Midway City Council
20 August 2019
Regular Meeting

Raynor Subdivision /
Preliminary and Final Approval

CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING:	August 20, 2019
NAME OF PROJECT:	Raynor Subdivision
NAME OF APPLICANT:	Berg Engineering
AGENDA ITEM:	Preliminary/Final Approval
LOCATION OF ITEM:	565 North River Road
ZONING DESIGNATION:	R-1-15

ITEM: 7

Berg Engineering, agent for Eric Raynor, is requesting preliminary/final approval a one lot subdivision 0.99 acres to be known as Raynor Subdivision. The property is located at 565 North River Road and is in the R-1-15 zone.

BACKGROUND:

This request is for preliminary/final approval of a small-scale subdivision on 0.99 of an acre that will contain one lot. The lot proposed in the subdivision will obtain frontage along River Road. The property is in the R-1-15 zoning district and the lot does comply with the minimum requirements of frontage, width and acreage for a lot in this zone.

The property does not appear to have been in agriculture production though the property has been grazed in the past. There are wetlands on the property that will be protected and shown on the plat. There is also a ditch that runs along the north boundary of the property which will be noted on the plat with an irrigation easement.

It is unknown if the property is a lot of record or not. Staff has informed several parties interested in the property that the property's status is unknown, and staff has also informed those parties about the process for discovering if the property is a lot of record. If the property is a lot of record or not the approval and recording of a plat would allow a dwelling to be constructed on the property.

LAND USE SUMMARY:

- 0.99-acre parcel
- R-1-15 zoning
- Proposal contains one lot
- Frontage River Road
- The lot will connect to the Midway City's culinary water line, Midway Sanitation District's sewer line, and Midway Irrigation Company's secondary water line

ANALYSIS:

Sensitive lands – There are wetlands present on the property. It appears that at least half of the lot is covered by wetlands which are protected as sensitive lands in the City's land use code. The code requires that the wetlands are shown on the plat and a 25' buffer is also shown that limits disturbance around wetland areas. The code states in section 16.14.9 (E):

> *Disturbance of Wetlands. No activity will be permitted which will disturb, fill, dredge, clear, destroy or alter any area, including water, soils and vegetation, within wetlands and their setbacks as set forth in this Section, except where approved in writing by the City, the U.S. Army Corp of Engineers and/or the U.S. Environmental Protection Agency.*

The City has received documentation from the Army Corps of Engineers that states they have approved the delineation.

Water Connection – The future dwelling will be connected to the City's water line located along River Road.

Sewer Connection – The future dwelling will connect to Midway Sanitation District's sewer line under River Road.

Secondary Water Connection – The lot will connect to Midway Irrigation Company's secondary water line which services property in the area.

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

River Road Bike Lane – The master trail plan shows an attached asphalt bike trail along River Road 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 trails and bike lines as shown on the City's master trails plan.

Further development – It appears unlikely that the property can ever be further developed even though the lot is three times larger than the minimum requirement for the R-1-15 zone. The high percentage of acreage covered by the wetlands and the limited amount of frontage are limiting factors regarding further development. 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.*

WATER BOARD RECOMMENDATION:

The Water Board recommended that 1.46 acre feet of water is tendered to the City for required culinary and secondary water for the lot.

PLANNING COMMISSION RECOMMENDATION:

Motion: Commissioner Payne: I make a motion to recommend to City Council preliminary/final approval a one lot subdivision 0.99 acres to be known as Raynor Subdivision. The property is located at 565 North River Road and is in the R-1-15 zone. We accept the staff report and findings and staff proposed conditions as follows. Funds to build the bike lane along River Road are added to the general trails fund. Those funds will be used as part of a larger improvement project that will complete the trails and bike lane as shown on the City's master trail plan. A 50' setback is shown on the plat parallel River Road, the submitted wetlands delineation is approved by the US Army Corps of Engineers before the preliminary approval is granted by the City Council. Encroachment approval from the US Army Corps of Engineers. And to include a hammerhead or circular driveway.
Seconded: Commissioner Nicholas
Chairman Kohler: Any discussion the motion?
There was none

Chairman Kohler: All in favor.
Ayes: Commissioners: Payne, Nicholas, Ream, Bouwhuis, McKeon
Nays: None
Motion: Passed

POSSIBLE FINDINGS:

- The proposed lot meets 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 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
- Wetlands that are present on the property are subject the sensitive lands code
- The wetlands delineation has been approved by the US Army Corps of Engineers
- The proposed 0.01-acre encroachment into the wetlands has not been approved by the US Army Corps of Engineers

ALTERNATIVE ACTIONS:

1. Approval (conditional). This action can be taken if the City Council finds 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 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. Denial. 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

RECOMMENDED CONDITIONS:

1. Funds to build the bike lane along River Road are added to the general trails fund. Those funds will be used as part of a larger improvement project that will complete the trails and bike lane as shown on the City's master trail plan.

