   a. Off street parking shall be provided on the same lot as the dwelling which is licensed as a Short-Term Rental.
   b. Parking shall be provided at one (1) vehicle per bedroom. Tandem spaces on a driveway may be used. The number of vehicles allowed by occupants of the

Short-Term Rental shall be restricted to the number of off-street parking spaces provided by the owner.

12-102-24-8. License Renewal.

(1) The owner of a Short-Term Rental shall include with their renewal application evidence that minimum Utah State Sales Tax and Transient Taxes were submitted for the prior year.

(2) Failure to renew the business license within thirty (30) days of the license expiration date may result in revocation of the Short-Term Rental license and subject the property to the license limitations or forfeiture as outlined in Willard City Code.

12-102-24-9. Business License Not Transferable. A business license for a Short-Term Rental is not transferable. Any owner holding a license shall give written notice within thirty (30) days to the City Recorder after having transferred or otherwise disposed of legal or equitable control of any Short-Term Rental. Such notice of transferred interest shall include the name, address, and information regarding the person(s) or entity succeeding to the ownership or control thereof. The new owner shall obtain a Short-Term Rental license within thirty (30) days of the date of purchase and as required by this Chapter.

12-102-24-10. Required Posting. The following information must be posted in a clear, concise, and unambiguous manner in a conspicuous location inside all Short-Term Rentals:

(1) A copy of the Short-Term Rental license.

(2) The name, address, and phone number of the owner/property manager.

(3) Emergency exit plan and the location of all fire extinguishers.

(4) A list of all rules applicable to Short-Term Rentals.

(5) The maximum occupancy of the Short-Term Rental, the maximum number of vehicles allowed, and the location of parking stalls.

12-102-24-11. Inspections.

(1) The City or authorized agency shall conduct a safety inspection of the Short-Term Rental at the time of application for the initial Short-Term Rental license. Short-term Rental license renewals will not automatically require subsequent re-inspections unless the City Planner, in their discretion, determines a renewal inspection is necessary.

(2) The City or other authorized agency shall be permitted to inspect any Short-Term Rental unit to enforce any part of this title or any other applicable statute or ordinance

if the Short-Term Rental unit has a recorded and valid complaint. Complaints may be submitted by any person including a Willard City employee.

(3) No owner, occupant, or any other person having charge, care, or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to properly permit entry therein by the business license official or their designee for the purpose of inspection and examination to ensure compliance with this title. If the property owner or other responsible person refuses to allow an inspection, the business license official or their designee may obtain and execute an administrative search warrant.

12-102-23-12. Penalties.

(1) Violation of any of the provisions of this Chapter may be punishable by a Class B misdemeanor upon conviction and subject to a $750.00 fine.

(2) Any Short-Term Rental that fails to comply with any duty imposed under this chapter may face suspension, denial, or revocation of a Short-Term Rental License and/or business license.

12-102-23-13. Appeals. The owner of a Short-Term Rental shall have the right to appeal by filing a written notice of appeal within 15 days of the receipt of the notice of denial, suspension, revocation of a Short-Term Rental and/or business licenses to the Hearing Officer of Willard City.

PASSED AND APPROVED by the Willard City Council on this 8th day of August 2024.

Willard City Mayor

Voting:

Bodily	Yes X	Nay
Mund	Yes X	Nay
Braegger	Yes X	Nay
Christensen	Yes X	Nay
Hulsey	Yes X	Nay

