



## PLANNING COMMISSION MEETING STAFF REPORT

**DATE OF MEETING:** June 20, 2018

**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: 2**

Epic Engineering, agent for Michael LaBarge, is requesting approval of a large-scale subdivision. The proposal is for a three-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 preliminary approval of a large-scale subdivision on 4.2 acres and will contain three lots. Two of the proposed lots in the subdivision will obtain frontage along Pine Canyon Road, while the third will have frontage on Swiss Farm Way on a cul-de-sac, potentially temporary, that will be built by the developer. 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. This subdivision only contains three lots but it is a large-scale subdivision because a new road (the cul-de-sac on Swiss Farm Way) will be constructed as part of the proposal.

## LAND USE SUMMARY:

- 4.2-acre parcel
- R-1-15 & R-1-22 zoning
- Proposal contains three 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* – Access for two lots is from Pine Canyon Road which is a collector road. Since Pine Canyon Road is a collector road and traffic will only increase over time on this road, the City should consider requiring a turnaround or hammerhead for the driveways of both proposed lots. Also, since Pine Canyon Road is a collector road the City Council must specifically approve direct driveway access to the road if no other options are available.

*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 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 be 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. Staff recommends an agreement between the developer and Mr. Brown is in place before preliminary approval is granted.

*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 three lots.

*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.

*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.

*Midway Irrigation Company Easement* – Midway Irrigation Company has an easement and 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.

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

The Water Board has recommended that 13.26 acre-feet of water are required for the proposed subdivision.

#### **POSSIBLE FINDINGS:**

- The proposed lot meets 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.

Accept staff report

  - a. List accepted findings
  - b. Reasons for continuance
    - i. Unresolved issues that must be addressed
  - c. 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

**RECOMMENDED CONDITION:**

1. An agreement between the developer and Larry Brown is made before preliminary approval is granted.
  
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.



Swiss Farm Cir

Swiss Farm Cir

350 W St

View Dr

**CONSTRUCTION NOTES**  
 1. CONTRACTOR TO POTHOLE AND  
 CONFIRM EXISTING UTILITIES.  
 TOTAL AREA 4.13 ACRE  
 TOTAL NEW ASPHALT 5,990 SQ FT

**WARNING**  
 CALL BLUE STAKES



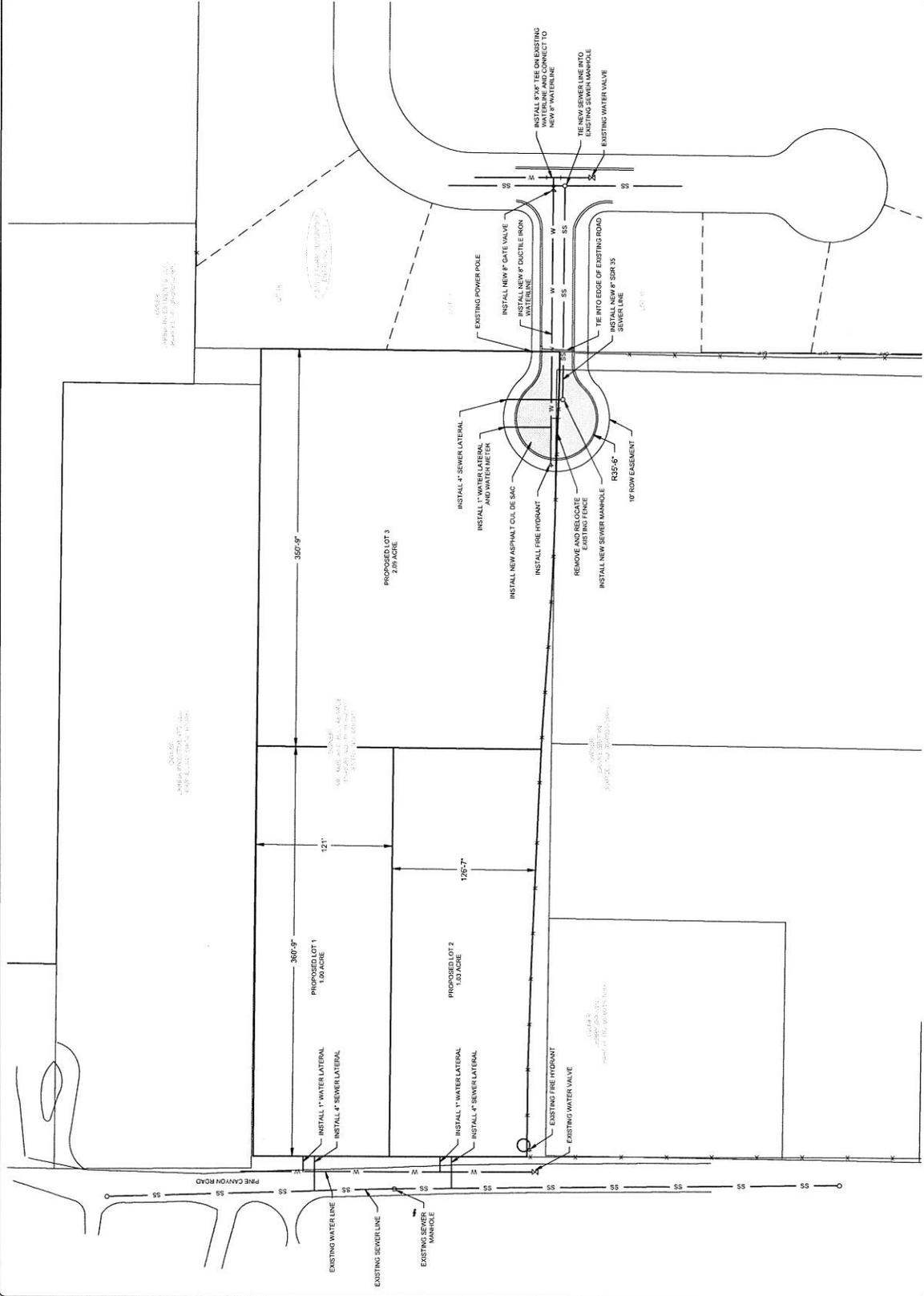
DATE:	BEG.:	0
REVISED:	NO. OF	1
PROJECT #	15100277	5/17/2018

