

Midway City Council  
5 October 2021  
Regular Meeting

Haynie Subdivision /  
Preliminary & Final Approval



**Midway**

**CITY COUNCIL MEETING STAFF REPORT**

**DATE OF MEETING:** October 5, 2021  
**NAME OF PROJECT:** Haynie Density Reduction Subdivision  
**NAME OF APPLICANT:** Berg Engineering  
**PROPERTY OWNER:** Paul Haynie  
**AGENDA ITEM:** Preliminary/Final Approval  
**LOCATION OF ITEM:** 151 East 600 North  
**ZONING DESIGNATION:** R-1-22

**ITEM: 6**

Berg Engineering, agent for Paul Haynie is requesting preliminary/final approval of a 3-lot density reduction subdivision to be known as Haynie Subdivision. The proposal is on 4.28 acres and is located at 151 East 600 North and is in the R-1-22 zone.

**BACKGROUND:**

This request is for preliminary/final approval of a Density Reduction Subdivision (DRS) on 4.28 acres which will contain three lots. The proposed name of the subdivision is Haynie Density Reduction Subdivision. The proposal will help preserve the property by creating a low-density development with more open area than could be developed using the standard subdivision code which, in turn, helps contribute to the rural atmosphere of the area. Currently, there is a dwelling being constructed on the parcel, which has been previously deemed to be a lot-of-record. All setbacks from the dwelling to the proposed lot lines will need to comply with the setbacks as outlined in R-1-22 zone. According to

the information provided by the applicant, it appears that the dwelling will comply with the front, rear and side setbacks.

The DRS was adopted by the City Council on November 17, 2020. The purpose of the DRS is to incentivize developers to voluntarily reduce the number of home sites per acre in exchange for simplified development infrastructure requirements. The subdivision code also helps meet the General Plan's goals of preserving open space, lowering potential density, and preserving the rural atmosphere of Midway.

The DRS requires density to be reduced by 2/3 the density allowed by the zone. Lots can be created without requiring the construction of much of the cost prohibitive infrastructure but in return, the lots are deed restricted so that they can never be re-subdivided. One lot must meet the frontage requirements as outlined in the R-1-22 zone, but access to all others is allowed from a private driveway that connects to a City standard road. The ongoing maintenance cost to the City for this type of development is minimal since no new public roads are constructed.

#### **LAND USE SUMMARY:**

- 4.28-acre parcel
- R-1-22 zoning
- Proposal contains three lots
- Two lots have frontage along 600 North and a third lot will not, but will have legal access over the front two lots.
- The lots will connect to Midway City's culinary water line, Midway Sanitation District's sewer line, and Midway Irrigation Company's secondary water line
- Sensitive lands – none identified

#### **ANALYSIS:**

*Access* – Due to driveway offset requirements from other driveways and existing roads, staff has suggested that the applicant combine all three driveway accesses into one that is located along the common lot line between lots 1 and 2. The shared driveway will require a 30' wide easement that will need to be shown on the plat. A 20' driveway with 5' shoulders will be built in the easement to comply with the DRS driveway requirements. The plat should include a note that precludes the front two lots from being accessed directly from 600 North, all access should be from the shared driveway.

*Culinary Water Connection* – The lots will connect to the City’s water lines located in the area.

*Fire Flow* - A fire hydrant will need to be located within 500’ of any future dwellings, measured by the route of a fire hose from the fire hydrant to the future home site.

*Secondary Water Connection* – The property is currently connected to Midway Irrigation Company’s water system and this will continue with the new development. The applicant has provided a will-serve letter from Midway Irrigation Company.

*Sewer Connection* – The lot will connect to Midway Sanitation District’s lines located in the area.

*Sensitive Lands* – The applicant has not identified any sensitive lands that are part of the proposed development.

*Density* – The 4.28-acre parcel is wholly located in the R-1-22 zone. DRS in the R-1-22 zone are allowed a maximum density of 0.7 lots per acre. Based on the current acreage, the maximum density allowed would be 2.996 lots. The applicants engineer feels confident that the property boundaries are well established and there are not boundary discrepancies where they can pick up additional property. Because density reduction subdivisions benefit the city by limiting the overall density on a property staff would be comfortable with an informal policy relating only to density reduction subdivisions, that if they are within .01 of a lot, that we round up to the whole lot. In this case, they would have 3 buildable lots