ATTEST: Susan K. Obray

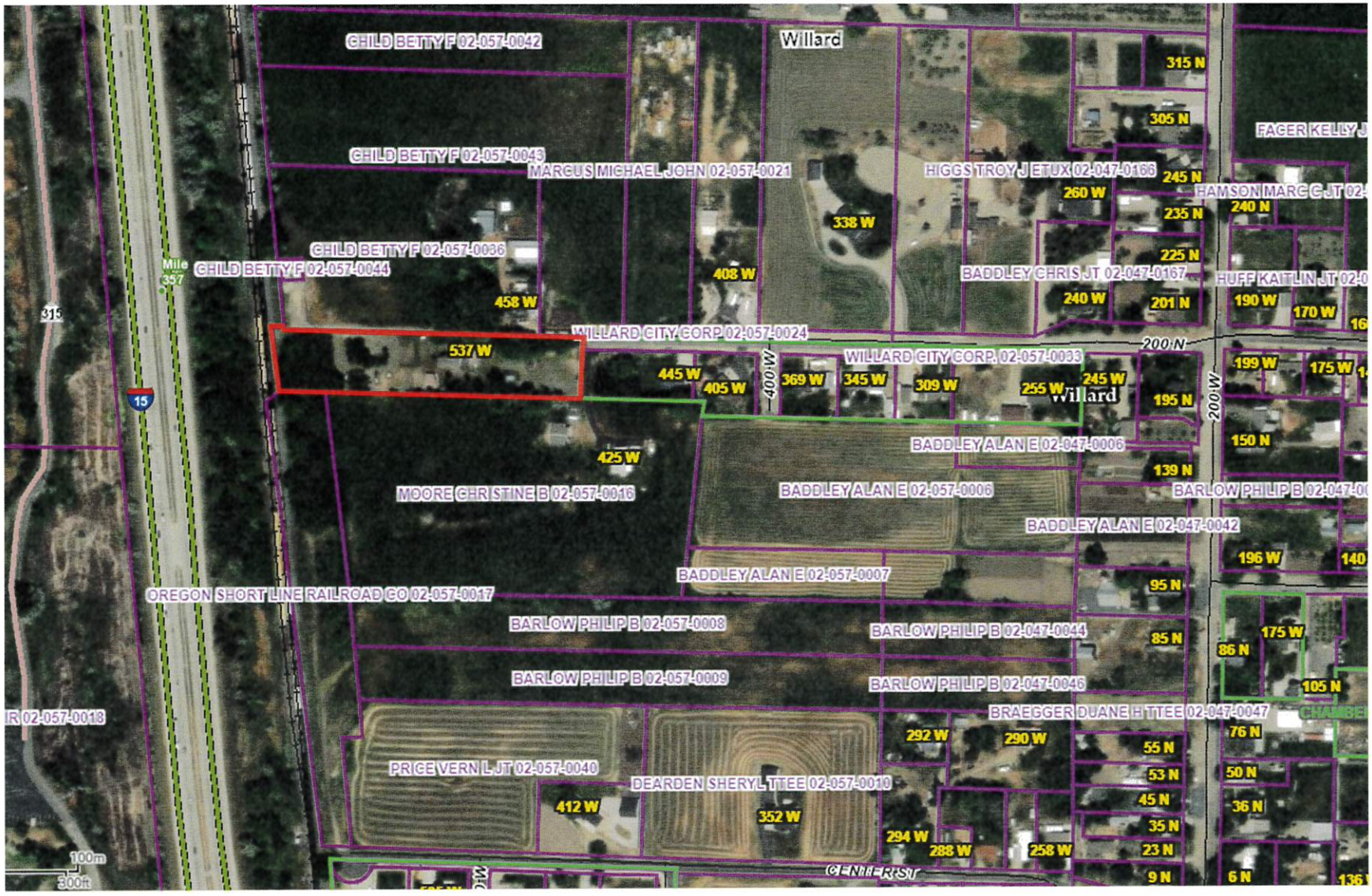
City Recorder

W 200 N
W 200 N
W 200 N
DRIVE WAY
PARKING
PARKING
PARKING

NORTH ↑



NORTH ↑


CHILD BETTY F 02-057-0042
Willard
315 N
305 N
FAGER KELLY J
CHILD BETTY F 02-057-0043
MARGUS MICHAEL JOHN 02-057-0021
HIGGS TROY J ETUX 02-047-0166
245 N
260 W
HAMSON MARC G JT 02-
240 N
235 N
338 W
CHILD BETTY F 02-057-0036
225 N
Mile 357
CHILD BETTY F 02-057-0044
408 W
BADDLEY CHRIS JT 02-047-0167
HUFF KAITLIN JT 02-0
240 W
201 N
190 W
170 W
458 W
315
WILLARD CITY CORP 02-057-0024
200 N
537 W
WILLARD CITY CORP 02-057-0033
199 W
175 W
445 W
405 W
400 W
369 W
345 W
309 W
255 W
245 W
Willard
195 N
200 W
15
150 N
BADDLEY ALAN E 02-047-0006
425 W
139 N
MOORE CHRISTINE B 02-057-0016
BADDLEY ALAN E 02-057-0006
BARLOW PHILIP B 02-047-0
BADDLEY ALAN E 02-047-0042
196 W
140
BADDLEY ALAN E 02-057-0007
95 N
OREGON SHORT LINE RAILROAD CO 02-057-0017
BARLOW PHILIP B 02-057-0008
BARLOW PHILIP B 02-047-0044
175 W
85 N
86 N
BARLOW PHILIP B 02-057-0009
BARLOW PHILIP B 02-047-0046
105 N
R 02-057-0018
BRAEGGER DUANE H TTEE 02-047-0047
CHAMBE
292 W
290 W
76 N
55 N
PRICE VERN L JT 02-057-0040
53 N
50 N
DEARDEN SHERYL TTEE 02-057-0010
45 N
412 W
352 W
36 N
35 N
294 W
288 W
258 W
23 N
100m
300ft
CENTER ST
9 N
6 N

WILLARD CITY
Conditional Use Permit (CUP) Review Committee – Special Meeting
October 17, 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 City Hall and on the State of Utah Public Meeting Notice Website.

The following members were in attendance:

Jeremy Kimpton, City Manager
Colt Mund, City Attorney
Madison Brown, City Planner
Zac Burk, City Engineer/Jones & Associates
Van Mund, Fire Chief
Payden Vine, Public Works Director
Sid Bodily, Planning Commission Chair
Chad Braegger, Planning Commission
Michelle Drago Deputy City Recorder

Others in attendance: Dan Gammon joined the meeting via phone.

1. CALL TO ORDER

Madison Brown, City Planner, called the meeting to order at 3:11 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) (CONTINUED FROM JANUARY 18, MARCH 7, AND MARCH 28, 2024)

Time Stamp – 0:00 10/17/2024

Madison Brown, City Planner, stated that the purpose of the meeting was to review a conditional use permit application from Dan Gammon to operate a short-term rental at 537 West 200 North. The CUP Review Committee reviewed Mr. Gammon's application in January and March. It found that the requested use was not listed in the Table of Uses found in the Zoning Ordinance. On March 7th, the CUP Review Committee tabled consideration pending a legal opinion. On March 28th, Bryce Wheelwright, the former City Planner, reported that the city attorney had determined that Willard City could not consider Mr. Gammon's application until the Zoning Ordinance was amended to allow short-term rentals in residential areas. Based on a recommendation from the planning commission, the city council approved an amendment to the Zoning Ordinance to allow short-term rentals on August 8th. Willard could now legally consider Mr. Gammon's application. Ms. Brown said that Dan Gammon had submitted a short-term rental application and paid the fees required by the new ordinance.

Ms. Brown said the CUP Review Committee had been concerned about access. Dan Gammon stated that he had removed trees to allow for better emergency access. He was still working to remove the willow tree stumps and planned to add road base along the existing edge of 200 North. Due to the time of year, the road base probably would not be added until next spring.

Zac Burk, City Engineer/Jones & Associates, asked if a turn-around for emergency vehicles had been addressed. Van Mund stated that he would have to look at the site. Dan Gammon stated that the access was now fully open. He had taken out the fence along the east pasture that was running parallel with 200

North. A lot of trucks and trailers had parked in the east pasture for family and church youth activities. The east pasture was fully open and would remain so.

Zac Burk asked how large the opening was. Dan Gammon said it was the full width of the property and extended to the garage. Chief Mund said he would have to look at the site to see if fire equipment could get in and out.

Madison Brown asked when Dan Gammon planned to start renting the property. Dan Gammon said he planned to rent it in the spring of 2025. He did not have the ability to keep the lane clear through the winter, so he planned to rent it through the spring, summer, and fall. He once again expressed his hope that the fence constructed by the Child's down the middle of the road could be removed so he could use the whole road.

Zac Burk stated that the city required temporary turnarounds to be 96 feet in diameter and constructed of road base or gravel against the pavement. That is what was needed for emergency vehicle access.

Van Mund stated that there also needed to be signs to prevent parking in the turnaround area.

Dan Gammon stated that he had been bringing in gravel, but he had to stop because it was clogging up the area where stumps needed to be removed.

Jeremy Kimpton, City Manager, asked about Mr. Gammon's plans for water. Had the well been tested? Dan Gammon said the artesian well was his water source. He had the well tested when he purchased the property in 2012. He had not had any problems with water, except for the willow trees that were choking it off. The trees had been cut down, and he had moved the pumphouse so the water could be pressurized.

Jeremy Kimpton stated that because Mr. Gammon was not on the city's water system, the public works director would verify the state requirements for a transient water system. The city had a certain obligation to ensure every resident received safe, clean water. Checking on the state requirements would protect Mr. Gammon.

Zac Burk asked if the property was connected to the city's sewer system. Jeremy Kimpton said it was not. It had a septic system. The property was just past the 300-foot connection requirement.

Jeremy Kimpton asked if Dan Gammon planned to rent the home and the bunkhouse? Dan Gammon said the bunkhouse had to be cleaned up before it could be rented. There was also an old cabin on the property that would not be rented. It would remain locked.

Colt Mund asked if the application was only for the house. Mr. Gammon said that was correct. Although, he wanted to have the option to rent the bunkhouse in the future. Would it be easier to include the bunkhouse now? It was simply a dry building. It did not have water or heat. All it contained was bunkbeds.

Colt Mund stated that if the house and bunkhouse were rented, the people using the bunkhouse would obviously have to have access to water and toilet facilities. Mr. Gammon agreed. The house and bunkhouse would not be rented separately. There was a bathroom on the back porch of the house that could be used by occupants of the bunkhouse. Mr. Mund felt there should be a condition that if the house and bunkhouse were both being used, they had to be used by the same guest/customer. Mr. Gammon agreed.

Jeremy Kimpton asked if Dan Gammon had had a chance to read the Short-Term Rental Ordinance. Mr. Gammon said he had. Mr. Kimpton wanted to make sure Dan Gammon was aware of the inspections required before a license could be issued.

Zac Burk asked if Dan Gammon had a local contact or designated property manager. Mr. Gammon said his local contacts were Stacy and Janice Younger. He also had family members who lived in Brigham City.

Colt Mund asked about parking. Dan Gammon said the whole east pasture was available for parking. He had considered putting in water and electrical hookups for trailers along the south boundary in the future. He was not seeking permission for that at this time.