2. A 50' setback is shown on the plat parallel River Road.

3. The proposed 0.01 encroachment into the wetlands is approved by the US Army Corps of Engineers before the plat is recorded

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

HORROCKS
ENGINEERS

Heber Office
Tel: 435.654.2226
Fax: 435.657.1160

July 9, 2019

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

Subject: Raynor 1 lot Subdivision, –Preliminary/Final Approval

Dear Michael:

Horrocks Engineers recently reviewed the Raynor subdivision plans for Preliminary/Final approval. The proposed subdivision is located at approximately 565 North River Road. The proposed subdivision consists of 1 lot. The following issues comments should be addressed prior to City Council approval.

General Comments

- A wetland delineation has been completed within the proposed 1 lot subdivision. However we do not have a record of the U.S. Army Corps of Engineers accepting and approving the wetland delineation. Prior to City Council's approval the documentation verifying the Corps approval should be submitted to the City.

Water

- The proposed development will be served from the Gerber Mahogany pressure zone.
- The proposed lot will connect to the existing water line within River Road.

Roads

- The proposed lot will not construct any new roads, the lot will front River Road.

Storm Drain

- The existing shoulder and borrow ditch will accommodate the storm drain for the lot.

Trails

- The cost of installing a trail should be paid to the general trail fund. This money will be used to install future trails within the City.

Irrigation

- The proposed lot will connect to the existing pressurized line within River Road.

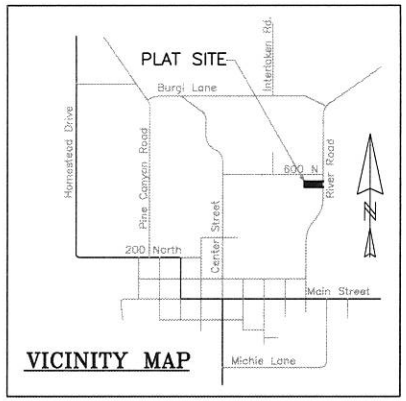
Please feel free to call our office with any questions.

