

# MIDWAY CITY

## Planning Office

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Midway, Utah 84049

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### Preliminary/ Final Application for Rural Preservation Subdivision

**Application Fee (Non-Refundable): \$300/Lot + Professional Review Deposit (\$1,000 minimum or \$400/Lot whichever is greater) + \$.50 per letter to each property owner within 600 feet.**

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#### Owner(s) of Record:

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

#### Applicant or Authorized representative:

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

#### Responsible billing representative:

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**Project Name:** \_\_\_\_\_

Location: \_\_\_\_\_

Current Zoning: \_\_\_\_\_ Number of acres: \_\_\_\_\_ Estimated miles of new road: \_\_\_\_\_ Number of lots: \_\_\_\_\_

#### Civil Engineer or Architect:

Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

E-mail Address: \_\_\_\_\_



understand I will be notified when my application has been deemed complete. At that time, I expect that my application will be processed within a reasonable time, considering the workload of the Planning Office.

**I fully understand that I am responsible for the payment of any back taxes and declare that I am responsible for all fees incurred.**

Signature of Owner or Agent: \_\_\_\_\_ Date: \_\_\_\_\_

**IMPORTANT: Your application cannot be processed until determined complete by the Planning Staff. An application shall be considered complete when all applicable fees are paid (such as Midway Water Board, Midway Sanitation District, out-of-pocket expenses, etc.) and all items listed herewith are provided or considered not applicable by the Planning Office. All application fees are non-refundable.**

**Preliminary/Final Application Requirements for Small Scale Subdivision**

**16.17.4 Preliminary/Final Plan**

**CHECKLIST:**

After review of the Concept Plan by the Planning Commission, the developer shall prepare a preliminary/final plan and shall submit three copies of the plan on 11" x 17" size paper to the Planning Commission for its review. The purpose of this plan is to demonstrate how the proposed development plan will be able to meet the standards required under the zoning ordinance and other applicable laws or regulations after considering the issues and recommendations found during the Concept Review phase. The Preliminary/Final Plan is expected to contain construction drawings, and it is also expected that it will demonstrate compliance with this code. The Preliminary/Final Plan shall contain the following information (if any of the following information is satisfied by the information submitted during the Concept Plan Review, that same information must be included again with the Preliminary/Final Plan.):

- A. Type of development.
- B. Name of development.
- C. Applicant entity name, primary contact name, civil engineer, with respective contact addresses, phone numbers, and email addresses for each.
- D. Legal description with section tie.
- E. Zone boundaries and designations.
- F. North point and a scale consistent with a scale that is on a standard engineering scale ruler.
- G. A statement that lists the issues discussed during the Concept Review and reconciles those issues with the Preliminary/Final Application being submitted at this time.
- H. A site plan showing location and dimensions of all lot lines, along with building feasibility for each lot.
- I. Dimensioned side, rear and front yards.
- J. Location and description of recreational facilities within the development.
- K. Topography shown by contours at no greater interval than two feet except that a greater interval may be permitted when the property is outside the survey boundary if specifically authorized by the Planning Commission.
- L. The outside boundary of the project.
- M. Tabulation of land use:
  - 1. Total area and building area.
  - 2. Drives and parking (all the above shown in acreage and percentage).
  - 3. Number of units and project density.
- N. Adjacent property owners.
- O. Public streets and sidewalks.
- P. Typical street or roadway cross sections.
- Q. A detailed statement and illustration of how the project will meet sensitive lands requirements.
- R. Existing and proposed easements, waterways, utility lines, canals and ditches.
- S. A plan for accommodating waterways, ditches and canals.
- T. Proposed and existing sewage disposal facilities.

- U. Existing and proposed storm drain system with the related run-off calculations for the development site including routing the run-off water that leaves the site to a City storm drain or natural drainage approved by the City to accept the water.
- V. Existing and proposed water system indicating size of water lines and fire hydrant locations. Indications as to the capacity of the water system as it relates to the project when required.
- W. More detailed (than concept) landscape plan indicating areas of landscaping and irrigation and the various types of landscape materials.
- X. Environmental Assessment Review Statement.
- Y. Any other information Staff or the Planning Commission may determine necessary relating to the site of the proposed project.
- Z. Evidence of sending an 11" x 17" copy of the preliminary/final plan to US West, Questar Gas, Heber Light & Power, Comcast (Cable Company), Midway Postmaster, Heber Valley Fire Protection Special Service District, Wasatch County Solid Waste Disposal District.
- AA. An updated preliminary title report as of the date of the Preliminary/Final application.
- BB. Final approval from the Midway City Water Advisory Board.
- CC. Final approval from the Midway Sanitation District.
- DD. Final approval from the Midway Trails Advisory Committee.
- EE. A completed Fiscal Analysis Checklist.

