

# Willard City Corporation

80 West 50 South  
Box 593



Willard, Utah 84340  
(435)734-9881

## NOTICE

Notice is hereby given that the Conditional Use Permit Review Committee of Willard City Corporation will hold a special meeting at Willard City Hall, 80 West 50 South, on Thursday, February 27, 2025. Said meeting shall start at 4:00 p.m.

Agenda is as follows:

**1. Call to order:**

**2. Business:**

- a. Review and consideration of a request from Molly Forbush to operate an Air BNB in the basement of her home located at approximately 26 South 500 West (02-087-0005)
- b. Consideration and approval of November 7, 2024, minutes

**3. Adjourn**

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

I, the undersigned duly appointed and acting Deputy City Recorder for Willard City Corporation, hereby certify that a copy of the foregoing notice was posted at the Willard City Hall, on the State of Utah Public Meeting Notice website <https://www.utah.gov/pmn/index.html>, on the Willard City website [www.willardcity.com](http://www.willardcity.com), and sent to the Box Elder News Journal this 21<sup>st</sup> day of February, 2025.

*/s/ Michelle Drago*

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Deputy City Recorder

NOTICE OF SPECIAL ACCOMMODATION DURING PUBLIC MEETINGS - In compliance with the American with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City Office at 80 West 50 South, Willard, Utah 84340, phone number (435) 734-9881, at least three working days prior to the meeting.

**CONDITIONAL  
USE  
ORDINANCE  
CHAPTER  
12-105**

## **CHAPTER 12-105. CONDITIONAL USE**

### **12-105-1. Purpose of Conditional Use Provisions**

The purpose of the issuance of a conditional use permit is to allow the proper integration into Willard City of land uses which may be suitable only under special conditions and in specific locations in Willard City or in the applicable zoning district, or only if such uses are designed or conducted in a particular manner.

### **12-105-2. Permit Required**

A Conditional Use Permit shall be required for all uses listed as conditional uses in the zoning district use regulations or elsewhere in this Chapter.

### **12-105-3. Application**

A Conditional Use Permit Application shall be made to the City Planner on forms provided by the City Planner. Only property owners or their duly authorized agents shall make application for a Conditional Use Permit. No Conditional Use Permit may be processed without the submission of an application, payment of the processing fee, and providing all supporting materials as required by the City Planner, the Conditional Use Review Committee, and this Chapter.

### **12-105-4. Required Documents**

The Conditional Use Permit Application shall be submitted with the material listed in this Section. The City Planner and/or the Conditional Use Review Committee may determine and require items not listed herein be submitted in order to evaluate the proposed conditional use application. The application for the Conditional Use Permit shall include at least the following:

1. A written statement explaining details surrounding the proposed Conditional Use Permit Application is consistent with all the standards and requirements of this Chapter and other applicable sections of the Willard City Zoning and Land Use Ordinances.

### **12-105-5. Public Notice**

No public hearing need be held. However, a hearing may be held if the City Planner, Conditional Use Review Committee or the Planning Commission deem a public hearing to be necessary and in the public interest. When such public hearing is required, the City will send notice by mail, at the applicant's sole cost and expense, to all property owners within 500 feet from the location where the proposed conditional use is to be conducted, inform them of the nature of the intended use, the date, time and place of the public hearing, name and address of the applicant and location of the intended use. A complete list of names and addresses of all impacted property owners shall be forwarded to the City by the applicant and where such list is inaccurate or incomplete the conditional use may be denied or revoked.

### **12-105-6. Conditional Use Review Committee**

Upon submission of a Conditional Use Permit Application, the City Planner will determine the completeness of the application. If the Conditional Use Application is complete, the City Planner

will forward the application and all supporting materials to the Conditional Use Review Committee. The Conditional Use Review Committee shall be comprised of the following individuals: The Chief of Police, Fire Chief, City Attorney, a member of the Planning Commission, Director of Public Works, City Planner, City Engineer, and City Manager. Upon review of the application, proposed site plan if required, and any other necessary documentation or information, the Conditional Use Permit Review Committee will transmit a recommendation for the proposed Conditional Use Permit to the Planning Commission.

**12-105-7. Factors to be considered by the Conditional Use Review Committee**

In considering an application for a Conditional Use Permit, the Conditional Use Review Committee should analyze the following factors and may request information, studies, or data with respect to such factors for the purpose of determining whether a proposed Conditional Use Permit meets the standards set forth in this Chapter:

1. The suitability of the specific property for the proposed use;
2. The development or lack of development adjacent to the proposed site and the harmony of the proposed use with existing uses in the vicinity;
3. Whether the proposed use or facility may be injurious to potential or existing development in the vicinity;
4. The economic impact of the proposed facility or use on the surrounding area;
5. The aesthetic impact of the proposed facility or use on the surrounding area;
6. The present and future requirements for transportation, traffic, water, sewer, and other utilities for the proposed site and surrounding area;
7. The safeguards proposed or provided to ensure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection and pedestrian and vehicular circulation;
8. The safeguards provided or proposed to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor from the proposed facility or use;
9. The safeguards provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area; and
10. The impact of the proposed facility or use on the health, safety and welfare of the City, the area and persons owning or leasing property in the area.

#### **12-105-8. Standards and Criteria for Conditional Use Permit**

Upon receiving a recommendation from the Conditional Use Permit Review Committee, the Planning Commission shall consider the following general standards and criteria prior to approving or denying a conditional use permit:

1. The Conditional Use is authorized in the zoning district where the use is proposed;
2. The use applied for at the proposed location is necessary or desirable to provide service or facility that will contribute to the general well-being of the area and Willard City;
3. Compatibility of the proposed use with the interest, function and policies established in the Willard City General Plan;
4. Compatibility of the proposed use within the character of the site, neighboring properties and other existing and proposed development.
5. Streets and other means of access to the Conditional Use are adequate to carry anticipated traffic and shall not materially reduce the level of service on adjacent streets;
6. The Conditional Use shall not unreasonably interfere with the lawful use of surrounding property;
7. Fencing, screening and landscaping, and other adequate buffering, is provided as needed to protect adjacent property from light, noise and visual impacts associated with the proposed use;
8. The availability of or ability to provide adequate services, drainage, parking, fire protection, and safe transportation access.
9. The proposed conditional use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or interests to property or improvements in the vicinity;
10. In the event the Planning Commission determines that the standards of this Chapter cannot be met and that adequate mitigation measures cannot be imposed to bring the use into conformity with the applicable standards and criteria, the Planning Commission may deny the request for a conditional use permit.
11. Within and adjoining the proposed site, the Planning Commission may impose reasonable conditions as deemed necessary for the protection of the site location and adjacent properties and the public interest.

#### **12-105-9. Reasonable Conditions Imposed**

The Planning Commission may issue a Conditional Use Permit to be located within any zoning district in which the particular Conditional Use is allowed by the use regulations of this Chapter. In authorizing any Conditional Use, the Planning Commission shall impose such requirements and conditions as required by law and as may be necessary for the protection of neighboring properties and the general welfare of the public. Such conditions of approval may include, but shall not be limited to, limitations or requirements as to a street dedication, the height, size, location and design of structures, landscaping, density, ingress/egress, fencing, parking, screening, buffering parking, hours of operation, or lighting.

#### **12-105-10. Expiration**

A Conditional Use Permit shall expire one (1) year after the date of approval and shall be null and void unless the property owner or their duly authorized agent has obtained a Building Permit, where required, or a Business License or other permits or licenses required for the operation. A one (1) year extension may be granted by the Planning Commission when deemed to be in the public interest.

#### **12-105-11. Revocation**

A Conditional Use Permit may be revoked by the Planning Commission upon failure to comply with the conditions of the permit, for any violation of this Title occurring on the site for which the permit was approved, or if the use is not maintained or abandoned. Prior to taking action concerning revocation of a Conditional Use Permit, a meeting shall be held by the Planning Commission. Notice of the meeting and the grounds for consideration of revocation shall be mailed to the permittee at least ten (10) days prior to the hearing.

#### **12-105-12. Appeals**

Any applicant shall have the right to appeal the decision of the Planning Commission to the designated Hearing Officer under the procedure outlined in Willard City Zoning Code Chapter 12-101-2. Any decision of the Hearing Officer may be appealed by the applicant or City to the District Court within thirty (30) days from the issuance of the written decision.