Sincerely,
HORROCKS ENGINEERS

Wesley Johnson, P.E.
Midway City Engineer

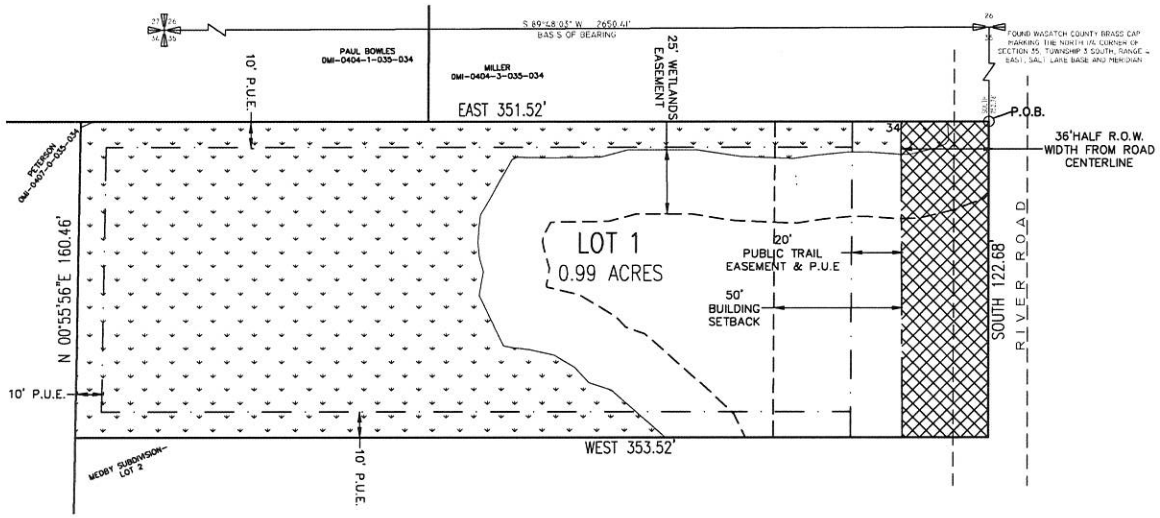
cc: Paul Berg Berg Engineering

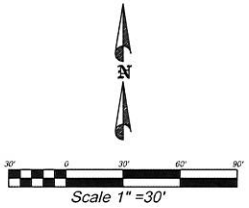
RAYNOR SUBDIVISION



VICINITY MAP

NW QUARTER OF SECTION 35 TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN





ADDRESS TABLE

LOT	ADDRESS
1	565 N 500 E RIVER ROAD

RIVER ROAD ROW DEDICATION TO MIDWAY CITY (0.10 ACRE)

WETLANDS

P.U.E PUBLIC UTILITY EASEMENT

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)

BOUNDARY DESCRIPTION

BEGINNING AT A POINT WHICH IS SOUTH 252.78 FEET FROM THE FOUND WASATCH COUNTY SURVEY MONUMENT AT NORTH 1/4 CORNER OF SECTION 35, TOWNSHIP3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

THENCE EAST 351.52 FEET;
THENCE NORTH 00°55'56" EAST 122.70 FEET;
THENCE WEST 353.52 FEET;
THENCE SOUTH 122.68 FEET TO THE POINT OF BEGINNING.

CONTAINING: 0.99 ACRES

OWNER'S DEDICATION

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

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

ERIC RAYNOUR

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

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

PLANNING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____, A.D. 20____ BY THE _____ MIDWAY CITY PLANNING COMMISSION

PLANNING DIRECTOR _____ CHAIRMAN, PLANNING COMMISSION

COUNTY SURVEYOR'S CERTIFICATE

APPROVED AS TO FORM ON THIS DAY OF _____, 20____

ROS# _____

COUNTY SURVEYOR

COUNTY RECORDER

DATE: _____ MIDWAY IRRIGATION COMPANY

DATE: _____ MIDWAY SANITATION DISTRICT

RAYNOR SUBDIVISION

MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH

SCALE: 1" = 30 FEET

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

SURVEYOR
TROY L. TAYLOR, P.L.S.
ELEMENT LAND SURVEYING
2296 SOUTH 270 EAST
HEBER CITY, UT 84032
PHONE (801) 657-8748

DATE OF SURVEY: MAY 20, 2019

RAYNOUR SMALL SCALE SUBDIVISION - JUNE 4, 2019

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

February 28, 2018

Regulatory Division (SPK-2018-00053)

Mr. Ken Craig
325 East 27th Street
Burley, Idaho 83318

Dear Mr. Craig:

We are responding to your January 9, 2018 request for verification of an Aquatic Resource delineation for the Craig Property, River Road site. The approximately 1-acre project site is located at 565 North 500 East, Latitude 40.521°, Longitude -111.463°, Midway, Wasatch County, Utah (enclosure 1).

Based on available information, we concur with your aquatic resources delineation for the site, which consists of approximately 0.59 acre of palustrine emergent wetlands, 0.006 acre of open water pond, and 343 linear feet (0.089 acre) of irrigation channel, as depicted on the enclosed January 4, 2018, Wetland Map drawing, prepared by Ahorizon Resources, LLC (enclosure 2).

This verification letter does not constitute a determination of jurisdiction (JD). A JD is not required to process an application for a Department of the Army permit. If you do not require a JD for the site, your permit application may be processed sooner.

You may request a JD for this site at any time prior to starting work in aquatic resources, including after a permit decision is made. To request a JD for this site, complete the attached *Request for Jurisdictional Determination Form* (enclosure 3) and return it to this office at the address listed below.

