

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 Willard City Hall, 80 West 50 South, on Thursday, May 25, 2023. Said meeting shall start at 3:30 p.m.

Agenda is as follows:

1. Call to order:

2. Business:

- a. Consideration of a sketch plan for the Fitzgerald Pond Subdivision located at approximately 3710 South 100 West/Perry Street (Parcel Nos. 02-035-0060, 02-035-0061, 02-035-0063, and 02-035-0079)
- b. Consideration of a site plan for the Lynn Beard Townhomes located at approximately 725 North 200 West (Parcel No. 02-046-0001)
- c. Consideration and approval of April 27, 2023, 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 16th day of May, 2023.

/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.

----- Forwarded message -----

From: **Ashley Hampton** <ashley@lynconstruction.com>

Date: Wed, May 10, 2023 at 4:57 PM

Subject: SLUA Meeting Request

To: Bryce Wheelwright <brycewillardcity@gmail.com>, Chris Davis <cdavis@willardcity.com>

Cc: Pat Lync <pat@lynconstruction.com>, Chad Braegger <crbunderground@gmail.com>, Mike Lync <mzurn@lynconstruction.com>

Gentlemen,

We would like to schedule the SLUA meeting (in preparation for Fitzgerald Pond's rezone). Would you be available for this meeting on Thursday 5/25 @ 2pm?

Thank you.

Ashley Hampton
Lync Development
w: (801) 686-0108

Chris Davis

Willard City Manager

435-734-9881 office

801-882-9766 mobile



Bryce Wheelwright
Willard City Planner
435-734-9881 Office
801-814-7189 Cell

WILLARD CITY ENGINEERING COMMISSION SUBDIVISION APPLICATION

Application Date 3/20/23

Proposed Subdivision Data

Subdivision Name

Applicant
Lync Construction

Fitzgerald Pond

Application Level (Check One)

Mailing Address
1407 N Mountain Rd
Ogden, UT 84404

☐ Sketch Plan

Date

Approval

Project Address
3700 S Perry Street

☐ Preliminary Plat*

*(Not required for In-fill Subdivisions)

Date

Approval

Email Address pat@lynccconstruction.com ☐ Final Plat
heather@lynccconstruction.com

Phone Number 801-710-2234

Date

Approval

Cell Phone _____

Assessor Parcel Number 02-035-0061, 02-035-0063,

Fax Number _____

Number of lots 54

02-035-0079
02-035-0075

FEES MUST ACCOMPANY APPLICATION SUBMISSION AT EACH LEVEL.

FEE COMPUTATION

	Administrative	Engineering	Attorney	TOTAL
Sketch Plan	\$50 + \$2/Acre	Billed to the Developer		\$158
Preliminary Plat	\$50 + \$15/Lot	Billed to the Developer	\$100 + \$10/Lot	640
Final Plat	\$50 + \$5/Lot	Billed to the Developer	\$50 + \$5/Lot	

CAUTION: No part of the proposed subdivision may be sold or offered for sale until the Final Plat is approved by the Willard City Council.

APPLICANT'S AFFIDAVIT

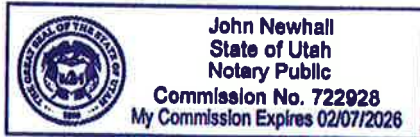
STATE OF UTAH)
) SS
COUNTY OF BOX ELDER)

I, (we) Pat Burns, being duly sworn, depose and say that I, (we) am (are) the owner(s)*, or authorized agent(s) of the owner, of property located at 3700 S Perry St in Willard City, which property is involved in the attached application and that the statements and answers therein contained and the information provided in the attached plans and other exhibits present thoroughly, to the best of my (our) ability, the argument in behalf of the application herewith requested and that the statements and information above referred to are in all respects true and correct to the best of my (our) knowledge and belief.

SIGNED [Signature]
Property Owner(s)

AGENT _____

Subscribed and sworn before me this 20 day of March 2023



[Signature]
Notary Public

Residing in Weber Co UT
My commission expires: 02/07/23

* May be owner of record, contract owner, part to valid earnest money agreement, option holder or have other legal control of property.

AGENT AUTHORIZATION

I, (we) _____, the owner(s) of real property described above, hereby appoint _____, as my (our) agent(s) to represent me (us) with regard to this application affecting the above described real property, and do authorize them to appear on my (our) behalf before any Willard City Boards considering this application.