*Bike Lane* – The Midway City Trail System Master Plan shows bike lanes along 600 North. An attached bike lane has been installed along the south side of 600 North, but not along the north side. Staff is proposing that the funds to build the bike lane are added to the general trails fund and that the bike lane is completed in the future as part of a larger improvement project that will complete the bike lanes along the entirety of 600 North. The funds must be specifically used to construct the bike lane that is in front of the applicant’s property. The applicant will need to provide an estimate for the improvements, which will need to be approved by the city engineer. These funds need to be turned over to Midway City before the plat is recorded. An alternative to contributing to the trails fund would be installing the bike lanes with their site improvements. If this option is pursued, the conditions below should be updated to reflect the commitment

*Utility and road improvements* – 600 North was recently improved which included the installation of anticipated utility stubs to the east side of this property. The applicant is proposing the possible use of the existing utility stubs for lot one. They have also proposed that the utility stubs for two remaining lots (lots two and three) are consolidated to the center of the existing lot, allowing for minimal disturbance to newly paved 600 North. Wes Johnson, Midway city engineer, has indicated that he is

comfortable with the proposed utility placement, assuming the minimum clearances are met between utilities, but recommends that the applicant pulverize the whole width of the road that falls between the eastern most and western most utility cuts and then repaves the whole width of the road.

*Deed Restriction* – The approved lots on the 4.28 acres within the plat will be deed restricted so no further subdividing of any kind will be allowed within the subdivision plat. The density of the 4.28 acres will never be more than three dwellings, one per lot. A note will also be placed on the plat indicating the restriction. Deed restrictions will also be recorded towards the lots immediately after the plat is recorded so all future landowners will know of the restrictions before the property is purchased. The deed restriction language will state something similar to the following:

1. *Any further subdividing of the lot is prohibited.*

*The deed restriction prohibiting further subdivision of the lots within the development is created for the benefit of all of the lots within the development, all of the neighboring lots to the development, and Midway City. This deed restriction cannot be altered in any way without written consent from all of the above. This deed restriction is a covenant that runs in perpetuity with the land, and it shall inure to the benefit of the owners of each lot within the development, the owners of neighboring lots of the development, and Midway City, including all parties' heirs, successors or assigns.*

*All future owners take title subject to this Deed Restriction and shall be bound by it.*

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

The Water Board has recommended that 13.2-acre feet are tendered to the City before the recording of the plat. The Water Board also recommended secondary water meters are installed on each lot.

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

**Motion:** Commissioner Whitney: I make a motion that we recommend final approval of a 3-lot density reduction subdivision to be known as Haynie Subdivision. The proposal is on 4.28 acres and is located at 151 East 600 North and is in the R-1-22 zone. We accept findings in the staff report and all the conditions that are in the staff report. Also add a condition that the road be paved. We also approve to include the change to the driveway, that it becomes an easement for access and for utilities to the third lot.

**Seconded:** Commissioner Garland

**Chairman Nicholas:** Any discussion on the motion?

**Chairman Nicholas:** All in favor.

**Ayes:** Commissioners Ream, Whitney, Garland, Simons and Clifton

**Motion: Passed**

**DRAFT CITY COUNCIL MOTION FROM 9/7/21 MEETING:**

**Motion:** Council Member Dougherty moved to table the application for the City Attorney to consider the position the City wanted to take to be on firm legal ground.

**Second:** Council Member Orme seconded the motion.

**Discussion:** None

**Vote:** The motion was approved with the Council voting as follows:

- Council Member Dougherty Aye
- Council Member Drury Aye
- Council Member Orme Aye
- Council Member Payne Aye
- Council Member Simonsen Aye

**POSSIBLE FINDINGS:**

- The proposed lots meet the minimum requirements for the R-1-22 zone.
- The proposal does meet the intent of the General Plan for the R-1-22 zone.
- The proposal does comply with the requirements for the Density Reduction Subdivision code.
- The subdivision helps comply with the vision stated in the General Plan to preserve open space and a rural atmosphere.
- The lots will be deed restricted so it can never be further subdivided.
- The duration of Preliminary/Final Approval shall be for one year from the date of approval of the development by the City Council. If the Final Plat is not recorded with the County Recorder within the one-year period, the development's approval shall be voided, and both Preliminary/Final Approvals must be re-obtained to reinstate the project, unless, upon request by the applicant and on a showing of extenuating circumstances, the City Council extends the time limit for plat recording, with or without conditions. Such conditions may include, but are not limited to, provisions requiring that:
  1. Construction must be conducted per any new City standards in effect at the time the plat is ultimately recorded;

2. The property must be maintained in a clean, dust-free, and weed-free condition always;
3. Each extension will be for a one-year period only, after which time an annual review must be requested by the applicant and presented before the City Council; and/or
4. No more than three one-year extensions will be allowed. The granting or denying of any extension, with or without conditions, is within the sole discretion of the City Council, and an applicant has no right to receive such an extension.

