

Midway City Council
3 November 2020
Regular Meeting

Howland Subdivision /
Preliminary and Final Approval



Midway

CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: November 3, 2020
NAME OF PROJECT: Howland Subdivision
NAME OF APPLICANT: Howland Partners
OWNER: Pointe 11 LLC
CIVIL ENGINEER: Berg Engineering
AGENDA ITEM: Preliminary/Final Approval
LOCATION OF ITEM: 600 West 200 North
ZONING DESIGNATION: R-1-15

ITEM: 11

Howland Partners, agent for Pointe 11 LLC, is requesting preliminary/final approval a one lot subdivision 2.49 acres to be known as Howland Subdivision. The property is located at 600 West and 200 North and is in the R-1-15 zone.

BACKGROUND:

This request is for preliminary/final approval of a small-scale subdivision on 2.49 acres that will contain one lot. The lot proposed in the subdivision will obtain frontage along 200 North (State Route 222). The property is in the R-1-15 zoning district and the lot does comply with the minimum requirements of frontage, width, and acreage for a lot in this zone.

A portion of the property has been in agricultural production while the remainder of the property is covered mostly by sensitive lands. The sensitive lands on the property include wetlands, floodplain, slopes greater than 25%, and the Snake Creek stream corridor. A portion of the property also includes a Midway Irrigation Company easement that contains water storage and debris removal machinery.

It is unknown if the property is a lot of record or not. Staff discussed the requirements with a representative of the property owner and the applicant decided to apply for a single lot subdivision. The applicant also owns other contiguous and nearby parcels that combined are about 18 acres.

LAND USE SUMMARY:

- 2.31-acre parcel
- R-1-15 zoning
- Proposal contains one lot
- Frontage on 200 North (State Route 222)
- Public trail corridor
- Sensitive land includes wetlands, floodplain, slopes greater than 25%, and the Snake Creek stream corridor
- The lot will connect to the Midway City's culinary water line, Midway Sanitation District's sewer line, and Midway Irrigation Company's secondary water line

ANALYSIS:

Water Connection – The future dwelling will be connected to the City's water line located in 200 North.

Sewer Connection – The future dwelling will connect to Midway Sanitation District's sewer line under 200 North.

Secondary Water Connection – The lot will connect to Midway Irrigation Company's secondary water line which services property in the area.

Setbacks – A 50' setback from 200 North is required for any structures built in the proposal. The required setback will be noted on the plat.

200 North Trail – The master trail plan shows a trail that crosses the property from the east boundary along 200 North to the north boundary of the property. This trail is an important component of the Midway’s master trail system that will help connect the existing trail on 200 North to the Homestead Trail that currently ends at The Links. The trail across the proposal will require a public trail easement and construction of the trail. The trail will dead end at the north boundary line of the property until the property to the north develops. Also, the trail will be a relatively expensive trail because of the sensitive lands that will require water crossings, wetland crossings, and grade excavation. Some of the trail will, most likely, be a boardwalk. The developer has expressed concern over the cost of the trail for a one lot subdivision. The developer has offered \$10,000 towards the future construction of the trail. The trail will cost much more than \$10,000 to build but the developer feels that for a one lot subdivision, the proposed amount will cover any responsibilities regarding building the trail.

FEMA Floodplain – FEMA Flood zone AE covers part of the property and a 50’ setback is required from the flood zone for all structures.

Sloped areas – Any sloped areas greater than 25% are not buildable and will be identified on the plat.

Wetlands – A wetlands study was conducted in 2006 and identified wetlands on the property. Wetland areas may change over time, so staff is requiring a new study. Wetlands are not buildable and delineated wetlands have a 25’ buffer that does not allow any disturbance unless specifically approved.

Driveway access –The proposal fronts on a State Route. The applicant has met with UDOT and received instructions regarding the residential driveway. UDOT is requiring 150’ from the nearest driveways to the east and the west. It will also be required that the lot will have a turnaround so that no vehicles will back out onto 200 North.

Midway Irrigation Company easement - A portion of the property also includes a Midway Irrigation Company easement that contains water storage and debris removal machinery.

WATER BOARD RECOMMENDATION:

The Water Board recommended that 3.65 acre feet of water is tendered to the City for required culinary and secondary water for the lot.

PLANNING COMMISSION RECOMMENDATION:

Motion: Commissioner Whitney: I make a motion that we recommend to approval the preliminary/final approval a one lot subdivision on 2.49 acres to be known as Howland Subdivision. The property is located at 600 West and 200 North and is in the R-1-15 zone. We accept staff findings and water board recommendations and the conditions listed in the staff report. The first condition will be modified to state that the developer will dedicate a public trail access on the eastern side of the property and will run north and south as shown on slide 46 of the power point presentation and that staff and the Parks, Trails and Trees Committee will determine the best location of the trail. The other two conditions are that the developer also contributes \$10,000 towards the construction of the trail on the property. And provide Wetland delineation approved by the Army Corp. of Engineers before item is placed on a City Council agenda.

