

Willard City Corporation

80 West 50 South
Box 593



Willard, Utah 84340
(435)734-9881

NOTICE

Notice is hereby given that the Subdivision Land Use Authority (SLUA) of the Willard City Corporation will hold a special meeting at the Willard City Hall, 80 West 50 South, on Thursday, August 19, 2021. Said meeting shall start at 1:30 p.m.

Agenda is as follows:

1. Call to order:

2. Business:

- a. Discussion regarding a concept plan for The Orchards at Willard Subdivision located at approximately 300 South 200 West (02-054-0005, 02-054-0007, 02-054-0008, 02-054-0009, 02-054-0010, 02-054-0011, 02-054-0012, 02-054-0013, 02-054-0017, 02-051-0004, 02-051-0085, 02-051-0087, 02-051-0251, 02-051,0252)
- c. Approval of May 6 and June 10, 2021, minutes

3. Adjourn

SLUA Meetings: Held on the 2nd Tuesday, or as needed, based on applications.

I, the undersigned duly appointed and acting Recorder for Willard City Corporation, hereby certify that a copy of the foregoing notice and agenda was posted at the City Hall and on the State of Utah Public Meeting Notice Website this 16th day of August, 2021.

/s/ Michelle Drago

Deputy City Recorder

In compliance with the Americans with Disabilities act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City Officer at 80 West 50 South, Willard, Utah 84340, phone number (435) 734-9881, at least three working days prior to the meeting.







WILLARD CITY
Subdivision Land Use Authority (SLUA) – Special Meeting
May 6, 2021 – 2:00 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

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

4
5 The following members were in attendance:

6
7 Chris Davis, City Manager Doug Thompson, Public Works Director
8 Chris Breinholt, City Engineer/Jones & Associates Michelle Drago, Deputy City Recorder
9 Bryce Wheelwright, City Planner

10
11 Others in attendance: Jim Flint, Hansen & Associates, and Brent Pearce

12
13 1. CALL TO ORDER

14
15 Bryce Wheelwright called the meeting to order at 2:02 p.m.

16
17 2A. DISCUSSION REGARDING A CONCEPT PLAN FOR ORMOND PROPERTY LOCATED AT
18 APPROXIMATELY 1401 NORTH MAIN (02-040-0038 AND 02-043-0031)

19
20 Brent Pearce stated that the concept plan for the Ormond property was approved by the City in 2018. The
21 Ormond family wanted to proceed with the approved plan with some minor changes. They wanted to move
22 the townhome section to the highway, move one block of the subdivision to the west end, and do away with
23 the commercial area. If the changes could not be approved, they would proceed with the development as
24 proposed in 2018.

25
26 Bryce Wheelwright stated that the topography was wet. Mr. Pearce said they were aware of the water. The
27 structures would have to be slab on grade.

28
29 Chris Davis asked if the green space shown on the west end of the concept plan was wet. Jim Flint said
30 they had done a wetland study. Doug Thompson said he owned the property to the north. The area on the
31 west side was somewhat wet.

32
33 Chris Davis felt the most critical issue was the lack of an ordinance to allow the City to approve the concept
34 plan with the proposed density. The smallest lot size currently allowed in Willard City was half an acre. The
35 PUD that would have allowed the City to consider the concept plan as proposed no longer existed.

36
37 Bryce Wheelwright stated that the concept plan was submitted to the City in 2018 and was approved by the
38 Planning Commission. However, the Ormond's never entered into a development agreement with the City.
39 It had been over three years. Approvals expired after one year unless action was taken by the applicant.

40
41 Brent Pearce understood that the City was in the process of amending the Zoning Ordinance.

42
43 Jim Flint asked what the property was currently zoned. Bryce Wheelwright said the frontage along Hargis
44 Hill was zoned R-1/2. The rest was zoned A-5, which meant the minimum lot size was five acres. It could
45 be rezoned to R-1/2 for half acre lots.

46
47 Jim Flint asked about the City's multi-family zone. Chris Davis explained that Willard did not have a multi-
48 family zone. The State did not mandate that a City provide affordable housing unless its population was
49 greater than 5,000. Willard City's population was less than 5,000.



