

Midway City Planning Commission Regular Meeting Tuesday February 12, 2019

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 7:00 p.m., Tuesday, February 12, 2019, at the
Midway City Community Center
160 West Main Street, Midway, Utah

7:00 P.M. Regular Meeting

Call to Order

- Welcome and Introductions; Opening Remarks or Invocation; Pledge of Allegiance

Regular Business

1. Review and possibly approve the Planning Commission Meeting Minutes of January 8, 2019.
2. Midway City is proposing a code text amendment to the City's Land Use Code. The amendment would create standards for cul-de-sacs that may include maximum length and the number of dwellings allowed to access from a cul-de-sac. The proposed amendment would also adopt standards for existing nonconforming cul-de-sacs.
 - a. Discussion of proposed code text amendment
 - b. Public hearing
 - c. Possible recommendation to City Council
3. Epic Engineering, agent for Michael LaBarge, is requesting final approval of a large-scale subdivision. The proposal is for a four-lot subdivision that is 4.2 acres in size. The property is located at 922 North Pine Canyon Road and is partially in the R-1-15 zone and partially in the R-1-22 zone.
 - a. Discussion of the proposed subdivision
 - b. Possible recommendation to City Council
4. Summit Engineering Group, agent for Devco Homes, is requesting preliminary approval of a large-scale subdivision. The proposal is for a 16-lot subdivision that is 10.03 acres in size. The property is located at 800 East Main Street and is in the R-1-15 zone.
 - a. Discussion of the proposed subdivision
 - b. Possible recommendation to City Council
5. Adjournment

Review and possibly approve the
Planning Commission Meeting Minutes
of January 8, 2019

Midway City Planning Commission Regular Meeting Minutes January 8, 2019

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 7:00 p.m., January 8, 2019, at the Midway City Community Center
160 West Main Street, Midway, Utah

Attendance

Jim Kohler – Chairman
Kevin Payne– Vice Chairman
Jeff Nicholas
Nancy O'Toole
Jon McKeon
Heather Whitney
Bill Ream
Rob Bouwhuis

Staff

Michael Henke – City Planner
Melannie Egan – Admin. Assistant
Wes Johnson – City Engineer

Excused

Natalie Streeter

7:00 P.M. Regular Meeting

Call to Order

- Welcome and Introductions; Opening Remarks or Invocation; Pledge of Allegiance
 - Invocation was given by Commissioner Payne
 - Chairman Kohler led the Pledge of Allegiance

Item:1 Swear in new members

Item: 2

Review and possibly approve the Work Meeting and Planning Commission Meeting of December 11, 2018.

Motion: Commissioner O'Toole: I move that we approve the Work Meeting and Planning Commission meeting minutes of December 11, 2018, with the corrections given to Melannie.

Seconded: Commissioner Bouwhuis

Chairman Kohler: Any discussion the motion?

There was none

Chairman Kohler: All in favor.

Ayes: Commissioners: O-Toole, Payne, Nicholas, Ream, Bouwhuis, Whitney

Nays: None

Motion: Passed

Land Use Summary

- 15.32 acres
- R-1-15 zoning
- Proposal contains 39 pads (PUD)
-

Proposed Findings

- The proposed
- R-1-15 zoning
- Proposal contains 39 pads (PUD)

Commissioners and Staff Comments

Paul Berg stated and confirmed that the changes do not affect the trails, open space or setbacks. The changes are just to accommodate the roof overhangs.

Motion: Commissioner Nicholas: I move to recommend approval of the proposed plat amendment of the Watts Remund Farms Phase 1 PUD Subdivision, which would amend the size of the building pads. And accept the staff report and staff findings that are found in the staff report. The property is located at 260 East and 600 North and is in the R-1-15 zone.

Seconded: Commissioner Ream

Chairman Kohler: Any discussion on the motion?

There was none

Chairman Kohler: All in favor.

Ayes: Commissioners: O-Toole, Payne, Nicholas, Ream, Bouwhuis, Whitney

Motion: Passed

Item 5:

Non-entitlement review of a concept plan for Saddle Creek which contains 38 lots. The property is 31.99 acres and is located at the intersection of 250 West and 970 South. The property is in the R-1-22 zone

Planner Henke gave a presentation

Land Use Summary

- Recorded Plat - Recorded on September 5, 2007
 - 34.35 acres
 - Planned Unit Development
 - 57 building pads
 - 50% open space (17 acres)
 - Private roads
- Master Plan
 - 31.99 acres
 - Large-scale standard subdivision
 - 38 lots
 - 0.5 acre minimum
 - 15% open space - 6.14 acres (19.19%)

Item 5:

Adjournment

Motion: Commissioner Bouwhuis

8:30 pm

Chairman – Jim Kohler

Admin. Assistant – Melannie Egan

DRAFT

Midway City is proposing a code text amendment to the City's Land Use Code. The amendment would create standards for cul-de-sacs that may include maximum length and the number of dwellings allowed to access from a cul-de-sac. The proposed amendment would also adopt standards for existing nonconforming cul-de-sacs.



PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: February 12, 2019

NAME OF APPLICANT: Midway City

AGENDA ITEM: Code Text Amendment of Title 16.13.44

ITEM: 2

Midway City is proposing a code text amendment to the City's Land Use Code. The amendment would create standards for cul-de-sacs that may include maximum length and the number of dwellings allowed to access from a cul-de-sac. The proposed amendment would also adopt standards for existing nonconforming cul-de-sacs.

BACKGROUND:

Staff is proposing a code text amendment to address issues regarding cul-de-sacs and nonconforming roads that lack a second access. Recently, the City has received applications that has required decisions to be made about overall cul-de-sac length, extending already non-conforming cul-de-sacs, and development along City streets that are over 500' without a second access. The City's regulations for cul-de-sacs are not in the Land Use Title but are found in the City's Standard Specifications and Drawings which has allowed the City some flexibility. The issues of cul-de-sac length is becoming more frequent and staff feels that a code should be added to our land use title. The proposed code will make it clear what the standards are which will save staff time and land owner's time and it will leave the City on safer ground legally. Adding a code to Title 16 will make exceptions possible only through the granting of a variance which has strict standards.

There are two main issues.

1. The maximum length of a cul-de-sac and the number of units that should be allowed on one access.
2. How to manage proposed development on existing public roads that have one access and are over 500' in length, some close to a mile in length.

Therefore, the following code is proposed:

Section 16.13.44

B. Cul-de-sac unit density. *Cul-de-sacs may have up to a maximum of 11 dwellings, regardless of length or not exceed 500' in length with density that complies with the zoning code. Lots on cul-de-sacs greater than 500' in length must be deed restricted and noted on the plat so they can never be further subdivided. If the cul-de-sac ever becomes a through road then the deed restrictions and the plat note may be removed through the plat amendment process.*

C. Existing non-conforming roads exceeding 500' lacking a second point of access. *Property fronting any existing public road that exceeds 500' in length may be further subdivided as long as the proposal complies with the zoning code. If an existing public road has only one access, no new roads may be connected to the existing nonconforming road.*

Staff is proposing the 500' maximum length of a cul-de-sac is eliminated and the number of units on the cul-de-sac is established at 11. The number of units being established at 11 is calculated from the amount of homes that are allowed on a 500' cul-de-sac with 100' frontages. By eliminating the 500' length, the City is promoting larger lots and open space, as described in the General Plan. The City would require that all lots in development with a cul-de-sac that is over 500' in length are deed restricted, similar to the Rural Preservation Subdivision Code. There would also be a note on the plat informing the lot owners that the properties could not be subdivided. The only way to remove the plat note and possibly the deed restrictions would be through a plat amendment. That could only happen if the road changed from a cul-de-sac to a through road.

