



WILLARD CITY

Subdivision Land Use Authority (SLUA) – Special Meeting

April 25, 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
Colt Mund, City Attorney
Madison Brown, City Planner
Chris Breinholt, City Engineer
Van Mund, Fire Chief
Payden Vine, Public Works Director
Michelle Drago, Deputy City Recorder

Others in attendance: Zac Burk, Jones & Associates; Pat Burns, Lync Construction; Alex Owens, Lync Construction; and Garth Day, Heritage Land.

1. CALL TO ORDER

Madison Brown, City Planner, called the meeting to order at 3:01 p.m. The Deputy Recorder recorded a roll call attendance.

2A. CONSIDERATION OF A CONCEPT PLAN FOR THE FITZGERALD POND SUBDIVISION
LOCTED AT APPROXIMATELY 3700 SOUTH 200 WEST (PARCEL NOS. 02-035-0061, 02-035-
0063, AND 02-035-0079)

Time Stamp – 1:00 04/25/2024

Pat Burns, Lync Construction, stated that this was the first time he had met with the city since his property was rezoned R ½ by the new General Plan. He owned 33 acres located at approximately 3700 South 200 West. He wanted to work through the subdivision process.

Chris Breinholt, City Engineer, asked about the zone. Madison Brown explained that Pat Burns had submitted a rezone application several months ago because the current zoning map and general plan showed an A-5 Zone. The new general plan was adopted by the City Council on March 14, 2024. In the process, the zone was changed from A-5 to R ½. A rezone application was no longer needed, and Mr. Burns was proceeding with a subdivision application.

Van Mund, Fire Chief, stated that a previous concept plan included property owned by Chad Braegger. Mr. Burns explained that Chad Braegger didn't want to be part of the rezone process. Now that the city had rezoned the property, Chad Braegger might be willing to subdivide his property. He had not met with Mr. Braegger to discuss the possibility.

Colt Mund, City Attorney, asked what the property was currently used for. Pat Burns said it was agricultural. Mr. Mund said that when development was approved on nearby property, adjoining farmers had questions about easements and access to their farm ground. Did anyone besides the property owner need access across this property? Mr. Burns said he was not aware of any easement issues.



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Zac Burk, Jones & Associates/City Engineer, asked if the lots along the west side, adjacent to the pond, were jurisdictional wetlands. He did not believe jurisdictional wetlands could be included in the subdivision. Pat Burns asked if that was stated in a city ordinance. In other cities, wetlands could be included in the lot area if there was enough buildable area.

Pat Burns stated that the proposed west road matched the City's road plan.

Zac Burk said the low impact road section shown on the concept plan was not allowed in a new subdivision. It could only be used to tie into existing Willard streets. This subdivision did not qualify and would be required to provide a standard street width of 60 feet.

Van Mund asked if the water would come from 200 West. Pat Burns said it would. There was further discussion about how to get water to the subdivision.

Chris Breinholt asked how Pat Burns planned to provide sewer to the subdivision. If Pat Burns planned to provide individual pumps it would mean amending the Public Works Standards. He wasn't sure Willard wanted to do that. He felt it would be better to centrally locate a lift station for the whole area.

Pat Burns stated that a lift station had been approved for a nearby Perry development. He asked about the possibility of tying into that lift station. All the sewage from Perry and Willard ended up in the same place – the Willard Wastewater Treatment Plant. Colt Mund said the Willard City Council had worked on an interlocal agreement to allow Perry sewage to flow through Willard's line, but the agreement fell apart when Perry and Willard couldn't agree on costs. Some of Willard's council members weren't in favor of the agreement.

Pat Burns said Perry was willing to work with Willard. If Willard didn't have a service to offer him, he could pick up service from Perry. He had a solution, he just had to work out an interlocal agreement.

Chris Breinholt said Pat Burns would have to get two city councils to reach an agreement. Pat Burns asked what the hesitation was because the answer was just math. Zac Burk said it was also maintenance, volume, and cost sharing. Chris Breinholt said the math was there, but it was more than math. There was a lot of history Van Mund said both cities had to get along.

Zac Burk said Pat Burns would also have to deal with storm water. There was an easement through Mr. Burn's property and a line that discharged into the pond. He could foresee a problem with Fred Barker if more storm water was discharged into the pond. In the past, Mr. Barker was concerned about direct storm drainage coming from 200 West. He felt the discharge affected the highwater which flooded him out. Willard never really addressed his concerns. Mr. Breinholt said there might have to be separate detention. It was an issue that could be resolved, but Mr. Burns would have to work through it.