#### **12-105-13. Review**

The Planning Commission may review compliance with an issued Conditional Use Permit at regular intervals at the discretion of the Planning Commission or upon recommendation of the City Planner.

#### **12-105-14. No Presumption of Approval**

The listing of a conditional use in any district does not constitute an assurance that the conditional use shall be approved by the Planning Commission or City Planner. Each conditional use application shall be evaluated individually to determine compliance with the standards set

forth in this chapter, the standards of the district where the proposed use shall be located, and any standards applicable to the conditional use.

## **CHAPTER 12-111 MULTIPLE USE, AGRICULTURAL OR RURAL, AND RESIDENTIAL DISTRICTS**

### **12-111-4. Uses Not Listed**

The Table in this Section provides a listing of permitted and conditionally permitted uses for multiple use, agricultural, and residential zones within the city. The Table in this section is not comprehensive. In the event a sought-after use is not listed, the City Planner is empowered to interpret the list and determine if the unlisted use substantially similar in character, origin, and impact to a listed use. In making this determination, the City Planner may, at their sole discretion, ask the Planning Commission for its review and interpretation.

## **CHAPTER 12-112 COMMERCIAL AND MANUFACTURING ZONES, C-N, C-G AND M**

### **12-112-2. Use Regulations**

In the following Section of this Chapter, uses of land or buildings which are allowed in the various districts are shown as “permitted uses,” indicated by a “P” in the appropriate column, or as “conditional uses,” indicated by a “C” in the appropriate column. If a use is not listed then it is either not allowed in a given district or it is indicated in the appropriate column by a dash, “-.” No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the Commercial or Manufacturing zones except as provided for in this ordinance. If a regulation applies in the district, it is indicated in the appropriate column by a numeral to show the linear or square feet, or acres required, or by the letter “A.” If the regulation does not apply, it is indicated in the appropriate column by a dash “-”

### **12-112-3. Uses Not Listed**

The Table in this Section provides a listing of permitted and conditionally permitted uses for Commercial and Manufacturing zones within the city. The Table in this section is not comprehensive. In the event a sought-after use is not listed, the City Planner is empowered to interpret the list and determine if the unlisted use is substantially similar in character, origin, and impact to a listed use. In making this determination, the City Planner may, at their sole discretion, ask the Planning Commission for its review and interpretation.

| <b>A. ACCESSORY BUILDINGS/DWELLINGS/<br/>MANUFACTURING/STORAGE</b>         | <b>M</b> | <b>C-N</b> | <b>C-G</b> |
|----------------------------------------------------------------------------|----------|------------|------------|
| Accessory uses and buildings customarily incidental to the permitted uses. | P        | C          | P          |
| Single-Family Dwelling                                                     | C        | P          | P          |
| Multi-Family Twin Home                                                     | C        | P          | P          |
| Multi-Family Attached                                                      | C        | P          | P          |

|                                                                          |          |            |            |
|--------------------------------------------------------------------------|----------|------------|------------|
| Multi-Family Stacked                                                     | C        | P          | P          |
| Accessory Dwelling Units                                                 | P        | P          | P          |
| Manufactured and Modular Homes                                           | C        | C          | C          |
| Manufacturing/Industrial Heavy                                           | P        | -          | C          |
| Manufacturing Light                                                      | P        | C          | C          |
| Refineries                                                               | C        | -          | -          |
| Renewable Energy Systems                                                 | C        | C          | C          |
| Storage Facility/Units                                                   | P        | -          | C          |
| Temporary Buildings                                                      | C        | C          | C          |
| Warehousing/Distribution                                                 | P        | C          | C          |
| Warehousing/Distribution Motor<br>Fuels/Propane/Plant/Storage Facilities | C        | -          | C          |
| <b>B. PUBLIC FACILITIES/UTILITIES</b>                                    | <b>M</b> | <b>C-N</b> | <b>C-G</b> |
| Air BNB or any short-term lodging facility                               | C        | C          | C          |
| Communication Towers and Antennas                                        | C        | C          | C          |
| Churches/Places of Worship                                               | P        | P          | P          |
| Educational Facilities                                                   | P        | P          | P          |
| Public Utility Installations                                             | P        | P          | P          |
| <b>C. RECREATION/ENTERTAINMENT</b>                                       | <b>M</b> | <b>C-N</b> | <b>C-G</b> |
| Bowling Alley                                                            | C        | C          | P          |
| Dance Studio                                                             | C        | C          | C          |
| Fitness Center                                                           | C        | C          | P          |
| Golf Course                                                              | C        | C          | C          |
| Recreation Center                                                        | P        | C          | P          |

|                                                                                |          |            |            |
|--------------------------------------------------------------------------------|----------|------------|------------|
| Recreational Vehicle Park                                                      | -        | -          | C          |
| Sexually Oriented Businesses: See Willard City General Ordinances Title 9-600. | C        | -          | -          |
| Swimming Pool                                                                  | C        | C          | C          |
| Theater/Entertainment                                                          | C        | C          | C          |
| <b>D. RETAIL</b>                                                               | <b>M</b> | <b>C-N</b> | <b>C-G</b> |
| Alcohol or Tobacco Specialty Store                                             | C        | -          | C          |
| Art and/or Art Supply                                                          | P        | C          | P          |
| Book Store                                                                     | P        | P          | P          |
| Christmas Trees Sales                                                          | P        | C          | P          |
| Clothing/Department Store                                                      | C        | C          | P          |
| Convenience Store                                                              | P        | C          | P          |
| Craft/Hobby Store                                                              | P        | P          | P          |
| Fireworks Stand                                                                | C        | C          | C          |
| Florist Shop/Nursery                                                           | C        | C          | P          |
| Fruit Stand                                                                    | P        | P          | P          |
| Grocery Store                                                                  | P        | P          | P          |
| Hardware Store/Lawn & Garden                                                   | P        | C          | C          |
| Pet Shop                                                                       | C        | C          | P          |
| Retail, Big Box Store                                                          | P        | C          | P          |
| Retail, General                                                                | P        | C          | P          |
| Shoe Store/Repair                                                              | P        | C          | P          |
| Sporting Goods                                                                 | P        | P          | P          |
| <b>E. RESTAURANT/FOOD ESTABLISHMENTS</b>                                       | <b>M</b> | <b>C-N</b> | <b>C-G</b> |

|                                                                                           |          |            |            |
|-------------------------------------------------------------------------------------------|----------|------------|------------|
|                                                                                           |          |            |            |
| Bakery                                                                                    | P        | P          | P          |
| Candy/ Ice Cream Store                                                                    | C        | C          | P          |
| Private Club/Bar/Tavern                                                                   | C        | -          | C          |
| Restaurant/Fast Food                                                                      | P        | P          | P          |
| <b>F. SERVICE</b>                                                                         | <b>M</b> | <b>C-N</b> | <b>C-G</b> |
| Agriculture, Existing                                                                     | P        | P          | P          |
| Agricultural Industry/Food                                                                | P        | C          | P          |
| Automobile Service and Sales Station (Includes Fuel)                                      | C        | C          | C          |
| Bank/Credit Union/Financial                                                               | P        | C          | P          |
| Barber/Beauty Salon/Tanning/Nails                                                         | P        | P          | P          |
| Bed and Breakfast/ Air BNB                                                                | -        | P          | -          |
| Business/ Professional Office                                                             | C        | C          | C          |
| Car Wash                                                                                  | C        | C          | C          |
| Check Cashing, Payday Lender, Title Loans                                                 | C        | C          | C          |
| Childcare/Preschool: See Willard City General Ordinances Title 9-000 for Home Businesses. | C        | C          | C          |
| Dry Cleaning                                                                              | P        | C          | P          |
| Fabrication/Welding                                                                       | P        | C          | P          |
| Hospital                                                                                  | P        | P          | P          |
| Hotel/Motel                                                                               | C        | -          | P          |
| Kennel: See Willard City General Ordinances Title 13-00-0-00.                             | C        | C          | C          |
| Locksmith/Key and Lock                                                                    | P        | C          | P          |
| Laundromat                                                                                | P        | P          | P          |

|                                                      |   |   |   |
|------------------------------------------------------|---|---|---|
|                                                      |   |   |   |
| Medical and Dental Clinic                            | P | C | P |
| Nursing Home                                         | - | C | C |
| Pet Grooming                                         | P | P | P |
| Pharmacy                                             | P | C | P |
| Residential Facilities for Persons with Disabilities | P | C | P |
| Slaughterhouse                                       | C | C | C |
| Tattooing/Body Art                                   | P | C | P |
| Towing/Impound Yard                                  | P | - | C |
| Transport/Trucking                                   | P | C | P |

