

# *Willard City Corporation*

80 West 50 South  
Box 593



Willard, Utah 84340  
(435)734-9881

## **WILLARD CITY COUNCIL AMENDED (3D) MEETING AGENDA**

The Willard City Council of Willard City Corporation will hold a **City Council** meeting on **Thursday, October 27, 2022**. The meeting will be held at the Willard City Offices 80 W 50 S. The meeting will be held in accordance with current COVID-19 guidelines. The meeting will begin promptly at 6:30 p.m. The agenda will be as follows:

**6:30 p.m.**

### **CITY COUNCIL MEETING**

#### **1. Call to Order**

1. Invocation
2. Pledge of Allegiance
3. Conflict of interest declaration

- 2. Open Comment Period** (Individuals have three minutes for open comments. If required, items may be referred to department heads for resolution. Items requiring action by the City Council will be placed on the agenda for a future meeting.)

#### **3. New Business**

- a. Budget quarterly financials-Ryan and Cami
- b. Discussion/Approval of a Moratorium on Conditional Use Permits.
- c. Acceptance and approval of a proposal for park impact fees.
- d. Discussion/Approval to amend the supplementary regulations Chapter 12-102- of the Willard City Zoning Ordinance by adding regulations for accessory dwelling units.

#### **4. Planning Commission Report**

#### **5. Approval of Minutes**

- a. Approval of the October 13, 2022, City Council Minutes

#### **6. Financial**

- a. Warrants, Vouchers, Reports

**7. Department Reports**

- a. Public Works
- b. Police Department
- c. Fire Department

**8. Council Member Reports**

- a. Mike Braegger
- b. Rod Mund
- c. Fred Ward  
Mosquito Abatement
- d. John Seamons
- e. Kaleb Kunzler

**9. Next agenda items (November 10, 2022)**

Public Hearing on the Granite, Willard, and Wells Easement.

**10. Mayor's General Correspondence and Information**

**11. City Manager's Report**

**12. Consideration of Motion to Enter a Closed Session (if necessary)** pursuant to UCA §52-4-205 (a) except as provided in Subsection (3), discussion of the character, professional competence, or physical or mental health of an individual; (b) strategy sessions to discuss collective bargaining; (c) strategy sessions to discuss pending or reasonably imminent litigation; (d) strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares (e) strategy sessions to discuss the sale of real property, including any form of a water right or water shares; (f) discussion regarding deployment of security personnel, devices, or systems; or (g) investigative proceedings regarding allegations of criminal misconduct.

**13. Adjourn**

*/s/ Susan Obray*

City Recorder, Willard City

I, designated City Recorder for Willard City, hereby certify that 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) on October 24, 2022.



WILLARD CITY  
**Planning Commission Meeting – Regular Meeting**  
Thursday, September 1, 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  
8 Diana Baker  
9 Chandler Bingham  
10 Blake Harrop  
11 Zack Hulsey  
12

Chris Davis, City Manager  
Colt Mund, City Attorney  
Michelle Drago, Deputy City Recorder

13 Excused: Alex Dubovik and Bryce Wheelwright  
14

15 Others in attendance: Mayor Travis Mote, Council Member John Seamons, Council Member Kaleb Kunzler;  
16 Police Chief Theron Fielding; and Don Waite.  
17

18 The meeting was called to order at 6:30 p.m.  
19

- 20 1. PRAYER: Chandler Bingham
- 21
- 22 2. PLEGE OF ALLEGIANCE: Diana Baker
- 23
- 24 3. ROLL CALL: Attendance was recorded by the secretary.
- 25
- 26 4. CITY COUNCIL REPORT  
27

28 Time Stamp 03:42 9/1/22  
29

30 Council Member Seamons reported on the August 25<sup>th</sup> City Council meeting. During the meeting, the City  
31 Council discussed wild turkey management; a 1% Transit Room Tax; denied Mr. Mackley's request to  
32 connect to the sewer line; reviewed the City Engineer's recommendation to revise the City's Water Rights  
33 Ordinance; approved the annexation of the Willard Land property subject to approval of the development  
34 and waterline agreements; and discussed and tabled a purchase/lease agreement with Granite  
35 Construction.  
36