SIGNED _____
Property Owner(s)

Subscribed and sworn before me this _____ day of _____ 20____

Notary Public

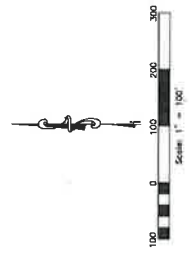
Residing in _____
My commission expires: _____



Developer:
Pat Burns
Lync Development
1407 N Min. Rd
Ogden, UT 84404
(801) 710-2234

Fitzgerald Pond Subdivision

Willard, Box Elder County, Utah



THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF REEVE & ASSOCIATES, INC. AND SHALL NOT BE REPRODUCED, RE-CREATED, OR USED IN ANY PROJECT OTHER THAN THE PROJECT SPECIFICALLY PROVIDED FOR, WITHOUT THEIR WRITTEN PERMISSION. THE ENGINEER AND CHECKER OF THESE & ASSOCIATES, INC. SPECIFY ANY VARIATION IN THE DESIGN HEREIN WITHOUT THEIR CONSENT.



North

Lynn Beard Townhomes

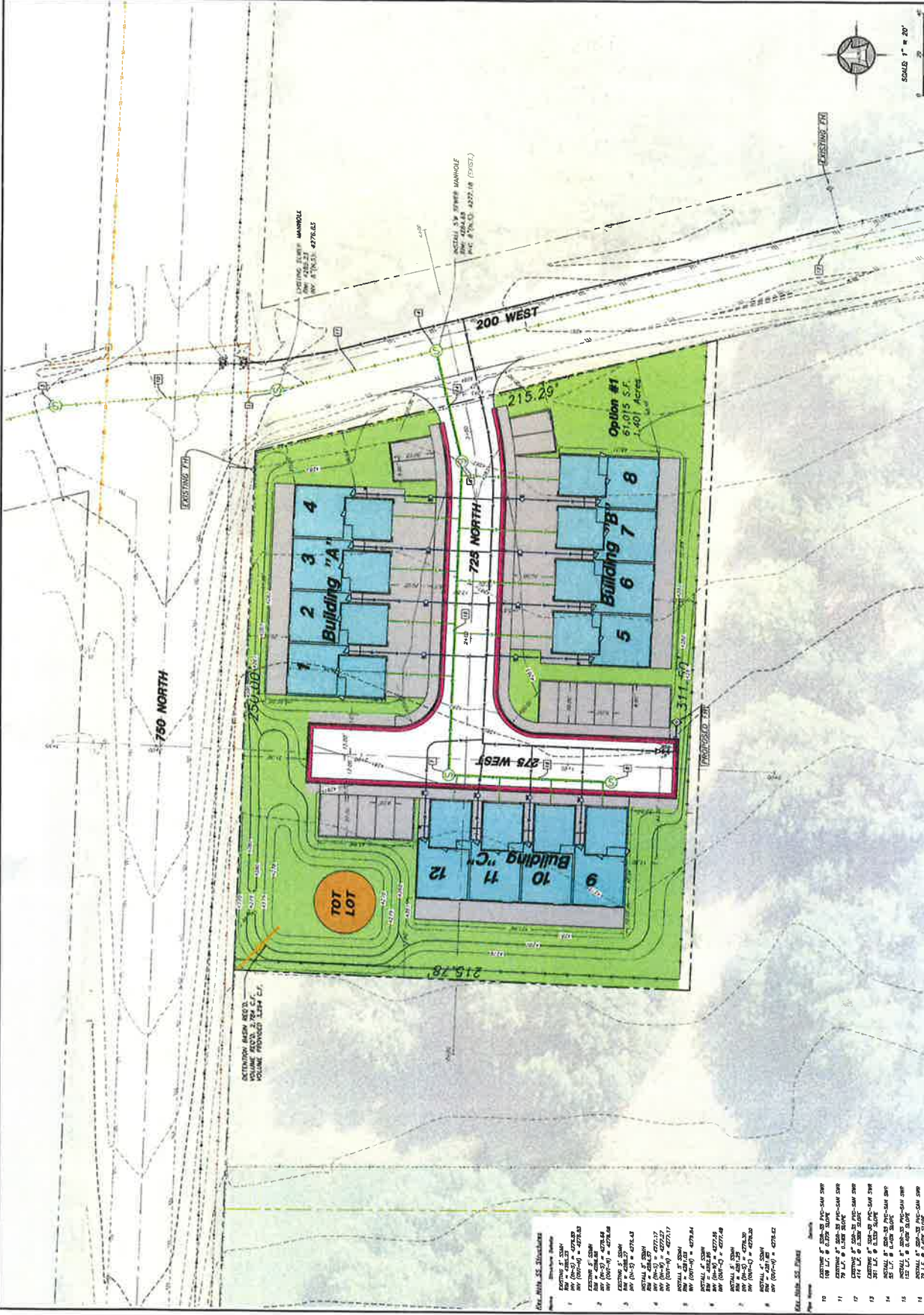
PROPOSED SITE & UTILITY PLAN FOR
A PART OF THE NORTHEAST QUARTER OF SECTION 23
TOWNSHIP 8 NORTH, RANGE 2 WEST, 31E.64E,
WILLARD CITY, BOX ELDER COUNTY, UTAH

