

WILLARD CITY CORPORATION SLUA121217

DATE: December 12, 2017
TIME: 6:30 p.m.
PLACE: Willard City Hall
ATTENDANCE: Bryce Wheelwright – Willard City Planner, Kevin McGaha – Willard City Attorney, Van Mund – Willard City Fire Chief, Doug Thompson – Willard City Maintenance, Chris Breinholt – Willard City Engineer, Teri Fellenz – Willard City Recorder, Jean Loveland – Willard City Police Chief, Gaylene Nebeker – Secretary

EXCUSED:
CITIZENS: See attached sheet

1. Call to Order – City Planner Bryce Wheelwright called the meeting to order

2. Discussion Items

a. Pre- Sketch plan meeting for the Proposed (6 Lot) Isakson Subdivision for Parcel #02-041-0036 located at approximately 142 West 1050 North, submitted by Guy and Tammy Isakson

City Planner Wheelwright read from the Subdivision Ordinance on Sketch Plan meeting which states *"at the pre-application meeting the SLUA will attempt to identify problems which may arise from the application of existing statutes and ordinances to the proposed development (no decision will be made from the SLUA). It is vital to identify early the properties existing resources such as historical, geological, sewer and water issues that may arise due to this application."*

This proposed Isakson Subdivision is 6 lots with 1 acre lots. Discussion was held on the proposed 100 West and would take part of the Lot #1 would need to be dedicated to the city and improved where it intersects the subdivision and is not shown on the plan

Fire Chief Van Mund stated the plan does not show a turn around and they would be required to put in a second fire hydrant. Guy Isakson said he did not show the fire hydrants on the plan but will have 2 one on 200 West and one at the end. Chris Breinholt felt one issue will be supplying fire flow to that area. He said the 6 in. line from the highway down and along the highway there are a few options: construct a 10 inch line to replace the 6 inch line to the highway, loop the line to 200 West out to 700 North which will be the most expensive or connect the 2 lines running parallel on the north and south sides of the highway. Guy Isakson stated he had receive bids for putting in an 8 inch line. Chris stated standard size is 8 inch but to get the fire flow they would need a 10 inch line from the highway. Guy Isakson stated with 5 one acre parcels it would not be economical. He stated they only wanted to cut off one acre for their son and 100 West is not something they were aware they would be required to put in and if they have to dedicate 100 West it will take another lot and they will be losing money.

City Recorder Teri Fellenz explained this was unfortunate but is the cost of developing and the city needs to follow their ordinances. Chris Breinholt stated at

some point development and system will come out to meet them and stated at that time fire flow will not be an issue. Guy Isakson stated there is currently no fire flow in the area. Chris stated when their development was built they did not require the 8 inch line. Van Mund said the State laws changed approximately 8 years ago. Tammy Isakson asked if they were in jeopardy by living on the street with no fire flow and asked why it would be their responsibility and not Willard City to keep the residents safe. Chris stated cities are not required to retro fit the older sections of town to meet current code. Van Mund stated it met code at the time it was built and since then codes have changed. Tammy Isakson said every homeowner should pay to put the pipe up to the highway and why is it their responsibility for adding one house when at that point they are taking care of the 10 homes in the development. Chris stated anytime new development comes in the city needs to look at the new development to make sure it meets the current code because they are requiring a need. Guy Isakson asked if there was a water line on 200 West. Chris stated no, one option was to create an 8" loop on 200 West to get the fire flow. Tammy Isakson asked how their neighbor was able to build a new house on the lane. What was the fire flow on the property? It was stated the hydrant is right of the main line at the top of the road. Van Mund stated the hydrant that feeds the new house is looped from several meters where the fire hydrant on 200 West would only be feed by one line. Doug Thompson asked what would be required for the development of the road. Teri Fellenz stated 1050 North would have to be a fully dedicated and completed road with curb, gutter, sidewalk and asphalt. She also suggested that they talk with the other landowners to see if they would be willing to help complete the road. With 200 West being the emergency access there needs to be access in case of an emergency. Van Mund stated 200 West would also need to have a turn around and be gated. Teri Fellenz also said 200 West would need to be improved north to the end of their property. With it being a 6 lot subdivision which includes their house the improvements would need to be completed past their house. She also said that administrative and engineering bills will be sent to them. Chief Jean Loveland felt the crash gate is put in to protect the 200 West trail and who will be responsible for taking care of that portion of the trail. It will be a dedicated road and would become a city road. Chris Breinholt asked about 1075 North and if the landowner would be willing to help. It was stated that 1075 North is a private lane and not shown on the Master Road Plan as a planned road. Guy Isakson said the Christensen Family was willing to help put in 1050 and will be completed to 200 West and stated 1075 is not an option. Attorney Kevin McGaha stated they were on the right tracks and reviewed the documents they need to be aware of the Master Road plan, General Plan that gives the overall law of developing in Willard, Subdivision Ordinance and Willard City Public Works standards also a schedule of applicable fees and the Land Use Map the outlines zoning, the Building Constraint map and Parks and Trails Map. He went on to explain the process which allows creativity to develop per the requirements of the ordinance. He wanted the record to show the applicant has been advised on the above documents. If the applicant has completed all the requirements for the pre-sketch plan the can then move to the sketch plan portion. He explained the policy behind following the ordinances is to not making the citizens pay for more infrastructure than what they are currently paying for. He said the land will develop at some point and suggested he get with the neighbors to supplement the cost of putting in the road. Guy Isakson said they have been working on this project for 1½ years and are aware of some of the items that have been discussed. Teri Fellenz showed on the map that curb, gutter and sidewalk as needed and said Willard City

