



WILLARD CITY

Subdivision Land Use Authority (SLUA) – Special Meeting

November 2, 2023 – 2:00 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

The meeting was a special meeting designated by resolution. Notice of the meeting was provided 24 hours in advance. A copy of the agenda was posted at the City Hall and on the State of Utah Public Meeting Notice Website.

The following members were in attendance:

Colt Mund, City Attorney
Bryce Wheelwright, City Planner
Chris Breinholt, City Engineer/Jones & Associates
Payden Vine, Public Works Director
Michelle Drago Deputy City Recorder

Excused: Chris Davis, City Manager, and Van Mund, Fire Chief

Others in attendance: Mike Bastian

1. CALL TO ORDER

Bryce Wheelwright, City Planner, called the meeting to order at 2:10 p.m. A roll call attendance was recorded by the secretary.

2A. CONSIDERATION OF A CONCEPT PLAN FOR THE RESIDENCE AT THE ORCHARD SUBDIVISION LOCATED AT APPROXIMATELY 8400 SOUTH HIGHWAY 89 (PARCEL NOS. 01-045-0118, 01-045-0015, 01-045-0132, AND 01-045-0016)

Time Stamp – 0:00:45 11/02/2023

Bryce Wheelwright, City Planner, stated that the meeting had been called to discuss an application for a proposed development on property that Mike Bastian and Mike Shultz were trying to annex into Willard. The property was located at approximately 8400 South Highway 89. They were asking that the property be zoned MPC. The SLUA needed to discuss the annexation and potential design requirements.

Mike Bastian stated that their development had already been approved by Box Elder County. However, they felt it would be advantageous to annex into Willard for themselves and the City. They had a payback agreement with Willard City to run a sewer trunk line from their development to Willard's lift station. There was a sewer agreement between Perry City and Willard City, which was not very clear. Perry interpreted it one way; Willard interpreted it another. Annexing their property would provide clarity. If they were part of Willard, Perry wouldn't have anything to do with it.

Bryce Wheelwright clarified that annexing this property meant Willard would receive all the revenue from the sewer line, which would be a benefit to Willard City. He asked about water.

Mike Bastian stated that they had both culinary and secondary water. They had paid Bear River Water Conservancy for culinary water. Pine View Water had allocated 200 acre-feet of water for this property. There was a 12-inch line at 8100 South that they would bring down the shoulder of Highway 89.

Chris Breinholt, City Engineer, stated that Willard City would require will-serve letters from both water sources.



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Colt Mund, City Attorney, said he had met with Mike Bastian earlier in the week to review the development agreement. He was comfortable with the development agreement at this point. He felt it was in pretty good shape and contingent upon the MPC Zone.

Colt Mund asked if the open space would be their detention basin. Mike Bastian said it would be. They planned to use the open space to detain water. Two pipes would be run through the railroad right-of-way to carry stormwater to the open space. They were considering some small detention basins on the east side to slow the stormwater. They would work with Willard Flood Control to design the storm drain system. They were also working with UDOT because there were some historic floodplains on this property. There were several moving parts right now regarding flood control and storm drainage. Most of their stormwater would be in the open space on the west side of the tracks. The stormwater would then drain under I-15.

Colt Mund asked about access to the open space. Mike Bastian stated that there was a road on the south side of their property that went across the tracks and under I-15.

Bryce Wheelwright asked how much open space they had. Mike Bastian said they had over 20% of open space. Nine acres of open space were west of the railroad tracks. They planned to have a trail around the open space, and pickleball amenities straddling the single-family and townhomes.

Bryce Wheelwright asked if they had talked to UTA and the Division of Water regarding the sale of property for a preservation corridor. Mr. Bastian said he had. He was working on an easement to take their stormwater across the UTA and Union Pacific rights-of-way. Before the easements could be finalized, they needed a fully designed storm drain system. They couldn't design the storm drain system until the annexation was completed.

Michelle Drago, Deputy City Recorder, suggested that the name of the development be changed. There was already a subdivision in Willard called The Orchards. It would be confusing to have two subdivisions with similar names. Mike Bastian stated that he had been considering a different name. Ms. Drago also said the address of the subdivision shown on the plans needed to be corrected.