- 37 5. GENERAL PUBLIC COMMENTS (INPUT FOR ITEMS NOT ON AGENDA)  
38

39 There weren't any public comments.  
40

- 41 6A. PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS REGARDING A PROPOSAL TO AMEND  
42 THE SUPPLEMENTARY REGULATIONS – CHAPTER 12-102 – OF THE WILLARD CITY  
43 ZONING ORDINANCE BY ADDING REGULATIONS FOR ACCESSORY DWELLING UNITS  
44

45 Time Stamp 9:09 9/1/22  
46

47 Chairman Bodily read the Willard City Planning Commission Rules of Order statement.  
48



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49 **Commissioner Bingham moved to open the public hearing at 6:21 p.m. Commissioner Baker**  
50 **seconded the motion. All voted “aye.” The motion passed unanimously.**  
51

52 Chris Davis, City Manager, stated that the Planning Commission had extensively discussed various  
53 iterations of the proposed ADU ordinance. The City Attorney had made the changes recommended by the  
54 Planning Commission.  
55

56 Colt Mund, City Attorney, stated that the Accessory Dwelling Unit Ordinance had been initiated because  
57 the State passed legislation that made interior accessory dwelling units legal in every jurisdiction. The staff  
58 originally recommended that the Planning Commission adopt regulations for interior ADU's only. The  
59 Planning Commission felt detached ADU's should be addressed as well. There had been a number of  
60 revisions to the ordinance. After the Planning Commission received public comments, he felt the ordinance  
61 was ready to forward to the City Council.  
62

63 Chairman Bodily opened the floor for public comments.  
64

65 Don Waite, 1389 North Main, stated that North Ogden had passed an ADU Ordinance while he served on  
66 their Planning Commission. He liked accessory dwelling units. They worked very well. He wanted to warn  
67 Willard City about a problem North Ogden ran into after it passed the ADU Ordinance. The problem  
68 occurred when there was a large parcel with a small house and someone wanted to build a bigger house  
69 and turn the small home into the ADU. Most ordinances said an ADU could only be 75% of the size of the  
70 original dwelling. He felt the same problem could easily happen in Willard because it had a lot of larger lots  
71 with small homes.  
72

73 Mayor Travis Mote, 455 South 200 West, wanted to get the Planning Commission's opinion on how to  
74 address the emergency use of a trailer or RV for temporary living quarters. The City's ordinance limited that  
75 use to seven days. A trailer did not count as an ADU, nor did he want it to. Could someone in those  
76 circumstances apply for a temporary conditional use permit?  
77

78 Colt Mund stated that the regulations for detached ADU's said it had to be a permanent structure. He did  
79 not feel that situation described by Mayor was a conditional use. He recalled the City entering into an  
80 agreement for temporary living quarters, which had not worked very well. The City had to go to extreme  
81 measures to enforce it. He did not feel there was an exception.  
82

83 Mayor Mote asked how the City would respond to a citizen who asked for permission to use a trailer or RV  
84 for temporary living quarters. Colt Mund felt it should be an automatic no. Chris Davis said thus far, those  
85 types of requests had been told no. The City did not have an enforcement officer, but it had responded to  
86 complaints about people living in trailers. Those people had been told to move on.  
87

88 Council Member Seamons felt it happened more than people knew. It was a real problem.  
89

90 Mayor Mote knew these issues happened. He wondered if there was a way to address them with an  
91 ordinance, or did the City ignore them until they became a nuisance problem.  
92

93 Colt Mund stated that some of the negatives were setback violations, potential fire hazards, and disposal  
94 of waste.  
95

96 There was further discussion.  
97



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Commissioner Hulsey felt it would be beneficial to have regulations in place to address the issue. Commissioner Bingham felt it could be similar to the transient workers at the campground. Commissioner Harrop suggested a short-term, renewable conditional use permit with setback requirements. It could be revoked if there were any complaints. Don Waite felt the best place to address it was the RV Ordinance.

**Commissioner Hulsey moved to close the public hearing at 6:58 p.m. Commissioner Bingham seconded the motion. All voted “aye.” The motion passed unanimously.**

6B. **CONSIDERATION AND RECOMMENDATION TO CITY COUNCIL REGARDING A PROPOSAL TO AMEND THE SUPPLEMENTARY REGULATIONS – CHAPTER 12-102 – OF THE WILLARD CITY ZONING ORDINANCE BY ADDING REGULATIONS FOR ACCESSORY DWELLING UNITS**

Time Stamp 29:01 9/1/22

Chairman Bodily stated that the ADU Ordinance said the minimum size was 300 square feet; the maximum was 1,000 square feet. He felt those sizes would address the concern raised by Don Waite.