735 NORTH 200 WEST
APPROVED BY: [Signature]
DATE: 11/1/22
DRAWN BY: [Signature]
CHECKED BY: [Signature]
DATE: 11/1/22

HANSEN & ASSOCIATES, INC.
CONSULTING ENGINEERS AND LAND SURVEYORS
5100 North Main Street, Brigham City, Utah 84302
PHONE: (435) 734-3441 FAX: (435) 734-3442
WWW.HANSEN-UTAH.COM

Sheet 1 of 4

SCALE 1" = 20'



Lot	Area (S.F.)	Volume (C.F.)
1	1,015.00	2,794.00
2	1,015.00	2,794.00
3	1,015.00	2,794.00
4	1,015.00	2,794.00
5	1,015.00	2,794.00
6	1,015.00	2,794.00
7	1,015.00	2,794.00
8	1,015.00	2,794.00
9	1,015.00	2,794.00
10	1,015.00	2,794.00
11	1,015.00	2,794.00
12	1,015.00	2,794.00

OPTIONAL: 100' WIDE
VOLUME: 2,794 C.F.
VOLUME PROVIDED: 114 C.F.

Lynn Beard Townhomes

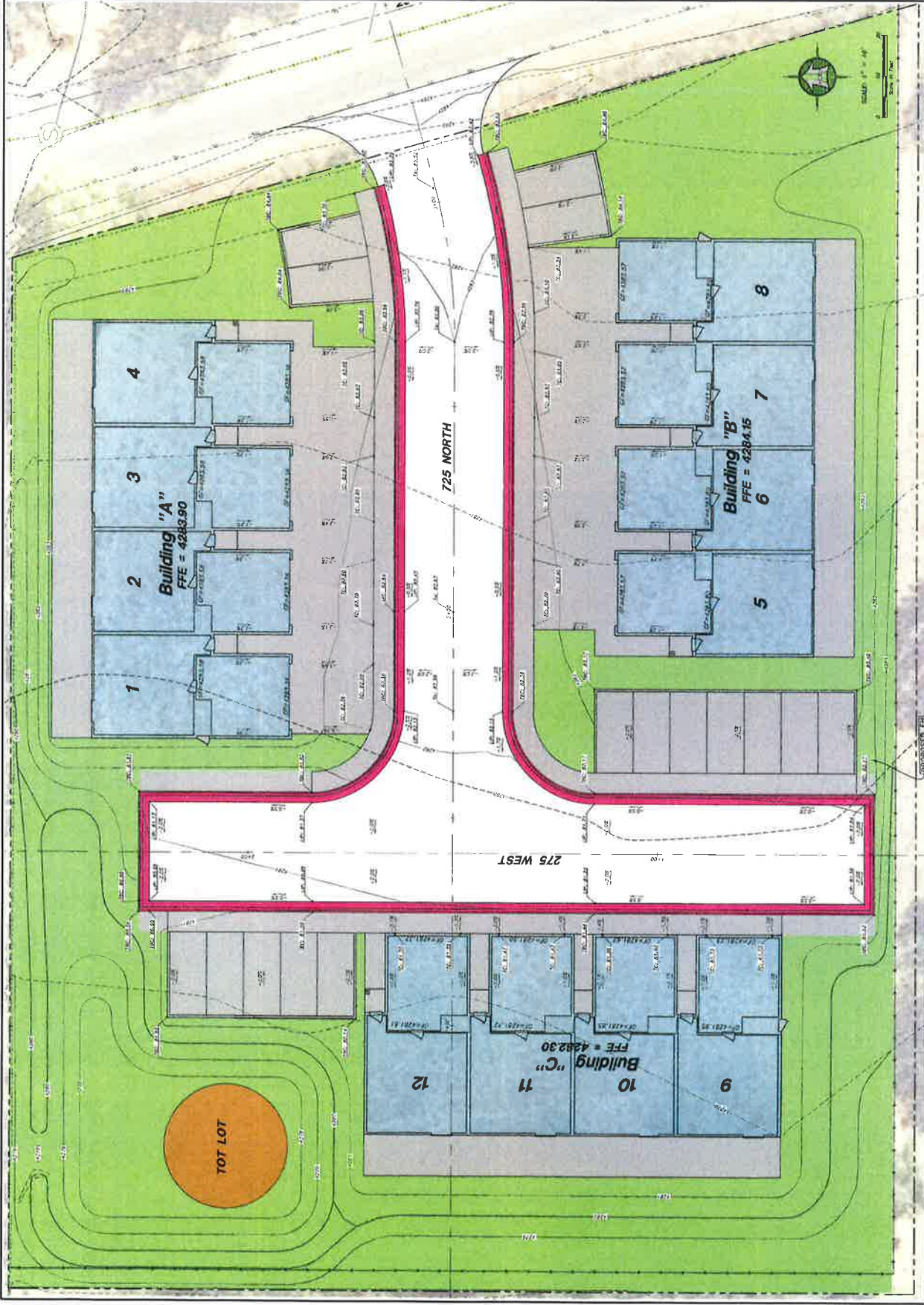
735 NORTH 200 WEST
WILKINS CITY, BOX 11200 COVINGTON, MISSISSIPPI 39323

A PORT OF THE HANSEN QUARTER OF SECTION 23
RANGING 2 NORTH RANG 2 WEST 23.834

Drawn By: MBO Date: 05/12/23
Checked By: [blank]
Approved By: [blank]
Drawing Title: 23-104 TOWNHOMES
JOB NUMBER: 23-104

