

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, April 21, 2022. Said meeting shall start at 2:00 p.m.

Agenda is as follows:

1. Call to order:

2. Business:

- a. Consideration of final approval of Deer Run Phase 1 Part 3 located at approximately 825 South 200 West (Parcels 02-052-0109)
- b. Consideration of preliminary subdivision plat for Willard Commercial Subdivision located at approximately 500 West 750 North (Parcel Nos. 02-043-0023 and 02-043-0025)
- b. Approval of January 25, 2022, minutes

3. Adjourn

SLUA Meetings: Held as needed based on applications.

I, the undersigned duly appointed and acting Deputy City Recorder for Willard City Corporation, hereby certify that a copy of the foregoing notice was posted at the Willard City Hall, on the State of Utah Public Meeting Notice website <https://www.utah.gov/pmn/index.html>, on the Willard City website www.willardcity.com, and sent to the Box Elder News Journal this 18th day of April, 2022.

/s/ Michelle Drago

Deputy City Recorder

NOTICE OF SPECIAL ACCOMMODATION DURING PUBLIC MEETINGS - In compliance with the American with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City Office at 80 West 50 South, Willard, Utah 84340, phone number (435) 734-9881, at least three working days prior to the meeting.



Address, Street, Place

02-052-0002

WILLARD BAY CROSSINGS LLC
02-052-0007

WILLARD BAY CROSSING LLC
02-052-0106

LAND MARKETING INC
02-052-0105

WILLARD BAY CROSSINGS LLC
02-052-0006

WILLARD BAY CROSSINGS LLC
02-052-0008

WILLARD BAY CROSSING LLC
02-052-0110

LAND MARKETING INC
02-052-0109

JCFH PROPERTIES LLC
02-052-0038

MARIN BRIAN S ETUX JT
02-052-0034

SAWYER RICHARD D JR JT
02-052-0046

SAWYER RICHARD D JR JT
02-052-0044

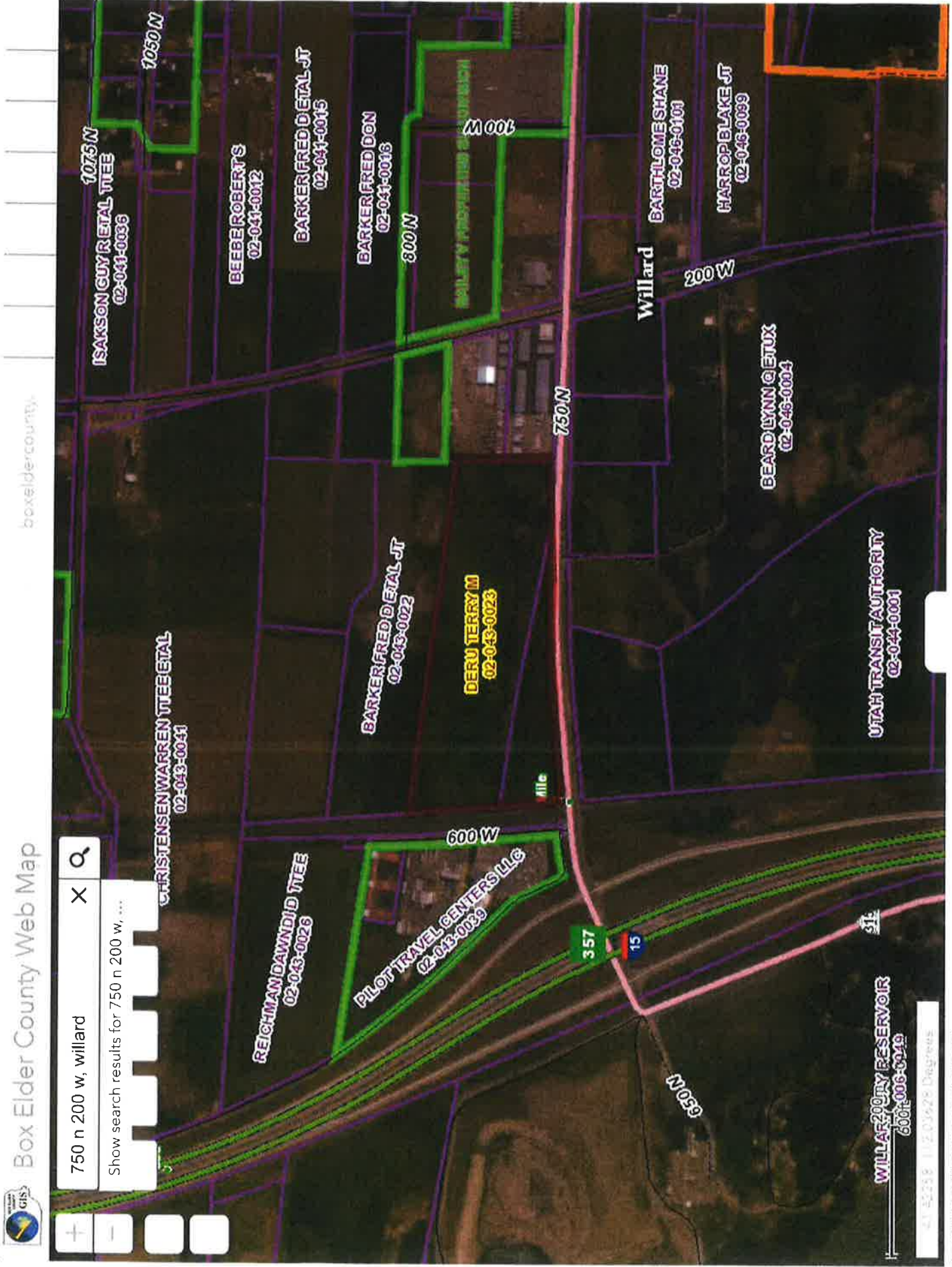
VALDEZ JONNIEL
02-052-0036

RIMESTAD JENNIFER
02-052-Willard

LAMMERT SHAWN
02-055-0003



41.39390 -112.03296 Degrees





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Subdivision Land Use Authority (SLUA) – Special Meeting
January 25, 2022 – 2:30 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
8 Bryce Wheelwright, City Planner
9 Chris Breinholt, City Engineer/Jones & Associates
10 Van Mund, Fire Chief
11 Michelle Drago Deputy City Recorder

12
13 Excused: Colt Mund, City Attorney; and Wes Thompson, Public Works Director.

14