**SCALE**  
 1" = 40'

**PROJECT NAME**  
 922 N. Pine Canyon Rd.

**SHEET TITLE**  
 SITE PLAN

**PLAN SET**  
 PRELIM C-1



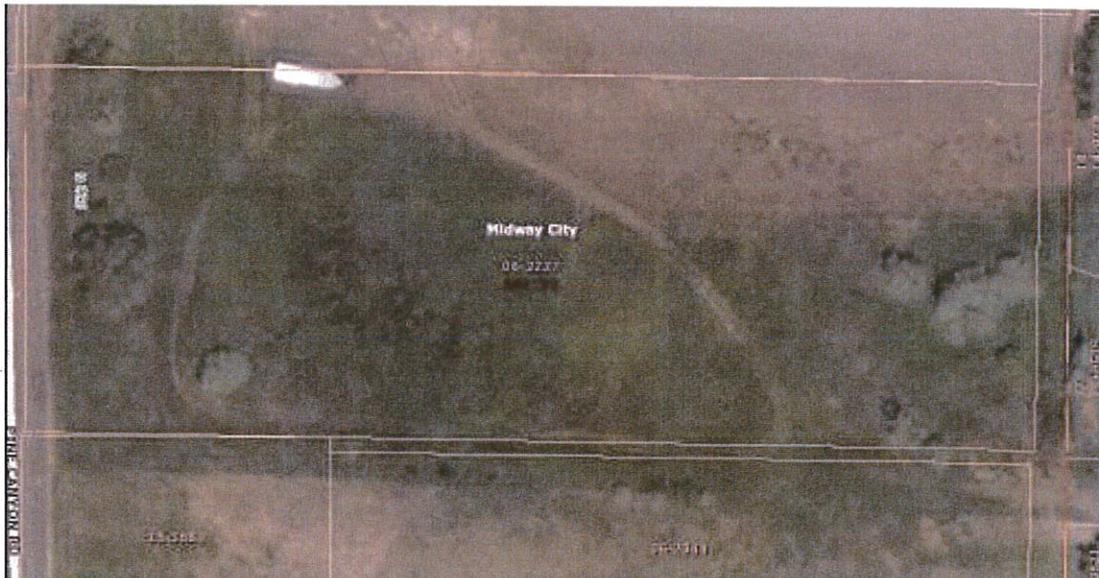


**WETLANDS & WATERS DELINEATION**  
Delineation of Aquatic Resources  
Corps File SPK-2017-00305-UO

**922 Pine Canyon Road  
Midway, Utah**

**SE ¼ Section 27 T3S. R4E.**

**April 2018**



**Prepared by:  
Wise Earth Concepts Inc.  
PO Box 980994  
Park City, Utah 84098**

**Prepared for:  
Michael LaBarge  
12532 Carmel Way  
Santa Ana, CA 92705**

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	NRCS Soil Map
	NWI Map
 <b>Appendix B</b>	 <b>Data Forms</b>