**CHAPTER 16.18 RURAL PRESERVATION SUBDIVISION**

- Section 16.18.1 Purpose and Intent**
- Section 16.18.2 Pre-Application Conference with Staff Member**
- Section 16.18.3 Preliminary/Final Plan**
- Section 16.18.4 Permitted Zones**
- Section 16.18.5 Density and Lot Size**
- Section 16.18.6 Further Development**
- Section 16.18.7 Open Space**
- Section 16.18.8 Animal Rights**
- Section 16.18.9 Waste Disposal**
- Section 16.18.10 Frontage**
- Section 16.18.11 Trails**
- Section 16.18.12 Water Requirements**
- Section 16.18.13 Sensitive Lands**
- Section 16.18.14 Access**
- Section 16.18.15 Single Point of Access**
- Section 16.18.16 Setbacks**
- Section 16.18.17 Permitted Uses**
- Section 16.18.18 Standards and Requirements**
- Section 16.18.19 Preliminary/Final Planning Commission Action**
- Section 16.18.20 Recommendation of Preliminary/Final Plan to City Council**
- Section 16.18.21 Public Hearing**
- Section 16.18.22 Preliminary/Final Approval of City Council**
- Section 16.18.23 Time Limit for Preliminary/Final Approval**
- Section 16.18.24 Final Plat**
- Section 16.18.25 No Building Permits Issued Prior to Plat Recording**
- Section 16.18.26 Completion of Construction and Issuance of Permits**
- Section 16.18.27 Construction Bond**
- Section 16.18.28 Default**
- Section 16.18.29 Final Disposition and Release**
- Section 16.18.30 Record Drawing Submittal and Contents**
- Section 16.18.31 Total Compliance with all Regulations**
- Section 16.18.32 Warranty Bond**

**Section 16.18.1 Purpose and Intent**

The intent of the Rural Preservation Subdivision is to preserve Midway’s rural character by reducing the number of homes allowed and roads required by current zoning. The initiative is designed to incentivize developers to voluntarily reduce the number of home sites per acre in exchange for simplified development infrastructure requirements. The initiative will reduce the maintenance burden for city taxpayers, preserve or enhance the value of current landowners’ property, and preserve the rural quality of life in Midway.

### **Section 16.18.2      Pre-Application Conference with Staff Member**

Any person wishing to construct a Rural Preservation subdivision shall meet with a staff member, check and review the zone information, obtain application and review procedures, obtain information from the City regarding the City's plan of land use, streets, water, sewer, traffic, trails and parks, and public facilities; and have discussion about public participation meetings and other requirements affecting the land to be developed. The developer shall then prepare plans and seek approval based on the information received and the process outlined below.

### **Section 16.18.3      Preliminary/Final Plan**

The developer shall prepare a preliminary/final plan and shall submit five copies of the plan on 11" x 17" size paper to the Planning Commission for its review. The purpose of this plan is to demonstrate how the proposed development plan will be able to meet the standards required under the zoning ordinance and other applicable laws or regulations. The Preliminary/Final Plan is expected to contain construction drawings, and it is also expected that it will demonstrate compliance with this code. The Preliminary/Final Plan shall contain the following information:

- A. Type of development.
- B. Name of development.
- C. Applicant entity name, primary contact name, civil engineer, architect, designer and attorney, with respective contact addresses, phone numbers, and email addresses for each.
- D. Legal description with section tie.
- E. Zone boundaries and designations.
- F. North point and a scale consistent with a scale that is on a standard engineering scale ruler.
- G. A site plan showing location and dimensions of all lot lines, along with building feasibility for each lot.
- H. Dimensioned side, rear and front yards.
- I. Topography shown by contours at no greater interval than two feet except that a greater interval may be permitted when the property is outside the survey boundary if specifically authorized by the Planning Commission.
- J. The outside boundary of the project.
- K. Tabulation of land use:
  - 1. Total area and building area.
  - 2. Number of units and project density.
- L. Adjacent property owners.
- M. Typical street, roadway and driveway cross sections.
- N. A detailed statement and illustration of how the project will meet sensitive lands requirements.
- O. Existing and proposed easements, waterways, utility lines, canals and ditches.
- P. A plan for accommodating waterways, ditches and canals.
- Q. Proposed and existing sewage disposal facilities.
- R. Existing and proposed storm drain system with the related run-off calculations for the development site including routing the runoff water that leaves the site to a City storm drain or natural drainage approved by the City to accept the water.

