

Midway City Council  
3 November 2020  
Regular Meeting

Finlayson Subdivision /  
Preliminary and Final Approval



**Midway**

**CITY COUNCIL MEETING STAFF REPORT**

**DATE OF MEETING:** November 3, 2020  
**NAME OF PROJECT:** Finlayson Subdivision  
**NAME OF APPLICANT:** Berg Engineering  
**AGENDA ITEM:** Preliminary/Final Approval  
**LOCATION OF ITEM:** 227 North River Road  
**ZONING DESIGNATION:** R-1-9

**ITEM: 13**

Berg Engineering, agent for Keith Finlayson, is requesting preliminary/final approval a one lot subdivision 0.33 acres to be known as Finlayson Subdivision. The property is located at 227 North River Road and is in the R-1-9 zone.

**BACKGROUND:**

This request is for preliminary/final approval of a small-scale subdivision on 0.33 of an acre that will contain one lot. The lot proposed in the subdivision will obtain frontage along River Road. The property is in the R-1-9 zoning district and the lot does comply with the minimum requirements of frontage, width, and acreage for a lot in this zone.

The property does not appear to have been in agriculture production. There is also a buried secondary irrigation pipeline that runs along the east boundary of the property which will be noted on the plat with an irrigation easement. The property is bordered on the south and the west by the Indian Summer subdivision.

It is unknown if the property is a lot of record or not. It is staff's understanding that previous City staff determined the lot was not a lot of record and a subdivision application was submitted to the City over 10 years ago which was approved. The applicant never recorded the plat and all approvals have expired; therefore, the applicant has submitted a new request to create a buildable lot.

**LAND USE SUMMARY:**

- 0.33-acre parcel
- R-1-9 zoning
- Proposal contains one lot
- Frontage River Road
- 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 along River Road.

*Sewer Connection* – The future dwelling will connect to Midway Sanitation District's sewer line under River Road.

*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 River Road is required for any structures built in the proposal. The required setback will be noted on the plat.

*River Road Trail* – The master trail plan shows a trail along River Road. A 10' public trail easement is required along the front lot line. Staff is proposing that the funds to build the bike lane are added to the general trails fund and that the trail is completed in the future as part of a larger improvement project to complete the trail as shown on the City's master trails plan. It is planned that the trail will be constructed in 2021.

*Sensitive lands* – No sensitive lands have been identified on the property.

*Potential duplex* – The lot meets the current code requirements for the R-1-9 zone for the ability to have a duplex constructed on the lot. If a future lot owner would like to construct a duplex, and the code still allows duplexes, then the required water must be turned over to the City for the extra dwelling unit. Driveway access to the lot would be limited to one driveway even if a duplex is constructed unless City Council specifically approves two driveways on the lot.

*Driveway access* –The City’s Capitol Facilities Plan does not allow new driveways on streets classified as collectors, as River Road is classified. The only exception to this policy is if the City Council grants specific approval. It seems the only feasible option is to allow a single driveway from River Road to the property. It will also be required that the lot will have a turnaround so that no vehicles will back out onto River Road.

*Midway Irrigation Company easement* - There is a buried secondary irrigation pipeline that runs along the east boundary of the property which will be noted on the plat with an irrigation easement.

#### **WATER BOARD RECOMMENDATION:**

The Water Board recommended that 1.49 acre feet of water is tendered to the City for required culinary and secondary water for the lot.

The property is 14,375 sq. ft. which requires that 5,000 sq. ft. be subtracted from irrigation requirements for the impervious surface in the lot. Lots less the 14,520 sq. ft. require that 5,000 sq. ft. be subtracted while lots over 14,520 sq. ft. require that 8,000 sq. ft. be subtracted for impervious surface.

#### **PLANNING COMMISSION RECOMMENDATION:**

**Motion:** Commissioner Simons: I make a motion that we recommend approval preliminary/final approval a one lot subdivision 0.33 acres to be known as Finlayson Subdivision. The property is located at 227 North River Road and is in the R-1-9 zone. We accept the findings that are listed in staff report and the conditions also in the staff report which are A 10’ public trail easement is shown on the plat along the front lot line. Funds to build the bike lane along River Road are added to the general trails fund. Those funds will be used as part of a larger improvement project that will complete the trail as shown on the City’s master trail plan. And a 50’ setback is shown on the plat parallel to River Road.

