



WILLARD CITY
Subdivision Land Use Authority (SLUA) – Special Meeting
June 10, 2021 – 1:30 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:

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

Excused: Doug Thompson

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

1. CALL TO ORDER

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

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

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

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

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

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

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

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

Trisha Heath explained that there wasn't a right-of-way in front of her home. The 250 West right-of-way 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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Rod Braegger stated that eventually 400 West and 500 West would go through, and they would give the easement back to Trisha Heath and Rachel McIntire. Mr. Breinholt felt the document creating the easement could state that it was temporary and was contingent upon 400 West and 500 West being completed.

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

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

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

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

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

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

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

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

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



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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: 8/19/21


Bryce Wheelwright, City Planner


Michelle Drago, Deputy City Recorder

dc:SLUA 06-10-2021r

