Midway City Council 7 March 2023 Regular Meeting

Watts Remund Farms, Phase 5 / Final Approval



### CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING:	March 7, 2023
NAME OF PROJECT:	Watts Remund Farms PUD – Phase 5
NAME OF APPLICANT:	Watts Enterprises (Russ Watts)
AGENDA ITEM:	Phase 5 – Final Approval
LOCATION OF ITEM:	200 East 600 North
ZONING DESIGNATION:	R-1-15

### **ITEM: 7**

Watts Enterprises, agent for Midway Springs LLC Series II, is proposing final approval of phase 5 of Watts Remund Farms Planned Unit Development. The proposal contains ten residential building pads on 9.22 acres. The property is located at 400 North Farmhouse Way and is in the R-1-15 zone.

### **BACKGROUND:**

Watts Enterprises is seeking final approval of phase 5 of the Watts Remund Farms master plan which is comprised of a small-scale standard subdivision and Planned Unit Development (PUD). Phase 5 contains ten residential building pads located on 9.22 acres. Phase 5 is the final phase of the Watts Remund Farms PUD. A master plan amendment was recently approved On September 20, 2022, that allowed some adjustments to Phase 5. Those adjustments included changing the dimensions and locations of some of the building pads. This area of the proposed PUD has historically been in agricultural production. There is generally a high-water table on the property, which lends itself to wetlands which are present in this phase. Residents of the City, particularly those living next to the property, have raised concerns with staff in the past regarding the development and potential impacts that it may have on surrounding properties. The City is committed to assuring that all code requirements are met and that impacts are mitigated as they are identified during the approval and construction process. To identify impacts, several studies have been conducted on and off site. These studies will be discussed later in this report.

There are ten building pads proposed in this phase which are of various sizes ranging from 48' x 68' (3,264 sq. ft.) to 63' x 68' (4,284 sq. ft.) in size. All structural improvements must be located within the building pad for each dwelling including window wells, eave overhangs, bay window, pop outs, decks, pergolas, and other structural items. Also, all units have a height limit of 35' measured from natural grade. Because of the grading on-site and the height of structures, the developer, or builder, must ensure that all heights are based on natural, pre-development grades.

The trail that runs along the western boundary is public and will be an 8' paved trail. There is also a soft surface trail that runs along the northern boundary that is a private trail with a public easement.

The streets located within the area of the PUD will be private roads and will be maintained by the homeowners' association (HOA). A public access easement will allow access to all the streets in the PUD. All on-site open space will be common area that will be owned by the HOA.

Sensitive lands are also located on the property and will be left undisturbed as required by the land use ordinance. These sensitive lands include wetlands.

### LAND USE SUMMARY:

- 9.22 acres
- 5.57 acres of open space
- R-1-15 zoning
- Proposal contains ten dwelling pads
- Private roads, with a public access easement, will be maintained by the HOA
- Building pads will connect to the Midway Sanitation District's sewer and to the City's culinary water line

- Common area will be irrigated through the Midway Irrigation Company's system
- Trails within this phase are public and private with public easements
- Sensitive lands of the property include wetlands

### ANALYSIS:

*Open Space* – Each phase must contain enough open space to comply with the requirements of the code. For example, phase I must have at least 50% open space for that particular phase. If phase I has 75% open space, then phase II only needs to have 25% open space if both phases are equal in acreage. Phase 5 has 5.57 acres of open space, bringing the overall development total to 55.36% open space.

*Open Space Credit* – The City Council has approved off-site open space for this proposal. Watts Enterprises owned property around the River Road roundabout which is parcel OMI-0563-0-026-034 and comprises 1.32 acres. This property was deeded to the City. The property was part of the open space requirement for the development and 2.2 units of density were granted to the developer as part of the approval. Watts Enterprises has landscaped the property and deeded the required water rights to the City as it would have if the open space were part of the open space within the Watts Remund Farms PUD. Watts Remund Farms HOA is required to maintain the off-site open space even though it is owned by the city. The plats, master plan agreement, development agreements, CCRs all explain this responsibility.

*Water* – Water rights for each phase are required to be dedicated to the City before the recording of each plat.

*Density* – The density allowed for the entire master plan is 97 units, ten of which are the units in this phase.

*Traffic circulation* – The proposed plan does comply with traffic circulation requirements and cul-de-sac lengths that are allowed by the code.

*Geotechnical Study* – The developers have submitted a geotechnical study to the City as part of the application. Horrocks Engineers has reviewed that study to determine if any special requirements are needed for construction of the roads and future structures in the development. Please see attached letter from Horrocks.

*Public Participation Meeting* – The developers held a public participation meeting on July 10, 2017 as required by the ordinance for master plan applications. This requirement is to give the developers an opportunity to present the development to the surrounding residents of the proposed development.

Sensitive Lands Protection – This phase contains and is adjacent to wetlands that will not be disturbed through the development process. A study has been submitted by the developer and has been reviewed by three organizations that include The Army Corps of Engineers, Horrocks Engineers, and another third-party wetland expert that was selected by the City. The wetlands will become part of the open space for the development and will be preserved. The applicant is required to survey and stake the boundaries of the wetlands and then install temporary construction fencing previous to site improvements and home construction in this phase. Over excavating into the wetlands is not an option. The construction fence should be inspected regularly to ensure that it is functioning properly. Any needed repairs need to be made promptly.

*U. S. Army Corps of Engineers Letter* – The City has received a letter from the U. S. Army Corps of Engineers that allows the developer to encroach on an area of wetlands that is 0.034 acres (see attached). This area is being encroached upon for the cul-de-sac in Phase 5 that will access seven of the building pads.

*Staggered Setbacks* – The Land Use Code requires staggered setbacks to help mitigate the "wall effect" that dwellings with the same setback on a straight street creates. The code states the following in Section 16.16.8.5.c:

Front setbacks for buildings from all private streets within the PUD shall be staggered at seven and one-half feet variances, with 25 feet the minimum setback. One-third of the buildings containing dwelling units shall be at each of at least three different setbacks as recommended by the Planning Commission and approved by the City Council. For example, one-third at 25 feet, one-third at 32 <sup>1</sup>/<sub>2</sub> feet and one-third at 40 feet. Setbacks for accessory buildings shall be as recommended by the Planning Commission and approved by the City Council. Setbacks from private streets shall be measured from top-back of curb or back of sidewalk or trail, whichever is further from the street centerline. The City Council may waive this requirement when a curvilinear street design is used and shown to create the same varying setback effect.

The application has staggered the front setback of the units in the proposed phase 5 which will help reduce the "wall effect".

*Phase 1 Environmental Study and Water Study* – The developer has submitted the required environmental study and requested water study. Horrocks Engineers has reviewed both and has commented on these items in their review letter.

*Trails* – Phase 5 contains a section of trail that is part of the Midway's Master Trail Plan. The trail has been constructed as a road base trail. This surface has been temporary allowed during construction of the development. This trail will need to be completed as an 8' asphalt trail before the construction bond is released for phase 5. There is also a soft surface trail that runs along the northern boundary that is a private trail with a public easement. *Approval Duration* - The duration of final approval shall be for one year from the date of final approval of the development by the City Council. Should a final plat not be recorded by the County Recorder within the one-year period of time, the development's approval shall be voided, and both preliminary and final approvals must be re-obtained, unless, 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: (a) construction must be conducted according to any new City standards in effect at the time the plat is ultimately recorded; (b) the property must be maintained in a clean, dust-free, and weed-free condition at all times; (c) each extension will be for a one-year period only, after which time an annual review must be presented before the City Council; and/or (d) 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.

### WATER BOARD RECOMMENDATION:

Phase 5 water rights dedication recommendation per the 1/6/2020 Water Board Meeting:

Inside: 8.0/ac-ft Irrigation: 6.75 ac-ft Total Required: 14.75 ac-ft

### PLANNING COMMISSION RECOMMENDATION:

**Motion:** Commissioner Garland: I make a motion that we recommend approval final approval of phase 5 of Watts Remund Farms Planned Unit Development. The proposal contains ten building pads on 9.22 acres. The property is located at 400 North Farmhouse Way and is in the R-1-15 zone. We accept the staff report and the one condition that is in the staff report. **Seconded:** Commissioner Osborne

Chairman Simons: Any discussion on the motion? Chairman Simons: All in favor. Ayes: Commissioners: Nokes, Osborne, Wardle and Garland Nays: None Motion: Passed

### **PROPOSED FINDINGS:**

- The proposed plan does meet the requirements of the code for a PUD in the R-1-15 zone
- The public trail system in the development benefits the entire community by creating trails that connect to existing trails and helps complete the master trail plan
- The proposal does comply with the approved revised master plan for this phase
- 5.57 acres of open space must be created as part of the development, which will be noted on the plat and restricted from future building or development.
- A wetlands area of 0.034 acres will be encroached upon in phase 5 and a letter has been received from the U. S. Army Corps of Engineers approving the encroachment.

### **ALTERNATIVE ACTIONS:**

- 1. <u>Approval (conditional)</u>. This action can be taken if the City Council finds the proposal complies with the requirements of the Land Use Code.
  - a. Accept staff report
  - b. List accepted findings
  - c. Place condition(s) if needed
- 2. <u>Continuance</u>. 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. <u>Denial</u>. 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

### **PROPOSED CONDITION:**

1. The applicant will be required to survey the boundary of the wetlands and then install and maintain temporary construction fencing while site improvements are being installed and while homes are under construction.



February 14, 2023

Midway City Attn: Michael Henke 75 North 100 West Midway, Utah 84049 (sent via email)

### Subject: Remund Farms – Phase 5 Final Review

Dear Michael:

Horrocks Engineers recently reviewed the above development plans for Final Approval. The proposed development is located near 200 East and 600 North. The entire development is 50.87 acres and contains 97 lots. Phase 5 is 9.22 acres and contains 10 lots. The following comments should be addressed.

### Wetlands

- All wetland delineations have been approved with the US Army Corp of Engineers.
- Several units encroach within the 25' wetlands setback as approved by the City Council with the Master Plan Approval of the development. However, no units encroach within the actual wetlands.
- Any construction activities that will impact the delineated wetlands have received approval from the US Army Corp of Engineers.
- Delineated wetlands shall be surveyed, and a construction fence shall be installed to delineate the wetland boundaries.

Geotechnical and Hydrogeologic Investigation

- As part of the Phase 1 geotechnical investigation the developer installed and are monitoring piezometers over the entire site. Since January 2022 three additional well points were installed adjacent to 250 North.
- To monitor the groundwater elevation, the groundwater elevation at each piezometer was measured during the construction of Phase 1 4. As construction of Phase 5 takes place monitoring will continue to be documented.
- Hydrological analysis as previously done by Loughlin Water Association and the Developer for Phases 1 4 should continue as previously approved for the site.

### Water

- The proposed development will be served from the Gerber Mahogany Springs zone.
- The mainline water for Phase 5 will be installed with the development.

Irrigation

• The mainline irrigation for Phase 5 was completed as part of the work in Phase 1. Irrigation services will be installed for Phase 5 off the existing mainline.



### Roads

- The proposed development will install 26' of asphalt, modified curb on each side of the road, with a 5' park strip, and 5' sidewalk on one side of the road.
- All roads within the proposed development will be private roads, with a public easement.

### Trails

• There is currently an 8' wide gravel public trail in Phase 5. This trail will be paved with asphalt as part of the development improvements and will connect to 250 North.

Storm Drain

- The storm drain system will be private and will be collected within the proposed curb and gutter and discharged to a series of catch basins and retention basin within the development.
- Remund Farms HOA will be responsible for maintenance of the storm water system.

Please feel free to call our office with any questions.

