



Notice is hereby given that the  
**WILLARD CITY PLANNING COMMISSION**  
Will meet in a regular session on  
**Thursday, August 18, 2022 – 6:30 p.m.**  
**Willard City Hall, 80 West 50 South**  
**Willard, Utah, 84340**

### **AGENDA**

*The meeting will be held in accordance with current COVID-19 guidelines.*

*(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. Roll Call
4. General Public Comment (Input for items not on the agenda. Individuals have three minutes for open comments)
5. Report from City Council
6. Discussion/Action Items
  - a. Consideration of a Conditional Use Permit for Jeff and Brenda Moyes for a mechanic shop located at approximately 51 North Main (Parcel No. 02-047-0177)
  - b. Consideration of concept plan for Lynn Beard Subdivision located at approximately 295 West 750 North (Parcel Nos. 02-046-0001, 02-046-0004, 02-046-0044, 02-046-0045, 02-046-0075, 02-046-0076, 02-046-0077)
  - c. Review and recommendation regarding Future Land Use Map and portions of the General Plan
  - d. Discussion regarding adopting standards for Accessory Dwelling Units
7. Consideration and approval of the July 21, 2022, 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](http://www.willardcity.com), and sent to the Box Elder News Journal this 12th day of August, 2022.

*/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.



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**WILLARD CITY PLANNING COMMISSION  
APPLICATION FOR PLANNING COMMISSION HEARING**

Application Date:

7-26-2022

Assessor's Parcel Number

Applicant:

299 Paxton Place

Mailing Address

Brigham City

Ut 84302

51 N. Main

Project Address

Willard, Ut 84340

801-648-8131 (Brenda)

Phone Number

801-528-8461 (Jeff)

Cell Phone

51 North Main

Parcel Legal Description

Opd Willard, Ut 84340  
02-047-0177

Leasing a mechanic shop

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.

# APPLICANT'S AFFIDAVIT

STATE OF UTAH )  
 ) SS  
COUNTY OF BOX ELDER )

I, (we) Jeff & Brenda Maye 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 51 North Main Willard, UT 84 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 26 day of July 2022



Michelle Drago  
Notary Public

Residing in

My commission expires:

\* 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 \_\_\_\_\_ 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: 125178034**

| Transaction detail for payment to Willard City.                                  |                |          | Date: 07/26/2022 - 12:16:36 PM MT |
|----------------------------------------------------------------------------------|----------------|----------|-----------------------------------|
| Transaction Number: 178182745PT<br>VisaXXXX-XXXX-XXXX-0597<br>Status: Successful |                |          |                                   |
| Account #                                                                        | Item           | Quantity | Item Amount                       |
|                                                                                  | Developer Fees | 1        | \$25.00                           |
| Notes: CUP APPLICATION FOR JEFF AND BRENDA MOYES                                 |                |          |                                   |

**TOTAL: \$25.00**

| Transaction detail for payment to Willard City.                                  |             |          | Date: 07/26/2022 - 12:16:37 PM MT |
|----------------------------------------------------------------------------------|-------------|----------|-----------------------------------|
| Transaction Number: 178182750PT<br>VisaXXXX-XXXX-XXXX-0597<br>Status: Successful |             |          |                                   |
| Account #                                                                        | Item        | Quantity | Item Amount                       |
|                                                                                  | Service Fee | 1        | \$1.25                            |
| Notes: CUP APPLICATION FOR JEFF AND BRENDA MOYES                                 |             |          |                                   |

**TOTAL: \$1.25**

**Billing Information**  
JEFF MOYES  
BRIGHAM CITY, UT 84302

**Transaction taken by:** Admin mdragoCaselle MD



# Box Elder County Web Map

Recorder: *Carlyne*



41.40968 -112.03613 Degrees



# WILLARD CITY PLANNING COMMISSION SUBDIVISION APPLICATION

Application Date

10/27/21

Proposed Subdivision Data

Subdivision Name

Applicant

Lynn Beard

Application Level (Check One)

☒ Sketch Plan

Mailing Address

295 W. 750N

Date

Approval

Willard Ct 84340

☐ Preliminary Plat\*

\*(Not required for In-fill Subdivisions)

