



WILLARD CITY

Subdivision Land Use Authority (SLUA) – Special Meeting

May 30, 2024 – 3:00 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:

Jeremy Kimpton, City Manager
Madison Brown, City Planner
Chris Breinholt, City Engineer
Payden Vine, Public Works Director
Michelle Drago, Deputy City Recorder

Excused: Colt Mund, City Attorney, and Van Mund, Fire Chief.

Others in attendance: Zac Burk, Jones & Associates; Joe Adair; Craig Dearden; Sheryl Dearden; John Newhall; and Garth Day, Heritage Land.

1. CALL TO ORDER

Madison Brown, City Planner, called the meeting to order at 3:08 p.m. The Deputy Recorder recorded a roll call attendance.

2A. CONSIDERATION OF A CONCEPT PLAN FOR THE TJD ESTATES LOCATED AT APPROXIMATELY 352 WEST CENTER STREET (PARCEL NO. 02-057-0010)

Time Stamp – 1:01 – 05/30/2024

Madison Brown stated that Craig and Sheryl Dearden had submitted a concept plan for the TJD Estates Subdivision located at approximately 352 West Center Street (Parcel No. 02-057-0010). The subdivision contained a total of about 4.89 acres. Only two lots were proposed. After research, the staff determined that their property was zoned R-1/2 in January 2007. The city's maps had been corrected to reflect the rezone.

Craig Dearden, 352 West Center Street, stated that they currently owned a home in the middle of the property. They wanted to split the property and build a new home on the west two acres.

Zac Burk asked if 300 West was already dedicated. Chris Breinholt and Craig Dearden said it wasn't.

Craig Dearden stated that when they built their home, Bryce Wheelwright, the former city planner, told them to leave an easement for 300 West.

Payden Vine, Public Works Director, asked if Dearden's were aware they would have to pay water and sewer impact and connection fees for the new lot. Mr. Dearden realized they would have to pay all the normal fees.

Zac Burk asked about the alignment of 300 West. It would have to curve to the west to conned with 400 West. Craig Dearden stated that originally the right-of-way was supposed to have been located between him and the property to the west owned by Vern Price. When he applied for a permit to build his home, Bryce Wheelwright told him the location of the road had been moved to the east of his property. Chris



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Breinholt stated that the Transportation Master Plan showed the curve to connect 300 West and 400 West.

Chris Breinholt stated that this subdivision complied with the zone's lot size and width requirements. This subdivision invoked the Subdivision Ordinance, which required frontage improvements.

Craig Dearden hoped the frontage improvements could be deferred because there weren't infrastructure improvements on Center Street. The closest improvements were at 200 South 300 West.

Chris Breinholt agreed that deferring the improvements was the right thing to do because none of the street had improvements. He felt the city needed to require a fee-in-lieu or a deferral agreement. He asked how the city handled the 400 West street stub in the Xram Subdivision. The city should do the same thing here. It was the same situation. Was Chris Marx required to pay a fee-in-lieu of? Michelle Drago and Payden Vine thought the city simply required Chris Marx to dedicate the stub street to Willard.

Zac Burk said the subdivision proposed to dedicate 60 feet for 300 West and 13 feet on the north side of Center Street. Chris Breinholt explained that the current half width of Center Street was only 17 feet. The city standard was 30 feet. Dearden's were being required to dedicate 13 feet to comply with the city standard.

Chris Breinholt stated that this subdivision would require the installation of a fire hydrant. The closest fire hydrant was 900 feet away. The city's spacing requirement was 500 feet. Craig Dearden said he had expected the fire hydrant requirement. He was surprised he didn't have to put a hydrant in when he built his home in 2016. Mr. Breinholt said a fire hydrant was a subdivision requirement. Now the property was being subdivided, the city could require it.

Zac Burk asked how storm water would be handled. Chris Breinholt said there should be a swale along the frontage. Storm water detention would not be required because this subdivision would not change the storm water situation.

Chris Breinholt said his total recommendations were a fee-in-lieu of for frontage improvements (which would include curb, gutter, and sidewalk; and a little asphalt for widening Center Street) and a fire hydrant. The Dearden's would also have to stub services to the new lot.

Payden Vine did not have any issues.

Zac Burk said there was a note on the subdivision plat that said, "Build to avoid flooding." There was a concern about groundwater in this area. It appeared the sewer was about 10 feet deep, which was deep enough that the home wouldn't have to be constructed on a raised foundation. Craig Dearden said they did not plan to have a basement.

Payden Vine made a motion to forward this subdivision to the Planning Commission with a recommendation of approval subject to the engineering conditions. Jeremy Kimpton seconded the motion.