**Seconded:** Commissioner Ream

**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-1-9 zoning district
- The proposal does meet the intent of the General Plan for the R-1-9 zoning district
- The subdivision will contribute to the master trails plan by either building the trail along the frontage of the project or adding funds the general trails fund that will be used to help complete the master trails plan

**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. Funds to build the bike lane along River Road are added to the general trails fund. Those funds will be used as part of a larger improvement project that will complete the trail as shown on the City's master trail plan.
2. A 50' setback is shown on the plat parallel to River Road.
3. A 10' public trail easement is shown on the plat along the front lot line.

October 13<sup>th</sup>, 2020

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

**Subject: Finlayson 1 lot Subdivision – Preliminary / Final Approval**

Dear Michael:

Horrocks Engineers recently reviewed the Finlayson subdivision plans for Preliminary/Final approval. The proposed subdivision is located at approximately 227 North River Road. The proposed subdivision consists of 1 lot. The following comments should be addressed prior to City Council approval.

Water

- The proposed development will be served from the Gerber Mahogany pressure zone.
- The proposed lot will connect to the existing water line within River Road.

Roads

- The proposed lot will not construct any new roads, the lot will front River Road.
- A turnaround driveway will be required so cars entering River Road are facing forward.

Storm Drain

- The existing shoulder will accommodate the storm drain for this lot.

Trails

- The cost of installing a trail should be paid to the general trail fund. This money will be used to install future trails within the City.

Irrigation

- The proposed lot will connect to the existing pressurized line within River Road.

Please feel free to call our office with any questions.