Project Address

same

Date

Approval

Email Address

lynnbeard7@gmail.com

☐ Final Plat

Phone Number

435 237 9525

Date

Approval

Cell Phone

71

Assessor Parcel Number

Fax Number

Number of lots

**FEES MUST ACCOMPANY APPLICATION SUBMISSION AT EACH LEVEL.**

## FEE COMPUTATION

|                  | Administrative  | Engineering             | Attorney         | TOTAL |
|------------------|-----------------|-------------------------|------------------|-------|
| Sketch Plan      | \$50 + \$2/Acre | Billed to the Developer |                  |       |
| Preliminary Plat | \$50 + \$15/Lot | Billed to the Developer | \$100 + \$10/Lot |       |
| Final Plat       | \$50 + \$5/Lot  | Billed to the Developer | \$50 + \$5/Lot   |       |

**CAUTION:** No part of the proposed subdivision may be sold or offered for sale until the Final Plat is approved by the Willard City Council.

# APPLICANT'S AFFIDAVIT

STATE OF UTAH

)  
) SS

COUNTY OF BOX ELDER)

I, (we) Lynn Beard, 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 \_\_\_\_\_ 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 27<sup>th</sup> day of Oct. 2021

Michelle K. Snarr

Notary Public

Residing in Box Elder County, UT

My commission expires: Jan. 27, 2026

\* 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 \_\_\_\_\_ 20 \_\_\_\_\_