**12-112-4.**

|                                                                                                                 |          |            |            |
|-----------------------------------------------------------------------------------------------------------------|----------|------------|------------|
| <b>A. Height Regulations</b>                                                                                    | <b>M</b> | <b>C-N</b> | <b>C-G</b> |
| The maximum height for all buildings and structures in districts regulated by this chapter shall be:<br>In feet | 50       | 35         | 50         |

**12-112-5.**

|                                                                                                                                                                                                                                                                                                         |          |            |            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|------------|------------|
| <b>A. Area, Width, Frontage, Yard and Coverage Regulations</b>                                                                                                                                                                                                                                          | <b>M</b> | <b>C-N</b> | <b>C-G</b> |
| Any Parcel larger than one acre at the time of passage of this ordinance may be divided or developed only under planned unit commercial development approval                                                                                                                                            | A        | A          | A          |
| Regulations as may be required by conditional use permit or by planned unit development approval. Except that no commercial building shall be located closer than fifteen feet to any residential district boundary line or to any street line which continues as frontage into a residential district. | A        | A          | A          |
| Except as may be allowed through planned unit development approval, buildings and structures                                                                                                                                                                                                            | 50       | 30         | 50         |

|                                                     |  |  |  |
|-----------------------------------------------------|--|--|--|
| may cover no more (percentage) of the lot area than |  |  |  |
|-----------------------------------------------------|--|--|--|

**12-112-6.**

| <b>A. Special Provisions</b>                                                                                                                                                                                                                                                                                                                                                          | <b>M</b> | <b>C-N</b> | <b>C-G</b> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|------------|------------|
| Any area outside of a building used for any accessory activity other than off-street parking and loading shall be completely enclosed within a solid fence or wall of a height sufficient to completely screen such activity from street or from adjoining parcels                                                                                                                    | A        | A          | A          |
| All uses shall be free from Objectionable noise, hazards, or nuisances                                                                                                                                                                                                                                                                                                                | A        | A          | A          |
| All uses shall be conducted from enclosed buildings except automobile service stations, automatic car wash, automobile and recreational vehicle or vehicle sales, lease, rental or repair, off-street parking and loading, plant material nurseries, outdoor restaurants, and commercial recreation, unless otherwise permitted by planned unit development or conditional use permit | A        | A          | A          |

# ITEM 2A

Willard City Planning &amp; Zoning

Printed: 01/30/2025

26 S 500 W

01/28/2025 - 01/27/2124

5868726

Conditional Use Permit

General

a90c24f0-ddb1-11ef-947e-7df6edc05d55

Under Review

Active

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## Application Review Status

|                       |              |            |
|-----------------------|--------------|------------|
| Pre-Review            | Approved     | 01/28/2025 |
| City Planner          | Reviewing    |            |
| City Manager          | Not Reviewed |            |
| City Engineers        | Not Reviewed |            |
| Public Works          | Not Reviewed |            |
| Legal Department      | Not Reviewed |            |
| Fire Department       | Not Reviewed |            |
| Planning Commissioner | Not Reviewed |            |
| City Recorder         | Not Reviewed |            |
| Final-Review          | Not Reviewed |            |

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## Fees

|                            |                 |
|----------------------------|-----------------|
| Conditional Use Permit Fee | \$250.00        |
| <b>Subtotal</b>            | <b>\$250.00</b> |
| <b>Amount Paid</b>         | <b>\$250.00</b> |
| <b>Total Due</b>           | <b>\$0.00</b>   |

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## Payments

|                   |        |                 |
|-------------------|--------|-----------------|
| 01/28/2025        | Online | \$250.00        |
| <b>Total Paid</b> |        | <b>\$250.00</b> |

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## Application Form Data

(Empty fields are not included)

First Name

Molly

Last Name

Forbush

Contact Email

**mollyforbush@gmail.com**

Phone Number

**(605) 641-9184**

Mailing Street Address

**26 S 500 W**

City

**Willard**

State

**UT**

Zip Code

**84340**

Owner First Name

**Molly**

Owner Last Name

**Forbush**

Phone Number

**(605) 641-3579**

Email

**mollyforbush@gmail.com**

Owner Street Address

**26 S 500 W**

City

**Willard**

State

**UT**

Zip Code

**84340**

Street Address

**26 S 500 W**

City

**Willard**

State

**UT**

Zip Code

84340

Parcel Number

02-087-0005

Subdivision Name

R-1/2

What is the nature of the use of the property that requires a Conditional Use Permit?

**Air BnB in the Basement**

How would you like to submit the adjacent property owner information?

**File Upload**

Upload the complete name/address list of all adjacent property owners within 500 feet of the project parcel.

☐ **CONDITIONAL USE PERMIT (CUP) APP ADDRESS LIST.pdf**

Upload Site Plan

☐ **CONDITIONAL USE PERMIT (CUP) APP SITE PLAN (1).pdf**

## Signature

OWNER(S) ACKNOWLEDGEMENT: All application fees must be paid at time of application submittal. No application will be processed until all application fees are paid. Notification and publication fees for required public hearing (cost of individual notices mailed to property owners – current postage rate plus cost of envelope – and cost of legal notice in local newspaper) and engineering review fees will be billed to applicant. Notification fees must be paid within 10 days of billing.

PLEASE NOTE REGARDING FEES: the payment of fees and/or the acceptance of such fees by City staff does not constitute any sort of approval, vesting, or signify that the application is complete or appropriate in any manner. The collection of fees is simply a requirement to begin the review process that will ultimately make such determinations.

I hereby declare under penalty of perjury that this application form and all information submitted as part of this application form is true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application form be incorrect or untrue, I understand that Willard City may rescind any approval or sufficiency determination or take other appropriate action.

Molly Forbush - 01/28/2025 12:54 pm

## Inspections

Van, please inspect the gravel driveway and ensure there is enough parking and safe entrances and exits.

## Property Owner's Affidavit

STATE OF UTAH )  
 ) SS  
COUNTY OF BOX ELDER )

I (we), Molly and Randall Forbush, 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 24 S. 500 W. 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 Molly Forbush / Randall Forbush  
Property Owner(s)

Agent Molly Forbush and Randall Forbush

Subscribed and sworn before me this 24<sup>th</sup> day of February 2025



Shelley Liggett  
Notary Public

My commission expires 05/15/2027

\*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 any Willard City Boards considering the application.