15 Others in attendance: Garth Day, Heritage Land Holding; Aaron Robertson, Heritage Land Holding; and
16 Marshae Stokes, Heritage Land Holding.

17
18 1. CALL TO ORDER

19
20 Bryce Wheelwright, City Planner, called the meeting to order at 2:54 p.m. A roll call attendance was
21 recorded by the secretary.

22
23 2A. CONSIDERATION OF FINAL APPROVAL OF THE ORCHARDS AT WILLARD SUBDIVISION
24 PHASE 2 LOCATED AT APPROXIMATELY 300 SOUTH 200 WEST (PARCELS 02-051-0251 AND
25 02-051-0087)

26
27 Bryce Wheelwright asked Chris Breinholt, the City Engineer, for his comments on the plat.

28
29 Chris Breinholt stated that during the concept plan review the need for a second water connection at the
30 intersection of 200 South 200 West was discussed. Infrastructure improvements for Phase 2 had to include
31 a waterline loop or the waterline had to be upsized from the 200 South 200 West intersection. During the
32 concept review, Garth Day, from Heritage Land, talked about looping a waterline through a 50-foot strip
33 that was part of Parcel 02-051-0004, which had frontage on 200 West.

34
35 Aaron Robertson asked if they could put in a 6-inch water line. Mr. Breinholt said everything had to be 8
36 inches. The City could not safely serve the proposed homes with fire flow from a single 6-inch line.

37
38 Garth Day stated that Heritage Land initially planned to loop the water through the 50-foot strip because
39 they planned to make it a private drive into the patio home part of their development. However, given the
40 current zoning situation in Willard they weren't sure patio homes would ever materialize.

41
42 Garth Day and Aaron Robertson discussed which option would be best for Heritage Land. The 50-foot lane
43 was not big enough to ever serve as a full city street, which is why they wanted to use it as a private
44 secondary access for their patio home development.

45
46 Chris Davis, City Manager, asked if there was another alternative. Chris Breinholt stated that in order to get
47 the needed water flow the water had to be looped, or the water line had to be upsized to 8 inches between
48 the subdivision and the 200 South 200 West intersection.



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50 Garth Day clarified that Heritage Land needed to run an 8-inch waterline along 200 West from 200 South
51 to 300 South. Mr. Breinholt said that was correct.

