

Planning and Zoning Commission

Wednesday, October 13, 2021

Salem City Council Chambers 30 West 100 South Salem, Utah 84653

Planning and Zoning will also be held electronically, using the Zoom program. If you would like to participate, please call the city offices (801-423-2770) or email (salemcity@salemcity.org) **before 5:00**

p.m. on Wednesday October 13th to request the link.

6:30 P.M. Work Session (No Official Business Conducted)

1. Viridian (BYU Farms) Master Planned Development project Development Agreement

7:00 P.M. Planning and Zoning Commission

2. Planning and Zoning Commission meeting minutes from September 8, 2021
3. Viridian (BYU Farms) Master Planned Development project Development Agreement
4. Adjourn

6:30 P.M. Work Session (No Official Business Conducted)

Viridian (BYU Farms) Master Planned Development project Development Agreement

Bruce Ward stated that the City has been working on the Viridian Farms development agreement with the developer for last sixteen months. Bruce Ward also mentioned that the DRC was fine tuning the development agreement with the developer this afternoon for a couple of hours. Bruce Ward finished up by stating that the Planning and Zoning Commission can make needed edits to the development agreement tonight. Adam Loser stated that he is a land acquisition manager for D.R. Horton. Adam Loser mentioned that he has been working on the project for the last eighteen months. Adam Loser stated that at the planning and zoning meeting in September the development had a density of 2.92 units per acre. Adam Loser explained that D.R. Horton lowered the density down to 2.75 units per acre after public input from the September planning and zoning meeting. Adam Loser mentioned that there will be three million dollars given to Salem City from D.R. Horton for amenities outside of the Viridian Farms development. Adam Loser also mentioned that D.R. Horton and the City agreed for the City to buy public facility property for fifty thousand dollars an acre. Adam Loser stated that D.R. Horton will make a faithful effort to improve intersections that are outside of Salem City's jurisdiction as the traffic study advises (8800 South/Woodland Hills Drive and 8800 South/400 East). Adam Loser finished up by stating that the Viridian Farms development will produce a great product. Kelly Peterson stated that water concerns from the public were addressed at the October 6, 2021 City Council meeting. Kelly Peterson mentioned that D.R. Horton will be bringing more water rights from the BYU Farm than required by Salem City for the development. Bruce Ward stated that the required water rights number for the development have not been finalized. Bruce Ward explained that the preliminary water right calculations show that D.R. Horton will be bringing in a substantial number of water rights that will exceed the required water rights for the development. Paul Taylor asked if the BYU Farms water rights are useable in Salem. Bruce Ward stated that if the water rights cannot be delivered to Salem they cannot be accepted. Bruce Ward also mentioned that Salem City owns a significant amount of water rights in the aquifer. The developers can buy these water rights from Salem City for development in the City. Kelly Peterson mentioned that residents need to realize that water needs to be conserved whether development comes or not. Bruce Ward mentioned that the lack of water is a State wide issue and not

just a Salem issue. Bruce Ward stated that we all need to work together to conserve water. Kelly Peterson stated that the City needs to encourage xeriscape in developments to conserve water. Paul Taylor had concerns about the density transfer outlined in paragraph ten of the development agreement. Paul Taylor asked if a school or church decided not build in the development could the developer use the unused land for development. Bruce Ward mentioned that the 10% increase/decrease in pods will solve this problem. Bruce Ward stated that the developer cannot exceed the 2004 units in the development. Paul Taylor asked if the City is going to have a decision in the design and building of the infrastructure. Bruce Ward state that the City will work with the developer to build the infrastructure.

7:00 P.M. Planning and Zoning Commission

Planning and Zoning Commission Attendance: Jon Ward, Kelly Peterson, Paul Taylor, Jim Simons, Dave Stringfellow

Staff Attendance: Ryan Selee, Cody Young, Bruce Ward, Vaughn Pickell, Walter Bird

Public Attendance: See attached document at the bottom

Planning and Zoning Commission meeting minutes from September 8, 2021

Kelly Peterson made a motion to approve the Planning and Zoning Commission meeting minutes from September 8, 2021. Jim Simons seconded the motion. All members of the Commission voted in favor.