Regarding existing public streets that are nonconforming because they exceed 500' in length, the City would allow properties with existing frontage to subdivide but no new roads could be built without a second access. The proposed code would not allow a long, single access road to become more nonconforming but would allow property owners to use their existing frontage to subdivide. Legally, this is a sound code in the fact that the argument of a taking could not be made because the property would have development potential.

Staff feels that adopting the preceding two sections of code will make the rules clear and will clear up some issues that will continue unless a solution is found for these issues.

The following is information regarding cul-de-sac length that was prepared by staff for a previous Planning Commission meeting:

Currently Midway has a cul-de-sac limit of 500'. Heber City extended their limit to 800'. Wasatch County and the Fire District have a limitation of 1300'. Sources in literature vary widely in their recommendations for maximum cul-de-sac length, but the reasons given for the various dimensions (such as minimizing inconvenience to delivery people) are not very convincing though they should be considered. The general wisdom, however, suggest there should be a limit to cul-de-sac length and the number of units allowed to have access on one cul-de-sac. As streets get longer, properties accessible from only one direction become more isolated and difficult to reach. Moreover, the cul-de-sac ceases to be a street that provides access to a few properties but as the cul-de-sac length is increased, it becomes the access for more properties and traffic trips increase. This increase in traffic trips may even require the street be upgraded from a local street to a minor local with a different construction standard.

The book "Residential Streets", Second Edition, from the American Society of Civil Engineers, National Association of Homebuilders and the Urban Land Institute states the following on pages 54 & 55:

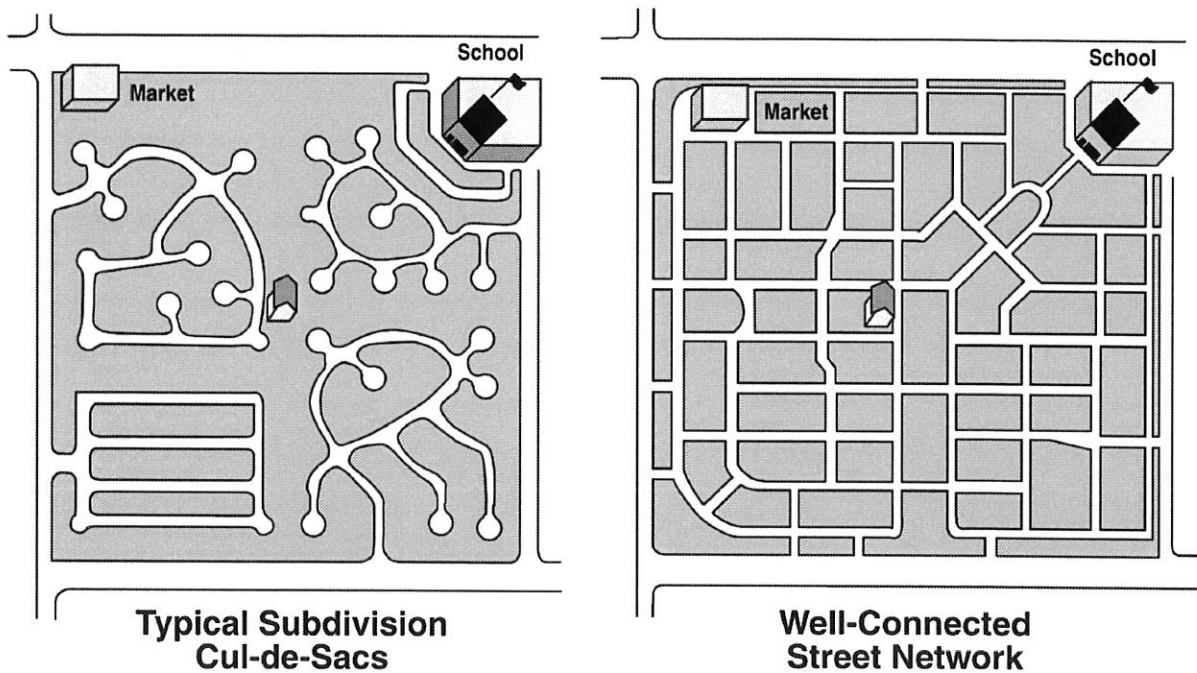
In general, traffic, volume and the number of housing units should be the factors that determine cul-de-sac length. A street with houses on 100-foot-wide lots can function well for a greater length than a street with 50-foot lots. For 100-foot-wide house lots, a street of 20 houses would result in a 1,000-foot-long street. For 50-foot-wide house lots, a cul-de-sac should be restricted to a length of approximately 500 feet. Assuming that a cul-de-sac should handle no more than 200 vehicle-trips per day and that each single-family home generates up to eight or 10 vehicle-trips per day, a cul-de-sac should accommodate a maximum of 20 to 25 houses. In some circumstances, including large lots or difficult terrain, lengths longer than 1,000 feet might be appropriate.

There are benefits and disadvantages associated with extending the length limitation and in general allowing or discouraging cul-de-sacs.

- Reduced Speed - The main benefit of a cul-de-sac is reduced speed within the neighborhood though this can be accomplished on through roads through traffic calming devices such as narrower roads, trees, curved roads, and raised crosswalks.

- Reduced Traffic – The smaller number of lots on a cul-de-sac the less amount of traffic that will be produced. This is typically accomplished by limiting the length of the road thereby limiting the number of homes allowed along the road.
 - Nationally the average is 21-28 units per cul-de-sac
 - International Fire Code allows up to 30 units on a cul-de-sac
- Safety and Emergency Access – Both the Wasatch County Fire District and the Wasatch County Sheriff's Office discourage cul-de-sacs because of the limitation they create for access and circulation.
- Impacts on Traffic - With a short cul-de-sac, a driver can visually determine the dead-end road, reducing the amount of traffic within the neighborhood.
- Circulation – Cul-de-sacs greatly limit circulation. This becomes an inconvenience to residents and a major issue for emergency response. The limitation of access divides neighborhoods and forces some streets to bear the burden of higher traffic volume.
 - The general planning consensus is that cul-de-sacs should be discouraged.
 - Often when a cul-de-sac is allowed, a trail will be required from the end of the cul-de-sac to connect to another nearby cul-de-sac or street.
 - The trail provides connectivity for all residents and foot traffic.
- Water Lines - Another consideration is the length of dead-end water lines. With poor circulation waterlines often require public works to manually flush the line.
 - Dead-end lines may require up-sizing the line to provide proper fire flow.
- Impervious Surface – Cul-de-sacs can reduce the amount of impervious surface in a neighborhood which in turns reduces storm water runoff and development cost.
 - It also has the effect of reducing the urban heat island effect where a developed area has higher temperatures because those areas have more exposure to the sun.
- Road Maintenance – Snow removal on cul-de-sacs is more difficult for Public Works than on through streets.
- Addressing – Finding addresses and streets in a cul-de-sac is more difficult than with a connecting street development pattern.

