



WILLARD CITY

Subdivision Land Use Authority (SLUA) – Special Meeting

June 27, 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 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
Van Mund, Fire Chief
Michelle Drago, Deputy City Recorder

Excused: Colt Mund, City Attorney.

Others in attendance: Zac Burk, Jones & Associates; Chad Braegger, Planning Commission; Sam Webb; and Chad Call.

CALL TO ORDER

Madison Brown, City Planner, called the meeting to order at 3:04 p.m. The Deputy Recorder recorded a roll call attendance.

2A. CONSIDERATION OF A CONCEPT PLAN FOR THE BAYVIEW ESTATES LOCATED AT APPROXIMATELY 275 EAST 300 SOUTH (PARCEL NO. 02-050-0028)7

Time Stamp – 1:27 – 06/27/2024

Madison Brown, City Planner, stated that the purpose of the meeting was to review a concept plan submitted by Chad Call for the Bayview Estates Subdivision located at approximately 275 East 300 South. The property in question used to be owned by the city. It was sold to Chad Call about two years ago.

Sam Webb stated that this was a straightforward project. The concept plan proposed eleven lots on 7.9 acres. All the lots were a half-acre or larger and complied with the R-1/2 zoning requirements. They had discussed adjusting Lot 6 to create an additional lot. If they did, the new lot would comply with size and setback requirements.

Ms. Brown said the city attorney was not able to attend the meeting, but he had the following concerns:

1. How will the proposed development impact the ability of landowners to the west to access their properties? He understood the property owners to the west used the back side (east side) of their properties for access, which was through Mr. Call's property. He was concerned about a legal dispute if, and when, this development goes in. Ultimately, it was a private matter.
2. He understood there wasn't any water on this parcel. How does Mr. Call propose to meet water rights conveyance requirements? Mr. Call might be able to pay a fee-in-lieu of, but the city would have to determine a valuation.
3. How did this development impact 300 East and the future extension of that road?

Ms. Brown said the mayor had sent this comment, "As a background, this property was owned by the city.



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Prior to the city selling the property, the landowners to the west requested that the city provide legal access from the east. The Council turned down the request and sold the property. Mr. Call was made aware that he would be required to provide water. Their original bid was adjusted downward to account for the lack of water.”

Ms. Brown felt the biggest issue was the lack of water. Chad Call said he was unable to purchase water from the city because in the State of Utah cities could not sell water rights.

Zac Burk, Jones & Associates, asked if the city had always owned the property and the water rights. Van Mund, Fire Chief, felt the city had owned that property for over 40 years.

Sam Webb asked if the water rights should have been sold with the land. Jeremy Kimpton said the bid was adjusted to reflect the land sale without water.

Chris Breinholt, City Engineer/Jones & Associates, stated that the water would have to come from another source.

Chad Braegger, Planning Commission, asked if they had another water source. Chad Call said he didn't. There used to be an abundance of water in his family trust. About 25 years ago, the state pulled wells they felt weren't needed so the needs of the state and city were not encroached on. That took a lot of development water. He didn't feel there was water in Willard that could be purchased. When he lived in Willard 30 years ago, he had to buy culinary water to water his grass. Willard had made no attempt whatsoever to put in secondary water. The city collected water from farmers and developers but didn't offer secondary water. The city charged culinary water prices for secondary water.

Chad Braegger said the city charged culinary prices because it was treated, culinary water. Chad Call said other cities in the same conundrum, such as Ivins, had two meters – one for culinary use and one for secondary – even though the water came from the same source. Then property owners didn't have to pay culinary water prices to water their grass.

Sam Webb asked if the city had copies of the bid documents showing the price was adjusted for lack of water. Ms. Brown said she had a copy of the appraisal. Chris Breinholt stated that if the bidders were notified the property didn't have water, the bid should have reflected that. Mr. Webb wanted to see the bid documents that said the property was being sold without water. Chad Braegger said Chad Call was aware that the property was being sold without water. He talked to Mr. Call about it.

Chad Call stated that he offered the city more money if he didn't have to produce water later. He was told the city could not sell him water. Chris Breinholt agreed that the city could not transfer water rights.