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

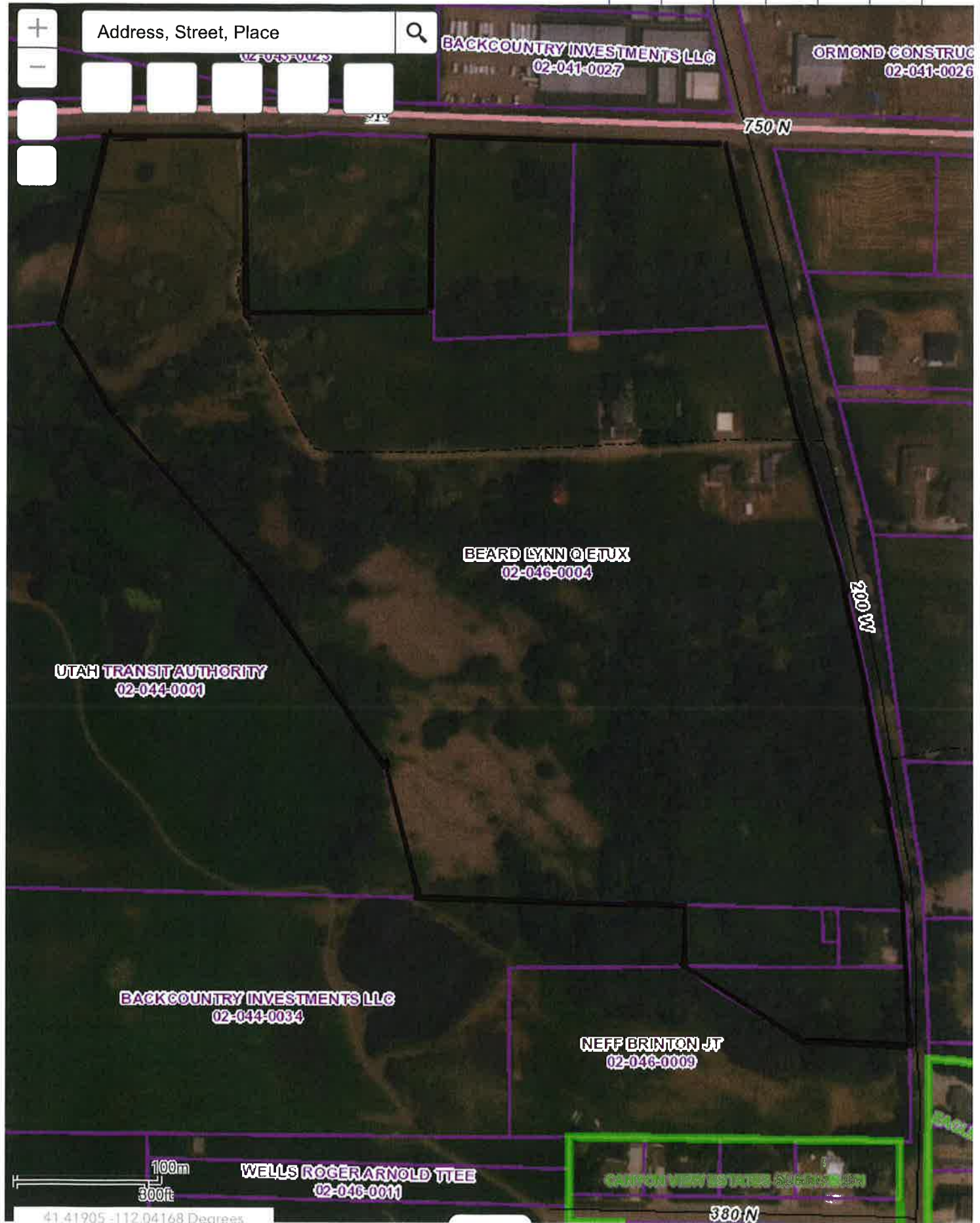
Residing in \_\_\_\_\_

My commission expires: \_\_\_\_\_



# Box Elder County Web Map

Records: 50/50000 1



**Engineer's Notice To Contractors**

The existence and location of any underground utility pipes or structures shown hereon are approximate and shall be confirmed in the field by the contractor. The locations shown are approximate and shall be confirmed in the field by the contractor. It is the responsibility of the contractor to locate all utilities and structures prior to construction. The contractor is required to contact the appropriate authorities to determine the exact location of all utilities and structures and may then make adjustments to the construction plans. No record or other notes shall be made on these plans.





## **[DRAFT 08-04-22]**

### **CHAPTER 12-102-23. Accessory Dwelling Units**

#### **12-102-23-1 Purpose.**

Accessory Dwelling Units in single-family residential zones 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 choice in residential zones.
- (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, ~~Which is not~~ attached to the Primary Dwelling which provides fully connected utility services to the unit and is used as a dwelling and for the purpose of offering a long-term rental of thirty (30) consecutive calendar days or longer. A Detached Accessory Dwelling Unit must be located on the same lot of record as the Primary Dwelling.

(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 ~~consecutive~~ (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.

#### **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.**

**Commented [CM1]:** Commissioner Dubovik--Do we require a separate kitchen for an Internal ADU?

**Commented [CM2]:** What if a laundry room is located in the basement so that the owner of the primary dwelling needs to access this area to do laundry?

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 shall obtain a rental business license issued by Willard City; before the Accessory Dwelling Unit is rented. Such rental business license ~~must~~<sup>shall</sup> remain valid and ~~must~~<sup>shall</sup> 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) The Accessory Dwelling Unit shall be served by the utility meter serving the Primary Dwelling. The installation of a separate utility meter for an Accessory Dwelling Unit is prohibited.~~
- ~~(45)~~ Accessory Dwelling Units shall be allowed as a Permitted Use in R-1, R-1/2, and C-N Zones.
- (6) 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.
- (7) The Accessory Dwelling Unit shall include separate dedicated kitchen and bathroom facilities for the exclusive use of the Internal Accessory Dwelling Unit occupants
- (8) 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.
- (9) The Accessory Dwelling Unit parking space shall not be located within the clear view area on a corner lot.
- (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.

**Commented [CM3]:** Our conditional use tables do allow for an AIR BNB to be located in commercial-general. The issue becomes do we want to allow ADU's to be used as AIR BNB's? As of right now, the primary dwelling could be used as an AIRBNB if the individual has obtained a business license.

(15) Accessory Dwelling Units are exempt from the residential density standard of the Willard City Zoning Code.

(16) Each Accessory Dwelling Unit shall have ~~its own address assigned by Willard City. OR~~ An ADU 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) 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 Primary Dwelling and the Internal Dwelling Unit shall have the same address number.~~

(5) 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~~ adjacent properties.

