



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

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

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

Others in attendance: Spencer Ormsby

1. CALL TO ORDER

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

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

Time Stamp – 0:00 11/07/2024

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

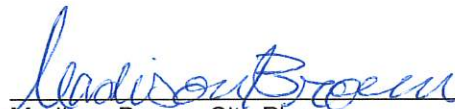
2B. CONSIDERATION AND APPROVAL OF OCTOBER 17, 2024, MINUTES

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

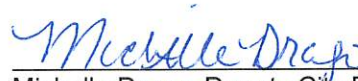
3. ADJOURN

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: 2/27/25



Madison Brown, City Planner



Michelle Drago, Deputy City Recorder

dc:CUP 11-07-2024