## Summary

**Applicant** – Michael LaBarge 12532 Carmel Way, Santa Ana, CA 92705

**Property owner** – Michael LaBarge

**Project area** – Vacant parcel 4.37 acres.

**Location** – 922 Pine Canyon Road, Midway, Utah

**Directions** – From Salt Lake take I-80 east to Highway 40. At the first light when entering Heber Valley turn right on River Road. Proceed straight through the roundabout to Bergi Lane. Proceed 0.9 miles and turn left on Pine Canyon Road. The site is 0.1 mile down on the left.

**Delineation method** - The delineation was conducted in accordance with the guidelines and procedures outlined in the US Army Corps of Engineers' *Wetlands Delineation Manual* (Technical Report Y-87-1) and the *2010 Western Mountains Regional Supplement*.

**Field work date(s) and existing field conditions** – Field work was conducted April 11-12, 2018. The site is formerly irrigated grassland slightly sloping down from north to south with a travertine hillslope in the northeast corner. Site conditions have been drying over the past several years as development has occurred in the surrounding area and irrigation has been discontinued.

**Vegetation** – Dominant vegetation across the site is primarily what would be considered invasive opportunistic species. These are likely invading where species needing more water are dying because irrigation has been discontinued. The most common species present are Gypsy-Flower (*Cynoglossum officinale*) Tall Hedge-Mustard (*Sisymbrium altissimum*) Canadian Thistle (*Cirsium arvense*) and Baltic Rush (*Juncus balticus*). The Baltic Rush is the only species common to healthy wetlands and is also well known to be able to survive long after a wetland has dried up.

**Soils** – Soils colors are 5YR 2.5/1 generally to at least 6 inches over slightly lighter 7.5YR 3/1. In the area that has Juncus the 5YR 2.5/1 color extends to 20 inches and lacks hydric soil indicators. Texture ranges from sandy loam to sandy clay loam. The Natural Resources Conservation Service (NRCS) classifies lowland soil as Cudahy silt loam (Cv) and hillslope soil as Rock land, Travertine. The Cudahy soil is listed as a hydric soil series.

**Hydrology** – Site conditions have been drying over the past several years as development has occurred in the surrounding area and irrigation has been discontinued. This is evident on the National Wetlands Inventory (NWI) map which shows much of this site as palustrine wetland (PEMC1C) and also shows a ditch supplying surface water. However, the aerial photo background of the map shows homes have been constructed where the ditch once was. Site observations and spring season hydrology at data points on site confirm there is no ditch and depth to groundwater does not qualify for wetland hydrology. All of the data points were dry.

**Wetland boundary justification** – There are no wetlands or waterways on site.

**Potential navigable water or commerce connection** – NA

**Wetlands demonstrated to be present solely due to irrigation** – There are no wetlands on site.

**Natural wetlands/waters that appear to be isolated** – NA

## 1. INTRODUCTION

This wetland delineation was completed for Michael LaBarge on a 4.37-acre site located at 922 Pine Canyon Road, Midway, Utah. The project location is shown on the USGS 7.5' topographic map, Sheet 1 in Appendix A. The purpose of this project is to delineate potentially jurisdictional aquatic resources, wetlands and waters of the US as defined by Section 404 of the Clean Water Act (CWA). A wetland delineation was formerly completed on the site in 2017 by Mr. Rick Black, but it was not verified by the Corps apparently because the Corps requested report revisions or clarification which were not submitted. The 2017 delineation concluded there were no wetlands or water features on the site.

The US Army Corps of Engineers (Corps) and the US Environmental Protection Agency (EPA) define wetlands as areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Saturated soil conditions are further described as saturated to the surface at some time during the normal growing season.

## 2. SITE DESCRIPTION / EXISTING CONDITIONS

The site is formerly irrigated grassland slightly sloping down from north to south with a travertine hillslope in the northeast corner. Site conditions have been drying over the past several years as development has occurred in the surrounding area and irrigation has been discontinued. The site elevation ranges from 5662 at the lower southeast corner to 5670 on the hillslope at the north property line. The average elevation of the meadow area is approximately 5664 with only a few feet of variation.