Pat Burns stated that the pond was the result of a spring. It was never low, even during the drought a few years ago.

Chris Breinholt stated that Pat Burns needed to provide a water connection to Willard City; provide sewer, whether it was interlocal or not; resolve storm drain issues, and roads would have to comply with Willard's Public Works Standards. Any pond acreage on a lot could not be counted toward the required lot size.



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Michelle Drago, Deputy Recorder, asked if Pat Burns would have to provide documentation from the Army Corps of Engineers regarding wetland delineation. Mr. Burns said no delineation would be needed because he wasn't disturbing the pond.

Zac Burk said Pat Burns would have to work out details for crossing the HOP trail. He would also have to coordinate with Perry on how to connect onto 1200 West/200 West because it was their street.

Chris Breinholt stated that the stub streets would need turnarounds.

Jeremy Kimpton, City Manager, wanted to verify that the R ½ zoning shown on the new zoning map was correct. He anticipated that the wetlands would be bought up. He cautioned Pat Burns to have his ducks in a row. Pat Burns stated that he had spoken with stream alteration representative for the Army Corps of Engineer about actually increasing the wetlands.

Zac Burk said Willard's Subdivision Ordinance 12-400-11-01 required that any hazardous or potentially hazardous conditions needed to be recognized.

Colt Mund asked how difficult it would be to get a letter from the Army Corps of Engineers. Pat Burns said he planned to get a letter. He always protected himself. He never went near wetlands without a study from the Army Corp of Engineers.

Pat Burns stated that he had open land south of the pond. He planned to clean it up, make it functional, and put in some trails. It would be an inexpensive amenity for this type of development. According to Chad Braegger, the pond was loaded with fish. He did not have to have an HOA. Was Willard interested in a park? He had to do something with the land he owned. Jeremy Kimpton said Mr. Burns would have to ask the Council if they were interested. He doubted they would want anything to do with the water.

Chris Breinholt felt Willard would want some rights to the pond area because it would be a detention/retention area. If there was a flooding problem, Willard would need some rights to be able to go in and take care of issues.

Pat Burns asked if Willard wanted to have some trail connectivity between the pond and the main trail on 200 West. Zac Burk felt it would be a good idea. However, Willard really didn't have an active transportation plan.

Colt Mund asked what water rights or shares this property had. Pat Burns said he had 24 Pineview shares. He had learned that Pineview could provide pressurized secondary water. With the pond, he could also provide pressurized secondary water. Then he could use his Pineview shares elsewhere.

Chris Breinholt asked about water rights for culinary water; secondary water didn't count. Mr. Burns said he didn't have any culinary water rights. Mr. Breinholt said Willard's current code required a development to provide one acre foot of culinary water per ERU. Pat Burns could not do anything without water rights for indoor use. He would have to find water rights.

Pat Burns asked what culinary water rights were available. When a city incorporated, it took all water rights. Chris Breinholt said there were a lot of private wells and springs. Those rights were transferable.



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Chris Breinholt said the amount of culinary water a development was required to provide would be changing because Willard's excess culinary water rights would be back applied per developable acre.

Colt Mund stated that the culinary water requirement was waivable for a good cause. The city had waived that requirement in the past when there had been some type of exchange. As the city worked through the ordinance revision there could be some type of buyout requirement.

Pat Burns asked how many gallons per day an ERU was in Willard. Chris Breinholt said it was based on annual use. It was one-acre foot. That included indoor and outdoor use.

Pat Burns asked if the amount of required culinary could be reduced if he could provide his own secondary water. Mr. Breinholt said it was not permitted by the current code.

Chris Breinholt stated that if the code was amended the way he proposed, Willard's excess water rights could be attributed to whatever acres were developed.

Pat Burns asked if the culinary water for Willard and the culinary water for Perry were completely separate. Chris Breinholt said they were. There wasn't any interaction between the two systems.