Seconded: Commissioner McKeon

Chairman Nicholas: Any discussion on the motion?

There were some clarifications added to the motion

Chairman Nicholas: All in favor.

Ayes: Commissioners: Bouwhuis, McKean, Whitney, Simons, Ream and Crawford

Nays: None

Motion: Passed

POSSIBLE FINDINGS:

- The proposed lot meets the minimum requirements for the R-1-15 zoning district
- The proposal does meet the intent of the General Plan for the R-1-15 zoning district
- The subdivision will contribute to the master trails plan by dedicating the public trail easement across the property and paying \$10,000 that will be used to build the public trail.

ALTERNATIVE ACTIONS:

1. Approval (conditional). This action can be taken if the City Council finds that conditions placed on the approval can resolve any outstanding issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s)

2. Continuance. This action can be taken if the City Council finds that there are unresolved issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again

3. Denial. This action can be taken if the City Council finds that the request does not meet the intent of the ordinance.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

RECOMMENDED CONDITIONS:

1. The developer will dedicate a public trail easement across the property and pay \$10,000 for future trail construction before the plat is recorded.
2. A new wetlands study is required before the plat is recorded to reassure there is an adequate buildable area on the lot.
3. UDOT access approval is submitted to the City before the plat is recorded.

October 13th, 2020

Midway City
Attn: Michael Henke
75 North 100 West
Midway, Utah 84049

Subject: Howland Small Scale 1 lot Subdivision – Preliminary / Final Approval

Dear Michael:

Horrocks Engineers recently reviewed the Howland subdivision plans for Preliminary/Final approval. The proposed subdivision is located at approximately 600 West 200 North. The proposed subdivision consists of 1 lot. The following comments should be addressed prior to City Council approval.

General Comments

- The current wetlands delineation is older than 5 years and needs to be renewed with the Army Corp of Engineers.

Water

- The proposed development will be served from the Gerber Mahogany pressure zone.
- The proposed lot will connect to the existing 12" water line within 200 North

Roads

- The proposed lot will not construct any new roads, the lot will front 200 North.
- The development will need to obtain an access permit from UDOT for a driveway access.

Storm Drain

- The swale along with the existing shoulder will accommodate the storm drain for the lot.

Trails

- A trail easement shall be given within the existing lot. This trail will connect to the future development to the North.

Irrigation

- The proposed lot will connect to the existing pressurized line within 200 North.

Please feel free to call our office with any questions.