HANSEN & ASSOCIATES, INC.
CONSULTING ENGINEERS AND LAND SURVEYORS
558 North Main Street, Bogalusa, Louisiana 70307
Phone: 985-745-1400 Fax: 985-745-1401
www.hansenandassociates.com

No.	Sheet	Rev.
1	1	1
2	2	1
3	3	1
4	4	1



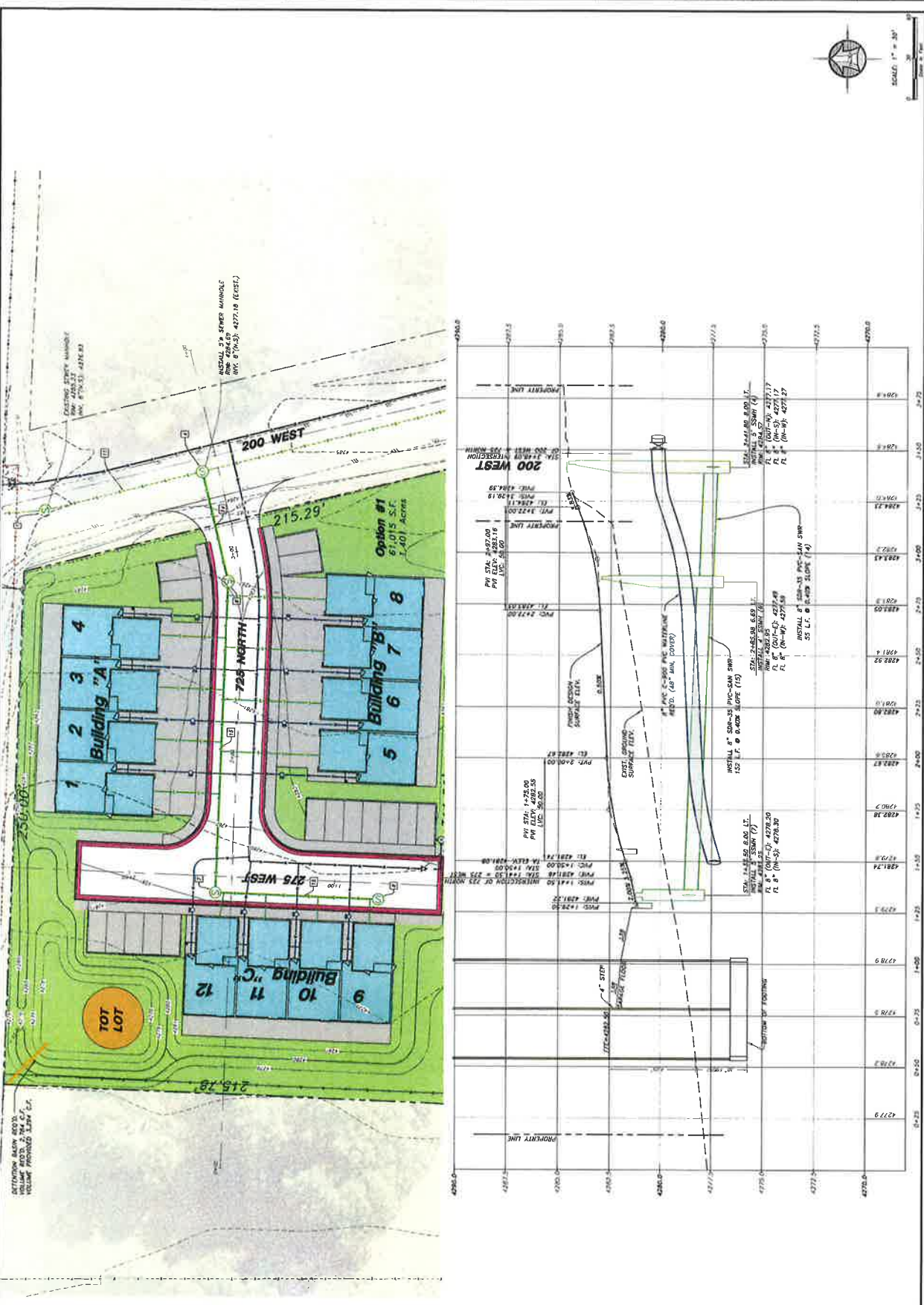
Lynn Beard Townhomes

275 NORTH PLAN & PROFILE FOR
WILSON CITY, BOX 6000, CLATSOP COUNTY, OREGON
TOWNSHIP 6 NORTH, RANGE 2 WEST, S18 EAST

Drawn by: HBL Date: 05/12/23
Checked by: [blank]
Approved by: [blank]
Scale: 1" = 20'
Drawing File: 23-104 V18-03
JOB NUMBER: 23-104

