Midway City Council
16 July 2019
Regular Meeting

Cozens Subdivision /
Preliminary & Final Approval

CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING:	July 16, 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 or the applicant can show that the living unit was approved by Wasatch County before final approval is granted.

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

HORROCKS
ENGINEERS

Heber Office
Tel: 435.654.2226
Fax: 435.657.1160

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 1lot. 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.

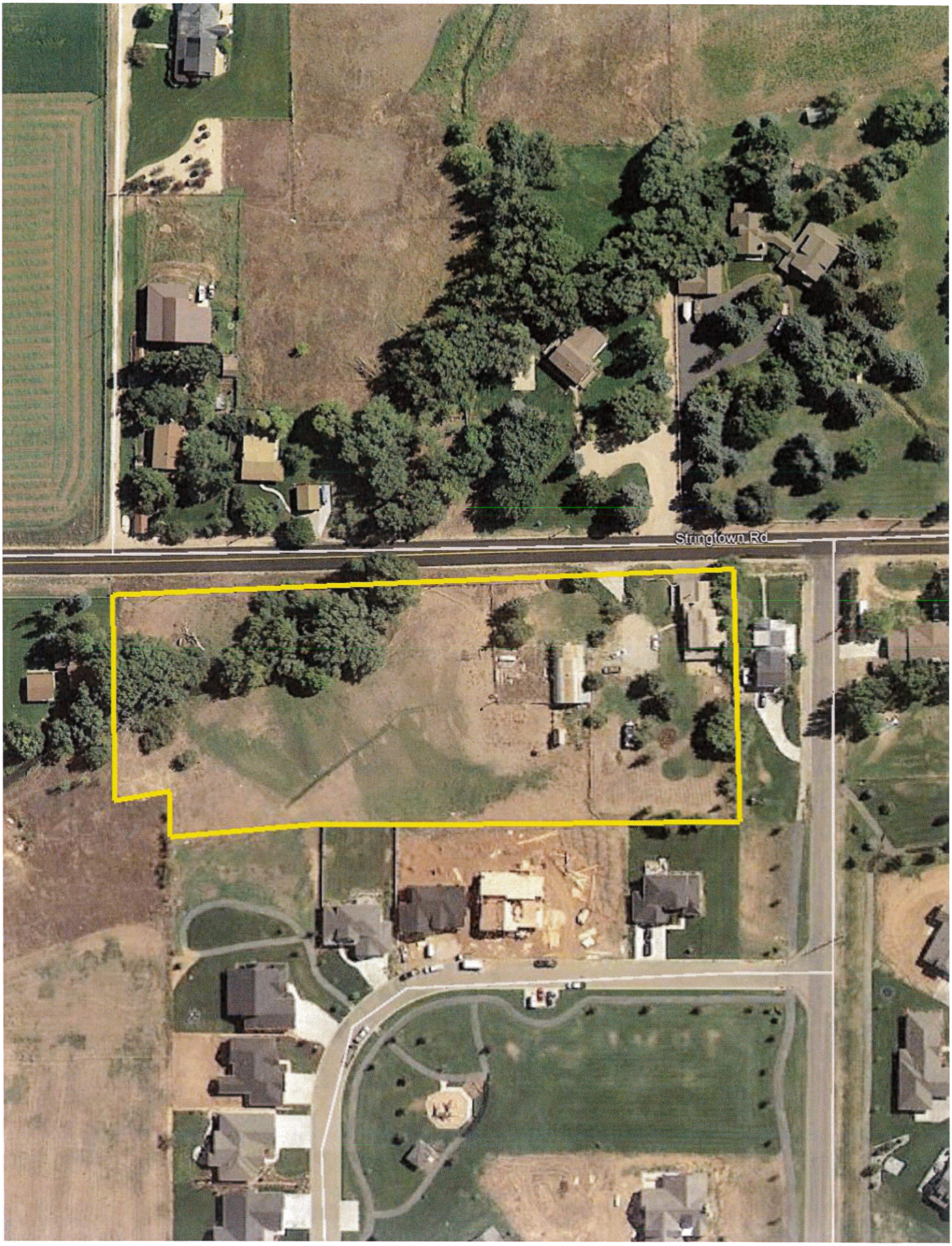
Storm Drain

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

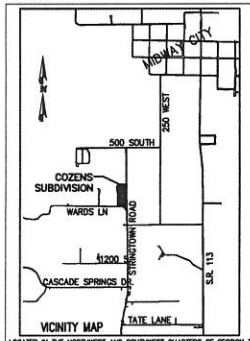
Please feel free to call our office with any questions.

Sincerely,
HORROCKS ENGINEERS

Wesley Johnson, P.E.
Midway City Engineer


Stringtown Rd

COZENS SUBDIVISION



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

Scale 1" =20'