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51 Brent Pearce felt Willard City had the ability to grow beyond 5,000 residents.

52
53 Jim Flint asked if the City had a PUD Ordinance in contemplation. Chris Davis said it did. Bryce Wheelwright
54 explained that the City Council had repealed the current PUD Ordinance. The City staff was working on a
55 newer version. However, the City had also just started the process to update the General Plan.

56
57 Jim Flint said a General Plan update usually took about a year. He if there would be a multi-family zone in
58 the new General Plan. Chris Davis said it was a topic of discussion. Mr. Flint asked if the best avenue to
59 pursue was the PUD Ordinance. Chris Davis said there currently wasn't a PUD option. The staff had
60 proposed a master plan community zone. The City Council was concerned about how the master plan
61 community zone would fit into the General Plan update.

62
63 Jim Flint knew water was a big thing in Willard. He asked three questions. Were 75 connections available?
64 What was the timing and status of the water tank and waterline that Nilson Homes was going to take the
65 lead on? Did Nilson Homes have a predominate position on the possible 75 connections because of their
66 willingness to build the tank? Chris Davis said Nilson Homes did have a predominate position.

67
68 Chris Davis stated that Willard City had a fair amount of culinary water. It did not have a secondary system.
69 Consequently, Willard used almost 2/3 of its water on people's grass. The City had plenty of culinary water
70 if it ever got a secondary system. The City staff had been exploring secondary water options. Currently the
71 City ordinance in place said a developer had to bring in one acre foot of water per ERU.

72
73 Chris Davis asked what kind of water rights were associated with the Ormond property. Jim Flint said they
74 had three water rights and one irrigation right. Ormond's owned 209 shares of Willard Irrigation water. There
75 were 24 shares to an acre foot, which was only good for eight lots. It depended on how the water rights
76 transferred.

77
78 Chris Davis said the City was in the process of talking to Granite about a potential well site in the 750 North
79 area. The site would include a water tank, a potential well site, and a potential secondary reservoir site.

80
81 Jim Flint asked how the City would get water for a secondary system. Chris Davis said the secondary water
82 would come from Pineview. Brent Peace said amount of water saved by a secondary system was incredible.
83 Secondary water allowed better watering with less water.

84
85 Bryce Wheelwright said the Ormond's were in a stalemate. They were right between everything that was
86 going on. They could design and develop half acre lots or wait for new ordinances to come forward.

87
88 Brent Pearce asked about the possibility of a PUD. Chris Davis said it could happen because there was a
89 PUD plan approved on the property adjacent to the Ormond's. The approved plans included townhomes
90 and single family homes. Nilson Homes wanted to acquire that property, but they wouldn't purchase the
91 property until the water issue was resolved. Jim Flint asked if that was a site specific entitlement.

92
93 Chris Davis asked about sewer in this area. Brent Pearce said the sewer ran along 200 West. Chris
94 Breinholt said the sewer line in 200 West was a little undersized depending on the zoning and density. It
95 was designed and laid out to serve this area. The density was first-come-first served. At some point Willard
96 would have to upsize the sewer line. He didn't want to add areas below the line that it wasn't designed to
97 serve. Eventually a sewer line would have to be extended to serve the area west of 200 West.



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99 Jim Flint asked Willard's urban zone. Chris Davis said it was R-1/2, half an acre. Jim Flint asked about the
100 zoning that allowed the Deer Run and Granite Ridge Subdivision. Chris Davis said that zone did not exist
101 any longer. Bryce Wheelwright said the PUD Ordinance had been repealed.

102
103 Chris Davis stated that right now the Ormond property could be rezoned from A-5 to R-1/2. A half-acre
104 development wouldn't need green space.

105
106 Jim Flint felt the City would want a smaller zone so it could generate money to build another water tank.

107
108 Chris Davis stated that 200 West was being upgraded significantly. Right now it was a dirt road. By the end
109 of the summer, it would be a paved City street that would extend from 750 North to the Perry City line. A
110 10-inch water line was being extended further north to serve the Kunzler property. It was wonderful that
111 Nilson Homes had agreed to install the water tank, but it was only part of the puzzle. The cost to put in the
112 water tank was about 1/3 of the cost to install the infrastructure. Chris Breinholt explained that to get water
113 from the City's current well to the new tank and then down to distribution was \$1.8 million.