3. A Detached Accessory Dwelling Unit shall have the same or similar design as the Primary Dwelling.

4. A Detached Accessory Dwelling Unit shall be complementary to the Primary Dwelling's architectural character by using similar exterior building materials, window types, door and window trims, roofing materials, roof pitch, and permanent foundation.

5. A Detached Accessory Dwelling Unit shall maintain the same or similar color of the Primary Dwelling.

6. Be designed or appear so that, to the degree reasonably feasible, the appearance of the building is compatible with the architectural components of the Primary Dwelling (exterior materials, color, and roof pitch).

7. The height shall not exceed the height of the Primary Dwelling.
8. Exterior stairways and landings shall not encroach into a setback.
9. 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 rear 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.

10. Balconies and rooftop decks are prohibited.

11. 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.

Formatted: Font: (Default) Times New Roman, 12 pt

#### **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 ~~Internal~~ Accessory Dwelling Unit.
- (3) A statement that the ~~Internal~~ 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.





WILLARD CITY  
**Planning Commission Meeting – Regular Meeting**  
Thursday, July 21, 2022 – 6:30 p.m.  
Willard City Hall – 80 West 50 South  
Willard, Utah 84340

1 The meeting was a regular 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 Sid Bodily, Chairman Chris Davis, City Manager  
8 Diana Baker Colt Mund, City Attorney  
9 Alex Dubovik Bryce Wheelwright, City Planner  
10 Blake Harrop Vanessa Bird, Secretary

11  
12 Excused: Chandler Bingham and Zac Hulseley

13  
14 Others in attendance: .Mayor Travis Mote; Councilman John Seamons; and Chad Braegger.

15  
16 The meeting was called to order at 6:30 p.m.

- 17  
18 1. PRAYER: Blake Harrop  
19  
20 2. PLEGE OF ALLEGIANCE: Sid Bodily  
21  
22 3. ROLL CALL: Attendance was recorded by the secretary.  
23  
24 4. GENERAL PUBLIC COMMENTS (INPUT FOR ITEMS NOT ON AGENDA)

25  
26 There weren't any public comments.

- 27  
28 5. CITY COUNCIL REPORT

29  
30 Time Stamp 1:46 7/21/2022

31  
32 Councilman John Seamons reported on the movability audit, the annexation, and the loss of police officers  
33 due to the pay schedule and workload, The City Council held a work session to discuss how to come up  
34 with money to fund another officer. The newspaper had done a really good job of reporting recent meetings.

- 35  
36 6A. REVIEW AND RECOMMENDATION REGARDING FUTURE LAND USE MAP AND PORTIONS  
37 OF THE GENERAL PLAN

38  
39 Time Stamp: 7:54 7/21/2022

40  
41 Bryce Wheelwright, City Planner, stated that the City had not received additional information from Bruce  
42 Parker, the City's General Plan consultant, regarding the Future Land Use Map. He asked if the Planning  
43 Commission members had reviewed the information the City did have, and if they had any suggestions. He  
44 pointed out that the area around 750 North was zoned for Commercial General, which was retail. The  
45 Commercial Neighborhood Zone along Highway 89 was for really light commercial. If the City was going to  
46 have a more intensive commercial area, where did the Planning Commission feel it should be located?  
47 Another topic to be considered was residential density. He asked the Planning Commission to look at the  
48 Future Land Use Map and consider where uses should be located. Then there could be a discussion  
49 regarding pros and cons.



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Chairman Bodily stated that the Future Land Use Map showed Transit Oriented Development on both sides of 750 North. He thought the TOD Zone was only located on the north side. Mr. Wheelwright said the Planning Commission was considering a Future Land Use Map, not a Zoning Map. The current TOD Zone in the City was located on the north side of 750 North. However, UTA had purchased the Zundel property on the south side of 750 North. When UTA was ready to develop that property, they would ask for a TOD Zone. The proposed Future Land Use Map reflected that future possibility.

Commissioner Dubovik clarified that the Future Land Use Map contained future zoning recommendations, and that the Planning Commission was looking for further details about those recommendations.

Commissioner Baker asked if there was a plan to extend 500 West south from 750 North to Center Street. Chris Davis said UTA wanted to have 500 West. Commissioner Baker felt that portion of 500 West would be a good place for commercial. It would have good visibility and access from the Interstate.