Colt Mund stated that Willard's code said, "In the discretion of the City Public Works Director and the City Engineer, in lieu of actual conveyance of water rights pursuant to this section, a single-lot development applicant (which this was not) or a final subdivision applicant may pay to the City an amount established by the City Council per acre foot of water rights intended to be sufficient for the City to purchase municipal water rights necessary to satisfy the anticipated future water needs of the proposed development to be served and supplied by the City water system." 12-400-12-03(2) He felt it was an option Pat Burns could explore.

Pat Burns asked if Willard had updated its Subdivision Ordinance in accordance with the State's requirements. Colt Mund stated that due to its size, Willard had a little more time to implement the state requirement. Right now, the subdivision process was still the same. Jeremy Kimpton said the water exaction would be part of that update.

There was a discussion about possible ways to make developments between Perry and Willard work. Mr. Burns said he would like to approach the City Council about an agreement, but he wouldn't even start in that direction unless the staff was supportive.

Pat Burns asked what his next step was.

Colt Mund did not feel the subdivision was ready to forward to the Planning Commission.

Chris Breinholt felt Pat Burns needed to propose how to resolve the water, sewer, and storm water issues. Willard needed to know if Pat Burns planned to run water on 200 West from Willard, or did he plan to pursue an interlocal agreement to service water from Perry. Willard needed to know how Pat Burns planned to provide sewer. He felt Mr. Burns could build a lift station for this subdivision and the land next to it and pump back to the existing Willard City sewer without involving Perry. He felt that would be the direction from the City Council. If Mr. Burns chose to pursue an interlocal agreement he would have to show the benefit to Willard.



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Pat Burns asked about a special service district for the sewer. Colt Mund said that would be up to the City Council.

Jeremy Kimpton did not feel there was any action for SLUA to take. Pat Burns had been given some homework assignments. He needed to let Willard know when he was ready to move forward.

- 2B. 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)

Time Stamp: 1:03:00 04/25/2024

Madison Brown stated that Garth Day from Heritage Land wanted to present a revised concept plan for the Orchards development to the SLUA.

Garth Day, Heritage Land, stated that they had been pursuing a rezone from R ½ to Master Planned Community. At the Planning Commission's public hearing on February 1st, there were a lot of public comments; not very many were positive. So, they tweaked the project. They reduced the number of lots from 126 to 107, which was closer to the two units per acre density. There would be 58 single-family lots and 49 patio homes. Some of the public comments were about the desire to keep a rural feel in Willard. So, they proposed a rural road standard for the large lot area.

Chris Breinholt stated that the rural road standard could only be applied when tying into existing streets. Mr. Day said that using the rural road standard was the Mayor's idea. To get the lot sizes that Willard wanted and required infrastructure did not work for them financially. Something had to give, so they were proposing a rural road standard.

Garth Day stated that the public didn't want an HOA, but Willard did not have the ability to provide maintenance. They had designed the open spaces to be public spaces without an HOA. They included trails, a pond, and pickleball courts. In the development agreement, they planned to propose a time for the open spaces to be built to allow Willard to catch up with a maintenance program. If that didn't work, they would fall back on an HOA for maintenance.

Mr. Day said that in the patio home section, they were proposing a 40-foot road section. The number of roads had been reduced, as well as the infrastructure. The little, private road coming off 200 West had been eliminated due to issues about an off-set intersection. It would now be a trail access but could be used for emergency access if needed. It would tie into the urban trail on 200 West.

Zac Burk stated that there needed to be a turnaround at the east of 200 South. Mr. Day said there would be a cul-de-sac/turnaround and possibly parking.

Garth Day said they were still working with UTA on the sale and dedication of the rail corridor. There would be a storm pond on the northwest corner of the development where the roads created a triangular parcel. It would pick up storm water from the patio homes, which would have curb and gutter.

Colt Mund asked where access for the subdivision was located. Garth Day said there were two access on 200 West at 350 South and 420 South.



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Zac Burk asked about configuration of the open spaces. Garth Day said the trails would be hard surfaced. The area around the pond would have natural growth.

Garth Day felt he was between a rock and hard space. The Planning Commission and the Mayor had made it clear that they did not want an HOA. His only option for open space was to give it to the city. If the city couldn't take it, his only option was an HOA.

Colt Mund asked about the narrow strip of land connected to 200 West. Garth Day said they were no longer proposing to use it as a road. It would be a trail that could double as an emergency access. Mr. Mund was concerned people would park in that strip and block emergency vehicles. Mr. Day said it would be fenced on both sides and could be signed.

