

Midway City Council  
18 June 2019  
Regular Meeting

Cozens Subdivision /  
Preliminary & Final Approval



## CITY COUNCIL MEETING STAFF REPORT

**DATE OF MEETING:** June 18, 2019

**NAME OF PROJECT:** Cozens Subdivision

**NAME OF APPLICANT:** Berg Engineering

**AGENDA ITEM:** Preliminary/Final Approval

**LOCATION OF ITEM:** 840 South Stringtown Road

**ZONING DESIGNATION:** RA-1-43

### **ITEM: 15**

Albert Cozens is requesting Preliminary/Final approval for the Cozens Subdivision. The proposal is a small-scale subdivision located on 3.72 acres and will contain one lot. The property is located at 840 South Stringtown Road and is in the RA-1-43 zone.

### **BACKGROUND:**

This request is for preliminary/final approval of a small-scale subdivision on 3.72 acres that will contain one lot. The lot proposed in the subdivision will obtain frontage along Stringtown Road. The property is located in the RA-1-43 zoning district and the lot does comply with the minimum requirements of frontage, width and acreage for a lot in this zone.

According to a chain of deeds for the property that was supplied to staff, the four parcels that will be combined into one lot with this proposal, in their current boundary descriptions, were created without complying with Wasatch County's land use requirements. The parcels were created when all four parcels were in the jurisdiction of Wasatch County before they were annexed into Midway. Because the none of the parcels

are lots of record the owner would like to record a subdivision plat to bring the property into compliance with the Midway Land Use Code.

There is currently one dwelling on the property and a relatively large detached structure. The dwelling is nonconforming to current front setback requirements but is considered legal non-conforming. The dwelling is connected to Midway's culinary water system, but it is not connected to Midway Sanitation District's sewer line because of the septic system on the property.

There are sensitive lands present on the property. Snake Creek runs through the northeast section of the property. A FEMA floodplain accompanies Snake Creek which requires a 100' setback or any structures. The submitted plans do show the floodplain with the required 100' setback.

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

- 3.72-acre parcel
- RA-1-43 zoning
- Proposal contains one lot
- Frontage Stringtown Road
- The lot will connect to the Midway City's culinary water line, and Midway Irrigation Company's secondary water line
- The dwelling will continue to be serviced by the onsite septic system until future development requires a connection to the sewer system

#### **ANALYSIS:**

*Sensitive lands* – Snake Creek runs through the property and has a FEMA floodplain associated with it. A 100' setback is required for all structures from the FEMA floodplain which will be shown on the plat limiting where future structures may be located.

*Water Connection* – The existing dwelling is connected to the City's water line located under Stringtown Road.

*Sewer Connection* – The dwelling will continue to be serviced by the onsite septic system until future development requires a connection to the sewer system.

*Secondary Water Connection* – The lot will connect to Midway Irrigation Company’s secondary water line which already services the area.

*Setbacks* – A 50’ setback is required for any structures built in the proposal. The required setback will be noted on the plat.

*Further development* – The owner has considered a two lot subdivision and a three lot subdivision on this property, which would clearly comply with the code requirements for lot in the RA-1-43 zone. In the Small Subdivision section of the code under 16.17.1: Purpose and Intent it is described that no further development should take place unless state code requires or allows the development. The code reads as follows: *Once a small subdivision has been approved by the City Council and recorded, no further subdivision of that plat will be approved by the City of Midway, except as may be required by Utah law.*

*Barn living space* – It has been brought to the attention of the City that there is an accessory living unit in the barn on the property. The City is concerned that the living space was never approved when installed and is therefore not grandfathered as a nonconforming unit. Midway City code for the RA-1-43 zone only allows one dwelling per lot and the land use code also doesn’t allow living space in accessory structures. There are two possibilities that the owner may take to alleviate the situation. The first option is that the owner prove that the unit was approved by Wasatch County (Midway City has not approved the unit since the property was annexed so the only possibility for the use being legal is if Wasatch County approved it before the property was annexed) and is therefore grandfathered as a legal nonconforming use. The second option is to remove the living space from the barn. Staff suggests that this action happen before final approval is granted or, another possibility, before the plat is recorded.