Bryce Wheelwright stated that the County had a Corridor Preservation Fund, which was used to purchase land to preserve a Front Runner corridor. It might be a possible funding source for the completion of 500 West. The construction of 500 West would provide a solution for a second access for the Mountain Shadows Subdivision. Another commercial/industrial spot was north of Flying J.

Chairman Bodily asked that the Planning Commission members review the Future Land Use Map and be prepared to discuss it at the next meeting.

6B. DISCUSSION REGARDING ADOPTING STANDARDS FOR ACCESSORY DWELLING UNITS

Time Stamp: 14:58 07/21/2022

Chairman Bodily noted that the City Engineer had made a recommendation regarding impact fees for detached accessory dwelling units. Chris Davis, City Manager, said the City Engineer felt the standard for detached accessory dwelling units should be 66%, or 2/3, of the impact fees for single-family dwelling units.

Bryce Wheelwright said that according to the City Engineer a multi-family unit was 2/3 of an ERU (equivalent residential unit) because they didn't do outside watering. So the impact fees should be 2/3, or 66% of an ERU.

In response to a question from Commissioner Dubovik, Colt Mund, City Attorney, stated that the impact fees would only apply to detached ADU's. The State Code did not allow cities to charge impact fees for internal ADU's.

Commissioner Harrop asked if there had been a demand for ADU's in Willard. Chairman Bodily stated that the State had mandated that cities allow internal ADU's. The staff and Planning Commission were trying to come up with regulations to enforce that mandate. Colt Mund stated that two years ago the State passed a law that restricted municipalities from not allowing internal accessory dwelling units.

Commissioner Harrop asked if these were flag lots. Mr. Mund said they were not. Internal ADU's were located inside an existing single-family structure. The State passed the law because there was such a demand for housing along the Wasatch Front. The City could regulate certain portions of the internal dwelling units. There currently wasn't a State code regarding detached ADU's, but he felt the State would soon address them. If the State passed a law governing detached ADU's, it would limit how much the City could regulate them.



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Willard, Utah 84340

99 Mayor Mote stated that he had asked the staff to address both internal and detached ADU's so enforcement  
100 could be provided for some existing conditions in the City.

101  
102 Commissioner Harrop asked if existing ADU's would be grand-fathered and protected from enforcement.  
103 Colt Mund felt there might be a gray area that could be used to bring existing units into compliance.

104  
105 Colt Mund stated that the Draft ADU ordinance had been updated to include the impact fees recommended  
106 by the City Engineer, criminal penalties for violations and non-compliance, and separate addresses.

107  
108 Commissioner Harrop asked about parking. Colt Mund the State Code talked about parking. The proposed  
109 City Code did as well. Both said that if an ADU was created additional parking had to be provided. If a  
110 carport was turned into an ADU, the lost parking and additional parking would have to be required.

111  
112 Chairman Bodily asked if the ADU Ordinance limited the size of a detached ADU to 25% of the rear yard  
113 space. Bryce Wheelwright said the City's Zoning Ordinance already limited accessory buildings to 25% of  
114 total rear yard space. Chairman Bodily felt sizing would be covered by the City's limitations on use of rear  
115 yard space and the minimum and maximum size of 300 square feet and 1,000 square feet in the ADU  
116 Ordinance.

117  
118 Colt Mund referred to 12-102-23-4(5), which said, "*Accessory Dwelling Units shall be allowed as a*  
119 *Permitted Use in R-1, R-1/2, and C-N Zones.*" State Code said internal ADU's had to be permitted uses.  
120 Did the Planning Commission want to consider ADU's in other zones. Should detached ADU's be permitted  
121 or conditional?

122  
123 Chairman Bodily wasn't sure about allowing an ADU in a Manufacturing Zone. Mr. Mund said an ADU would  
124 be a conditional use in a Manufacturing Zone. An ADU would not be permitted in the Industrial or Agricultural  
125 Zones.

