



WILLARD CITY

Subdivision Land Use Authority (SLUA) – Special Meeting

May 25, 2023, 2023 – 2:30 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 the City Hall and on the State of Utah Public Meeting Notice Website.

The following members were in attendance:

Chris Davis, City Manager
Bryce Wheelwright, City Planner
Chris Breinholt, City Engineer/Jones & Associates
Van Mund, Fire Chief
Michelle Drago Deputy City Recorder

Excused: Colt Mund, City Attorney, and Payden Vine, Public Works Director

Others in attendance: Pat Burns; Chad Braegger; Kim Braegger; Jim Flint, Hansen & Associates; and Diana Baker.

1. CALL TO ORDER

Bryce Wheelwright, City Planner, called the meeting to order at 2:34 p.m. A roll call attendance was recorded by the secretary.

2A. CONSIDERATION OF A SKETCH PLAN FOR THE FITZGERALD POND SUBDIVISION LOCATED AT APPROXIMATELY 3710 SOUTH 1200 WEST/PERRY STREET (PARCEL NOS. 02-035-0060, 02-035-0061, 02-035-0063, AND 02-035-0079)

Time Stamp – 0:30 05/25/2023

Bryce Wheelwright, City Planner, stated that Lync Construction had purchased property located at approximately 3710 South 1200 West/Perry Street. The property was formerly owned by Chet Fitzgerald. Lync Construction was proposing to subdivide the property under the City's MPC Zone. Because the property was currently zoned A-5, this issue was on the May 18th Planning Commission agenda for the Planning Commission to set a public hearing. The public hearing had been set for June 1st at 6:30 p.m.

Mr. Wheelwright stated that the Planning Commission had concerns Lync Construction needed to be aware of. The future zone for this property designated by the Future Land Use Map was a lot less dense than the density Lync Construction was proposing in the MPC Zone. Lync Construction needed to go through the MPC Ordinance and identify what the open space requirement would be.

Pat Burns, Lync Construction, stated that their open space included the pond. Mr. Wheelwright asked if Lync Construction owned the pond. Mr. Burn said they did. They wanted to put in a trail and amenities around the pond. They were open to what that would look like.

Chris Breinholt, City Engineer, stated that the generic wetland maps indicated there might be some wetlands on this property. He asked if Lync Construction completed a wetlands determination. Some of the proposed lots might be in a wetland area. Pat Burns said they had pulled the lots back. Mr. Breinholt said Lync Construction would have to complete a study to determine where the wetland boundary was so that it could be shown on the subdivision plat.



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Pat Burns stated that the lots they were proposing were all over half-an-acre. The smallest lot were 21,780 square feet.

Bryce Wheelwright stated that if the lots were over half-an-acre, Lync Construction could change its rezone application to R-1/2.

Chris Davis stated that Mayor Mote had sent an email on May 19th outlining four concerns. The MPC had to conform to the policies and general guidelines of the General Plan. The open space required by the MPC Zone had to be usable open space. Lync Construction would have to determine how the pond could be usable.

Chris Breinholt stated that the transportation plan had a direct north/south road that ran through the west part of this property. The road proposed by Lync Construction was angled. It would have to be changed to run north and south. Pat Burns asked if topography could be taken into consideration. Mr. Breinholt said the road needed to run straight north and south in accordance with the master road plan.

Van Mund, Fire Chief, asked about the plans for water. Chris Breinholt said the 10-inch line would have to be extended down 200 West. When development happened between 200 West and Highway 89, the system would be looped together. Van Mund asked about water flow on a 10-inche line since it would be dead-ended for a while. Chris Breinholt said the water flow would be sufficient for homes.

Chris Davis did not feel the water line would be dead-ended for very long because Nilson Homes wanted to start construction this fall. They would bring the water line from Highway 89 to 200 West. They would also extend the 10-inch line from where it ended on 200 West to their property.

Chris Davis asked if a dead-end water line would be problem for the Fire Department. Van Mund said it wouldn't. The development of the Kunzler property would be a great positive for the water system. The current water flow in this area was currently 1,100 gallons per minute. The Kunzler development would boost that quite a bit.

Chris Breinholt stated that the sewer wasn't there either. He asked if Lync Construction planned to propose pressurized sewer. Pat Burns said they did. Mr. Breinholt felt the City would have to determine whether to accept that proposal. The low pressure sewer system Lync Construction was proposing was not part of the City's Public Works Standards. Chris Davis stated that the City would have to amend its Public Works Standards

Bryce Wheelwright said the purpose of the SLUA meeting was to review the concept plan and determine whether it would comply with the ordinance.