Signed \_\_\_\_\_  
Property Owner(s)

Agent \_\_\_\_\_

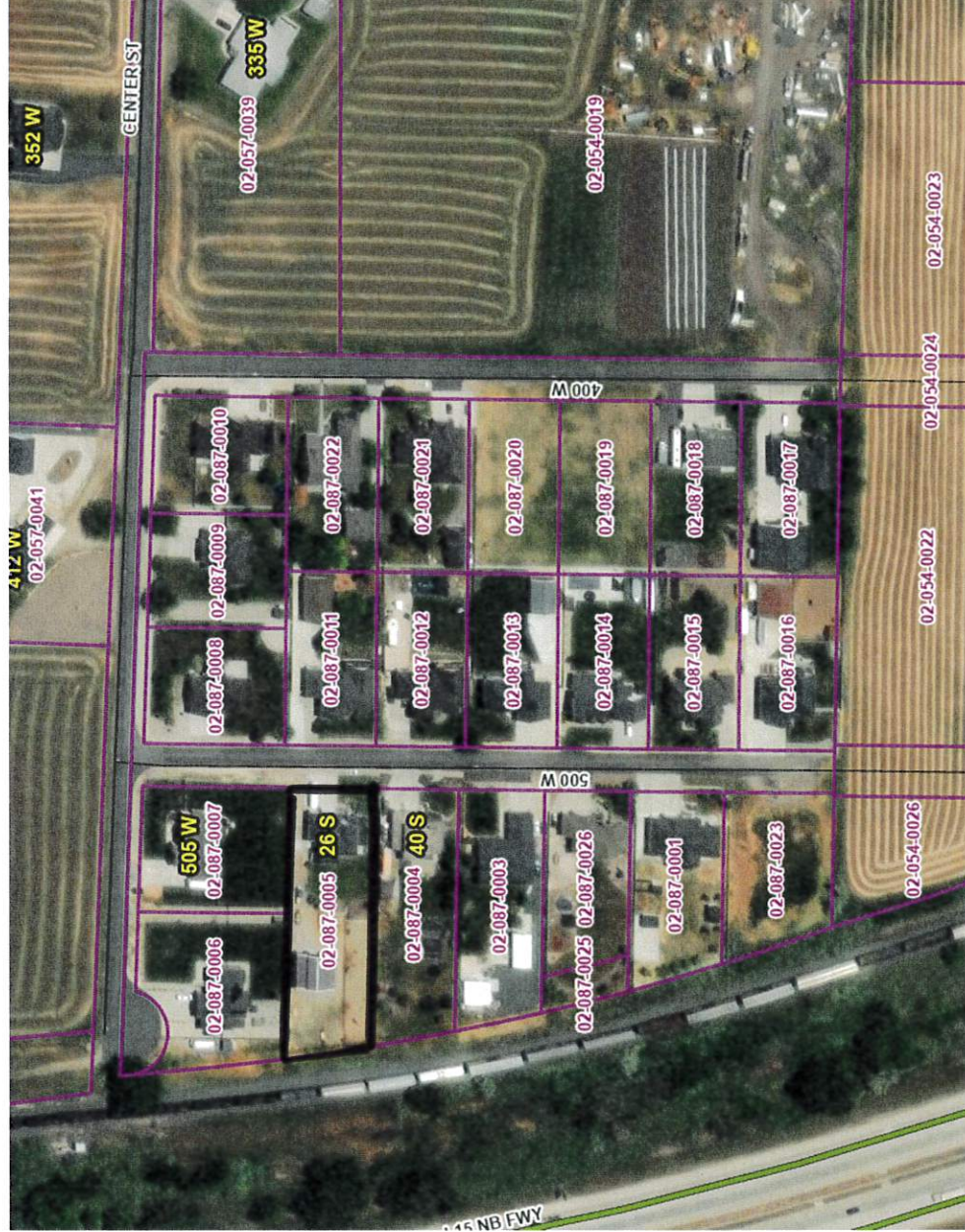
Subscribed and sworn before me this \_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

\_\_\_\_\_  
Notary Public

Residing in \_\_\_\_\_  
My commission expires \_\_\_\_\_

FORBUSH CONDITIONAL USE PERMIT

↑ North



**CONDITIONAL USE PERMIT (CUP) APPLICATION PACKET**

**OWNER NAME:** Molly Forbush

**OWNER EMAIL:** mollyforbush@gmail.com

**OWNER PHONE:** 605-641.3579

**STREET ADDRESS:** 26 S 500 W WILLARD, UT 84340

**PARCEL NUMBER:** 02-087-0005

**ZONING MAP:**

[https://experience.arcgis.com/experience/f54aaa75294543f29cad8eb196c982a0#data\\_s=id%3A94e3214d487a4506a3348eaa1d4021ff-Parcels\\_BoxElder\\_2936%3A35873](https://experience.arcgis.com/experience/f54aaa75294543f29cad8eb196c982a0#data_s=id%3A94e3214d487a4506a3348eaa1d4021ff-Parcels_BoxElder_2936%3A35873)

**SUBDIVISION NAME:** R-1/2

**USE/NATURE OF THE PROPERTY:** Air BnB in the Basement

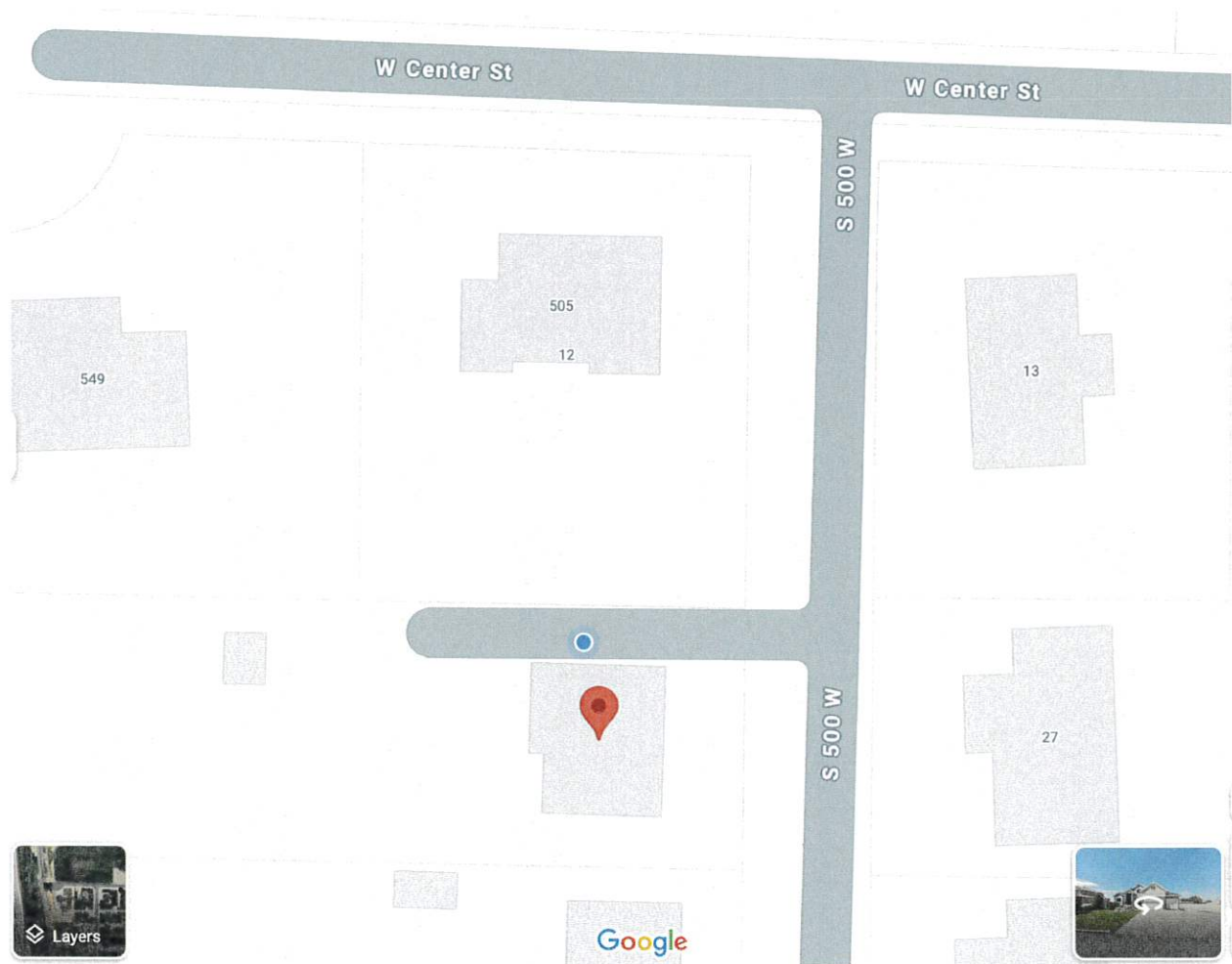


- I. Address List
- II. A complete name/address list of all adjacent property owners within 500 feet of the project parcel is required.
  - A. 505 W Center St. Willard, UT 84340
    1. Owner Name:
    2. Parcel Number: 02-087-0007
    3. Zone: R-1/2
    4. Distance: Approx. 300t
  - B. 549 W Center St. Willard, UT 84340
    1. Owner Name:
    2. Parcel Number: 02-087-0006