126  
127 Commissioner Dubovik asked about the process for a conditional use. Would a citizen apply for a  
128 conditional use if he did not comply with something in the ordinance? Mr. Mund said all ADU's had to comply  
129 with the ADU regulations. A citizen could apply for a conditional use if he wanted to locate an ADU in a  
130 zone where an ADU was allowed as a conditional use. If someone applied for a conditional use, what other  
131 conditions would the Planning Commission consider?

132  
133 Commissioner Baker stated that most lots in the City were half-an-acre or more. She felt that allowed ample  
134 room between neighbors.

135  
136 Commissioner Harrop clarified that an ADU had to be located on an established residential lot. Mr. Mund  
137 said that was correct.

138  
139 Chairman Bodily asked about A-5 Zones. Colt Mund said that an ADU was an accessory use. There had  
140 to be a primary dwelling on the property before there could be an ADU. Most properties in the agricultural  
141 zones did not have primary dwelling units.

142  
143 Commissioner Baker felt a lot of families in Willard would put in ADU's.

144  
145 Commissioner Dubovik felt the ordinance was well written, but a few areas did not fit Willard's personality.  
146 The ordinance said part of its purpose was to produce additional income. Why did the ordinance restrict  
147 ADU's from short-term rentals? Colt Mund said an internal ADU was defined as something that was offered



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for rent for 30 consecutive days or more. If someone offered to rent their basement for 5 days it did not meet the definition of an ADU. It met the definition of an Airbnb. In his legal opinion, Airbnb's were a separate issue from ADU's. Airbnb's were included in the City's conditional use tables. The City could come up with an ordinance for Airbnb's.

Commissioner Dubovik asked if someone could apply for a conditional use permit to use an ADU as an Airbnb. Mr. Mund felt there could be a way to do that.

Commissioner Harrop asked if there was a difference between an Airbnb and an ADU. Colt Mund said the difference was the length of stay. He did not feel an internal ADU offered for short-term rental fell within the ADU ordinance. There was a difference between short-term and long-term rentals. The City could regulate a detached ADU however it wanted.

Bryce Wheelwright said a short-term rental was more like a business.

Commissioner Dubovik said someone could Airbnb a bedroom. Mr. Mund said someone could Airbnb their own house. It would not be an ADU because another apartment or dwelling was not being created within the home.

Commissioner Harrop said the purpose of an ADU and an Airbnb was extra income. Was there much separation between the two?

Commissioner Dubovik didn't want to restrict that type of opportunity. The City had provisions for an Airbnb, which could be a bedroom or a whole house. If something was permitted as an ADU, an extra step might be needed to address the 30-day restriction.

Colt Mund felt he and Bryce Wheelwright needed to look at the Table of Uses in the Zoning Ordinance to see what was allowed. An ADU was meant for long-term rental. He felt there was space for someone to run an Airbnb contingent on application for a conditional use permit.

Chad Braegger, 3790 South 1200 West, asked if the ordinance limited a single property to one primary dwelling unit and one ADU. Mr. Mund said it did. The ADU could be internal or detached, but a homeowner could not have both.

Chad Braegger asked if an ADU would be prohibited on a one-acre lot. Colt Mund said an ADU would be permitted on a residential one-acre. The proposed ordinance permitted ADU's on any residential lot and in the Commercial Neighborhood Zone.

Chad Braegger asked if there would be an issue with a structure that contained 1,000 square feet of living space and 2,000 square feet of barn space. Colt Mund said that if it was a structure considered for dwelling it would be classified as an ADU.

Mayor Mote felt the detached ADU needed to be more defined to allow a detached garage with an apartment above it.

Commissioner Dubovik felt the detached ADU should only take into consideration the living space, not the overall size of the structure.



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Colt Mund stated the dwelling unit would be subject to the 1,000 square foot restriction, not the entire structure itself.

Commissioner Harrop said the City could fall back on the not-to-exceed 25% of the backyard space to prevent some monstrosity.

Mayor Mote asked if there would be setback restrictions for a detached garage with an ADU. Bryce Wheelwright said an accessory building had to be 10 feet behind the main structure. It could not take up more than 25% of the rear yard, and it had to meet the side yard requirements.