Michelle Drago was concerned that the townhomes did not have sufficient guest parking. Mike Bastian stated that their townhomes would be set back 22 to 24 feet from the street. There would be room to park vehicles in the driveways, in addition to the garages. The single-car garage units would still have 18-foot driveways. Chris Breinholt stated that garages and driveways were not counted as guest parking. Mr. Bastian asked if the City had a guest parking requirement. Mr. Breinholt said the City did not have a written ordinance. He used the standard of 2.25 parking stalls per residential unit. He felt the City would be happy with something reasonable.

Chris Breinholt asked how wide the streets would be. The City's standard width was 60 feet. Mike Bastian said all the streets would be public. They planned to build the roads to city standards from the beginning. The City could then take care of the roads; the HOA would take care of the common areas. They had avoided cul-de-sacs.

Colt Mund asked about ADU's. Mike Bastian stated that the development agreement was written to allow 10% of the single-family units to have a built-in ADU. He felt ADU's were becoming quite common. They had to find several different ways to provide affordable housing. Townhomes were obviously less expensive than single-family homes. A single-family home with an ADU would have an income source to help offset the mortgage.



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Mr. Mund felt ADU's might exacerbate the parking issue.

Michelle Drago asked if the ADU's would comply with the City's ADU ordinance. Colt Mund said the development agreement said they would. Bryce Wheelwright said the ADU's would be less than 1,000 square feet.

Michelle Drago asked how they planned to prevent double access on the lots backing up to Highway 89 and 8700 South. Mike Bastian said there would be a vinyl fence and a landscaping buffer on roads. Ms. Drago asked who would maintain the fence and landscaping. Mr. Bastian said there would be a homeowners' association that would be responsible for maintaining all common areas.

Mike Bastian stated that over the years they had learned that if there was a properly funded HOA there was money to take care of maintaining common areas. HOAs that weren't set up right were not properly funded. They showed the Box Elder County Commission how the State allowed them to charge a reinvestment fee, which would go toward funding and caring for the common areas.

Bryce Wheelwright asked who would manage the HOA. Mike Bastian stated that they used North HOA. In all their subdivisions, the homeowners had chosen to continue using North HOA when Castle Creek turned over the management of the homeowners' association.

Mike Bastian said they had commissioned a traffic study because they were still working with UDOT to get a second access onto Highway 89.

Bryce Wheelwright felt that the whole design was subject to change. Mr. Bastian said that was correct. The development agreement allowed for the design to change a little bit. He could not increase density. The proposed plan contained the maximum density.

Chris Breinholt asked about the completion of 8300 South. Mike Bastian stated that they would complete half of the road on their side. The development agreement talked about the participation of the school board in completing the other half. Mr. Breinholt stated that they could not build half of a road.

Chris Breinholt asked about the railroad. He knew Mike Bastian was working with Union Pacific to get an easement for stormwater. Parking for the open space was proposed on the east side of the tracks, which would create a lot of pedestrian traffic across the tracks. He asked if they had spoken to Union Pacific about pedestrian access. Mike Bastian stated that the parking was meant for the HOP Trail. Mr. Breinholt felt the parking spaces would be used for the open space as well. The railroad was difficult. He felt Mike Bastian needed to make sure Union Pacific was okay with what was being proposed. If they weren't, they could cut off all access. The City would need written permission from Union Pacific. Mike Bastian was amenable to removing the parking area if the City felt it would be an issue. Mr. Breinholt felt the parking would be great for the HOP Trail, but it would also be used for crossing the UP and Front Runner tracks.

Mike Bastian asked about shifting the parking lot to the south end. Mr. Breinholt felt Union Pacific might like that better.

Chris Breinholt asked the City Attorney if Willard City would be liable if there was an open space with a trailhead on one side of the tracks and parking on the other side. Colt Mund felt Union Pacific would be concerned about the situation as well. The open space would be owned by a homeowner's association, not Willard City. However, there should be further discussion about whether the location of the open space and



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the trailhead would be in the best interest of the community and if Willard would have any liability. Mr. Breinholt stated that the open space was a large area with a proposed trail. However, people would have to cross the railroad tracks to be able to use it.