Chris Davis stated that another issue that had been raised by the Mayor was the hydric soil ratings of 90% to 100% on a substantial amount of the property. Chris Breinholt said the hydric levels were an indication of wetlands. Pat Burns stated that Lync Construction planned to preserve the wetlands. They had completed a liquefaction study of the property. Chris Breinholt did not feel the Army Corps of Engineers would consider farm ground as wetlands.

Chris Davis stated that Lync Construction needed a development agreement. Pat Burns provided a draft agreement. They had highlighted a few areas they weren't sure about. Mr. Davis asked that Lync Construction provide an electronic copy of the agreement that could be forwarded to the City Attorney.



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Mr. Davis read from Mayor Mote's May 19th email, "The MPC Zone is intended to provide a benefit to the City." The Mayor suggested that Lync Construction articulate what benefits the City would receive in relation to the General Plan and the City's vision for growth and development.

Mr. Davis asked if Chad Braegger was an additional applicant. Chad Braegger stated that he didn't have any plans to give property to the City. He wasn't interested in the MPC Zone for his property, but he had agreed to be included in the rezone because of the property swap. He was okay with the zone as long as Lync could meet the MPC requirements without impacting him.

Chris Davis asked if Chad Braegger had any concerns. Mr. Braegger said he wanted to keep the area as rural as possible.

Pat Burns stated their concept plan included a rural road section similar to a road they were doing in Plain City, but they were open to whatever the City wanted them to do. A rural road section would allow him to put a big path on one side. Chris Davis stated that the Planning Commission had recently discussed an amendment to the City Code regarding curb, gutter, and sidewalk.

Chris Breinholt asked about the Planning Commission's discussion. Chad Braegger felt the Planning Commission planned to rely on recommendations from the City Engineer on whether curb, gutter, and sidewalk would be needed.

Bryce Wheelwright said the Planning Commission agreed that curb, gutter, and sidewalk was good in some areas, but not in others. The Planning Commission was concerned about enforcement. How did the City enforce curb, gutter, and sidewalk where it was needed and treat everyone equitably?

Chris Breinholt stated that the only engineering difficulty in not having curb, gutter, and sidewalk was erosion caused by storm water. The Lync property was not an area with an erosion problem, but Lync would still have to accommodate drainage. He felt the biggest issue would be enforcement when people filled in their swales. It would be a constant ongoing battle.

Michelle Drago, Deputy Recorder, stated that she had not received an application or fees for the subdivision, but until the rezone process was finished that might be premature. Pat Burns said they had submitted a subdivision application and sketch plan. Then they realized they needed to go through the rezone process. (Subsequent to the meeting, Michelle confirmed that Lync Construction had submitted a subdivision application but had not paid filing fees)

Chris Davis stated that the public hearing scheduled with the Planning Commission on June 1st might be a little premature too. The City Attorney needed to review the development agreement and determine the legality of the requirements brought up by the Mayor. Section 12-106-14 of the MPC Ordinance said, "*The proposed MPC Zone may be approved only if the City Council makes all of the following findings: 1. The proposed MPC Zone conforms to the guidelines and policies of the General Plan. 2. The MPC Zone provides equal or greater compatibility with surrounding land uses.*"

Mr. Davis said the Kunzler property was not far from the Fitzgerald Pond Subdivision and would have a similar use. He had asked about Chad Braegger's feelings regarding the MPC Zone. Mr. Braegger was a Willard resident, and he was trading property with Lync Construction. As an adjoining landowner what were his feelings about the development.



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Chad Braegger stated that the land swap was the only reason he was tied to the rezone. He did not have any development plans for his property. He wanted to keep it as rural as possible. He also understood that this developer had purchased land and wanted to make a profit.

Chris Davis stated that SLUA had to make the two findings required in 12-106-14. He felt Lync had addressed the sensitive lands; they planned to maintain the wetlands. Did Lync plan to put the wetlands into a wetland bank? Pat Burns didn't plan to touch the wetland portions. There wasn't as much wetlands as he had thought. Whatever was being farmed was not wetlands.

Chris Davis asked Chris Breinholt how wetlands worked. Chris Breinholt said there were a number of things needed to classify land as wetlands. One was soil type; another was vegetation.

Chris Davis asked if the City Engineer had a wetland map. Chris Breinholt said the general wetland maps gave general locations. They did not have exact locations. Lync Construction would have to have an environmental company complete a wetland determination and delineation, which would identify and map the boundaries of the wetlands. Mr. Davis asked if Lync Construction had gone to that extent. Mr. Burns said he had not, but he had done wetland determinations before.