Sincerely,
HORROCKS ENGINEERS



Wesley Johnson, P.E.
Midway City Engineer

cc: Paul Berg Berg Engineering



Kohler Ln

S Fairway Dr

Rainbow Ln

Cottage Creek Ct

Sharon Ln

Creek Pl

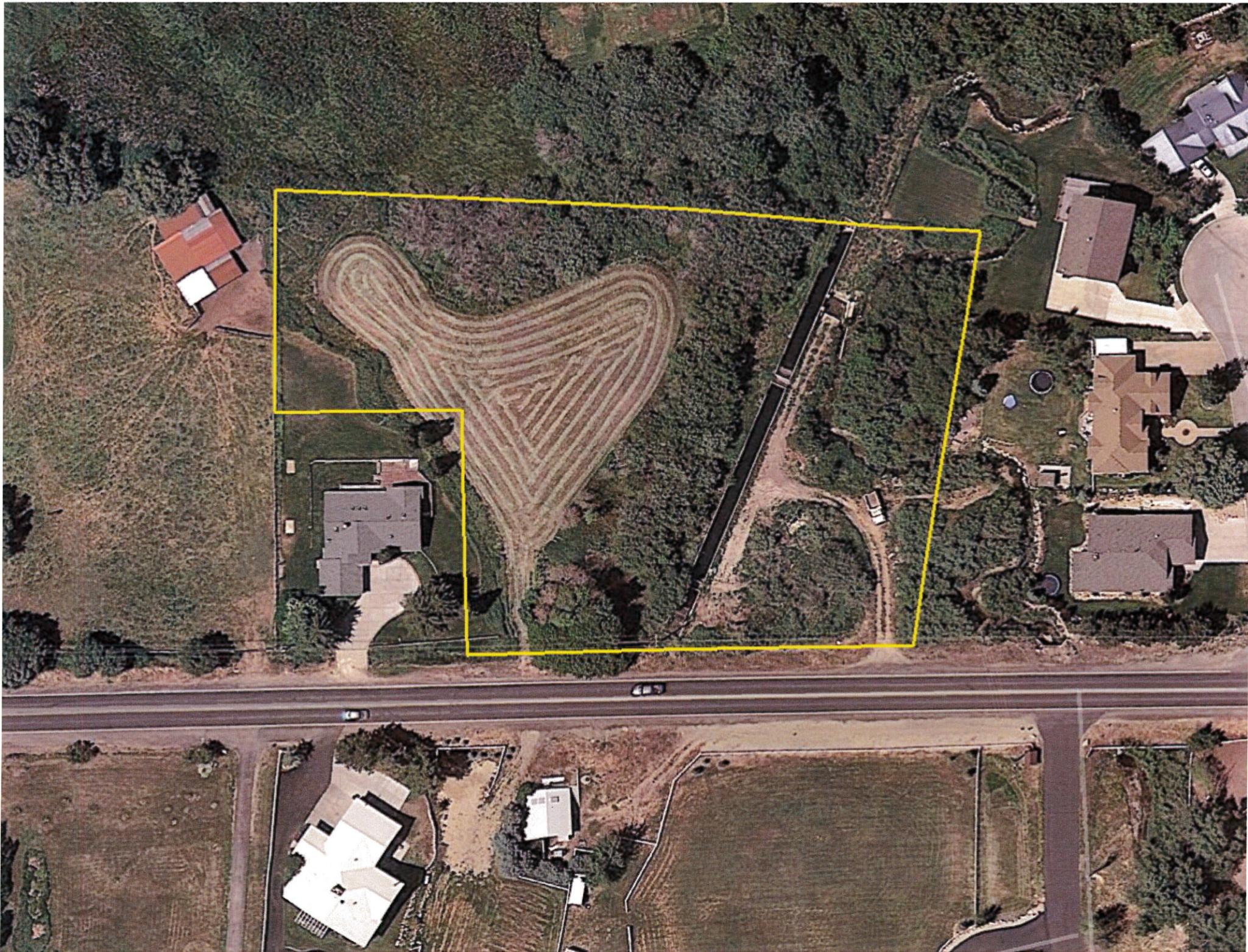
Pine Canyon Rd

Homestead Dr

140 N

N 400 W

N 300 W





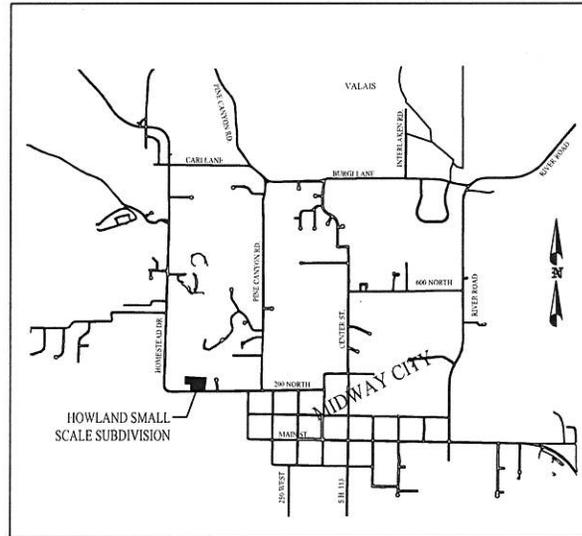






HOWLAND SMALL SCALE SUBDIVISION

FINAL APPLICATION



VICINITY MAP

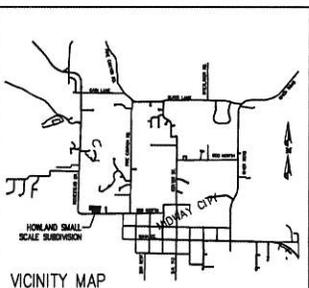
SHEET INDEX

1. HOWLAND SMALL SCALE SUBDIVISION PLAT
2. SENSITIVE LANDS MAP
3. UTILITY PLAN

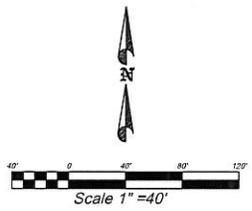
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PAUL A. BERG P.E.
SERIAL NO. 22088
DATE: 08 SEP 2020

MPC LLC & PONTE II LLC HOWLAND SMALL SCALE SUBDIVISION	
COVER SHEET	
	
BERG ENGINEERING 380 E Main St, Suite 204 Midway, UT 84049 ph: 435-657-7749	
DESIGN BY: PFB	DATE: 08 SEP 2020
DRAWN BY: CWS	REV: 0



LOCATED IN THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.



ADDRESS TABLE

LOT	ADDRESS
1	XXX WEST 250 NORTH

SURVEYOR'S CERTIFICATE

IN ACCORDANCE WITH SECTION 10-96-603 OF THE UTAH CODE, I, TROY L. TAYLOR, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 8854112 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT.

I FURTHER CERTIFY THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THE PLAT IN ACCORDANCE WITH SECTION 17-23-17 OF THE UTAH CODE, AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT.