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

The Water Board has yet to review the proposal.

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

**Motion:** Commissioner Nicholas: I make a motion that we recommend and approve Preliminary/Final approval for the Cozens Subdivision. The proposal is a small-scale subdivision located on 3.72 acres and will contain one lot. The property is located at 840 South Stringtown Road and is in the RA-1-43 zone. Accept the staff report and findings.

**Second:** Commissioner O’Toole

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

**There was none**

**Chairman Kohler:** All in favor.

**Ayes:** Commissioners: Streeter, Payne, O'Toole, Nicholas, Bouwhuis (Alternates Whitney and McKeon-no vote needed)

**Nays:** None

**Motion:** Passed

**POSSIBLE FINDINGS:**

- The proposed lot meets the minimum requirements for the RA-1-43 zoning district
- The proposal does meet the intent of the General Plan for the RA-1-43 zoning district
- There is an accessory living unit in the barn that does not comply with the City code

**ALTERNATIVE ACTIONS:**

1. Approval (conditional). This action can be taken if the City Council feels 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. Continuance. This action can be taken if the City Council 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 City Council finds that the request does not comply with the ordinance.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial

**PROPOSED CONDITION:**

1. The living space in the barn is removed before final approval is granted.

May 14, 2019

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

**Subject: Cozens Subdivision, – Preliminary / Final Approval**

Dear Michael:

Horrocks Engineers recently reviewed the Cozens Subdivision plat for Preliminary and Final approval. The proposed subdivision is located at approximately 840 South Stringtown Road. The proposed subdivision consists of 1 lot. The following issues should be addressed.

**General Comments**

- The small scale subdivision is not proposing to construct any new roads or public infrastructure. If the plat is further subdivided, the existing sewer line at the intersection of Stringtown Road and Wards Lane should be extended to the North boundary of the subdivided plat.

**Water**

- The existing home is served by the existing 10" water line within Stringtown Road.

**Roads**

- No new roads are proposed within the subdivision.