Chris Breinholt felt Willard needed to be careful about approving a subdivision with open space on one side of the railroad tracks and residents on the other.

Colt Mund stated that concern about the open space had been brought up and would be again. He felt that legally the proposed subdivision comported with the MPC Zone, but some issues needed to be fleshed out.

Chris Breinholt stated that it was a huge space. People just needed to be able to access it safely.

Mike Bastian asked about accessing the open space from 8700 South. Chris Breinholt stated that people would be crossing the tracks either way. Mike Bastian said 8700 South was a road that already crossed the tracks. Mr. Breinholt preferred 8700 South over a simple pedestrian crossing.

Bryce Wheelwright said there was property between 8700 South and the proposed open space. Was there a right-of-way across that property? Mike Bastian said he would have to talk to the property owner. Mr. Breinholt said the open space could be accessed from the farm road, but it would completely change the use of the road. 8700 South was owned by Box Elder County.

Bryce Wheelwright asked if 8700 South would remain in the unincorporated County. Mr. Bastian said it would. They didn't own any part of 8700 South.

Chris Breinholt didn't feel Union Pacific could say anything about access from a County street.

Colt Mund asked if there needed to be a discussion with Box Elder County about using 8700 South to access the open space. Chris Breinholt didn't think there was a need as 8700 South was a public street.

Chris Breinholt asked about curb and gutter improvements on 8700 South. Mike Bastian said they weren't planning to put curb and gutter on 8700 South. They were planning on trees, a fence, and a swale. Chris Breinholt said they would be required to put in curb and gutter on a City road. He wasn't sure he could require the same improvements on a County road.

Colt Mund asked if 8300 South would have curb and gutter. Chris Breinholt said 8300 South either had to be fully in or fully out. If 8300 South was a dedicated City street, it would have curb and gutter.

Bryce Wheelwright asked about street numbering. Should the street numbers be changed to align with Willard streets, or should the street numbers remain on the County grid. Chris Breinholt felt it would be too confusing to change the street numbers. They would have to remain the same as they were in the County. It would be too confusing to change them.

Chris Breinholt asked if the sewer would have a lift station. Mike Bastian said the sewer would gravity all the way to the City's lift station, which was being improved to make it deeper. Bryce Wheelwright asked how deep the trunk line would be. Mike Bastian wasn't sure. The lift station engineering was reviewed by Zac Burke at Jones & Associates.

Payden Vine's only concern was that all the roads meet the Willard City standards.



WILLARD CITY

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Chris Breinholt stated that this subdivision was located some distance from Willard. The subdivision needed to provide some benefit to the City. Was the sewer fee the only benefit? Did the proposed ADU's help the City meet low to moderate income housing requirements? Colt Mund said the City didn't have low to moderate income housing requirements at this time. However, ADU's would probably help in the future.

Bryce Wheelwright stated that Willard had annexed the Old Farm Subdivision. If it annexed this subdivision as well, would that be an encouragement for the rest of South Willard to annex, or would it be a detriment? Chris Breinholt felt the only way South Willard would ever annex into Willard was if Box Elder County did a bad job of providing road services. South Willard already had water and they had septic tanks. Colt Mund stated that Box Elder County wanted South Willard to annex into Willard.

Mike Bastain stated that the Old Farm property didn't meet percolation requirements. In order to develop, it had to access Willard's sewer trunk line. A lot of other properties in South Willard were also too flat to percolate. As owners wanted to develop, they would have to annex to tie onto the sewer trunk line.

Bryce Wheelwright asked if the property taxes would benefit the City. Colt Mund felt there would always be minor benefits from revenue and income.

Colt Mund said the City would incur costs for public maintenance. He asked how snow removal would work. Payden Vine felt the County did a good job of keeping 8700 South clear, but he felt Willard did a better job. He felt the subdivision residents would be a lot happier than their neighbors. He was usually finishing snow removal home when Box Elder County was just starting.