DATE _____ SURVEYOR (SEE SEAL BELOW)

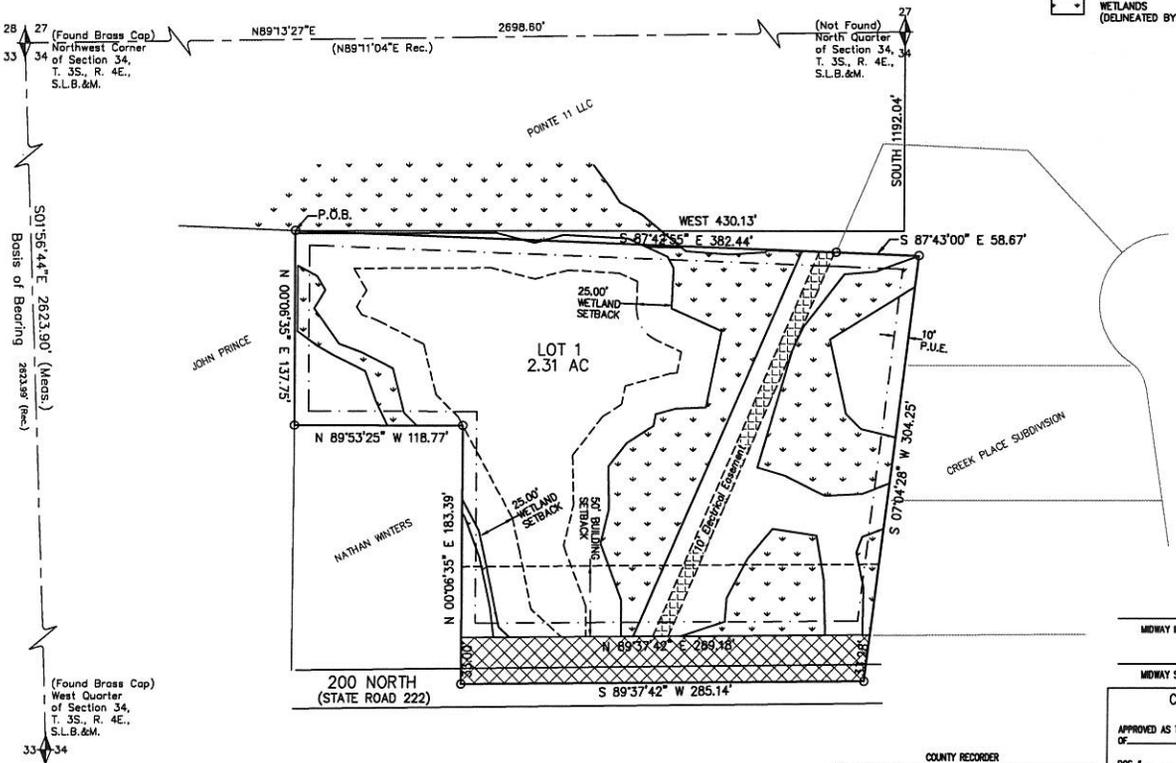
BOUNDARY DESCRIPTION

BEGINNING SOUTH 1192.04 FEET AND WEST 430.13 FEET MORE OR LESS FROM THE NORTH QUARTER CORNER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN:

THENCE SOUTH 87°43'00" EAST 382.44 FEET;
 THENCE SOUTH 87°43'00" EAST 58.67 FEET;
 THENCE SOUTH 07°04'28" WEST 304.25 FEET;
 THENCE SOUTH 89°37'42" WEST 285.14 FEET;
 THENCE NORTH 00°06'35" EAST 183.39 FEET;
 THENCE NORTH 89°53'25" WEST 118.77 FEET;
 THENCE NORTH 00°06'35" EAST 137.75 FEET TO THE POINT OF BEGINNING.

CONTAINING: 2.53 ACRES

- LEGEND**
- RIGHT-OF-WAY DEDICATION TO MIDWAY CITY (0.22 ACRES)
 - 10' IRRIGATION EASEMENT
 - WETLANDS (DELINEATED BY WISE EARTH, JUNE 2008)



OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT, THE UNDERSIGNED OWNER(S) OF THE PROPERTY DESCRIBED HEREON, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, PUBLIC STREETS, AND EASEMENTS, AND IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE DECLARATION HEREBY DEDICATE THOSE AREAS LABELED AS PUBLIC STREETS AND EASEMENTS FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES AND EMERGENCY VEHICLE ACCESS.

DATED THIS _____ DAY OF _____, A.D. 20____

BY: _____
 POINTE 11 LLC

ACKNOWLEDGMENT

STATE OF UTAH } S.S.
 COUNTY OF WASATCH }
 ON THE _____ DAY OF _____, A.D. 20____, PERSONALLY APPEARED BEFORE ME _____ WHO DULY ACKNOWLEDGED TO ME THAT HE/SHE DID EXECUTE THE SAME IN THE CAPACITY INDICATED.