- 3. Zone: R-½
- 4. Distance: Approx. 500ft
- C. 40 S 500 W Willard, UT 84340
  - 1. Owner Name:
  - 2. Parcel Number: 02-087-0004
  - 3. Zone: R-½
  - 4. Distance: Approx. 150ft
- D. 13 S 500 W Willard, UT 84340
  - 1. Owner Name:
  - 2. Parcel Number: 02-087-0008
  - 3. Zone: R-½
  - 4. Distance: Approx. 600ft
- E. 27 S 500 W Willard, UT 84340
  - 1. Owner Name:
  - 2. Parcel Number: 02-087-0011
  - 3. Zone: R-½
  - 4. Distance: Approx. 150ft
- F. 41 S 500 W Willard, UT 84340
  - 1. Owner Name:
  - 2. Parcel Number: 02-087-0012
  - 3. Zone: R-½
  - 4. Distance: Approx. 150ft
- G. 412 W Center St. Willard, UT 84340
  - 1. Owner Name:
  - 2. Parcel Number: 02-057-0041
  - 3. Zone: R-½
  - 4. Distance: Approx. 350 ft.
- H. 54 S 500 W Willard, UT 84340
  - 1. Owner Name:
  - 2. Parcel Number: 02-087-0003
  - 3. Zone: R-½
  - 4. Distance: Approx. 200ft
- I. 55 S 500 W Willard, UT 84340
  - 1. Owner Name:
  - 2. Parcel Number: 02-087-0013
  - 3. Zone: R-½
  - 4. Distance: Approx. 200ft
- J. 69 S 500 W Willard, UT 84340
  - 1. Owner Name:
  - 2. Parcel Number: 02-087-0014

3. Zone: R-½
4. Distance: Approx. 300ft
- K. 82 S 500 W Willard, UT 84340
  1. Owner Name:
  2. Parcel Number: 02-087-0001
  3. Zone: R-½
  4. Distance: Approx. 400ft
- L. 83 S 500 W Willard, UT 84340
  1. Owner Name:
  2. Parcel Number: 02-087-0015
  3. Zone: R-½
  4. Distance: Approx. 400ft
- M. 97 S 500 W Willard, UT 84340
  1. Owner Name:
  2. Parcel Number: 02-087-0016
  3. Zone: R-½
  4. Distance: Approx. 500ft
- N. \*Address not listed for this parcel\*
  1. Owner Name:
  2. Parcel Number: 02-087-0026
  3. Zone: R-½
  4. Distance: Approx.
- O. 449 W Center St. Willard, UT 84340
  1. Owner Name:
  2. Parcel Number: 02-087-0009
  3. Zone: R-½
  4. Distance: Approx. 500ft
- III. Vicinity map and north arrow
- IV. Scale
- V. Property lines
- VI. The location and arrangement of all proposed uses, including the building area.
- VII. The height and number of floors of all buildings, other than single family dwellings, both above and below, or partially below, the finished grade
- VIII. A cross- section elevations plat depicting all buildings, structures, monuments, and other significant natural and man-made features of the proposed development
- IX. Setbacks from the property lines for all structures
- X. The traffic and pedestrian circulation system, including the location and width of all roads, driveways, entrances to parking areas, trails, and pedestrian pathways.

- XI. Dimensions and locations of off-street parking and loading areas and structures and landscaping for parking areas
- XII. Architectural elevations and features of typical proposed structures, including lighting fixtures, signs, fencing, and landscaping.
- XIII. When the development is to be constructed in stages or units, a final sequence of development schedule showing the order of construction for each age or unit.
- XIV. A final statement in tabular form which sets forth the following data, when such data is applicable to a given development plan:
  - A. The area of the parcel, including total acreage of roads or other easements;
  - B. Total number of dwelling units, by development phase, or total amount of square footage for non-residential uses;
  - C. Residential and/or non-residential density and units per acre;
  - D. Total floor area and floor area ratio for each type of use;
  - E. Total area in open space and trails;
  - F. Total area in development recreation open space;
  - G. Total number of off-road parking and loading spaces.
- XV. Building structure elevations drawn to scale (if applicable)
- XVI. Storm Water Pollution Prevention and Erosion Control Plan (SWPPP), per Willard City's Development Standards, Engineering requirements, and Supplemental specifications for Public Works Projects (if applicable).



Google Maps view of 26 S 500 W Willard, UT 84340 (Center Street is North).  
(Referencing the image above).



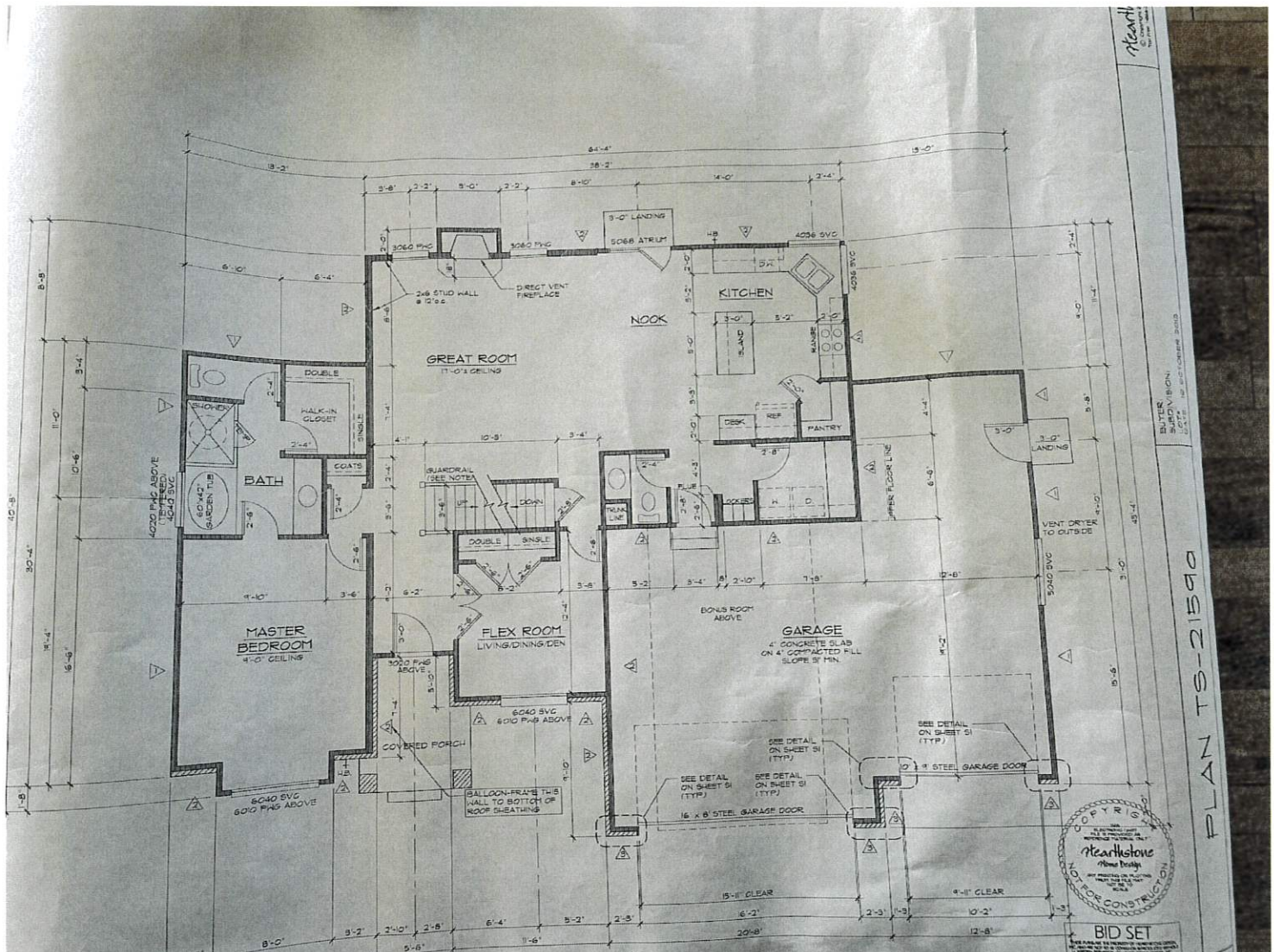
Street View of 500s and Center St. (South Facing), with the property: 26 S 500 W Willard, UT 84340 on the righthand side (West). (Referencing the image above).