114
115 Chris Davis said the City was updating its water impact fees from \$3,618 to \$4,500/\$4,800. Water impact
116 fees were being used to refund infrastructure costs to two developers. One developer paid for a water tank;
117 another had paid for a water line extension.

118
119 Jim Flint asked why the development plan for the Kunzler property was vested while the plan for the Ormond
120 property wasn't. Bryce Wheelwright said it had been three years since the Ormond plan was approved.
121 Willard City's Zoning Ordinance said a subdivision approval was only good for one year. If work didn't
122 commence on the subdivision within that year, its approval expired. Mr. Flint asked what the Kunzler's had
123 done to keep their vesting status. Bryce Wheelwright said they had been continually trying to get a
124 development agreement approved. Mr. Davis said the Kunzler's had been to the Planning Commission and
125 City Council. Chris Breinholt said they had been meeting regularly with SLUA about water.

126
127 Chris Davis asked how far the Ormond's had gotten in the approval process. Bryce Wheelwright said they
128 received approval from the Planning Commission, but they never submitted a development agreement for
129 the City Council to approve. The Kunzler's were still trying to work out a development agreement with the
130 City Council.

131
132 Jim Flint asked if they could squeeze in 30 half-acre lots without a tank. Chris Davis said the developers of
133 the Deer Run Subdivision had paid for a capacity of about 300 lots. They had received approval for about
134 70 of those lots. They were entitled to water for approximately another 230 lots. The Deer Run and Granite
135 Ridge Subdivisions were entitled to water in the new tank. Hypothetically, there was extra capacity for about
136 75 units in the tank. It was possible that something else could be developed and built before Deer Run
137 needed their full 260 units. Chris Breinholt said it was a matter of timing. Once the City exceeded the excess
138 capacity built into the reservoir, the City would be obligated to build another reservoir to provide the water
139 Deer Run was entitled to.

140
141 Jim Flint asked how many lots could be built without the additional reservoir. Chris Davis said if Kunzler
142 and Nilson Homes were excluded there was about 75 available lots. Chris Breinholt said that depended on
143 how many building permits had already been issued because the supply was only guaranteed at the time
144 a building permit was issued. Every building permit took away available capacity. There really wasn't a way
145 for the City to provide an exact number.
146



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147 Jim Flint asked what would happen if a 30-lot half acre subdivision was submitted. Chris Breinholt said that
148 right now it could be approved. However, it was possible construction could be halted before it was
149 completed if there wasn't any available water.

150
151 Chris Davis said that Nilson Homes was willing to build a tank so they knew they would have 75 lots along
152 with a guarantee for more lots somewhere down the road.

153
154 Chris Breinholt explained that Nilson Homes would put down money for the tank as soon as their
155 development plans received approval. Chris Davis said part of the challenge with Nilson Homes was the
156 cost to provide the rest of the water system. It was wonderful that Nilson Homes was willing to give the City
157 for a water tank, but the City still had to figure out how to get water from the tank to Nilson's property.

158
159 Jim Flint summed up the discussion – the only available lot size was half an acre, and they were in a
160 competitive situation for water.

161
162 Chris Davis said the City staff was working on some type of PUD ordinance, but it didn't know the timing.
163 The City's General Plan consultant planned to begin working on the General Plan within the week. The City
164 Council then had to decide whether to proceed with a PUD ordinance or wait until the General Plan was
165 finished.

166
167 Chris Davis stated that if the City couldn't get the land and easements to build the tank, home building in
168 Willard would end when the extra capacity of 75 lots was used up.

169
170 Jim Flint and Brent Pearce thanked SLUA for the succinct information.

171
172 2B. PRELIMINARY APPROVAL OF BURT JOHN MILLER SUBDIVISION LOCATED AT
173 APPROXIMATELY 1469 HARGIS HILL ROAD (02-040-0002, 02-040-0011, AND 02-040-0039)

174
175 Bryce Wheelwright asked that this item be tabled because the applicant was not present.