MY COMMISSION EXPIRES: _____ NOTARY PUBLIC

ACCEPTANCE BY MIDWAY CITY

THE CITY COUNCIL OF MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH, HEREBY APPROVES THIS SUBDIVISION AND ACCEPTS THE DEDICATION OF LOTS, EASEMENTS, STREETS AND PUBLIC RIGHTS-OF-WAY HEREON SHOWN.

THIS _____ DAY OF _____, A.D. 20____

APPROVED _____ MAYOR ATTEST _____ CLERK-RECORDER (SEE SEAL BELOW)
 APPROVED _____ CITY ENGINEER (SEE SEAL BELOW) APPROVED _____ CITY ATTORNEY

PLANNING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____, A.D. 20____, BY THE _____ CITY PLANNING COMMISSION

PLANNING DIRECTOR _____ CHAIRMAN, PLANNING COMMISSION _____

HOWLAND SMALL SCALE SUBDIVISION

MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH

LOCATED IN THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

SCALE: 1" = 50 FEET

SURVEYOR'S SEAL	NOTARY PUBLIC SEAL	CITY ENGINEER SEAL	CLERK-RECORDER SEAL

DATE: _____
 MIDWAY IRRIGATION COMPANY

DATE: _____
 MIDWAY SANITATION DISTRICT

COUNTY SURVEYOR

APPROVED AS TO FORM ON THIS _____ DAY OF _____, 20____

ROS # _____

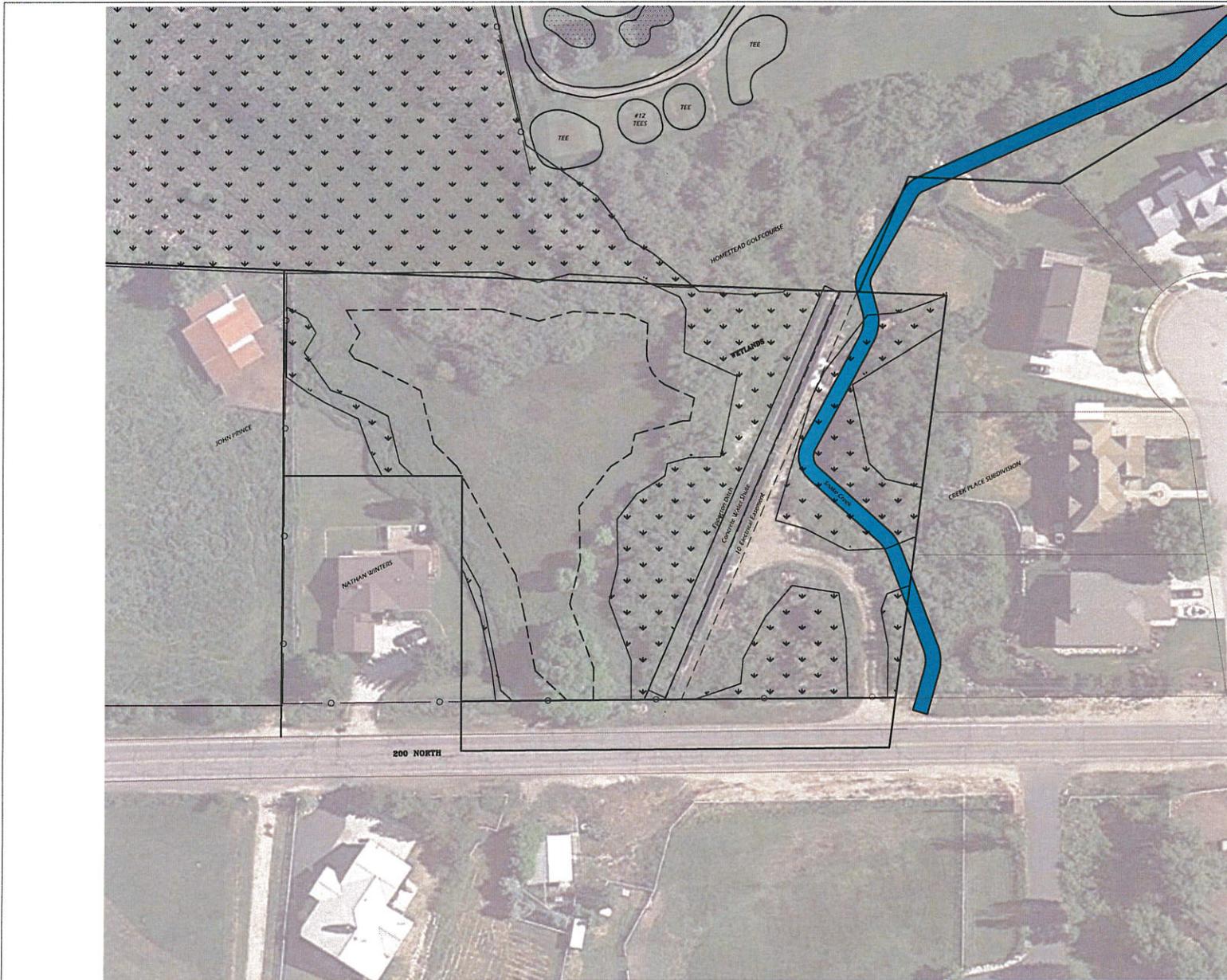
COUNTY SURVEYOR _____

COUNTY RECORDER

HOWLAND SMALL SCALE SUBDIVISION - 08 SEPTEMBER 2020

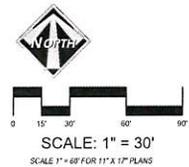
SURVEYOR
 TROY L. TAYLOR, PLS
 ELEMENT LAND SURVEYING
 2286 SOUTH 270 EAST
 HERRIS CITY, UTAH 84032
 PHONE: (801) 857-8748

DATE OF SURVEY: _____



LEGEND


 WETLANDS
 (DELIMITATED BY WBE
 EARLY ON JUNE 2006)

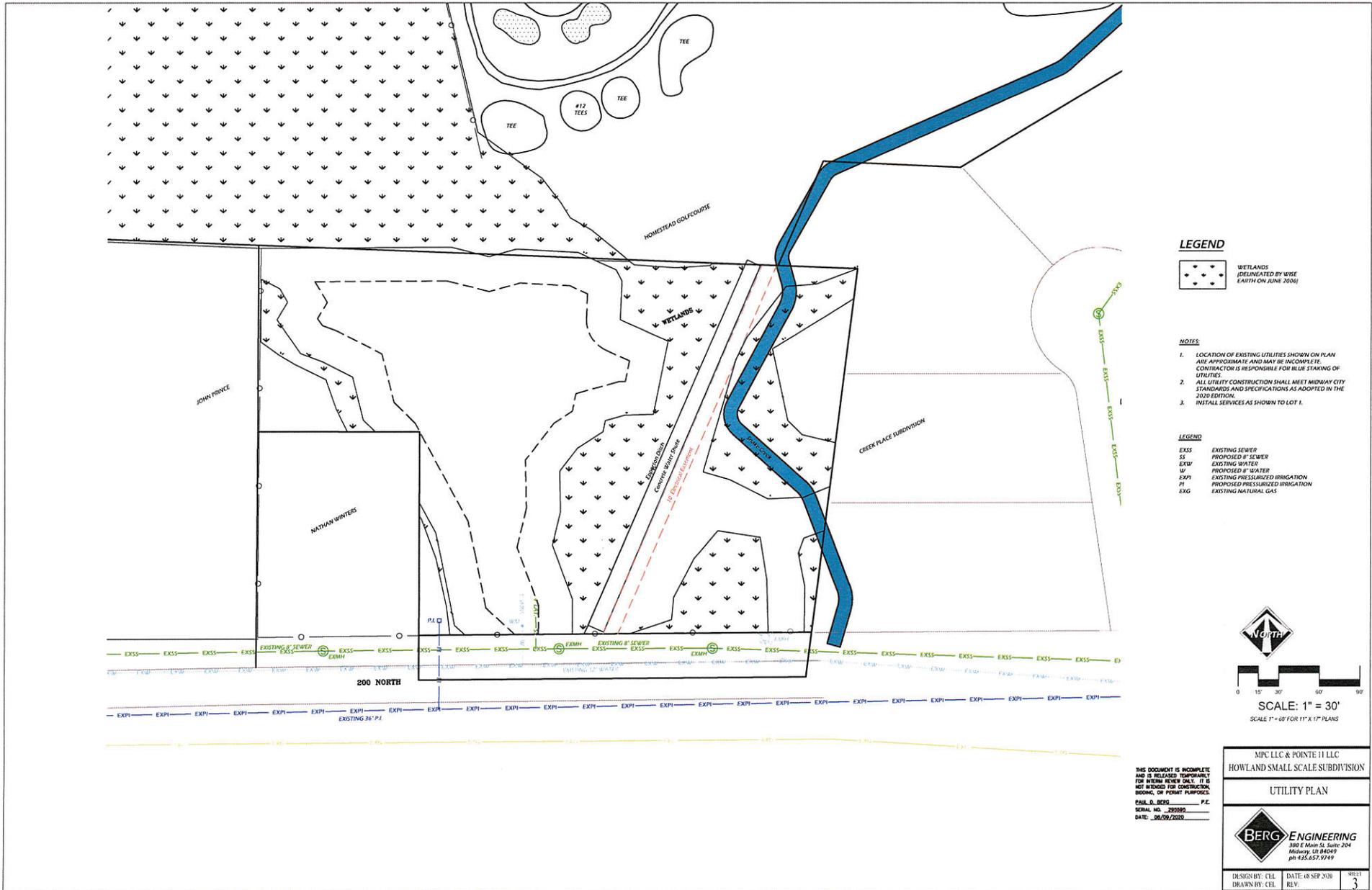


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 PAUL D. BERG _____ P.E.
 SERIAL NO. 29586 _____
 DATE 08/09/2006 _____