Viridian (BYU Farms) Master Planned Development project Development Agreement

Jim Simons asked if there was a phasing plan for the project. Adam Loser stated that they plan to have nine phases for the project. D.R. Horton is planning to build the large community park in the first phase and follow the path of the main corridor. The development agreement has benchmarks that allow a certain number of units to be built as amenities are constructed. Jon Ward asked if there was a timeline

74 for when road infrastructure would be built in the area. Adam Loser stated that Hales Engineering is
75 finalizing a traffic study for the area. The traffic study will tell the developer when, how and where road
76 infrastructure will need to be improved. Adam Loser mentioned that 400 east is planned to have a right
77 turn pocket going onto 8800 south during the first phase of the development. The intersection of 8800
78 south and Woodland Hills Drive will need to be improved the timeline is pending on the traffic study.
79 Adam Loser also talked about the future ribbon road entering the project connecting 750 North and
80 Woodland Hills Drive. Adam Loser stated that if the traffic study tells them the ribbon road needs to be
81 built D.R. Horton is willing to front the money to build the road and then be paid back through impact
82 fees. Kelly Peterson stated that there has been concern from the public about the "MAG" road taking
83 out existing homes. Bruce Ward stated that the "MAG" road currently is in the concept stages and
84 where it is shown on the map is likely not it's placement. Bruce Ward stated that he would like to go
85 through each page of the development agreement tonight to ensure clarity. Bruce Ward read paragraph
86 three "Construction and Development Standards means the standards adopted by Salem City describing
87 and defining the criteria to be met in developing a subdivision in City". Bruce Ward stated that
88 paragraph three is explaining that final plats will follow the construction standards that are current at
89 the time of the final plats approval. Bruce Ward stated that paragraph four talks about the lawsuit Salem
90 City is in with SESD. Bruce Ward stated that this section protects the City from the developer filing a
91 lawsuit against the City because of SESD. Bruce Ward stated that SESD has created development delays
92 in the past. Bruce Ward mentioned that paragraph five talks about the zoning designations for the
93 potential BYU farms annexation. Bruce Ward stated that annexation is landowner driven. Surrounding
94 land owners around the BYU Farm have either opted in or opted out of the annexation. When there
95 properties are annexed they will receive a zoning designation. Bruce Ward stated that paragraph six
96 states that any significant proposed change to the development agreement will be brought back to the
97 DRC, Planning and Zoning Commission and City Council for consideration. Bruce Ward said that
98 paragraph seven explains that the master developer of the project can sell sections of the development
99 to other developers "sub developers". Adam Loser mentioned that D.R. Horton plans to build everything
100 in the development but they are considering selling the one acre lots. Bruce Ward stated that "sub
101 developers" are required to follow the development agreement. Bruce Ward stated that paragraph
102 eight states that the project's construction phases will be done in a reasonable manner. Bruce Ward
103 mentioned that paragraph nine talks about total project density. 2004 units is the cap for the
104 development. Bruce Ward stated that paragraph ten explains density transfer through the project. This
105 paragraph is in the development agreement to make proper adjustments in density as schools, churches

106 and etc. are placed in the development. Bruce Ward stated that with density transfer the maximum of
107 2004 units and all other requirements in the development agreement still needs to be met. Walter Bird
108 explained what a vested right is in the development agreement outlined in paragraph eleven. Bruce
109 Ward stated that the interior roads of the project will be built in the development because they will be
110 in Salem City's jurisdiction. Jim Simons asked what the trigger points are for road infrastructure
111 improvement. Bruce Ward stated that the triggers for road infrastructure improvement will be outlined
112 in the traffic study which is being finalized by Hales Engineering. Jim Simons asked if the triggers for the
113 road infrastructure improvement are outlined in the development agreement. Bruce Ward stated that
114 the traffic study will be referenced in the development agreement. Bruce Ward explained that
115 paragraph thirteen states that modifications can be made to the development. The Planning and Zoning
116 Commission was concerned about important modifications to the development would be brought back
117 to them and the City Council. Bruce Ward stated that anything that changes land use or legislatively will
118 come back to the Planning and Zoning Commission and City Council. Standard adjustments will remain
119 at City staff level. Paul Taylor requested that all modifications be relayed to the Planning and Zoning
120 Commission and City Council. Bruce Ward stated that paragraph fourteen talks about infrastructure.
121 Bruce Ward stated that infrastructure built by the developer will not be turned over to the City until the
122 City approves that the infrastructure has been completed. Paul Taylor asked if D.R. Horton plans to buy
123 culinary water shares from the City. Adam Loser stated that D.R. Horton plans to bring a substantial
124 amount of water rights into the City and plans to sale some water rights to other developers in Salem.
125 Bruce Ward explained that paragraph fifteen talks about system improvements and reimbursements.
126 Bruce Ward mentioned that paragraph sixteen talks about easements, right-of-way and publicly-owned
127 parcels. Bruce Ward mentioned that if the City would like to buy more property from the developer the
128 developer would charge fifty thousand dollars and acre. Bruce Ward stated that there will be two acres
129 reserved for Salem City to purchase for a public safety building. The Planning and Zoning Commission
130 was shocked by the two acres of land for a public safety building. Bruce Ward stated that it will be a nice
131 facility in a great location. The Planning and Zoning Commission asked what the City will do if
132 landowners do not give up land for right of way. Bruce Ward stated if the property is located in Salem
133 City boundaries then the city would need to use eminent domain. Bruce Ward stated that the City does
134 not want to use their eminent domain power on anybody. George Rasband is concerned about the SESD
135 power pole and the setback situation for his house when 8800 south and Woodland Hills Drive
136 intersection is expanded. Kelly Peterson stated that the SESD power line by his house can be buried.
137 Bruce Ward stated that the setback and power pole concerns will be worked out when the intersection