Sincerely, HORROCKS ENGINEERS

meore Wesley Johnson, P.É.

Midway City Engineer

cc: Berg Engineering (sent via email)

# **Midway City Corporation**

Mayor: Celeste T. Johnson City Council Members Lisa Christen • Jeffery Drury J.C. Simonsen • Steve Dougherty Kevin Payne



75 North 100 West P.O. Box 277 Midway, Utah 84049 Phone: 435-654-3223 Fax: 435-654-4120

midwaycityut.org

## Remund Farms Phase 5 Preliminary Approval

November 1, 2022

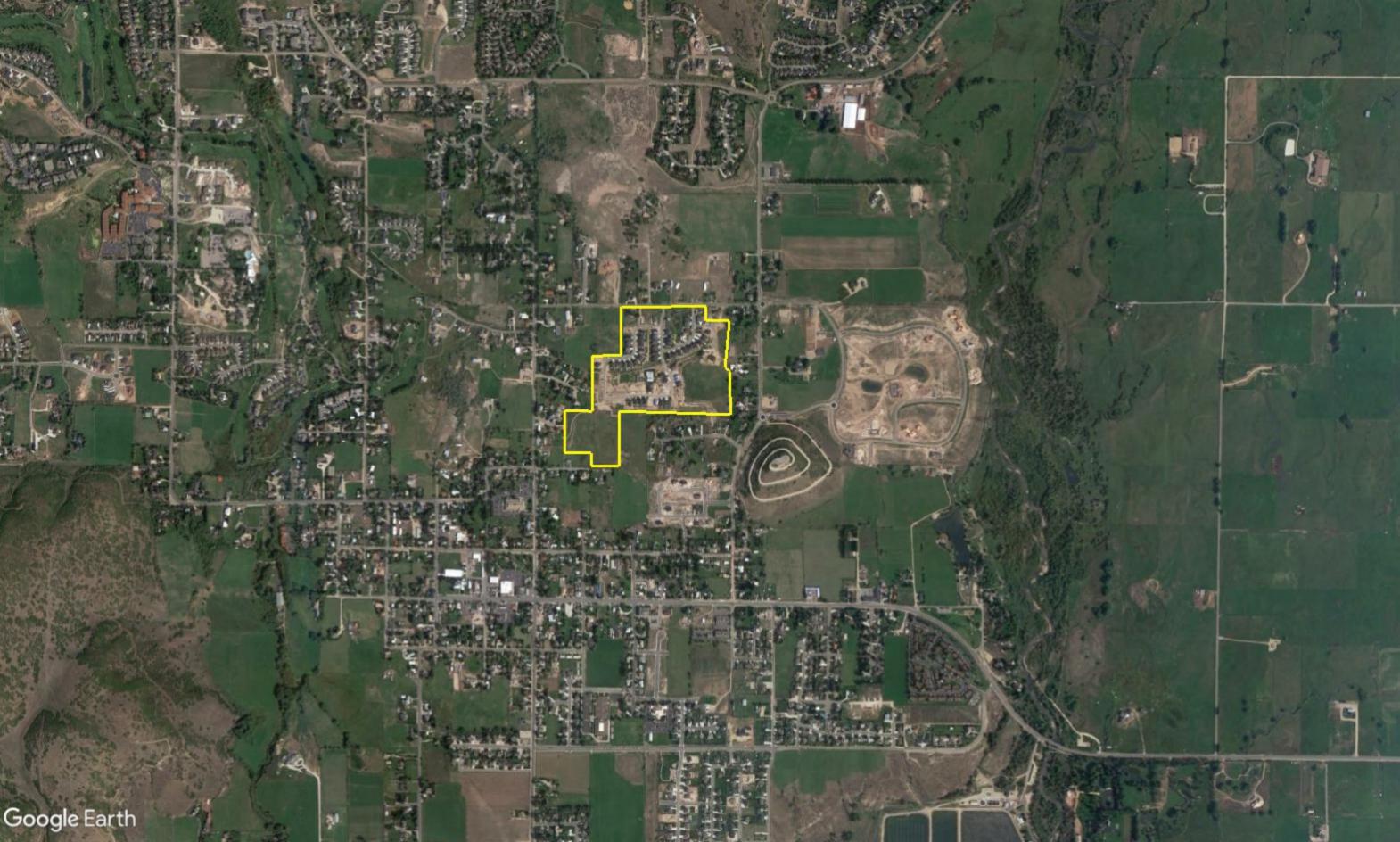
Michael Henke Midway City Planning Director,

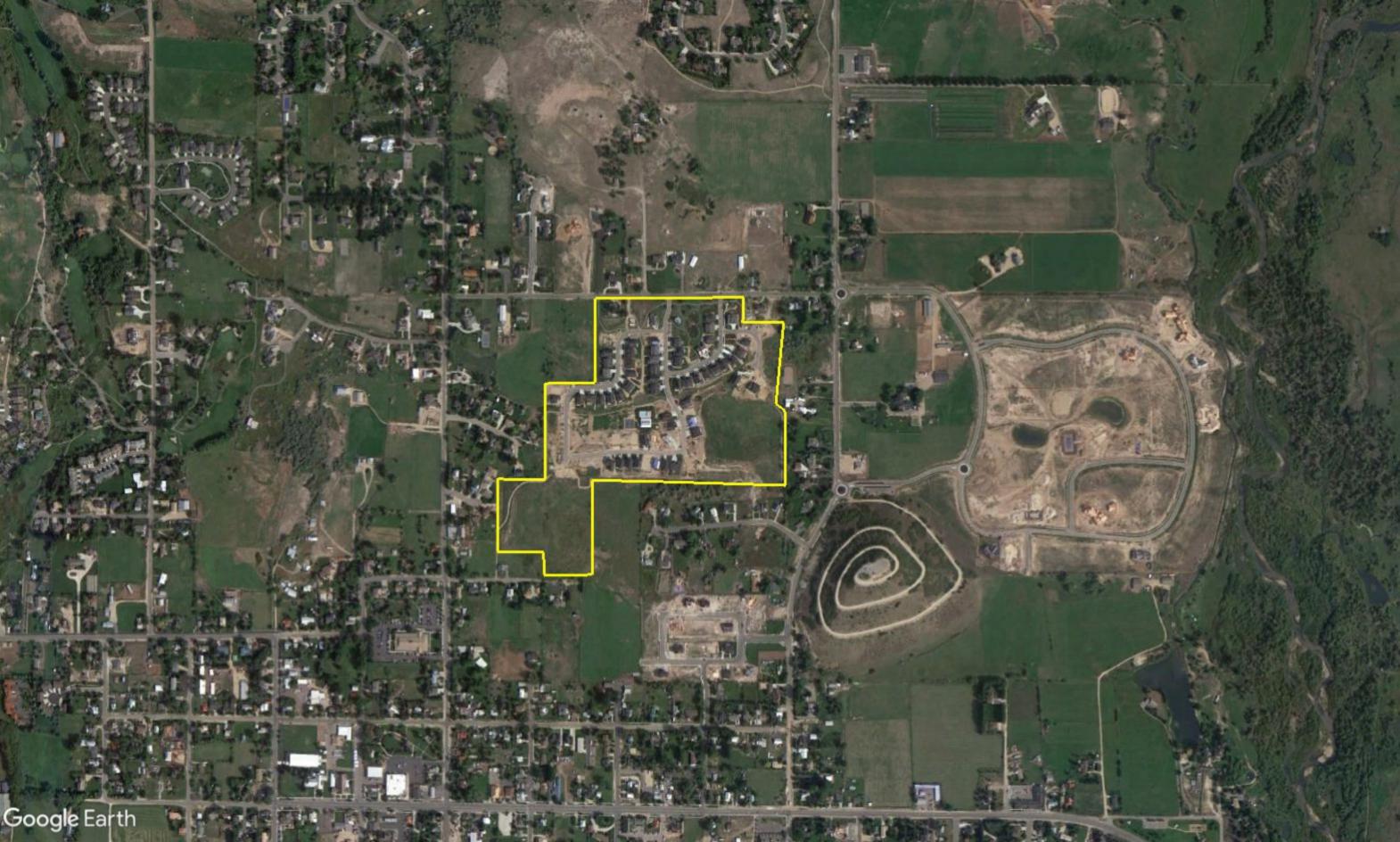
I have reviewed the preliminary plans for Remund Farms phase 5 for compliance with the 2018 International Fire Code (2018 IFC). The proposed plan meets the fire code requirements in the 2018 IFC including Appendix D for fire apparatus access. I have no fire code concerns with these preliminary plans that have already been approved by the Midway City Planning Commission and are now awaiting preliminary approval from the Midway City Council.

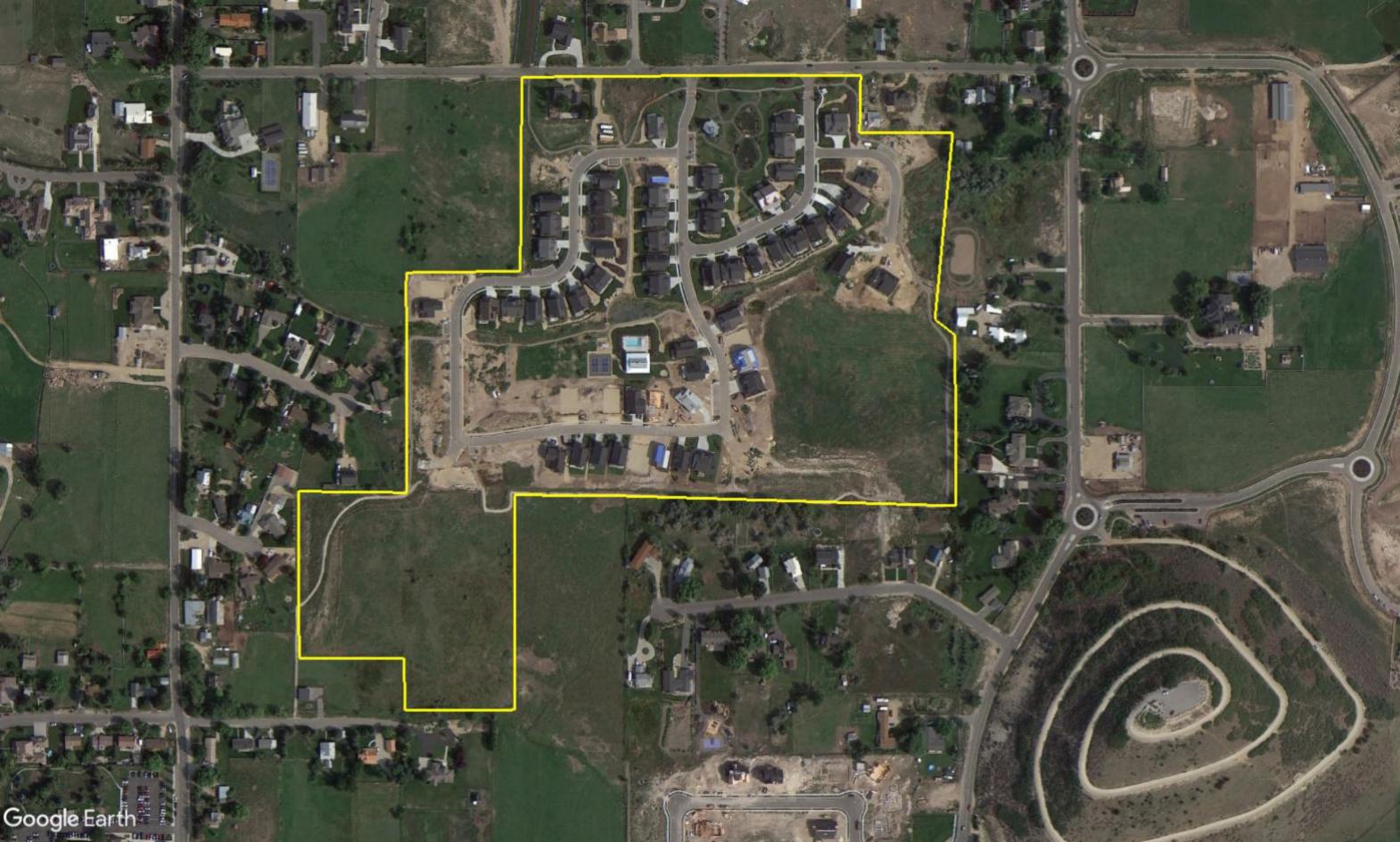
I will perform a final approval fire review of the Remund Farms phase 5 plans prior to final approval.