**Storm Drain**

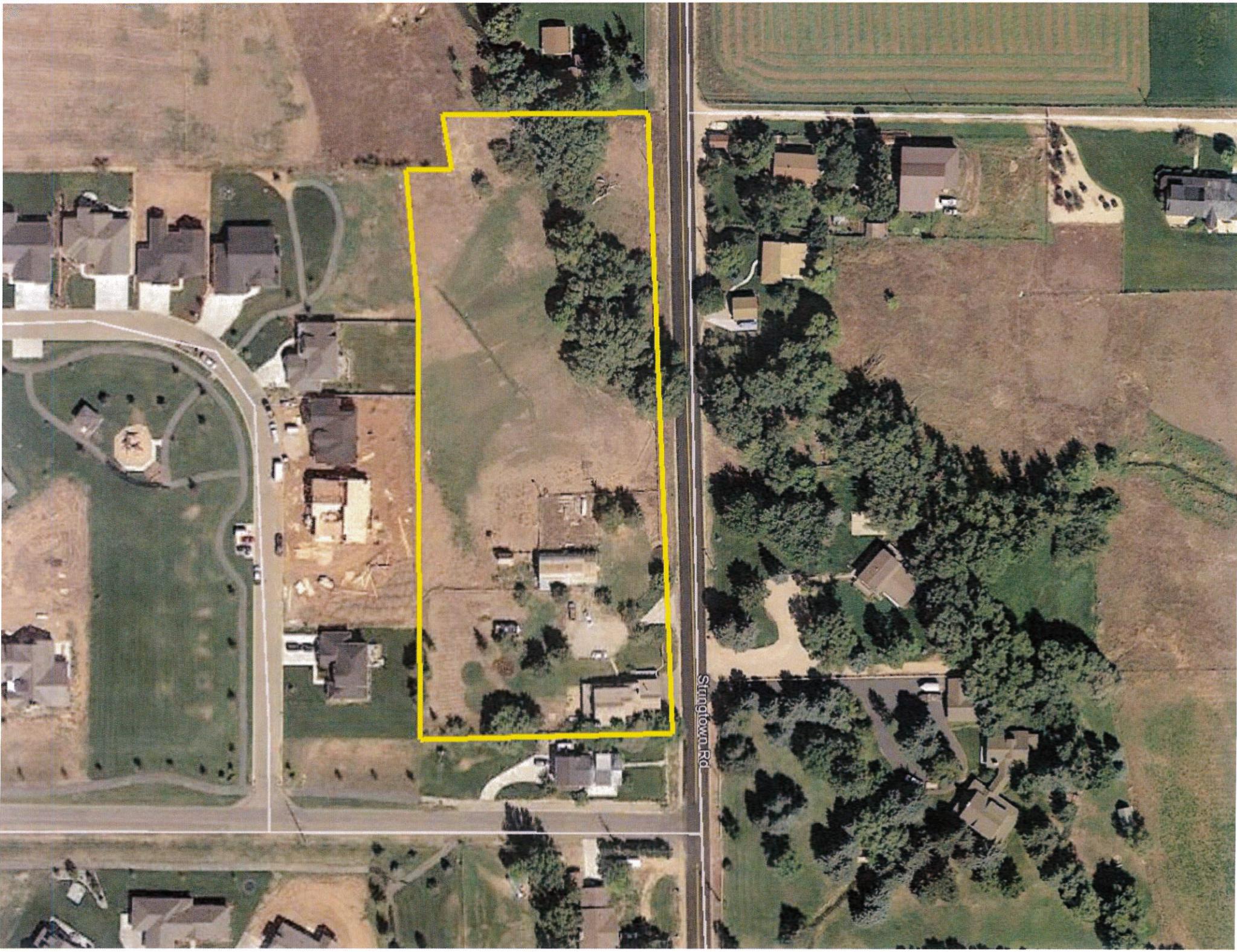
- The existing Stringtown Road shoulder will contain the storm water.

Please feel free to call our office with any questions.