Craig Dearden asked about the fee-in-lieu of. Chris Breinholt felt deferral agreements were difficult. When it came time to build, cities always had a hard time getting people to pay for the improvements. In addition, the improvement cost in the future could be a lot higher for the property owner. He felt the city should take the money and set it aside for future installation.



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Mr. Dearden asked how the fee-in-lieu-of would be calculated. Chris Breinholt said the fee would be based on the current cost to construct the improvements.

Joe Adair, Dearden's real estate agent, asked if there was an option to escrow the funds for ten years in case the city didn't put the improvements in. Chris Breinholt said an escrow was similar to a fee-in-lieu of. Escrows had installation time limits. If improvements weren't installed during the allotted time, the city could take the funds and put in the improvements. Mr. Adair explained that in Hooper City, the city took money, based on the engineer's estimate, with the agreement that it would return the money in ten years if it didn't build the improvements. Mr. Breinholt felt that option would have to be approved by the administration because Willard didn't have anything in place to govern that option.

Zac Burk felt such a scenario would mean the Dearden's would be getting something for nothing. They would be circumventing the requirement to install improvements. Mr. Breinholt felt the Dearden's could argue they shouldn't have to pay for improvements the city never put in

Jeremy Kimpton didn't feel there was a mechanism in the Zoning Ordinance to provide that option. It was essentially a development agreement. The SLUA was a recommending body. It could present that option to the City Council. These types of improvements were hard for the city to track; to make sure those improvements were built.

Chris Breinholt stated that SLUA's job was to require the improvements. It did not have the right to defer the improvements.

Jeremy Kimpton agreed. The SLUA would forward a recommendation of approval subject to the engineering requirements along with the developer's request to have the improvements deferred with an agreement or an escrow option.

Joe Adair stated that he would provide a copy of the agreement used by Hooper City.

All voted "aye." The motion passed unanimously.

2B. CONSIDERATION OF A PRELIMINARY PLAN FOR GRANITE RIDGE SUBDIVISION PHASE 6 LOCATED AT APPROXIMATELY 675 SOUTH 450 EAST (PARCEL NOS. 02-053-0014 AND 02-053-0069)

Time Stamp -23:04 - 05/30/2024

Madison Brown stated that the city had received a preliminary subdivision plan for Granite Ridge Phase 6 from Granite Ridge Willard LLC, who was being represented by John Newhall.

Zac Burk stated that he had reviewed the plat. He asked if Mr. Newhall had made the requested changes to the storm drain easement. Mr. Newhall said he had.

Zac Burk stated that they still needed to figure out if the storm drain needed an easement or a dedication. John Newhall said he was waiting for input from the city engineer. They had adjusted the lot lines for the channel coming down for the debris basin. They needed to know if it would be an easement or a dedication to Willard Flood Control or Willard City as open space. How did the city want to handle it?



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Zac Burk asked how the berms and open space were handled in Phase 5. Were they owned by Willard Flood Control? Chris Breinholt said the berms were part of the open space, which was owned by the homeowners' association.

Zac Burk was concerned about Phase 6. He didn't want the HOA to build anything in the flood channel. Was an easement needed for a culvert? Mr. Breinholt felt there needed to be an easement for the culvert.

Zac Burk felt Willard Flood Control needed to be able to get in and clean out the basins. Chris Breinholt felt the basins should be owned by the flood control district.

Zac Burk said there were storm drain detention basins throughout Granite Ridge which were separate from the basins owned by Willard Flood Control. In Phase 1, they were dedicated to the city. Mr. Breinholt said at that time, Willard City was taking all the storm water. Now the basins were being given to Willard Flood Control to manage. Mr. Burk said there was talk about making HOA's deal with the storm drain runoff from their own basins and open space. Flood control channels were different than subdivision runoff.

Zac Burk felt an easement should be added to the plat for the culvert. John Newhall said he would get a legal description for the culvert and draft an easement for the flood control district.

Chris Breinholt asked about the main flood control basin. Zac Burk said dedicating the basins to flood control would reduce the amount of open space in Granite Ridge. He leaned more toward an easement with access. Mr. Breinholt felt that decision should be made by Willard Flood Control. Mr. Burk asked John Newhall to contact Willard Flood Control's engineer to verify that they wanted an easement rather than a dedication.

John Newhall said they would get an easement in place. With that last pending issue resolved, they were looking for a recommendation to the Planning Commission.