View of driveway for entrance to air bnb lefthand side (south side of image ; north side of building). There is now a large gate and fence separating the air bnb from the rest of the property. This is also used as a private entrance for the air bnb. 500 W is Perpendicular to Center Street (North). 26 S 500 W Willard, UT 84340 is on the West side of 500 W. (Referencing the image below).



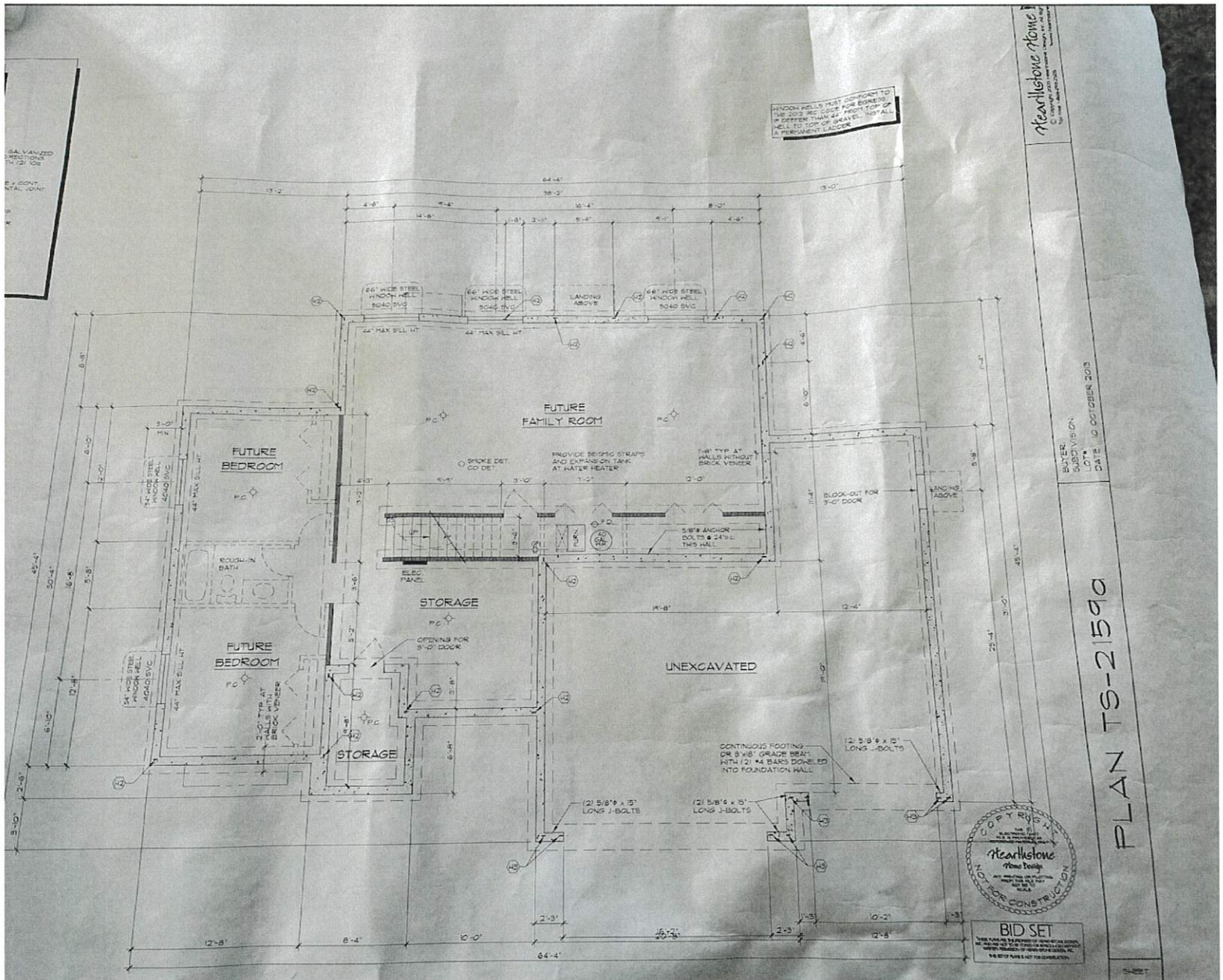


26 S 500 W Willard, UT 84340 (Referencing the image above). The driveway entry to the Air BnB is to the North side of the gravel driveway (right side of the image)



Main Level Layout. There is a 3rd story that is the upper level that we do not have a layout for. The Main and Upper levels are not used for rental and is used as the primary residence of Molly Forbush and family. (Referencing the image above).

This is the layout of the lowest floor, which is used for the Air BnB. (Reference above).





Air BnB Rental access and parking (North driveway)



Air BnB door access (Left side of image). Locked gate inaccessible for guests. Parking available in front of this gate (Referencing the image above).



Air BnB door access



Entryway



Kitchenette with full access to beverage fridge, refrigerator, pluggable stovetop, pantry, coffeemaker, and toaster oven.



Living Room



Hallway



Internal Air BnB access which will be locked during stays



Full bathroom and Bedroom 1 of 2 (Right)



Bedroom 2 of 2 (Left of bathroom).

## **Emergency Action Plan:**

### **1. Emergency Contacts**

- **Host Contact:**
  - **Molly Forbush**
    - (605) 641-9184 (Cell)
- **Local Emergency Number: 911 (Police, Fire, and Medical)**
- **Nearest Fire Department:**
  - **Willard City Fire Department**
    - 50 W 50 N Willard, UT 84340
    - 435-734-9881
- **Nearest Hospital:**

- Brigham City Community Hospital
  - 90 Medical Dr. Brigham City, UT 84302
  - 435-734-9471
- Ogden Regional Medical Center
  - 5475 S 500 E Ogden, UT 84405
  - 801-479-2111
- Local Non-Emergency Police:
  - Willard City Police Department
    - 80 W 50 S Willard, UT 84340
    - Dispatch: 435-723-3800
    - Office: 435-734-9889

## **2. Property Address**

26 S 500 W Willard, UT 84340 (Basement Apartment) North access through gravel driveway. Once you reach the end of the driveway and meet the gate, the entry door is to the left down the steps.

## **3. Evacuation Procedures**

### **Primary Exit Route:**

- Guests should exit through the main basement stairwell leading outside.

### **Secondary Exit Route:**

- If the primary exit is blocked, use the stairway leading to the upstairs main floor.

### **Assembly Point:**

- After evacuating, guests should gather at the end of the gravel driveway and street at the front of the main house and contact 911 for emergencies.

## **4. Fire Safety**

- Smoke Alarms: Installed in Bedroom 1 and 2, the hallway in between each bedroom, and the living room of the unit. These systems are tested monthly.
- Fire Extinguisher: Located under the kitchen sink.
- Fire Escape Plan: Guests should exit through the main basement stairwell leading outside. After evacuating, guests should gather at the end of the

gravel driveway and street at the front of the main house and contact 911 for emergencies (Assembly Point).

#### **In Case of Fire:**

1. Evacuate immediately using the primary or secondary exit route.
2. Call 911 once outside.
3. Use the fire extinguisher only if the fire is small and it is safe to do so.

#### **5. Severe Weather Events**

- **Tornado/Severe Storm:**
  1. Guests should move to the most secure area of the basement, away from windows (e.g., Bathroom or storage room).
- **Flooding:**
  1. Guests should avoid using electrical outlets or appliances in contact with water.
  2. Evacuate to higher ground if instructed.
- **Snowstorm/Power Outage:**
  1. Flashlights & Candles [kitchen drawer]
  2. Blankets are provided [bedroom closets]
  3. A list of local shelters and services is provided in the guest manual.

#### **6. Medical Emergencies**

- **First Aid Kit Location:** [Bottom left kitchen drawer].
- In case of a medical emergency, guests should call 911 and notify the host, Molly Forbush, immediately at 605-641-9184 or [mollyforbush@gmail.com](mailto:mollyforbush@gmail.com).