MPC LLC & POINTE 11 LLC
 HOWLAND SMALL SCALE SUBDIVISION
 SENSITIVE LANDS MAP



DESIGN BY: CEL	DATE: 08 SEP 2006	SHEET
DRAWN BY: CEL	REV:	2



LEGEND



WETLANDS
(DELEGATED BY WDE
EARTH ON JUNE 2004)

NOTES:

1. LOCATION OF EXISTING UTILITIES SHOWN ON PLAN ARE APPROXIMATE AND MAY BE INCOMPLETE. CONTRACTOR IS RESPONSIBLE FOR BLUE STAKING OF UTILITIES.
2. ALL UTILITY CONSTRUCTION SHALL MEET MIDWAY CITY STANDARDS AND SPECIFICATIONS AS ADOPTED IN THE 2000 EDITION.
3. INSTALL SERVICES AS SHOWN TO LOT 1.

LEGEND

- EXSS EXISTING SEWER
- SS PROPOSED #1 SEWER
- EXW EXISTING WATER
- W PROPOSED #2 WATER
- EXPI EXISTING PRESSURIZED IRRIGATION
- PI PROPOSED PRESSURIZED IRRIGATION
- EXG EXISTING NATURAL GAS



SCALE: 1" = 30'
SCALE 1" = 60' FOR 11" X 17" PLANS

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PAUL D. BERG P.E.
SERIAL NO. 202000
DATE: 08/09/2020

MPC LLC & POINTE II LLC
HOWLAND SMALL SCALE SUBDIVISION

UTILITY PLAN



DESIGN BY: CEL DATE: 08 SEP 2020 SHEET 3
DRAWN BY: CEL REV:



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

REPLY TO
ATTENTION OF

December 19, 2007

Regulatory Branch (SPK-200702271-UO)

Sowby and Berg Consultants
Attn: Carl Berg
360 East Main Street, Suite B
Midway, Utah 84049

Dear Mr. Berg:

We are responding to your consultant's request for an approved jurisdictional determination for the Midway Pointe Project. This approximately 9.56-acre site is located in Section 34, Township 3 South, Range 4 East, SLB&M, Latitude 40.517° North, Longitude - 111.485° West, City of Midway, Wasatch County, Utah.

Based on available information, we concur with the estimate of waters of the United States, as depicted on the Eagle Pointe- Wetland Map prepared by Wise Earth. Approximately 5.14 acres of waters of the United States, including wetlands, are present within the survey area. These waters are regulated under Section 404 of the Clean Water Act, since they are directly abutting a tributary (relatively permanent waterway), tributary to Utah Lake (navigable in fact waterway).

This verification is valid for five years from the date of this letter, unless new information warrants revision of the determination before the expiration date. This letter contains an approved jurisdictional determination for your subject site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331.

A Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form is enclosed. If you request to appeal this determination you must submit a completed RFA form to the South Pacific Division Office at the following address: Administrative Appeal Review Officer, Army Corps of Engineers, South Pacific Division, CESPD-PDS-O, 1455 Market Street, San Francisco, California 94103-1399, Telephone: 415-503-6574, FAX: 415-503-6646.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the NAP. Should you decide to submit an RFA form, it must be received at the above address by 60 days from the date of this letter. It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

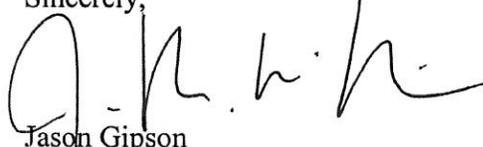
You should provide a copy of this letter and notice to all other affected parties, including any individual who has an identifiable and substantial legal interest in the property.

This determination has been conducted to identify the limits of Corps of Engineers' Clean Water Act jurisdiction for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

We appreciate your feedback. At your earliest convenience, please complete our customer survey at http://www.spk.usace.army.mil/customer_survey.html. Your passcode is "conigliaro".

Please refer to identification number SPK-200702271-UO in any correspondence concerning this project. If you have any questions, please contact Hollis Jencks at the Utah Regulatory Office, 533 West 2600 South, Suite 150, email hollis.g.jencks@usace.army.mil, or telephone 801-295-8380, extension 18.