Commissioner Harrop asked if there was a downside to having someone use a small older home as an ADU and building a larger new home.

Chairman Bodily felt a property owner could use whichever dwelling it wanted as the ADU, as long as it met the size requirements.

Commissioner Hulsey was concerned there could be a loophole that would allow a property owner to get away with a lesser impact fee.

Commissioner Harrop asked if the ADU had to be behind the primary residence or just on the same lot.

Commissioner Hulsey said a detached ADU could not use more than 25% of the rear yard. Did that mean a detached ADU could not be located in a front yard? Colt Mund the ordinance was specific enough to say that a detached ADU had to occupy a rear yard, but the ordinance did not specifically state that an ADU had to be constructed in a rear yard.

Commissioner Hulsey asked if the ordinance should be changed to restrict a detached ADU to 25% of the yard area rather than 25% of the rear yard. Mr. Mund said it was up to the Planning Commission.

Commissioner Harrop said the ordinance already limited the size of a detached ADU. What the purpose for limiting them to 25% of the rear yard? Commissioner Hulsey felt the intent was to make sure that a rear yard was not covered by accessory buildings.

Chairman Bodily felt detached ADU's should be limited to rear yards. Commissioner Hulsey asked about side yards. Commissioner Bingham felt that side yards were technically part of the rear yard.

Commissioner Harrop suggested language to allow ADU's proposed in front yards to be reviewed on a case-by-case basis.

Mayor Mote suggested limiting a detached ADU to 25% of the front or rear yard. The Planning Commission felt that made sense.



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There was further discussion.

**Commissioner Baker moved to forward the ADU Ordinance to the City Council subject it being revised to limit a detached ADU to 25% of a front yard or rear yard. Commissioner Bingham seconded the motion. All voted “aye.” The motion passed unanimously.**

6C. 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)

Time Stamp 38:32 9/1/22

Chris Davis stated that practically and legally, the use of the property was not changing. This was not an item the Planning Commission needed to take action on. It could be handled administratively.

Colt Mund stated that the staff had provided the Planning Commission with additional information and prepared a staff recommendation and updated conditional use permit. The additional information made him feel much more comfortable.

Chairman Bodily said the current conditional use permit limited the property to four cars. He felt that number was too low.

Commissioner Hulsey said the conditional use permit said, *“Four cars in any state of disassembly.”* The Moyes could have some cars in the garage and some on the back lot. At that point, there would be more than four vehicles.

Chris Davis didn't feel Mr. Moyes would object to being allowed more vehicles. Chairman Bodily didn't want to allow any more than what Mr. Moyes needed.

Commissioner Bingham stated that the previous business was limited to four vehicles, because they didn't have any other place to park them.

Commissioner Hulsey was concerned about the limit of four employees. He didn't care how many employees the Moyes had. He did feel the number of employee vehicles should be limited. He suggested that the number of employee vehicles be limited to four.

Chairman Bodily said there had been concern about their sign. He felt any signs should comply with the Sign Ordinance.

**Commissioner Harrop moved to approve a conditional use permit for Jeff and Brenda Moyes at 51 North Main subject to the existing conditions; that Item 1 be amended to allow six vehicles; and that Item 4 be amended to read *no more than 4 employee vehicles*. Commissioner Baker seconded the motion. All voted “aye.” The motion passed unanimously.**

## **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 that is not attached to the Primary Dwelling and 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 (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.**

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 remain valid and must be renewed, as required by Willard City.
- (3) Before occupancy, the City Administrator shall confirm the Accessory Dwelling Unit complies with all Willard City building, health, and fire codes, as adopted.
- (4) Accessory Dwelling Units shall be allowed as a Permitted Use in R-1, R-1/2, and C-N Zones.
- (5) An Accessory Dwelling Unit shall not be rented or occupied for a period of less than thirty (30) consecutive calendar days. It is prohibited for any Accessory Dwelling Unit to be used as a short-term rental unit.
- (6) The Accessory Dwelling Unit shall include separate dedicated kitchen and bathroom facilities for the exclusive use of the Internal Accessory Dwelling Unit occupants.
- (7) One (1) additional on-site-hard-surface (concrete, asphalt, pavers) parking space shall be provided for the exclusive use of the Accessory Dwelling Unit, regardless of whether the Primary Dwelling is existing or a new construction.
- (8) The Accessory Dwelling Unit parking space shall not be located within the clear view area on a corner lot.
- (9) All Internal Accessory Dwelling Units shall have a separate, accessible entrance or stairway.
- (10) Drive approaches and curb cuts shall comply with the Willard City Public Works Standards.
- (11) 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.
- (12) 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.
- (13) The owner of a Primary Dwelling shall reside on the property, either occupying the Primary Dwelling or the Accessory Dwelling Unit.
- (14) Accessory Dwelling Units are exempt from the residential density standard of the Willard City Zoning Code.
- (15) Each Accessory Dwelling Unit shall have the same street and mailing address as the primary dwelling, but shall add the letter "B" to the Accessory Dwelling Unit's address.

