



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 platted 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, CESPDPDO, 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)