#### **ALTERNATIVE ACTIONS:**

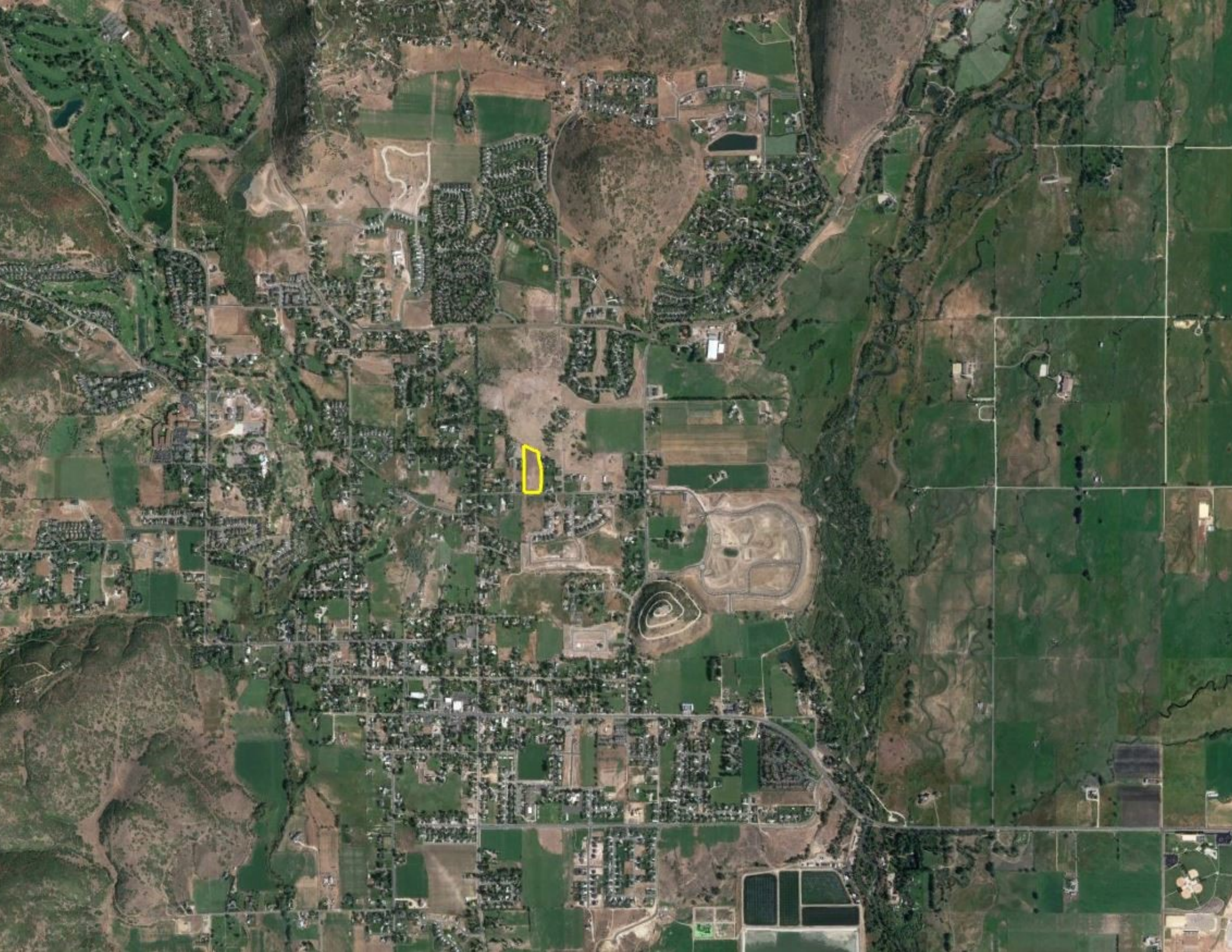
1. Approval (conditional). This action can be taken if the City Council finds that the proposal complies with the intent of the land use code.
  - a. Accept staff report
  - b. List accepted findings
  - c. Place condition(s)
  
2. Continuance. This action can be taken if the City Council finds that 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 the request does not comply with the intent of the ordinance.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial

