



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

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

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

1. CALL TO ORDER

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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



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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: 4/21/22

Bryce Wheelwright
Bryce Wheelwright, City Planner

Michelle Drago
Michelle Drago, Deputy City Recorder

dc:SLUA 01-25-2022