Sincerely,  
HORROCKS ENGINEERS

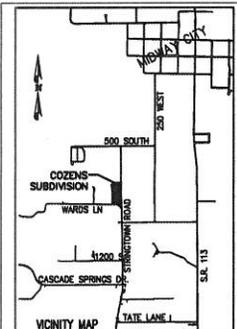


Wesley Johnson, P.E.  
Midway City Engineer

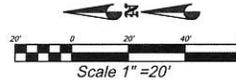


Slingdown Rd

# COZENS SUBDIVISION



LOCATED IN THE NORTHWEST AND SOUTHWEST QUARTERS OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, S34M

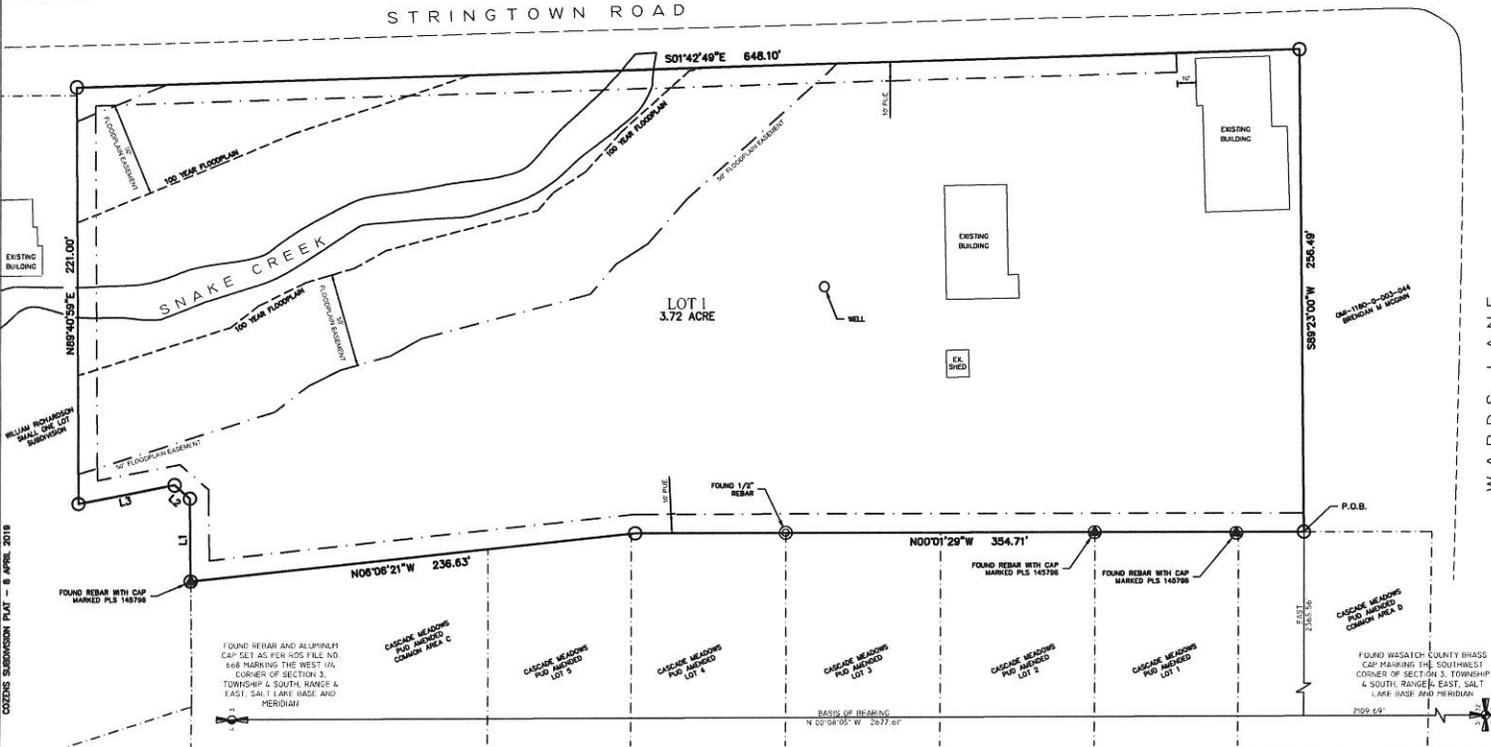
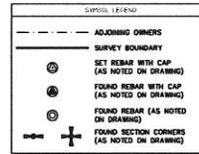


### ADDRESS TABLE

LOT	ADDRESS
1	840 S STRINGTOWN ROAD

### LINE TABLE

LINE	LENGTH	DIRECTION
L1	44.04'	N89°27'11"E
L2	10.75'	N41°08'04"E
L3	91.75'	N10°47'21"W



**SURVEYOR**  
TROY L. TAYLOR, P.L.S.  
ELEMENT LAND SURVEYING  
2249 SOUTH 270 EAST  
HEBER CITY, UTAH 84032  
PHONE: (801) 657-8748  
DATE OF SURVEY: APRIL 2019

**LEGEND**  
PUE PUBLIC UTILITY EASEMENT

DATE: \_\_\_\_\_  
MIDWAY IRRIGATION COMPANY  
DATE: \_\_\_\_\_  
MIDWAY SANITATION DISTRICT

COUNTY RECORDER

**COUNTY SURVEYOR'S CERTIFICATE**  
APPROVED AS TO FORM ON THIS DAY OF \_\_\_\_\_, 20\_\_\_\_  
ROS# \_\_\_\_\_  
COUNTY SURVEYOR

### SURVEYOR'S CERTIFICATE

IN ACCORDANCE WITH SECTION 10-96-803 OF THE UTAH CODE, I, TROY L. TAYLOR, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 684112 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT.  
I FURTHER CERTIFY THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THE PLAT IN ACCORDANCE WITH SECTION 17-23-17 OF THE UTAH CODE, AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT.

