PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING:	July 18, 2018
NAME OF PROJECT:	Epperson Subdivision
NAME OF APPLICANT:	Berg Engineering
AGENDA ITEM:	Preliminary/Final Approval
LOCATION OF ITEM:	65 West 250 North
ZONING DESIGNATION:	R-1-9

ITEM: 2

Berg Engineering, agent for David Epperson, is requesting a preliminary/final approval for a small-scale subdivision. The proposal is 0.49 acres in size and will contain 1 lot. The property is located at 65 West 250 North and is in the R-1-9 zone.

BACKGROUND:

This request is for preliminary/final approval of a small-scale subdivision on 0.49 of an acre that will contain one lot. The lot proposed in the subdivision will obtain frontage along 100 West and 250 North. The property is located in the R-1-9 zoning district and the lot does comply with the minimum requirements of frontage, width and acreage for a lot in this zone. To the understanding of staff, the property has never had a dwelling, so all impact fees and water rights will be required.

According to a chain of deeds for the property that was supplied to staff, the parcel, in its current boundary description, was created when it was subdivided from an adjoining parcel that was 3.02 acres in size on October 11, 1996. Since 1992, State Code has required written approval for nonagricultural subdivisions. State Code requirements

regarding the recording of a subdivision plat came into effect July 1, 1992. Section 10-9-804 required the recording of a plat for all subdivisions except if the property complied with the following exceptions:

10–9–806. Exemptions from plat requirement.
In subdivisions of less than ten lots, land may be sold by metes and bounds, without the necessity of recording a plat if:
(1) the subdivision layout has been approved in writing by the planning commission;
(2) the subdivision is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes; and
(3) if the subdivision is located in a zoned area, each lot in the subdivision meets the frontage, width, and area requirements of the zoning ordinance or has been granted a variance from those requirements by the board of adjustment.

No information has been found of a Planning Commission approval of the lot in its current boundary description. For this reason, the recording of a plat is required to build a dwelling on this parcel.

LAND USE SUMMARY:

- 0.49-acre parcel
- R-1-9 zoning
- Proposal contains one lot
- Frontage along 100 West and 250 North
- The lot 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 can be from either 100 West and 250 North as long as driveway location requirements are met.

Water Connection – The lot will connect to the City's water line located under 250 North.

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

Secondary Water Connection – The lot will connect to Midway Irrigation Company's secondary water line which already services all the surrounding lots.

Potential duplex – The lot does meet the requirements for frontage, width, and acreage for a duplex in the R-1-9 zone. If a future lot owner would like to construct a duplex, and the code still allows duplexes, then the required water must be turned over to the City for the extra dwelling unit.

WATER BOARD RECCOMDATION:

The Water Board has recommended that 2.8-acre feet are tendered to the City before the recording of the subdivision plat. Since that determination a survey has been done on the parcel and found that some of the acreage is located under 100 West and 250 North and therefore that property in the City right-of-way will not require a water right. Based on the survey that determined the area of the parcel at 0.49 of an acre, 1.72-acre feet of water are required, and that water will meet both the culinary and secondary water requirements. If a duplex is ever proposed, and the code still allows duplexes, then the required water must be turned over to the City for the extra dwelling unit. A secondary water meter is required to be installed on the property.

POSSIBLE FINDINGS:

- The proposed lot meets the minimum requirements for the R-1-9 zoning district
- The proposal does meet the intent of the General Plan for the R-1-9 zoning district

ALTERNATIVE ACTIONS:

1. Recommendation of Approval (conditional). This action can be taken if the Planning Commission feels the proposal complies with the requirements of the Land Use Code.