Colt Mund asked if there was any outside lighting. Was there a need for outside lighting if there was parking? Dan Gammon said there were motion activated lights on the back of the home and on the power pole that was located on the southeast corner of the garage. He also had security cameras.

Madison Brown asked if this was Dan Gammon's first Airbnb. Mr. Gammon said it was. Ms. Brown said Airbnb had rules and regulations he would have to follow as well. Willard City's Short-Term Rental Ordinance was very similar to Airbnb's rules and regulations.

Jeremy Kimpton reported that the Public Works Director had verified the state's water requirements. Mr. Gammon would be responsible for ensuring the well water was safe to drink. He did not have to answer to the city. There was not an issue with the septic system either.

Dan Gammon asked if he needed to contact the city for the required inspections and to verify the installation and diameter of the road base. Mr. Kimpton directed Mr. Gammon to coordinate the inspections with the city planner and the fire chief.

Colt Mund suggested that Mr. Gammon provided documentation from the state that the well was safe. Mr. Kimpton agreed. Chad Braegger asked how often the documentation would be required. Mr. Kimpton said the ordinance required annual inspections.

Madison Brown listed the conditions that had been discussed: Remove stumps from parking area, add road base for a 96-foot diameter turn around area for emergency vehicles, no parking signs in the turnaround area, the house and bunkhouse may not be rented separately, compliance with state requirements for a transient water system, annual documentation from the state regarding the water, and annual compliance with required inspections.

Colt Mund clarified that the dwelling could be rented independent of the bunkhouse, but the bunkhouse could not be rented independent of the dwelling.

Chad Braegger asked if the parking area needed to have road base. Zac Burk said the ordinance just said off-street parking. He was not sure the ordinance provided the necessary language to require parking with an all-weather surface.

Colt Mund reminded the committee that it was making a recommendation to the Planning Commission who would make the final decision.

Colt Mund moved to recommend that the Planning Commission approve a conditional use permit for Dan Gammon based on the conditions discussed by the CUP Review Committee: Removal of

stumps from the parking area; add road base for a 96-foot diameter turn around area for emergency vehicles, no parking signs in the turnaround area, the house and bunkhouse may not be rented separately, compliance with state requirements for a transient water system, annual documentation from the state regarding the water, and annual compliance with required inspections. Sid Bodily seconded the motion. All voted "aye." The motion carried.

Madison Brown stated that Mr. Gammon's application would be forwarded to the Planning Commission on November 7th.

2B. CONSIDERATION AND APPROVAL OF MAY 23, 2024, MINUTES

Sid Bodily moved to approve the May 23, 2024, minutes as written. Payden Vine seconded the motion. All voted "aye." The motion passed unanimously.

3. ADJOURN

Colt Mund moved to adjourn at 3:39 p.m. Payden Vine seconded the motion. All voted "aye." The motion passed unanimously.

Minutes were read individually and approved on: _____

_____ _____

Madison Brown, City Planner Michelle Drago, Deputy City Recorder

dc:CUP 10-17-2024

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) (CONTINUED FROM JANUARY 18 AND MARCH 7, 2024)

Time Stamp – 21:28 03/28/2024

Bryce Wheelwright stated that he had spoken with Colt Mund, the City Attorney. The Zoning Ordinance did not have any provisions for short-term rentals in residential areas. The Planning Commission was going to consider an ordinance amendment. He had emailed Dan Gammon about the attorney's finding. Until the Zoning Ordinance was amended, the city could not consider his application.

2C. CONSIDERATION AND APPROVAL OF MARCH 7, 2024, MINUTES

Sid Bodily moved to approve the March 7, 2024, minutes as written. Payden Vine seconded the motion. All voted "aye." The motion passed unanimously.

3. ADJOURN

Payden Vine moved to adjourn at 3:35 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 03-28-2024

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.

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

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 Airbnds 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.

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.

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 or 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.

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.

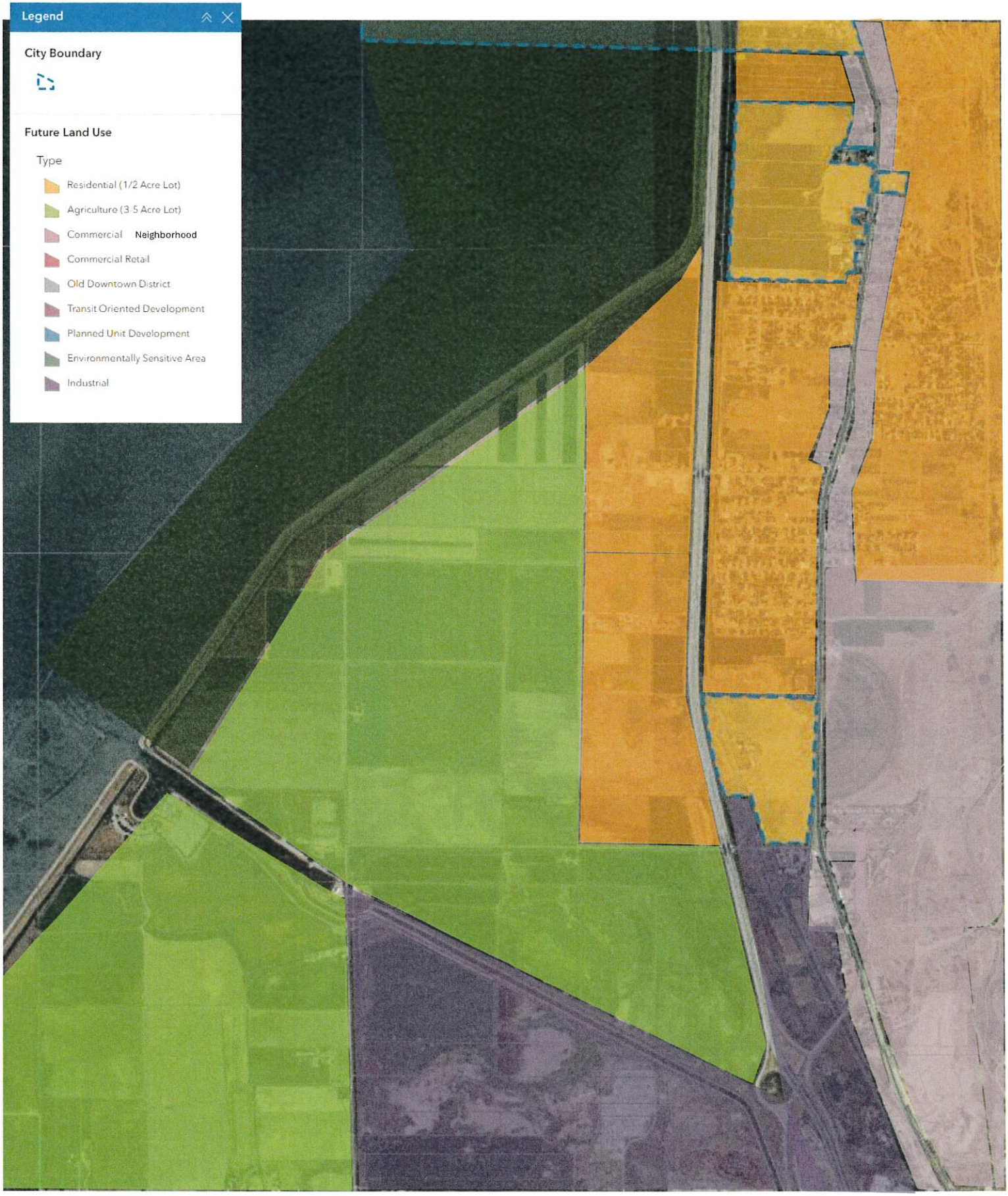
Minutes were read individually and approved on: 3/7/24