- The following graphic shows examples of how a community can be developed using either a cul-de-sac development pattern or a connecting through street pattern:



- Developers always want to create cul-de-sacs because buyers prefer them and residents living on cul-de-sacs generally prefer them also.

Wasatch County currently only allows cul-de-sacs under very limited circumstances. These include the following:

- Unusual drainage
- Unusual topography
- Land ownership configurations exist which make other designs undesirable or impossible
- Where street plans for the area do not require through circulation.

POSSIBLE FINDINGS:

- The number of lots allowed on a cul-de-sac over 500' in length would be 11.
- The number of units allowed on cul-de-sacs 500' or less would be amount allowed by the zoning code.
- The proposal helps promote larger lots and open space which is a goal described in the General Plan.
- Allowing properties to develop along existing nonconforming public streets greater 500' In length will help avoid takings claims and allow property owners more flexibility.

ALTERNATIVE ACTIONS:

1. Recommendation of Approval. This action can be taken if the Planning Commission feels that the proposed language is an acceptable amendment to the City's Municipal Code.
 - a. Accept staff report
 - b. List accepted findings
2. Continuance. This action can be taken if the Planning Commission would like to continue exploring potential options for the amendment.
 - 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 feels that the proposed amendment is not an acceptable revision to the City's Municipal Code.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

Epic Engineering, agent for Michael LaBarge, is requesting final approval of a large-scale subdivision. The proposal is for a four-lot subdivision that is 4.2 acres in size. The property is located at 922 North Pine Canyon Road and is partially in the R-1-15 zone and partially in the R-1-22 zone.



PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: February 12, 2019

NAME OF PROJECT: LaBarge Subdivision

NAME OF APPLICANT: Epic Engineering

NAME OF OWNER: Michael LaBarge

AGENDA ITEM: Preliminary Approval

LOCATION OF ITEM: 922 North Pine Canyon Road

ZONING DESIGNATION: R-1-15/R-1-22

ITEM: 3

Epic Engineering, agent for Michael LaBarge, is requesting final approval of a large-scale subdivision. The proposal is for a four-lot subdivision that is 4.2 acres in size. The property is located at 922 North Pine Canyon Road and is partially in the R-1-15 zone and partially in the R-1-22 zone.

BACKGROUND:

This request is for final approval of a large-scale subdivision on 4.2 acres and will contain four lots. All four of the proposed lots in the subdivision will obtain frontage by extending the stub road from Swiss Farms to create a cul-de-sac in the proposed subdivision. There will be a stub built into the new road to access the Brown's parcel that could be used to connect a road to Pine Canyon Road if the parcel is developed in the future. The property is in the R-1-15 and R-1-22 zoning districts and the lots do comply with the minimum requirements of frontage, width and acreage for lots in these zones.

LAND USE SUMMARY:

- 4.2-acre parcel
- R-1-15 & R-1-22 zoning
- Proposal contains four lots
- Frontage on Pine Canyon Road and Swiss Farm Way
- The lots will connect to the Midway Sanitation District sewer, Midway City's culinary water line, and Midway Irrigation Company's secondary water line

ANALYSIS:

Access – Primary access for all four of the proposed lots in the subdivision will obtain frontage by extending the stub road from Swiss Farms to create a cul-de-sac in the proposed subdivision. There will be a stub built into the new road to access the Brown's parcel that could be used to connect a road to Pine Canyon Road if the parcel is developed in the future. The applicant has mentioned to staff the ability to access Pine Canyon Road from the back of lot 1. City Council will need to specifically grant access for the lot owner to have this ability since the road is classified as a collector with limited access.

Density – The proposed density of the subdivision is less than the maximum amount allowed by the zoning. It appears that the maximum density of the property could be as great as eight lots. The developer is proposing a density of four which will help retain a more open feel for the area.

Swiss Farm Way cul-de-sac – The developer will construct a cul-de-sac on the stub road of Swiss Farm Way on the west side of Swiss Farm Subdivision. The cul-de-sac may be temporary if the Brown's parcel (OMI-0230-0-027-034) is developed and the cul-de-sac becomes part of a through road to Pine Canyon Road. A note should be included on the plat that explains this possibility of the road connection from Swiss Farm Subdivision to Pine Canyon Road. In order to build the cul-de-sac, the developer must obtain property from Larry Brown, property owner to the south. This property must be deeded to the City before the recording of the subdivision plat. Mr. Brown has agreed to deeding the property for the proposed road.

The proposed cul-de-sac length will be greater than the 500' standard as described in the City's construction standards. The current cul-de-sac in Swiss Farms is nonconforming and is about 750' in length. The proposed cul-de-sac would extend the length to 1,000'. Staff has discussed this issue with the applicant and a potential solution has been developed that would allow support for the proposal if two conditions are met:

1. A stub is built into the cul-de-sac that would allow a future connecting road to Pine Canyon Road through the Brown property if that property is ever developed. This is similar to the current situation where there is a stub road exiting Swiss Farms into the LaBarge and Brown properties.
2. Lot 1 is deed restricted so that it can never be further subdivided. Without the deed restriction, Lot 1 could be divided easily into four lots and possibly five lots. With a higher density, the proposed cul-de-sac should be a through road from Swiss Farms to Pine Canyon through the proposed subdivision. Because of the proposed lower density, with accompanying deed restriction, staff feels the current proposal should be considered. The proposed design will help keep an open feel and rural atmosphere along Pine Canyon Road and is also the description of Midway found in the General Plan.

Water Connection – The lot will connect to the City’s water line located under Pine Canyon Road.

Sewer Connection – The lot will connect to Midway Sanitations District’s line located in the area.

Secondary Water Connection – The lots will connect to Midway Irrigation Company’s secondary which is already servicing the property. A lateral will be created for all four lots. Secondary water meters are also required for each lot.

Midway Irrigation Company Easement – Midway Irrigation Company has a prescriptive easement, in which, a buried irrigation pipe that runs along the southern boundary of the property. This easement must be noted on the plat to protect the pipeline from encroachments and to grant access for maintenance. Midway Irrigation Company also owns a ditch along the west side of the property that runs parallel Pine Canyon Road. They are also asking for an easement along the ditch. Both easements should be 16’ 6” from the center line of the ditch and pipe on both sides for the areas of the easement that fall within the boundaries of the plat.

Wetlands – A wetlands study prepared by Wise Earth was submitted to the City that states “There are not wetlands or waterways on site.” This study is dated April 2018. The City has a copy of a December 18, 2006 study that is also from Wise Earth that showed the clear majority of the property as wetlands. The recent study explains that because of development in the area and the change from flood irrigation to pressurized irrigation has changed the site from wetlands to drier lands. The City has received a letter from the US Army Corps of Engineers that has approved the most recent wetlands study (please see attached).

Pine Canyon Road large-scale subdivision setback – The required setback on Pine Canyon Road for a small-scale subdivision is 100’ for all structures. The plat will note the 100’ setback requirement.