HANSEN & ASSOCIATES, INC.
Civil Engineering and Land Surveying
525 North Main Street, Eugene, OR 97402
Phone: (541) 255-4277
Fax: (541) 255-4278
www.hansenandassociates.com

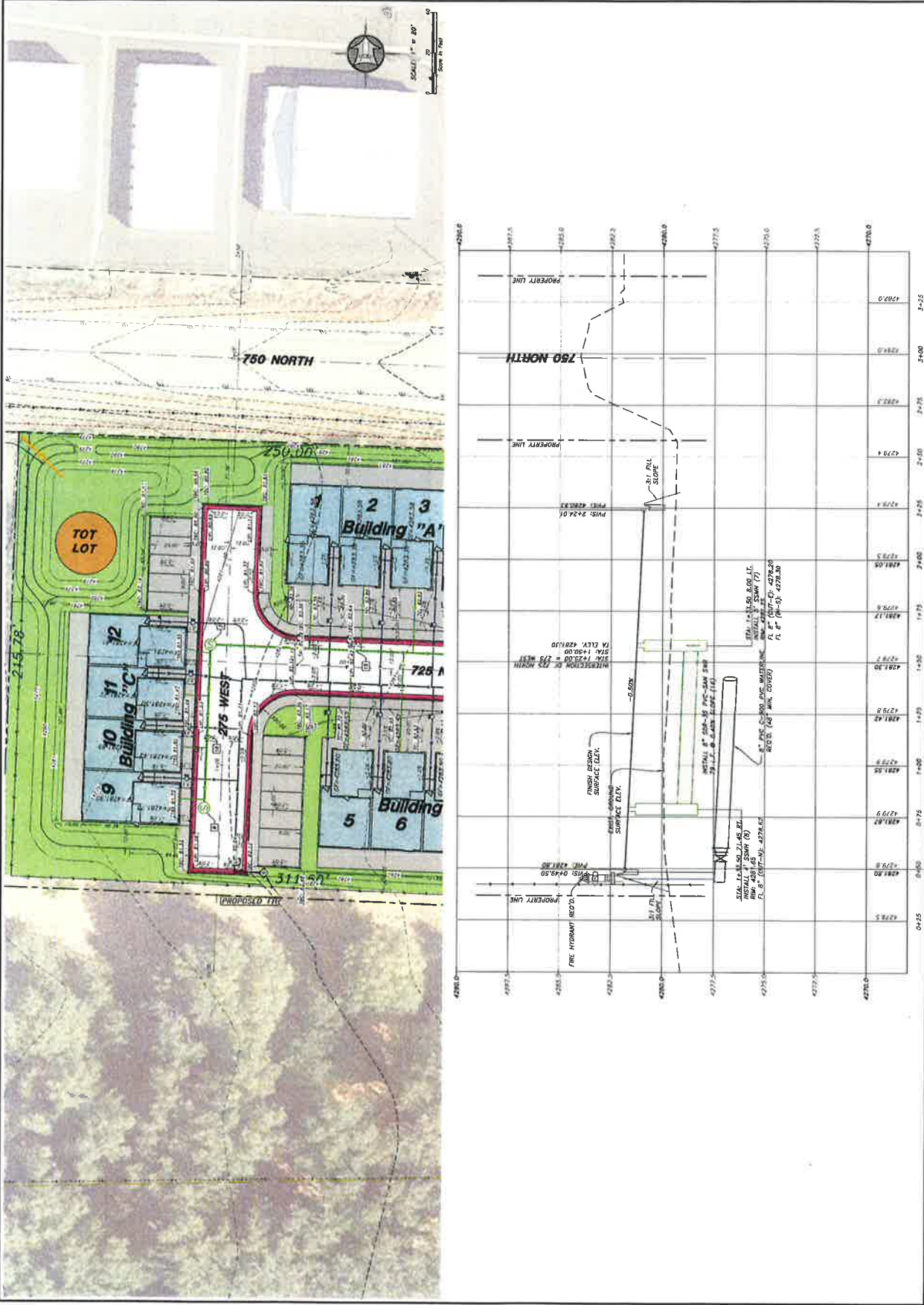
No.	Date	By	Revision



Lynn Beard Townhomes
 275 WEST PLAIN & FRONT FOR
 HILLAND CITY, BOX ELDER COUNTY, UTAH
 770 NORTH 200 WEST
 A Part of the Northwest Quarter of Section 23
 Township 8 North, Range 2 West, T18N, R2W

