

WILLARD CITY CORPORATION SLUA061416
SUBDIVISION LAND USE AUTHORITY MEETING – June 14, 2016

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DATE: June 14, 2016
TIME: 2:00 p.m.
PLACE: Willard City Hall
ATTENDANCE: Bryce Wheelwright – Willard City Planner, Chris Breinholt – Jones and Associates, Kevin McGaha – Willard City Attorney, Doug Thompson-Willard City Public Works, Teri Fellenz –Willard City Recorder, Gaylene Nebeker - Secretary
EXCUSED: Van Mund– Willard Fire Chief, Willard City Police Chief – Jean Loveland
OTHERS PRESENT: Keven Hardy

1. Discussion Item:

a. Discussion on the proposed Keven Hardy 2 Lot Subdivision for Parcel #02-053-0012

City Planner Wheelwright stated this item was previously tabled to allow for Willard City Attorney Kevin McGaha time to review the proposal. He read from Willard City Ordinance Section 102.3 Lot Standards and Section 12-116.5.2 on Streets. He explained this was where the criteria for putting in the road comes from. Mr. Hardy has applied for a 2 lot subdivision adjacent to the Granite Ridge Subdivision at approximately 813 South Main. During the previous meeting there was discussion on Mr. Hardy developing the road to the end of his property and if he would be required to put in the road to the hwy. He asked Attorney McGaha to report on his findings.

Attorney McGaha explained the subdivision is going to require him to put in the road as shown on the plan. His understanding is Mr. Hardy is asking for access through the Granite Ridge Subdivision and felt Granite Ridge was under no obligation to improve the road. What Granite Ridge is putting in was approved by the Willard City Council. The stress of the loads on the roads along with the increased traffic was also approved by the City Council. He stated if he goes in the other way it adds would add to this development. He stated with this being a subdivision there would be a need for the road to be put in front of his property.

Keven Hardy stated where he wants to put his house putting the road in would affect the value of the home. He suggested he would make the top parcel a half acre lot and put the rest with the other parcel. Attorney McGaha stated with developments there are pluses and minuses and would improve the value of lot 2 but could diminish the value of lot 1. Willard City Engineer Chris Breinholt was not sure it would diminish the value of lot 1 stating the frontage along Hwy 89 is not as attractive as frontage along a city street and was not sure it would increase the value of the property. Mr. Hardy stated he had a buyer for his house and when he found out there was a possible road going in the deal fell through because he did not want to live on a busy street with kids. Chris Breinholt stated he would have been living along the highway. Mr. Hardy stated it was due to the extra traffic the extra road would bring. Chris Breinholt felt the most traffic they would see using the road would be those few living close to the road in the subdivision. Mr. Hardy showed on the map the number of houses that could use the road. He also showed the road going into Murrays and what needs to be done to have the road put in. Chris Breinholt said he would not be able to develop lot 2 without street frontage. Mr. Hardy said according to the rules if you put a dead end sign at the top it would take care of it. Chris Breinholt stated he would still not have frontage. Mr. Hardy asked for clarification. Chris Breinholt asked him where his street