There was a discussion about the public hearing scheduled for June 1st. Chris Davis said the SLUA could not reschedule a hearing set by the Planning Commission. Pat Burns asked if the public hearing had been published. Mr. Davis said it had. Mr. Burns suggested holding the hearing and tabling action. Mr. Davis felt the public would want to hear the more defined information from the City Attorney.

Chris Davis felt the applicants had talked about the Mayor's concerns regarding the soil ratings. They have talked about the benefit of the subdivision with the pond and proposed trail system. The developer had met the water concerns of the Fire Chief. However, there were still issues regarding sewer.

Chris Davis recommended that the Planning Commission postpone the public hearing scheduled for June 1st pending review by the City Attorney regarding the development agreement and a legal determination regarding 12-106-14 and meeting requirements of the General Plan. Chris Breinholt seconded the motion. All voted "aye." The motion passed unanimously.

2B. CONSIDERATION OF A SITE PLAN FOR THE LYNN BEARD TOWNHOMES LOCATED AT APPROXIMATELY 725 NORTH 200 WEST (02-046-0001)

Time Stamp – 32:30 05/25/2023

Bryce Wheelwright stated that Lynn Beard had submitted a site plan for townhomes located at approximately 725 North 200 West. Lynn Beard was being represented at the meeting by Kim Braegger and Jim Flint, Hansen and Associates.

Kim Braegger provided the City with an updated site plan.

Bryce Wheelwright stated that the proposed site would have to comply with the City's setback requirements, which were 30 feet from 200 West and 750 North, 30 feet from the rear property line (west side), and 15 feet on the south side. All three buildings would be considered as a whole.



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Michelle Drago stated that the rezone application filed by Lynn Beard had not been finalized. The Planning Commission held a public hearing and recommended that the rezone be approved. The City Council approved the rezone subject to the City Attorney reviewing the conservation easement. Mr. Beard had not submitted a conservation easement for the City Attorney to review. Until that happened, the property was still zoned A-5.

Jim Flint stated that the lot line adjustment needed to be completed before the conservation easement could be finished. Bryce Wheelwright stated that Lynn Beard had changed the lot line adjustment approved by the Planning Commission by removing a parcel. There were originally seven parcels; now there were six. He wasn't sure if the revised lot line adjustment needed to be reviewed by the Planning Commission because the State Legislature changed the State Code. The revised code said lot line adjustments no longer had to be reviewed by cities. Chris Davis said the City Attorney had verified that lot line adjustments no longer came to the cities.

Jim Flint stated that if property had been subdivided and platted, it had to be reviewed by a city. Cities needed to determine if a parcel complied with setbacks, frontage, and area/size. A planner could quickly determine if those three criteria had been met. If so, a documentation letter could be provided. If the City could make a determination on the lot line adjustment, Hansen & Associates could provide a legal description for Parcel 4 for the conservation easement.

Mr. Flint said the next step would be to record a subdivision for the division of Parcel 6. Some of that was in the flood plain. He asked if that would be a problem. Chris Breinholt wasn't sure how restrictive the City's code was. Normally a structure was built one foot above the flood plain if the floodway was defined. Water and sewer laterals would have to be constructed for all four lots.

Mr. Flint said the third step was the development of Parcel 1 into townhomes. Lynn Beard wanted to retain ownership of the buildings. If Mr. Beard retained ownership, would the City require an HOA and CCR's?

Chris Davis and Bryce Wheelwright did not feel an HOA or CCR's would be needed if Lynn Beard retained ownership.

Chris Breinholt stated that if the units were townhomes, they could be sold individually. Townhomes had common area and would need an HOA and CCR's.

Jim Flint said Lynn Beard considered this to be his property. He would be the HOA and the CCR's.

Chris Davis said the units would then be considered apartments, not townhomes. The rest of the SLUA agreed. A plat would not be needed for apartments.

There was a discussion about a fire hydrant location. Jim Flint asked where a fire hydrant would be located if water was ran separately to each unit. He pointed out that individual water on an 8 inch line to a fire hydrant would make it easy to sell the units individually in the future.

Chris Breinholt felt Lynn Beard should set up the units as townhomes if that was how he planned to install the water.

Van Mund stated that the site was in between two existing fire hydrants. It was about 450 feet from either of them. He questioned whether there would be a need for an additional hydrant on the site.



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Kim Braegger stated that if there was a single 2-inch meter for all of the units, it would not be possible to put a fire hydrant on the end.

Jim Flint asked if it would be better to run a 4-inch line to each unit through a 2-inch meter or to put in an 8-inch main. Kim Braegger felt it would be less expensive to run a 4-inch line.

Chris Breinholt said that if Mr. Beard ever wanted to subdivide the units into townhomes, the best option was the 8-inch main.