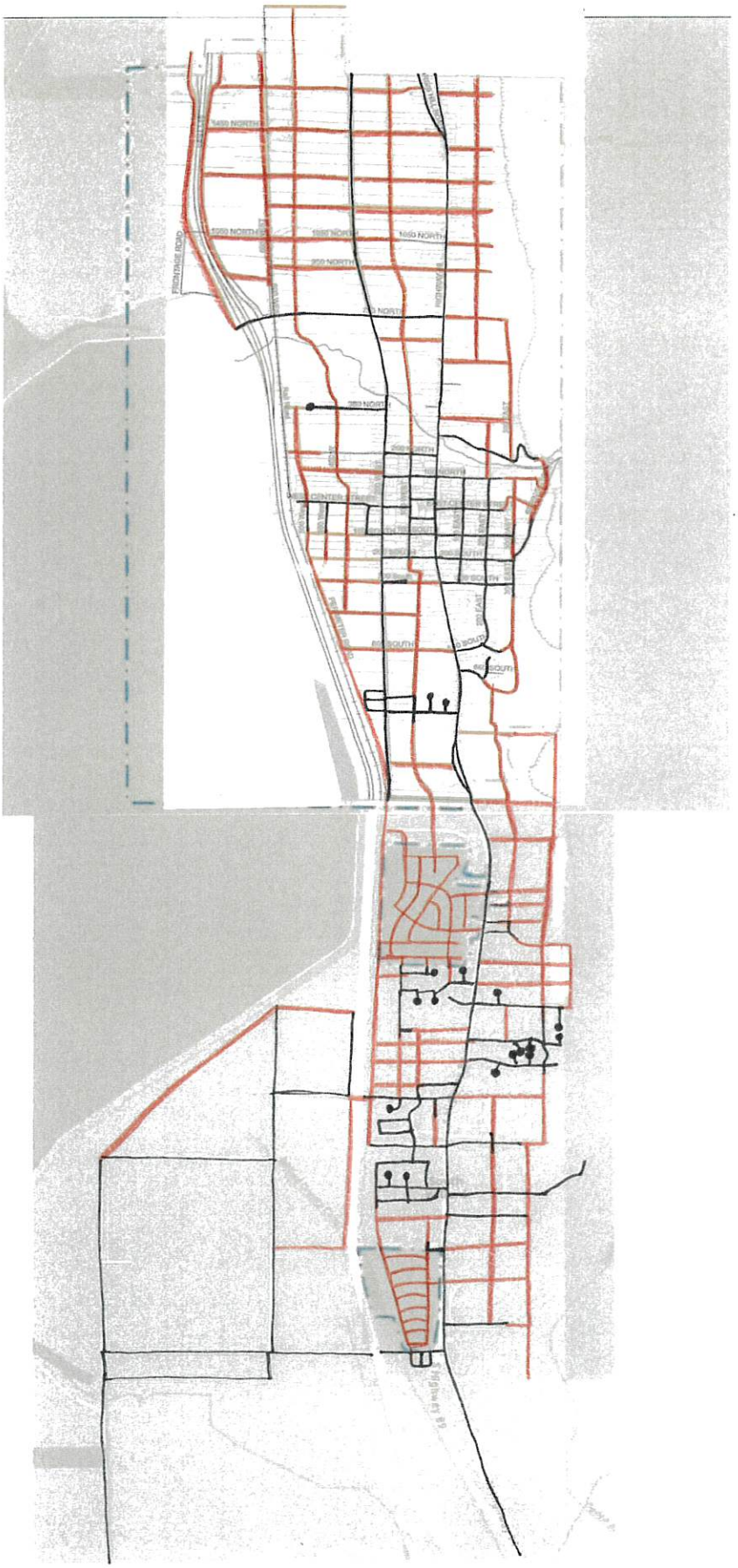
Bryce Wheelwright, City Planner

Michelle Drago, Deputy City Recorder

dc:CUP 01-18-2024

ITEM 6D


Legend
City Boundary
Future Land Use
Type
Residential (1/2 Acre Lot)
Agriculture (3.5 Acre Lot)
Commercial Neighborhood
Commercial Retail
Old Downtown District
Transit Oriented Development
Planned Unit Development
Environmentally Sensitive Area
Industrial


1450 NORTH
1550 NORTH
1650 NORTH
FRONTAGE ROAD
200 EAST
400 EAST
600 EAST
800 SOUTH
900 SOUTH
1000 SOUTH

ITEM 6E

Adopted ~~2/23/23~~ 3/9/23

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 6F

CONDITIONAL USE PERMIT
Willard City, Utah

PERMIT NUMBER 7-96

Applicant's Name Michael Grimes Date Received 7/17/96

Address 175 West 200 North Telephone 801-723-3590

Town Willard State Ut Zip 84340

Application is hereby made to the Planning Commission requesting that

Auto Sales Lot be permitted as a "Conditional Use" on
(Land Use)

_____ located at 740 North Main
(sq. ft. or acres) (Street Address)

in a CN Zone, in accordance with the attached Site Plan.

****

The applicant is hereby authorized to establish the requested use in accordance with the attached Site Plan, subject to the following conditions:

1. No buildings to be constructed
2. Maximum of six vehicles and/or trailers to be offered for sale at any one time.

****

As applicant and permitee, I understand and agree to abide by the above conditions: Michael K. Grimes Date aug 6, 1996
(Applicant Signature)

****

Validated and Issued: [signature] Date 7/22/96
(Authorized Signature)

PC Chairperson
(Title)

Said property was re-zoned from RR ½ to CN per City Council minutes dated 11/3/77. All Zoning Ordinances, Master Plan, Land Use Map, and Zoning Map were re-adopted in 1983 and again in 1989. Both times said area is represented as RR½.

AMMENDMENT - 9/17/96: Change Item 1. - from "no buildings. . ." to:

"Portable building may be placed on parcel to be used for office purposes."

Change Item 2. - from "Maximum of six vehcles. . ."

"Maximum of 15 vehicles, including trailers, to be offered for sale at any one time."

[signature] 9-17-96

CONDITIONAL USE PERMIT
Willard City, Utah

PERMIT NUMBER 7-96

Applicant's Name Michael Grimes Date Received 7/17/96

Address 175 West 200 North Telephone 801-723-3590

Town Willard State Ut Zip 84340

Application is hereby made to the Planning Commission requesting that

Auto Sales Lot (Land Use) be permitted as a "Conditional Use" on

1.10 acres (sq. ft. or acres) located at 740 North Main (Street Address)

in a CN Zone, in accordance with the attached Site Plan.

****

The applicant is hereby authorized to establish the requested use in accordance with the attached Site Plan, subject to the following conditions:

1. No buildings to be constructed
2. Maximum of six vehicles and/or trailers to be offered for sale at any one time.

****

As applicant and permitee, I understand and agree to abide by the above conditions: Michael K. Grimes (Applicant Signature) Date aug 6, 1996

****

Validated and Issued: [signature] (Authorized Signature) Date 7/22/96

PC Chairperson (Title)

Said property was re-zoned from RR ½ to CN per City Council minutes dated 11/3/77. All Zoning Ordinances, Master Plan, Land Use Map, and Zoning Map were re-adopted in 1983 and again in 1989. Both times said area is represented as RR½.