Sincerely,  
HORROCKS ENGINEERS

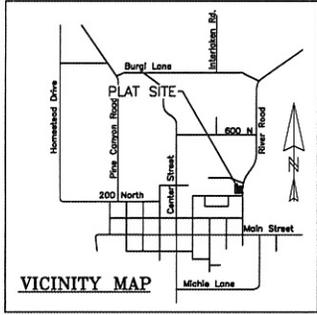


Wesley Johnson, P.E.  
Midway City Engineer

cc: Paul Berg                      Berg Engineering

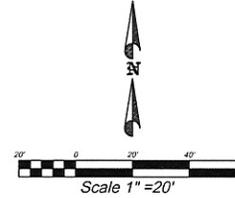






# FINLAYSON SUBDIVISION

LOCATED IN THE NW QUARTER OF SECTION 35 TOWNSHIP 3 SOUTH,  
RANGE 4 EAST, SALT LAKE BASE & MERIDIAN



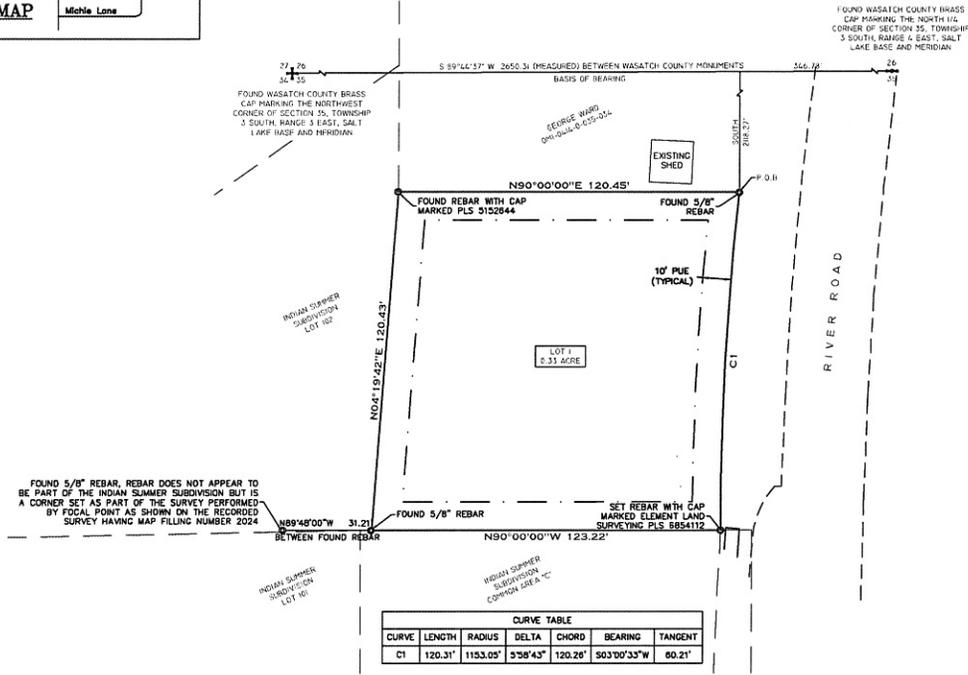
### ADDRESS TABLE

LOT	ADDRESS
1	XXX N RIVER ROAD

ADDRESS TO BE PROVIDED BY COUNTY GIS DEPARTMENT

10' PUBLIC UTILITY EASEMENT

**DRIVEWAY NOTES**  
AN AREA TO TURNAROUND IN THE DRIVEWAY IS REQUIRED SO THAT CARS ENTERING RIVER ROAD ARE FACING FORWARD.



CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING	TANGENT
C1	120.31'	1153.05'	5°58'43"	120.28'	S03°50'33"W	80.21'

### SURVEYOR'S CERTIFICATE

IN ACCORDANCE WITH SECTION 10-94-603 OF THE UTAH CODE, I TROY L. TAYLOR, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 6854112 IN ACCORDANCE WITH TITLE 36, 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 AT A FOUND 5/8" REBAR ON THE WESTERLY RIGHT OF WAY LINE OF RIVER ROAD, SAID POINT BEING LOCATED SOUTH 89°44'37" WEST ALONG THE SECTION LINE 348.78 FEET AND SOUTH 218.27 FEET FROM THE FOUND WASATCH COUNTY BRASS CAP MARKING THE NORTH 1/4 CORNER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, THENCE ALONG THE SAID WESTERLY RIGHT OF WAY LINE OF RIVER ROAD SOUTHWESTERLY ALONG THE ARC OF A 1153.05 FOOT RADIUS CURVE TO THE LEFT 120.31 FEET (CHORD BEARS SOUTH 03°50'33" WEST 120.28 FEET) TO A SET REBAR WITH CAP MARKED ELEMENT LAND SURVEYING PLS 6854112; THENCE ALONG THE INDIAN SUMMER SUBDIVISION THE FOLLOWING (TWO) CALLS: WEST 123.22 FEET TO A FOUND 5/8" REBAR, AND NORTH 04°18'00" EAST 120.43 FEET TO A FOUND REBAR WITH CAP MARKED PLS 5152844; THENCE EAST 120.45 FEET TO THE POINT OF BEGINNING. CONTAINING: 0.33 ACRES

### OWNER'S DEDICATION

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

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_

KEITH FINLAYSON

### ACKNOWLEDGMENT

STATE OF UTAH )  
COUNTY OF WASATCH ) S.S.  
ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_, PERSONALLY APPEARED BEFORE ME, \_\_\_\_\_, WHO DULY ACKNOWLEDGED TO ME THAT HE/SHE DO 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 HEREOF 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 \_\_\_\_\_

## FINLAYSON SUBDIVISION

MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH

SCALE: 1" = 20 FEET

### COUNTY SURVEYOR'S CERTIFICATE

APPROVED AS TO FORM ON THIS DAY OF \_\_\_\_\_, 20\_\_\_\_

ROS# \_\_\_\_\_

COUNTY SURVEYOR \_\_\_\_\_

COUNTY RECORDER

\_\_\_\_\_

DATE: \_\_\_\_\_

MIDWAY IRRIGATION COMPANY

DATE: \_\_\_\_\_

MIDWAY SANITATION DISTRICT

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

FINLAYSON SMALL SCALE SUBDIVISION - 3 SEPTEMBER 2020

SURVEYOR  
TROY L. TAYLOR, P.L.S.  
ELEMENT LAND SURVEYING  
2396 SOUTH 270 EAST  
HEBER CITY, UT 84032  
PHONE (801) 657-6748  
DATE OF SURVEY: JULY 10, 2020