138 is being built. Adam Loser mentioned that paragraph sixteen talks about parks and open space. Impact
139 fees will cover 9.3 million dollars for public parks inside of the development. Adam Loser mentioned that
140 and additional three million dollars will be given to the City for amenities outside of the development in
141 Salem City. Paul Taylor asked if the additional three million dollars affect the city with applying for
142 grants. Bruce Ward said that the three million dollars will not affect the city applying for grants because
143 most grants are based off of median household income. Adam Loser stated that Salem City has decided
144 to improve the trailhead park at a later date and the developer will not need to build the trailhead park.
145 Bruce Ward stated that the City will build the trailhead park when the trail over the highline canal is
146 built. Bruce Ward mentioned that Matt Marziale believes that he can help D.R. Horton save money on
147 the improvements of the amenities and this is why paragraph sixteen D. is in the development
148 agreement. Adam Loser stated that paragraph seventeen talks about the development standards which
149 are setbacks and right-of-way widths. Adam Loser stated that they have added architectural standards
150 to the development agreement to allow the developer to change the design of product as trends change
151 over time. Adam Loser stated that the active adult areas will be all private HOA. Paul Taylor asked if the
152 developer knew when the churches and school placements would be known. Adam Loser stated that
153 they have reached out to the school district. The school district said that they will reach out to the
154 developer when they are ready to build a school in the area. Adam Loser assured the Planning and
155 Zoning Commission that D.R. Horton has reserved space for schools and churches to be built inside of
156 the development. Adam Loser stated that the multifamily housing will be in the middle of the
157 development and the rest of the development will be single family housing. Adam Loser state that the
158 active adult area will have multifamily and single family housing. Paul Taylor is concerned that the
159 developer will build "cookie cutter" homes. Adam Loser stated that the development agreement
160 prevents "cookie cutter" homes to be built. Adam Loser stated that D.R. Horton will be building quality
161 homes in this development. Adam Loser stated that the architectural design goes over the products that
162 D.R. Horton will provide. Adam Loser proceeded to explain the product and architectural design portion
163 of the development agreement. Boyd Martin mentioned that D.R. Horton will work with the design
164 standards and will produce a very attractive community. Paul Taylor asked who at the City will make
165 sure that the design standards are met for the housing. Bruce Ward mentioned that the building
166 department is over making sure the design standards are met on the housing. Adam Loser mentioned
167 that there will be three round 'bouts on the major slant corridor road. Bruce Ward mentioned that the
168 right-of-way widths for the development are wider than normal. The smallest right-of-way width in the
169 proposed development is forty eight feet with thirty three feet of asphalt. Adam Loser went through the