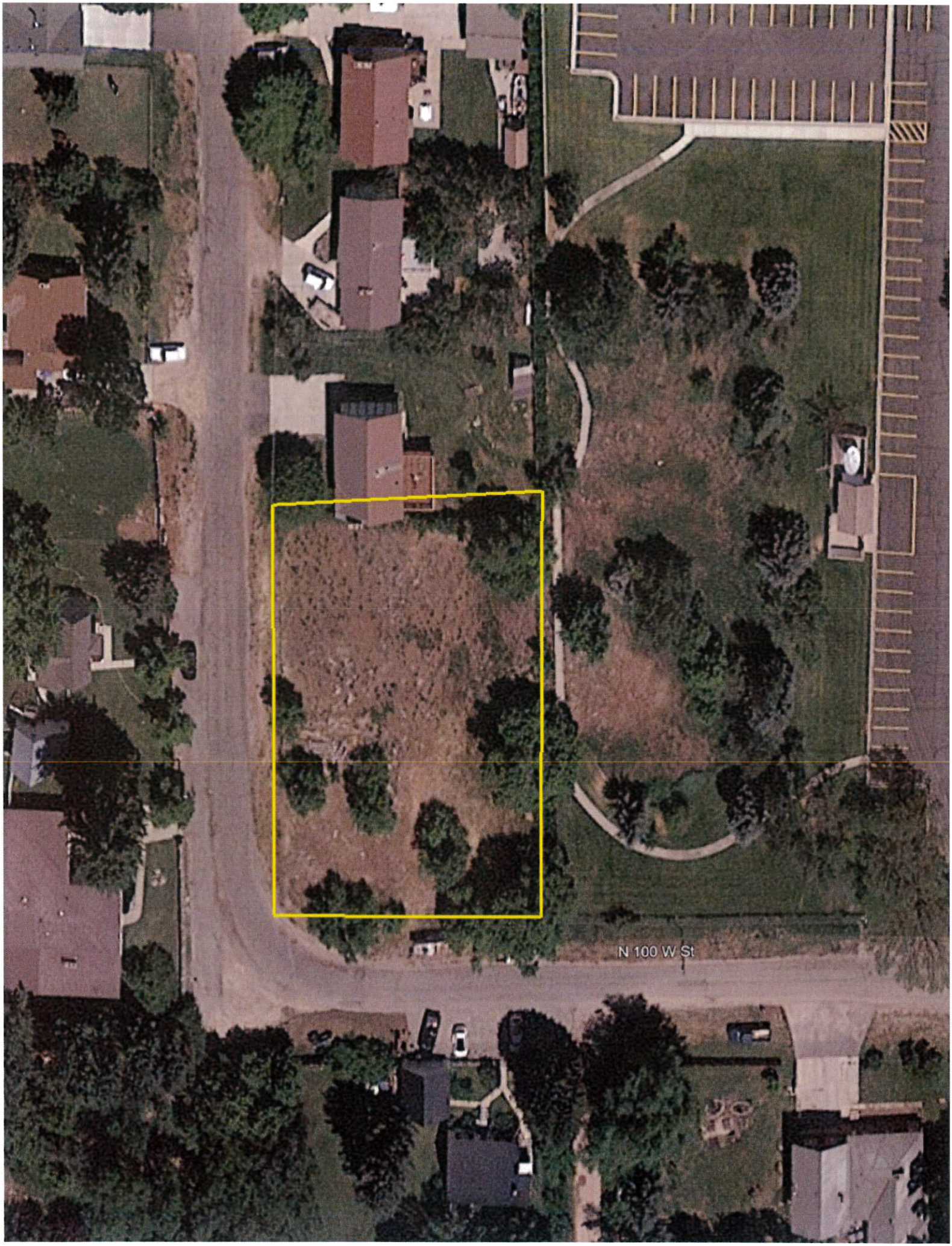
    a. Accept staff report
    b. List accepted findings
    c. Place condition(s) if needed

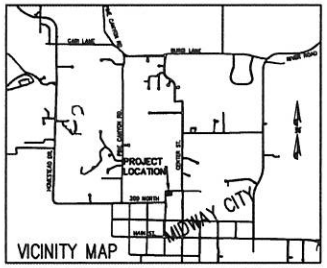
2. Continuance. This action can be taken if the Planning Commission feels that there are unresolved issues.