S. Existing and proposed water system indicating size of water lines and fire hydrant locations. Indications as to the capacity of the water system as it relates to the project when required.

T. Environmental Assessment Review Statement.

U. Any other information Staff or the Planning Commission may determine necessary relating to the site of the proposed project.

#### **Section 16.18.4 Permitted Zones**

All property must be in the R zoning districts (R-1-7, R-1-9, R-1-11, R-1-15, R-1-22 or RA-1-43).

#### **Section 16.18.5 Density and Lot Size**

A maximum density of one dwelling unit per five (5) acres of the original development parcel is allowed. Each lot is permitted one (1) dwelling unit. Clustering of lots is permitted if each lot complies with the minimum lot acreage for the zone in which it is located.

#### **Section 16.18.6 Further Development**

Lots cannot be further subdivided and must be deed restricted to ensure that the density of the subdivision is never increased from the original approval. Deed restrictions must be recorded towards each lot when the plat is recorded. A note must also be placed on the plat that restricts further development of any lots in a Rural Preservation subdivision.

#### **Section 16.18.7 Open Space**

(2018-18, Section Deleted, eff. 08/08/2018)

#### **Section 16.18.8 Animal Rights**

(2018-18, Section Deleted, eff. 08/08/2018)

#### **Section 16.18.9 Waste Disposal**

Septic tanks will be allowed unless the structure requiring sewer service is located within 300' of a sewer line. If a lot does not require a building envelope, then the lot shall connect to the sewer if a sewer line is located within 300' of the lot boundaries.

#### **Section 16.18.10 Frontage**

Zone frontage requirements are not required for lots in a Rural Preservation subdivision.

#### **Section 16.18.11 Trails**

Any trails crossing a Rural Preservation subdivision will be built by the developer and an easement will be deeded to the public for public use.

### **Section 16.18.12      Water Requirements**

All required water shares for culinary and secondary water will be tendered to the City before the recording of the subdivision plat. No lots in a Rural Preservation Subdivision shall be allowed on the City's Water Exchange Program.

### **Section 16.18.13      Sensitive Lands**

A structure may not be built on a slope 25 percent or greater. If a lot is proposed on a parcel containing slopes of 25 percent or greater, a suitable building pad with a slope less than 25 percent is required. The building pad must be able to be reached by a road or driveway meeting the standards contained elsewhere in City adopted ordinances, and the building pad must have a home-and-garage footprint of at least 3,000 square feet. All other sensitive lands standards must be met as found in the Sensitive Lands Overlay Zone ordinance.

### **Section 16.18.14      Access**

Each lot must have access from a private driveway that complies with the following standards:

- A. A 20' wide gravel driveway is the minimum standard for non-shared driveways less than 80' in length.
- B. Driveway standards for shared driveways or any driveway over 80' in length is a minimum of 20' wide gravel road base and must have 5' wide clear zones on both sides of the driveway.
  - 1. If conditions exist that promote erosion and storm water discharge such as the length of the driveway, grade of the driveway, and or soil conditions of the surrounding area then the City Council may require the driveway to be paved.
- B. 50' diameter turnaround located near the future dwelling.
- C. Up to five homes can share one private driveway.
- D. Each private driveway and shared private driveways must connect to a road built to City standards.
- E. Private driveways must be located at least 200' from any other private driveway where the driveway connects to the City standard road.
- F. Shared driveways located within a Rural Preservation subdivision plat shall be located on an easement that is at least 30' wide.
- G. No gates are allowed on the shared driveway easements.
- H. Proof of access from a public street to the boundary of a Rural Preservation subdivision must be submitted to the City with the subdivision application.
- I. A Rural Preservation subdivision with a shared driveway shall record CCRs with the recording of the subdivision plat with a shared driveway maintenance plan.

### **Section 16.18.15      Single Point of Access**

A Rural Preservation subdivision is required to have only one point of access. Because of the decreased density and decreased impact on the community of Rural Preservation

subdivisions, two points of access are not required, and cul-de-sac length limitations are not considered necessary.