Chad Call stated that from the council meetings he had attended, it sounded like Willard had an abundance of water. Chris Breinholt stated that the city was working on an ordinance update required by the state because it did have some excess water rights. The end goal was to not have extra water when the city was built out. When the ordinance was updated, a credit of the excess water rights would be given back to every undeveloped acre. There would still be a requirement for some water, but it would not be the full one-acre foot per lot. The mayor wasn't in favor of a fee-in-lieu of. So, he wasn't sure what the requirement would be.

Chris Breinholt stated that water right legislation was passed in the last legislative session to get as much water going to the Great Salt Lake as possible. It was making it harder and harder to develop land.



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Chad Call asked if the required water could be any water. Pineview serviced the Willard area. Mr. Breinholt said the City Council would have to decide what constituted a share of water. The current code did not define one or another. The city had accepted irrigation shares in the past.

Chief Mund said Pineview water had to stay with the property. Mr. Breinholt agreed that Pineview water wouldn't work.

Chris Breinholt stated that his biggest issue was the continuation of 300 East. It needed to continue south and connect into the stub street in Granite Ridge Phase 5. The city had planned for 300 East for a long time. Granite Ridge Phase 5 had angled the stub street to be able to continue to the north with the right-of-way being split between the Call property and the properties to the east. The city needed Chad Call to dedicate half the width of 300 East plus some transition. His engineer would have to figure it out.

Chad Call asked when Granite Ridge would construct the stub street. Zac Burk stated that a preconstruction meeting for Granite Ridge Phase 5 had been held with the developer. Construction was underway.

Chad Call asked why 300 East had been angled. Chris Breinholt said it had been angled so that the street would not have to be constructed by one property owner. It would be shared by adjoining properties.

Chad Braegger felt that would require Chad Call to shift things around to get half-acre lots.

Chris Breinholt said the second issue was the detention area. It could not be located on a private lot. It had to be on its own parcel dedicated to the Willard Flood Control District. The Flood District would maintain it.

Zac Burk said frontage improvements would be required on the cul-de-sac and 300 East. Chris Breinholt felt the rural standard would apply because the city didn't have curb and gutter in the area. Zac Burk said Granite Ridge had a high-back curb without sidewalk. How would that transition into a rural standard?

Mr. Breinholt said Granite Ridge Phase 5 had been accepted without sidewalk because of the steepness of the grade.

Chad Braegger asked who owned the property to the east. Zac Burke said it was owned by Al Dubovik and Justin Bodily.

Chad Call stated that he purchased the property when Kenny Bragger was the mayor. Mayor Braegger told him that Granite Ridge had to put in 300 East because they had too many houses on a single access. Chris Breinholt stated that there was a PUD development agreement for Granite Ridge that included a subdivision layout. The 300 East access was not in the approved plan. The Planned Unit Development code allowed different things.

Fire Chief Mund felt the PUD agreement relied on the International Fire Code, which said a city could have as many houses as it wanted on a single access if there was a planned second access. Since Granite Ridge was approved, Willard had changed the code to allow only 30 homes on a single access.

Chad Braegger clarified that Granite Ridge would only stub 300 East to the south end of the Call property. It would be Chad Call's responsibility to extend 300 East to the north end of his property. Chris Breinholt said that was correct.



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Chad Call asked if he had to put in the full width of the road or was he only responsible to do half of it. Chad Braegger said he would have to put in the whole road.

Chad Call stated that when he built his home at 145 West 1050 North, he was told that if anyone used any of the improvements he put in within five years, the city would collect money and pay him, but the home at 142 West 1050 North was not required to put in his half of the road. It was just put in last year, and the city paid for it. He did not feel property owners in Willard were treated equitably. If anything was done, it would be written up. Chris Breinholt felt Chad Call was referring to a pioneering agreement which was usually recorded.

Chad Call asked how Granite Ridge was allowed to develop without access onto 300 East. Chris Breinholt said the Planned Development Code that was in effect when Granite Ridge was approved, only required a single access. When the Council accepted a planned development, it accepted the entire project through a development agreement subject to the standards and codes in place at the time. Because of the development agreement, the city could not force Granite Ridge Phase 5 to put in a second access from 300 East.