52
53 Garth Day had some questions about Zac Burke's review comments of their improvement plans. Did the
54 temporary detention basins need to be engineered and sized or could they just dumped their storm water
55 onto their property? Mr. Breinholt said it would only take a few minutes to make the calculations for the
56 detention basins. Mr. Day wasn't worried about designing the basins, he was worried about building them.
57 If they designed the basins, they would have to build them. Part of the problem was commitments they had
58 made to the Lemons' regarding their peach trees. Building the basins would take out some of the trees.

59
60 Mr. Day asked for clarification regarding comments about the curb on 400 South. Mr. Breinholt said Heritage
61 Land needed to complete the radius and put in an ADA ramp.

62
63 Garth Day asked about a pioneering agreement for the south side of 400 South. Heritage Land was trying
64 to purchase the adjacent property. If they were not able to do so, would the City give them a pioneering
65 agreement for the south side of 400 South?

66
67 Chris Davis asked if Willard City had ever done a pioneering agreement. Bryce Wheelwright said that to his
68 knowledge it had not. There had been a lot of discussion about them, but the City had never had one.

69
70 Garth Day stated that Heritage Land was building a full width road on 400 South. They hoped to be able to
71 purchase the land to the south. If the purchase fell through, Heritage Land would feel better if they had
72 some assurance they would be reimbursed for road improvements.

73
74 Chris Davis stated that the property owners to the south, had asked the City about a pioneering agreement
75 as well. They were concerned a pioneering agreement could be used to hold them hostage. The City staff
76 had explained that the agreement would be based on actual costs. Mr. Day said Brigham City had a good
77 model. In Brigham City's agreements, the city actually dictated the amount and set a time limit.

78
79 Aaron Robertson asked if anything in Willard prohibited pioneer agreements. Mr. Wheelwright there was
80 not. Mr. Robertson felt the decision about pioneering agreements was a staff level decision. Mr. Day also
81 felt a pioneering agreement was an administrative issue. Mr. Davis felt the Council would have to approve
82 a pioneering agreement. Mr. Wheelwright felt the City Attorney's approval would also be needed. Mr.
83 Robertson said a pioneering agreement would not require a commitment from the City. The City was simply
84 filling a lien on behalf of the developer, which it would then have to keep track of.

85
86 Garth Day asked which water option Chris Breinholt preferred – a loop or an upsized extension. Mr.
87 Breinholt did not have a preference. If Heritage Land put in a water loop they would also have to build a
88 way to access it. Mr. Day said it was a timing issue. It would be in their better interest long term to loop the
89 water through the private lane, but they did not know how long term that would be.

90
91 There was discussion about how the private lane could be used. Garth Day said Rod Braegger was going
92 to use it as an emergency access for their small subdivision. If the zoning went their way, they were fine
93 putting in a loop. If they couldn't build anything other than half-acre lots, they would end up with a water line
94 in a sub-standard road. Would they ever be able to build that lane into a City street? Chris Breinholt didn't
95 feel it would ever be a City street because it would create an offset intersection. Bryce Wheelwright asked
96 if the lane could be developed as a City street without curb, gutter, and sidewalk. Mr. Breinholt felt the offset
97 would be a bigger problem than the width.



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99 After further discussion, Garth Day felt the best option was to upsize the line in 200 West. Aaron Robertson
100 asked how far they would have to put in an upsized water line. Mr. Breinholt said it would be about 600
101 feet. Mr. Robertson and Mr. Day estimated the cost to upsize the water line would be \$24,000.
102

103 Garth Day said they were agreeable to upsizing the water line if it was a condition of approval. It would
104 benefit Heritage Land. With all of the houses they would be building, there wasn't any reason to have a
105 water problem.
106

107 Aaron Robertson asked if Heritage Land could get a conditional approval subject to putting in an 8-inch
108 line.
109

110 Chris Breinholt felt the other review comments on the improvement drawings were minor corrections.
111

112 Garth Day stated that the subdivision plat had been adjusted per their agreement with the Lemmon family.
113 Lot 107 had been reduced from .75 of an acre to .64 of an acre. They were also getting the emergency
114 access for the Rod Braegger Subdivision done.
115

116 Michelle Drago asked for an updated copy of the final plat.
117

118 Van Mund, Fire Chief, didn't have any comments about fire flow or fire access as long as the City Engineer
119 was happy.
120

121 Chris Davis, City Manager, asked if Heritage Land Holding had submitted transfers of water rights. Mr. Day
122 said they had not. They wanted to, but they couldn't figure out how much to transfer. The City could calculate
123 how much water it needed, but no one could tell them how much water a share from the Willard Irrigation
124 Company equated to. Even the Willard Irrigation Company did not know.
125