#### **PROPOSED CONDITIONS:**

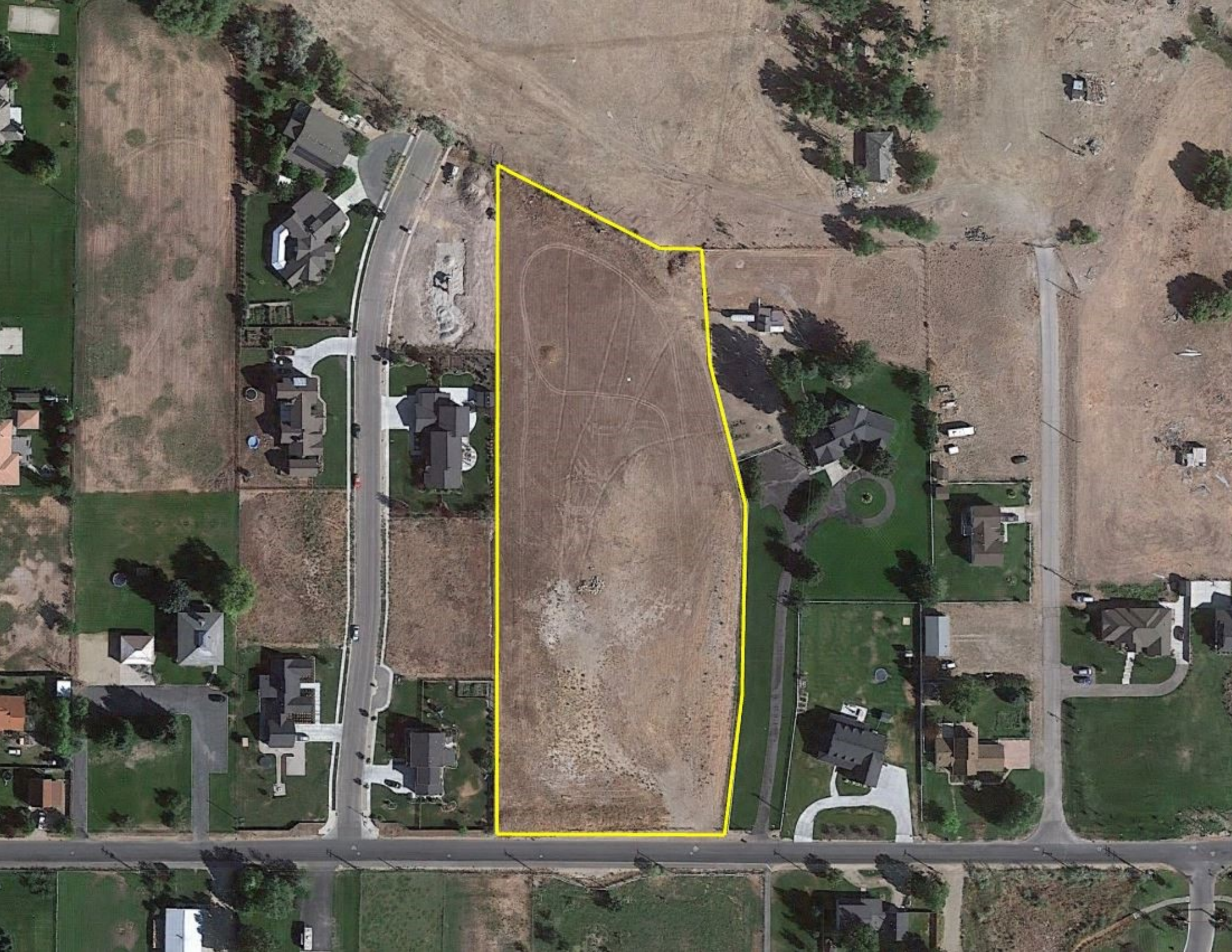
1. The deed restrictions that will be recorded towards the lots must be submitted to the City for review and recorded immediately after the plat is recorded.
2. A note on the plat is included with language that clearly states that subdividing the lots is prohibited.

3. The funds to build the bike lane are added to the general trails fund and is specifically used to complete the lane in the future as part of a larger improvement project that will complete the bike lanes along the entirety of 600 North.
4. A note is added to the plat limiting any direct access from 600 North into the lots. All access must be from the shared driveway.
5. The applicant will be required to pulverize the whole width of the road that falls between the eastern most and western most utility cuts in 600 North. They will then repave the whole width road between the cuts.