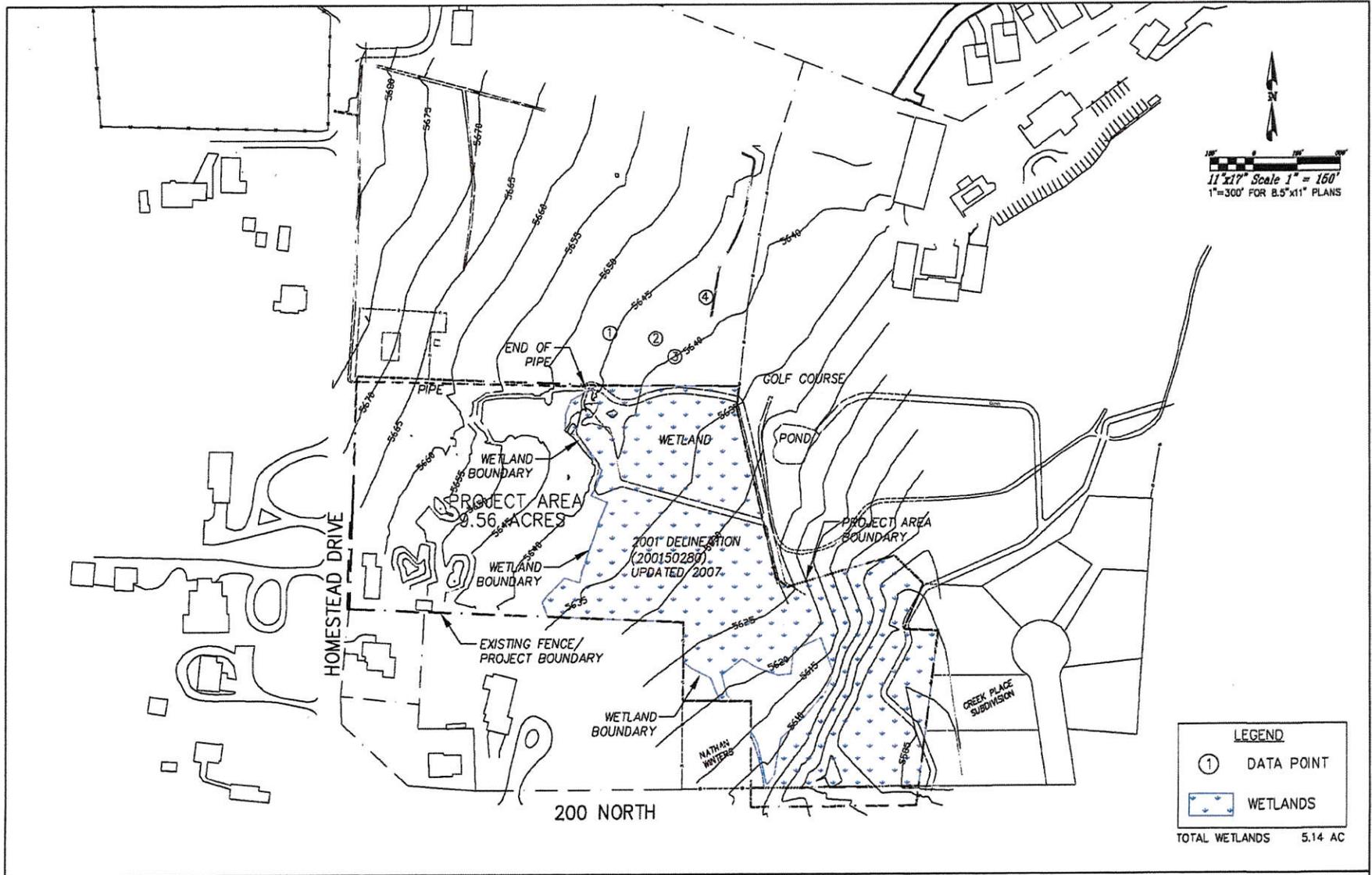
Sincerely,


for Jason Gipson
Chief, Utah Regulatory Office

Enclosures

Copy furnished:

Harriet Whitson, Wise Earth, PO Box 980994, Park City, Utah 84098



11"x17" Scale 1" = 160'
 1"=300' FOR 8.5"x11" PLANS

LEGEND
 ① DATA POINT
 [Blue Dotted Area] WETLANDS
 TOTAL WETLANDS 5.14 AC

WASATCH CO. WISE EARTH
 ADDRESS: P.O. BOX 980994, PARK CITY, UT 84098
 PHONE: (435) 615-8724

EAGLE POINTE - WETLANDS MAP

SOWBY & BERG CONSULTANTS
 800 E MAIN ST, SUITE B, MIDWAY 84049
 PHONE: (435) 857-8748

SCALE:
 1" = 150'

DESIGN BY:
 DRAWN BY: CHB

DATE: 17 DEC 2007
 REV:

DRAWING NO.
 WETLANDS 2

FIGURE NO.
 2