I need to put an office Building 12x16 Portable building to be replaced in approximately one year time with Permanate structure. Also to increase to 15 vehicles as soon as Possible.

Michael K. Grimes

WILLARD CITY CORPORATION PC

DATE: September 4, 1996
TIME: 7:00 p.m.
PLACE: Willard City Hall
ATTENDANCE: Chairperson Kink Clawson, Zoning Administrator Leland Jacobson, Commissioners: Dennis Jeppsen, Ray Beus, and Bryce Wheelwright

CITIZENS: Mike Grimes

1. Called to Order: Kink Clawson
2. Prayer: Leland Jacobson
3. Business:

Minutes approved: Review and correction of June 19, 1996 minutes. A motion was made by Dennis, seconded by Bryce to approve the minutes as corrected, motion carried. A motion was made by Ray seconded by Dennis to approve July 17, 1996 minutes as written, carried.

4. New Business:

A. Mike Grimes was present on a the issue of a Conditional Use Permit. Leland stated he had visited Mr. Grimes and the parcel is large enough for the type of business he has previously proposed. Mr. Grimes also stated he would like to build a temporary building to use as an office to obtain a State license and then come before the Planning Commission and City Council for approval of a larger permanent building. Mr. Grimes presented a sketch of the location of the temporary facility and also requested to increase the number of vehicles allowed on the lot from 15 to 16-20.

Leland made a motion to recommend to the City Council to accept the Conditional Use Permit, seconded by Bryce, motion approved.

5. Planning Commission Members

a. Chair person - Kink Clawson presented information regarding residents beginning projects prior to the building permits being completed. He sited instances where projects were even completed when permits were applied for and the project did not meet code requirements. He suggested two possible solutions. The first to penalize those who begin projects without building permits by charging higher fees and the second for an attachment to the title for projects that do not meet code that the error must be corrected prior to sale of the property.

Dennis made a motion to recommend to City Council to set a penalty at triple the normal fee for the building permits on projects started prior to building permits being completed, seconded by Ray, voting unanimous.

Dell -

Mike Grimes

1. Request for CUP for an auto business 7/17.96
2. Granted for 6 autos/trailers on 7/22/96
3. Requested increase to 15 autos/trailers 9/96
4. Went to Planning Commission with a scale drawing on 9/4/96. He changed his request at the meeting to 16-20 autos/trailers.
5. Leland signed a new CUP on 9/17/96 for 15 vehicles maximum and a portable building for office purposes.
6. Approved by P.C. 7/22/96
7. Approved permanent building & 15 vehicles, 2 only not working - City Council 3-11-99

Referred to City Council for review of CUP — Reason — complaints on number of vehicles.

Applicant claims he needs larger building to remedy problem. My personal recommendation is to permit building to go ahead. Has not been to Planning Comission for review/recommendation.

Forwarding to city council for approval/rejection of Bldg Permit 3/9/99 Eleland Jacobson

Mike Grimes

4

June 24 99 minutes

b. Planning Commission -

(1) Request for Public Hearing - Mike Zundel Re-zone request - 5 acres from A-5 to RR ½ - Mayor Braegger explained this request was previously heard by the Planning Commission and the meeting of April 20, was declared invalid due to public input when it was not posted as a public hearing. The item was brought to the Planning Commission during their May 18, 1999 meeting, but not as a public hearing. Due to the nature of the request the Mayor recommend the request be continued and returned to the Planning Commission to be properly posted as a public hearing. A motion was made by Council member Jeppsen to continue the request and return it to the Planning Commission with the meeting posted for public input, seconded by Council member Beard, motion carried with Council member Zundel abstaining due to conflict of interest.

(2) Plat revision for utility easements Willard Subdivision - A motion was made by Council Member Beard to approve the resolution and accept the revision of the Willard Subdivision, seconded by Council member Krum, voting was unanimous.

(3) Business License request - A-1 Sales & Service - U-Haul Rental - Mr. Grimes presented his request to operate a U-Haul Rental service at the location of his existing business. A discussion was held on the property location, layout, and the number of vehicles on the property. It was noted the current Conditional Use Permit allows a total of 15 vehicles on the property. Mr. Grimes requested the number of vehicles allowed be increased to 65. A discussion was held on the number of vehicles and the need for adequate parking for customers. It was suggested the Police Chief be asked to look at the area to insure there is adequate parking and access to the lot. A motion was made by Council member Loveland to approve the request for the U-Haul rental service and increase the number of vehicles allowed from 15 to 35, based on Fire and Police Department approval. The motion was seconded by Council member Beard, motion carried.

c. Alan Baddley Re-zone request possible decision - A discussion was held on the request and if it complies with the master plan. A discussion of the definition of "rural" was also held. A motion was made by Council member Zundel to approve the request for re-zone from A-5 to RR ½ , seconded by Council member Loveland. The motion carried with voting as follows:

Council member Loveland - Yea
Council member Krum - Yea
Council member Zundel - Yea
Council member Jeppsen - Nay
Council member Beard - Nay

d. Sign Ordinance - The proposed Sign Ordinance was reviewed and fee amounts were specified. A motion was made by Council member Zundel to approve the Sign Ordinance as amended, seconded by Council member Loveland, voting unanimous.

e. Adoption of 1999-2000 fiscal year budget - A motion was made by Council member Beard to accept the proposed budget, seconded by Council member Loveland motion carried.

f. Council members

(1) Dennis Jeppsen - Currently has not received any entries for the Pony Express Race. A discussion was held on the route and the possibility of developing trails in the canyon. Council member Krum will follow up on with the District Ranger of the Forest Service.

ITEM 7

WILLARD CITY
Planning Commission Meeting – Regular Meeting
Thursday, October 3, 2024 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

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

The following members were in attendance:

Sid Bodily, Chairman
Chandler Bingham
Chad Braegger
Alex Dubovik

Madison Brown, City Planner
Michelle Drago, Deputy Recorder

Excused: Jeremy Kimpton, City Manager; Colt Mund, City Attorney; Ruth Beebe; and Brian Gilbert.

Others in attendance: Mayor Travis Mote; Ken Ormond; Ruth Ormond; Chad Call; Jay Thackery; and Rod Braegger.

WORK SESSION TO DISCUSS PROPOSED AMENDMENTS TO THE TABLE OF USES FOUND IN CHAPTERS 12-111-3 AND 12-112-3 OF THE WILLARD CITY ZONING ORDINANCE

Time Stamp: 00:00 – 10/03/204 Work Session

Chairman Bodily called the work session to order at 5:34 p.m.

Chad Braegger was excused from the work session.

The planning commission and city administration finished reviewing the Table of Uses found in Chapter 12-111-3 for the Multiple Use, Rural, and Residential districts, Items 11 through 20. The following changes were recommended:

Line 11	Discussed – no changes
Line 12	Discussed – no changes
Line 13	Discussed – no changes
Line 14	Add wording "only for residences; limited to power generation for a typical residence."
Line 15	Discussed – no changes
Line 16a	Discussed – no changes
Line 16b	Make parks, golf courses, swimming pools, and other recreation areas a conditional use in the MU-40 Zone
Line 16c	Discussed – no changes
Line 16d	Discussed – no changes
Line 17	Discussed - no changes
Line 18a	Discussed – no changes
Line 18b	Discussed – no changes
Line 18c	Discussed – no changes
Line 18d	Add wording "only for established PUD Zones"
Line 19	Discussed - no changes
Line 20	Discussed – no changes

The planning commission and city administration started reviewing the Table of Uses found in Chapter 12-112-3 for the Manufacturing, Commercial-General, Commercial-Neighborhood, and TOD Zones, Items A – E.