#### **7. Security and Intruder Situations**

- **Doors and Windows:** Always keep doors locked when inside or leaving the property.
- **In Case of Intrusion:**
  1. Lock yourself in a secure room and call 911.
  2. Avoid confrontation. Wait for law enforcement. Contact host, Molly Forbush when safe to do so at 605-641-9184.

#### **8. Guest Responsibilities**

- Read and familiarize yourself with this plan upon check-in.
- Report hazards or unsafe conditions to the host immediately.

| Omniom Residential Appraisal Report |  |                   |  |                               |  |  |                               |  |  |
|-------------------------------------|--|-------------------|--|-------------------------------|--|--|-------------------------------|--|--|
| FEATURE                             |  | SUBJECT           |  | COMPARABLE SALE NO. 4         |  |  | COMPARABLE SALE NO. 5         |  |  |
| 26 S 500 W                          |  |                   |  | 532 S 200 E                   |  |  | 10 W 1550 S                   |  |  |
| Address Willard, UT 84340           |  |                   |  | Willard, UT 84340             |  |  | Perry, UT 84302               |  |  |
| Proximity to Subject                |  |                   |  | 1.00 miles SE                 |  |  | 5.31 miles NE                 |  |  |
| Sale Price                          |  | \$ 999,999        |  | \$ 1,010,000                  |  |  | \$ 839,900                    |  |  |
| Sale Price/Gross Liv. Area          |  | \$ 407.50 sq. ft. |  | \$ 276.56 sq. ft.             |  |  | \$ 318.99 sq. ft.             |  |  |
| Data Source(s)                      |  |                   |  | WFR MLS #1901910;DOM 137      |  |  | WFR MLS #2028313;DOM 7        |  |  |
| Verification Source(s)              |  |                   |  | Box Elder Cnty Assessor Rcrds |  |  | Box Elder Cnty Assessor Rcrds |  |  |
| VALUE ADJUSTMENTS                   |  | DESCRIPTION       |  | DESCRIPTION                   |  |  | DESCRIPTION                   |  |  |
|                                     |  |                   |  | +(-) \$ Adjustment            |  |  | +(-) \$ Adjustment            |  |  |
| Sale or Financing                   |  |                   |  | ArmLth                        |  |  | Listing                       |  |  |
| Concessions                         |  |                   |  | Conv;0                        |  |  | ;0                            |  |  |
| Date of Sale/Time                   |  |                   |  | s09/23;c09/23                 |  |  | Active                        |  |  |
| Location                            |  | N;Res;            |  | N;Res;                        |  |  | N;Res;                        |  |  |
| Leasehold/Fee Simple                |  | Fee Simple        |  | Fee Simple                    |  |  | Fee Simple                    |  |  |
| Site                                |  | 31428 sf          |  | 1.03 ac                       |  |  | 15682 sf                      |  |  |
| View                                |  | N;Mtn;Res         |  | N;Mtn;Res                     |  |  | N;Mtn;Res                     |  |  |
| Design (Style)                      |  | DT2;Custom        |  | DT2;Custom                    |  |  | DT1;Rambler                   |  |  |
| Quality of Construction             |  | Q3                |  | Q3                            |  |  | Q3                            |  |  |
| Actual Age                          |  | 8                 |  | 4                             |  |  | 17                            |  |  |
| Condition                           |  | C2                |  | C2                            |  |  | C2                            |  |  |
| Above Grade                         |  | Total Bdrms Baths |  | Total Bdrms Baths             |  |  | Total Bdrms Baths             |  |  |
| Room Count                          |  | 8 4 2.1           |  | 9 4 3.1                       |  |  | 7 3 2.1                       |  |  |
| Gross Living Area                   |  | 60 2,454 sq. ft.  |  | 3,652 sq. ft.                 |  |  | 2,633 sq. ft.                 |  |  |
| Basement & Finished                 |  | 1566sf1331sfwo    |  | 2430sf2430sfwo                |  |  | 1890sf1796sfwo                |  |  |
| Rooms Below Grade                   |  | 0rr2br1.0ba3o     |  | 0rr2br1.0ba0o                 |  |  | 0rr4br1.0ba1o                 |  |  |
| Functional Utility                  |  | Average           |  | Average                       |  |  | Average                       |  |  |
| Heating/Cooling                     |  | GFWA/Cntrl        |  | GFWA/Cntrl                    |  |  | GFWA/Cntrl                    |  |  |
| Energy Efficient Items              |  | None              |  | None                          |  |  | None                          |  |  |
| Garage/Carport                      |  | 3ga3dw            |  | 3ga3dw                        |  |  | 3ga3dw                        |  |  |





**Utah State Tax Commission**

TAXPAYER SERVICES DIVISION 210 N 1950 W SALT LAKE CITY UT 84134-9000

Website: [tax.utah.gov](http://tax.utah.gov)

Letter Issue Date  
February 6, 2025

Letter ID  
L0019651488

Account Type  
Sales Transient Room (STR)

Account Number  
XXXX3157-002-STR



LITTLE PATCH FARM LLC  
26 S 500 W  
WILLARD UT 84340-9200



**~Important Notice~  
Your Sales Transient Room (STR) Account  
Personal Identification Number (PIN)**

This notice contains your **Sales Transient Room (STR)** account PIN. You will need this PIN when you sign up to use our secure Taxpayer Access Point (TAP) at [tap.utah.gov](http://tap.utah.gov).

TAP is our secure website where you can manage your tax accounts, file tax returns, make payments, view notices and update account information.

**It is very important that you sign up for a TAP account.** With your TAP account, you can manage who has access to your tax account(s) and monitor account activity. If you have a tax preparer and want them to be able to file your tax returns using TAP, you must sign up to create your own TAP account before they can file your returns using TAP.

NOTE: If you do not sign up for a TAP account, anyone who has your personal information and PIN could set up a fraudulent TAP account that may lead to identity theft or business theft.

**Your Sales Transient Room (STR) account PIN: D7T857.**

You will need this PIN to add access to your **Sales Transient Room (STR)** account at [tap.utah.gov](http://tap.utah.gov).

**Contact Information**

If you have any questions, please call the Taxpayer Services Division at 801-297-2200 or toll free at 1-800-662-4335 or send us a fax at 801-297-6358. You may also write to the Taxpayer Services Division at the address at the top of this notice.

Respectfully,  
Taxpayer Services Division

# ITEM 2B



WILLARD CITY  
**Conditional Use Permit (CUP) Review Committee – Special Meeting**  
November 7, 2024 – 4:00 p.m.  
Willard City Hall – 80 West 50 South  
Willard, Utah 84340

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

4  
5 The following members were in attendance:

6  
7 Jeremy Kimpton, City Manager  
8 Madison Brown, City Planner  
9 Zac Burk, City Engineer/Jones & Associates  
10 Theron Fielding, Police Chief  
11 Van Mund, Fire Chief  
12 Payden Vine, Public Works Director  
13 Sid Bodily, Planning Commission Chair  
14 Chad Braegger, Planning Commission  
15 Michelle Drago Deputy City Recorder  
16

17 Excused: Colt Mund, City Attorney; Chris Breinholdt, City Engineer.

18  
19 Others in attendance: Spencer Ormsby  
20

21 1. CALL TO ORDER  
22

23 Madison Brown, City Planner, called the meeting to order at 4:02 p.m. The secretary recorded a roll call  
24 attendance.  
25

26 2A. REVIEW AND CONSIDERATION OF A REQUEST FROM SPENCER ORMSBY TO CONSTRUCT  
27 A DETACHED ACCESSORY DWELLING UNIT LOCATED AT APPROXIMATELY 16 SOUTH 200  
28 WEST (02-051-0142)  
29

30 Time Stamp – 0:00 11/07/2024  
31

32 Madison Brown, City Planner, stated that the purpose of the meeting was to review a request from Spencer  
33 Ormsby to construct a detached accessory dwelling unit at 16 South 200 West. The proposed use was not  
34 a conditional use; it was permitted. However, the application process for accessory dwelling units was still  
35 being developed, which was another reason for using the CUP Review Committee  
36

37 Jeremy Kimpton, City Manager, pointed out that the ordinance gave the City Planner the authority to call  
38 for a CUP Review meeting.  
39

40 Ms. Brown said there were some questions about the site that needed to be resolved. One of the biggest  
41 was about the utility connections. She understood that Mr. Ormsby wanted to connect to the water and  
42 sewer utilities in 250 West rather than 200 West. The administration had spoken with the City Engineer and  
43 the City Attorney about what would be and would not be permitted.  
44

45 Jeremy Kimpton stated that Mr. Ormsby could connect to the utilities in 250 West, but he would have to  
46 pay the full impact fee rather than just 66% because there would be a separate meter and sewer connection,  
47 and he would be impacting the road.  
48



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Madison Brown said Willard required that the water account for an ADU be in the name of the property owner. The property owner would be responsible for payment of utilities.