ADDRESS TABLE

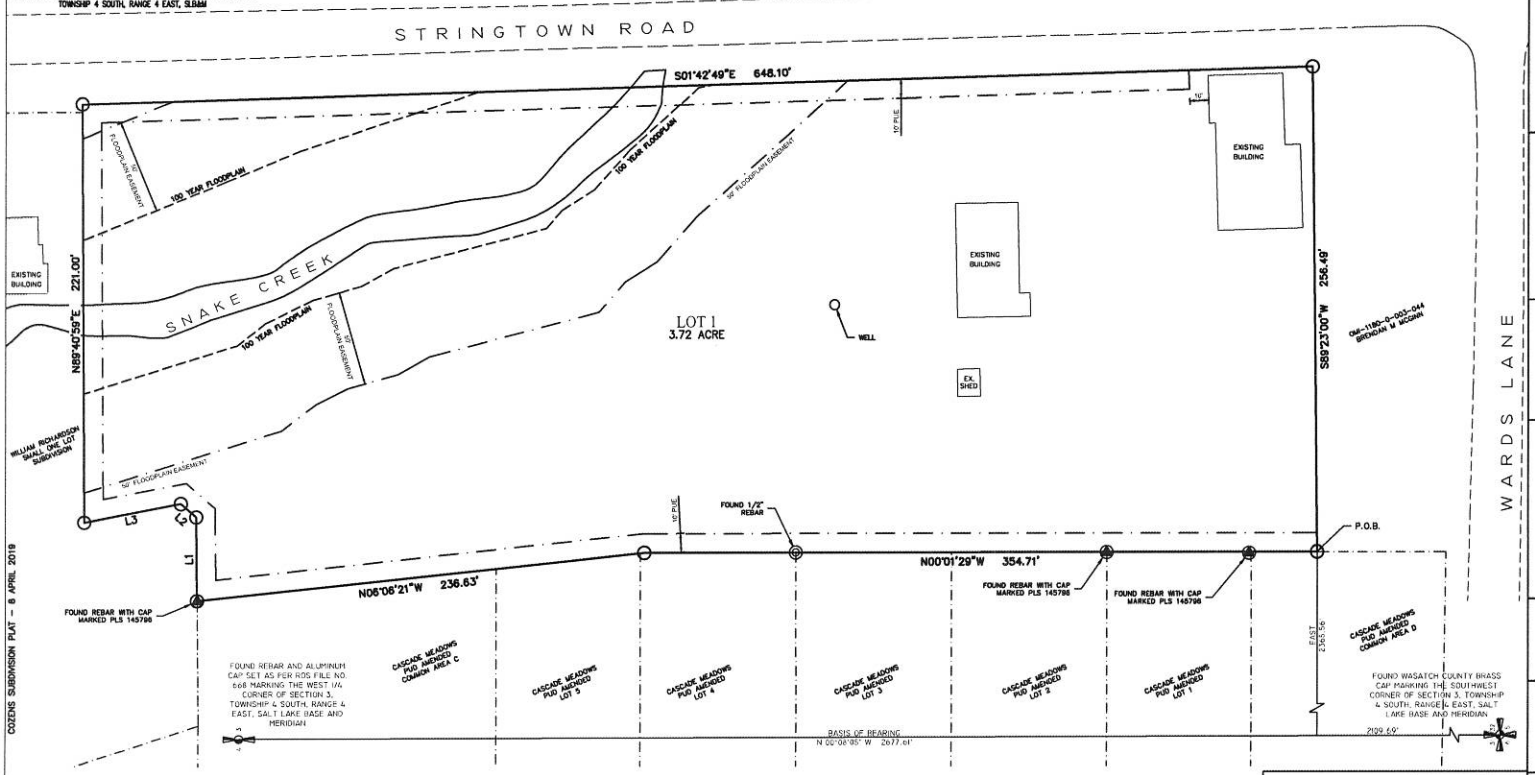
LOT	ADDRESS
1	840 S STRINGTOWN ROAD

LINE TABLE

LINE	LENGTH	DIRECTION
L1	44.04'	N89°27'11"E
L2	10.75'	N41°08'04"E
L3	51.75'	N10°47'21"W

SYMBOL LEGEND

- ADJOINING OWNERS
- SURVEY BOUNDARY
- SET REBAR WITH CAP (AS NOTED ON DRAWING)
- FOUND REBAR WITH CAP (AS NOTED ON DRAWING)
- FOUND REBAR (AS NOTED ON DRAWING)
- FOUND SECTION CORNERS (AS NOTED ON DRAWING)



COZENS SUBDIVISION PLAT - 8 APRIL 2019

SURVEYOR:
TROY L TAYOR, P.L.S.
ELEMENT LAND SURVEYING
2296 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 10-9a-603 OF THE UTAH CODE, I, TROY L TAYLOR, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 6854112 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT.

I FURTHER CERTIFY THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THE PLAT IN ACCORDANCE WITH SECTION 17-23-17 OF THE UTAH CODE, AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT.

DATE _____ SURVEYOR (SEE SEAL BELOW) _____

BASIS OF BEARINGS

THE BASIS OF BEARING FOR THIS SURVEY IS NORTH 00°08'05" 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. 668 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°08'05" WEST ALONG THE SECTION LINE 2109.69 FEET AND EAST 2363.58 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°01'29" WEST 354.71 FEET, AND NORTH 06°06'21" WEST 236.63 FEET TO A FOUND REBAR WITH CAP MARKED PLS 145796, 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 51.75 FEET, AND NORTH 89°40'59" EAST 221.00 FEET TO A FENCE LINE AND THE WEST 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
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

ACCEPTANCE BY MIDWAY CITY

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

THIS _____ DAY OF _____, A.D. 20____

APPROVED _____ ATTEST _____
MAYOR CLERK-RECORDER (SEE SEAL BELOW)

APPROVED _____ APPROVED _____
CITY ENGINEER (SEE SEAL BELOW) CITY ATTORNEY

PLANNING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____, A.D. 20____ BY THE 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, SLB&M

SCALE: 1" = 20 FEET

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