Pine Canyon Road Bike Lane – The master trail plan shows an attached 8' attached asphalt bike trail along Pine Canyon Road. 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 to complete the bike lane along the entirety of Pine Canyon Road.

WATER BOARD RECOMMENDATION:

The Water Board has recommended that 12.53 acre-feet of water are required for the proposed subdivision. They are also requesting that all easements, as previously described, and secondary water meters are installed for the four lots.

CITY COUNCIL PRELIMINARY APPROVAL:

Motion: Council Member Simonsen moved to grant preliminary approval for the LaBarge Subdivision, located at 922 North Pine Canyon Road, with the mixed zoning of R-1-15 and R-1- 22 with the following findings and conditions:

- An agreement had been completed between the developer and Larry Brown so that the property could be deeded to the City for the road to connect.
- Lot 1 would be deed restricted so that it could not be further subdivided.
- The two irrigation easements would be included on the plat map.
- Lot 1 would have a 100-foot setback from Pine Canyon Road recorded on the plat map.
- The developer would contribute to a fund for a bike lane along Pine Canyon Road.
- All water would be turned over to the City as recommended by the Midway Water Advisory Board.
- The City would prefer that in the future road continue to Pine Canyon to improve traffic flow.
- The subdivision met the goals of the General Plan to lower density and maintain a rural atmosphere.
- The 500-foot cul-de-sac limit was important but there should be some flexibility from situation to situation. There was also the possibility of a through road through the subdivision. This was consistent with a lot split proposed for 780 East, which was on a cul-de-sac longer than 500 feet, because it also had a stub road.
- The owner of lot 1 would landscape and maintain the park strip along the south side of the road from lot 1 to the boundary of the Swiss Farms Subdivision until the Brown parcel was developed.

Second: Council Member Christen seconded the motion.

Discussion: None

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

Council Member Christen Aye

Council Member Drury Aye

Council Member Probst Nay

Council Member Simonsen Aye

POSSIBLE FINDINGS:

- The proposed lots meet the minimum requirements for the R-1-15 and R-1-22 zoning districts
- The proposal does meet the intent of the General Plan for the R-1-15 and R-1-22 zoning districts
- The subdivision will contribute to the master trails plan by either building the bike lane 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. Recommendation of Approval (conditional). This action can be taken if the Planning Commission feels 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 Planning Commission feels 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 Planning Commission feels 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 property owned by Larry Brown is deeded to the City before the plat is recorded.
2. Funds to build the bike lane along Pine Canyon Road are added to the general trails fund. Those funds will be used as part of a larger improvement project that will complete the bike lane along the entirety of Pine Canyon Road.
3. A stub from the proposed cul-de-sac is built to access the Brown property to the south that will be used for agricultural access, and if the property is developed in the future, for a road connection to Pine Canyon Road.
4. A deed restriction is recorded on lot 1 that in perpetuity restricts the lot from being further subdivided and note is included on the plat that explains this limitation for lot 1.
5. The owner of lot 1 will landscape and maintain the park strip along the south side of the road from lot 1 to the boundary of the Swiss Farms subdivision until the Brown parcel is developed.
6. Two Midway Irrigation Company easements would be included on the plat map as described in the staff report.
7. 100' setback is shown on the plat parallel Pine Canyon Road.
8. All water would be turned over to the City as recommended by the Midway Water Advisory Board.

February 12, 2019

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

Subject: **LaBarge Subdivision – Final Review**

Dear Michael:

Horrocks Engineers recently reviewed the Submitted Plan for the LaBarge Subdivision. The following issues should be addressed with Final Approval.

General Comments

- The subdivision is located at 922 North Pine Canyon Road. The development consists of four lots. The proposed development will connect to an existing road within the Swiss Farm Subdivision. The Swiss Farm Subdivision was plated in 1993.
- The proposed development needs to receive Final Approval from the Midway Sanitation District prior to Final Approval from the City Council.

Water

- An 8-inch water line will provide water to the subdivision. This water line will connect to the existing 8-inch water line within the Swiss Farm Subdivision.

Roads

- The subdivision is proposing to install a cul-de-sac connecting to the Swiss Farm Way stub road. To allow for future connectivity a road is stubbed to the South.
- This subdivision is proposing to use the flat concrete ribbon curb matching the existing ribbon curb within the Swiss Farm Subdivision. Approval for the use of this cross-section must be **approved by the Planning Commission and the City Council.**
- A 5' sidewalk will be installed around the cul-de-sac and on each side of the proposed road, with a 5' park strip. Lot 1 should be responsible to provide maintenance to the south park strip until the property to the South is developed.
- The road within this subdivision will be a public road.

Trails:

- No trails are planned for the proposed subdivision. However, the developer will contribute the Cities Trail Fund the cost of installing a 5' attached bike lane. This cost should be established and paid to the City prior to the plat recording.

Storm Drain

- The public storm drain system meets the City Standards.

Please feel free to call our office with any questions.

Sincerely,
HORROCKS ENGINEERS


Wesley Johnson, P.E.
City Engineer

cc: Epic Engineering





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

July 5, 2018

Regulatory Division (SPK-2017-00305)

Mr. Michael LaBarge
12532 Carmel Way
Santa Ana, California 92705

Dear Mr. LaBarge:

We are responding to your May 9, 2018 request for an approved jurisdictional determination for the Pine Canyon Road site. The approximately 4.37-acre project site is located at 922 Pine Canyon Road, Latitude 40.527°, Longitude -111.478°, Midway, Wasatch County, Utah (enclosure 1).

Based on available information, we concur with your aquatic resources delineation for the site, as depicted on the enclosed May 7, 2018 "Wetlands and Waters-LaBarge Property" drawing, prepared by Wise Earth Concepts, Inc. (enclosure 2). The site consists entirely of uplands and there are no aquatic resources present within the survey area. Therefore, the entire 4.37-acre property is not currently regulated by the U.S. Army Corps of Engineers. This disclaimer of jurisdiction is only for Section 404 of the Federal Clean Water Act. We are enclosing a copy of the *Approved Jurisdictional Determination Form* for your site (enclosure 3).

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

A Notification of Appeal Process (NAP) and Request for Appeal (RFA) Form is enclosed (enclosure 4). 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-PDO, 1455 Market Street, 2052B, San Francisco, California 94103-1399, Telephone: 415-503-6574, FAX: 415-503-6646.

In order for an RFA to be accepted by the Corps, we must determine that the form is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that the form was received by the Division Office within 60 days of the date of the NAP. It is not necessary to submit an RFA form to the Division Office unless you object to the determination in this letter.

We recommend that you 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 approved jurisdictional determination has been conducted to identify the limits of aquatic resources subject to U.S. Army Corps of Engineers jurisdiction under Section 404 of the Clean Water Act for the particular site identified in this request.

We appreciate feedback, especially about interaction with our staff and our processes. For program information or to complete our Customer Survey, visit our website at www.spk.usace.army.mil/Missions/Regulatory.aspx.