#### **Section 16.18.16      Setbacks**

Setbacks for all Structures must comply with the requirements for the zone in which the lot is located.

(2018-18, Section Amended eff. 08/08/2018)

#### **16.18.17      Permitted Uses**

The principal use permitted in the Rural Preservation subdivision is one residential living unit. No living space (kitchen, bedrooms, and full bathrooms) is allowed in any accessory structures. Other uses are permitted as allowed by the zoning regulations governing the zone in which the lot is located.

#### **Section 16.18.18      Standards and Requirements**

The following standards, requirements and conditions shall apply to all Rural Preservation subdivisions:

- A. The project must be prepared by a design team composed of at least a civil engineer, land surveyor or landscape architect, all who must be licensed to practice in the State of Utah.
- B. All dwelling units shall be served by a city-approved water supply. All utilities within the Rural Preservation subdivision shall be placed underground, including telephone, power and television. All dwelling units shall have separate utility connections and metering.
- C. The area proposed for a Rural Preservation subdivision shall be in one ownership during development to provide for full supervision and control of said development and to insure conformance with these provisions.
- D. Dwellings and permitted structures shall be located to best comply with the intent of this Ordinance and shall meet the following standards:
- E. The developer shall install all public improvements on-site and off-site as identified by the Planning Commission and City Council.
- F. Provisions of the Sensitive Lands Section of this ordinance shall be adhered to within the Rural Preservation subdivision.
- G. The subdivision shall connect any trails shown on the City Master Trails Plan for the area.
- H. Gated communities shall not be permitted.
- I. Final engineering drawings (plans and profiles) for all public and private improvements, final grading plan, and final drainage and run-off plan with run-off calculations.
- J. All documents and legal material shall be ready for recording.
- K. Deeds of dedication for all public lands as required by the City, when not shown on a final plat.
- L. Provisions for bonding of all improvements in a form acceptable to the City. The bond amount is to be 110 percent of the engineer's estimated cost for improvements.
- M. All required final plat fees.
- N. Phasing plan for final plats.

O. In the event the project will not be divided into separate ownership; the developer shall submit the same information as requested above except for the Record of Survey Map. A final site plan shall be submitted totally dimensioned conforming to the approved preliminary plan.

**Section 16.18.19 Preliminary/Final Planning Commission Action**

Upon presentation of the preliminary final plan and documents, the Planning Commission shall approve them as submitted, approve them with conditions or may refer them back to the developer for one or more of the following reasons:

- A. Due to the type of buildings, layout of structures, design of plan, or other aspects of the preliminary/final submittal, the Planning Commission determines the project to be inconsistent with the intent of this Ordinance or the Community General Plan.
- B. The Planning Commission requires that certain specific changes be made within the plans.
- C. The plans or documents have not been completed.
- D. The fees have not been paid by the developer.
- E. That this project is in substantial compliance with the intent of this Section as stated previously. The Planning Commission may impose such conditions on preliminary development plans as it may deem appropriate to meet the goals and objectives of this Chapter. The Planning Commission may disapprove the Rural Preservation subdivision, which is found to be deficient in meeting the intent of these provisions. Any such disapproval may be appealed to the City Council within ten days after the decision of the Planning Commission.

**Section 16.18.20 Recommendation of Preliminary/Final Plan to City Council**

Upon the Planning Commission’s approval of the preliminary/final plan of a Rural Preservation subdivision, the Planning Commission shall recommend this plan to the City Council for direction, with or without conditions.

**Section 16.18.21 Public Hearing**

After receiving notice of Planning Commission approval of the preliminary/final plan, or upon the City Council’s reversing on appeal the Planning Commission’s disapproval of a preliminary/final plan, the City Council shall set and hold a public hearing to consider preliminary/final approval of the project.

**Section 16.18.22 Preliminary/Final Approval of City Council**

After holding the public hearing, the City Council shall approve, approve with conditions, or deny the preliminary/final plan based on the same standards as required above for preliminary/final approval by the Planning Commission.

**Section 16.18.23 Time Limit for Preliminary/Final Approval**

A. Any failure to submit a proposed preliminary/final plan application within one year of the approval of the concept plan by the Planning Commission shall terminate all proceedings and render the preliminary/final plan null and void.