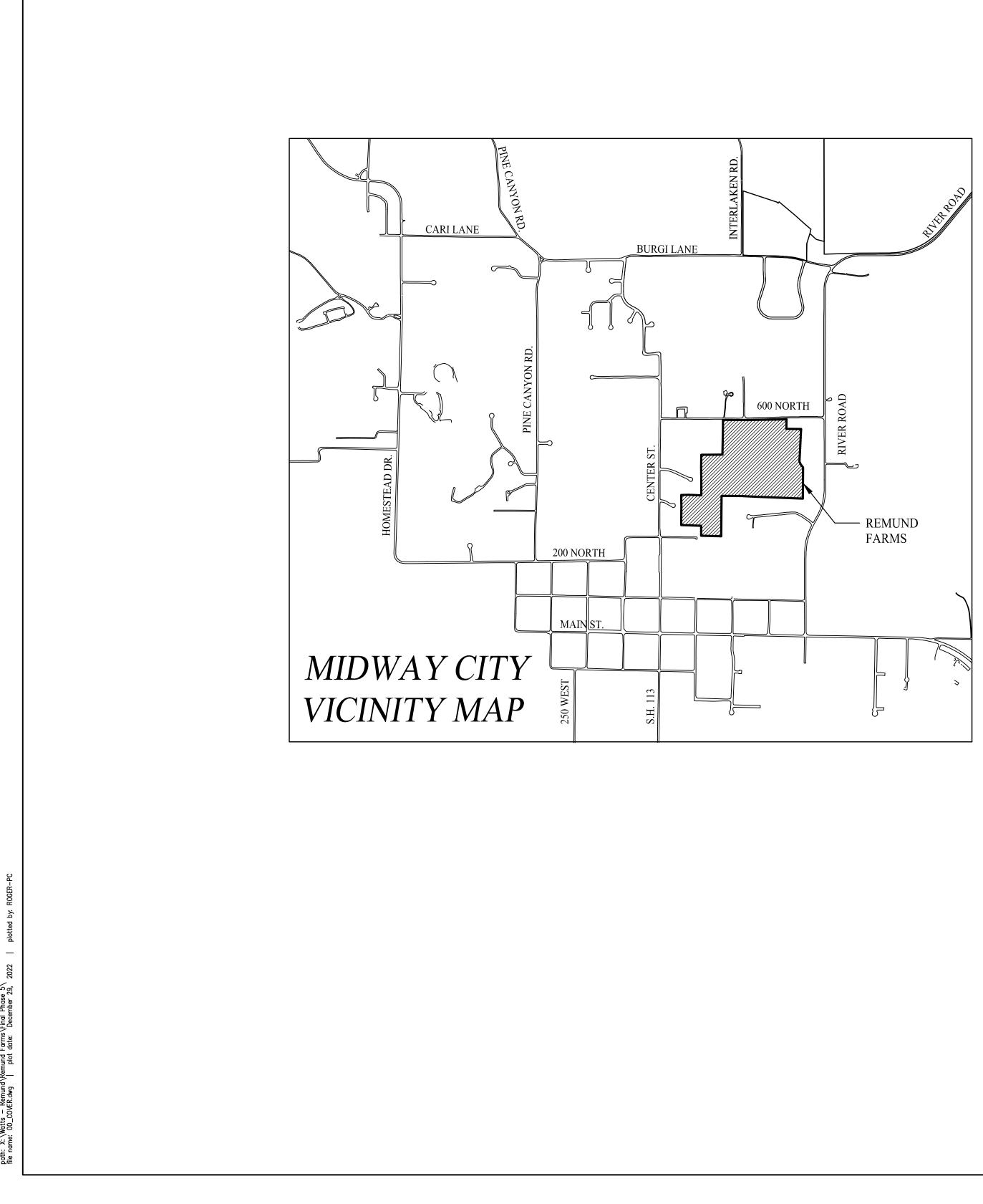
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Tex R. Couch CBO/MCP Midway City Building Official/Fire Marshal 75 West 100 North Midway, Utah 84049 tcouch@midwaycityut.org (435)654-3223 Ext. 107









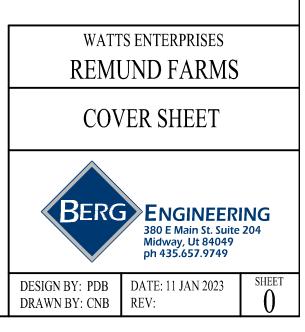
# REMUND FARMS PHASE 5 FINAL APPLICATION

# SHEET INDEX

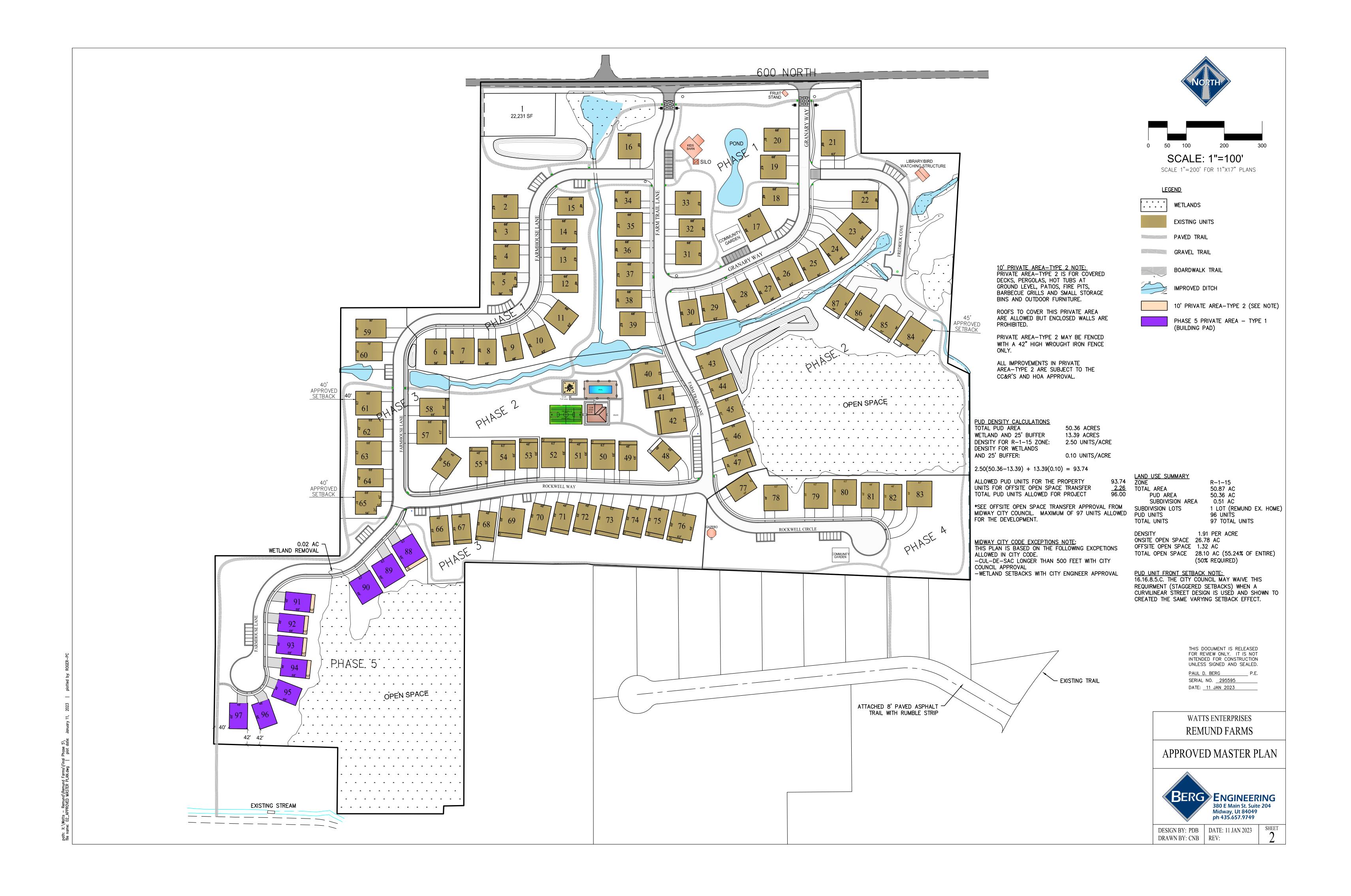
- PHASE 5 EXISTING CONDITIONS PLAN
- APPROVED MASTER PLAN
- PHASE 5 SITE PLAN
- PHASE 5 LANDSCAPE PLAN
- **REMUND FARMS PUD PHASE 5 PLAT**
- FARMHOUSE LANE PLAN AND PROFILE STA 11+00 TO 21+34.68
- **ROAD CONSTRUCTION DETAILS**
- 8. PHASE 5 UTILITY PLAN
- 9. SEWER CONSTRUCTION DETAILS
- 10. WATER & PI CONSTRUCTION DETAILS
- 11. PHASE 5 STORM DRAIN PLAN
- 13. STORM DRAIN CONSTRUCTION DETAILS
- 14. PHASE 5 STORM WATER POLLUTION PREVENTION PLAN