Please refer to identification number SPK-2017-00305 in any correspondence concerning this project. If you have any questions, please contact Michael Pectol at the Bountiful Regulatory Office, 533 West 2600 South, Suite 150, Bountiful, Utah 84010, by email at Michael.A.Pectol@usace.army.mil, or telephone at (801) 295-8380, ext. 8315.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matt Wilson", with a long horizontal flourish extending to the right.

Matt Wilson
Senior Project Manager
Nevada-Utah Section

Enclosures

cc:

Harriet Natter, Wise Earth Concepts, Inc. (wisearth@msn.com)

Summit Engineering Group, agent for Devco Homes, is requesting preliminary approval of a large-scale subdivision. The proposal is for a 16-lot subdivision that is 10.03 acres in size. The property is located at 800 East Main Street and is in the R-1-15 zone.



PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: February 12, 2019

NAME OF PROJECT: Hidden Haven Subdivision

NAME OF APPLICANT: Devco Homes

NAME OF OWNER: Spratling Limited LP

AGENDA ITEM: Preliminary Approval

LOCATION OF ITEM: 800 East Main

ZONING DESIGNATION: R-1-15

ITEM: 4

Summit Engineering Group, agent for Devco Homes, is requesting preliminary approval of a large-scale subdivision. The proposal is for a 16-lot subdivision that is 10.03 acres in size. The property is located at 800 East Main Street and is in the R-1-15 zone.

BACKGROUND:

This request is for preliminary approval of a large-scale subdivision on 10.03 acres and will contain 16 lots. All the proposed lots would obtain frontage from a new cul-de-sac and stub road that would be built in the subdivision. The property is unique in the fact that a pond covers about two acres. The area of the pond will be used as part of the required open space. There is an existing dwelling on the property that will be demolished if the subdivision is approved. The proposed plan includes a private park that will be maintained and owned, in common, by the property owners of the subdivision. The private park includes a tot lot, pavilion, boardwalk, fishing pier, benches and landscaping. The property is in the R-1-15 zoning district and the lots do comply with the minimum requirements of frontage, width and acreage for lots in these zones.

LAND USE SUMMARY:

- 10.03-acre parcel
- R-1-15 zone
- Proposal contains 16 lots
- 2.51 acres of open space
 - Allows frontage and acreage to reduce by 10%
- Frontage on a new cul-de-sac to be built in the subdivision
- The lots will connect to the Midway Sanitation District sewer, Midway City's culinary water line, and Midway Irrigation Company's secondary water line

ANALYSIS:

Access – Access for all the proposed lots in the subdivision will obtain frontage from a new cul-de-sac that that will be built in the subdivision. There is a proposed stub road that will create two corner lots. The new roads will be public roads that will be owned and maintained by the City

Density – The proposed density of the subdivision appears to be the maximum allowed based on the shape and special features contained on the property, such as, the pond.

Proportional reduction of frontage – All the proposed lots have an allowed reduction of frontage. The frontage reduction is based on the percentage of open space provided. Lot frontage and acreage may be reduced by the percent of open space provided over the 15% required. In this case the developer is providing 25.1% which allows for a frontage reduction of 10'. Therefore, all lots in the subdivision have a 90' minimum frontage requirement.

Cul-de-sac length – The length of the proposed cul-de-sac will be greater than the 500' limit that is found in the City construction standards manual. The proposed length is about 800'. The developer has included a stub road to the Hylton Haueter property to the west where a future roadway may be built. Once the Haueter property is developed, the stub road will connect and the cul-de-sac in the subdivision will be less than the 500' limit. This is similar, in some respects, to other temporary cul-de-sacs that have been approved such as Sunflower Lane, Farm Springs Lane, 300 East in the Deer Creek Estates, and the cul-de-sac in the LaBarge subdivision, to name some examples. For this plan to work, an agreement must be reached with Hylton

Haueter in which he agrees to connect to the proposed stub road once he develops his property.

Water Connection – The lots will connect to the City’s water line located under Main Street.

Sewer Connection – The lot will connect to Midway Sanitations District’s line located in the area.

Secondary Water Connection – The lots will connect to Midway Irrigation Company’s secondary which is already servicing the property. A lateral will be created for all lots. Secondary water meters are also required for each lot.

Midway Irrigation Company Easement – Midway Irrigation Company has a prescriptive easement for the ditch the runs along the northwest area of the proposed development. The ditch runs through the property and enters the pond. The developer is working with the Irrigation to reroute the ditch and possibly pipe the ditch. An easement will need to be included on the plat wherever the final route of the ditch is located.

Sensitive Lands – As mentioned earlier in the report, a pond covers just less than two acres of the property. There does not appear to be any other sensitive lands on the property.

Geotechnical Report – The developer has submitted a geotechnical report to the City which arrived at the following conclusions:

1. Up to two feet of topsoil on the surface of the site, which will require removal beneath structures;
2. Tufa (pot rock) encountered at depths of 1.5 to 6 feet below the surface;
3. Groundwater not encountered;
4. Foundations and floor slabs may be place on suitable, undisturbed natural sand soils or on property placed and compacted structural fill extending to suitable, undisturbed natural sand soils or Tufa rock.

Stub road services and turnaround – All lots in the proposal have frontage on the cul-de-sac and can be accessed from that road. Two lots in the subdivision will be corner lots and will have access on the stub road. The City will not require a temporary turnaround on the stub road because the two corner lots have access on the cul-de-sac. Because the stub road will not have a turnaround and because there is access in the cul-de-sac the City will not provide services on the stub road which includes snow plowing and garbage receptacle service. The owners of lots 10 and 11 will need place their trash receptacles at the curb on the cul-de-sac. If a future owner wishes to place a driveway and access from the stub road it will be the lots owner’s responsibility to plow the stub road until the stub becomes a through road when the property to the west is developed. A note on the plat will be required which will state the following:

Until such time as (name of the stub road) extends to the west, Midway City and Wasatch County will not provide any services including snow removal and garbage pickup to the section of said street between 800 East and the west boundary of this plat. If the future homes on lots 10 and 11 front on (name of stub road), those property owners will be responsible for their own snow removal and trash receptacles will need to be placed on 800 East to facilitate pickup.

Many times, when people purchase property in a subdivision that has a stub road, they feel that they are purchasing property on a cul-de-sac that will never be extended to the next property even though the pavement is to the property line. This becomes an interesting discussion in future years when the property next to the stub road is pursuing approvals and the people that have purchased in the subdivision with the stub road oppose the connection claiming they understood they had purchased a lot in a subdivision that would never connect to another subdivision. Staff is proposing that a sign is placed at the end of the stub road that clearly states the stub road will connect to the next property when that property is developed. Staff has found that other cities have this policy and feel that it should help people understand neighborhood connectivity will happen as properties develop. The Midway City General Plan promotes neighborhood connectivity for several reasons and states the following:

Neighborhood connectivity is important for local traffic and for emergency response and should be considered for all new development. Neighborhood connectivity will allow local traffic to use local streets and through traffic to use the collector roads which will allow traffic to be the safest and most efficient.

Common area and private amenities – The proposal includes a landscape plan with amenities. The amenities include a tot lot, pavilion, boardwalk with fishing pier, benches, landscaping, and entry feature. A Homeowners' Association is required for maintenance of the open space and amenities. All landscaping and amenities will need to be included in the construction bond (if needed) and warranty bond.