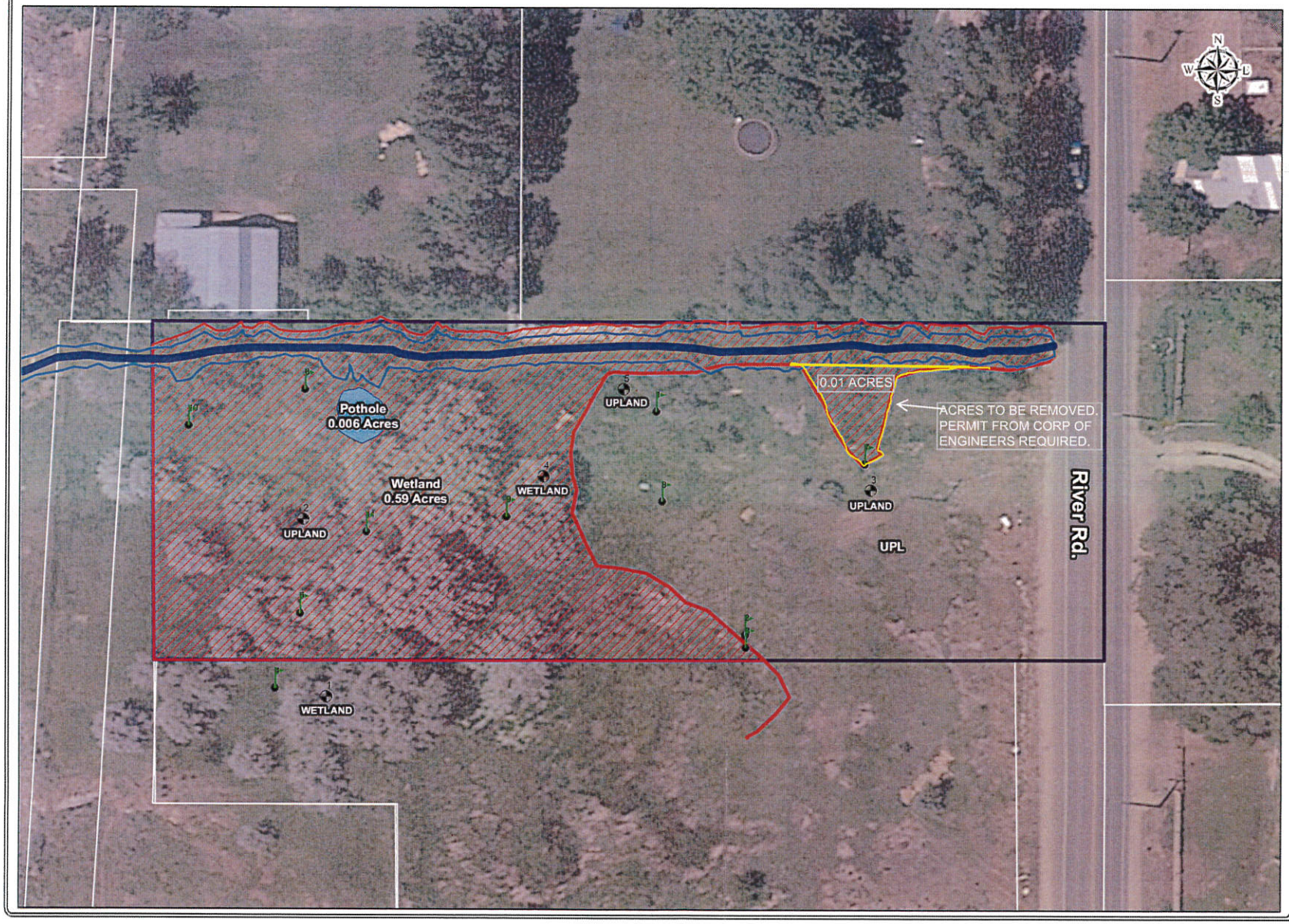
Please refer to identification number SPK-2018-00053 in any correspondence concerning this project. If you have any questions, please contact Michael Pectol at the Bountiful Regulatory Office, 533 West 2600 South, Suite 150, Bountiful, Utah 84010, by email at *Michael.A.Pectol@usace.army.mil*, or telephone at (801) 295-8380, ext. 8315. For program information or to complete our Customer Survey, visit our website at the following link: www.spk.usace.army.mil/Missions/Regulatory.aspx.

