



Midway

PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: August 10, 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: 5

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 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.

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
- Although all three lots would have frontage, access to all three lots would be from a shared driveway that runs in between lots 1 and 2 on the flag pole portion of lot 3
- 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 and locate them in 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.

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 will be required to provide a will-serve letter from Midway Irrigation prior to approval by the City Council.

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. Unless the applicant is able to obtain the additional acreage, only two lots can be approved for the property using the DRS code.

Bike Lane – The Midway City Trail System Master Plan shows an asphalt bike trail along 600 North. 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 applicant will need to provide an estimate for the trail, which will need to be approved by the city engineer. These funds need to be turned over to Midway City previous to the plat being recorded.

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 two dwellings (three possible if the additional acreage is obtained before being approved), 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.

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. Recommendation of Approval (conditional). This action can be taken if the Planning Commission 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 Planning Commission 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. Recommendation of Denial. This action can be taken if the Planning Commission 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 except for as outlined in the development agreement.

3. The funds to build the bike trail 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.

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

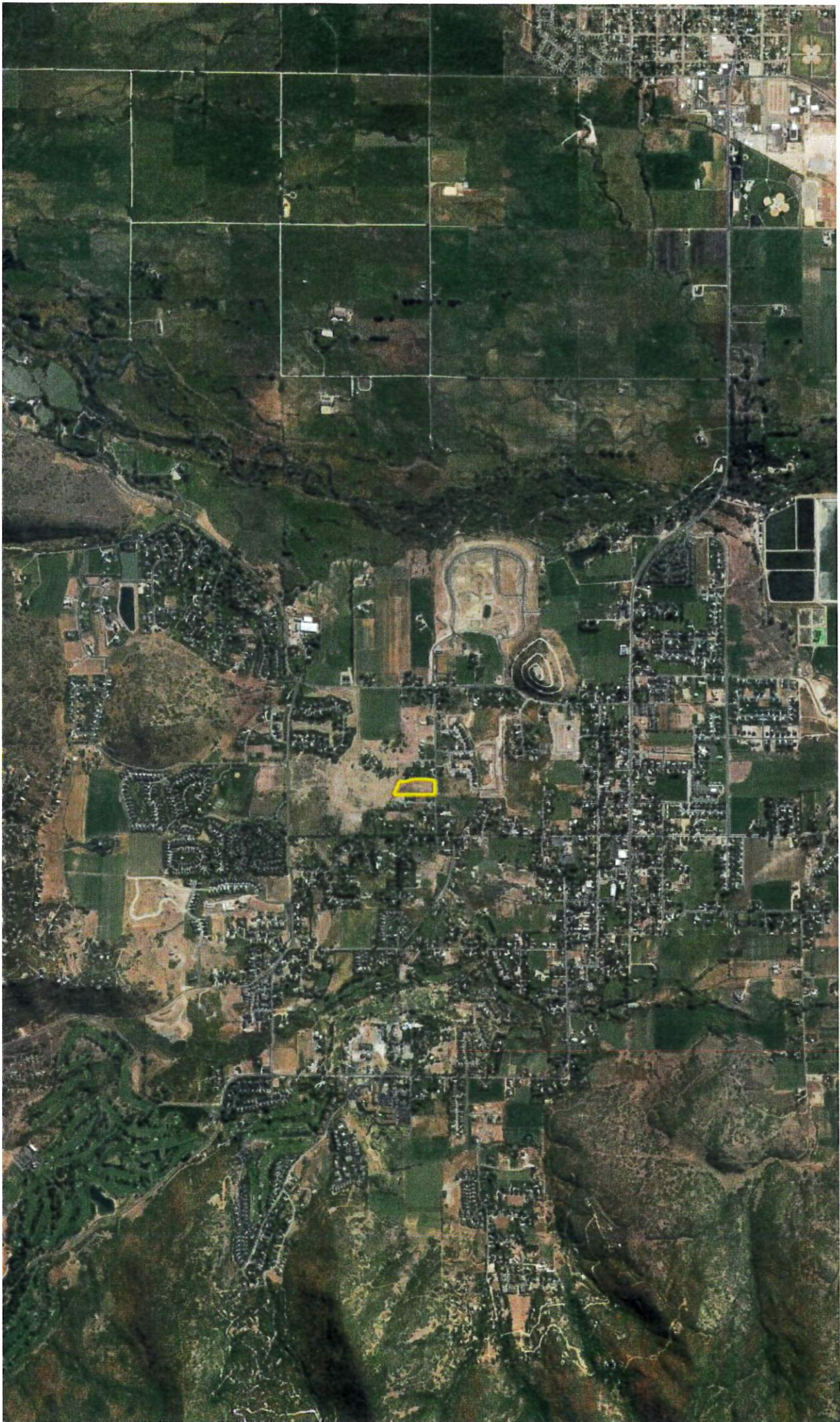
- The proposed subdivision will need to provide an irrigation service to each lot.
- There is an existing 4" PI stub to the east end of the proposed development. This should be abandoned and the valve removed.
- A min of 4" line will need to be installed to lot three to provide adequate service.