Garth Day stated that he had submitted a revised development agreement. Colt Mund said he had reviewed it and sent his comments back to the city.

Zac Burk asked if the 40-foot roads would be private. Garth Day said all the roads would be public. Parking would be restricted on the 40-foot roads.

Chris Breinholt stated that he would not recommend a public 40-foot roadway. Mr. Day said they could use the low-impact roadway. Mr. Breinholt said the statement in the Public Works Standards said the 60-foot curbed roadway section was to be considered the "city standard." Where designated by the city on a case-by-case basis in areas of pre-existing roadway improvements, alternate street cross section designs may be used with approval of the City Engineer and the Public Works Department.

Mr. Breinholt said the Public Works Standards would only let Heritage Land use a no-curb section if they were in an area that did not have curb and few streets were being added. Garth Day said that an MPC Zone allowed for standards to be altered. Mr. Breinholt agreed that could be part of a development agreement approved by the City Council. Until an agreement was approved, SLUA had to enforce the code as it was written.

Garth Day asked how he moved to the next step if he was proposing something different. Mr. Breinholt said Mr. Day would have to approach the City Council. Mr. Breinholt said he would not object if the City Council wanted to allow no curb roads in the flatter areas although there would be challenges.

Zac Burk stated that Willard did not like narrow roadways. Chris Breinholt that with narrow roadways, there could not be any on-street parking. If a car parked on the street, it would block emergency access. Willard did not have as much authority on private roads.

Garth Day stated that the whole point of the cottage home area was to have a small village concept. If roads were smaller, people wouldn't want to drive through them. They could still fit everything if the patio homes had 60-foot wide roads. The road in the middle of the patio homes would remain 60-feet wide to accommodate the city sewer line.

Zac Burk said his problem with narrow roads was the difficulty replacing and maintaining the utilities.

Chris Breinholt asked about the minimum road width allowed by state code. Zac Burks said the state minimum was 32 feet of pavement. Chris Breinholt said the narrowest width of pavement Willard had to allow was 32 feet. That width was not in Willard's Public Works Standards, but state law said Willard had to allow a width as narrow as 32 feet because of emergency services.



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Garth Day stated that if the City Council was okay with private roads, they were okay having an HOA maintain them. Mr. Day felt the public's issues with the HOA related to open spaces. Mr. Breinholt stated that whether the road was private or not, he would not recommend anything narrower than 32 feet. Even if it was a private road, he would recommend against a road with less than 32 feet of pavement. Mr. Day asked that Mr. Breinholt pass along a recommendation to the Planning Commission that the roads either be city-standard or at least 32 feet wide, even if they were private. Then if he proposed a road with 32 feet of asphalt the city could determine whether those roads needed to be private or public.

Chris Breinholt said Willard was required to allow 32 feet of pavement. Willard could come up with a Public Works Standard for a city road with 32 feet of pavement. Mr. Day said Willard could waive requirements in an MPC Zone through a development agreement.

Garth Day asked if their rezone could be moved forward if they changed the narrow roads to have 32 feet of pavement. Mr. Breinholt felt it could if Mr. Day understood that the City Council would have to agree to the rural road section. Mr. Day felt the Mayor was in favor of the rural road section.

Chris Breinholt said use of the rural road section went against the city standard. He felt that if the Council was going to allow it, then it should be allowed everywhere.

Garth Day stated that the lot sizes were not half-an-acre. They were between 15,000 to 18,000 square feet, but they were trying to make the subdivision look more like a rural area.

Colt Mund felt the rural road section without curb, gutter, and sidewalk should be articulated in the development agreement.

There was a discussion about maintenance of a rural road.

Michelle Drago asked if Heritage Land still planned to have a retention pond in the southwest corner of the development. Garth Day was not sure. Willard Flood Control wanted to have that set aside. He felt they would carve off that area and leave it vacant for the flood control district.

Michelle Drago asked what would be done with the small remnant next to Lot 214. Mr. Day said they really couldn't do more past Phase 2 on the south side of the property because of the sewer. Until the Deer Run developer ran needed infrastructure, Heritage Land had to focus on the patio homes.

Chris Breinholt stated that emergency access was a big deal. Without emergency access, Orchards was a single access development. The dirt road to the south was just a dirt road. To make sure the trail access to 200 West qualified as an emergency access, it had to have an acceptable width as well as a passable all-weather surface. Garth Day said they would dedicate that strip as an emergency access.

