



WILLARD CITY
Subdivision Land Use Authority (SLUA) – Special Meeting
May 19, 2022 – 2:00 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
Payden Vine, Public Works Director
Michelle Drago Deputy City Recorder

Excused: Colt Mund, City Attorney; and Van Mund, Fire Chief.

Others in attendance: Kirk Young, Land Marketing, and Marshae Stokes, Heritage Land Development.

1. CALL TO ORDER

Bryce Wheelwright called the meeting to order at 2:07 p.m. A roll call attendance was recorded by the secretary.

2A. CONSIDERATION OF FINAL APPROVAL OF DEER RUN PHASE 1 PART 3 AND PHASE 1 PART 4 LOCATED AT APPROXIMATELY 825 SOUTH 200 WEST (PARCEL NO. 02-052-0109)

Time Stamp – 05/19/2022 0:42

Bryce Wheelwright stated that Land Marketing was requesting final approval of Deer Run Phase 1 Parts 3 and 4 located at approximately 825 South 200 West.

Chris Breinholt, City Engineer/Jones & Associates, stated that everything had been reviewed. He did not have any issues.

Payden Vine, Public Works Director, did not see any issues.

Michelle Drago, Deputy City Recorder, did not have any concerns.

Chris Davis, City Manager, asked when construction would begin on 600 South. Kirk Young stated that installation of the water line on 600 South had started. He needed to schedule a SLUA meeting to start the approval process for Phase 2 Part 1.

Chris Davis asked a question from Councilman John Seamons regarding the UTA trails. Did UTA still want to acquire trail property from Deer Run? Kirk Young said he had not talked to UTA since he had spoken with the City. He planned to start landscaping in the fall. His plan included a trail on the south half around Phase 3.

Chris Davis stated that the City would be working with UDOT to apply for grant funding for a trail.

Bryce Wheelwright stated that Box Elder County had a Master Trail Plan that included the Historic Orchard Pathway (HOP) Trail; a non-motorized trail that would extend north from the Weber County line to Brigham



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City. In Willard, the HOP Trail would run along 200 West. A portion of the trail along 200 West had been completed north of 750 North to the Perry City border. The Legislature recently authorized \$40 million in grant funding for trail projects. Municipalities who wanted to be involved needed to come up with a 20% match. The match could be 'in kind' or property. The City would like to extend the pathway south through town along 200 West, which would be through the Deer Run and The Orchards Subdivisions. The City hoped the sidewalk installed in Deer Run and The Orchards could be part of the trail, and possibly a bike lane.

Kirk Young thought the trail was going to be along the railroad tracks in the railroad corridor. His plans included a park and connecting trails in the railroad corridor. There would be sidewalk on 200 West, but not a trail.

Bryce Wheelwright asked if it would be possible to do have a little wider sidewalk on 200 West; maybe a foot wider. Mr. Young said he would have to see how much room they had. He didn't want to have to redo any engineering, but he was happy to help if he could.

Kirk Young asked if he needed to do a trail on the railroad corridor. Chris Davis said he would get in touch with UTA. If the HOP Trail was located on 200, it might circumvent UTA's trail. The Rail Trail followed the railroad. If the HOP Trail became the primary trail, he didn't think there would be a need for parallel trails. Bryce Wheelwright felt the HOP Trail would eventually tie into the Rail Trail further south of the Deer Run Subdivision. The trail Mr. Young planned in the Deer Run Subdivision would be a fun neighborhood trail. Mr. Davis said UTA might not need as much right-of-way from the Deer Run Subdivision if the HOP Trail replaced the Rail Trail.

Kirk Young understood there would be a big water line through the UTA right-of-way. Chris Davis said that when UDOT owned the right-of-way, the Division of Water Rights wanted to use it. The two parties had been working together. After UTA purchased the right-of-way, they parted ways. UTA was now only looking at the width they needed – 60 to 70 feet. Bryce Wheelwright said the Division of Water was considering a different route.

Bryce Wheelwright stated that he had not heard from the Fire Department or the City Attorney.

Mr. Wheelwright asked if Kirk Young had any questions about the escrow amount. Kirk Young said the engineer's estimate included improvements for Phase 3 that had been completed. Zac Burke, from Jones & Associates, was going to adjust the estimate. Mr. Young said he would bring up a check and a signed bond agreement when the estimate was adjusted. He also needed to change the name on the agreement to Land Marketing, Inc., which was their development company.

Chris Davis asked about the locations of the different phases. Kirk Young said Phase 2 Part 1 was located on Highway 89 and 600 South. Mr. Davis asked if all of the patio homes would be sold to one developer. Kirk Young said the patio homes were currently under contract to Richmond American Homes, who was also interested in the rest of the project.

Chris Davis moved to grant final approval of Deer Run Phase 1 Parts 3 and 4 subject to receipt of the escrow funds and bond agreement. Payden Vine seconded the motion. All voted "aye." The motion passed unanimously.

Kirk Young submitted a check for outstanding engineering fees. In response to a question from Bryce Wheelwright, he said he would drop off payment of water shares to Kelly Facer.