Commissioner Dubovik asked about the necessity of having a dedicated kitchen for an ADU. He agreed with the need for a dedicated kitchen in a detached ADU, but he did not feel a dedicated kitchen or bathroom should be required for an internal unit. Mr. Mund said the State Code did not state anything about a kitchen. A kitchen could be left to the discretion of the City.

Commissioner Dubovik asked about exterior lighting for detached ADU's found in 12-102-23-6(2). He did not feel a light existed that could comply with the ordinance and provide enough light for safety. Could there be a distinction between ground lights and flood lights? Chairman Bodily said lights could be directed downward. Colt Mund felt the section could be reworded to prevent light from encroaching onto a neighboring property.

Chairman Bodily asked that Bryce and Colt look at the Table of Uses for Airbnb's. He asked that Mr. Mund make the change regarding lighting. Commissioner Dubovik asked that the 'either or' statement regarding addresses be fixed. The Commission liked using the main address with the letter of 'B.'

Commissioner Harrop asked that the word *year* found in the third paragraph on Page 4 be changed to *yard*.

7. CONSIDERATION AND APPROVAL OF JULY 7, 2022, REGULAR PLANNING COMMISSION MINUTES

**Commissioner Baker moved to approve the regular Planning Commission minutes of July 7, 2022, as written. Commissioner Harrop seconded the motion. All voted" aye." The motion passed unanimously.**

8. COMMISSIONER/STAFF COMMENTS

Time Stamp: 44:17 07/21/2022

Commissioner Harrop

Did not have any comments.

Commissioner Baker

Commissioner Baker asked if Tikki Ice, 68 North Main, was back in business. Bryce Wheelwright said he had seen an open sign.

Chairman Bodily



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Chairman Bodily felt the advertisement signs hanging on the elementary school's fence along Highway 89 were an eyesore. Did the City's Sign Ordinance allow temporary signs? Bryce Wheelwright said the City had allowed the school to have the signs as a fundraiser. Chairman Bodily realized the signs were a revenue source for the school, but they were against the Sign Ordinance.

Commissioner Baker said she had raise the same concern two years ago.

Bryce Wheelwright said the City did have regulations for temporary signs, which the school had complied with. Chairman Bodily said some of the signs had been up for the entire school year.

Chairman Bodily was concerned about the appearance of the old Flying J building located on the east side of Highway 89 just south of the Willard City boundaries. It was an eyesore too. Did the County have nuisance standards?

Commissioner Dubovik

Did not have any comments.

Bryce Wheelwright

Bryce Wheelwright reminded the Planning Commission that some time ago, it had approved a conditional use permit for The Shack, located at 30 North Main, to become a Fizz store. The applicants were currently working on their engineering. Some of the building would be removed to create a drive through. He felt the City would soon start seeing some activity.

Chairman Bodily asked about the status of Matt Francom's conditional use. Mr. Francom had appeared before the Planning Commission well over a year ago. The Planning Commission had not approved the conditional use because the building wasn't finished. He felt Mr. Francom needed to move forward. It had been so long he couldn't remember what needed to be finished.

Bryce Wheelwright said Mr. Francom needed an oil separator. Chad Braegger said the separator had been installed. The water and sewer had been connected, and Mr. Francom had a water meter. Mr. Francom had also received access approval from UDOT.

Bryce Wheelwright stated that Mr. Francom was not powder coating. He wasn't sure if he was welding.

Chris Davis said that Mr. Francom had to have handicap parking and a bathroom, which he did not have yet.

Bryce Wheelwright stated that he had spoken with Mr. Francom several times. Mr. Francom always indicated that he was working on it.

Chairman Bodily felt it was time for Mr. Francom to finalize his conditional use.

Chris Davis

Chris Davis gave each Planning Commission member a Conflict of Interest form. The State Auditor's office required that the forms be completed each year. The forms would have to be notarized.



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Mayor Mote

Mayor Mote stated that there had been rumors that Apple Creek, located at 875 North Main, was closing. He spoke with the owner yesterday. They were not closing and did not want the rumor spread.

Colt Mund

Did not have any comments

9. ADJOURN

**Commissioner Dubovik moved to adjourn at approximately 7:23 p.m. Commissioner Baker 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  
Vanessa Bird

dc:PC 07/21/2022