DATE: \_\_\_\_\_ SURVEYOR: (SEE SEAL BEHIND)

### BASIS OF BEARINGS

THE BASIS OF BEARING FOR THIS SURVEY IS NORTH 00°00'00" WEST FROM THE FOUND WASATCH COUNTY MONUMENT MARKING THE SOUTHWEST CORNER OF SECTION 3 TO THE FOUND REBAR WITH ALUMINUM CAP SET AS PER ROS FILE NO. 866 MARKING THE WEST 1/4 CORNER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, IN CONFORMANCE WITH THE UTAH STATE COORDINATE SYSTEM 1983 CENTRAL ZONE BEARINGS.

### BOUNDARY DESCRIPTION

BEGINNING AT A POINT ON THE EAST BOUNDARY OF THE CASCADE MEADOWS PUD AMENDED SUBDIVISION AND A FENCE POST, SAID POINT BEING LOCATED NORTH 00°00'00" WEST ALONG THE SECTION LINE 2100.49 FEET AND EAST 2365.58 FEET FROM THE WASATCH COUNTY MONUMENT MARKING THE SOUTHWEST CORNER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE ALONG THE SAID EAST LINE OF THE CASCADE MEADOWS SUBDIVISION THE FOLLOWING 2 (TWO) CALLS: NORTH 00°00'00" WEST 254.71 FEET, AND NORTH 00°00'00" WEST 226.83 FEET TO A FOUND REBAR WITH CAP MARKED PLS 145798, A FENCE LINE, AND THE SOUTH LINE OF THE WILLIAM A RICHARDSON SMALL ONE LOT SUBDIVISION; THENCE ALONG THE WILLIAM A RICHARDSON SUBDIVISION AND THE FENCE THE FOLLOWING 4 (FOUR) CALLS: NORTH 89°27'11" EAST 44.04 FEET, NORTH 41°08'04" EAST 10.75 FEET, NORTH 10°47'21" WEST 91.75 FEET, AND NORTH 89°40'59" EAST 221.00 FEET TO A FENCE LINE AND THE RIGHT-OF-WAY OF STRINGTOWN ROAD; THENCE SOUTH 01°42'49" EAST 648.10 FEET ALONG A FENCE AND A FENCE LINE EXTENDED TO A FENCE POST; THENCE SOUTH 89°23'00" WEST 256.49 FEET ALONG A FENCE LINE TO THE POINT OF BEGINNING.  
AREA = 3.72 ACRES

### OWNER'S DEDICATION

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

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_  
BY: ALBERT C COZENS

### ACKNOWLEDGMENT

STATE OF UTAH } S.S.  
COUNTY OF WASATCH }  
ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_, PERSONALLY APPEARED BEFORE ME \_\_\_\_\_ WHO DULY ACKNOWLEDGED TO ME THAT HE/SHE DID EXECUTE THE SAME IN THE CAPACITY INDICATED.  
MY COMMISSION EXPIRES \_\_\_\_\_ NOTARY PUBLIC

### ACCEPTANCE BY MIDWAY CITY

THE CITY COUNCIL OF MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH, HEREBY APPROVES THIS SUBDIVISION AND ACCEPTS THE DEDICATION OF LOTS, EASEMENTS, STREETS AND PUBLIC RIGHTS-OF-WAY HEREON SHOWN.

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_  
APPROVED \_\_\_\_\_ MAYOR ATTEST \_\_\_\_\_ CLERK-RECORDER (SEE SEAL BEHIND)  
APPROVED \_\_\_\_\_ CITY ENGINEER (SEE SEAL BEHIND) APPROVED \_\_\_\_\_ CITY ATTORNEY

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

DIRECTOR - PLANNING CHAIRMAN, PLANNING COMMISSION

### COZENS SUBDIVISION

MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH  
NORTHWEST AND SOUTHWEST QUARTERS OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, S34M

SCALE: 1" = 20' FEET

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