176
177 **Doug Thompson moved to table preliminary approval of Burt John Miller Subdivision located at**
178 **approximately 1469 Hargis Hill Road because the applicant was not present. Chris Breinholt**
179 **seconded the motion. All voted unanimously. The motion carried.**

180
181 2C. APPROVAL OF APRIL 29, 2021, MINUTES

182
183 **Chris Breinholt moved to approve the minutes of April 29, 2021, as written. Doug Thompson**
184 **seconded Breinholt seconded the motion. All voted unanimously. The motion carried.**

185
186 3. ADJOURN

187
188 **Doug Thompson moved to adjourn at 2:44 p.m. Chris Breinholt seconded the motion. All voted**
189 **unanimously. The motion carried.**

190
191 Minutes were read individually and approved on: _____

192
193
194
195 _____
196 Bryce Wheelwright, City Planner
dc:SLUA 05-06-2021

Michelle Drago, Deputy City Recorder



WILLARD CITY
Subdivision Land Use Authority (SLUA) – Special Meeting
June 10, 2021 – 1:30 p.m.
Willard City Hall – 80 West 50 South
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1 The meeting was a special meeting designated by resolution. Notice of the meeting was provided 24 hours
2 in advance. A copy of the agenda was posted at the City Hall and on the State of Utah Public Meeting
3 Notice Website.

4
5 The following members were in attendance:

6
7 Chris Davis, City Manager Van Mund, Fire Chief
8 Chris Breinholt, City Engineer/Jones & Associates Michelle Drago, Deputy City Recorder
9 Bryce Wheelwright, City Planner

10
11 Excused: Doug Thompson

12
13 Others in attendance: Trisha Heath, Rod Braegger, and Debbie Braegger

14
15 1. CALL TO ORDER

16
17 Bryce Wheelwright called the meeting to order at 1:40 p.m.

18
19 2A. DISCUSSION REGARDING CONCEPT PLAN FOR THE ROD BRAEGGER SUBDIVISION
20 LOCATED AT APPROXIMATELY 110 SOUTH 400 WEST (02-054-0003)

21
22 Bryce Wheelwright stated that the purpose of the meeting was to review and discuss a sketch plan for the
23 Rod Braegger Subdivision located at approximately 150 South 400 West. The property was recently
24 rezoned to R-1/2. Rod and Debbie Braegger wanted to build a home on the property. There had been
25 issues about access. The SLUA needed to decide if the sketch plan could comply with the City ordinances.

26
27 Chris Breinholt asked for more background information. What did the Braegger's intend to do? It looked like
28 a few north/south roads should be extended through the property. He also felt there should be a plan for
29 some east/west roads. The property technically didn't have any frontage.

30
31 Rod Braegger stated that they planned to construct 400 West to the south end of their property and build
32 their home on that frontage. Bryce Wheelwright explained that their long range plans were to have two
33 homes; one on each side of 400 West.

34
35 Chris Breinholt said the real subdivision consisted of two lots with two remainder parcels on either end.
36 Trisha Heath sated that UTA would be purchasing the remainder parcel shown on the west side of 500
37 West. Bryce Wheelwright stated that a subdivision would be required for the sale of property to UTA.

38
39 Chris Breinholt asked what the code question was. Bryce Wheelwright stated that the subdivision had to
40 have a second access. The Street Ordinance said a second access was required if there were more than
41 30 homes on a single access. There were approximately 32 homes on the single access of West Center
42 Street.

43
44 Van Mund asked about the location of homes and roads in the immediate vicinity, which Bryce Wheelwright
45 provided.

46
47 Trisha Heath explained that there wasn't a right-of-way in front of her home, The 250 West right-of-way
48 was vacated when the Hansen home was built. However the vacation documents were not recorded



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properly. Access to her home was considered an alleyway. Bryce Wheelwright stated that a title search had been made regarding the 250 West right-of-way. It had been vacated. The City didn't have any claim to it.

Chris Breinholt stated that the closest east/west access route was through The Orchards Subdivision at 200 South and 200 West. Bryce Wheelwright said the Braegger's were proposing a private emergency access lane along the south side of their lot that would run east through property owned by Trisha Heath to the 250 West right-of-way. The access easement would be approximately 935 feet in length.