B. The duration of Preliminary/Final Approval shall be for one year from the date of approval of the development by the City Council. If the Final Plat is not recorded with the County Recorder within the one-year period, the development's approval shall be voided, and both Preliminary and Final Approvals must be re-obtained to reinstate the project, unless, upon request by the applicant and on a showing of extenuating circumstances, the City Council extends the time limit for plat recording, with or without conditions. Such conditions may include, but are not limited to, provisions requiring that:

1. Construction must be conducted per any new City standards in effect at the time the plat is ultimately recorded;

2. The property must be maintained in a clean, dust-free, and weed-free condition always;

3. Each extension will be for a one-year period only, after which time an annual review must be requested by the applicant and presented before the City Council; and/or

4. No more than three one-year extensions will be allowed. The granting or denying of any extension, with or without conditions, is within the sole discretion of the City Council, and an applicant has no right to receive such an extension.

#### **Section 16.18.24 Final Plat**

In addition to all other requirements, the proposed final plat shall show an address block containing addresses for each dwelling unit and for each main building within the plat, subject to approval by the Wasatch County Recorder's office.

#### **Section 16.18.25 No Building Permits Issued Prior to Plat Recording**

No building permit applications shall be submitted prior to the recording of the plat by the Wasatch County Recorder.

#### **Section 16.18.26 Completion of Construction and Issuance of Permits**

A. No building permits applications shall be submitted until the construction of the development is substantially complete; provided, however, that the developer in whose name the bond for the project is issued may submit a building permit application once the fire flow mechanisms are installed, operating and approved by the City Engineer. Once installed, operating and approved, fire flows must remain operating continuously thereafter.

B. No certificate of occupancy will be issued until construction on the development reaches final completion as determined by the City Engineer.

#### **Section 16.18.27 Construction Bond**

Prior to beginning construction of a development, the developer shall submit a bond to the City in the amount of 110 percent of the cost of all improvements and inspections as determined by the City Engineer.

### **Section 16.18.28      Default**

In the event the developer defaults, fails or neglects to satisfactorily install the required improvements within one year from the date the plat is recorded, the City Council may declare the bond forfeited and the City may install or cause the required improvements to be installed using the proceeds from the collection of the bond or other assurances to defray the expense thereof.

### **Section 16.18.29      Final Disposition and Release**

The developer shall be responsible for the quality of all materials and workmanship. At the completion of the work, or not less than ten days prior to the release date of the bond or other assurance, the City Engineer shall make a preliminary inspection of the improvements and shall submit a letter to the City Council setting forth the conditions of such facilities. If conditions thereof are found to be satisfactory, the City Council shall release the bond or other assurance. If the condition of materials or workmanship shows unusual depreciation or does not comply with the acceptable standards of durability, the City Council may declare the developer in default.

### **Section 16.18.30      Record Drawing Submittal and Contents**

A. Prior to final bond release, an electronic copy of the final drawings in the latest version of AutoCAD or DXF format shall be submitted to the City Engineer. This drawing file needs to include adequate information regarding position and basis of bearing tied to established control as approved by the City Engineer.

B. As-built information shall be overlaid on this final drawing. The as-built drawing must be based upon actual field survey of the items on the following list:

1. Established survey monuments, benchmark, and permanent horizontal and vertical control.
2. Water: valves, fire hydrants, blow-offs, flush valves, and water meters.
3. Sewer: laterals and manholes with rim and inverts elevations.
4. Storm drain: Catch basins, curb inlets, and manholes with rim and inverts elevations, size and type of pipe, storm outlets and detention / retention systems.
5. Miscellaneous light pole locations, street sign locations, and utility box/transformer locations.
6. Pressurized irrigation: valves, blow-offs, flush valves, drains and water lateral locations.

### **Section 16.18.31      Total Compliance with all Regulations**

In case of failure or neglect to comply with all conditions as established during the approval process or regulations as identified in this Section, the City may refuse additional building permits and stop construction of all work at the site until such violations or noncompliance conditions have been eliminated.

### **Section 16.18.32      Warranty Bond**

The City Council shall authorize the release of 100 percent of the bond amount upon verification by the City Engineer that all work is complete and acceptable. The remaining 10 percent of the bond amount shall be retained by the City for a period of one year to insure quality of

improvements. If improvements are found to be unacceptable to the City at any time during the one-year period, the City may use the bonding funds to replace or repair any improvements not installed acceptably.

(2017-03, Section Added, eff. 03/22/17; 2017-17, Section Added, eff. 10/11/17)