Sincerely,

Michael A. Pectol
Project Manager
Nevada-Utah Section

Enclosures

cc: David Gardner, Ahorizon Resources, LLC (ahorizon@msn.com)



LEGEND

- Data Point
- Hydrology Test Pit
- High Water Mark
- +/- 5' Wide Channel
- Pothole 0.006 Acres
- Wetland 0.59 Acres
- Property Boundary 1.00 Acres
- Parcels

SOURCE WASATCH COUNTY AND UTAH AGRC IMAGERY

Ahorizon Resources LLC
David Gardner
435-714-1168

DATE
1/4/2018

epic ENGINEERING

REVISIONS
1

DRAWN: JRC
DESIGNER: JRC
REVIEWED: DG

PROJECT # 16SM2791

SCALES
HORIZ: 1" = 30 FT (11"X17")

PROJECT NAME:
Ken Craig
565 N 500 E (River Road)
Midway, UT 84049

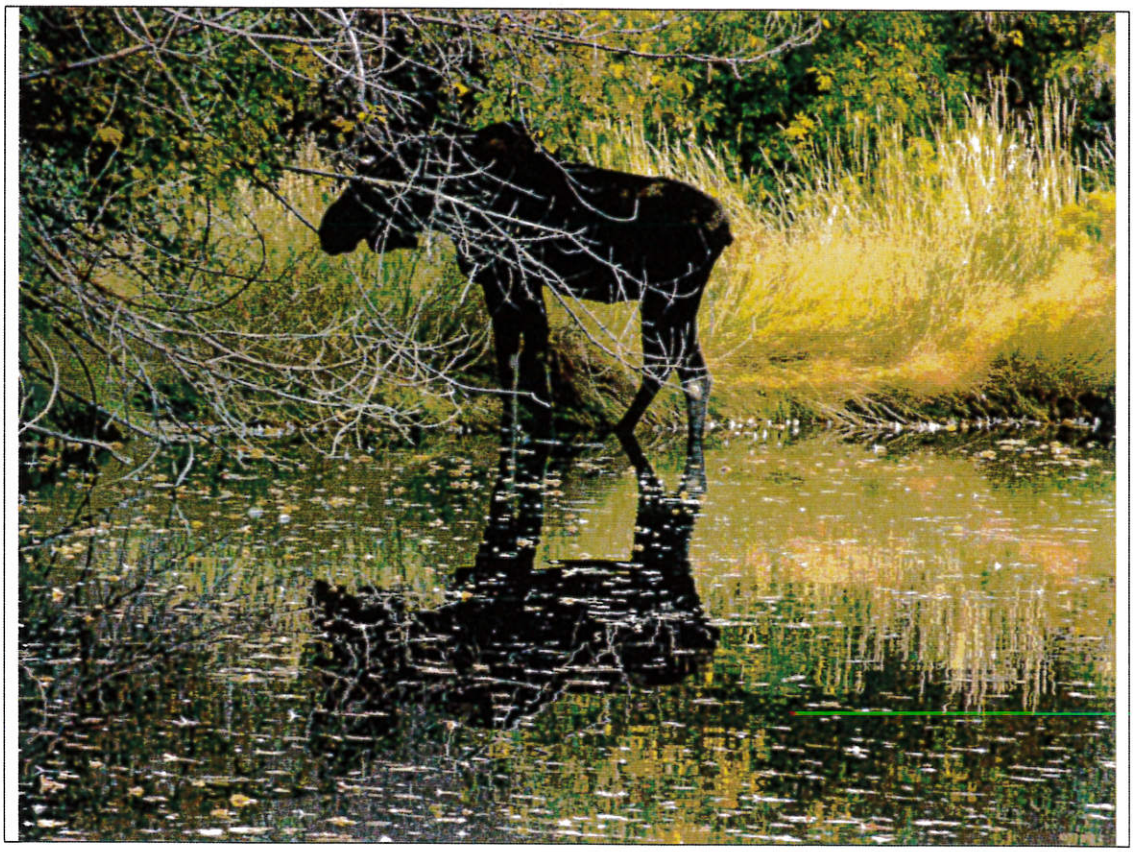
SHEET TITLE:
WETLAND MAP

PLAN SET: PRELIM.
APPENDIX: X

S:\PROJ\SMALL PROJECTS\2017 PROJECTS\David Gardner Mapping\Midway\GIS\MidwayWetlands.mxd

WETLAND DELINEATION REPORT

Prepared for:
Parcel Location: 565 N. 500 E. (River Rd.), Midway
County: Wasatch
State: Utah 84049
Date: 12/23/2017
Coordinates: Within the NW 1/4 of Section 35, T3S, R4E.