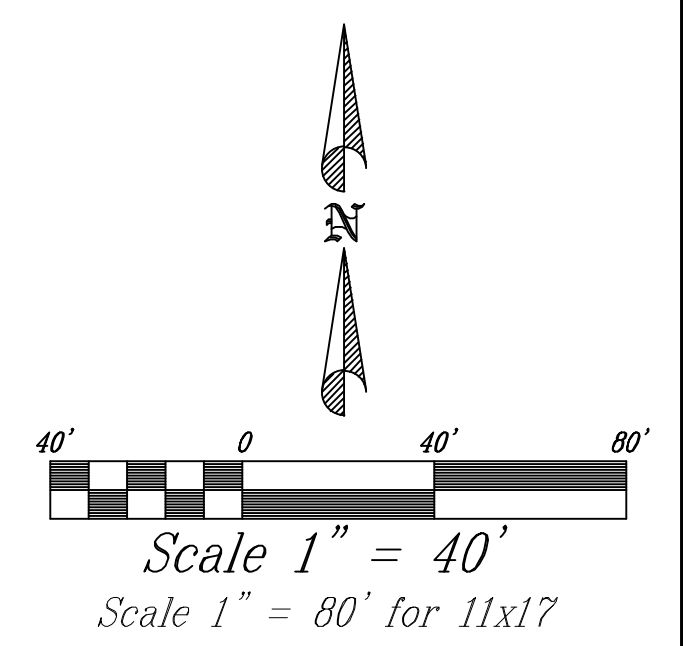




**LEGEND**

— EXW —	EXISTING WATER
— EXSS —	EXISTING SEWER
— EXPI —	EXISTING PRESSURIZED IRRIGATION
— x —	EXISTING WIRE FENCE

**BLUE STAKE NOTE**  
 LOCATION OF EXISTING UTILITIES SHOWN ON PLAN ARE APPROXIMATE AND MAY BE INCOMPLETE. CONTRACTOR IS RESPONSIBLE FOR BLUE STAKING OF UTILITIES.



THIS DOCUMENT IS INCOMPLETE AND IS RELEASED TEMPORARILY FOR INTERIM REVIEW ONLY. IT IS NOT INTENDED FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSES.  
 PAUL D. BERG P.E.  
 SERIAL NO. 295595  
 DATE: 25 AUG 2021