Ms. Brown noted that Payden Vine, Public Works Director, had indicated the 10-foot driveway was okay.

Van Mund, Fire Chief, asked if the driveway would be on 200 West or 250 West. Ms. Brown said the proposed site plan showed the driveway access on 250 West. Chief Mund asked if the ADU would have an address on 250 West. Jeremy Kimpton said the ordinance required an ADU to use the primary address of the property. Chief Mund said he would not approve a driveway on 250 West with a 200 West address because of the problems it would cause for emergency responders. Theron Fielding, Police Chief, said police officers would have the same problem.

Chief Mund said the access had to come for 200 West, or the property had to be divided so the ADU could have an address on 250 West. Jeremy Kimpton said the parcel wasn't large enough to subdivide. Spencer Ormsby asked if the ADU had to have a driveway. Chief Mund said the ADU had to have access from 200 West so emergency responders had access in an emergency.

Zac Burk, City Engineer, said Spencer Ormsby's property was unique because it had frontage on two roads, and it wasn't a corner lot. Mr. Ormsby could have access on 250 West because his property was over 200 feet wide. The administration had talked about solutions for the mailing address. The ADU ordinance said the address for an ADU had to be tied to the main address, which would be 16 South 200 West B. The administration hadn't considered the problems the address could cause for emergency services.

Spencer Ormsby said he had a driveway on the north side of his house for a detached garage. To reach the ADU from 200 West, the driveway would have to go through the detached garage, which would destroy his yard. His property was set up perfectly to subdivide or to have the ADU face 250 West. He preferred to have the ADU face and access 250 West.

Chief Mund asked what access Spencer Ormsby had from 200 West. Spencer Ormsby said there was a detached driveway and a two-car garage on the north side of his lot. Behind the garage, his property sloped down about eight feet. About one hundred feet behind the garage, a fence divided the lot. He was going to use the fence line as a boundary for the ADU. There wasn't enough room for access on the south side.

Chad Braegger, Planning Commission, asked about the size of Spencer Ormsby's property. Mr. Ormsby said it was .61 acres, which wasn't large enough to divide.

There was a discussion about the access needs of emergency responders.

Spencer Ormsby asked about having a separate address for the ADU. Van Mund said that a parcel could only have one legal address. The legal address is what would be shown when dispatch received a 911 call.

Chad Braegger asked for a clarification of the ordinance regarding utilities for ADU's. He thought all the utilities had to come from the home. Mr. Kimpton said they did for internal ADU's. The ordinance wasn't clear about detached ADU's. After discussion, the administration felt that if a detached ADU had utilities separate from the main home, it had to pay full impact fees.

Chad Braegger and Zac Burk asked about Mr. Ormsby's plans for the ADU. Spencer Ormsby said he would either live in it and rent the home or live in the home and rent the ADU. He preferred to live in the new unit.



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98 Chief Fielding said other ADU's had been for family members. Jeremy Kimpton said the state law no longer  
99 restricted ADU's to family members. An ADU could be rented to anyone as long as the property owner lived  
100 on the property.

101  
102 Jeremy Kimpton stated that Spencer Ormsby might have to work with the Police and Fire Chiefs to find a  
103 solution to the address/access issue.

104  
105 Spencer Ormsby asked if there could be special notes in the emergency response system about an  
106 address. Fire Chief Mund said that when someone called 911, the address of the caller was displayed. The  
107 address was based on the legal address assigned to a parcel number.

108  
109 Chief Mund asked what was behind the detached garage. Spencer Ormsby said there was about 200 feet  
110 of grass. He could run a sidewalk to the ADU from 200 West, but the sidewalk would run into the back of  
111 the house.

112  
113 Chief Fielding was concerned about getting vehicular access via a sidewalk.

114  
115 Chad Braegger asked if a 4-foot sidewalk would be wide enough for emergency responders. Chief Mund  
116 felt it would be if there weren't a lot of obstacles. Spencer Ormsby said the sidewalk would be sloped or  
117 have steps because of the property elevation.

118  
119 Madison Brown asked if there could be access from 250 West if there was a sidewalk or gravel path from  
120 200 West. Chief Mund said yes, but he felt sidewalk would be better than gravel.

121  
122 There was a lengthy discussion about how addresses and dispatch worked. Madison Brown asked if it was  
123 possible to add notes. Chief Fielding said was, but it depended on whether the dispatcher bothered to look  
124 them up in an emergency.

125  
126 Michelle Drago, Deputy Recorder, said the city would issue a building permit with an address on 250 West,  
127 but the address that would be shown to a dispatcher would be the legal address on 200 West.

128  
129 Jeremy Kimpton suggested that the committee seek legal counsel from the City Attorney regarding two  
130 addresses. How could it be legally justified? There had to be a safe and clear avenue for emergency  
131 services. He did not feel there would be an issue if Spencer Ormsby's tenant accessed the ADU from 250  
132 West, but for safety reasons there needed to be safe access from the primary street.

133  
134 Sid Bodily asked if the distance from 200 West to the ADU would be a problem for a fire truck. Chief Mund  
135 said it wouldn't.

136  
137 Madison Brown said that the staff would check with the City Attorney, but it sounded like the address for  
138 the ADU would be 16 South 200 West Unit B. Spencer Ormsby could build the ADU, but there would have  
139 to be an approved way to access it from 200 West, such as a hard-surface sidewalk. If Mr. Ormsby was  
140 okay with that, he could proceed with a building permit application.

141  
142 Spencer Ormsby asked why he would have to pay the full impact fee. Jeremy Kimpton said the City  
143 Attorney's legal opinion was that a full impact fee should be charged if an ADU had its own meter and sewer  
144 lines. Mr. Ormsby said that was not how the ordinance was written. Chad Braegger said the 66% impact  
145 fee was based on utilities coming from the main house. Payden Vine, Public Works Director, said a separate  
146 water meter and sewer connection meant an ADU was impacting both systems at 100%. Public Works



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would have to maintain another setter, meter box, and service line. Zac Burk said that installing new water and sewer connections also impacted the road, and 250 West was a brand-new road.

Spencer Ormsby asked if the square footage of the structure included a garage. Jeremy Kimpton said the administration had discussed that as well. He felt the square footage referred to living space. The City Attorney felt ordinance referred to the total footprint. The administration had not reached a clear consensus.

Spencer Ormsby stated that there was a question about the height of the ADU. It would be lower than the existing home because it would be lower in elevation. His existing house was 20 feet in height. There was an eight-foot elevation drop. The ADU would not be taller than the home.

There was a discussion about whether the height was determined by elevation or grade-to-peak (or floor datum) of the primary home. Jeremy Kimpton said the staff would get a legal opinion regarding the height.

Spencer Ormsby asked if he could place the ADU 10 feet from the property line on 250 West because technically that was his back property line. Jeremy Kimpton stated that Mr. Ormsby had two frontages. A structure was required to have a thirty-foot frontage setback.

Spencer Ormsby asked how deep the water and sewer were on 250 West. Zac Burk provided rough depth estimates of 7 to 9 feet. It would be best for his contractor to verify depths before constructing anything. The water was on the west side of 250 West; the sewer was on the east side. The irrigation company had lines down the middle of the road.

2B. CONSIDERATION AND APPROVAL OF OCTOBER 17, 2024, MINUTES

**Zac Burk moved to approve the October 17, 2024, minutes as written. Sid Bodily seconded the motion. All voted “aye.” The motion passed unanimously.**

3. ADJOURN

**Michelle Drago moved to adjourn at 4:52 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 11-07-2024