Ordinance does not allow and will need to be part of the development. Tammy Isakson asked if they put in curb, gutter and sidewalks where is the water going to go. Teri Fellenz said it would be up to them to take care of it. Chris Breinholt stated with development there are now State requirements for detaining water and will be required to have a small detention area to hold the water.

Guy Isakson felt with growth in Willard City is going at a snail's pace with the exception of large subdivisions but for someone that only wants to put in one house is next to impossible. Chris Breinholt stated it is hard if you live on the outer edge of the water system which creates issues with fire flow. Tammy Isakson said she has a hard time with the larger developments only having one access and them having a lot of rules and regulations that do not apply to large developments. It was stated the same rules apply. Guy Isakson asked if the city decides to push 100 West through to their property is Willard City planning on purchasing their property. Teri Fellenz stated no, but at the time of development any developer that would need that land for access would be responsible to come to them. Tammy Isakson asked what the benefits would be to them to put in 100 West when there is 200 West and 150 West. Chris Breinholt stated it would be irresponsible of the city if they did not plan for transportation throughout the city because someday it will be developed. Tammy Isakson voiced frustration on the requirements they have to do. Chris Breinholt said that someone put in the road to their house and the next person extends etc. Tammy said she has contacted 4 attorneys that said they have all said the city cannot do that. Chris said it is done in every development in every city he has work at. There was no further discussion. City Planner Wheelwright will send a letter addressing items discussed.

b. Pre-Sketch plan meeting for the Proposed (2 Lot) Zane Fairbanks Subdivision for Parcel #0-051-0013 located at approximately 55 South 200 West

City Planner Wheelwright explained the Fairbanks are looking for a waiver on the curb, gutter and sidewalk and have asked to be on the City Council agenda and asked that this item be tabled.

c. Pre-Sketch plan meeting for the Proposed (3 Lot) Stillman J. Harding Family Trust Subdivision for Parcel # 02-057-0034 located at 335 West Center

City Planner Wheelwright explained there was a miscommunication and the Harding Family thought they were ok to subdivide the property not for development only for settlement of the estate. They are not coming back to clear up. This subdivision is on West Center Street which he explained has bottleneck issues. They will be required to adhere to the requirements of the Subdivision Ordinance. Chris Breinholt stated the utilities are at the property and said there is a home there and asked if there should be a right of way on 300 West on the Master Road Plan and will need to be on the east side of the house. Teri Fellenz stated this property created the ordinance for 10 lots because of the width of Center Street being too narrow with the number of homes already there and the proposed lots created and issue with requiring a second access. She stated there would need to be a second access put in before anyone was allowed to build. Fire Chief Van Mund also stated they would be required to have a second access. **Chris stated there is nothing in the code that requires them to put in curb, gutter and sidewalk where there is nothing there.** Jean Loveland said there is also 400 West is there but there is no curb, gutter and sidewalk on the