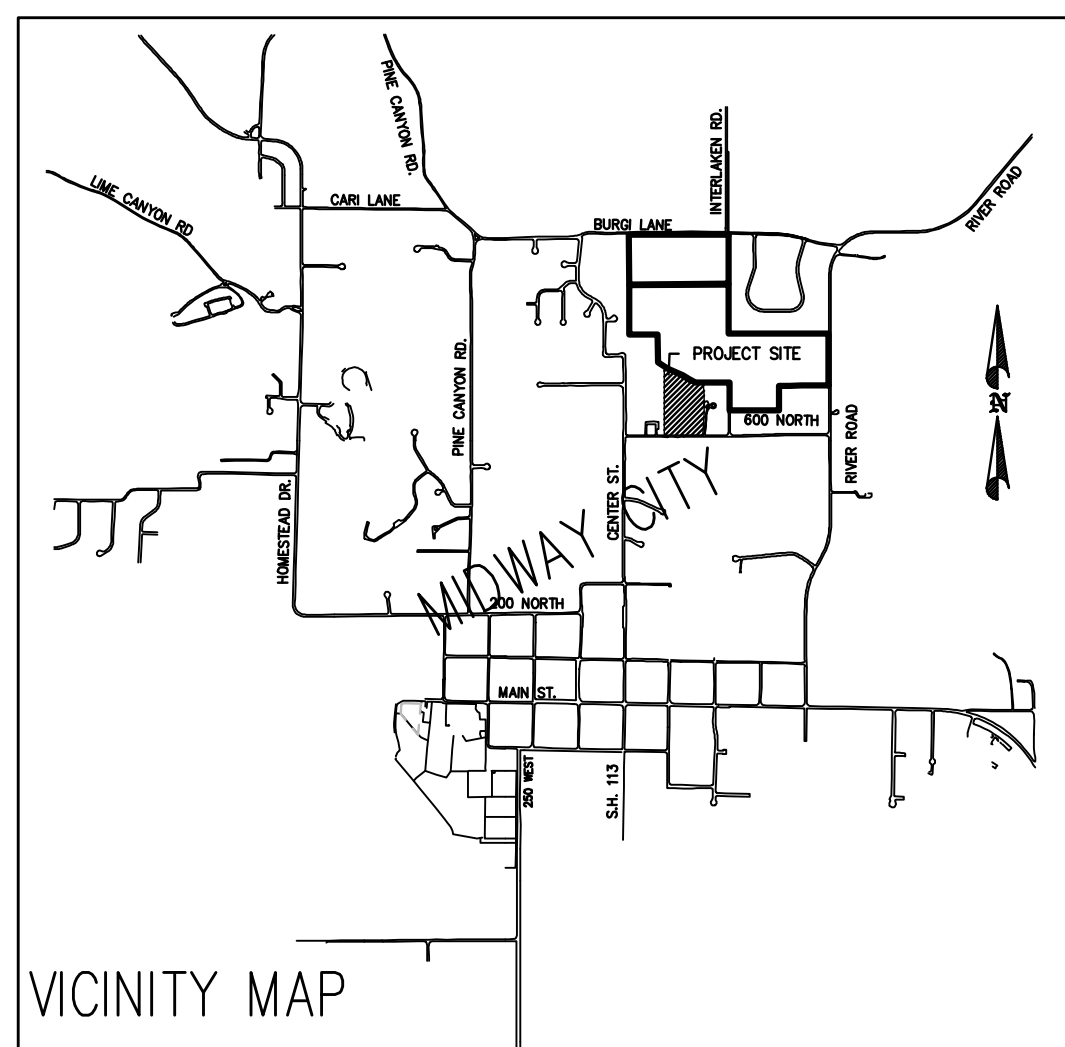
HAYNIE SUBDIVISION  
 A DENSITY REDUCTION SUBDIVISION

EXISTING CONDITIONS

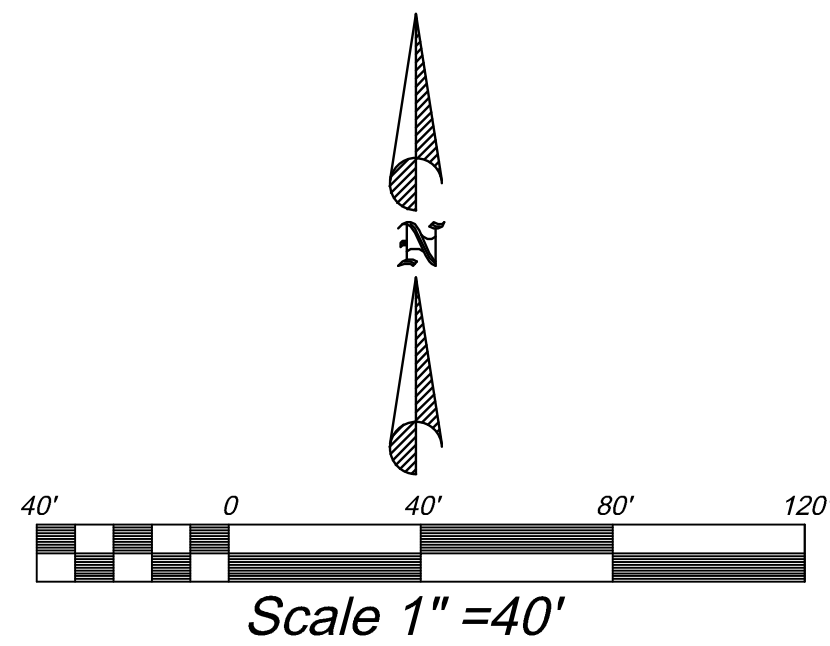


DESIGN BY: PDB	DATE: 25 AUG 2021	SHEET
DRAWN BY: DAW	REV:	1

with: N:\Projects\Haynie Density Reduction\Subdivision\Subdivision.dwg  
 Date: 25 AUG 2021 10:48 AM  
 User: PDB  
 Plot Date: August 25, 2021  
 Plotted by: rpg