Drawn By: MJD Date: 05/12/23
 Checked By: [blank]
 Approved By: [blank]
 Scale: 1" = 20'
 Drawing Title: 23-104 VISUAL
 JOB NUMBER: 23-104

HANSEN & ASSOCIATES, INC.
 Consulting Engineers and Land Surveyors
 350 North Main Street, Brigham City, Utah 84302
 (801) 733-4441 (fax) 801-733-4400 (fax) 801-733-4400
 1001 N. Main Street, Suite 100
 Brigham City, Utah 84302





WILLARD CITY
Subdivision Land Use Authority (SLUA) – Special Meeting
April 27, 2023, 2023 – 2:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

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 Colt Mund, City Attorney
9 Bryce Wheelwright, City Planner
10 Chris Breinholt, City Engineer/Jones & Associates
11 Payden Vine, Public Works Director
12 Van Mund, Fire Chief
13 Michelle Drago Deputy City Recorder
14

15 Others in attendance: Chris Marx and Zac Burk, Jones & Associates.

16
17 1. CALL TO ORDER

18
19 Bryce Wheelwright, City Planner, called the meeting to order at 2:34 p.m. A roll call attendance was
20 recorded by the secretary.

21
22 2A. CONSIDERATION OF A SKETCH PLAN AND A PRELIMINARY PLAN FOR THE XRAM
23 SUBDIVISION LOCATED AT APPROXIMATELY 297 WEST 380 NORTH (PARCEL NOS. 02-046-
24 0010, 02-046-0011, 02-046-0012, AND 02-044-0008)
25

26 Time Stamp – 0:52 04/27/2023

27
28 Bryce Wheelwright stated that purpose of the meeting was to review and consider a revised sketch
29 plan/preliminary plan for the Xram Subdivision located at approximately 297 West 380 North. During the
30 last meeting the SLUA asked Chris Marx to address four items. The revised plan showed a stub street for
31 400 West. It showed a future phase that included the future 500 West. Mr. Marx had submitted a request
32 to defer curb and gutter improvements, as well as road improvements for the 400 West stub. Mr. Marx had
33 also asked that he not be required to stub 400 West to the north.

34
35 Chris Breinholt felt the revised sketch plan complied with what the SLUA had asked.

36
37 Van Mund, Fire Chief; Payden Vine, Public Works Director; Michelle Drago, Deputy Recorder; and Chris
38 Davis, City Manager did not have any comments.

39
40 Colt Mund, City Attorney, asked if Lot 12, shown in the future Phase 2, would be a building lot. Chris Marx
41 stated that Phase 2 shown on Future Option # 5 would not happen in his life time. He planned to keep the
42 west five acres in the agricultural green belt. During the last meeting, SLUA had asked that the preliminary
43 plan show where 500 West would be built at some future date. His engineer, Hansen & Associates, had
44 found out where 500 West was planned and drew it in. The only lots he planned to develop now were Lots
45 1 through 9. Someone else could figure out Phase 2 sometime down the road.

46
47 Colt Mund stated that he had asked about Lot 12 to determine if there was a need for a second emergency
48 access. If there were more than 30 homes, a second access would be required. Chris Breinholt said the
49 SLUA had determined that the total number of homes was less than 30. Van Mund said there were currently



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50 eight homes on 380 North. Another 12 homes would bring the total to 20, which was less than the 30 homes
51 required for a second emergency access.
52

53 Bryce Wheelwright stated that Chris Marx had asked that curb and gutter improvements be deferred to
54 keep the rural feel he liked and to match the existing improvements on 380 North. Would it be possible to
55 defer those improvements with a deferral agreement if the Planning Commission made that
56 recommendation? Colt Mund asked when the improvements would be deferred to. At what point would the
57 agreement go into effect? Chris Breinholt said deferral agreements were hard to enforce. In his experience
58 they almost always did not play out very well.
59

60 Chris Breinholt said he had been told that the Council had talked about doing away with curb and gutter in
61 some areas. He felt the requirement for curb and gutter needed to be consistent. The City needed to require
62 it everywhere or decide where it would not be required.
63

64 Colt Mund did not feel a deferral agreement would be appropriate in this subdivision as it would be building
65 out the rest of the road. He felt any development to the north or south would have to have curb and gutter
66 as well. Chris Marx could apply for a variance. Chris Davis stated that a variance request would not be
67 heard by the City Council. It would be considered by the City's Hearing Officer, Dave Church.
68

69 Colt Mund stated that curb and gutter had been deferred in the past if a subdivision consisted of only one
70 or two lots. The subdivision proposed by Mr. Marx had nine lots. Although the number of homes wasn't
71 excessive, he felt consistency was important.
72