Zac Burk asked if the SLUA could make a recommendation to the Planning Commission now that the lot size and layout had been determined and the easement question answered. Jeremy Kimpton felt SLUA could make a recommendation subject to the easement being done before it was sent to the Planning Commission.

John Newhall asked if the easement had to be recorded and in place. Christ Breinholt felt the easement could be recorded simultaneously with the subdivision plat. It just needed to be prepared and reviewed.

Michelle Drago asked about Lots 105, 127, 128, 129, 130, and 131. They all had frontage on the Parsons ingress/egress easement. Was the ingress/egress easement a public right-of-way? If it wasn't a public right-of-way, could those lots have access to the easement? There were addresses shown along the easement.

Chris Breinholt stated that the easement was not a public right-of-way. The addresses shown on the north side of those lots should be removed. Michelle Drago felt a comment should be added to the plat restricting access to the easement from those lots. Chris Breinholt agreed. There needed to be a verbal restriction that people could not access their lots from the ingress/egress because it was not a public right-of-way.

Michelle Drago stated that General Note 6 required some of the lots to be reviewed by Rocky Mountain Power before building permits could be issued. Willard would have to receive written clearances for those lots before building permits could be issued.



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John Newhall said the easement would be recorded concurrently with the subdivision plat. He would have his engineer remove the addresses on the north side of Lots 105, 127, 128, 129, 130, and 131, and add a comment restricting those lots from having access onto the Staker Parson ingress/egress easement.

Chris Breinholt stated that there was an easement required for Phase 5 which was a separate document from the plat. The easement addressed storm water leaving Phase 5 and entering Phase 6. John Newhall said they had already recorded that easement.

Chris Breinholt felt the city administration needed to check to see if the original PUD required fencing along the ingress/egress. John Newhall asked if required fencing would be applicable in Phase 4. Mr. Breinholt said it wouldn't because the ingress/egress was next to open space. Madison Brown stated that she would read the PUD Ordinance and original development agreement to determine if there were fencing requirements.

Payden Vine asked if it was okay for the city to tie into the ingress/egress easement. Mr. Breinholt said that had already been agreed to.

Madison Brown listed the SLUA findings – an easement to be recorded with the plat for the channel and the basin, removal of address for the six lots fronting the Parson ingress/egress, and addition of a note for those lots restricting access onto the private ingress/egress.

Chris Breinholt asked Zac Burk to determine if the water line needed to be connected with a PRV. Zac Burk said there was a PRV at the bottom of Saddleback Road.

Madison Brown said the west side of Lot 105 did not comply with the minimum 70-foot frontage requirement. She would check frontages and let John Newhall know if there were any that needed to be corrected.

Jeremy Kimpton suggested that this subdivision be tabled so these questions could be answered.

Payden Vine moved to table consideration of the preliminary plan for Granite Ridge Phase 6 until the plat was updated. Michelle Drago seconded the motion. All voted "aye." The motion passed unanimously.

2C. CONSIDERATION OF A CONCEPT PLAN AND REZONE REQUEST FROM R1/2 TO MPC FROM HERITAGE LAND DEVELOPMENT FOR APPROXIMATELY 48.19 ACRES LOCATED AT APPROXIMATELY 300 SOUTH 300 WEST (PARCEL NOS. 02-051-0062, 02-051-0085, 02-051-0264, 02-051-0004, 02-054-0005, 02-054-0007, 02-054-0009, 02-054-0011, 02-054-0012, 02-054-0013) (CONTINUED FROM APRIL 25, 2024)

Time Stamp: 0:49:05 - 05/30/2024

Jeremy Kimpton was excused at 3:57 p.m.

Madison Brown stated that Garth Day had made changes to the concept plan for Orchards Subdivision based on his discussion with the SLUA on April 25th.

Garth Day, Heritage Land, stated that the concept plan was associated with their request to rezone the balance of the subdivision from R-1/2 to MPC (Master Planned Community). When he met with SLUA on



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April 25th, he felt everybody was okay with the concept plan, except Chris Breinholt who did not like the 40-foot road proposed in the patio home area. The concept plan had been revised to address that concern.

Mr. Day explained that all the roads would be public. They kept the 40-foot road cross section to maintain the rural village feel, but the asphalt width had been expanded to 32 feet. The sidewalks would be against the curb and would be five-feet in width rather than four-feet. With that change he asked that the SLUA forward their concept plan and rezone request to the Planning Commission.

Payden Vine asked about the impact statement. Garth Day said he completed the checklist created by the mayor. He felt the checklist sufficed for an impact statement. Michelle Drago asked for a copy of the checklist.