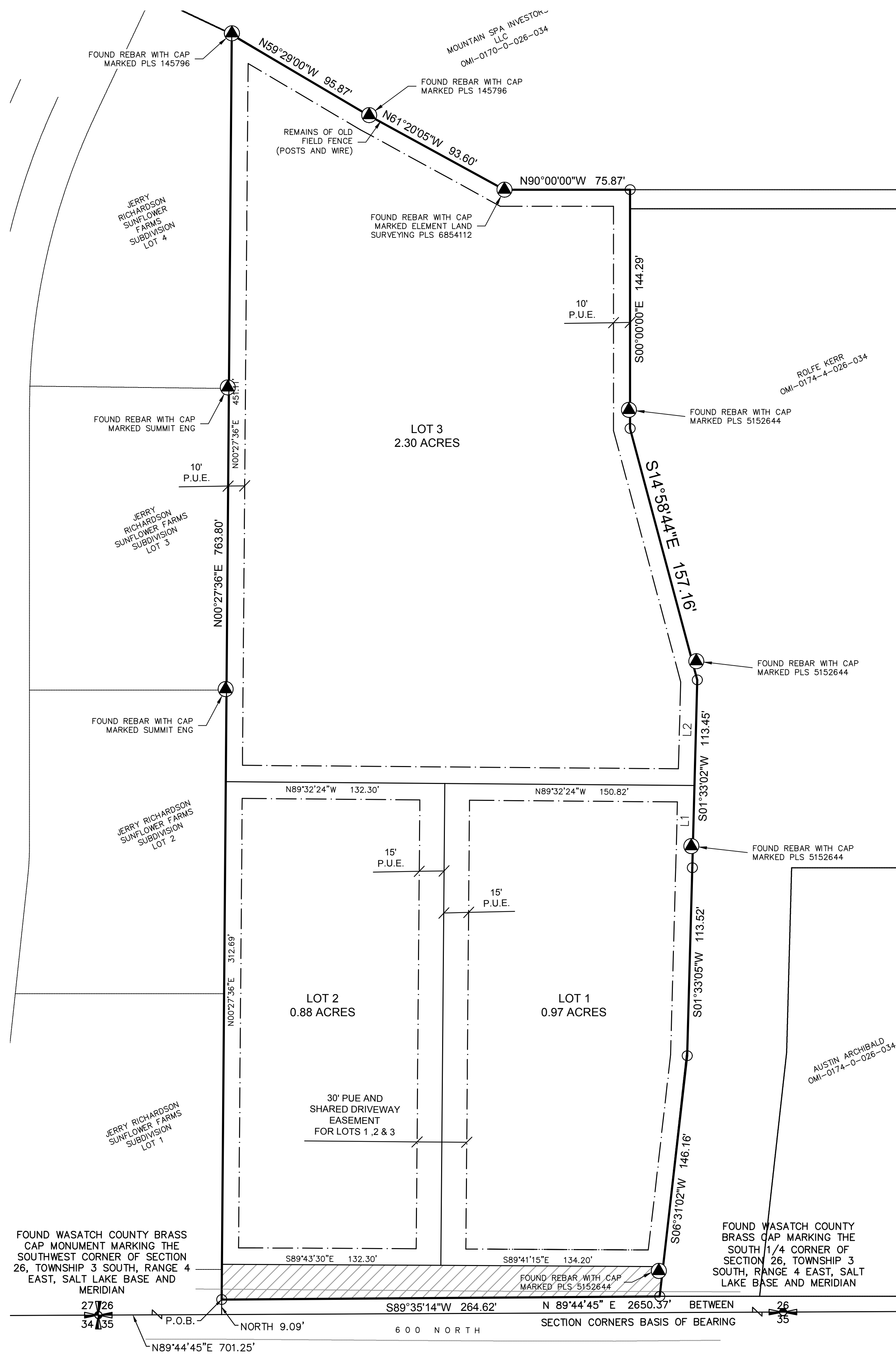
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.



**SYMBOL LEGEND**

	SURVEY BOUNDARY
	PUBLIC UTILITY EASEMENT
	FOUND SECTION CORNERS (AS NOTED ON DRAWING)
	R.O.W. DEDICATION (0.12 ACRES)

# HAYNIE DENSITY REDUCTION SUBDIVISION



**SURVEYOR'S CERTIFICATE**

IN ACCORDANCE WITH SECTION 10-9a-603 OF THE UTAH CODE, I, TROY TAYLOR, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 6854112 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)

**SHARED DRIVEWAY NOTE:**

LOTS 1, 2 AND 3 WILL HAVE A SHARED DRIVEWAY. NO ACCESS TO 600 NORTH IS ALLOWED. ALL LOT OWNERS SHALL COMPLY WITH THE SHARED DRIVEWAY ACCESS AGREEMENT.