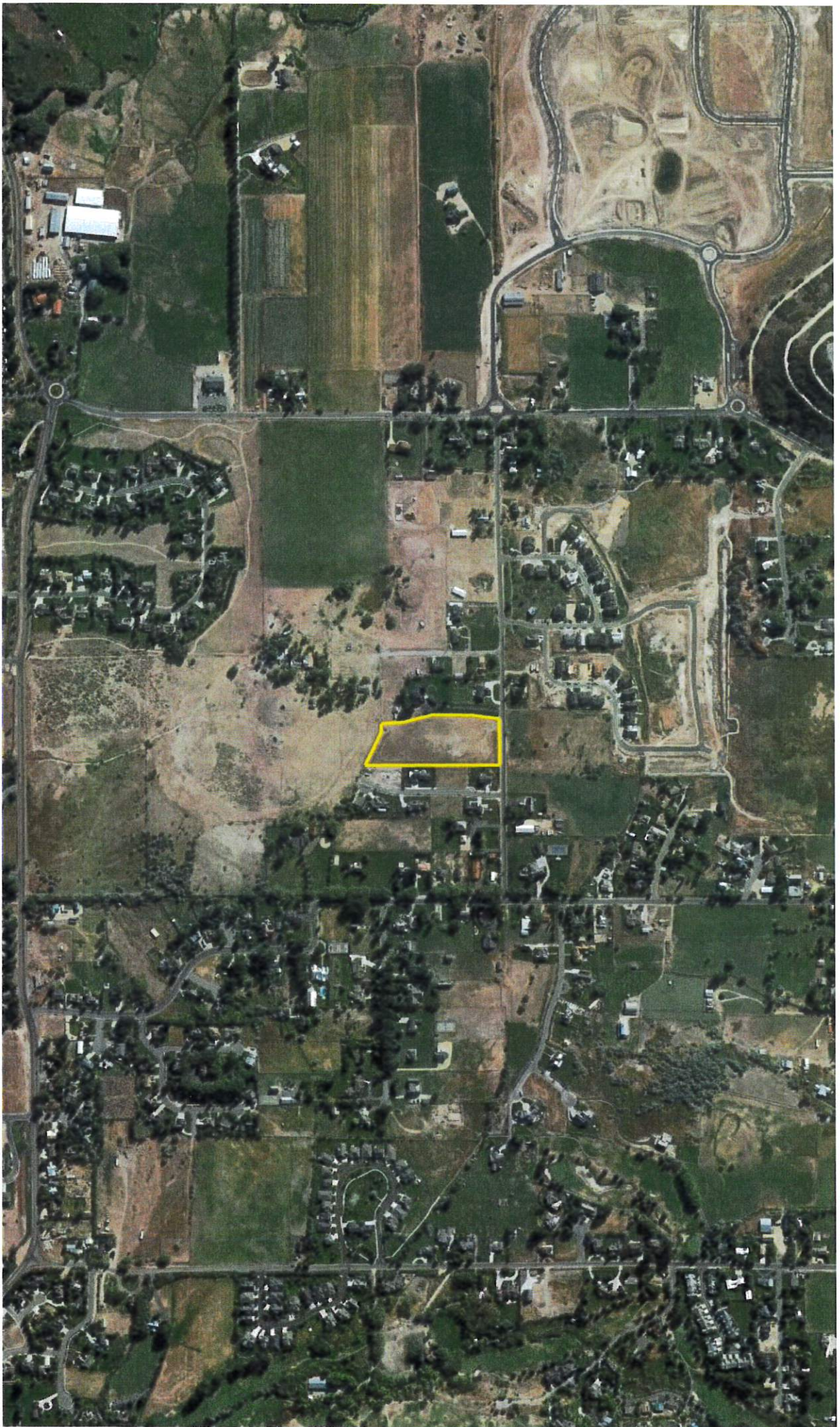
Please feel free to call our office with any questions.