    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

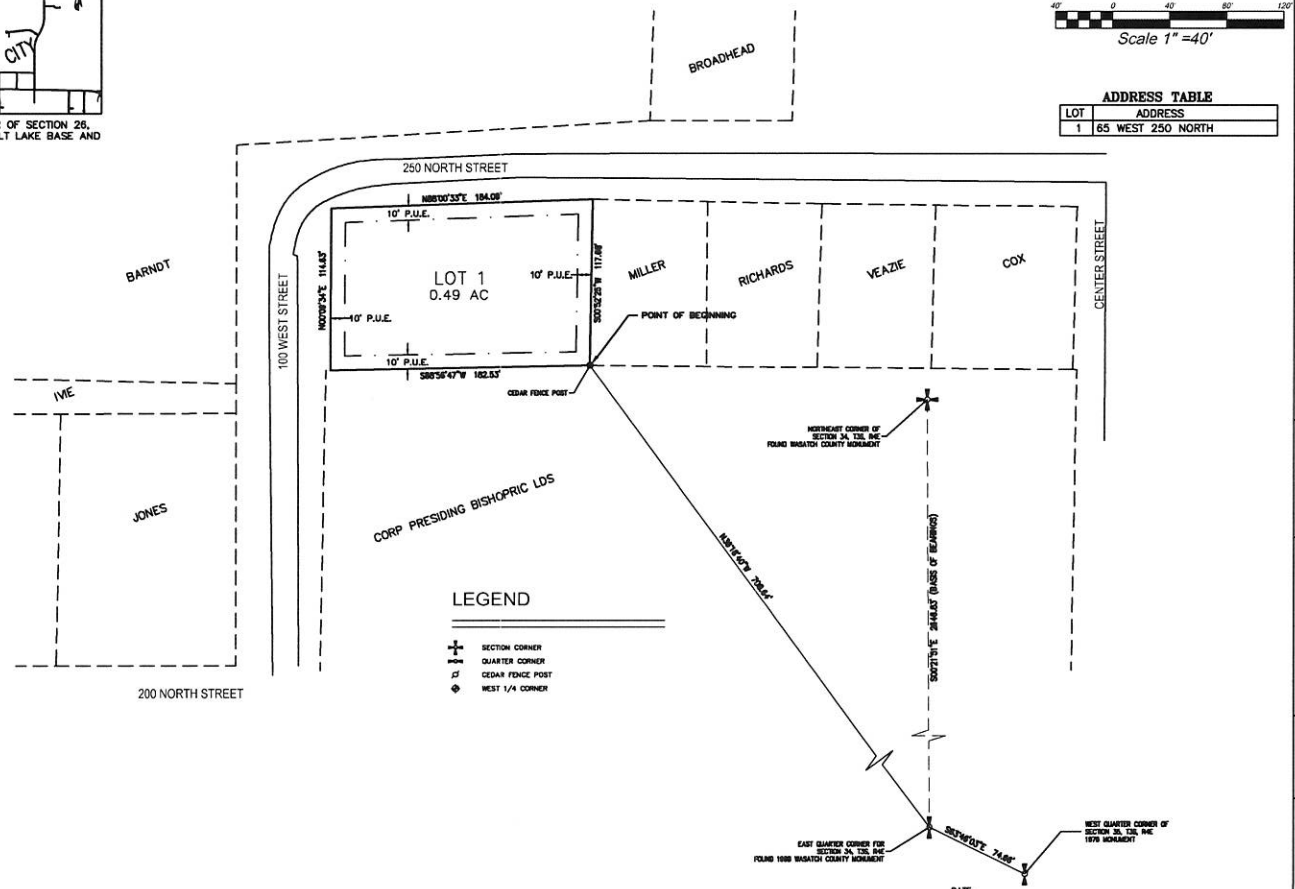
3. Recommendation of Denial. This action can be taken if the Planning Commission feels that the request does not meet the intent of the ordinance.