Chad Call didn't feel the city should have accepted Granite Ridge Phase 5 without a second access. Chris Breinholt stated that Willard approved Granite Ridge as an entire development. He could only apply the PUD agreement that was legally agreed to between the City Council and the developer.

Chad Braegger said the code had been changed since Granite Ridge was approved. Mr. Call said it didn't appear anything had changed. Mr. Braegger said ordinances had been changed because of certain situations. The city could not go back on developments that had been previously approved. Master planned developments were different than the half-acre zone. Mr. Call could not compare things now to what was done 20 years ago.

Chris Breinholt stated that all the SLUA and the Planning Commission could do was apply the current code. He felt it was fair for Chad Call ask for a pioneering agreement if he had to build the whole road. Then if property owners to the east developed, they had to participate by contributing funds for their portion of the road.

Chad Call asked how long a pioneering agreement was good for. Mr. Breinholt said the length of time was negotiable. Usually, they were 10 to 15 years. Chad Call felt 300 East also helped Granite Ridge, but there wasn't a way to reach an agreement with them.

Chad Call asked about making 300 East a cul-de-sac. Chris Breinholt said the city would not allow 300 East to end in a cul-de-sac.

There was a discussion about lots between the cul-de-sac and 300 East having two frontages and which way the houses would face. Chad Braegger felt the houses would have to face the cul-de-sac if all the utilities were in the cul-de-sac. Chief Mund said Willard didn't want another nest of worms like the homes to the west, who snuck in accesses from the east side of their lots because they didn't want to access their homes from the west like they were told.

Chris Breinholt stated that he wasn't saying Chad Call had to build 300 East. Chad Call would be required to dedicate half of the right-of-way for 300 East. If Mr. Call built the road, he would have to build the entire width.



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Chad Call stated that due to the fall of the property, most of the homes would have walk out basements. He didn't feel it would be practical to pump sewer up to 300 East. There had to be a cul-de-sac road to provide utilities.

Chad Braegger asked if it would be more practical to require the property owners to the east of 300 East to provide the full road width because Chad Call didn't need 300 East to develop his property. Why should he have to put in a road he wouldn't use? Chris Breinholt felt Willard needed to be fair with adjoining property owners when it could. The goal for 300 East was to have half on each side. The road had to go through.

Sam Webb stated that Granite Ridge was approved without two accesses. So why should Chad Call have to put in a road. Chris Breinholt said the city would not be doing its job if it didn't try to provide a road network.

Zac Burk stated that Willard was dealing with roads that didn't mesh because in years past, the city and property owners hadn't thought about the future. The two ends of 300 East would connect. The city had to plan now so it didn't have to police people later.

Chris Breinholt stated that the planning for 300 East happened long before Chad Call's development proposal.

Jeremy Kimpton, City Manager, stated the City Council would bring up the extension of 300 East. SLUA would make a recommendation to the Planning Commission. Chad Call could propose something different. He asked if 300 East was on the Road Master Plan. Chris Breinholt didn't think it was because it wasn't a collector road.

Chris Breinholt stated that the code said a frontage had to have improvements. Even though Mr. Call did not plan to use 300 East, anything that faced a street was frontage. Usually, double frontage was not allowed. It wasn't good planning practice.

Madison Brown asked what the east side of the lots on 300 East would look like. Would they have massive retaining walls? Double frontage was one thing, but double access was another. The city didn't want double access. Chad Braegger felt the lots would have to be retained somehow.

Chad Call asked if Willard had a code prohibiting double frontage lots. Chris Breinholt said it did not.

Jeremy Kimpton felt there should be a mechanism to force access of the lots to the west. Did Willard require utilities to come from the front of a lot. Chris Breinholt said it was preferred, but it wasn't required.

Chad Braegger asked if there was sewer on 300 East. Zac Burk said there were sewer manholes that could be tied into. There were also two water lines. Mr. Braegger felt there should be utilities if the road was going to be built.

Jeremy Kimpton asked if the Fire Chief had any concerns. Chief Mund stated that 300 South was steep, but he didn't feel much could be done about it. The water pressure was fine, and the proposed hydrants would be fine. The driveways for the homes on the east side of the cul-de-sac should not have more than a 10% grade.