Van Mund did not feel the private access lane would be any different than emergency access for Nathan Braegger's home at 637 North Main or Ken Braegger's on 200 West. The International Fire Code allowed an exception for more than 30 homes on a single access if future roads were planned. He asked if the Fire Code had a cap on the number of homes allowed by the exception. Mr. Davis said it did not.

Chris Breinholt stated that emergency access required an all-weather purpose road that could support a 70,000 fire truck. The access lane had to be at least 20 feet wide.

Van Mund verified that the location of the private access lane would be on the south side of the property and asked how much room there was between the fence and the house. Trisha Heath said there was at least 30 feet.

Van Mund wasn't sure if the access lane had to be deeded to the City. Rod Braegger stated that the International Fire Code said emergency access could be a private right-of-way.

Van Mund stated that it was a private emergency access, but it had to serve more than just the Braegger home. He asked if there would be gates. Rob Braegger said they had talked about gates, but they wanted it to be open for emergency access. Trisha Heath said they planned to put up private property signs to start with and see if people would honor them. They didn't want people using the private land as a public access. She was concerned about people speeding through their driveway. If they had to put up a fence, it would be a break-away fence. There was also an irrigation ditch that could be a problem.

Chris Davis asked if a lot of people used Mayor Braegger's access as a public right-of-way. Bryce Wheelwright said a few people used it, but the Mayor hadn't had a lot of problems.

Van Mund said the only other concern he had was that the emergency access lane not be blocked by parked cars. There would have to be signs prohibiting parking. Trisha Heath said they could put up no parking signs.

Rod Braegger asked what an all-weather surface consisted of. Bryce Wheelwright said it was compacted road base. Chris Breinholt said it was a surface that could handle a fire truck in the winter, or when it was extremely wet, without sinking. An all-weather surface would require sub-base material with compacted road base on top of it. Chris Davis asked if Chris Breinholt could provide Braegger's with a material list. Mr. Breinholt said he could.

Chris Breinholt stated that an easement would have to be dedicated for the emergency fire lane. Rod Braegger understood that a private right-of-way could also be construed as an emergency access. Mr. Breinholt felt the emergency access needed to have a legal tie because it was a City requirement. The legal tie would prevent something from cutting off the emergency access in the future, such as a building. Mr. Wheelwright felt the City was legally bound to have an easement.



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98 Rod Braegger stated that eventually 400 West and 500 West would go through, and they would give the
99 easement back to Trisha Heath and Rachel McIntire. Mr. Breinholt felt the document creating the easement
100 could state that it was temporary and was contingent upon 400 West and 500 West being completed.
101

102 Chris Breinholt stated the subdivision would require the dedication of the 250 West right-of-way. Trisha
103 Heath said 250 West could not be extended because there was a house in the way. Van Mund stated that
104 the City Council vacated the 250 West right-of-way. Trisha Heath said the Hansen portion of 250 West was
105 vacated, but their portion wasn't. Bryce Wheelwright said it was vacated because his title search showed
106 the City didn't have any right to the property. Ms. Heath said they needed to fix the County records.
107

108 Chris Davis asked if 400 West and 500 West would be dedicated as part of the subdivision. Rod Braegger
109 said 400 West would. They planned to construct it to the south end of their property. He was willing to
110 dedicate 500 West, but they didn't want to build it. When 400 West and 500 West went through, they would
111 look at dividing the rest of their property.
112

113 Van Mund asked how long it would be before the land owned by Heritage Land Holdings developed. Chris
114 Davis said it depended on how soon the City adopted a new PUD or Master Plan Community Zone that
115 would allow them to have a greater density than R-1/2. Mr. Davis said the Mayor, UTA, and Heritage Land
116 Holdings, had all talked about 500 West following the railroad right-of-way.
117

118 Van Mund asked about the location of the sewer line. Trisha Heath said it ran along her south property line,
119 but it was located on Hansen's side. A sewer line also ran north and south through the property at both 400
120 West and 500 West. Bryce Wheelwright asked if there was a sewer trunk line in the Mountain Shadows
121 Subdivision. Mr. Breinholt said there was.
122