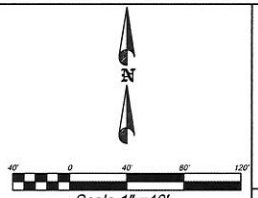
    a. Accept staff report
    b. List accepted findings
    c. Reasons for denial


N 100 W St



LOCATED IN THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.





ADDRESS TABLE

LOT	ADDRESS
1	65 WEST 250 NORTH

SURVEYOR'S CERTIFICATE

IN ACCORDANCE WITH SECTION 10-9a-603 OF THE UTAH CODE, I, BING CHRISTENSEN, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 145798 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

LOCATED IN THE NORTHWEST QUARTER OF SECTION 26 TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN:

THENCE SOUTH 88°56'47" WEST 182.53 FEET; THENCE NORTH 00°09'34" EAST 114.63 FEET; THENCE NORTH 88°00'33" EAST 184.09 FEET; THENCE SOUTH 00°52'25" WEST 117.68 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.49 ACRES

BOUNDARY DESCRIPTION

BASIS OF BEARING FOR THE SURVEY IS SOUTH 00°21'51" EAST 2646.82 FEET BETWEEN THE NORTHEAST CORNER AND THE WEST QUARTER CORNER FOR SECTION 34, TOWNSHIP 3 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN IN CONFORMANCE WITH THE UTAH STATE PLANE COORDINATE SYSTEM 1983 CENTRAL ZONE BEARINGS.

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, AND EASEMENTS, AND HEREBY DEDICATE THOSE AREAS LABELED AS PUBLIC STREETS AND EASEMENTS FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES AND EMERGENCY VEHICLE ACCESS.

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

BY: _____
DAVID EPPERSON

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

EPPERSON SUBDIVISION

MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH

LOCATED IN THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

SCALE: 1" = 40 FEET

DATE: _____
MIDWAY IRRIGATION COMPANY

DATE: _____
MIDWAY SANITATION DISTRICT

COUNTY RECORDER

COUNTY SURVEYOR

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

ROS # _____

_____
COUNTY SURVEYOR

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

SURVEYOR
BING CHRISTENSEN
SUMMIT ENGINEERING
55 WEST CENTER ST
HEBER CITY, UT 84032
PHONE: 435-654-9231

DATE OF SURVEY: JUNE 2017

Richard C. Tatton
PO Box 303
Midway, UT 84049
July 10, 2018

Midway City Planning Commission
Midway City Council

I am writing this letter with regard to the property that I own located at 102 West 100 North, Midway, which is situated south of the property on 250 North and 100 West which is before you for a one lot subdivision. The reason I am writing this letter is that I have a spring of water that comes out of the ground south and west of the one lot subdivision property. My uncle used to own this property and I am very familiar with the topography of this lot. There is a thick layer of pot rock that an old barn used to sit on and there are many springs coming up in this area.

As the new property owner starts to build his home he will need footings, a foundation and trenches for utilities. An excavator may be using a track-hoe with a hammer head on the front to break the pot rock that is near the surface and below. As a result of that banging, it is quite possible to change the aquifer channel which feeds my source of water.

Having lived in Midway all of my life I know the best way to avoid any problem like that is to have a Rammer trencher with diamond heads on the wheel in front which will cut through the pot rock so there will be no pounding of the ground which could possibly result in a change to the aquifer channels.

There are other springs of water in the area, one being that surfaces south of the Stake Center which is labeled as wet lands. That spring and others could also be affected. I would hope that the Midway City Planning Commission and City Council would put a condition on the approval of that one lot subdivision that a Rammer trencher be used to avoid possible disruption of the underground aquifer.

Amenities such as these springs of water should be protected because these are the things that make Midway unique. I would appreciate your consideration of this because I have a diligence claim on my spring filed with the State Water Engineer, giving me a legal right to the water. I would hate to loose my spring of water forcing me to take other actions. Also I would hope that the people building the home would be understanding as well to this request because water is priceless in any community.

Sincerely,

Richard C. Tatton