Michelle Drago asked about the checklist the Mayor asked the SLUA to fill out. Garth Day said he couldn't find any reference to the checklist in the code. Colt Mund said it wasn't in the code. He felt the Mayor's formation of the checklist was to make sure SLUA articulated the way the proposed application met the MPC Zone. He proposed that in the future, the applicant complete the checklist.

Colt Mund realized the City Council could make alterations to the road standards, but he wanted to make sure that public safety and engineering were okay with the proposed roads.



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Jeremy Kimpton stated that he had read and reread the impact statement requirement. He felt it was an engineering decision. An environmental impact study could be conducted at the request of the Planning Commission or City Council, or the city engineer could determine one was needed.

Garth Day thought he was being asked to prepare a community impact statement based on comments made in the public hearing. He had been working on such a statement.

Mr. Kimpton felt the SLUA needed to determine if an impact statement based on an environmental study was needed. If so, what would it look like?

Colt Mund stated that an issue that was brought up in the public hearing was traffic. He felt it would be brought up again.

Garth Day stated that they had done a traffic study. They could add to it and give Willard calculations based on the development impact. Michelle Drago asked that Mr. Day provide Willard with a copy. Mr. Day said the city already had a copy of the traffic study because Chris Davis had the traffic study done. Jeremy Kimpton did not feel the Mayor would accept that traffic study.

Chris Breinholt stated that the problem was the single road – 200 West. When the Middle Peaks Subdivision went in, residents were upset about the additional traffic from twelve homes. Now Heritage Land was proposing a development with over 100 homes. Even though all the traffic studies said there wouldn't be a problem with additional traffic, the residents disagreed.

Garth Day stated that until 600 South was built, which they could not control, traffic would use 200 West and 200 South to access the highway. They had proposed, and were willing to help with, a public improvement district. Then there would be resources to pave 200 West to 600 South and out to the highway. It seemed there hadn't been much interest in that solution.

Jeremy Kimpton felt questions to be answered were the checklist and impact statement. Could Heritage Land move forward if those weren't in the packet?

Garth Day stated that he would go back and fix the roads so they would be acceptable, and he would fill out the checklist. Jeremy Kimpton felt the Mayor wanted to have an MPC Zone justified. The point of the checklist was to explain why and how a development met the criteria for an MPC Zone.

Colt Mund asked if 420 South had access to 200 West. Mr. Day said it did. It was improved with curb, gutter, and sidewalk on the north side. The south side only had curb and gutter. They were requesting a pioneer agreement for the south side.

Colt Mund stated that Willard's code did not require emergency access. The requirement for emergency access was in the International Fire Code. Willard City did not adopt the exception to the provision. He felt emergency access should also be addressed in the development agreement.

Garth Day asked about the 30-lot limitation in Willard. Colt Mund said the International Fire Code provided exceptions for multiple access. Those exceptions did not make it into Willard's code. Willard tinkered with requiring a second access in excess of ten homes, which was then raised to 30 homes to be consistent with the International Fire Code.



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Van Mund said there wasn't a limit of 30 homes in the International Fire Code. The International Fire Code said a city could put as many homes as it wanted on a single access as long as it had a provision for a second access sometime in the future.

Garth Day asked if he could build 30 homes on one access in Willard. Mr. Breinholt said all the homes on the single access had to be counted. In this case, the count started at 200 South where the neck was, and there were already 30 homes.

Garth Day stated that he would provide information at the next SLUA meeting so the way to move forward would be clear. He would complete the checklist and an analysis of the tax impact. He could not do anything about over-crowded school buses. He could fix the roads and the checklist.

2C. CONSIDERATION AND APPROVAL OF JANUARY 18, AND MARCH 28, 2024, MINUTES

Jeremy Kimpton moved to approve the January 18 and March 28, 2024, minutes as written. Payden Vine seconded the motion. All voted "aye." The motion passed unanimously.

3. ADJOURN

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

Minutes were read individually and approved on: 5/30/24

A handwritten signature in blue ink that reads "Madison Brown".

Madison Brown, City Planner

A handwritten signature in blue ink that reads "Michelle Drago".

Michelle Drago, Deputy City Recorder

dc: SLUA 04-25-2024