## 3. DELINEATION METHOD

This delineation was conducted in accordance with the guidelines and procedures outlined in the US Army Corps of Engineers' *Wetland Delineation Manual* (USACE, 1987) and the *2010 Western Mountain Regional Supplement* (USACE, 2010). Where a determination of the ordinary high water mark (OHWM) is included, the assessment is conducted with use of the OHWM field guide. The examination for wetlands was based on three parameters: vegetation, soils, and hydrologic features. At each data point, each of these parameters must exhibit wetland characteristics for that point to be within the wetland boundary.

All areas that appeared to be potential wetlands were examined. Data was collected from wetland areas as necessary to generally characterize the wetland features. Dominant vegetation species were identified at each data point. Percent cover for dominant species in each strata was noted based on visual

estimation within a plot size representative of the data point. The sizes and shapes of plots can vary, as appropriate, to adapt to topography or other site conditions. They are typically a radius of 10 to 30 feet unless otherwise noted. The 50/20 dominance test was used by combining dominant species across strata and applying the dominance test to the combined list. Dominants are the most abundant species that individually or collectively account for more than 50 percent of the total coverage of vegetation in the stratum, plus any other species that, by itself accounts for at least 20 percent of the total. If two or more dominant species are equal in coverage they are all considered to be dominants. Each species was assigned a rating as to wetland status based on the National Wetland Plant List, 2016 Update of Wetland Ratings (Lichvar et al., 2016) and using the U.S. Army Corps of Engineers, Western Mountains Final Draft Ratings List, published June, 2012. If more than 50 percent of the dominant plant species had a wetland indicator status (obligate [OBL], facultative wetland [FACW], or facultative [FAC]) the sample point met the criteria for wetland vegetation based on dominance. Each dominant species is treated equally. Thus, a plant community with seven dominant species across all strata would need at least four dominant species that are OBL, FACW, or FAC to be considered hydrophytic by this indicator. If the vegetation dominance test failed to meet the criteria, but soil and hydrology criteria were met at the data point, then a test of prevalence of wetland vegetation was calculated. If this test met qualifying conditions (an end calculation equal to or less than 3), the criteria for wetland vegetation was met based on prevalence and recorded on the data sheet. Data point locations upland/wetland boundaries and/or water features if present, were GPS surveyed using equipment having sub-meter accuracy. Water features and contours are shown on the Wetlands and Waters Delineation/Aquatic Resources Map (Sheet 2, Appendix A). Vegetation at each data point, along with the estimation of cover for each species, is listed on the data forms included in Appendix B.

Soils were examined for hydric characteristics by digging a hole to approximately 18 inches (or as necessary to evaluate soil characteristics relevant to hydric conditions). Soil moisture, texture and color were observed, and any evidence of high organic content, redoximorphic features/mottles, gleyed matrix or other hydric indicators were noted. Soils were moistened and compared to *Munsell Color Charts* (Macbeth, 1990) for determination of value, chroma and hue. If soil characteristics fit those described as hydric indicators in the *Field Indicators of Hydric Soils in the US, Version 8.1 (NRCS, 2016)* the criteria for hydric soils was met and recorded on the data sheet.

Depth to groundwater and saturated soil were documented at the time of the field survey after waiting an appropriate time to allow groundwater to reach a static level. These two features were considered the most significant indicators of the hydrologic condition taking into account irrigation and seasonal influences. If these features failed to indicate wetland hydrology (defined as seasonally or permanently saturated within the upper 12 inches) additional primary and secondary indicators were considered (sediment deposits, water marks, drainage patterns, etc.). If at least one primary, or two secondary, indicators were observed, the criteria for wetland hydrology was met and recorded on the data sheet.

Data points meeting all three parameters for classification as a wetland were mapped within the wetland boundary. The boundary line typically is positioned around areas with vegetation similar to the representative wetland data points. In some cases obvious and distinct changes in vegetation and/or topography are present and the wetland boundary follows these changes. In areas where these changes are not distinct, the wetland boundary is generally placed within an area where certain plant species drop out of the mix or certain species become more prevalent.

This wetland delineation requires verification by the Corps prior to providing a letter of confirmation regarding their concurrence with the locations of wetlands and waters depicted herein. The Corps letter provides a Preliminary Jurisdictional Determination (PJD) identifying all potentially jurisdictional waters of the US on the site. Confirmation of Corps jurisdictional versus non-jurisdictional wetlands and waters may also be obtained when requested.