Payden Vine, Public Works Director, did not have any comments.



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Jeremy Kimpton did not feel SLUA was prepared to make a recommendation regarding 300 East. Mr. Call was aware of the recommendation that would come from the City Engineer. The Planning Commission and City Council would have to determine Chad Call's responsibility for 300 East. There were issues to look at on both sides.

Chad Braegger did not feel the issue was black and white. The city kept adding costs for developers, which increased the price of land. Some things needed to be done, but some could be put off.

Jeremy Kimpton felt there needed to be consistency in applying the requirements of the ordinances. However, there were some mechanisms that could be worked through to create a win-win on both sides; that would give the city assurance of connectivity but did not place the entire burden on one developer. He hoped Mr. Call understood the staff's concerns so he could be prepared to work through them.

Sam Webb asked if the city put in the fire hydrants on 300 East. Zac Burk said it did. The developer helped pay for some of the line, but the city put the improvements in. If development didn't pay for improvements now, the city would pay for it eventually. Future worth was a lot higher than present worth. It was hard to plan for what the city didn't know would happen, which was why it had to plan with what it did know and could do now.

Mr. Burk said there were two water lines in 300 East. There was a larger size line from the upper pressure zone to facilitate development in Granite Ridge.

Chad Call asked if there was a right-of-way for the water line. Mr. Burk said there was a 10-to-15-foot utility easement, which was different than a right-of-way.

Chris Breinholt asked if there was a gas line as well. Zac Burk said there was. Chief Mund said the old high pressure gas line was still there.

Zac Burk said that with all the utilities in the ground the only thing that made sense was to put a road there.

Chad Braegger felt the biggest issue was water. Nothing else mattered if there wasn't water.

Chief Mund agreed the big issues were water, 300 East, and dedication of the detention basin. A decision regarding 300 East would have to be made by the Planning Commission and the City Council.

Chris Breinholt stated that all water below 300 East would have to come from 300 South.

Jeremy Kimpton listed the issues Chad Call needed to work on: Water, dedication of the detention basin, and a proposal for 300 East. Did SLUA feel Chad Call could move on to Planning Commission if he solved those issues, or did he need to come back?

Madison Brown stated that the homes directly west of the Call property faced east. They had used a dirt track to access their properties. How would those properties access their homes? Chad Call said the dirt track was on his property. When he purchased the property, he blocked it off. Chief Mund said the homes had driveways that looped around from 200 East. Jeremy Kimpton stated that if the property owners had an issue, it was a civil matter.



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Van Mund moved to forward the Bayview Estates Subdivision to the Planning Commission when Chad Call resolved water, 300 East, and dedicated the detention basin. Payden Vine seconded the motion. All voted “aye.” The motion passed unanimously.

2B. CONSIDERATION AND APPROVAL OF MAY 30, 2024, MINUTES

Chris Breinholt moved to approve the May 30, 2024, minutes as written. Payden Vine seconded the motion. All voted “aye.” The motion passed unanimously.

2C. DISCUSSION REGARDING IMPACT FEES FOR LYNN BEARD FOURPLEX

Michelle Drago, Deputy Recorder, stated that the city had received a building permit application for the first of Lynn Beard’s townhomes. She asked how the water and sewer impact fees should be assessed. Should Mr. Beard be charged the full amount for each unit?

Chris Breinholt stated that on every chart and table he had seen for multi-family where irrigation was included in the culinary water, a single multi-family unit was charged .67% of an ERU. Madison Brown said the city code said 66%.

Michelle Drago asked if she used the same percentage for the sewer impact fee. Mr. Breinholt said that was correct.

Michelle Drago asked about the size of the water meter. Payden Vine said it would be a 2-inch water meter. He provided her with a copy of the invoice.

3. ADJOURN

Jeremy Kimpton moved to adjourn at 4:09 p.m. Zac Burk seconded the motion. All voted “aye.” The motion passed unanimously.

Minutes were read individually and approved on: 8/1/24

Madison Brown
Madison Brown, City Planner

Michelle Drago
Michelle Drago, Deputy City Recorder

dc: SLUA 06-27-2024