Kim Braegger stated that Lynn Beard planned to start with one building. He planned to put curb stops on the utility lines so that Mr. Beard would not have to tear up the private road when he constructed the other two buildings.

Chris Breinholt stated that the water could be a 6-inch line if a fire hydrant was not needed. If Chief Mund was comfortable with the existing hydrants, he didn't feel a hydrant would be needed on the site.

Chris Davis asked if the access road was wide enough for the Fire Department. Jim Flint said it was 26 feet from face to face.

Van Mund asked if the units would be two-stories. Mr. Flint said they would be. Michelle Drago asked about the parking for each unit. Kim Braegger and Jim Flint said each unit would have a double-car garage and a driveway in front. So, each unit would have four parking spaces. The site also included sixteen guest parking stalls.

Chris Breinholt asked about garbage. Where would a dumpster be located? Jim Flint asked if the City had a dumpster requirement, or could each unit have an individual can? Michelle Drago stated that the pickup cost per can was currently \$12 per month. The cans themselves were \$95.00 each. Bryce Wheelwright suggested that Mr. Beard put in a dumpster. Ms. Drago asked if Willard City required a dumpster to be in an enclosed structure. Jim Flint said the dumpster would be enclosed.

Michelle Drago asked if Mr. Beard planned to install screen fencing along 750 North. Mr. Braegger said he did. He was just trying to decide what kind.

Jim Flint asked about phasing. Kim Braegger stated that Lynn Beard planned to start with four units, all of the road, and all of the utilities. The other buildings would be done one at a time; for a total of three phases.

Chris Breinholt asked if the storm water would discharge to a ditch or the highway. Kim Braegger said it would discharge to an existing drainage ditch, but it would be held in the tot lot/pond shown on the site plan.

Chris Breinholt asked about the distance from the intersection to the site entrance. Jim Flint said it was about 100 feet. Ms. Drago asked if UDOT had a distance requirement. Chris Breinholt stated that UDOT did not have a say because this was a City street. He felt it would be better to have 120 feet from the right-of-way to the centerline. The distance would be close by the time everything was shifted for the setbacks.

Jim Flint asked about impact fees. Bryce Wheelwright stated that Lynn Beard had been concerned about impact fees. There had been discussion about pro-rating the impact fees at 2/3 an ERU for multi-family.



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Chris Breinholt said traditionally multi-family was about 2/3 an ERU if irrigation was included in the water system like it was in Willard. He asked if Willard based its impact fees on the meter size. Chris Davis said it did not.

Bryce Wheelwright said the standard culinary water impact fee was \$6,361, plus a \$439.35 connection fee, per unit. Michelle Drago said Mr. Beard would also have sewer impact fees of \$7,200, plus a \$500 connection fee per unit.

Chris Breinholt stated that in this case the impact fee would not be based on whether Lynn Beard used a single 2-inch meter or 12 1-inch meters. It was all the same use. The impact fee would be 12 units at 2/3 per unit, or 8 ERU's.

Jim Flint asked about the rezone. Bryce Wheelwright stated that Lynn Beard had asked that the site be rezoned to commercial. Chris Davis said the rezone was pending review of the conservation easement. Mr. Flint said the lot line adjustment needed to be completed first.

Jim Flint asked Chris Davis or Bryce Wheelwright to find out if they could make the change to the lot line adjustment without further City approval. He would research the conservation easement.

Chris Breinholt asked if the Planning Commission had to approve a site plan. Mr. Wheelwright said it did.

Jim Flint said he would send the changes to Chris Breinholt. They were going with a 2-inch meter and a 4-inch line.

Chris Davis moved to approve the site plan for Lynn Beard's apartments subject to the City Engineer's review and comments, review by the City Attorney, and completion of the conservation easement and rezone. When those were completed the site plan could be sent to the Planning Commission and City Council Van Mund seconded the motion. All voted "aye." The motion passed unanimously.

2C. APPROVAL OF THE APRIL 20, 2023, MINUTES

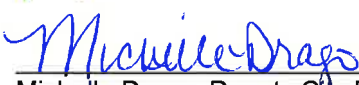
Chris Davis moved to approve the minutes of April 27, 2023, as written. Van Mund seconded the motion. All voted "aye." The motion passed.

3. ADJOURN

Chris Davis moved to adjourn at 4:50 p.m. Michelle Drago seconded the motion. All voted "aye." The motion passed unanimously.

Minutes were read individually and approved on: 8/31/23


Bryce Wheelwright, City Planner


Michelle Drago, Deputy City Recorder

dc:SLUA 05-25-2023