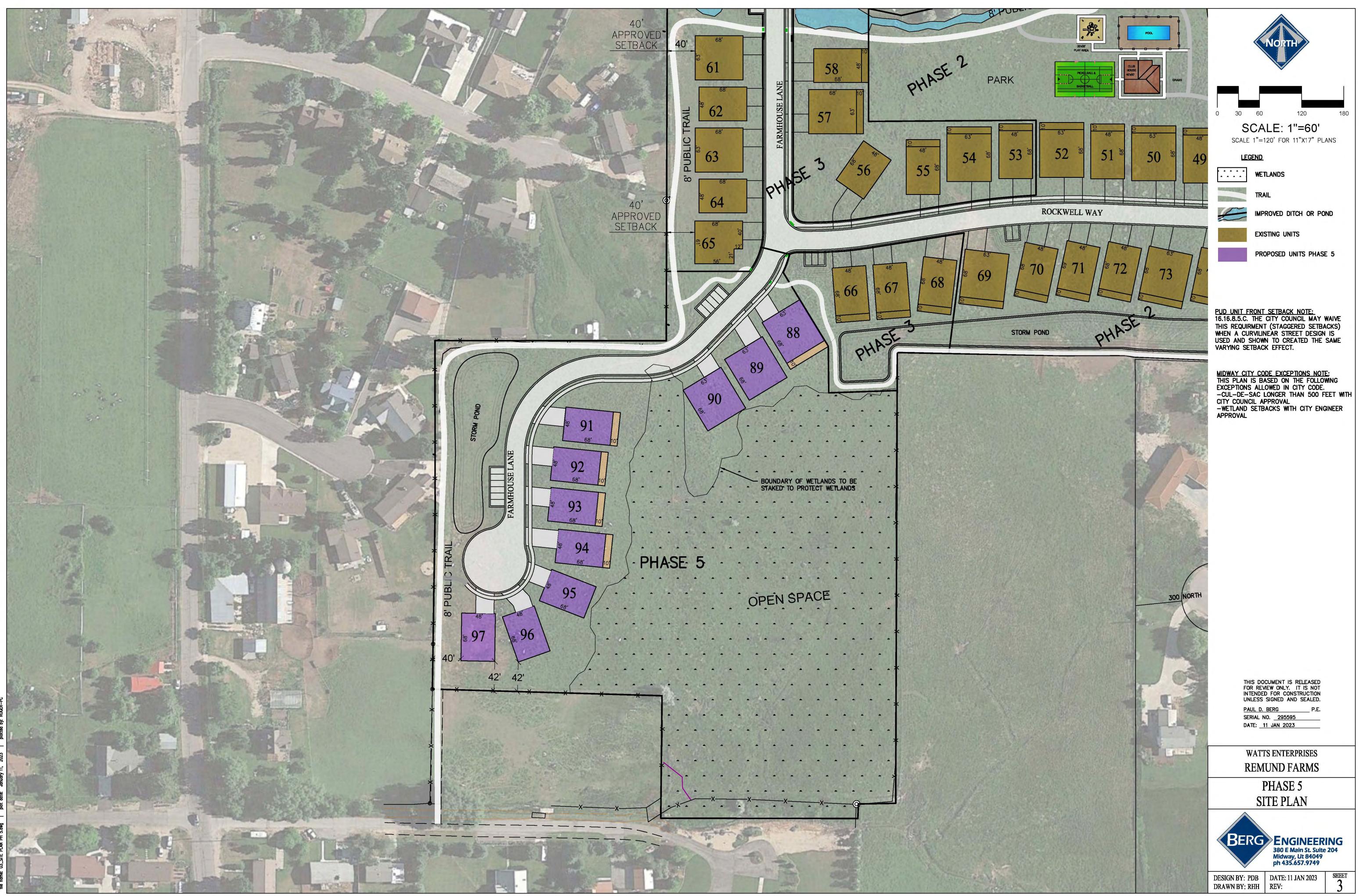
# 12. FARMHOUSE LANE STORM DRAIN PLAN & PROFILE STA 11+00 TO 21+34.68