WATER BOARD RECOMMENDATION:

This item is scheduled to be heard by the Water Board on March 4, 2019.

POSSIBLE FINDINGS:

- The proposed lots meet 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 proposal does exceed the maximum street length of 500' but does include a stub road that will allow for future connectivity.

ALTERNATIVE ACTIONS:

1. Recommendation of Approval (conditional). This action can be taken if the Planning Commission feels 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 Planning Commission feels 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 feels 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. A sign is required at the end of the stub road noticing future property owners that the road will continue to the next property and a note is included on the plat to the same effect.
2. Draft codes covenants and restrictions is submitted with the application for final approval that will form the HOA and have a maintenance plan for the common area and amenities.
3. The developer will work with the post office to find a location, out of the sight visibility triangle, for the Cluster Box Unit that will service the subdivision and submit that plan with the application for final approval.

4. An agreement must be reached with Hylton Haueter in which he agrees to connect to the proposed stub road once he develops his property.

728 West 100 South
Heber, UT 84032
www.horrocks.com



Heber Office
Tel: 435.654.2226
Fax: 435.657.1160

February 12, 2019

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

Subject: **Hidden Haven Subdivision – Preliminary Review**

Dear Michael:

Horrocks Engineers recently reviewed the Submitted Plan for the Hidden Haven Subdivision. The following issues should be addressed.

General Comments

- The subdivision is located at approximately 800 East, East Main Street. The proposed development consists of sixteen lots.
- A geotechnical report should be submitted.

Water

- An 8-inch water line will provide water to the subdivision. This water line will connect to the existing 8-inch water line within East Main Street.

Roads

- The subdivision is proposing to install a cul-de-sac that exceeds the Construction Standard Limits of 500'. However, within the cul-de-sac is a road stubbed Haueter property, providing a second point of access. Prior to approval an agreement should be recorded indicating the Haueter's intent to extend the road in the future to a through road.
- The plat should have a note indicating no public services will be provided on the stub road until it is extended and connected to a through road.
- The roadway cross-section within the proposed subdivision should provide the standard roadway cross-section with a 56' right-of-way. This cross-section should have a 5' sidewalk, a 5' park strip, with the standard modified curb & gutter.
- The road within this subdivision will be a public road.

Trails:

- No trails are planned for the proposed subdivision, however, sidewalks will be installed.

Storm Drain

- Final plans will show the design of the public storm drain system.

Please feel free to call our office with any questions.

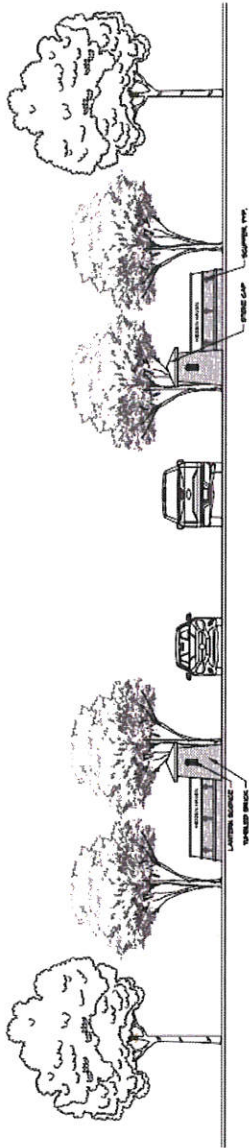
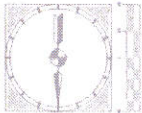
Sincerely,
HORROCKS ENGINEERS

A handwritten signature in blue ink, appearing to read "Wesley Johnson".

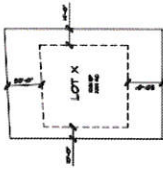
Wesley Johnson, P.E.
City Engineer

cc: Summit Engineering Group





POSSIBLE ENTRY



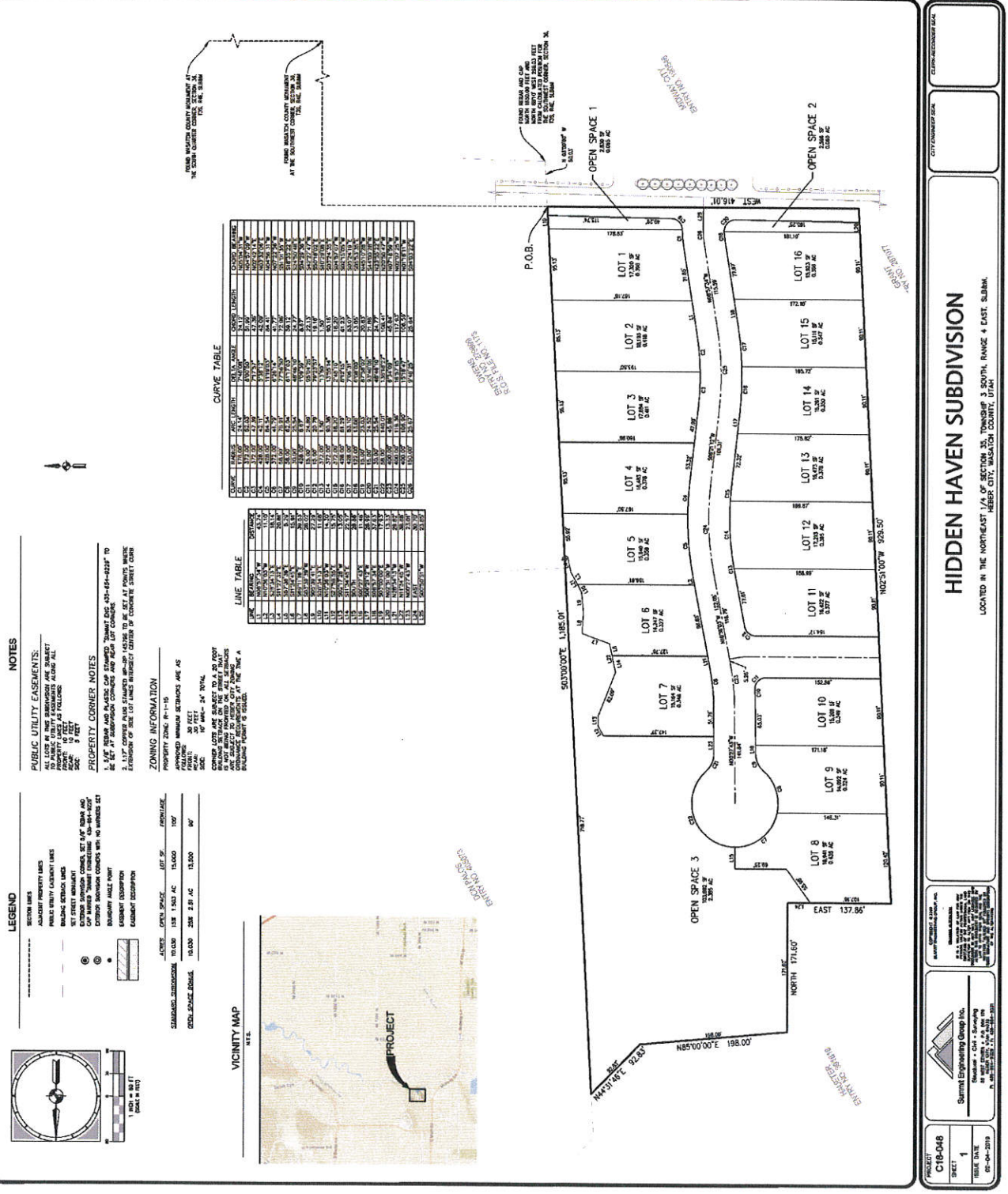
THESE SETBACKS ARE BASED ON THE ASSUMPTION THAT THE LOT IS A RECTANGLE. IF THE LOT IS AN IRREGULAR SHAPE, THE SETBACKS MAY VARY. THE SETBACKS ARE BASED ON THE ASSUMPTION THAT THE LOT IS A RECTANGLE. IF THE LOT IS AN IRREGULAR SHAPE, THE SETBACKS MAY VARY. THE SETBACKS ARE BASED ON THE ASSUMPTION THAT THE LOT IS A RECTANGLE. IF THE LOT IS AN IRREGULAR SHAPE, THE SETBACKS MAY VARY.