73 Chris Breinholt stated that if the Council wanted to do away with curb and gutter, then it should be done
74 away with so there could be consistency.
75

76 Michelle Drago asked about Chris Marx's request to defer road improvements on the 400 West stub. Bryce
77 Wheelwright understood that Chris Marx would dedicate the right-of-way for the stub road. Chris Breinholt
78 said Mr. Marx would still have to ask for deferral of the road improvements.
79

80 Colt Mund felt deferring the road improvements made more sense. He asked if the City would run into
81 enforcement issues down the road. Mr. Breinholt felt it would. However, in this case, the stub road would
82 stub into a shed on adjoining property. He wanted to avoid that look and just preserve the right-of-way area.
83 Someday that road would go through.
84

85 Bryce Wheelwright stated that unused pavement would deteriorate. Chris Breinholt agreed. He didn't want
86 pavement just sitting; that wasn't used or driven on.
87

88 Colt Mund wanted to avoid the possibility of the adjoining property owner wanting to use the stub road to
89 access his property. He agreed with Chris Breinholt's recommendation to just dedicate the right-of-way for
90 the stub road.
91

92 Bryce Wheelwright stated that deferral of the stub road improvements would be discussed with the Planning
93 Commission.
94

95 Chris Marx stated that there were existing swales on 380 North. Was there a way for him to request a
96 waiver to continue the existing improvements? Chris Breinholt said the SLUA could not grant a waiver
97 because swales were not in the City's Public Works Standards. However, Mr. Marx could argue that
98 continuing the existing improvements was being consistent. If the City was going to require curb and gutter,



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99 it needed to require curb and gutter everywhere. In this situation, he was okay with either swales or curb
100 and gutter. He also felt the City needed to be consistent rather than waiving improvements here and there.
101

102 Chris Davis stated that any waiver to the ordinance requirements would have to be approved by the City's
103 Hearing Officer, not the Planning Commission or City Council.
104

105 Chris Davis asked where the storm water on 380 North was going if the road had swales rather than curb
106 and gutter. Zac Burk said the storm water on 380 North was actually piped down one side and drained onto
107 Chris Marx's property. The swales were on the south side of the road. Chris Breinholt said swales could
108 carry storm water through if they were built right
109

110 Colt Mund asked where the storm water would go if curb and gutter was required. Chris Breinholt said it
111 would go to the same place it was going now. In cases like this, he required a small basin where storm
112 water could be retained so it could percolate. He felt that would be the most logical solution unless Chris
113 Marx had an outfall ditch the storm water could drain into.
114

115 Chris Breinholt felt the administration should get an opinion from the City Council about whether it wanted
116 to do away with curb and gutter before Chris Marx applied for a waiver.
117

118 Bryce Wheelwright asked how soon Chris Marx wanted to get started. It would take time to get an answer
119 from the City Council, and there wasn't a guarantee that anything would change.
120

121 Chris Marx stated that receiving a waiver for curb and gutter was important to him. He would honestly hate
122 the neighborhood if it had curb and gutter. He was willing to wait.
123

124 Colt Mund said the process would involve Chris Marx presenting a request to have the City Ordinances
125 regarding curb, gutter, and sidewalk amended. If that failed, the Planning Commission would require curb,
126 gutter, and sidewalk, and then Mr. Marx could request a waiver that would be heard by the Hearing Officer.
127

128 Chris Marx asked the SLUA's advice on the best option. Chris Davis said the SLUA could not advise him
129 because the SLUA could not represent him. The SLUA could only tell him what the options were. Mr. Marx
130 had two options. He could approach the City Council about amending the curb and gutter requirements in
131 the Subdivision Ordinance, or he could proceed with the subdivision and appeal to the Hearing Officer when
132 the Planning Commission required curb and gutter.
133

134 Chris Breinholt stated that if the Public Works Standards were amended to provide for no curb, swales
135 would be required on both sides of the road and culverts would be required under driveways. He wasn't
136 opposed to swales, but they were definitely an enforcement issue long term because people filled them in.
137

138 Zac Burk said the City had a standard for a low impact residential street. A low impact residential street had
139 a concrete edge curb to prevent asphalt edges from cracking off, but it would allow sheet flow.
140

141 Chris Breinholt read from the Public Works Standards, "The 60-foot roadway section shown above (referring
142 to Standard Residential Roadway Section) is to be considered the "City Standard." Where designated by
143 the City on a case by case basis in areas of pre-existing roadway improvements, alternate street cross
144 section designs may be used with the prior approval of the City Engineer and the Public Works Department."
145



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Mr. Breinholt could see an argument for using the low impact roadway standard in this location because of the way the existing road had been built. Maybe the low impact road could continue to 500 West, and then curb and gutter would be required.