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: <u>11 JAN 2023</u>





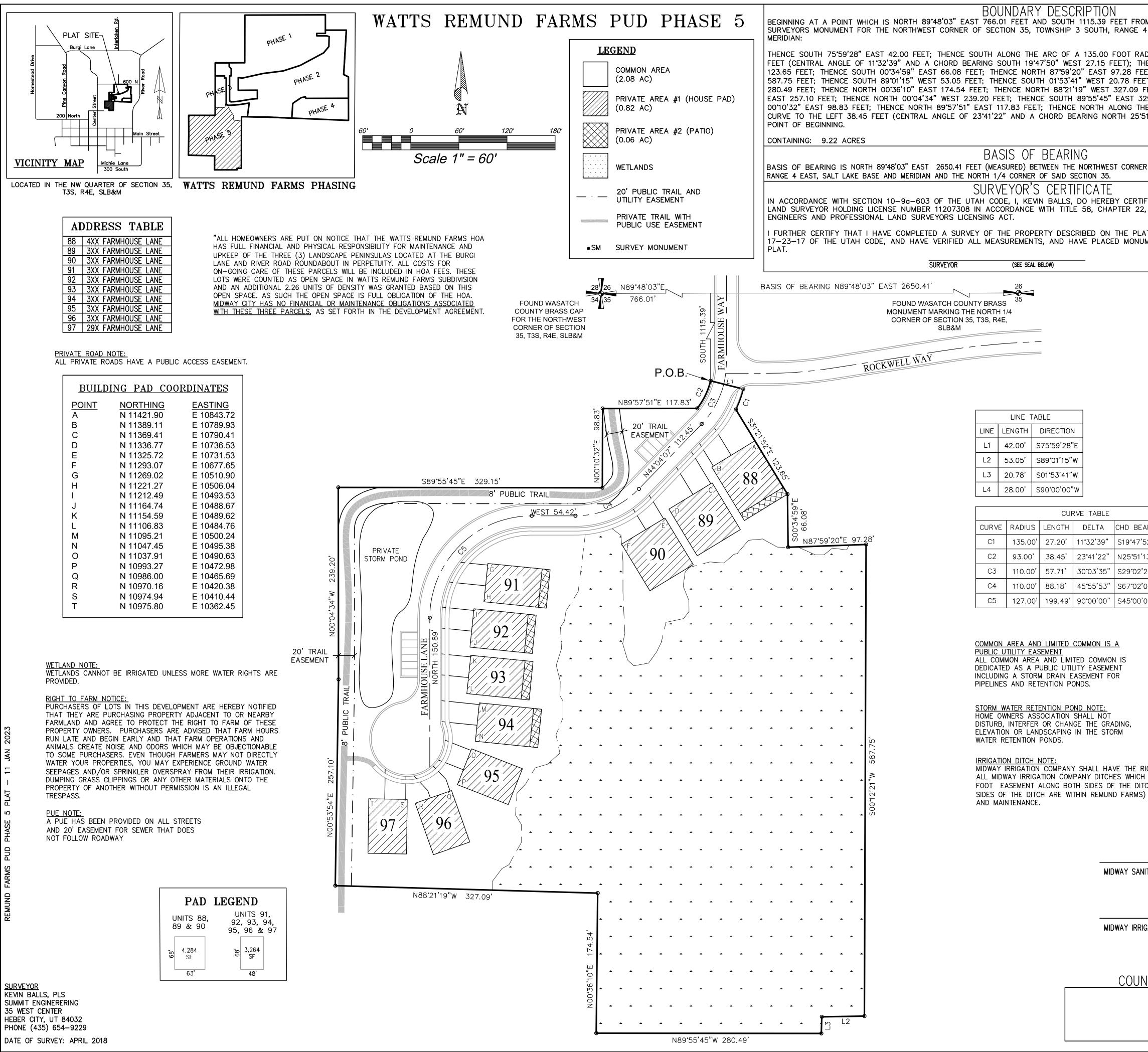




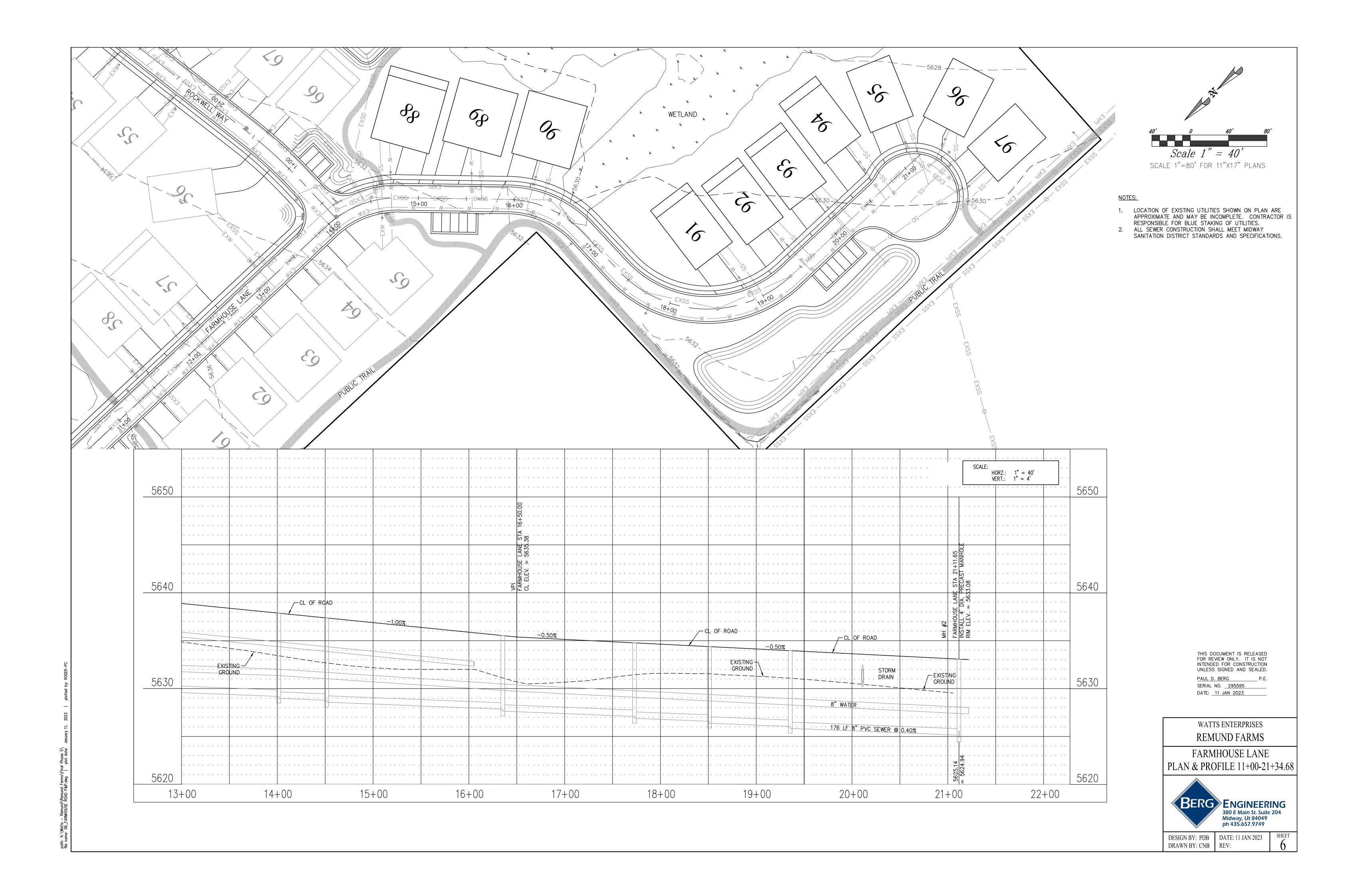
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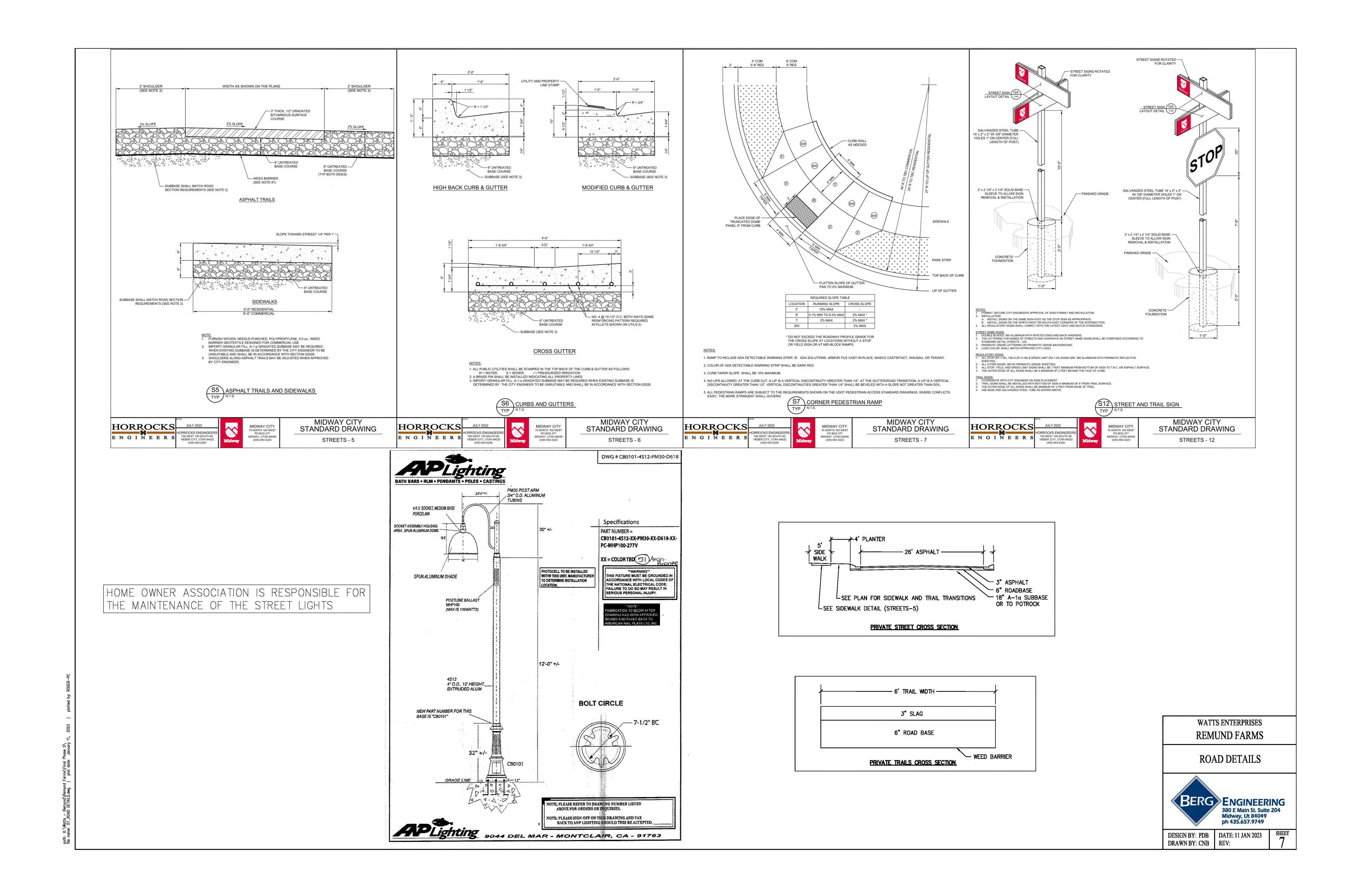
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3	8	Autumn Blaze Maple / Acer freemanii `Autumn Blaze`	B&B	2" Cal	
	7	Autumn Purple Ash / Fraxinus americana `Autumn Purple`	B&B	2" Cal	
	8	Eastern Cottonwood Siouxland / Populus deltoides `Siouxland`	B&B	2.5" Cal	
h	4	Weeping Willow / Salix babylonica	B&B	2" Cal	
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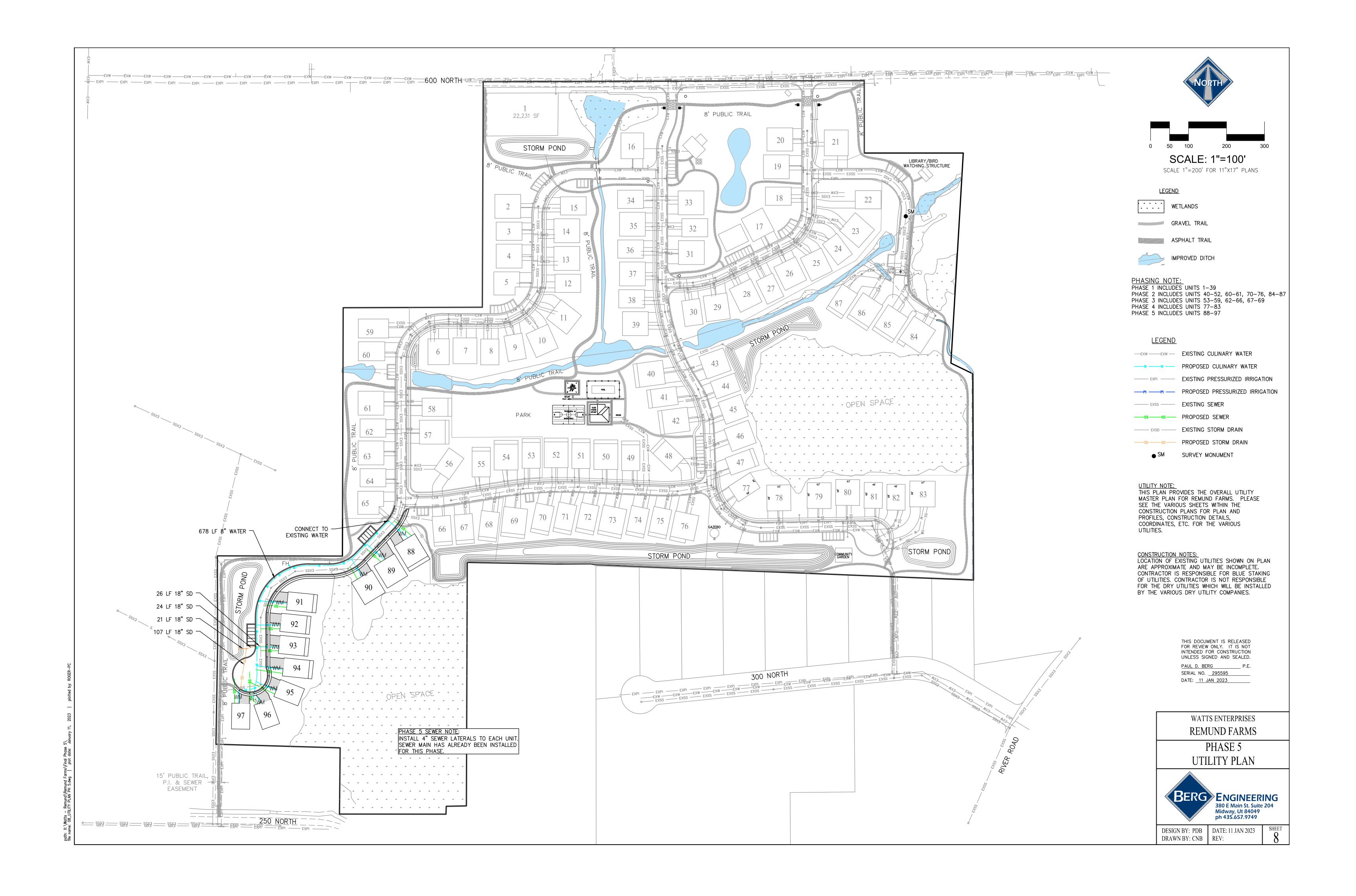