Mayor Mote recommended that the Table of Uses for the commercial zones be amended to include a Commercial-Retail (C-R) Zone.

The following changes were recommended:

Line A1	Discussed – no changes
Line A2	Single Family Dwelling – change to conditional in C-G Zone, and don't allow in C-R Zone.
Line A3	Multi-Family, Twin Home – Discussed – no changes. Don't allow in C-R Zone
Line A-4	Multi-Family, Attached – Discussed – no changes Don't allow in C-R Zone
Line A-5	Multi-Family, Stacked – Discussed – no changes. Don't allow in C-R Zone
Line A-6	Accessory Dwelling Unit, Detached – no changes. Don't allow in C-R or TOD Zones
Line A-7	Accessory Dwelling Unit, Interior – no changes. Don't allow in C-R Zone
Line A-8	Manufactured or Modular – remove. Considered a single-family dwelling
Line A-9	Manufacturing – Discussed – no changes. Don't allow in C-R Zone.
Line A-10	Manufacturing/Light – Discussed – no changes. Conditional use in C-R Zone.
Line A-11	Refineries – Not permitted in any zone
Line A-12	Renewable Energy – Not allowed in C-R Zone
Line A-13	Storage Facility – Not allowed in C-R Zone
Line A-14	Temporary Building – Define as building with no foundation that is used no more than 90 days in a 365-day period. Conditional use in C-R Zone
Line A-15	Warehousing Distribution – Not allowed in C-R Zone
Line A-16	Warehousing Distribution Motor Fuels – add "no retail sales, excludes gas station." Not allowed in C-R Zone
Line B1	moved to Line F28.
Line B2	Add wording "parking facility for privately-owned vehicles; park and ride." Not permitted in TOD Zone as a conditional use
Line B3	Communication Towers – Conditional use in all zones
Line B4	Churches – Discussed – no changes. Not permitted in C-R Zone.
Line B5	Community Garden – Discussed – no changes. Not permitted in C-R Zone.
Line B6	Educational Facility – Discussed – no changes. Not permitted in C-R Zone.
Line B7	Government or Municipal Office – Permitted in all zones.
Line B8	Change wording to Library, Reading Room, Museum or Cultural Services – No changes. Conditional use in C-R Zone.
Line B9	Parks, Public or Private – No changes. Not allowed in C-R Zone.
Line B10	Public Utility Substation – No changes. Not allowed in C-R Zone.
Line C1	Auditorium or Performing Arts – Conditional use in all zones.
Line C2	Bowling Alley – No changes. Permitted use in C-R Zone.
Line C3	Dance Club – No changes. Not permitted in C-R Zone.
Line C4	Dance Studio – No changes. Not permitted in C-R Zone.
Line C5	Fitness Center – No changes. Conditional use in C-R Zone.
Line C6	Golf Course – No changes. Not permitted in C-R Zone.
Line C7	Recreation Center – No changes. Permitted in C-R Zone.
Line C8	Recreational Vehicle Park – No changes. Not permitted in C-R Zone.
Line C9	Sexually Oriented Business – No changes. Not permitted in C-R Zone

Line C10	Swimming Pool – No changes Not permitted in C-R Zone.
Line C11	Theater/Entertainment – No changes. Conditional use in C-R Zone.
Line D1	Alcohol or Tobacco Specialty Shop – No changes. Permitted in C-R Zone.
Line D2	Art and/or Art Supply – No changes. Permitted in C-R Zone. Discussion about combining with Craft/Hobby Store.
Line D3	Book Store – No changes. Permitted in C-R Zone.
Line D4	Christmas Tree Sales – No changes. Conditional use in C-R Zone.
Line D5	Clothing/Department Store – No changes. Permitted use in C-R Zone
Line D6	Convenience Store, with drive-through. No changes. Permitted use in C-R Zone.
Line D7	Convenience Store, without drive-through. No changes. Permitted use in C-R Zone.
Line D8	Craft/Hobby Store – No changes. Permitted use in C-R Zone.
Line D9	Fireworks Stand – No changes. Conditional use in C-R Zone.
Line D10	Florist Shop/Nursery – No changes. Conditional use in C-R Zone.
Line D11	Fruit Stand – No changes. Permitted use in C-R Zone.
Line D12	Grocery Store – No changes – Permitted use in C-R Zone.
Line D13	Hardware Store/Lawn and Garden – No changes. Permitted in C-R Zone.
Line D14	Pet Shop – Add wording "and Grooming." No changes. Permitted in C-R Zone.
Line D15	Retail, Big Box – No changes. Permitted in C-R Zone.
Line D16	Retail, General – No changes. Permitted in C-R Zone
Line D17	Shoe Store/Repair – No changes. Permitted in C-R Zone.
Lind D 18	Sporting Goods – No changes. Permitted in C-R Zone.
Line E1	Bakery – No changes – Permitted in C-R Zone.
Line E2	Candy/Ice Cream Store – No changes. Permitted in C-R Zone.
Line E3	Food Truck, Temporary – No changes. Permitted in C-R Zone.
Line E4	Food Truck, Permanent – No changes. Permitted in C-R Zone.
Line E5	Private Club/Bar/Tavern – Not permitted in C-N or C-R Zones. Conditional use in TOD Zone.
Line E6	Restaurant/Fast Food with drive-through – No changes. Permitted in C-R Zone.
Line E7	Restaurant/Fast Food without drive-through – No changes. Permitted in C-R Zone.

The work session adjourned at 6:28 p.m.

The planning commission meeting was called to order at 6:30 p.m.

1. PRAYER: Chandler Bingham

2. PLEDGE OF ALLEGIANCE: Chad Braegger

3. GENERAL PUBLIC COMMENTS

There were no comments.

4. CITY COUNCIL REPORT

Time Stamp 01:42 – 10/03/2024

Mayor Mote stated that during the September 26th meeting, the city council held a public hearing regarding the Bob Davis annexation, which was located west of the interstate. Willard Flood Control was interested in the potential of the annexed property. Mr. Davis wanted to create a park and subdivide his property into a few lots for his kids. After the hearing, the council approved the annexation. The city council then held a public hearing to consider vacating a sewer easement on the Neil Braegger property. The easement vacation was approved. The city council once again discussed crosswalks. The council defined crosswalk locations and asked to see a map of them at the next meeting. The council started to talk about a fee schedule increase. The discussion was postponed until the next meeting when a public hearing could be held. John Pierce was added as an alternate planning commission member. The council also approved a code amendment to add a planning commission representative as a voting member of the SLUA (Subdivision Land Use Authority). The city council denied an annexation request from a single home in the middle of an existing subdivision in South Willard. The homeowner wanted to construct an ADU and was required to request annexation by Box Elder County.