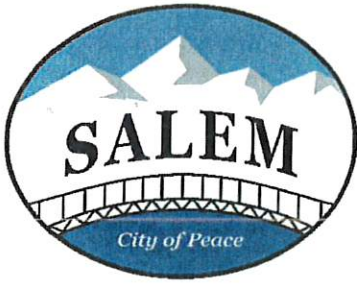
170 right-of-way size, lot size, setbacks and total units for each product that will be provided in the
171 development. Ryan Selee mentioned that the engineering department is in charge of making sure each
172 lot meets the appropriate setbacks on their respective plats. Adam Loser also mentioned that the
173 minimum driveway length for any product is twenty five feet long. Adam Loser explained the amenities
174 schedule outlines what amenities need to be built in order for units to be approved by the City. The
175 impact fees generated from the development will pay for the public parks. Adam Loser stated that D.R.
176 Horton is taking a risk that the impact fees will keep up with inflation in order to pay for the parks. D.R.
177 Horton will need to build the public parks if the impact fees keep up with inflation or not. Adam Loser
178 stated that they have worked with the City to determine what amenities is needed in each public park.
179 Adam Loser proceed to go through the details of each public park outlined in the development
180 agreement. Jon Ward is concerned about the maintenance of the public amenities provided in the
181 development. Bruce Ward stated that development in Salem City will increase staffing for maintenance
182 of the amenities. Paul Taylor asked if Matt Marziale has an estimate of how many employees it will take
183 to maintain the parks in the Viridian Farms development. Bruce Ward said that Matt Marziale does not
184 have an estimate of how many employees it will take to maintain the Viridain Farms development but
185 he is aware of the situation. Paul Taylor asked if the City has an employee projection plan. Bruce Ward
186 stated that the City is working on an employee projection plan. Bruce Ward stated that the DRC has
187 went through the Viridian Farms development agreement multiple times. The DRC has recommended
188 approval of the Viridian Farms development agreement on condition to make the corrections to the
189 agreement that were made at the October 13, 2021 DRC. Kelly Peterson stated that there was some
190 concern from the public that the Viridian Farms development agreement did not meet the master
191 planned development standards. Kelly Peterson stated that the Viridian Farms development agreement
192 does meet the master planned development zone. Paul Taylor stated that Cody Young provided him
193 with a spreadsheet that gives a current status from September 28, 2021 of lots in Salem City. The
194 numbers are as follows: Active Construction: 365, Pending Construction: 42, Final Plat: 134, Preliminary
195 Plat: 283, Master Planned Developments: 8616, Total: 9440 lots. Paul Taylor stated that D.R. Horton is
196 planning to have 824 lots approved to build on in eighteen to twenty four months. Paul Taylor stated
197 that the number of lots in master planned developments without the Viridian Farms master planned
198 development is 6600 lots. Bruce Ward stated that Salem City has been averaging one hundred building
199 permits issued each year until the last two years which ranged from 150 to 200 issued building permits.
200 Paul Taylor is concerned that there is too much on our plate for the lack of staffing we have at Salem
201 City. Bruce Ward mentioned that staffing will not be hired until there is a need. Jon Ward is concerned

202 about the approach in staffing that Bruce Ward mentioned. Bruce Ward stated if the City hires staffing
203 in anticipation of development then the rates for the current Salem residents will increase to
204 accommodate. Bruce Ward stated that revenue from development supports staffing. Bruce Ward stated
205 that Salem City staffing will experience growing pains with or without the Viridian Farms development.
206 Paul Taylor is concerned that the City of Salem is growing too fast. Jon Ward stated that he is concerned
207 about the lack of details in the master planned development standards. Bruce Ward stated that the lack
208 of detail in the master planned development was created intentionally for the purpose of negotiation.
209 Bruce Ward reminded the Planning and Zoning Commission that the Planning and Zoning Commission
210 and the City Council came up with the current master planned development standards. Jim Simons
211 stated that employment is an issue everywhere. Ryan Selee stated that the first department that is
212 affected by development is the engineering department. Recently the Salem City engineering
213 department has looked for temporary solutions by using engineer consultants. Ryan Selee feels that the
214 engineering department can manage anything that comes there way currently with the help of
215 consultants. Ryan Selee mentioned that more full time people in the future is needed. Ryan Selee
216 believes that Salem City is heading in the right direction in regards to staffing. Bruce Ward stated that
217 the City Council is concerned about staffing as well. Jon Ward stated that he is blown away by the
218 number of lots that are in concept in Salem City.

219 Paul Taylor made a motion to recommend denial of the Viridian Farms development agreement. Jon
220 Ward seconded the motion. All members of the Commission voted in favor.

221

222 Jon Ward made a motion to adjourn. Kelly Peterson seconded the motion. All members of the
223 Commission voted in favor.



Salem City Meeting Attendance Record

Date: 10/13/2021

Please Print Name and Signature

Chris Harmon

William Burk Wm Burk

Linda Grange Linda Grange

Andrew Ottesen Andrew Ottesen

Dave & Janae Overton Dave & Janae Overton

Mark & Dileen Meservey Mark & Dileen Meservey

Ken Watson & Mike Watson Ken Watson & Mike Watson

Greg & Tina Lewis Greg & Tina Lewis