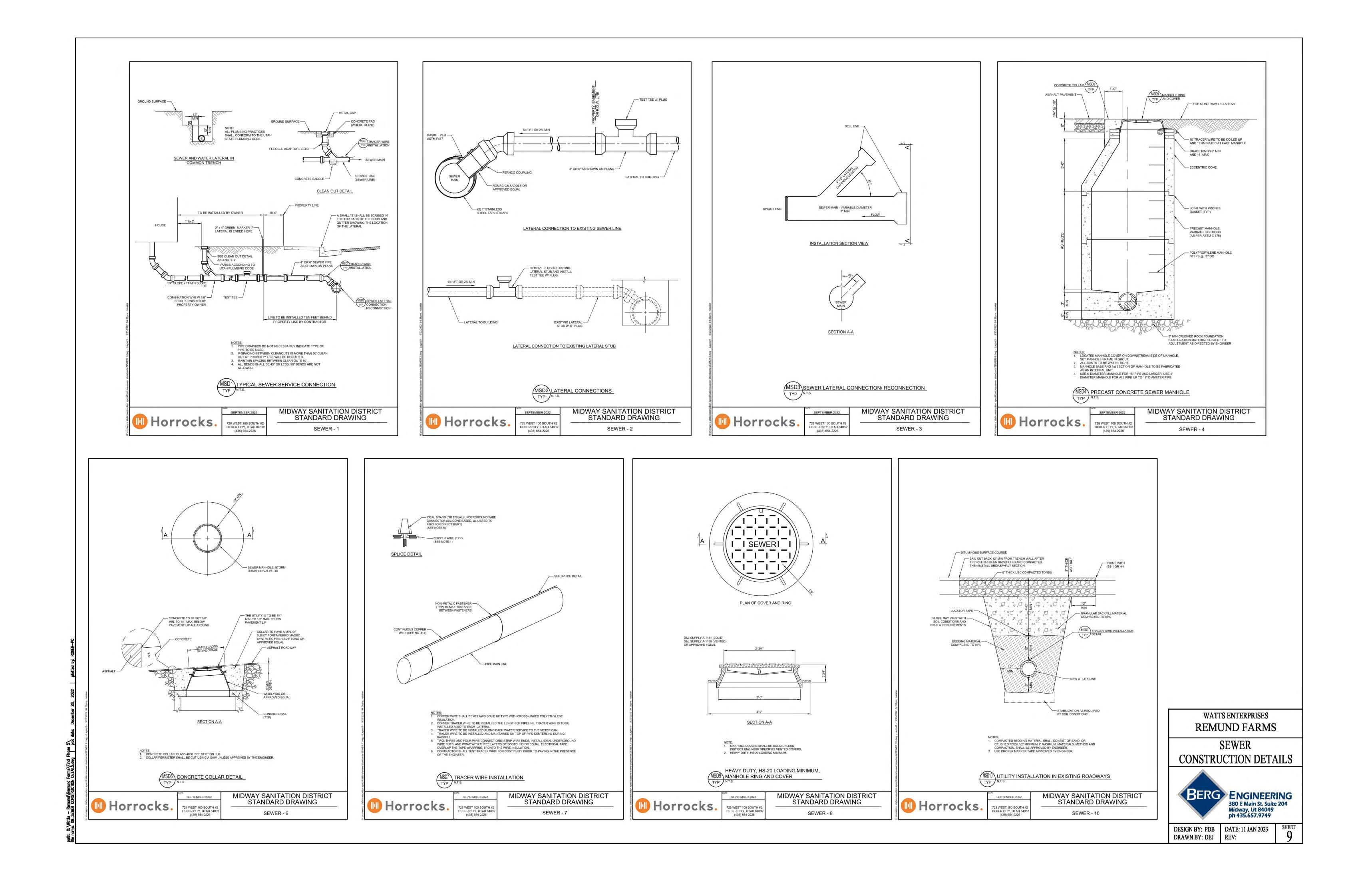


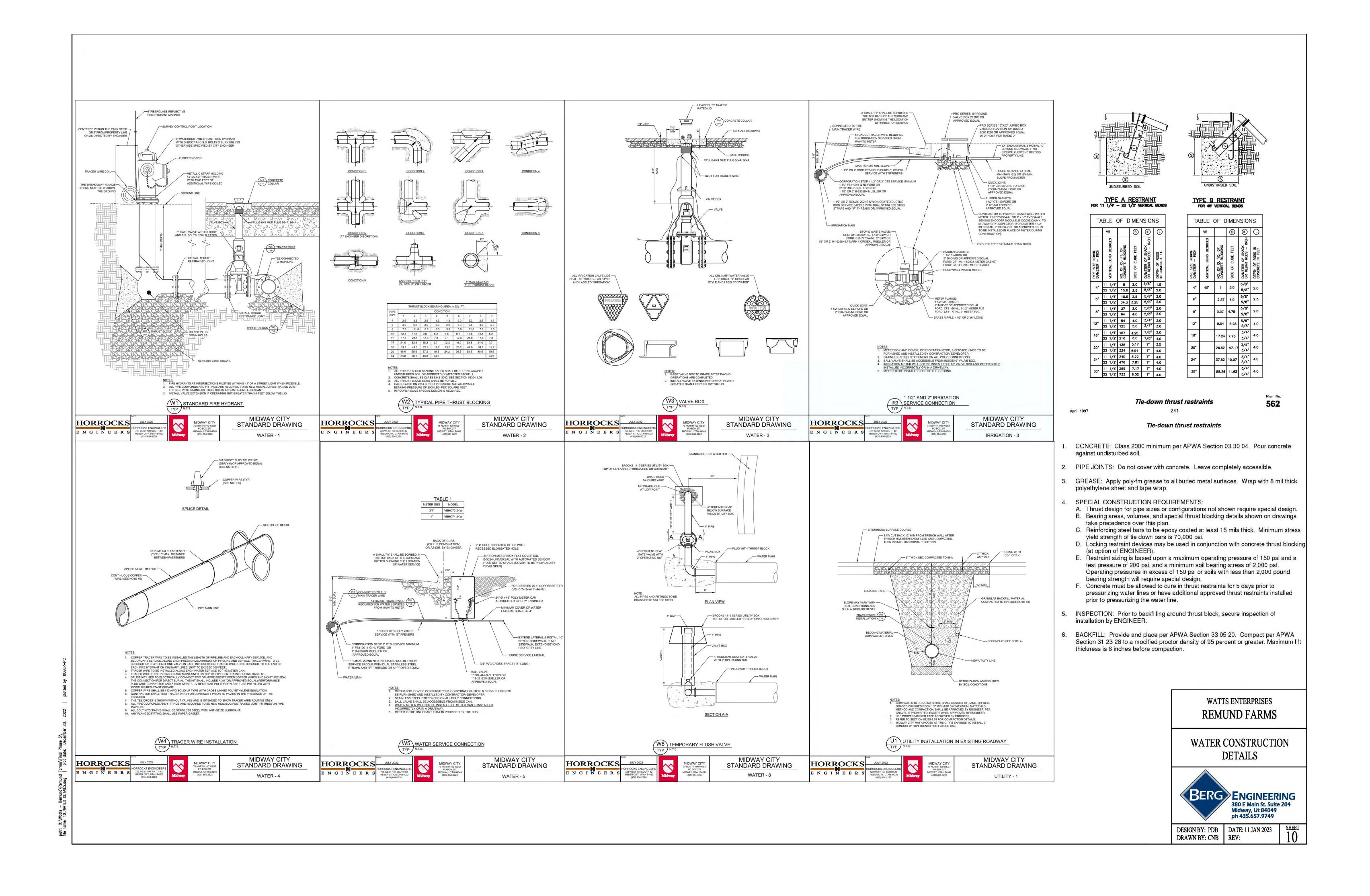
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	ACKNOWLEDGMENT STATE OF UTAH COUNTY OF WASATCH S.S. ON THE DAY OF, A.D. 20 PERSONALLY APPEARED BEFORE ME,, WHO DULY ACKNOWLEDGED TO ME THAT HE/SHE DID EXECUTE THE SAME IN THE CAPACITY INDICATED. MY COMMISSION EXPIRES NOTARY PUBLIC
ARING CHD LENGTH   52"W 27.15'   13"E 38.18'   20"W 57.05'   04"W 85.84'   00"W 179.61'	ACCEPTANCE BY MIDWAY CITY THE CITY COUNCIL OF MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH, HEREBY APPROVES THIS PLANNED UNIT DEVELOPMENT AND ACCEPTS THE DEDICATION OF EASEMENTS AND PUBLIC RIGHTS-OF-WAY HEREON SHOWN. THIS DAY OF, A.D. 20 APPROVED ATTEST MAYOR ATTEST CLERK-RECORDER (SEE SEAL BELOW) APPROVED ATTEST (SEE SEAL BELOW)
	PLANNING COMMISSION APPROVAL   APPROVED THIS DAY OF, A.D. 20 BY THE   MIDWAY   CITY PLANNING COMMISSION   PLANNING DIRECTOR
RIGHT TO ACCESS I INCLUDES A 10 TCH (IF BOTH ) FOR ACCESS	WATTS REMUND FARMS PUD PHASE 5 PLANNED UNIT DEVELOPMENT, MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH SCALE: 1" = $\frac{60}{\text{FEET}}$
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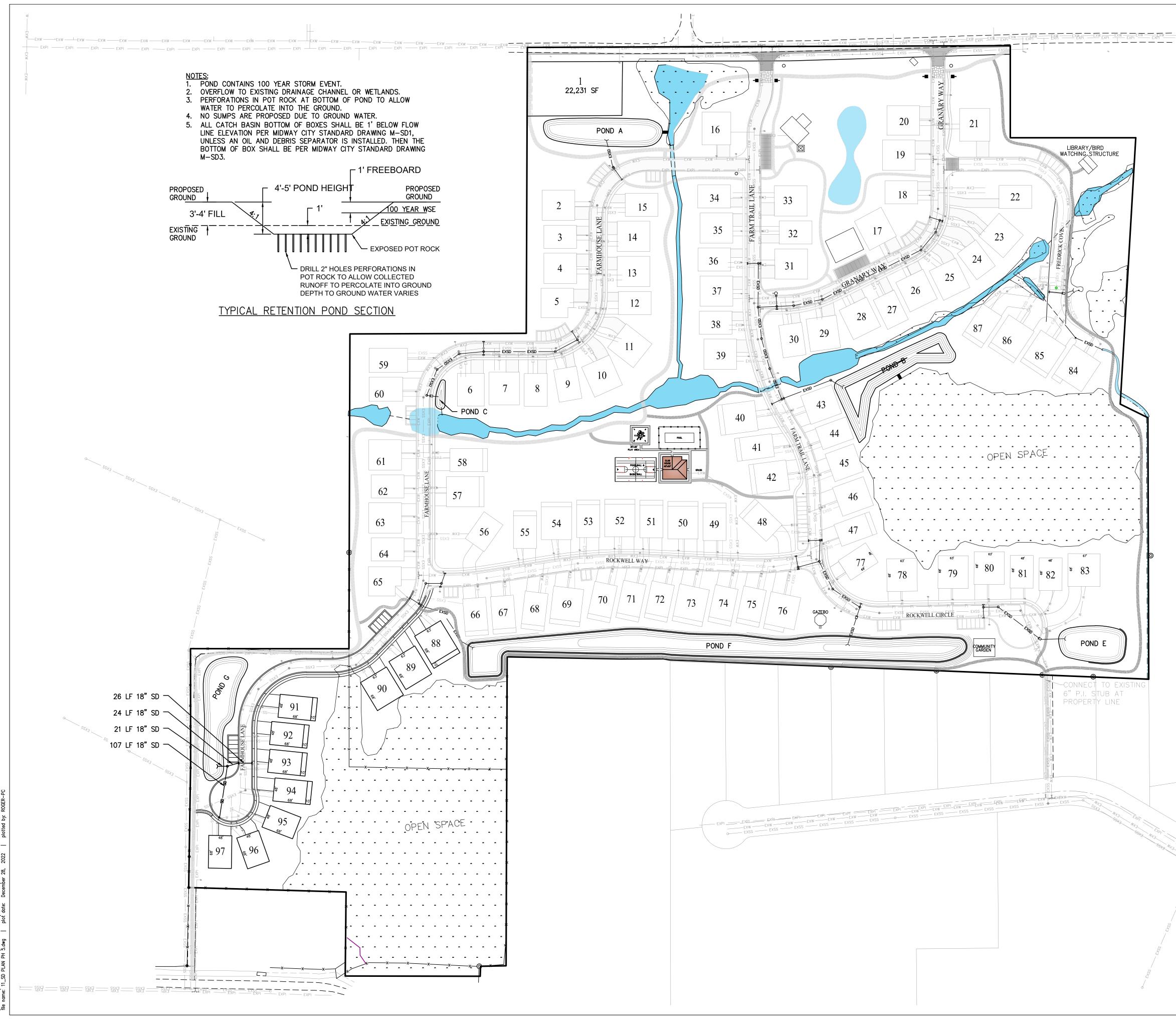








