



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

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

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

1. CALL TO ORDER

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

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

Time Stamp – 0:52 04/27/2023

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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



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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: 5/25/23

Bryce Wheelwright
Bryce Wheelwright, City Planner

Michelle Drago
Michelle Drago, Deputy City Recorder

dc:SLUA 04-27-2023