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2B. CONSIDERATION OF FINAL APPROVAL OF THE ORCHARDS AT WILLARD PHASE 2 LOCATED AT APPROXIMATELY 300 SOUTH 200 WEST (PARCEL NOS. 02-051-0086, 02-051-0087, 02-051-0164, AND 02-051-0236)

Bryce Wheelwright stated that Heritage Land Holding was requesting final approval of The Orchards at Willard Phase 2, which was located at approximately 300 South 250 West. Phase 1 fronted 200 West and was pretty much completed. Phase 2 would be located just west of Phase 1.

Chris Breinholt stated that the construction drawings had been reviewed and approved. He asked about the final plat.

Marsha Stokes, Heritage Land Holdings, stated that Zac Burked had reviewed the final plat. They made the changes he requested and resubmitted it. They had received an email from Zac stating it was ready for final approval.

Payden Vine did not have any issues.

Michelle Drago asked if Heritage Land Holding had any outstanding engineering fees. Chris Davis said they did not.

Chris Davis did not have any concerns.

Bryce Wheelwright asked about the status of the water rights. Marsha Stokes stated that their attorney was finishing the declaration. When preparing the declaration he also wanted to take into consideration any other property they would be allotting water rights to. Their attorney had asked if the City had told them how much water they needed to provide for Phase 2. She had not seen a specific number from the City. Garth Day had told her there was some unanswered questions about how the water was measured.

Chris Breinholt stated that the City code required one acre foot of water per lot.

Chris Davis said Heritage Land Holding needed to provide one acre foot of water per lot for all of the lots in Phases 1 and 2 because the City hadn't seen any water rights for Phase 1. Garth Day had talked about having the water banked.

Marsha Stokes stated that according to the Division of Water Quality they had 209 acre feet of water. Their attorney was trying to figure out how much water was allotted to the wells. How much water actually came up? How much water would they have to pump? They still planned to bank the excess water. The attorney was trying to factor out how much was needed for Phases 1 and 2 and how much would have to be banked. Her company was trying to figure out if they would have enough water to support other properties they were looking at that might not have any. If she could give the attorney answers after this meeting, she hoped the declaration would be finished in the next week.

Marsha Stokes asked if the City Engineer had sent an official memo stating how much water was needed, or did they just reference the City code. Mr. Breinholt said they just referenced the code.

Chris Davis said there was a gentleman from Willard by the name of Jim Riley who had looked at all of the water rights in Willard City and who currently owned them. Mr. Riley had provided the City with a report. The City Engineer wasn't sure what the report was supposed to mean. Mr. Riley needed to come back and explain his findings to the City. Chris Breinholt had indicated that based on what was in the Master Plan,



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the City may not need to, and may not be able to legally, require an acre foot per lot. That was why Garth Day felt there was some question. Right now the City requirement was one acre foot of water per lot. That might change in the future, but the City staff did not know what or how it would change.

Chris Breinholt stated that the General Plan needed to be updated was well.

Marshae Stokes stated that the plan for future phases of The Orchards would be based on the MPC Zone that Willard City recently adopted. They were working with UTA to make sure UTA had the right-of-way it needed and wanted. They were also working with the Harding's and Crossing's which would play a role in how they continued to route the sewer.

Chris Davis asked about the zoning on the balance of the property owned by Heritage Land Holding. Bryce Wheelwright said it was currently zoned R ½.

Marshae Stokes realized they would have to rezone their property from R ½ to MPC. She thought Garth Day had shared their overall development plan with the City. It had a lot of knuckles she hoped could be tweaked. Their attorney was aware of the density they were aiming for. Their goal was to have plenty of water.

Marshae Stokes asked if it would be a problem for their excavation crew to begin demolition work. Did they need a demolition permit? Bryce Wheelwright said they could do demolition work on their own property. Marshae Stokes said they would be removing the trailer and the back part of the newer building to make room for street improvements. Based on their agreement with Mr. Lemon, Lot 107 would be sold last. They had agreed to leave two of the buildings for Randy Lemon throughout the summer.

Marshae Stokes said they would finalize the water declaration with the information provided about one acre foot per lot, and they would finalize the escrow agreement. Now they had Zac's approval of the final plat, they could print a mylar.

Marshae Stokes asked if the City had a standard a pioneering agreement they could use for the south side of 420 West in Phase 2. Bryce Wheelwright said she would have to talk with the City Attorney. Ms. Stokes said she could send the City a sample pioneering agreement. Mr. Davis said that would be fine.

Marshae Stokes estimated that site work would begin on June 15th based on material availability.

Chris Davis moved to grant final approval of The Orchards at Willard Phase 2 subject to finalization of the water declaration, finalization of the escrow, printing and receipt of the final mylar, and the pioneering agreement. Chris Breinholt seconded the motion. All voted "aye." The motion passed unanimously.

2C. APPROVAL OF THE APRIL 21, 2022, MINUTES

Chris Davis moved to approve the minutes of April 21, 2022, as written. Payden Vine seconded the motion. All voted "aye." The motion passed unanimously.

3. ADJOURN

Michelle Drago moved to adjourn at 2:31 p.m. Chris Davis seconded the motion. All voted "aye." The motion passed unanimously.



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Minutes were read individually and approved on: 6/23/22

Bryce Wheelwright
Bryce Wheelwright, City Planner

Michelle Drago
Michelle Drago, Deputy City Recorder

dc:SLUA 05-19-2022