5A. CONSIDERATION OF A PRELIMINARY PLAN FOR GRANITE RIDGE SUBDIVISION PHASE 6 LOCATED AT APPROXIMATELY 675 SOUTH 450 EAST (PARCEL NOS. 02-053-0014 AND 02-053-0069) (CONTINUED FROM AUGUST 15, SEPTEMBER 5, AND SEPTEMBER 19, 2024)

Time Stamp: 04:37 – 10/03/2024

Madison Brown, City Planner, stated that she let John Newhall from Granite Ridge know the city wanted to see something from Staker Parson indicating that the emergency access agreement was still valid. Mr. Newhall had not provided that information for this planning commission meeting. She asked that this item be tabled until Granite Ridge could provide the requested information.

Chairman Bodily read from the Granite Ridge Development Agreement dated the 6th day of March 2015, which said, "...all city ordinances and standards currently in effect not expressly altered by the approval shall govern the development of the property." He couldn't find anything in the agreement that said Granite Ridge did not have to have a second access.

Madison Brown said the second access was Staker Parson's Haul Road. That was why the city had asked for verification that the conditions of the 2020 letter were still valid.

Chairman Bodily said the Haul Road was referred to as an emergency access, not a second access.

Madison Brown stated that the Granite Ridge development was approved ten years ago by a different planning commission and city council.

Chairman Bodily did not feel the Granite Ridge development complied with its own agreement.

Commissioner Braegger said that Granite Ridge Phases 5 and 6 were not approved ten years ago. Ms. Brown said the overall development plan with two stub roads and the emergency access was approved ten years ago.

Mayor Mote asked if the city attorney had looked into this. Ms. Brown said he had. Mayor Mote felt the city attorney should address the planning commission regarding the development agreement. He might have more information. The city council allowed this development to go forward contingent on the emergency access. At some level, the city was living with decisions made by previous councils.

Commissioner Dubovik asked if there was a reason why the Haul Road couldn't be a regular access. Commissioner Bingham said Staker Parson did not want traffic on their road for safety reasons.

Mayor Mote did not feel the city had much to stand on if Staker Parson allowed the Haul Road to be used as an emergency access.

Madison Brown said the city had a letter from Staker Parson listing their conditions for use of the Haul Road as an emergency access.

Chairman Bodily asked if those requirements had been met. Madison Brown said that she needed to confirm with the city attorney if including those requirements in the construction drawings for Phase 6 would be sufficient compliance.

Commissioner Dubovik asked if the agreement with Staker Parson was in perpetuity. Ms. Brown felt it was. Mayor Mote didn't think the Staker Parson letter included an end date.

Commissioner Braegger was concerned that the Staker Parson road and gravel pit could change hands, and the new owner could deny emergency access. That would leave six phases with one access.

Commissioner Braegger asked if Madison Brown had been able to confirm conversations with the previous mayor about 300 East. Madison Brown stated that she had not been able to find anything in writing stating that Granite Ridge was responsible for 300 East. Commissioner Braegger asked why Granite Ridge was approaching homeowners on 300 East to acquire property. Ms. Brown did not know. She had spoken with John Newhall who said there wasn't anything in writing requiring them to complete 300 East, and he was correct. Commissioner Braegger did not feel that was true if Granite Ridge couldn't get the emergency access from Staker Parson.

Madison Brown stated that Phase 6 was the phase that connected to Staker Parson's road. Therefore, the city wanted assurance that the agreement with Staker Parson was still in place. The city also wanted to see the berm, fence, and crash gate in the construction drawings before Phase 6 was approved. Phase 5 had been approved, and Granite Ridge was working on construction and financing.

Chairman Bodily quoted from Section 42 of the development agreement, "No Waiver of Regulation(s). Nothing herein contained shall be construed as a waiver of any requirements of the City Code or the Utah Code Annotated, in its current form as of the date of approval of the Final Plat and the Developer agrees to comply with all requirements of the same." Mayor Mote felt that was an issue that needed to be addressed by the city attorney.

Commissioner Dubovik asked how easements were created. Mayor Mote stated that easements had to be granted by the landowner. Commissioner Dubovik asked if the easement would continue if land changed hands. Mayor Mote said it depended on how the easement was written. Commissioner Dubovik wanted to see an easement created on the Haul Road that would be permanent.

Chairman Bodily felt it was inconsistent to hold up properties on the west side of Willard while allowing this development to move forward. Nothing in the development agreement specifically pointed out that Granite Ridge didn't have to have a second access. An emergency access was not a second access. This development was way above 30 homes. He felt the city needed to get a hold on this.

Madison Brown said the city was following the ordinance for properties on the west side. The planning commission couldn't change previously approved projects.

Commissioner Bingham stated that at the time the development was approved, a stub road was considered a second access. He felt that in the future, a stub road should only be considered a second access if a developer can show it would be built in the near future.

Chairman Bodily felt that early in the project Granite Ridge was aware of the requirement and need for a second access. They were just trying to avoid it.

Mayor Mote suggested that SLUA, which included the city attorney, discuss Granite Ridge's development agreement, and get the city attorney's full legal opinion on why Granite Ridge did not have to meet the code requirement for a second access.

Commissioner Braegger asked that Granite Ridge Phase 6 not be on the agenda until everything was figured out. Having it appear on the agenda again and again made it look like the planning commission wasn't doing its job. The planning commission needed some answers.

Commissioner Bingham moved to table Granite Ridge Phase 6 until the city attorney was prepared to address the planning commission regarding the second access issue. Commissioner Braegger seconded the motion. All voted "aye." The motion passed unanimously.

5B. CONSIDERATION AND RECOMMENDATION TO THE CITY COUNCIL REGARDING A PROPOSAL TO AMEND THE GENERAL PLAN FOUND IN CHAPTER 12-000 OF THE WILLARD CITY ZONING ORDINANCE TO INCLUDE A FUTURE LAND USE MAP FOR THE SOUTH WILLARD AREA INCLUDED IN WILLARD'S ANNEXATION POLICY DECLARATION (CONTINUED FROM APRIL 4, APRIL 18, MAY 2, MAY 16, JUNE 20, AND SEPTEMBER 5, 2024)

Time Stamp: 20:12 – 10/03/2024

Madison Brown stated that based on the planning commission's recommendation after the September 5th public hearing, a two-week period was allowed for additional public comments from South Willard. No comments were received. She had compiled a proposed future land use map of South Willard based on the comments received after the May 16th open house and the September 5th public hearing. She had also started a proposed road master plan. She asked for the planning commission's input.

Commissioner Dubovik asked if the road map prepared by Ms. Brown aligned with the road map prepared by Commissioner Gilbert in May. Ms. Brown said she would incorporate Commissioner Gilbert's road plan with hers. Commissioner Bingham suggested north/south collector roads on both sides of Highway 89 and a frontage road along Interstate 15.

Commissioner Bingham suggested that the commercial area on both sides of Highway 89 should be Commercial Neighborhood rather than Commercial General just like Willard. Madison Brown said Willard's

Future Land Use Map did not include Commercial Neighborhood along Highway 89. The planning commission felt that needed to be corrected after the South Willard map was finished.

Commissioner Bingham suggested a Commercial General area along Highway 89 around the old Flying J where there were some existing businesses.

Mayor Mote felt that multi-family needed to be limited in the commercial zones, so they didn't burn up land for potential commercial development and sales tax revenue. He also felt the commercial zone should be deeper in the area from Pettingill's to the elk farm.

After further discussion, Chairman Bodily asked that the proposed land use and road maps be updated for discussion at the next meeting in hope that a public hearing could be held in November and forwarded to the city council.

Commissioner Dubovik asked Madison Brown to send Commissioner Gilbert's road map to the planning commission members.