east side. There was discussion held on location of fire hydrants. Chris said the water system for fire flow in this area is good. Teri asked if they have sold the house. Jaelynn Hathaway stated they cannot sell the house until this issue is resolved and it shows on the plat map they are not approved for residential development. Kent Hathaway said they needed to subdivide the lots as part of the sale of the estate. Teri stated they have heard the requirements for subdividing during the Isakson and Willard City Ordinance does not allow splitting off parcels. Kent Hathaway said the estate set precedence if the estate indicates where the property lines are going to be and would override some of the other issues going on. Jaelynn Hathaway stated the trust is a legal document and as a legal document it states that is what they needed to do. Willard City Attorney Kevin McGaha said he has not seen or advise on the document. He said the Subdivision Ordinance allows for certain exemptions from the ordinance and explained the trust is not one of them. Kent Hathaway said he had talked to individuals in the State and was told a legal trust document does make a pre-exemption. Jean Loveland stated it creates an obligation but the improvements would need to be done in order to meet the goal. Kevin McGaha stated the trustee of the trust is obligated to comply with Willard City Ordinances. Fire Chief Van Mund said if they do not subdivide and follow all the rules it would become an undivided interest between those in the family that have interest in the property. Unless it is not subdivided correctly with city there is a remains an undivided interest between the siblings. Kent Hathaway asked what this all means. Van Mund said there needs to be a second access and subdivided. Jaelynn Hathaway stated they are not building on the property. It was stated they are still subdividing the property and creating more than one lot. Kent Hathaway felt until the Mayor who built the development decides to demolish the house on 250 West to put the second access everything is on hold. It was stated yes. Jaelynn Hathaway asked how she can create a second access. Van stated it would be up to the developer. Jaelynn felt as a trustee she cannot do what the trust says she has to do for the siblings and felt there was nothing she can do. They have done everything they were told to do including separate Tax ID number and plat showing unbuildable lots. Kevin McGaha asked who drafted the trust? Jaelynn Hathaway said an attorney in Brigham City. Kevin stated if you have an issue with the trust you would need to go back to the attorney and have the trust reformed.

Chris Breinholt asked for clarification that they are being required by the trust to subdivide the property to split among the siblings. Kent Hathaway stated in order to sell the house they were required to subdivide the property to satisfy the siblings. Chris felt what they are proposing is an exemption to the code and if no development is available because it is flagged on the plat as unbuildable they would be required to go back and have the tag removed from the plat and asked if there was a way around this. Teri Fellenz asked what they are going to do for the Isakson's that were just told they had to develop everything. Chris stated the Isakson's are requesting to build homes. Jean Loveland stated when the house is sold are they going to be aware they will be required to put in all the improvements. Kevin McGaha suggested they contact their attorney to give them their options. It is not Willard City's responsibility to solve those problems. Chris stated there is a need for the road right of way on the east side. Kent Hathaway stated Stillman Harding resisted putting in the east side driveway because it does not go anywhere besides Center Street. Chris said on the plan it looks like Stillman reserved a space for it. Jaelynn Hathaway stated he reserved 30 ft. but the remainder needed to come off the landowners of the east. There was an agreement when he built the house in the late

1990's and did not want the whole 60 ft. coming off his property. They went on to say there is an irrigation line that the Mayor uses to irrigate fields. He was not sure how the city is going to get the property from the landowners on the east side to give up their portion for the road. Chris asked if there was an agreement with the landowner. Jaelynn was not sure, only that Willard City told Stillman Harding that they would take 30 ft. from his property and 30 ft. from the property to the east. They asked what the next steps would be. City Planner Wheelwright suggested they go back to their attorney and discuss the issues. Kent Hathaway stated the siblings have discussed suing Jaelynn for not selling the property. City Planner Wheelwright asked if they could sell as a full parcel. Jean Loveland stated if they sold the whole parcel and not do anything and if the new owner decides to subdivide at a later time they would be responsible for the improvements. The Hathaway's have all the information and will decide what to do.

d. Approval of Minutes

The minutes of the November 16, 2017 SLUA (Subdivision Land Use Authority) meeting were reviewed. A motion was made by Teri Fellenz to approve the above minutes as written. The motion was seconded by Chris Breinholt. The motion carried with a unanimous vote.

8. Adjourn

A motion was made by Chris Breinholt to adjourn the December 12, 2017 SLUA meeting. The motion was seconded by Doug Thompson. The motion carried. The meeting adjourned at 11:50 p.m.

Minutes were read individually and approved on February 13, 2018

Willard City Planner
Bryce Wheelwright

SLUA Secretary
Gaylene Nebeker