Michelle Drago asked if the revised plan and road widths mean the development agreement needed to be revised and updated. Garth Day said the development agreement was tied directly to the plan. There were some revisions that would have to be approved by the city attorney. Mrs. Drago said the revised development agreement would be needed before the concept plan could be sent to the Planning Commission.

Madison Brown asked if any of the roads would be private. Garth Day said the Planning Commission didn't want an HOA. Heritage Land wanted to keep the compact roads in the patio home area. They wanted it to look like a rural village. The city engineer wanted to have at least 32 feet of asphalt, which they had added. Mr. Day felt 32 feet of asphalt would allow room for all the public utilities and provide the ability to push snow. Mr. Day said the middle road running north and south through the patio homes (320 West) would be 60-feet in width to accommodate the city's existing sewer line. If the 40-foot roads were too uncomfortable for Public Works, Heritage Land could execute an HOA.

Mr. Day said Heritage Land could do the same thing with the open spaces if the city wasn't ready to take them on. The MPC development agreement allowed them to time the installation of the open spaces. They could push out the open spaces until Willard was ready to maintain them. They could create a public improvement district or special assessment area that would allow them to own and operate the open spaces for a few years. They could be as flexible as Willard needed them to be, which was the beauty of an MPC Zone. When they restructured the plan, they moved the open spaces to fit on a public right-of-way to make them more accessible and not so isolated.

Mr. Day stated that after listening to the public and the Planning Commission they proposed a rural road standard in the bigger lot section to the south. They cut out several lots and most of the roads. The roads would have drainage swales and no curb and gutter, even though there was curb and gutter in the first two phases. The rural road section reduced infrastructure costs. He realized the rural roads did have maintenance issues, which the city would have to deal with if it wanted rural roads.

Mr. Day said the only way to allow them to increase lot sizes and reduce density was to reduce their costs. The overall density would be 2.5 units per acre. The underlying density was R-1/2. The MPC did have an increased density.

Chris Breinholt asked what rural roads had to do with density. Mr. Day said rural roads reduced their infrastructure costs. They lost 20 lots. They could afford to have fewer lots if they weren't paying for storm drain and curb and gutter. They could afford to reduce the number of lots if they could reduce the infrastructure costs.



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Garth Day reviewed the MPC Checklist that he had completed with the SLUA (see attached copy). He felt the checklist also served as a community impact statement.

Mr. Day said Heritage Land also created an economic report that showed the tax consequences, which he could provide. Madison Brown said the city manager would like a copy of that report. Heritage Land started The Orchards in 2020. He felt it would take eight to ten years to complete the subdivision.

Madison Brown asked about the development agreement. Garth Day said he had been working with the city attorney. However, he was at a standstill. He needed the SLUA comments regarding the roads in order to move forward with the development agreement.

Payden Vine wanted to make sure there wouldn't be any on-street parking on the roads that were 40 feet wide. Mr. Day said the 40-foot roads would not have on-street parking. There was some parking provided near the pickle ball courts. He felt the open space plan needed to be refined if it was really going to be public open space. Mr. Vine agreed.

Chris Breinholt stated that the 40-foot right-of-way proposed by Heritage Land included sidewalk on private property. He felt that was an attempt to circumvent lot sizing and setback requirements. Public sidewalks should not be included on a private lot. Willard City was required by state law to come up with a standard for a 40-foot right-of-way.

Garth Day did not feel Heritage Land was not trying to circumvent anything. They wanted to create something different. The proposed 40-foot road section was a standard being used in Idaho. They split the sidewalks. The proposed sidewalk was adjacent to the curb, and the first two feet of the five-foot width was part of the public right-of-way. It could be used for stacking snow. The additional four feet was for pedestrian traffic. Mr. Breinholt said it was actually 1 ½ feet, not two.

Chris Breinholt did not feel the required front yard setback should include public sidewalk. A property line should start behind the sidewalk where public improvements ended. At a bare minimum, this street section should be 49 feet. That would provide six feet of sidewalk if it was butted up against the curb on both sides. SLUA did not have the authority to approve any of the roads because they did not comply with Willard's current public works standards. One possibility was to have a sidewalk on only one side of the street and shift the road over. Sidewalk on only one side would require a 43-foot right-of-way. He would rather do that than have large portions of the public sidewalk on private property.

Garth Day stated that their plan was for the patio homes to feel like a rural village. They didn't want to have run-of-the-mill patio homes. He felt they could make the road wider if that was what Willard required. They were trying to find a creative solution. They could make all of the roads private. Chris Breinholt did not feel the city wanted the roads to be private.