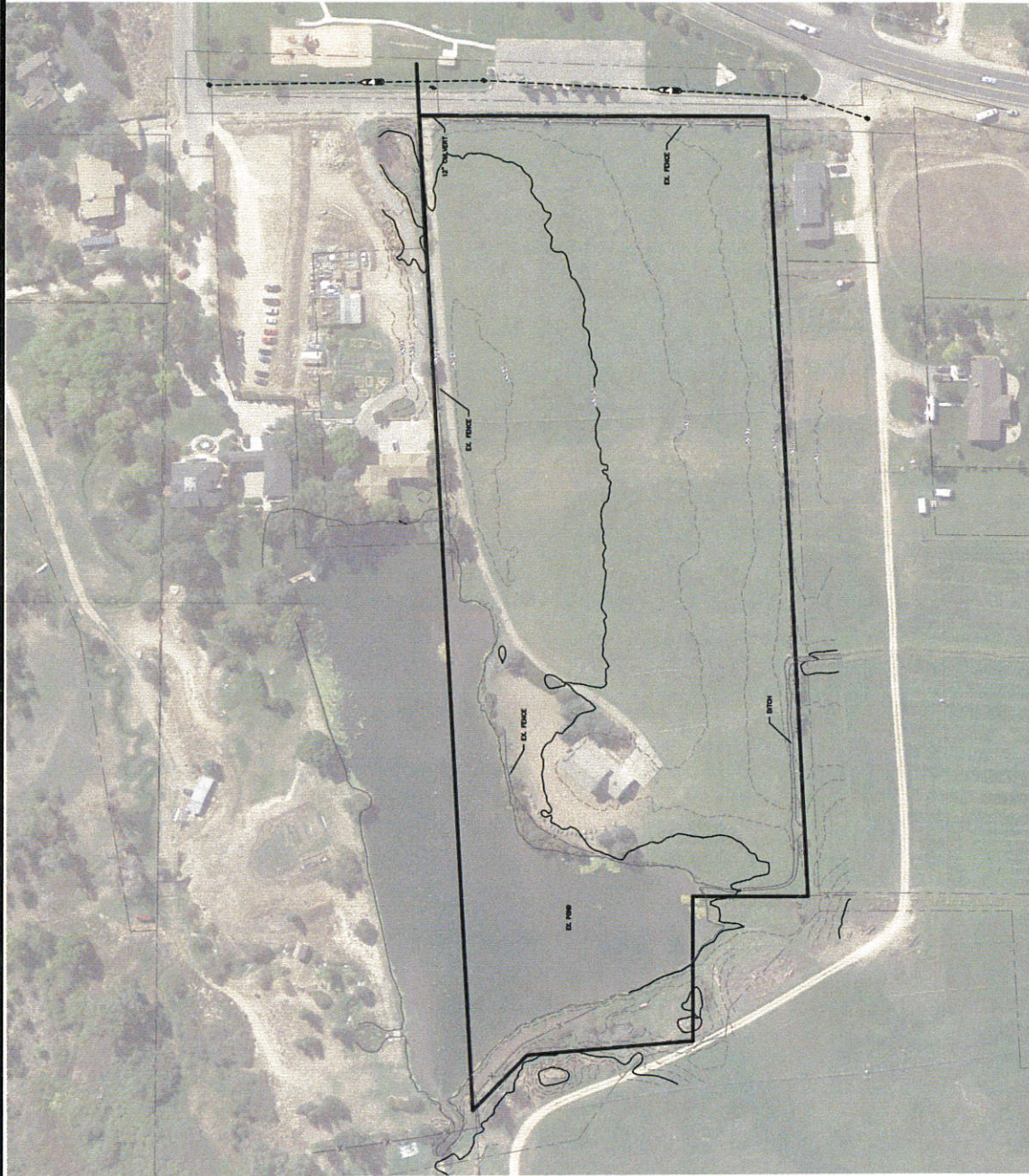
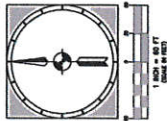
TYPICAL LOT SETBACKS



PRELIMINARY PLAT/LANDSCAPE PLAN	
PROJECT: DEVCO HOMES C18-048	PREPARED FOR: DEVCO HOMES C18-048
SHEET: 3	HIDDEN HAVEN
LICENSED PROFESSIONAL ENGINEER SUMMIT ENGINEERING GROUP INC. 1000 N. 1000 E. SUITE 100 OGDEN, UT 84403 (801) 466-1111 www.summitengr.com	
SCALE: 1" = 40' DATE: 04/20/2018	
COUNTY: WASATCH COUNTY, UTAH	

BOUNDARY DESCRIPTION
BASIS OF BEARINGS
SURVEYOR'S CERTIFICATE
OWNERS DEDICATION
ACKNOWLEDGEMENT
ACCEPTANCE BY MIDWAY CITY
MIDWAY SANITATION DISTRICT
MIDWAY IRRIGATION COMPANY
WASATCH COUNTY SURVEYOR
WASATCH COUNTY RECORDER