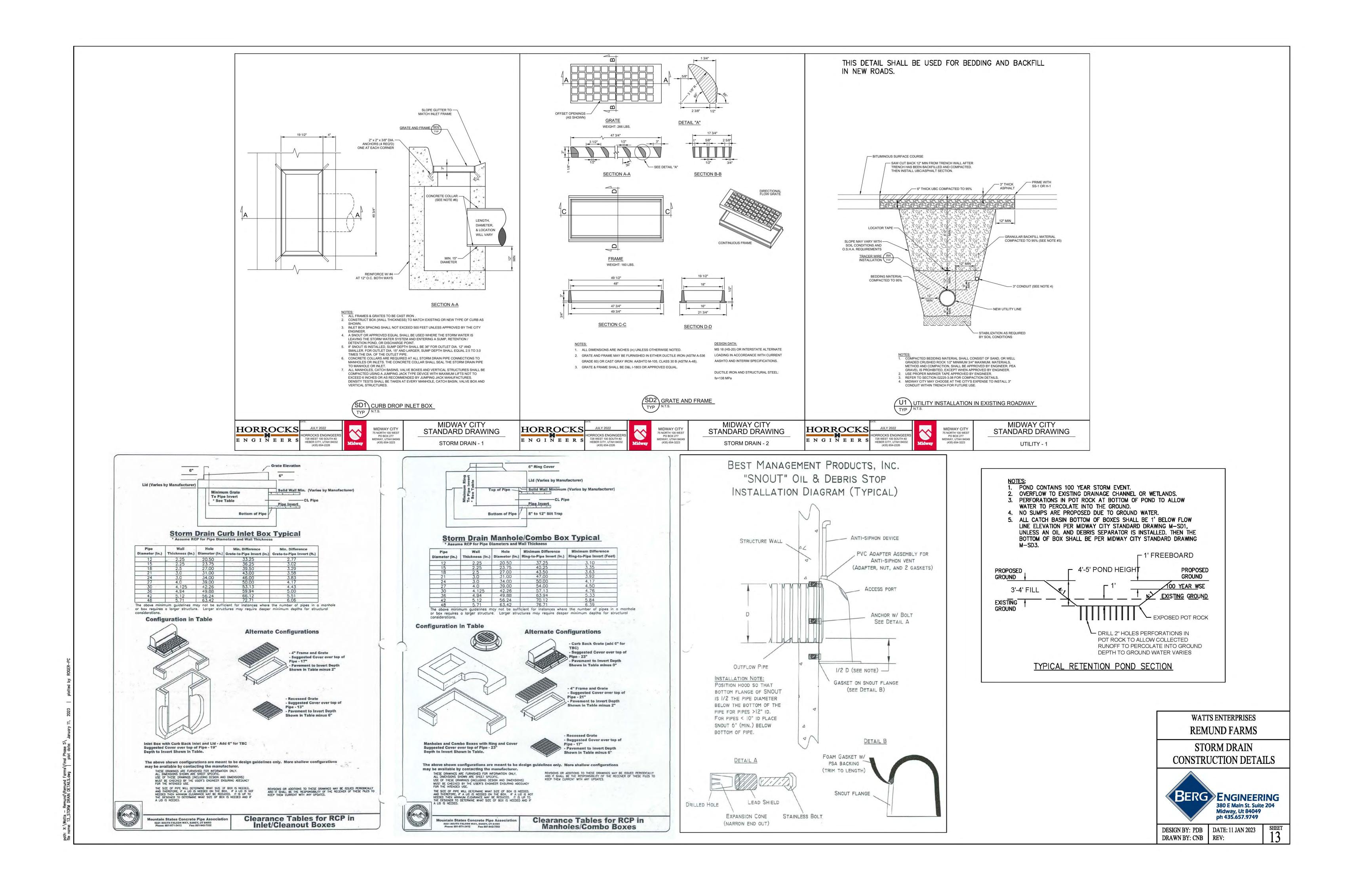


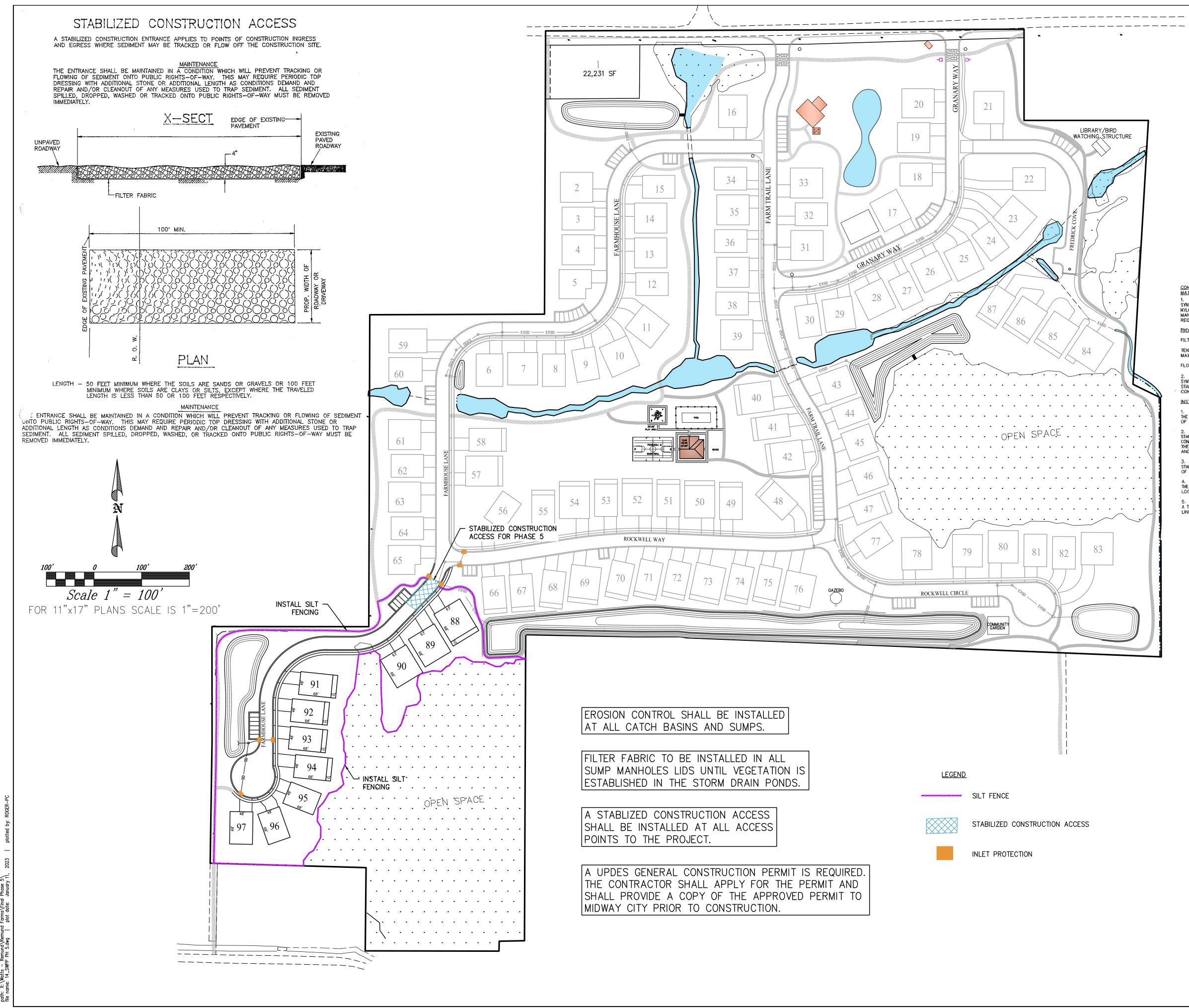


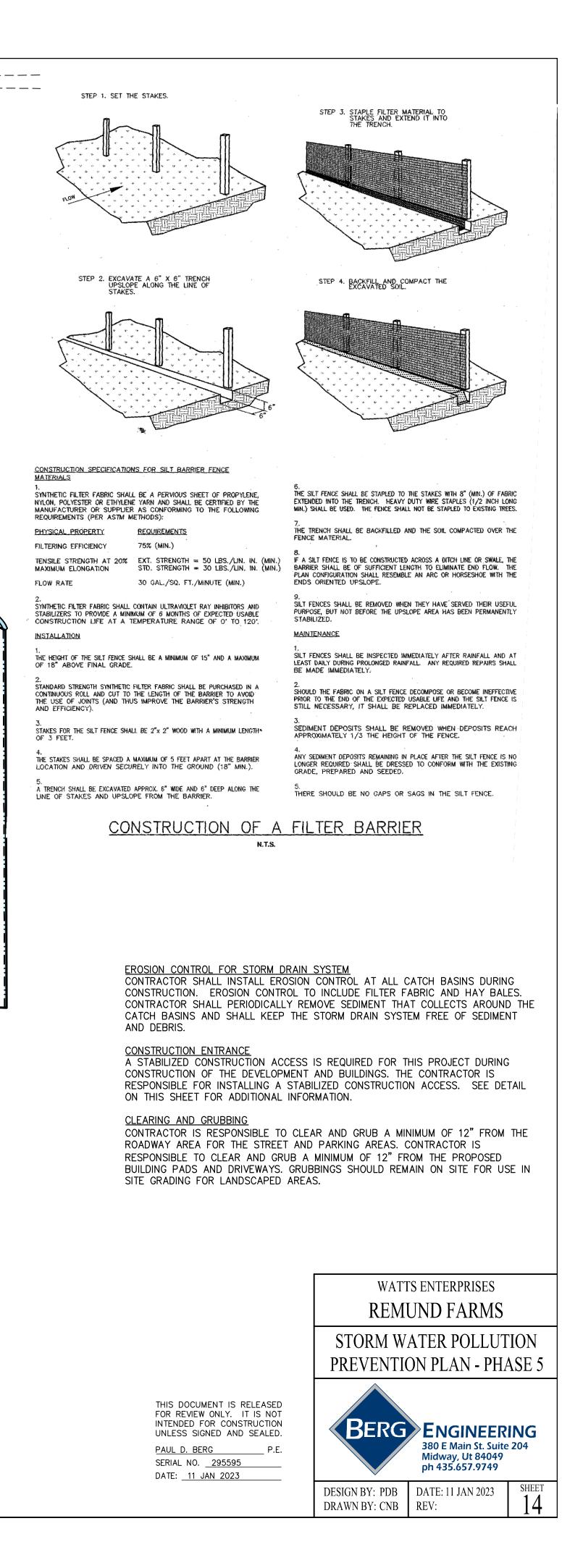
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### DEPARTMENT OF THE ARMY U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT 1325 J STREET SACRAMENTO CA 95814-2922

June 17, 2021

Regulatory Division (SPK-2016-00264)

Watts Enterprises Attn: Mr. Russ Watts 5200 South Highland Drive, Suite 101 Salt Lake City, Utah 84117 Russ@wattsliving.com

Dear Mr. Watts:

We are responding to your December 3, 2020 pre-construction notification for a Department of the Army (DA) permit for the Remund Farms Subdivision project. The approximately 50-acre project site is located at 200 East 600 North, Latitude 40.5191°, Longitude -111.4677°, Midway, Wasatch County, Utah (Enclosure 1).

Based on the information you provided to this office, the Remund Farms Subdivision project involved the discharge of fill material into 0.2 acre of waters of the United States without Department of Army authorization, subject to Section 404 of the Clean Water Act. The Remund Farms Subdivision project also involves the discharge of fill material into an additional 0.25 acre of waters of the U.S. to finish construction of the subdivision, subject to Section 404 of the Clean Water Act. Combined, these activities will result in the permanent loss of 0.12 acre of palustrine emergent wetlands, 0.26 acre of irrigation ditches, and 0.07 acre of ephemeral channel (Enclosure 2).

We have determined that activities in waters of the U.S. associated with the project are authorized by Nationwide Permit 29 (NWP), Residential Developments (Enclosure 3). You must comply with all terms and conditions of the NWP and applicable regional conditions. Enclosed is information about the NWP terms and conditions and Sacramento District regional conditions for Utah (Enclosure 4). In addition, your work must comply with the following special conditions:

- 1. To ensure successful compensatory mitigation in accordance with 33 CFR 332.3(n), you shall establish a financial assurance in the form of an escrow account. The type, language, and amount of the financial assurance must be approved, in writing, by this office. You shall submit proof of the establishment of the financial assurance to this office prior to initiation of construction activities in waters of the U.S. authorized by this verification. In the event it becomes necessary to draw upon the financial assurance, funds must be payable to a designee specifically approved, in writing, by this office or placed in a fund pursuant to a standby trust agreement specifically approved, in writing, by this office. You shall ensure that the financial assurance is in the form that assures that termination or revocation of the financial assurance shall not occur without prior approval by this office. You shall submit a draft of the escrow agreement to the Corps for review within 30 days of this letter.
- 2. Within 45 days following initiation of construction activities in waters of the U.S. authorized by this verification, you shall establish and maintain in perpetuity a 9.1-acre preserve containing 9.1 acres of acres of established emergent wetlands

as depicted on page 8 of the Wetland Mitigation and Monitoring Plan, dated February 19, 2021, prepared by BIO-WEST, Inc (Enclosure 5). The purpose of this preserve is to ensure that functions and services of the aquatic environment are protected. This also includes fencing the entire perimeter of the wetland preserve with an electric fence approximately 48-inches high to prevent unauthorized access, as agreed upon in an email dated May 5, 2021 (Enclosure 6).

- 3. You shall comply with all terms and conditions of the enclosed March 9, 2017 Utah Department of Environmental Quality Section 401 Water Quality Certification (Enclosure 7).
- 4. You and your authorized contractor shall allow representatives from this office to inspect the activity authorized by this verification and all preservation areas at any time deemed necessary to ensure that work is being or has been accomplished in accordance with the terms and conditions of this verification.

Within 30 days after completion of the authorized work, you must sign the enclosed Compliance Certification and return it to this office with the information required by Sacramento District Regional Condition C(9) for Utah (Enclosure 8).

This verification is valid until March 18, 2022, when the existing NWPs are scheduled to be modified, reissued, or revoked. Furthermore, if you commence or are under contract to commence this activity before the date the NWP is modified, reissued, or revoked, you will have 12 months from the date of the modification, reissuance or revocation to complete the activity under the present terms and conditions. Failure to comply with the general and regional conditions of this NWP, or the project-specific special conditions of this authorization, may result in the suspension or revocation of your authorization.

We would appreciate your feedback on this permit action including your interaction with our staff and processes. For more information about our program or to complete our Regulatory Program national customer service survey, visit our website at www.spk.usace.army.mil/Missions/Regulatory.aspx.

Please refer to identification number SPK-2016-00264 in any correspondence concerning this project. If you have any questions, please contact Samuel Bohannon at Bountiful Regulatory Office, 533 West 2600 South Suite 150 Bountiful, Utah 84010, by email at Samuel.T.Bohannon@usace.army.mil, or telephone at (801) 295-8380 ext. 8313.