frontage would be. He said he would need the required 100 ft. frontage and he was only showing 60 ft. and would be a dead end road and would need frontage on the right of way and not the dead end. Attorney Kevin McGaha stated he could still subdivide. Mr. Hardy asked who would be paying to put the curb and gutter in because he cannot afford it. Attorney McGaha felt it should not fall on the citizens of Willard to pay for his subdivision and would need to fall on the developer. He also stated Mr. Hardy could put in the road and then dedicate it to the city. Mr. Hardy voiced concerns about it being one house and felt it was bribery for the city to tell him if he puts the road in they will let him build his house and Granite Ridge has more than 10 homes and only one road going in. Attorney McGaha stated that was all done with the Subdivision Development Agreement that the city approved. The State Code gives the cities the authority to enter into a development agreement with the developer. He also stated his request falls under the existing city code because it is not being developed under a development agreement. Mr. Hardy asked that he be allowed to put the one home in and have it as a private road. Attorney McGaha stated if we allow him to put in a private road then we would need to allow every other person that has one or two lot subdivisions to do the same thing. Mr. Hardy felt the city was not looking at this development fairly because he has a 60 ft. road going into his property and felt the development was black and white and felt it was absurd to not allow him to put in one house. Doug Thompson stated the ordinance requires him to have 100 ft. frontage. Mr. Hardy stated the city is allowing someone to build a house down a lane and have left the home at the front of the property. It was explained that the individual building the home down the lane would be removing the home once the house was finished. City Recorder Teri Fellenz explained we have to treat everyone fairly so this is why we have ordinances in place is to protect the citizens. Mr. Hardy asked if he went back to his surveyor and asked him to subdivide the land into 2 half acre parcels would he be allowed to do this. It was stated he would still need to put the road in and he would not have the required 100 ft. street frontage. Chris Breinholt explained to Mr. Hardy he was not being picked on these requirements are normal development standards State and country wide. Mr. Hardy stated 3 acres of land and he cannot do anything with it. Attorney McGaha explained the SLUA Board does not have the authority to change the ordinances and he would need to adhere to the current ordinances. City Planner Wheelwright stated there have been other incidences where individuals can in with the same type plan and were denied because they did not meet the requirement of the ordinance. Chris Breinholt talked about the protection strip and Mr. Hardy getting with his neighbor splitting the cost of putting in half the road and allowing the neighbor to have a lot. Mr. Hardy asked if he could pave half the road and put in curb and gutter along the one side for 100 ft. It was stated he would need to pave the whole road but he could put in measures to require them to pay for their half the road when they ask for access. City Planner Wheelwright asked for any further comments or concerns. Chris Breinholt said the codes are pretty straight forward and the board does not have the authority to change the codes. City Planner Wheelwright explained to Mr. Hardy the only way the board could approve the subdivision was if he put in the whole road.

A motion was made by Willard City Attorney Kevin McGaha that SLUA not approve the application as presented.

Mr. Hardy asked if the city could reimburse him \$1,600 because the application was denied. Attorney McGaha stated as a citizen that wants to subdivide he would need to pay for all engineering and surveyor fees and the city would not be reimbursing them. Willard City Recorder Teri Fellenz also stated there was a bill for engineering fees.

The motion was seconded by Doug Thompson Willard City Maintenance. The motion carried with a unanimous vote.

City Planner Wheelwright explained to Mr. Hardy his right to appeal would be to the Willard City Council. Mr. Hardy stated he would review the law and see if there are any alternatives.

b. April 26, 2016 Minutes

A motion was made by Willard City Recorder Teri Fellenz to approve the April 26, 2016 SLUA minutes as written. The motion was seconded by Willard City Engineer Chris Breinholt. The motion carried with a unanimous vote.

City Recorder Teri Fellenz asked that the meeting schedule be changed stating to have the meeting at this time there is no one in the office to answer phones and someone at the meeting needs to leave the meeting to answer phones. She asked if there was a different time everyone could meet. Attorney Kevin McGaha also added if a time could be set for once a month weather we meet or not that he could put on his schedule. It was decided that the 2nd Tuesday at 11:00 a.m.

A motion was made by City Recorder Teri Fellenz to change the SLUA meetings to once a month on the 2nd Tuesday at 11:00 a.m. The motion was seconded by Doug Thompson - Willard City Maintenance Department. The motion carried with a unanimous vote.

Teri Fellenz asked if the ordinance needed to be changed to address the changes. City Planner Wheelwright stated he would look into it. Willard City Attorney Kevin McGaha thanked everyone for their contributions and felt it was difficult for individuals not to be disappointed. Teri Fellenz stated to them it is just one lot but the city cannot look at it as just one lot. We need to look at it as the lot next to it and the one after that and so forth. She also state with the secondary access just because we have made a past mistake does not mean we have to continue making those types of mistakes. City Attorney McGaha felt it was a pretty strong argument it was a Planned Development and they were under no obligation to open the road up and we need to abide by our ordinances. There was discussion held on the road and if it could be considered a taking. Teri Fellenz felt we needed to take the other property owner and the future land use for them. City Attorney McGaha felt there could be a benefit for him opening the road. It was suggested at future meetings discuss takings.

A motion was made by City Recorder Teri Fellenz to adjourn the June 14, 2016 SLUA meeting. The motion was seconded by Willard City Attorney Kevin McGaha. The meeting adjourned at 2:35 p.m.

The minutes have been read individually and approved on December 22, 2016

**City Planner
Bryce Wheelwright**

**SLUA Secretary
Gaylene Nebeker**