Zac Burk read from a footnote found on Page CS-02 of the Public Works Standards, "The above and alternative road sections required shall be as determined by the City Engineer and Planning Commission based upon zoning, General Plan, size of development, estimated traffic volume, and amount of open space associated with developments, as well as their proximity to high volume roads or commercial zoning."

Chris Breinholt asked about the current zoning. Chris Marx said he would have to rezone the property from A-5 to R1/2.

Chris Breinholt felt comfortable recommending the use of the low impact residential roadway in this subdivision. He felt the consistency issue was difficult. There were a lot of homes in this area without curb and gutter. Where would it be appropriate to transition to curbing if the City was going to continue to require it?

Zac Burk didn't want to set the City up for the responsibility to pay for the utilities when future growth happened.

Chris Breinholt said the question was whether this street would ever have enough development to require more improvements.

Bryce Wheelwright asked what trumped what. The Public Works Standards provided for a low impact roadway and the Subdivision Ordinance that required curb, gutter, and sidewalk. Colt Mund felt the Subdivision Ordinance trumped the Public Works Standards. Chris Davis pointed out that the Public Works Standards were adopted after the Subdivision Ordinance, but the Subdivision Ordinance was never amended. One was adopted by resolution; the other by ordinance. Mr. Wheelwright said that in the Supplementary and Qualifying Ordinance, it stated that curb, gutter, and sidewalk could be waived.

Chris Breinholt did not feel that 380 North would ever be a major thoroughfare. That wasn't something that Chris Marx wanted.

Van Mund pointed out that 380 North would not go east from 200 West, and it would only run west to 500 West when UTA extended 500 West north and south along the railroad tracks. UTA would probably not put in 500 West for 20 to 30 years.

Payden Vine stated that there wouldn't be development to the north because of Lynn Beard's conservation easement.

Colt Mund stated that there was development potential to the south, but there wasn't to the north due to the conservation easement. If there wouldn't be development north of Chris Marx, there might not be a big population to deal with. This subdivision highlighted the City's problem with curb and gutter. There were three different views between the Public Works Standards, Subdivision Ordinance, and Supplementary and Qualifying Ordinance. Legally, consistency would be great. However, he deferred to the City Engineer on what was best for the City in terms of build out.

Bryce Wheelwright asked how the SLUA should proceed. Should it make a recommendation, or should it let Chris Marx determine what he wanted to do?



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Chris Breinholt felt the Public Works Standards provided for the type of road Chris Marx wanted – a 60-foot roadway without curb and gutter. Mr. Marx was proposing half-acre lots. There was an existing road without curb and gutter, which he felt was key. The whole road would have less than 20 homes. He was comfortable with the low impact roadway in this subdivision.

Colt Mund felt the Subdivision Ordinance needed to be amended to follow the Public Works Standards.

Zac Burk felt following the standards for the low impact roadway would help with the utility and runoff problems that Willard had. The low impact roadway in this subdivision would work for the length of this road if the culverts under driveways were at least 15-inches, not 4 inches, and there was a drainage basin. It would work as long as it was built according to the Public Works Standards.

Chris Breinholt stated that Chris Marx would still have to put in some storm drain piping and catch basins.

Colt Mund asked if there would be problems with a low impact road if the land to the south developed with a higher density. Chris Breinholt said development to the south could mean that 380 North would serve as a secondary access.

Colt Mund felt it made sense to table the Xram Subdivision and propose an amendment to the Subdivision Ordinance to clean up the City code. Then the subdivision could be approved under a consistent code. He would feel more comfortable considering the subdivision with an amended Subdivision Ordinance.

Chris Breinholt felt the low impact roadway would be appropriate.

Chris Davis stated that Chris Marx needed to decide how he wanted to proceed. The SLUA agreed that the subdivision was ready to go to the Planning Commission. The challenge was having the outcome Chris Marx wanted.

Colt Mund felt the administration could recommend that the Subdivision Ordinance be amended to follow the Public Works Standards. It would be a simple amendment. Chris Davis pointed out that even simple amendments took time due to the required public hearings. Colt Mund said he would feel more comfortable correcting the Subdivision Ordinance before Chris Marx's subdivision was approved.

Chris Davis moved to table consideration of a sketch plan/preliminary plan for the Xram Subdivision pending the City Attorney drafting an amendment to the Subdivision Ordinance to allow a low impact residential street in certain areas. Van Mund seconded the motion.

Van Mund asked if Chris Marx would need a deferral if the ordinance was amended. Chris Davis said he wouldn't.

All voted "aye." The motion passed unanimously.

2C. APPROVAL OF THE APRIL 20, 2023, MINUTES

Chris Davis moved to approve the minutes of April 20, 2023, as written. Payden Vine seconded the motion. All voted "aye." The motion passed.



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3. ADJOURN

**Chris Davis moved to adjourn at 3:10 p.m. Michelle Drago 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 04-27-2023