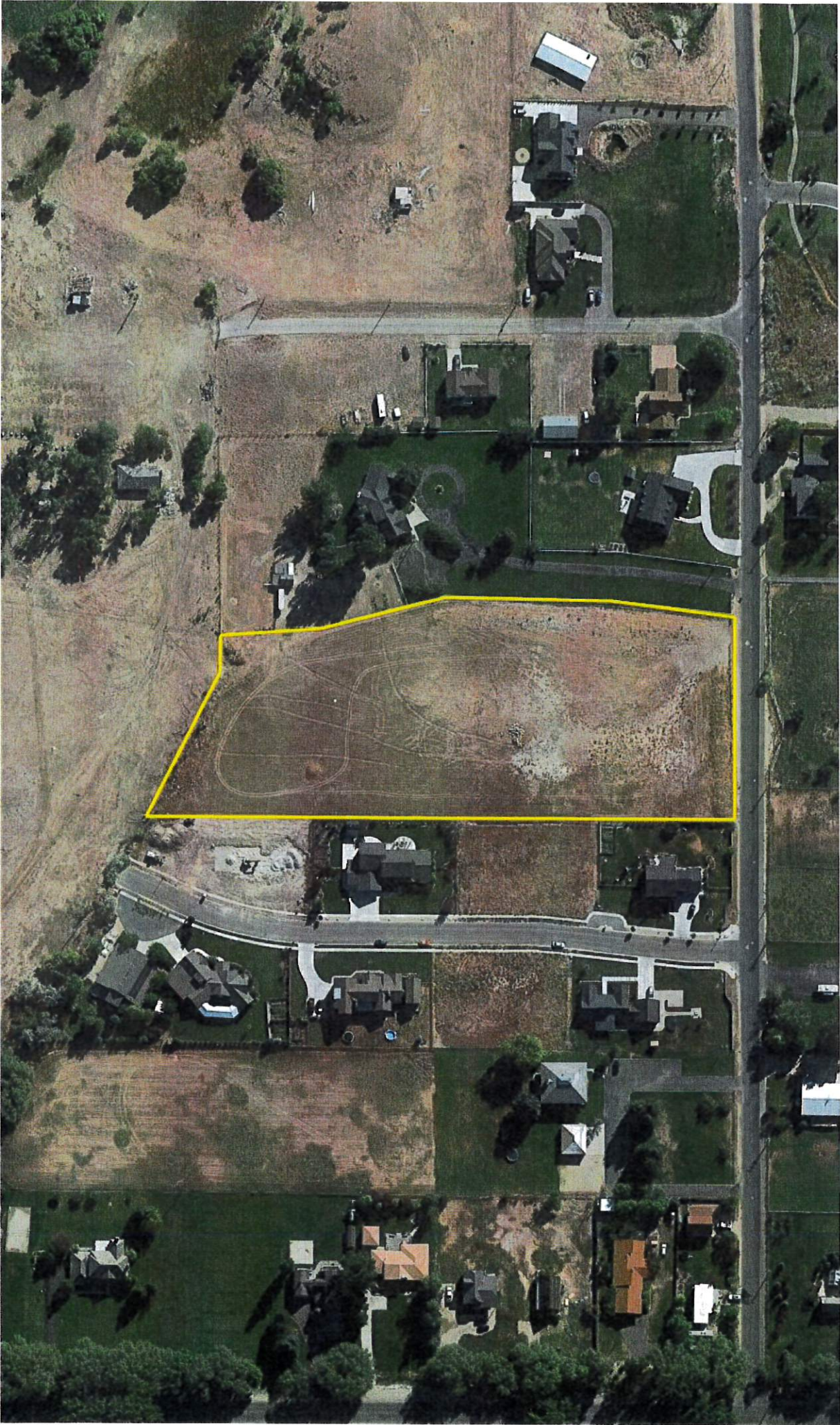
Sincerely,
HORROCKS ENGINEERS


Wesley Johnson, P.E.
Midway City Engineer

cc: Paul Berg Berg Engineering





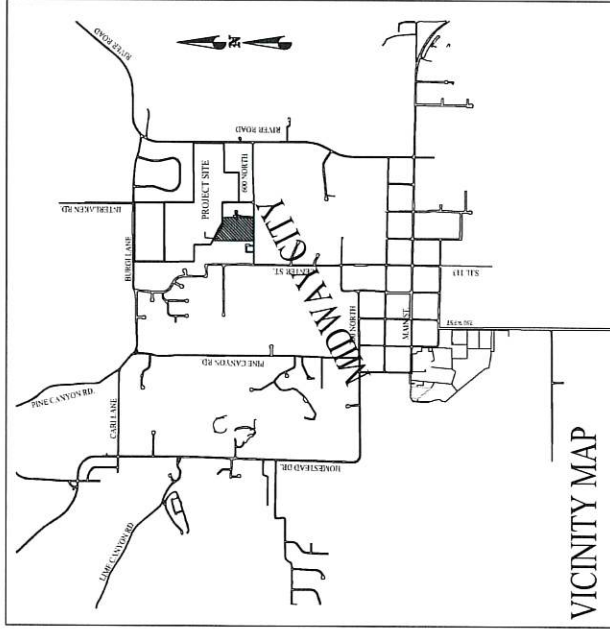


HAYNIE SUBDIVISION

A DENSITY REDUCTION SUBDIVISION

SHEET INDEX

1. EXISTING CONDITIONS MAP
2. DENSITY REDUCTION PLAT
3. UTILITY PLAN

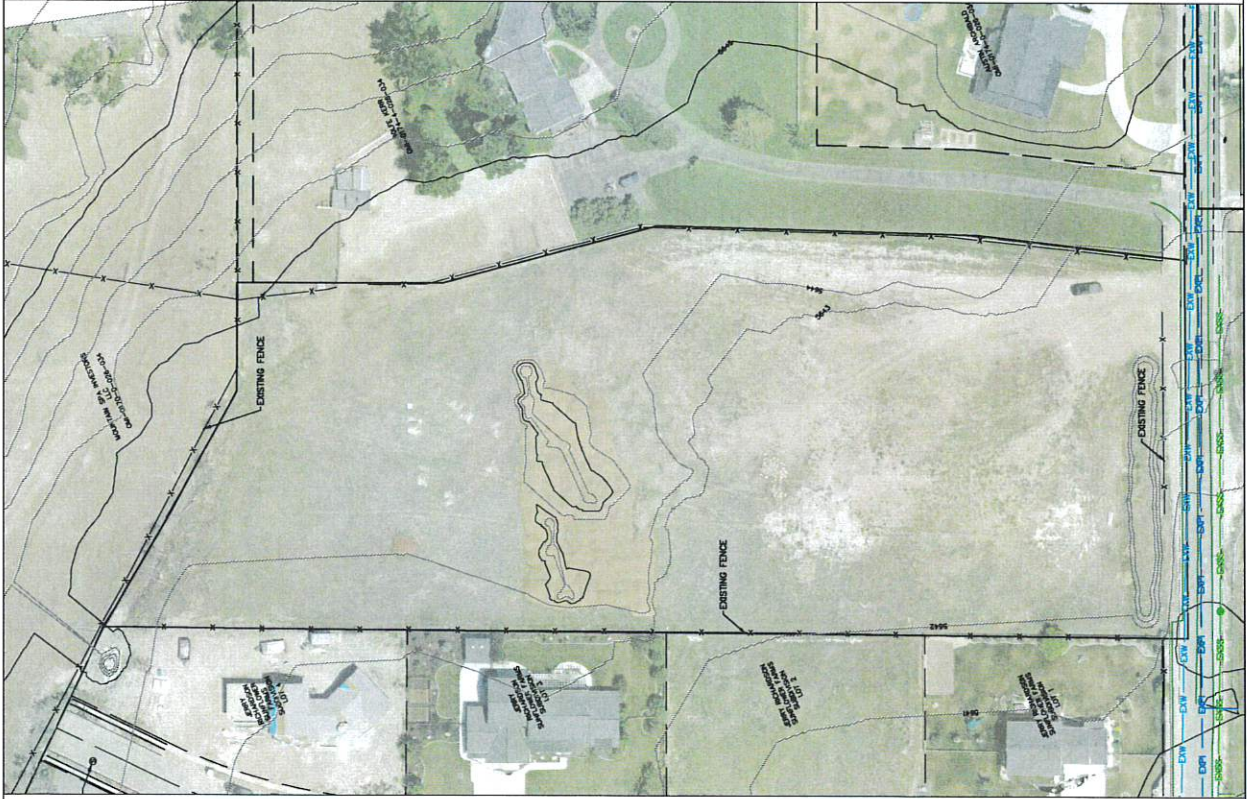


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 OF THE ENGINEER.
 PAUL D. BROSIE, P.E.
 DRAWING NO. 222500
 DATE: 11.16.2011

HAYNIE SUBDIVISION
 A DENSITY REDUCTION SUBDIVISION
 COVER SHEET

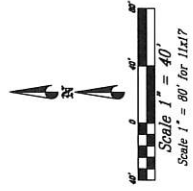


DESIGNED BY: PDB
 DRAWN BY: PDB
 DATE: 11.16.2011
 SHEET: 0