SYMBOL	CONSTRUCTION	REMARKS
	200' WIDE RIGHT OF WAY	05
	100' WIDE RIGHT OF WAY	05
	50' WIDE RIGHT OF WAY	05
	25' WIDE RIGHT OF WAY	05
	12.5' WIDE RIGHT OF WAY	05
	6.25' WIDE RIGHT OF WAY	05
	3.125' WIDE RIGHT OF WAY	05
	1.5625' WIDE RIGHT OF WAY	05
	0.78125' WIDE RIGHT OF WAY	05
	0.390625' WIDE RIGHT OF WAY	05
	0.1953125' WIDE RIGHT OF WAY	05
	0.09765625' WIDE RIGHT OF WAY	05
	0.048828125' WIDE RIGHT OF WAY	05
	0.0244140625' WIDE RIGHT OF WAY	05
	0.01220703125' WIDE RIGHT OF WAY	05
	0.006103515625' WIDE RIGHT OF WAY	05
	0.0030517578125' WIDE RIGHT OF WAY	05
	0.00152587890625' WIDE RIGHT OF WAY	05
	0.000762939453125' WIDE RIGHT OF WAY	05
	0.0003814697265625' WIDE RIGHT OF WAY	05
	0.00019073486328125' WIDE RIGHT OF WAY	05
	0.000095367431640625' WIDE RIGHT OF WAY	05
	0.0000476837158203125' WIDE RIGHT OF WAY	05
	0.00002384185791015625' WIDE RIGHT OF WAY	05
	0.000011920928955078125' WIDE RIGHT OF WAY	05
	0.0000059604644775390625' WIDE RIGHT OF WAY	05
	0.00000298023223876953125' WIDE RIGHT OF WAY	05
	0.000001490116119384765625' WIDE RIGHT OF WAY	05
	0.0000007450580596923828125' WIDE RIGHT OF WAY	05
	0.00000037252902984619140625' WIDE RIGHT OF WAY	05
	0.000000186264514923095703125' WIDE RIGHT OF WAY	05
	0.0000000931322574615478515625' WIDE RIGHT OF WAY	05
	0.00000004656612873077392578125' WIDE RIGHT OF WAY	05
	0.000000023283064365386962890625' WIDE RIGHT OF WAY	05
	0.0000000116415321826934814453125' WIDE RIGHT OF WAY	05
	0.00000000582076609134674072265625' WIDE RIGHT OF WAY	05
	0.000000002910383045673370361328125' WIDE RIGHT OF WAY	05
	0.0000000014551915228366851806640625' WIDE RIGHT OF WAY	05
	0.00000000072759576141834259033203125' WIDE RIGHT OF WAY	05
	0.000000000363797880709171295166015625' WIDE RIGHT OF WAY	05
	0.0000000001818989403545856475830078125' WIDE RIGHT OF WAY	05
	0.00000000009094947017729282379150390625' WIDE RIGHT OF WAY	05
	0.000000000045474735088646411895751953125' WIDE RIGHT OF WAY	05
	0.0000000000227373675443232059478759765625' WIDE RIGHT OF WAY	05
	0.00000000001136868377216160297393798828125' WIDE RIGHT OF WAY	05
	0.000000000005684341886080801486968994140625' WIDE RIGHT OF WAY	05
	0.000000000002842170943040400743484497072265625' WIDE RIGHT OF WAY	05
	0.0000000000014210854715202003717422485361328125' WIDE RIGHT OF WAY	05
	0.00000000000071054273576010018587112426806640625' WIDE RIGHT OF WAY	05
	0.000000000000355271367880050092935562134033203125' WIDE RIGHT OF WAY	05
	0.0000000000001776356839400250464677810670166015625' WIDE RIGHT OF WAY	05
	0.00000000000008881784197001252323389053350830078125' WIDE RIGHT OF WAY	05
	0.000000000000044408920985006261616945266754150390625' WIDE RIGHT OF WAY	05
	0.0000000000000222044604925031308084726333770798828125' WIDE RIGHT OF WAY	05
	0.0000000000000111022302462515654042363166887994140625' WIDE RIGHT OF WAY	05
	0.0000000000000055511151231257827021181583443997072265625' WIDE RIGHT OF WAY	05
	0.00000000000000277555756156289135105907917219985361328125' WIDE RIGHT OF WAY	05
	0.000000000000001387778780781445675529539586099926806640625' WIDE RIGHT OF WAY	05
	0.0000000000000006938893903907228377647697930499634033203125' WIDE RIGHT OF WAY	05
	0.00000000000000034694469519536141888238489652498170166015625' WIDE RIGHT OF WAY	05
	0.000000000000000173472347597680709441192448262490850830078125' WIDE RIGHT OF WAY	05
	0.0000000000000000867361737988403547205962241312454254150390625' WIDE RIGHT OF WAY	05
	0.000000000000000043368086899420177360298112065622712726806640625' WIDE RIGHT OF WAY	05
	0.0000000000000000216840434497100886801490560328113563634033203125' WIDE RIGHT OF WAY	05
	0.00000000000000001084202172485504434007452801640567818170166015625' WIDE RIGHT OF WAY	05
	0.000000000000000005421010862427522170037264008202839090850830078125' WIDE RIGHT OF WAY	05
	0.0000000000000000027105054312137610850186320041014195454254150390625' WIDE RIGHT OF WAY	05
	0.000000000000000001355252715606880542500931002050709772712726806640625' WIDE RIGHT OF WAY	05
	0.0000000000000000006776263578034402712500465501025354863634033203125' WIDE RIGHT OF WAY	05
	0.00000000000000000033881317890172013562500232750051272712726806640625' WIDE RIGHT OF WAY	05
	0.000000000000000000169406589450860067812500116375002563634033203125' WIDE RIGHT OF WAY	05
	0.000000000000000000084703294725430033906250005818750012818170166015625' WIDE RIGHT OF WAY	05
	0.000000000000000000042351647362715016953125000290937500064090850830078125' WIDE RIGHT OF WAY	05
	0.000000000000000000021175823681357508476562500014546875000320454254150390625' WIDE RIGHT OF WAY	05
	0.0000000000000000000105879118406787542382812500007273437500016022712726806640625' WIDE RIGHT OF WAY	05
	0.0000000000000000000052939559203393771191406250000363671875000080113563634033203125' WIDE RIGHT OF WAY	05
	0.00000000000000000000264697796016968855957031250001818359375000040056318170166015625' WIDE RIGHT OF WAY	05
	0.00000000000000000000132348898008484427978515625000090917968750000200281590850830078125' WIDE RIGHT OF WAY	05
	0.00000000000000000000066174449004242213989257812500004545898437500001001407954254150390625' WIDE RIGHT OF WAY	05
	0.000000000000000000000330872245021211069946289062500002272949218750000050070397726806640625' WIDE RIGHT OF WAY	05
	0.000000000000000000000165436122510605534973144531250000113647240937500000250351988634033203125' WIDE RIGHT OF WAY	05
	0.00000000000000000000008271806125530276748657226562500000568236204687500000125175994318170166015625' WIDE RIGHT OF WAY	05
	0.00000000000000000000004135903062765138374328613281250000028411810234375000000625879971590850830078125' WIDE RIGHT OF WAY	05
	0.00000000000000000000002067951531382569187164306640625000001420590511718750000003129399857954254150390625' WIDE RIGHT OF WAY	05
	0.00000000000000000000001033975765691284593582153320312500000071029525589375000000156469992897726806640625' WIDE RIGHT OF WAY	05
	0.000000000000000000000005169878828456422967910766601562500000035514762794687500000078234996448634033203125' WIDE RIGHT OF WAY	05
	0.00000000000000000000000258493941422821148395538330078125000000177573813973437500000039117498224318170166015625' WIDE RIGHT OF WAY	05
	0.000000000000000000000001292469707114105741977691650390625000000088786906986718750000019558749112190850830078125' WIDE RIGHT OF WAY	05
	0.00000000000000000000000064623485355705287098884582519531250000000443934534835937500000097793745560954254150390625' WIDE RIGHT OF WAY	05
	0.000000000000000000000000323117426778526435494422912597656250000002219672674179687500000488	