Garth Day stated that Heritage Land was trying to balance density, costs, and a rural feel with what the city and public wanted.

Chris Breinholt felt the improvements in this development should be consistent. Willard had a curb and gutter standard. Everything in this subdivision up until now had followed that standard. Now everything was being flip flopped. He felt having no curb and gutter in the rest of the subdivision would have a negative appearance. The improvements needed to be consistent. As the city engineer his job was to follow the city standard. The standard was curb and gutter. The path to alternate road sections did not lie with SLUA.



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Garth Day stated that Willard was not the only small community struggling with this issue. These communities wanted to be rural, but they had high-end municipal standards. Some larger communities were moving away from curb and gutter because of storm water issues. He was trying to make the development work for everybody, which was a balancing act.

Chris Breinholt stated that no sidewalk was shown on the 60-foot road section. Garth Day said there was supposed to be a sidewalk. Mr. Breinholt said Willard had a low impact road section that wasn't this wide that had a sidewalk.

Chris Breinholt recommended that the curb and gutter continue throughout the development for consistency's sake, but he was not on the Planning Commission or the City Council.

Garth Day stated that if he went back to curb and gutter, he would have to add twenty lots back to cover the infrastructure costs. That was why the MPC Zone worked. It allowed them to have some creativity. It allowed them to build something outside of the typical standards. He would change the 40-foot road section to 43 feet with sidewalk on one side.

Chris Breinholt stated that the proposed road sections did not comply with the city standards. He did not feel SLUA could make a recommendation. He also noted that the west road would be a collector street. It needed to be a full-width road with curb and gutter.

Michelle Drago asked if the concept plan should be tabled until the 40-foot road section was updated.

Garth Day stated that he would update the cross section for the narrower roads to the 43-foot width suggested by the city engineer. He asked that the current concept plan be forwarded to the Planning Commission with that change. The Planning Commission and City Council were the bodies that would approve the rezone and the plan. He needed the plan to be moved forward.

Madison Brown suggested just moving the rezone forward. Garth Day said the rezone to MPC was tied to the concept plan. After the public hearing, Heritage Land changed the concept plan to have less density and a more rural feel.

Madison Brown felt the concept plan could be forwarded to the Planning Commission with the updated 43-foot cross section and an updated development agreement. Garth Day said he could not update the development agreement until SLUA approved a concept plan. He hoped SLUA would make a recommendation to the Planning Commission with whatever conditions it wanted. Then he could incorporate those conditions into the development agreement.

Chris Breinholt stated that if SLUA was going to make a recommendation to the Planning Commission for a development without curb and gutter, which he did not like, it should include curb and gutter on 500 West because it would be a collector street. If the rest of the roads were to have no curb and gutter, they should follow the minor road standard in Willard's Public Works Standards. It was the only way to have room for a sidewalk, pavement, and a swale. If the smaller roads were acceptable to the Planning Commission and City Council, the sidewalk should not be on private property. The sidewalk should be part of the public right-of-way. He didn't have a problem with the sidewalk on one side of the road in that area. The SLUA could not approve the roads because they did not fit the standards. A body with more authority would have to make that call.



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Madison Brown asked if the concept plan needed to be changed and brought back to SLUA, or could the changes be made and forwarded to the Planning Commission. The SLUA felt the concept plan could be forwarded to the Planning Commission with the changes recommended by the city engineer.

Garth Day felt he could have the concept plan and development agreement updated in time for the June 20th Planning Commission meeting.

Chris Breinholt did not support the use of the rural road section in this development. Zac Burk agreed. Willard wanted to remain rural, but it had a lot of storm water problems.

Payden Vine moved to forward the concept plan to the Planning Commission for consideration subject to the changes recommended by the city engineer. Zac Burk seconded the motion. All voted “aye.” The motion passed unanimously.

Chris Breinholt didn't want to hear from the Planning Commission and City Council that SLUA was sending plans that didn't fit the code. If those bodies wanted to support the proposal from Heritage Land that was their decision. His job and SLUA's job was to enforce the code.

2D. CONSIDERATION AND APPROVAL OF APRIL 25, 2024, MINUTES

Jeremy Kimpton moved to approve the April 25, 2024, minutes as written. Madison Brown seconded the motion. All voted “aye.” The motion passed unanimously.

3. ADJOURN

Payden Vine moved to adjourn at 4:40 p.m. Michelle Drago seconded the motion. All voted “aye.” The motion passed unanimously.

Minutes were read individually and approved on: _____

Madison Brown, City Planner

Michelle Drago, Deputy City Recorder

dc: SLUA 05-30-2024