#### **4. FIELD SURVEY RESULTS**

Field work was conducted April 11-12, 2018. Data was collected from three locations and an existing test pit was also observed for depth to groundwater. Data points are shown on Sheet 2 in Appendix A. All other data are recorded on attached data forms in Appendix B. Boundaries of wetlands and/or waters were determined based on general observations as well as specific vegetation, soils and hydrology data from each sample location. In this case, there are no wetland on the site nor any water features.

#### 4.1. Vegetation

Dominant vegetation across the site is primarily what would be considered invasive opportunistic species. These are likely invading where species needing more water are dying because irrigation has been discontinued. The most common species present are Gypsy-Flower (*Cynoglossum officinale*) Tall Hedge-Mustard (*Sisymbrium altissimum*) Canadian Thistle (*Cirsium arvense*) and Baltic Rush (*Juncus balticus*). The Baltic Rush is the only species common to healthy wetlands and is also well known to be able to survive long after a wetland has dried up. Plant species found on site and their wetland status are listed in Table 1 and specific locations of dominant plants are recorded on the data sheets in Appendix 2.

Table 1 Plant Species and Wetland Indicator (2016 Western Mountain List)		
Scientific Name	Common Name	Indicator Status*
<b>Wetland Species</b>		
<i>Cirsium arvense</i>	Canadian Thistle	FAC
<i>Elymus repens</i>	Creeping Wild Rye	FAC
<i>Juncus balticus</i>	Baltic Rush	FACW
<i>Poa pratensis</i>	Kentucky Bluegrass	FAC
<i>Phalaris arundinacea</i>	Reed Canary Grass	FACW
<b>Upland Species</b>		
<i>Cynoglossum officinale</i>	Gypsy-Flower	FACU
<i>Descurainia sophia</i>	Tansy Mustard	NA
<i>Marrubium vulgare</i>	White Horehound	FACU
<i>Onopordum acanthium</i>	Scotch Thistle	NA
<i>Pastinaca sativa</i>	Wild Parsnip	NA
<i>Sisymbrium altissimum</i>	Tall Hedge-Mustard	FACU
<i>Sonchus oleraceus</i>	Common Sow-Thistle	UPL
<i>Taraxacum officinale</i>	Common Dandelion	FACU

\* Wetland indicator status – National Wetland Plant List, 2016  
 OBL – plants that always occur in standing water or in saturated soil  
 FACW – plants that nearly always occur in areas of prolonged flooding or require standing water or saturate soils but may, on rare occasions, occur in non-wetlands  
 FAC – plants that occur in a variety of habitats, including wetland and mesic to xeric non-wetland habitats but often occur in standing water or saturated soils.  
 FACU – plants that typically occur in xeric or mesic non-wetland habitats but may frequently occur in standing water or saturated soils  
 UPL – plants that almost never occur in water or saturated soils  
 NA – not listed

#### 4.2. Soils

Soils colors are 5YR 2.5/1 generally to at least 6 inches over slightly lighter 7.5YR 3/1. In the area that has Juncus the 5YR 2.5/1 color extends to 20 inches and lacks hydric soil indicators. Texture ranges from sandy loam to sandy clay loam. The Natural Resources Conservation Service (NRCS) classifies lowland soil as Cudahy silt loam (Cv) and hillslope soil as Rock land, Travertine. The Cudahy soil is listed as a hydric soil series. The NRCS soil map is included in Appendix A.

#### 4.3. Hydrology

Site conditions have been drying over the past several years as development has occurred in the surrounding area and irrigation has been discontinued. This is evident on the National Wetlands Inventory (NWI) map which shows much of this site as palustrine wetland (PEMC1C) and also shows a ditch supplying surface water. However, the aerial photo background of the map shows homes have been constructed where the ditch once was. Site observations and spring season hydrology at data points on site confirm there is no ditch and depth to groundwater does not qualify for wetland hydrology. All of the data points were dry.