Colt Mund felt the sewer fees were definitely a benefit. Chris Breinholt stated that if the sewer trunk line was extended to the south end of the county developing properties would want to tie onto it. Properties on the east side of the highway would be more difficult. Mike Bastian felt the owners of the elk farm were interested in the trunk line. They had almost 1,000 acres.

Bryce Wheelwright asked what the SLUA wanted to recommend to the Planning Commission.

Payden Vine asked if Mike Bastian planned to move the trailhead parking. Mike Bastian felt made sense to move the parking to 8700 South.

Chris Breinholt felt Mike Bastian and Mike Shultz needed to address access to the open space with a solution Union Pacific liked and that would be safe for pedestrians. He felt access from the County road was the safest option.

Chris Breinholt stated that annexing this property would give Willard control as other properties in between developed. It would allow Willard to set the zoning and the requirements.

Bryce Wheelwright reiterated that if SLUA moved to recommend that the Planning Commission approve an MPC Zone, the density could not be increased. Mr. Breinholt felt the density would have to be changed due to the UTA corridor. Mike Bastian felt the sale of a corridor would drastically change the subdivision design.

Colt Mund said other concerns included sufficient guest parking for the multi-family area and access to the open space. He didn't have a problem with a positive recommendation from the SLUA to the Planning Commission subject to those issues being addressed. He felt Mike Bastian had a good plan for the HOA.



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However, the City's MPC Ordinance said the City Council could require a one-year probationary period. Based on the ordinance, Mr. Bastian needed to provide bylaws or standard language for the City Council.

Colt Mund was comfortable with the development agreement. He wasn't sure about the engineering issues.

Chris Breinholt didn't feel design changes for the UTA corridor changed anything but road locations. He asked if the SLUA was making a recommendation regarding the annexation. Colt Mund said SLUA was making a recommendation to the Planning Commission regarding zoning so the Planning Commission could in turn make a recommendation to the City Council. The City Council could then include a zoning designation with the annexation.

Colt Mund felt density could be an issue with the Planning Commission. The MPC Ordinance didn't stipulate a specific density. It just said density had to be consistent with the goals of the General Plan.

Chris Breinholt stated that normally a developer would be required to get everything done and then bring back a final plan. The corridor sale would be a significant change. If the plan did change significantly it needed to go back to the Planning Commission.

Colt Mund asked about the average density. Mike Bastian said it was a third-acre density. The smallest lots would be 15,000 square feet. The smallest frontage width was 100 feet. Michelle Drago said the proposed plan showed lots with 13,500 square feet. Mike Bastian said the subdivision legend said zoning would be R-1-13, or a builder's third acre. Chris Breinholt said the overall density was 3.13 units per acre.

Michelle Drago felt the Planning Commission would be concerned about density and lot size. Colt Mund agreed. The Planning Commission had the perception that everything was being zoned half-acre, and that the City couldn't allow anything smaller. He didn't feel that was true under the MPC Zone. It would be good to let the Planning Commission work through those issues.

Chris Breinholt moved to forward the development proposed by Mike Bastian and Mike Shultz to the Planning Commission for review recognizing the need for a design change for the 150-foot UTA corridor; more off-street parking for the multi-family; and safer access to the open space proposed on the west side of the Union Pacific tracks. Colt Mund seconded the motion. All voted "aye." The motion passed unanimously.

2C. APPROVAL OF THE OCTOBER 5, 2023, MINUTES

Chris Breinholt moved to approve the minutes of October 5, 2023, as written. Payden Vine seconded the motion. All voted "aye," except Colt Mund, who abstained. The motion passed carried.

3. ADJOURN

Michelle Drago moved to adjourn at 3:02 p.m. All voted "aye." The motion passed unanimously.



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Minutes were read individually and approved on: 1/18/24

Bryce Wheelwright
Bryce Wheelwright, City Planner

Michelle Drago
Michelle Drago, Deputy City Recorder

dc: SLUA 11-02-2023