**LINE TABLE**

L1	49.75'	S01°33'02"W
L2	63.75'	S01°33'02"W

**BOUNDARY DESCRIPTION**

BEGINNING AT A POINT LOCATED NORTH 89°44'45" EAST ALONG THE SECTION LINE 701.25 FEET AND NORTH 9.09 FEET FROM THE FOUND WASATCH COUNTY BRASS CAP MARKING THE SOUTHWEST CORNER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 00°27'36" EAST 763.80 FEET ALONG A FENCE LINE AND THE EAST BOUNDARY LINE OF THE SUNFLOWER SUBDIVISION TO A FOUND REBAR WITH CAP MARKED PLS 145796; THENCE ALONG THE SOUTH BOUNDARY OF THE MOUNTAIN SPA THE FOLLOWING 3 (THREE) CALLS: SOUTH 89°29'00" EAST 95.87 FEET TO A FOUND REBAR WITH CAP MARKED PLS 145796, SOUTH 61°20'05" EAST 93.60, AND EAST 75.87 FEET; THENCE ALONG THE WEST DEED LINE OF THE KERR W ROLFE PROPERTY THE FOLLOWING 5 CALLS: SOUTH 144.29 FEET, SOUTH 14°58'44" EAST 157.16 FEET, SOUTH 01°33'02" WEST 113.45 FEET, SOUTH 01°33'05" WEST 113.52 FEET, AND SOUTH 06°31'02" WEST 146.23 FEET; THENCE SOUTH 89°35'14" WEST 264.61 FEET TO THE POINT OF BEGINNING.

AREA = 4.28 ACRES

**BASIS OF BEARING**

THE BASIS OF BEARING IS NORTH 89°44'45" EAST BETWEEN THE FOUND WASATCH COUNTY BRASS CAP MARKING THE SOUTHWEST CORNER OF SECTION 26 TO THE FOUND WASATCH COUNTY BRASS CAP MARKING THE SOUTH QUARTER CORNER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

**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 PUBLIC ROAD RIGHT-OF-WAY LOTS, AND UTILITY EASEMENTS AND HEREBY DEDICATE THOSE AREAS LABELED AS SHARED DRIVEWAY EASEMENTS AND UTILITY EASEMENTS FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES AND EMERGENCY VEHICLE ACCESS.

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

BY: \_\_\_\_\_ BY: \_\_\_\_\_

PAUL F. HAYNIE JENNA M. HAYNIE

**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 \_\_\_\_\_ ATTEST \_\_\_\_\_  
 MAYOR CLERK-RECORDER (SEE SEAL BELOW)

APPROVED \_\_\_\_\_ APPROVED \_\_\_\_\_  
 CITY ENGINEER (SEE SEAL BELOW) CITY ATTORNEY

**PLANNING COMMISSION APPROVAL**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_ BY THE \_\_\_\_\_ CITY PLANNING COMMISSION

PLANNING DIRECTOR CHAIRMAN, PLANNING COMMISSION

**HAYNIE SUBDIVISION**  
 A DENSITY REDUCTION SUBDIVISION

MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH  
 LOCATED IN THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.  
 SCALE: 1" = 40 FEET

**COUNTY SURVEYOR**

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

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

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

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

HAYNIE DENSITY REDUCTION SUBDIVISION PLAT - 25 AUG 2021

SURVEYOR  
 TROY TAYLOR - PLS  
 ELEMENT LAND SURVEYING  
 2296 SOUTH 270 EAST  
 HEBER CITY, UTAH 84032  
 PHONE (801) 657-8748

DATE OF SURVEY: JUNE 2021



August 10, 2021

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

**Subject: Haynie Subdivision - Preliminary / Final Approval**

Dear Michael:

Horrocks Engineers recently reviewed the Haynie Subdivision plan for Preliminary/Final approval. The following comments should be addressed prior to City Council approval.

General Comments

- The proposed plan is a three-lot subdivision. The property is located at 151 East 600 North.

Water

- The proposed development will be served from the Gerber Mahogany pressure zone.
- There is an existing 8" stub to the east end of the proposed development. This should be abandoned and the valve removed.

Roads

- The development must pave full width on 600 North where the asphalt is disturbed.
- There is a shared 30' driveway access off 600 North that serves all three lots.

Storm Drain

- With no curb & gutter along 600 North, the existing shoulder will contain the drainage.

Trails

- No trails are shown to be constructed within the development.

Irrigation

- The proposed subdivision will need to provide an irrigation service to each lot.
- There is an existing 4" PI stub to the east end of the proposed development. This should be abandoned and the valve removed.
- A min of 4" line will need to be installed to lot three to provide adequate service.

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