126 Chris Davis asked who represented Willard Irrigation Company. Garth Day said Kent Nebeker was the
127 Willard Irrigation Company representative.
128

129 Chris Breinholt asked if they knew how many shares they had issued.
130

131 Garth Day said he had spoken with Mr. Nebeker. Each water share equaled time. Kent Nebeker told him
132 that 48 shares was one acre foot of water, but Mr. Day didn't think was correct.
133

134 Van Mund agreed that each share equaled time. Willard Irrigation didn't know how much water a share
135 equaled. At the beginning of the season he could run three 6-inch pipes full of water for a certain amount
136 of time. By the end of the season, he might get enough water to run one pipe. He thought that 48 shares
137 equaled 30 minutes of watering time once every eight days and eight hours. The amount of time stayed the
138 same, but the amount of water varied from the beginning of the season to the end of the season. By the
139 end of the season, you might have one-quarter what you had at the beginning.
140

141 Bryce Wheelwright said he could water his half acre lot in 15 minutes in the spring, but it might take two to
142 three hours in the fall.
143

144 Mr. Breinholt felt the share would have been based on irrigation duty initially, which was four acre feet per
145 irrigated acre.
146



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Garth Day stated that there were two wells on their property. The State Engineer estimated they had 200 to 220 acre feet of water, but the State Engineer couldn't show him anything in writing. Mr. Day said they didn't need the water; they could give it all to the City.

Bryce Wheelwright asked if Heritage Land Holding could talk to the State Engineer about getting 12 acre feet of water for the lots that had been approved so far – first six lots in Phase 1 and the ten lots in Phase 2. The City needs one acre-foot of water per approved residential unit for indoor and outdoor.

Garth Day said he couldn't find anyone to define how much water went with the shares they owned. He felt they had enough water rights in the wells to transfer to Willard City, but he wasn't sure the irrigation shares would amount to much. The City was probably better off with the well water. It would be easier to transfer to a culinary purpose.

Chris Breinholt asked who gave them shares. Who was the water right under?

Garth Day said the irrigation shares were under the Willard Irrigation Company. Sierra Homes owned the water rights for the wells.

Chris Davis asked how the City got the water rights

Chris Breinholt said he could make some adjustments. Was there a way to verify the 48 shares for 30 minutes? Van Mund said he could check. Chris Breinholt wasn't sure why a share was defined as so small that it took 48 shares to water for 30 minutes. Often irrigation was 2 c.f.s. It appeared that Willard Water Company only had three water rights coming from the canyon. Bryce Wheelwright said they had Pineview shares as well. Van Mund said Willard Water's water was split between four to five different ditches at the same time.

Chris Davis asked if getting the water out of the wells would be easier. Mr. Breinholt felt it would be at this point.

Chris Davis asked if Heritage Land Holding had water rights in the wells that could be transferred to Willard City. Garth Day didn't know what else they would do with the well water rights other than transfer them to the City. They needed enough water to do their development. If there was enough water in the water shares, they were ultimately going to give them to the City. How did the City want the transfer to occur? Did it want the transfer to occur in pieces?

Chris Breinholt felt it would be easier to transfer all of the shares to Willard City at once and then track the credit.

Aaron Roberts liked the idea of transferring all of the water rights to the City in exchange for credits tracked by the City. They would take the State's recommendation on what water from the wells equated to and reach an agreement with the City for that many credits.

Michelle Drago stated that Heritage Land Holding still needed to submit an application for final approval of Orchards Phase 2.

Chris Breinholt moved to approve Orchards at Willards Phase 2 contingent upon the waterline in 200 West being upsized to 8 inches from 200 West to 300 West; that improvement drawings be modified to show the upsized waterline and other noted corrections; that the modified improvement



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drawings be approved by himself; that water rights be transferred as required by Code; that the City receive an updated final plat; and that a final application be submitted before anything was signed. Van Mund seconded the motion. All voted "aye." The motion passed unanimously.

2B. APPROVAL OF THE NOVEMBER 24, 2021, MINUTES

Chris Davis moved to approve the minutes of November 24, 2021, as written. Chris Breinholt seconded the motion. All voted "aye," except Van Mund who abstained. The motion passed unanimously.

3. ADJOURN

Chris Davis moved to adjourn at 3:33 p.m. Chris Breinholt seconded the motion. All voted "aye." The motion passed unanimously.

Minutes were read individually and approved on: _____

Bryce Wheelwright, City Planner

Michelle Drago, Deputy City Recorder

dc:SLUA 11-24-2021