- LEGEND**
- EXISTING WATER
 - EXISTING SEWER
 - EXISTING IRRIGATION
 - EXISTING SHIRE FENCE

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



HAYME SUBDIVISION A DENSITY REDUCTION SUBDIVISION	
EXISTING CONDITIONS	
	ENGINEERING
DESIGNED BY: ROB DATE: 14 JUL 2021	
DRAWN BY: DAW REV: 1	

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- LEGEND**
- PROPOSED WATER
 - PROPOSED SEWER
 - PROPOSED PRESSURIZED IRRIGATION
 - EXISTING WATER
 - EXISTING SEWER
 - EXISTING PRESSURIZED IRRIGATION

BLUE STATE NOTE:

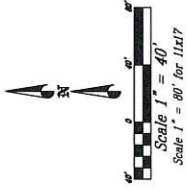
- ALL WATER IMPROVEMENTS SHALL MEET MONROE COUNTY STANDARDS AND SPECIFICATIONS.
- ALL PRESSURIZED IRRIGATION IMPROVEMENTS SHALL MEET MONROE COUNTY STANDARDS AND SPECIFICATIONS.

SEWER NOTES:

- ALL SEWER IMPROVEMENTS SHALL MEET MONROE COUNTY STANDARDS AND SPECIFICATIONS.
- ALL PRESSURIZED IRRIGATION IMPROVEMENTS SHALL MEET MONROE COUNTY STANDARDS AND SPECIFICATIONS.

WATER NOTES:

- ALL WATER IMPROVEMENTS SHALL MEET MONROE COUNTY STANDARDS AND SPECIFICATIONS.
- ALL PRESSURIZED IRRIGATION IMPROVEMENTS SHALL MEET MONROE COUNTY STANDARDS AND SPECIFICATIONS.



HAYNE SUBDIVISION
A DENSITY REDUCTION SUBDIVISION

UTILITY PLAN

ENGINEERING

RESIGNED: JWB DATE: 14 JUL 2021 SHEET: 3

BRANNETT, LAW, P.C. REV.

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DATE: 11 JUL 2021