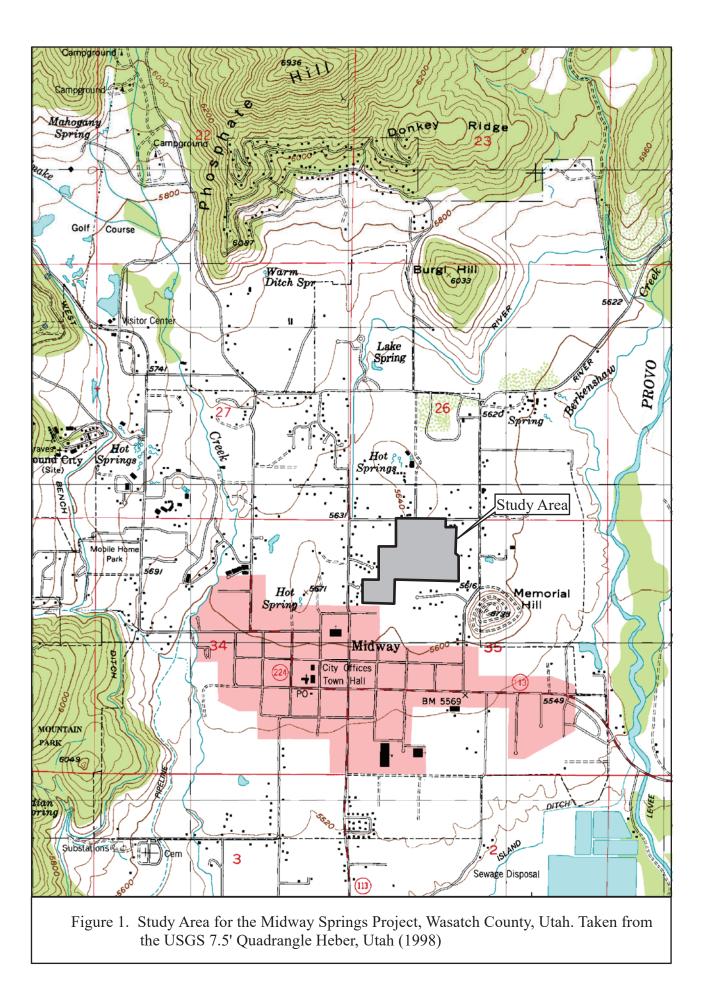
Sincerely,

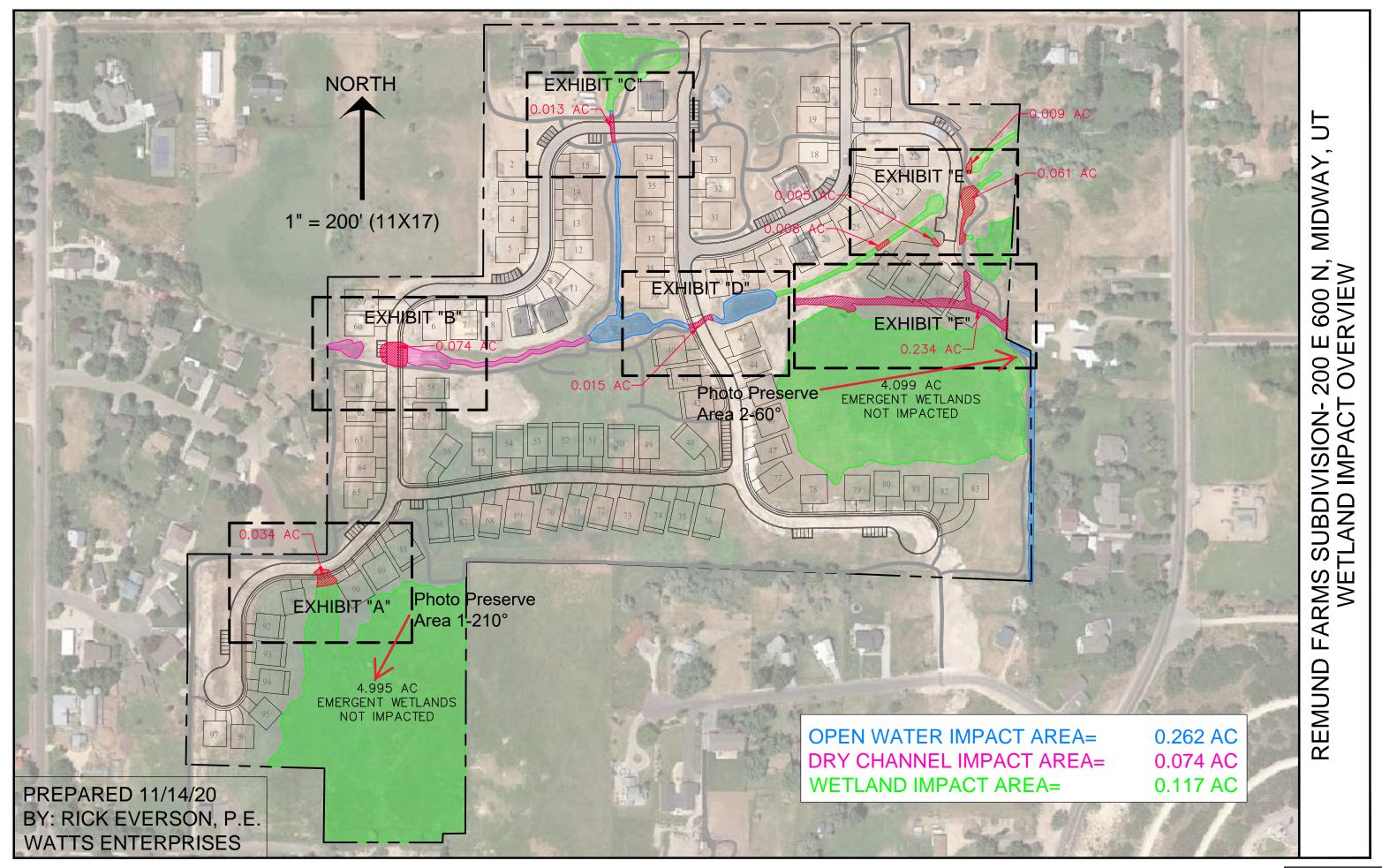
Jason Gipson Chief, Nevada-Utah Section

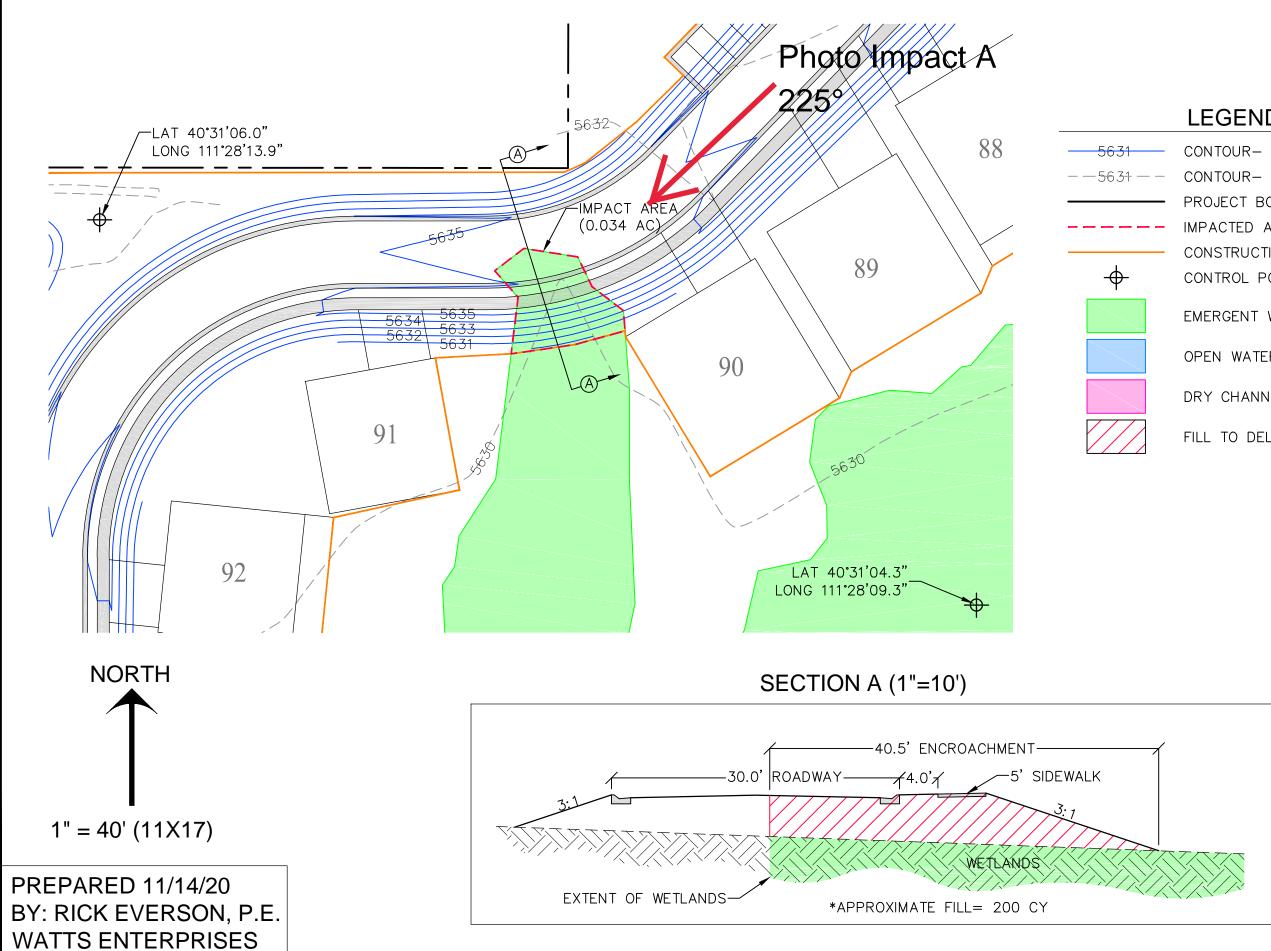
Enclosures

cc:

Mr. Bob Thomas, Professional Wetland Scientist, BIO-WEST, Inc., <u>bthomas@bio-west.com</u> Mr. Rick Everson, Professional Engineer, Watts Enterprises, <u>rick@wattsliving.com</u>







## LEGEND

- CONTOUR- FINAL GRADE
- CONTOUR- NATURAL GRADE
- PROJECT BOUNDARY
- IMPACTED AREA
- CONSTRUCTION FOOTPRINT CONTROL POINT
  - EMERGENT WETLANDS
  - OPEN WATER
  - DRY CHANNEL
  - FILL TO DELINEATED AREAS

UT 600 N, MIDWAY, Ш - 200 I "A" REMUND FARMS SUBDIVISION-EXHIBIT

### **COMPLIANCE CERTIFICATION**

Permit File Name: Remund Farms Subdivision

Action ID: SPK-2016-00264

Nationwide Permit Number:

Permittee: Watts Enterprises Attn: Mr. Russ Watts 5200 South Highland Drive, Suite 101 Salt Lake City, Utah 84117

County: Wasatch County

Date of Verification: June 4, 2021

Within 30 days after completion of the activity authorized by this permit, sign this certification and return it to the following address:

U.S. Army Corps of Engineers Sacramento District DLL-CESPK-RD-Compliance@usace.army.mil

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with the terms and conditions of the permit your authorization may be suspended, modified, or revoked. If you have any questions about this certification, please contact the U.S. Army Corps of Engineers.

\*\*\*\*\*\*\*

I hereby certify that the work authorized by the above-referenced permit, including all the required mitigation, was completed in accordance with the terms and conditions of the permit verification.

WARE ENTE JUNE 27, 2021 Date Permittee Signature

Enclosure 8