123 Chris Breinholt clarified that the west side of 500 West was being sold to UTA. Trisha Heath said that was
124 correct. Rod and Debbie Braegger's four acres would include 400 West and 500 West. Mr. Breinholt stated
125 that at some point someone would have to build 500 West.
126

127 Chris Davis suggested that the subdivision consist of four lots – UTA's, Braegger's, and Heath's. Van Mund
128 suggested that there could be six to seven lots. Rod Braegger said they could show that many lots, but the
129 Planning Commission was concerned about the density. He was hesitant to show there was intention to
130 subdivide the property further. For now, he preferred to show four lots with a dedicated temporary
131 easement.
132

133 Chris Breinholt stated that by code a subdivision required construction of dedicated roads. Rod Braegger
134 stated that right now they just wanted to build 400 West. He was okay dedicating 500 West, but he didn't
135 want to build it.
136

137 Chris Davis suggested having UTA build it. Trisha Heath stated that they had already negotiated the sale
138 to UTA. Their purchase ran up to the west side of 500 West, but it didn't include 500 West.
139

140 Chris Breinholt stated that if there wasn't going to be a home on 500 West there wasn't a need to have the
141 street there. However, the question of who would be responsible to build 500 West remained. By dividing
142 the rest of the property, a legal building lot on 500 West was being created. He suggested that the
143 subdivision include a future right-of-way easement for 500 West rather than a road dedication. That would
144 bypass the required road construction.
145



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Bryce Wheelwright asked if SLUA Board felt the subdivision should be forwarded to the Planning Commission.

Chris Breinholt felt the concept drawing needed to accurately show the proposed lot configuration, utilities, and the temporary emergency access easement.

Trisha Heath stated that the emergency access easement needed to include 250 West as well.

Van Mund felt the revised drawing should show the road configuration for the surrounding area. The extra information would be helpful for the Planning Commission.

Rod Braegger asked about storm drainage. If they had to put in curb and gutter on 400 West, the storm water would have to go somewhere. They could put in a pond to drain into. Chris Breinholt didn't feel that much of a road would generate much storm water.

Chris Davis asked if the existing 400 West had curb and gutter. Bryce Wheelwright said it did not; 500 West didn't either. They both had borrow pit ditches.

Chris Davis asked about a deferral agreement.

Bryce Wheelwright said the Subdivision Ordinance stated that a subdivision needed to retain its storm water on site. Braegger's had the ground to retain the storm water. He didn't feel it would be an issue. Eventually they would have to tie into the detention pond below the subdivision.

Bryce Wheelwright asked if SLUA wanted to see a revised drawing before it as sent to the Planning Commission. Chris Breinholt did not feel it was necessary for SLUA to review a revised plan as long as it showed what the SLUA had discussed.

Bryce Wheelwright explained that the revised plan needed to show the proposed layout, how it tied into the City on 250 West, 150 South, 400 West, and 500 West, show the number of lots, and the temporary access easement. When the City received the revised plan, it would be placed on the Planning Commission agenda.

Van Mund stated that the emergency access easement had to be 20 feet wide. Rod Braegger thought the easement had to be 30 feet wide with 20 feet of finished surface. Mr. Wheelwright felt that was correct. Trisha Heath asked if the easement had to have curb and gutter. Mr. Mund said it did not. Just an all-weather surface.

Chris Breinholt moved to forward the Rod Braegger Subdivision to the Planning Commission with the understanding that Mr. Braegger would provide a plan with more detail accurately showing the extension of the roads, the temporary emergency access, and the proposed lot lines. Van Mund seconded the motion. All voted "aye." The motion carried.

2C. APPROVAL OF MAY 6, 2021, MINUTES

Van Mund abstained from voting on the minutes as he didn't attend the last meeting. Consideration of the minute was tabled as there wasn't a sufficient quorum.



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3. ADJOURN

Chris Breinholt moved to adjourn at 1:30 p.m. Van Mund seconded the motion. All voted “aye.” The motion carried.

Minutes were read individually and approved on: _____

Bryce Wheelwright, City Planner

Michelle Drago, Deputy City Recorder

dc:SLUA 06-10-2021r