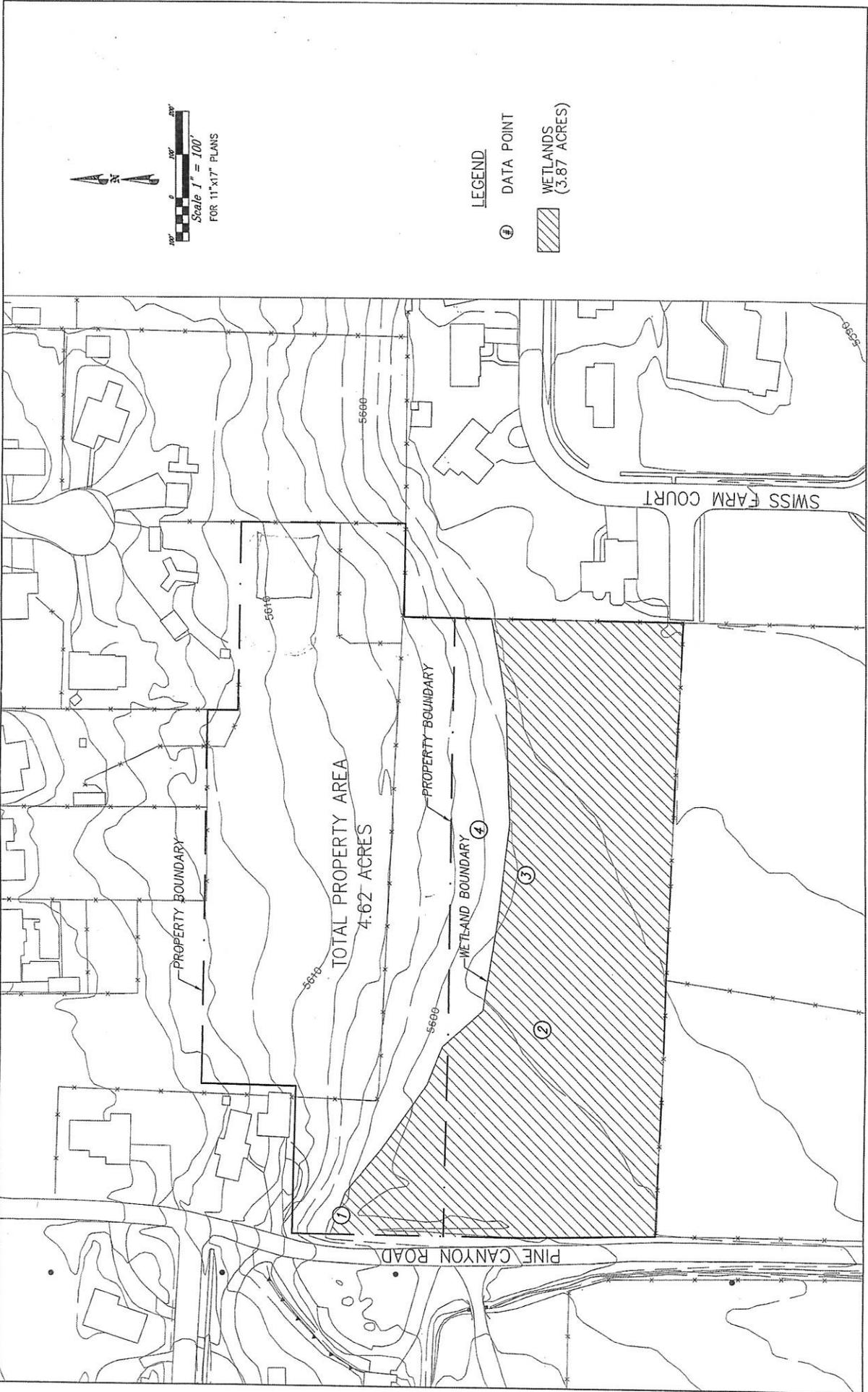
### 5 CONCLUSIONS

**Wetland boundary justification** – There are no wetlands or waterways on site.

**Potential navigable water or commerce connection** – NA.

**Wetland vegetation demonstrated to be present solely due to irrigation** – NA

**Natural wetlands/waters that appear to be isolated** – NA



Scale 1" = 100'  
FOR 11"x17" PLANS

LEGEND  
 (1) DATA POINT  
 WETLANDS (3.87 ACRES)

TOTAL PROPERTY AREA  
4.62 ACRES

MIDWAY, UTAH	DELINEATION BY: WISE EARTH ADDRESS: P.O. BOX 306994, PARK CITY, UT 84096 PHONE: (435) 835-8724		SOWBY & BERG CONSULTANTS 380 E MAIN ST, SUITE B, MIDWAY, UT 84049 PHONE: (435) 687-9749		SCALE: 1" = 100'	DESIGN BY: DRAMM BY: CHB	DATE: 18 DEC 2006	DRAWING NO: WETLANDS	FIGURE NO: 2
	WETLAND DELINEATION MAP						REV:		