Commissioner Dubovik moved to table this item until the next meeting. Commissioner Bingham seconded the motion. All voted "aye". The motion passed unanimously.

5C. REVIEW OF A CONDITIONAL USE PERMIT ISSUED TO NELDON AND JAN KAPP FOR A BUILDING PERMIT FOR A SINGLE-FAMILY DWELLING LOCATED AT 520 NORTH 200 WEST (PARCEL NO. 02-046-0005) IN OCTOBER 2002

Time Stamp: 38:14 – 10/03/2024

Michelle Drago, Deputy Recorder, stated that she had searched the Planning Commission minutes for a year previous to October 2002 but could not find any record of the Planning Commission considering a conditional use permit for Neldon Kapp. The only record she could find was the City Council minutes from January 23, 2003.

Chairman Bodily asked if Neldon Kapp had constructed the access from 200 West as required. The current access did not appear to be 20-feet wide. It seemed more like a trail or a lane. He wasn't sure the access in its current condition would provide needed access for fire equipment.

Commissioner Dubovik read from the February 11, 2003, letter signed by Mayor Loveland that Neldon Kapp was required to provide a 20-foot right-of-way with an all-weather surface access road by May 1, 2003, to allow fire and other emergency equipment to enter his property.

Commissioner Braegger observed that the access was required before a certificate of occupancy was issued. So, it must have been done at one time.

Madison Brown stated that Neldon Kapp had met with SLUA about subdividing his property. Fire Chief Mund was part of SLUA. Chief Mund had not raised any issues about the access for 200 West. There was a fire hydrant by the Kapp home.

Commissioner Braegger said SLUA had talked about the need for an easement to extend the city's waterline to 200 West so the water system could be looped. Ms. Brown said the easement was being added to the Kapp's subdivision plat.

Chairman Bodily asked if there had been any issues with the Kapp home. Madison Brown said there had not.

Madison Brown said the conditional permit use was still active. The house had been built and was still occupied.

Mayor Mote suggested that the conditions of the conditional use permit be verified. While the property was being subdivided, the city had some leverage to make sure the original conditions were completed.

Madison Brown stated that she would bring up the conditions of the conditional use permit the next time she met with Neldon Kapp.

5C. DISCUSSION REGARDING AMENDING THE TABLE OF USES FOUND IN CHAPTER 12-111-3 AND 12-112-3 OF THE WILLARD CITY ZONING ORDINANCE (CONTINUED FROM AUGUST 1, AUGUST 15, AND SEPTEMBER 5, 2024)

Time Stamp: 45:10 – 10/03/2024

The Planning Commission finished reviewing the Table of Uses found in Chapter 12-112-3 for the Manufacturing, Commercial-General, Commercial-Neighborhood, and TOD Zones, Item F. The following changes were recommended:

Line F1	Agriculture, Existing - No changes. Conditional use in C-R Zone.
Line F2	Agricultural Industry/Food – Need to define. No changes. Not permitted in C-R Zone.
Line F3	Automobile Sales and Service – No changes. Permitted in C-R Zone.
Line F4	Bank/Credit Union/Financial with drive through– No changes. Permitted in C-R Zone.
Line F5	Bank/Credit Union/Financial without drive through – No changes. Permitted in C-R Zone.
Line F6	Barber/Beauty Salon/Tanning/Nails – No changes. Permitted in C-R Zone.
Line F7	Remove. Replaced by Short-Term Rentals.
Line F8	Business/Professional Office – No changes. Conditional use in C-R Zone.
Line F9	Business Services – No changes. Conditional use in C-R Zone.
Line F10	Car Wash – No changes. Conditional use in C-N and C-R Zones.
Line F11	Remove. Combine with Bank/Credit Union/Financial
Line F12	Childcare/Daycare – Change to conditional use in C-N Zone. Conditional use in C-R Zone.
Line F13	Cultural Services – Remove and combine with library/reading room on Line B8.
Line F14	Dry Cleaning – No changes. Permitted in C-R Zone.
Line F15	Fabrication/Welding – remove and combine with Light Manufacturing on Line A10.
Line F16	Hospital – No changes. Not permitted in C-R Zone.
Line F17	Hotel/Motel – No changes. Permitted in C-R Zone.
Line F18	Kennel – No changes. Not permitted in C-R Zone.
Line F19	Locksmith/Key and Lock – No changes. Permitted in C-R Zone.
Line F20	Laundromat – No changes. Permitted in C-R Zone.
Line F21	Medical, Dental, and Physical Therapy – No changes. Conditional use in C-R Zone.
Line F22	Nursing Home – Conditional use in C-N Zone. Not permitted in C-R Zone.

Line F23	Pet Grooming – Remove and combine with pet shop in Line D14
Line F24	Pest Control – No changes. Not permitted in C-R Zone.
Line F25	Pharmacy – No changes. Permitted in C-R Zone.
Line F26	Residential Facilities for Persons with Disabilities – Conditional use in C-N and C-R Zones.
Line F27	Short Term Rentals – No changes. Not permitted in C-R Zone.
Line F28	Slaughterhouse – No changes. Not permitted in C-R Zone.
Line F29	Tatooing/Body Art – Remove. Combine with Line F6.
Line F30	Towing/Impound Yard – No changes. Not permitted in C-R Zone.
Line F31	Transit Station – No changes. Not permitted in C-R Zone.
Line F32	Transportation/Trucking – No changes. Not permitted in C-R Zone.
Line F33	Veterinary Services – No changes. Not permitted in C-R Zone.

Madison Brown stated that the proposed changes would be made and reviewed by the city attorney before they were brought back to the Planning Commission for a final review.

6. CONSIDERATION AND APPROVAL OF THE SEPTEMBER 19, 2024, REGULAR PLANNING COMMISISON MINUTES

Commissioner Braegger moved to approve the September 19, 2024, minutes as written. Commissioner Dubovik seconded the motion. All voted "aye." The motion passed unanimously.

7. COMMISSIONER/STAFF COMMENTS

Time Stamp: 1:06:43 – 10/03/2024

Mayor Mote

Did not have any comments.

Madison Brown

Madison Brown stated that the Wasatch Choice Fall Workshop would be held on October 16th from 4:00 to 6:00 p.m. at the Perry City Lodge. All the planning commission and city council members were invited to attend. The workshop would discuss transit, transportation, and trails with state planners.

Commissioner Bingham

Commissioner Bingham stated that the house designs in the Granite Ridge development agreement were different than the designs that were actually constructed. The same issue existed in the Deer Run Subdivision. Madison Brown said she had spoken with the city attorney about the change in house designs. He explained that most developments included language in the agreement or covenant, conditions, and restrictions to allow design standards to be changed.

Commissioner Dubovik

Did not have any comments.

Commissioner Braegger

Commissioner Braegger asked if the planning commission wanted to review the ADU Ordinance to consider larger detached ADU's in the larger zones. The planning commission asked that it be placed on the next agenda.

Commissioner Braegger asked Mayor Mote to provide a quick summary of the Box Elder Summit. Mayor Mote felt the overall message of the summit was that the state legislature was going to start forcing smaller lot sizes and higher densities. There was further discussion.

Chairman Bodily

Chairman Bodily asked about the timeline for the Connext fiber optics installation. Madison Brown said the project was being done in phases. She did not know the timeline. That question would have to be answered by Connext.

8. ADJOURN

Commissioner Dubovik moved to adjourn at 7:54 p.m. Commissioner Bingham 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 10-03-2024