Prepared by: ahorizon Resources, L.L.C.
David W. Gardner
P.O. Box 307
Park City, UT 84060
435-714-1168
ahorizon@msn.com

WETLAND DELINEATION SUMMARY
Ken Craig, 565 N. 500 E. (River Road), Midway UT 84049

Property owner–
Parcel size – 1.00 acres
Location – Within the NW 1/4 of Section 35, T3S R4E
Directions – From I-80 take the US 40 Exit toward Heber. Continue on US 40 approximately 12.94 miles, turn right at the stop light onto River Road toward Midway. Proceed approximately 3.31 miles to the round-about, take the second exit to stay on River Road (500 E.), continue for approximately .53 miles to the property on the right (west) side of the road.
Delineation method - The delineation was conducted according to the guidelines and procedures in the US Army Corps of Engineers Wetlands Delineation Manual (Technical Report Y-87-1).
Existing field conditions – The site is at approximately 5616 to 5621 feet in elevation and consists of areas of mildly sloping uplands (approx. 40.4%) and wetlands (approx. 59.6%) which include a channelized stream course, a pothole, wet fresh meadow and cattail marsh. Perennial and intermittent water is supplied to the site from a channelized stream on the north boundary that originates from irrigation waters coming from Snake Creek and perennial water flowing from springs and seeps west of the property. Ground water also spreads and enters along the west boundary and surfaces on the south lot line to form a small cattail marsh. All water is linked to flows from mountain canyons and springs that contribute water to the Provo River drainage system. The site is greatly influenced by ground water flow charged by seasonal moisture levels and topographic position. The hydrology of the site is further influenced and complicated by the depth of soils and consolidation, fracturing and depth of the underlying travertine bedrock.
Vegetation – Vegetation on both upland and wetland consists of areas of introduced & native grass and herbaceous forbs dominated by Creeping Wild Rye, Orchard Grass, Reed Canary Grass, Kentucky Bluegrass, Smooth Brome, Canadian Thistle, Baltic Rush, Bracted American-Aster and Broad-leaf Cat-Tail. The percentage of occurrence as dominants at the data points for these species varies between the uplands and wetlands as shown in the following text (see Table 1). Species that occur as dominants in greater percentage on wetlands include Reed Canary Grass, Canadian Thistle, Kentucky Bluegrass, Bracted American-Aster and Broad-Leaf Cat-Tail. Non dominant species that occur more densely and commonly on wetlands than uplands include Fuller's Teasel, Spreading Bent Grass and Baltic Rush. Species that occur more densely and commonly on uplands include Orchard Grass, Smooth Brome and Showy Milk Weed. Creeping Wild Rye, Russian Olive, Gypsy-Flower and Nuttall's Sunflower shared distribution nearly equally between wetlands and uplands.
Soils – The Summit Soil Survey maps site soils as Spaa Silt Loam (SpB) 0-5% slopes across the whole site. Near surface soils typically encountered were 7.5YR 2.5/1 to 7.5YR 3/2. Upland soils typically ranged from 7.5YR 3/2 near surface and 7.5YR 4/1 middle levels to 7.5YR 4/1 to 5/2 in the lower levels. Wetland soils ranged from 7.5YR 2.5/1 or 3/1 near surface to 7.5YR 3/1 to 3/2 in the middle layers and deep soils were 7.5YR 4/1 to 10YR 8/2. Concentrations and depletions occurred in only 3 wetland soil samples from 6" to 17" in depth and ranged from 5YR 4/6 to 7.5YR 5/6, with one near surface (5") Gley1 8N. Surface root layer thickness was consistent across the site being commonly to 6"-7". Soil value, texture and moisture are affected by the undulating presence of a layer of either continuous or fragmented travertine. A typical sample of travertine was 10YR 7/1.
Hydrology – Site hydrology is influenced by a consistent flow channeled from mountain canyon stream runoff, local runoff from offsite springs and ground water flow charged by seasonal moisture levels and concentrated due to topographic position.
Wetland boundary justification –The boundary is based on dominance of hydrophytic plant species, presence of high soil moisture/saturation, topographic position and upper layers of dark value chroma 1 or 2 soils with mottles or depletions occasional in the lower layers.
Observed foreign commerce connection – none
Wetlands/waters demonstrated to be present solely due to irrigation – .0 acres
Natural wetlands/waters that appear to be isolated – none
Total jurisdictional wetlands – .596 acres