#### **12-102-23-5. Standards for Internal Accessory Dwelling Units.**

- (1) An Internal Accessory Dwelling Unit shall be designed in a manner that does not change the appearance of the Primary Dwelling as a single-family residence.
- (2) The Owner of the Primary Dwelling shall replace any parking spaces contained within a garage or carport if an Internal Accessory Dwelling Unit is created within an attached garage or carport.
- (3) An Internal Accessory Dwelling Unit is prohibited if it will be served by a failing septic tank, as determined by Willard City or the Box Elder County Health Department.
- (4) The Internal Accessory Dwelling Unit shall be served by the utility meter serving the Primary Dwelling. The installation of a separate utility meter for an Internal Accessory Dwelling Unit is prohibited.

#### **12-102-23-6. Standards for Detached Accessory Dwelling Units.**

1. A Detached Accessory Dwelling Unit shall be a permanent structure. Trailers, mobile homes, and other movable structures shall not be permitted as a Detached Accessory Dwelling Unit.
2. Exterior lighting for a Detached Accessory Dwelling Unit shall provide illumination directed downward with the light source shielded from adjoining properties. Any light source for a Detached Accessory Dwelling Unit shall not encroach be visible from adjacent properties.
3. 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.

#### **12-102-23-7. Impact Fees**

The creation or construction of a Detached Accessory Dwelling Unit shall result in the assessment of the following impact fees:

- a. Water: Sixty-six percent (66%) of the single-family water impact fee.
- b. Sewer: Sixty-six percent (66%) of the single-family sewer impact fee.
- c. Internal Accessory Dwelling Units shall not be required to pay impact fees.

#### **12-102-23-8. Non-Transferability.**

Upon the sale or transfer of the home, a permit allowing an Accessory Dwelling Unit on the lot shall expire. The new record owner of the lot shall be required to submit a new application and obtain a new permit as outlined herein. The Primary Dwelling and Accessory Dwelling Unit must be on the same parcel or lot, shall not be subdivided, and shall not be sold separately.

#### **12-102-23-9. Recordation Required.**

The City shall record a notice in the Office of the Box Elder County Recorder that provides:

- (1) A description of the Primary Dwelling.
- (2) A statement that the Primary Dwelling or Primary Dwelling lot of record contains an Accessory Dwelling Unit.
- (3) A statement that the Accessory Dwelling Unit may only be used in accordance with Willard City's land use regulations.
- (4) Upon recording the notice described herein, the City shall mail a copy of the notice to the owner of the Internal Accessory Dwelling Unit.
- (5) Meet all standards and requirements of 12-504 of this Ordinance and all other requirements of any applicable ordinances.

#### **12-102-23-10. Enforcement.**

- (1) Willard City may, in addition to any other legal or equitable remedies available, pursue a lien against the subject property in an amount of \$100.00 for each day of violation (after notice of noncompliance has been provided) for:

- (a) Any violation of Utah Code Section 10-9a-530; or
- (b) Any violation of this Section.

**12-102-23-11. Notice and Hearing.**

Willard City adopts the lien notice and hearing notice requirements set forth in Utah Code Section 10-9a-530. An owner appealing a violation may appeal that decision to the designated Hearing Officer under the procedure outlined in Willard City Zoning Code Chapter 12-101-2. Any decision of the Hearing Officer may be appealed by the owner or City to the District Court within thirty (30) days from the issuance of the written decision.

**12-102-23-12. Criminal Penalty**

Violation of any of the provisions of this Chapter may be punishable by a Class C misdemeanor upon conviction and subject to a \$500.00 fine.